

NEW SECTION. Sec. 9. Sections 2 and 3 of this 1977 amendatory act shall not take effect until January 1, 1978.

NEW SECTION. Sec. 10. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate June 8, 1977.

Passed the House June 8, 1977.

Approved by the Governor June 17, 1977.

Filed in Office of Secretary of State June 17, 1977.

---

## CHAPTER 283

[Engrossed Substitute Senate Bill No. 2810]  
EDUCATIONAL SERVICE DISTRICTS

AN ACT Relating to existing educational service districts; amending section 1, chapter 176, Laws of 1969 ex. sess. as last amended by section 1, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.010; amending section 2, chapter 176, Laws of 1969 ex. sess. as amended by section 2, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.020; amending section 3, chapter 176, Laws of 1969 ex. sess. as last amended by section 3, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.030; amending section 5, chapter 75, Laws of 1974 ex. sess. as amended by section 6, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.0304; amending section 6, chapter 75, Laws of 1974 ex. sess. as amended by section 7, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.0305; amending section 4, chapter 282, Laws of 1971 ex. sess. as last amended by section 9, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.035; amending section 5, chapter 176, Laws of 1969 ex. sess. as last amended by section 12, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.050; amending section 6, chapter 176, Laws of 1969 ex. sess. as last amended by section 68, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28A.21.060; amending section 19, chapter 34, Laws of 1969 ex. sess. as last amended by section 22, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.105; amending section 20, chapter 34, Laws of 1969 ex. sess. as last amended by section 23, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.106; amending section 20, chapter 282, Laws of 1971 ex. sess. as amended by section 30, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.135; amending section 3, chapter 239, Laws of 1967 as last amended by section 1, chapter 115, Laws of 1975 1st ex. sess. and RCW 39.34.020; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW; adding new sections to chapter 28A.21 RCW; repealing section 7, chapter 176, Laws of 1969 ex. sess., section 2, chapter 84, Laws of 1970 ex. sess., section 9, chapter 282, Laws of 1971 ex. sess., section 14, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.070; repealing section 2, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.0301; repealing section 3, chapter 75, Laws of 1974 ex. sess., section 4, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.0302; and repealing section 8, chapter 176, Laws of 1969 ex. sess., section 10, chapter 282, Laws of 1971 ex. sess., section 15, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.080.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 176, Laws of 1969 ex. sess. as last amended by section 1, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.010 are each amended to read as follows:

It shall be the intent and purpose of this chapter to ~~((reorganize existing intermediate school district offices in order))~~ establish educational service districts as regional agencies which are intended to:

(1) ~~((Establish intermediate school district offices as educational service agencies which will))~~ Provide cooperative and informational services to local school districts;

(2) Assist the superintendent of public instruction and the state board of education in the performance of their respective statutory or constitutional duties; and

(3) ~~((Make the territorial organization of intermediate school district offices, hereafter to be known as educational service district offices, as such educational service agencies and the school districts more readily and efficiently adaptable to the changing economic pattern and educational programs within the state; and~~

~~(4))~~ Provide ((the pupils within the state with)) services to school districts to assure equal educational opportunities.

~~((After September 8, 1975 all intermediate school districts shall be known as and referred to as educational service districts.))~~

Sec. 2. Section 2, chapter 176, Laws of 1969 ex. sess. as amended by section 2, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.020 are each amended to read as follows:

The state board of education upon its own initiative, ((at any time it deems advisable)) or upon petition of any educational service district board, or upon petition of at least half of the district superintendents within an educational service district, or upon request of the superintendent of public instruction, may make changes in the number and boundaries of the educational service districts, including an equitable adjustment and transfer of any and all property, assets, and liabilities among the educational service districts whose boundaries and duties and responsibilities are increased and/or decreased by such changes, consistent with the purposes of RCW 28A.21.010: **PROVIDED**, That no reduction in the number of educational service districts will take effect without a majority approval vote by the affected school directors voting in such election by mail ballot. Prior to making any such changes, the state board shall hold at least one public hearing on such proposed action and shall consider any recommendations on such proposed action.

The state board in making any change in boundaries shall give consideration to, but not be limited by, the following factors: Size, population, topography, and climate of the proposed district.

