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**SUBSTITUTE HOUSE BILL 1068**

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**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** House Committee on Education (originally sponsored by Representatives Brough, Peery, Vance, H. Sommers, Neher, Broback, Tate, May, Forner, Mitchell, McLean and Winsley).

Read first time March 1, 1991.

1            AN ACT Relating to teacher certification; amending RCW 28A.405.210  
2 and 28A.635.080; adding a new section to chapter 28A.410 RCW; and  
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.**            The legislature finds that many  
6 Washingtonians have valuable skills, experience, and knowledge that  
7 should be shared with our state's school students, and that these  
8 talented individuals would be willing, if not eager, to share these  
9 skills, experiences, and knowledge on a part-time basis.    The  
10 legislature further finds part-time teaching in our public schools is  
11 severely restricted because of teacher certification requirements, and  
12 that measures should be taken to promote the use of talented, part-time  
13 individuals in our classrooms.    This effort would not only enrich the  
14 learning opportunities for our children, but enhance volunteerism and  
15 community and corporate involvement in our schools.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 28A.410  
2    RCW to read as follows:

3        In establishing rules for determining eligibility for and  
4    certification of persons employed in the common schools under RCW  
5    28A.410.010, the state board of education shall allow school districts  
6    to employ, with or without compensation or other benefits, persons  
7    without certificates to teach classes without being under the  
8    supervision of a certificated teacher if the person: (1) Will provide  
9    classroom instruction in that school district or any other school  
10   district in the state for one hundred eighty hours or less during the  
11   school year; (2) holds a baccalaureate degree from an accredited  
12   college or university; and (3) complies with applicable background  
13   check requirements under RCW 28A.410.010. The school district, at its  
14   discretion, may require persons who qualify under this section to  
15   obtain additional educational experience or in-service training before,  
16   or concurrent with, the classroom instruction.

17        **Sec. 3.**    RCW 28A.405.210 and 1990 c 33 s 390 are each amended to  
18    read as follows:

19        Except as provided for in section 2 of this 1991 act, no teacher,  
20    principal, supervisor, superintendent, or other certificated employee,  
21    holding a position as such with a school district, hereinafter referred  
22    to as "employee", shall be employed except by written order of a  
23    majority of the directors of the district at a regular or special  
24    meeting thereof, nor unless he or she is the holder of an effective  
25    teacher's certificate or other certificate required by law or the state  
26    board of education for the position for which the employee is employed.

27        The board shall make with each employee employed by it a written  
28    contract, which shall be in conformity with the laws of this state, and  
29    except as otherwise provided by law, limited to a term of not more than

1 one year. Every such contract shall be made in duplicate, one copy to  
2 be retained by the school district superintendent or secretary and one  
3 copy to be delivered to the employee. No contract shall be offered by  
4 any board for the employment of any employee who has previously signed  
5 an employment contract for that same term in another school district of  
6 the state of Washington unless such employee shall have been released  
7 from his or her obligations under such previous contract by the board  
8 of directors of the school district to which he or she was obligated.  
9 Any contract signed in violation of this provision shall be void.

10 In the event it is determined that there is probable cause or  
11 causes that the employment contract of an employee should not be  
12 renewed by the district for the next ensuing term such employee shall  
13 be notified in writing on or before May 15th preceding the commencement  
14 of such term of that determination, which notification shall specify  
15 the cause or causes for nonrenewal of contract. Such determination of  
16 probable cause for certificated employees, other than the  
17 superintendent, shall be made by the superintendent. Such notice shall  
18 be served upon the employee personally, or by certified or registered  
19 mail, or by leaving a copy of the notice at the house of his or her  
20 usual abode with some person of suitable age and discretion then  
21 resident therein. Every such employee so notified, at his or her  
22 request made in writing and filed with the president, chair or  
23 secretary of the board of directors of the district within ten days  
24 after receiving such notice, shall be granted opportunity for hearing  
25 pursuant to RCW 28A.405.310 to determine whether there is sufficient  
26 cause or causes for nonrenewal of contract: PROVIDED, That any  
27 employee receiving notice of nonrenewal of contract due to an  
28 enrollment decline or loss of revenue may, in his or her request for a  
29 hearing, stipulate that initiation of the arrangements for a hearing  
30 officer as provided for by RCW 28A.405.310(4) shall occur within ten

1 days following July 15 rather than the day that the employee submits  
2 the request for a hearing. If any such notification or opportunity for  
3 hearing is not timely given, the employee entitled thereto shall be  
4 conclusively presumed to have been reemployed by the district for the  
5 next ensuing term upon contractual terms identical with those which  
6 would have prevailed if his or her employment had actually been renewed  
7 by the board of directors for such ensuing term.

8 This section shall not be applicable to "provisional employees" as  
9 so designated in RCW 28A.405.220; transfer to a subordinate  
10 certificated position as that procedure is set forth in RCW 28A.405.230  
11 shall not be construed as a nonrenewal of contract for the purposes of  
12 this section.

13 **Sec. 4.** RCW 28A.635.080 and 1990 c 33 s 539 are each amended to  
14 read as follows:

15 Any school district director who shall aid in or give his or her  
16 consent to the employment of a teacher who is not the holder of a valid  
17 teacher's certificate issued under authority of chapter 28A.410 RCW  
18 authorizing him or her to teach in the school district by which  
19 employed, or who does not meet the requirements of section 2 of this  
20 1991 act, shall be personally liable to his or her district for any  
21 loss which it may sustain by reason of the employment of such person.