
HOUSE BILL 1557

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Appelwick, Jacobsen, Locke, H. Sommers, Phillips, Heavey, Wineberry and Anderson.

Read first time February 1, 1991. Referred to Committee on Education.

1 AN ACT Relating to contracts for school employees; amending RCW
2 28A.405.210, 28A.405.230, and 28A.400.010; and adding a new section to
3 chapter 28A.405 RCW.

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

5 **Sec. 1.** RCW 28A.405.210 and 1990 c 33 s 390 are each amended to
6 read as follows:

7 No teacher, principal, supervisor, superintendent, or other
8 certificated employee, holding a position as such with a school
9 district, hereinafter referred to as "employee", shall be employed
10 except by written order of a majority of the directors of the district
11 at a regular or special meeting thereof, nor unless he or she is the
12 holder of an effective teacher's certificate or other certificate
13 required by law or the state board of education for the position for
14 which the employee is employed.

1 The board shall make with each employee who is not in an
2 administrative position as provided in section 2 of this 1991 act
3 employed by it a written contract, which shall be in conformity with
4 the laws of this state, and except as otherwise provided by law,
5 limited to a term of not more than one year. Every such contract shall
6 be made in duplicate, one copy to be retained by the school district
7 superintendent or secretary and one copy to be delivered to the
8 employee. No contract shall be offered by any board for the employment
9 of any employee who has previously signed an employment contract for
10 that same term in another school district of the state of Washington
11 unless such employee shall have been released from his or her
12 obligations under such previous contract by the board of directors of
13 the school district to which he or she was obligated. Any contract
14 signed in violation of this provision shall be void.

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

1 cause or causes for nonrenewal of contract: PROVIDED, That any
2 employee receiving notice of nonrenewal of contract due to an
3 enrollment decline or loss of revenue may, in his or her request for a
4 hearing, stipulate that initiation of the arrangements for a hearing
5 officer as provided for by RCW 28A.405.310(4) shall occur within ten
6 days following July 15 rather than the day that the employee submits
7 the request for a hearing. If any such notification or opportunity for
8 hearing is not timely given, the employee entitled thereto shall be
9 conclusively presumed to have been reemployed by the district for the
10 next ensuing term upon contractual terms identical with those which
11 would have prevailed if his or her employment had actually been renewed
12 by the board of directors for such ensuing term.

13 This section shall not be applicable to "provisional employees" as
14 so designated in RCW 28A.405.220; transfer to a subordinate
15 certificated position as that procedure is set forth in RCW 28A.405.230
16 shall not be construed as a nonrenewal of contract for the purposes of
17 this section.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.405
19 RCW to read as follows:

20 The board shall make with each employee employed by it in an
21 administrative position under RCW 28A.405.230, including principals,
22 assistant principals, and assistant superintendents, a written
23 contract, which shall be in conformity with the laws of this state, and
24 except as otherwise provided by law, limited to a term of not more than
25 three years which shall be renewable annually. The right to renew such
26 contract shall rest solely with the discretion of the school board
27 employing such employee in an administrative position. Regarding the
28 renewal of employees' contracts under this section, the provisions of
29 RCW 28A.405.210, 28A.405.240, and 28A.645.010 shall be inapplicable.

1 **Sec. 3.** RCW 28A.405.230 and 1990 c 33 s 392 are each amended to
2 read as follows:

3 Any certificated employee of a school district employed as an
4 assistant superintendent, director, principal, assistant principal,
5 coordinator, or in any other supervisory or administrative position,
6 hereinafter in this section referred to as "administrator", shall be
7 subject to transfer, at the expiration of the term of his or her
8 employment contract, to any subordinate certificated position within
9 the school district. "Subordinate certificated position" as used in
10 this section, shall mean any administrative or nonadministrative
11 certificated position for which the annual compensation is less than
12 the position currently held by the administrator.

13 Every superintendent determining that the best interests of the
14 school district would be served by transferring any administrator to a
15 subordinate certificated position shall notify that administrator in
16 writing on or before May 15th preceding the commencement of such school
17 term of that determination, which notification shall state the reason
18 or reasons for the transfer, and shall identify the subordinate
19 certificated position to which the administrator will be transferred.
20 Such notice shall be served upon the administrator personally, or by
21 certified or registered mail, or by leaving a copy of the notice at the
22 place of his or her usual abode with some person of suitable age and
23 discretion then resident therein.

24 Every such administrator so notified, at his or her request made in
25 writing and filed with the president or chair, or secretary of the
26 board of directors of the district within ten days after receiving such
27 notice, shall be given the opportunity to meet informally with the
28 board of directors in an executive session thereof for the purpose of
29 requesting the board to reconsider the decision of the superintendent.
30 Such board, upon receipt of such request, shall schedule the meeting

1 for no later than the next regularly scheduled meeting of the board,
2 and shall notify the administrator in writing of the date, time and
3 place of the meeting at least three days prior thereto. At such
4 meeting the administrator shall be given the opportunity to refute any
5 facts upon which the determination was based and to make any argument
6 in support of his or her request for reconsideration. The
7 administrator and the board may invite their respective legal counsel
8 to be present and to participate at the meeting. The board shall
9 notify the administrator in writing of its final decision within ten
10 days following its meeting with the administrator. No appeal to the
11 courts shall lie from the final decision of the board of directors to
12 transfer an administrator to a subordinate certificated position(~~(+~~
13 ~~PROVIDED, That in the case of principals such transfer shall be made at~~
14 ~~the expiration of the contract year and only during the first three~~
15 ~~consecutive school years of employment as a principal by a school~~
16 ~~district; except that if any such principal has been previously~~
17 ~~employed as a principal by another school district in the state of~~
18 ~~Washington for three or more consecutive school years the provisions of~~
19 ~~this section shall apply only to the first full school year of such~~
20 ~~employment))).~~

21 This section applies to any person employed as an administrator by
22 a school district on June 25, 1976 and to all persons so employed at
23 any time thereafter. This section provides the exclusive means for
24 transferring an administrator to a subordinate certificated position at
25 the expiration of the term of his or her employment contract.

26 **Sec. 4.** RCW 28A.400.010 and 1990 c 33 s 376 are each amended to
27 read as follows:

28 In all districts the board of directors shall elect a
29 superintendent who shall have such qualification as the local school

1 board alone shall determine. The superintendent shall have
2 supervision over the several departments of the schools thereof and
3 carry out such other powers and duties as prescribed by law.
4 Notwithstanding the provisions of RCW 28A.400.300(1), the board may
5 contract with such superintendent for a term not to exceed three years
6 and shall be renewed annually when deemed in the best interest of the
7 district. The right to renew a contract of employment with any school
8 superintendent shall rest solely with the discretion of the school
9 board employing such school superintendent. Regarding such renewal of
10 contracts of school superintendents the provisions of RCW 28A.405.210,
11 28A.405.240, and 28A.645.010 shall be inapplicable.

12 NEW SECTION. **Sec. 5.** If any provision of this act or its
13 application to any person or circumstance is held invalid, the
14 remainder of the act or the application of the provision to other
15 persons or circumstances is not affected.