The superintendent of public instruction shall furnish personnel, material, supplies, and information necessary to enable educational service district boards and superintendents to consider the proposed changes.

Sec. 3. Section 6, chapter 176, Laws of 1969 ex. sess. as last amended by section 68, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28A.21.060 are each amended to read as follows:

The actual expenses of educational service board members in going to, returning from and attending meetings called or held pursuant to district business or while otherwise engaged in the performance of their duties under this chapter shall be paid ~~((up to the amounts provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended));~~ all such claims shall be approved by the educational service district board and paid from the budget of the educational service district.

**NEW SECTION.** Sec. 4. There is added to chapter 28A.21 RCW a new section to read as follows:

(1) Every educational service district board shall employ and set the salary of an educational service district superintendent who shall be employed by a written

contract for a term to be fixed by the board, but not to exceed three years, and who may be discharged for sufficient cause.

(2) There is hereby established within each educational service district an educational service district superintendent review committee. Such review committee shall be composed of two school district superintendents from within the educational service district selected by the educational service district board and a representative of the state superintendent of public instruction selected by the state superintendent of public instruction.

(3) Prior to the employment by the educational service district board of a new educational service district superintendent, the review committee shall screen all applicants for the position and recommend to the board a list of three candidates. The educational service district board shall select the new superintendent from the list of three candidates or shall reject the entire list and request the review committee to submit three additional candidates, and the educational service district board shall repeat this process until a superintendent is selected.

(4) To be eligible for nomination or selection to the office of educational service district superintendent, a candidate must meet the educational and experience requirements statutorily set for school district superintendents: PROVIDED, That any person employed on the effective date of this 1977 amendatory act as an educational service district superintendent or assistant-superintendent shall be deemed qualified to hold the office of educational service district superintendent.

NEW SECTION. Sec. 5. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

The superintendent of public instruction may delegate to any educational service district or combination of educational service districts all or any portion of a program, project, or service authorized or directed by the legislature to be performed by the superintendent of public instruction: PROVIDED, That any such delegation shall be by contract pursuant to chapter 39.34 RCW, as now or hereafter amended.

NEW SECTION. Sec. 6. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW a new section to read as follows:

The state board of education may delegate to any educational service district or combination of educational service districts all or any portion of a program, project, or service authorized or directed by the legislature to be performed by the state board of education: PROVIDED, That any such delegation shall be by contract pursuant to chapter 39.34 RCW, as now or hereafter amended.

Sec. 7. Section 19, chapter 34, Laws of 1969 ex. sess. as last amended by section 22, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.105 are each amended to read as follows:

No certificated employee of an educational service district (~~(superintendent or board)~~) shall be employed as such except by written contract, which shall be in conformity with the laws of this state. Every such contract shall be made in duplicate, one copy of which shall be retained by the educational service district superintendent and the other shall be delivered to the employee.

Every educational service district superintendent or board determining that there is probable cause or causes that the employment contract of a certificated

employee thereof is not to be renewed for the next ensuing term shall be notified in writing on or before (~~(April)~~) May 15th preceding the commencement of such term of that determination, which notification shall specify the cause or causes for nonrenewal of contract. Such notice shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. The procedure and standards for the review of the decision of the hearing officer, superintendent or board and appeal therefrom shall be as prescribed for nonrenewal cases of teachers in RCW 28A.58.450 through 28A.58.515, 28A.67-.070 and 28A.88.010 and in any amendments hereafter made thereto. Appeals may be filed in the superior court of any county in the educational service district.

Sec. 8. Section 20, chapter 34, Laws of 1969 ex. sess. as last amended by section 23, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.106 are each amended to read as follows:

Every educational service district superintendent or board determining that there is probable cause or causes for a certificated employee or superintendent, hereinafter referred to as employee, of that (~~((superintendent or board))~~) educational service district to be discharged or otherwise adversely affected in his contract status shall notify such employee in writing of its decision, which notice shall specify the cause or causes for such action. Such notice shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. The procedure and standards for review of the decision of the superintendent or board and appeal therefrom shall be as prescribed in discharge cases of teachers in RCW 28A.58.450 through 28A.58.515, 28A.67.070 and 28A.88.010 and in any amendments hereafter made thereto. The board and the educational service district superintendent, respectively, shall have the duties of the boards of directors and (~~((clerks))~~) superintendents of school districts in RCW 28A.58.450 through 28A.58.515, 28A.67.070 and 28A.88.010 and in any amendments hereafter made thereto. Appeals may be filed in the superior court of any county in the educational service district.

