

STATE BOARD OF EDUCATION VACANCIES AND ELECTIONS RULE DRAFT

BACKGROUND

There are occasions when the Office of Superintendent of Public Instruction has rules that affect SBE business. Staff recommends the Board give comments to OSPI on the Elected Board Vacancies and Special Elections Rule WAC 392-109-120 for some potential changes.

Under 392-109-120 (1), when a vacancy occurs among the elected members from the public school directors, the current elected members call for candidates to apply and select from a pool of qualified candidates¹. That person is then subject to WAC 392-109-120 (3), which requires the Superintendent of Public Instruction to call for an election the following year. At that election a successor shall be elected to hold office for the unexpired term of the member whose position was vacated.

Currently, the new appointment to the Board will have to run for election to fill out the remainder of Steve Floyd's position which expires in January 2012. Thus, the new Board member will need to stand for election in the fall of 2010. If that person then chooses to run for a new term, he or she will be required to run the following year in the fall of 2011.

POLICY CONSIDERATION

Although we cannot change the process for our new Board appointment, staff suggests that changes be recommended to OSPI so that the next appointment could serve out the remainder of the term without running for the seat until the term expires. In addition, staff is presenting two options for the Board to consider in terms of which members should be involved in the appointment.

Under Option A, the current Elected Board members would continue to make the decision about who to appoint. The reason to support this option is that the elected members have a direct link with the Washington State School Directors' Association and would ensure that their interests are reflected in the selection. That person may choose to run in the future and would then be elected by school board directors.

Under Option B, the current Elected Board members would do an initial screening and recommend one or more finalists to the full Board for approval. The reason to support this option is that the elected members would still do the initial screening, but the final selection would be made by the full board. This allows ownership by the entire Board for the selection of the new person. It also minimizes the "we" vs. "they" roles of the Board members.

EXPECTED ACTION

The Board will approve Option A or B to give direction to OSPI staff on revising the rule for future appointments.

¹ Elected members are not required to fill the vacancy with a current or former school board member.

**OPTION A: WAC 392-109-120: Current Elected Members Make Final
Decision**

WAC 392-109-120 Vacancies and special elections. (1)

Whenever a vacancy among members elected by public school boards of directors occurs on the state board of education, from any cause whatsoever, it shall be the duty of the remaining members representing public school boards of directors to fill such vacancy by appointment consistent with the appropriate regional position being vacated, and the person so appointed shall ~~continue in office until his or her successor has been specially elected~~ hold that office for the unexpired term of the member whose position was vacated.

(2) Whenever a vacancy of the approved private school elected member occurs on the state board of education, from any cause whatsoever, it shall be the duty of the private school advisory committee to fill such vacancy ~~consistent with the qualifications in RCW 28A.305.102~~ and the person so appointed shall ~~continue in office until his or her successor has been specially elected~~ hold that office for the unexpired term of the member whose position was vacated.

~~(3) When a vacancy occurs, the superintendent of public instruction shall include such a position in the call of election the following year; a special election to be held in the same manner as other elections provided for in this chapter, at which election a successor shall be elected to hold office for the unexpired term of the member whose position was vacated.~~

~~(4) Special elections provided for in RCW 28A.305.102 shall be conducted in accordance with this chapter.~~

[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-120, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.305.020. 96-08-001 (Order 96-05), § 392-109-120, filed 3/21/96, effective 4/21/96. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-109-120, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.04.020. 80-07-038 (Order 80-20), § 392-109-120, filed 6/17/80.]

OPTION B: WAC 392-109-120 Whole Board Makes Final Selection

WAC 392-109-120 Vacancies and special elections. (1)

Whenever a vacancy among members elected by public school boards of directors occurs on the state board of education, from any cause whatsoever, it shall be the duty of the remaining members representing public school boards of directors to conduct an initial screening of candidates and recommend one or more finalists for consideration and appointment by all members of the board. The Board shall fill such the vacancy by appointment consistent with the appropriate regional position being vacated, and the person so appointed shall ~~continue in office until his or her successor has been specially elected~~ hold that office for the unexpired term of the member whose position was vacated.

(2) Whenever a vacancy of the approved private school elected member occurs on the state board of education, from any cause whatsoever, it shall be the duty of the private school advisory committee to fill such vacancy ~~consistent with the qualifications in RCW 28A.305.102~~ and the person so appointed shall ~~continue in office until his or her successor has been specially elected~~ hold that office for the unexpired term of the member whose position was vacated.

~~(3) When a vacancy occurs, the superintendent of public instruction shall include such a position in the call of election the following year; a special election to be held in the same manner as other elections provided for in this chapter,~~

~~at which election a successor shall be elected to hold office
for the unexpired term of the member whose position was vacated.~~

~~(4) Special elections provided for in RCW 28A.305.102 shall
be conducted in accordance with this chapter.~~

[Statutory Authority: Chapter 28A.305 RCW and ESSB
5732. 05-22-007, § 392-109-120, filed 10/20/05, effective
11/20/05. Statutory Authority: RCW 28A.305.020. 96-08-001
(Order 96-05), § 392-109-120, filed 3/21/96, effective 4/21/96.
Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-
109-120, filed 7/19/90, effective 8/19/90. Statutory Authority:
RCW 28A.04.020. 80-07-038 (Order 80-20), § 392-109-120, filed
6/17/80.]