NEW SECTION. Sec. 9. There is added to chapter 28A.21 RCW a new section to read as follows:

It is the intent of the legislature that a basic core of uniform services be provided by educational service districts and be identified in statute so that biennial budget requests for educational service districts may be based upon measurable goals and needs. Educational service districts as noted in RCW 28A.21.010, are intended primarily to:

(1) Provide cooperative and informational services to local districts and to perform functions for those districts when such functions are more effectively or economically administered from the regional level;

(2) Assist the state educational agencies, office of superintendent of public instruction and the state board of education in the legal performance of their duties; and

(3) Assist in providing pupils with equal educational opportunities.

The purpose of sections 9 and 10 of this 1977 amendatory act is to further identify those core services in order to prepare educational service district budgets for the 1979-81 biennium, and those bienniums beyond.

**NEW SECTION.** Sec. 10. There is added to chapter 28A.21 RCW a new section to read as follows:

The basic core services and cost upon which educational service districts are budgeted shall include, but not be limited to, the following:

- (1) Educational service district administration and facilities such as office space, maintenance and utilities;
- (2) Cooperative administrative services such as assistance in carrying out procedures to abolish sex and race bias in school programs, fiscal services, grants management services, special education services and transportation services;
- (3) Personnel services such as certification/registration services;
- (4) Learning resource services such as audio visual aids;
- (5) Cooperative curriculum services such as health promotion and health education services, in-service training, workshops and assessment; and
- (6) Special needs of local education agencies.

**NEW SECTION.** Sec. 11. There is added to chapter 28A.21 RCW a new section to read as follows:

The superintendent of public instruction, pursuant to RCW 28A.21.135, as now or hereafter amended, shall prepare the biennial budget request for the operation of educational service districts based upon a formula using the following factors:

- (1) The core service cost itemized in section 9 of this 1977 amendatory act which shall receive primary weighting for formula purposes;
- (2) A weighting factor constituting a geographical factor which shall be used to weight the larger sized educational service districts for formula purposes; and
- (3) A weighting factor which shall be based on the number and size of local school districts within each educational service district for formula purposes.

The sum of subsection (1) of this section, together with the weighting factors of subsections (2) and (3) of this section for each educational service district, shall reflect the variables among the educational service districts and when combined, a total budget for all educational service districts shall be the result.

Sec. 12. Section 20, chapter 282, Laws of 1971 ex. sess. as amended by section 30, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.135 are each amended to read as follows:

The superintendent of public instruction by rule and regulation shall adopt budgeting procedures for educational service districts modeled after the statutory procedures for school districts as provided in chapter 28A.65 RCW and in accordance with sections 8, 9, and 10 of this 1977 amendatory act.

Sec. 13. Section 3, chapter 239, Laws of 1967 as last amended by section 1, chapter 115, Laws of 1975 1st ex. sess. and RCW 39.34.020 are each amended to read as follows:

For the purposes of this chapter, the term "public agency" shall mean any city, town, county, public utility district, irrigation district, port district, fire protection district, school district, educational service district, air pollution control authority,

rural county library districts, intercounty rural library districts, public hospital districts, regional planning agency created by any combination of county and city governments, health department or district, weed control district, county transit authority, Indian tribe recognized as such by the federal government, or metropolitan municipal corporation of this state; any agency of the state government or of the United States; and any political subdivision of another state.

The term "state" shall mean a state of the United States.

Sec. 14. Section 3, chapter 176, Laws of 1969 ex. sess. as last amended by section 3, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.030 are each amended to read as follows:

Except as otherwise provided in this ~~((section))~~ chapter, in each educational service district there shall be an educational service district board consisting of seven members elected by the ~~((voters))~~ school directors of the educational service district, one from each of seven educational service district board-member districts. Board-member districts in districts reorganized under RCW 28A.21.020, or as provided for in RCW 28A.21.035, as now or hereafter amended, and under this section, shall be initially determined by the state board of education. If a reorganization pursuant to RCW 28A.21.020 places the residence of a board member into another or newly created educational service district, such member shall serve on the board of the educational service district of residence ~~((until))~~ and at the next ~~((general school))~~ election ~~((at which time))~~ called by the secretary to the state board of education pursuant to section 14 of this 1977 amendatory act a new seven member board shall be elected. If the redrawing of board-member district boundaries pursuant to this chapter shall cause the resident board-member district of two or more board members to coincide, such board members shall continue to serve on the board ~~((until))~~ and at the next ~~((general school))~~ election ~~((at which time))~~ called by the secretary to the state board of education a new board shall be elected. The board-member districts shall be arranged so far as practicable on a basis of equal population, with consideration being given existing board members of existing educational service district boards. Each educational service district board member shall be elected by the ~~((registered voters of the respective board-member district))~~ school directors of each school district within the educational service district. Beginning in 1971 and every ten years thereafter, educational service district boards shall review and, if necessary, shall change the boundaries of board-member districts so as to provide so far as practicable equal representation according to population of such board-member districts and to conform to school district boundary changes: PROVIDED, That all board-member district boundaries, to the extent necessary to conform with this chapter, shall be immediately redrawn for the purposes of the next ~~((general school))~~ election ~~((immediately))~~ called by the secretary to the state board of education following any reorganization pursuant to this chapter. Such district board, if failing to make the necessary changes prior to June 1 of the appropriate year, shall refer for settlement questions on board-member district boundaries to the state board of education, which, after a public hearing, shall decide such questions.

**NEW SECTION.** Sec. 15. On or before the twenty-fifth day of August, 1978, and not later than the twenty-fifth day of August of every subsequent year, the secretary to the state board of education shall call an election to be held in each

educational service district within which resides a member of the board of the educational service district whose term of office expires on the second Monday of January next following, and shall give written notice thereof to each member of the board of directors of each school district in such educational service district. Such notice shall include instructions, rules, and regulations established by the state board of education for the conduct of the election.

NEW SECTION. Sec. 16. Candidates for membership on an educational service district board shall file declarations of candidacy with the secretary to the state board of education on forms prepared by the secretary. Declarations of candidacy may be filed by person or by mail not earlier than the first day of September, nor later than the sixteenth day of September. The secretary to the state board of education may not accept any declaration of candidacy that is not on file in his or her office or is not postmarked before the seventeenth day of September.

NEW SECTION. Sec. 17. Each member of an educational service district board shall be elected by a majority of the votes cast at the election for all candidates for the position. All votes shall be cast by mail addressed to the secretary to the state board of education and no votes shall be accepted for counting if postmarked after the sixteenth day of October following the call of the election. The secretary to the state board of education and an election board comprised of three persons appointed by the state board of education shall count and tally the votes not later than the twenty-fifth day of October in the following manner: Each vote cast by a school director shall be accorded as one vote. If no candidate receives a majority of the votes cast, then, not later than the first day of November, the secretary to the state board of education shall call a second election to be conducted in the same manner and at which the candidates shall be the two candidates receiving the highest number of votes cast. No vote cast at such second election shall be received for counting if postmarked after the sixteenth day of November and the votes shall be counted as hereinabove provided on the twenty-fifth day of November. The candidate receiving a majority of votes at any such second election shall be declared elected. In the event of a tie in such second election, the candidate elected shall be determined by a chance drawing of a nature established by the secretary to the state board of education. Within ten days following the count of votes in an election at which a member of an educational service district board is elected, the secretary to the state board of education shall certify to the county auditor of the headquarters county of the educational service district the name or names of the persons elected to be members of the educational service district board.

NEW SECTION. Sec. 18. Any common school district board member eligible to vote for a candidate for membership on an educational service district or any candidate for the position, within ten days after the secretary to the state board of education's certification of election, may contest the election of the candidate pursuant to RCW 28A.04.065, as now or hereafter amended.

Sec. 19. Section 5, chapter 75, Laws of 1974 ex. sess. as amended by section 6, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.0304 are each amended to read as follows:

Any educational service district board may elect by resolution of the board to increase the board member size to nine board members. In such case positions number eight and nine shall be filled at the next ~~((general school))~~ election called by the secretary to the state board of education, position numbered eight to be for a term of two years, position numbered nine to be for a term of four years. Thereafter the terms for such positions shall be for four years.

Sec. 20. Section 6, chapter 75, Laws of 1974 ex. sess. as amended by section 7, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.0305 are each amended to read as follows:

The term of every educational service district board member shall begin ~~((after the election returns have been certified, a certificate of election issued, and the oath of office taken))~~ on the second Monday in January next following the election at which he or she was elected: PROVIDED, That a person elected to less than a full term pursuant to this section shall take office as soon as the election returns have been certified and he or she has qualified. In the event of a vacancy in the board from any cause, such vacancy shall be filled by appointment of a person from the same board-member district by the educational service district board. In the event that there are more than three vacancies in a seven-member board or four vacancies in a nine-member board, the state board of education shall fill by appointment sufficient vacancies so that there shall be a quorum of the board serving. Each appointed board member shall serve until his or her successor has been elected at the next ((general school)) election((, at which time there shall be elected a member to fill the unexpired term)) called by the secretary to the state board of education and has qualified.

Sec. 21. Section 4, chapter 282, Laws of 1971 ex. sess. as last amended by section 9, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.035 are each amended to read as follows:

Any educational service district board which elects under RCW 28A.21.0304, as now or hereafter amended, to increase the size of the educational service district board from seven to nine members, after at least four years, may elect by resolution of the board to return to a membership of seven educational service board members. In such case ~~((the term of office of all existing educational service board members shall expire)),~~ at the next ~~((general school))~~ election ((and) a new board consisting of seven educational service board members shall be elected in accordance with the provisions of ((RCW 28A.21.030, 28A.21.0301 through 28A.21.0303, 28A.21.0305 and 28A.21.0306)) this chapter.

Sec. 22. Section 5, chapter 176, Laws of 1969 ex. sess. as last amended by section 12, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.050 are each amended to read as follows:

Every candidate for ~~((member of the))~~ membership on a educational service district board shall be a registered voter and a resident of the board-member district for which such candidate files. On or before the date for taking office, every member shall make an oath or affirmation to support the Constitution of the United States and the state of Washington and to faithfully discharge the duties of the office according to the best of such member's ability. The members of the board



shall not be required to give bond unless so directed by the state board of education. At the first meeting (~~(after each general school election)~~) of newly elected members and after the qualification for office of the newly elected members, each educational service district board shall reorganize by electing a chairman and a vice chairman. A majority of all of the members of the board shall constitute a quorum.

NEW SECTION. Sec. 23. Educational service district board members elected to their office prior to the effective date of this 1977 amendatory act shall complete their terms of office and for the purposes of sections 13 through 22 of this 1977 amendatory act the date for expiration of terms of office shall be the second Monday of January next following the election of their successors pursuant to sections 13 through 22 of this 1977 amendatory act.

NEW SECTION. Sec. 24. Sections 14 through 17, and section 22 of this 1977 amendatory act are added to chapter 28A.21 RCW.

NEW SECTION. Sec. 25. The following acts or parts thereof are each hereby repealed:

- (1) Section 2, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.0301;
- (2) Section 3, chapter 75, Laws of 1974 ex. sess., section 4, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.0302;
- (3) Section 7, chapter 176, Laws of 1969 ex. sess., section 2, chapter 84, Laws of 1970 ex. sess., section 9, chapter 282, Laws of 1971 ex. sess., section 14, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.070; and
- (4) Section 8, chapter 176, Laws of 1969 ex. sess., section 10, chapter 282, Laws of 1971 ex. sess., section 15, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.080.

NEW SECTION. Sec. 26. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate June 6, 1977.

Passed the House June 9, 1977.

Approved by the Governor June 17, 1977.

Filed in Office of Secretary of State June 17, 1977.

---

## CHAPTER 284

[Substitute Senate Bill No. 2502]

### PROPERTY TAXATION—EQUALIZATION—COUNTY INDICATED RATIO

AN ACT Relating to revenue and taxation; amending section 42, chapter 26, Laws of 1967 ex. sess. and RCW 82.03.130; and adding a new section to chapter 84.48 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. It is the intent of the legislature that the methodology used in the equalization of property values for the purposes of the state levy, public utility assessment, and other purposes, shall be designed to ensure uniformity and equity in taxation throughout the state to the maximum extent possible.