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SENATE BILL 5479

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State of Washington

55th Legislature

1997 Regular Session

By Senators Benton, West, Hochstatter, Swecker, McDonald and Oke

Read first time 01/28/97. Referred to Committee on Education.

1 AN ACT Relating to time periods for provisional status of  
2 certificated employees; and amending RCW 28A.405.220.

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

4 **Sec. 1.** RCW 28A.405.220 and 1996 c 201 s 2 are each amended to  
5 read as follows:

6 Notwithstanding the provisions of RCW 28A.405.210, every person  
7 employed by a school district in a teaching or other nonsupervisory  
8 certificated position shall be subject to nonrenewal of employment  
9 contract as provided in this section during the first (~~two~~) three  
10 years of employment by such district, unless the employee has  
11 previously completed at least two years of certificated employment in  
12 another school district in the state of Washington, in which case the  
13 employee shall be subject to nonrenewal of employment contract pursuant  
14 to this section during the (~~first~~) third year of employment with the  
15 new district. Employees as defined in this section shall hereinafter  
16 be referred to as "provisional employees".

17 In the event the superintendent of the school district determines  
18 that the employment contract of any provisional employee should not be  
19 renewed by the district for the next ensuing term such provisional

1 employee shall be notified thereof in writing on or before May 15th  
2 preceding the commencement of such school term, or if the omnibus  
3 appropriations act has not passed the legislature by May 15th, then  
4 notification shall be no later than June 1st, which notification shall  
5 state the reason or reasons for such determination. Such notice shall  
6 be served upon the provisional employee personally, or by certified or  
7 registered mail, or by leaving a copy of the notice at the place of his  
8 or her usual abode with some person of suitable age and discretion then  
9 resident therein. The determination of the superintendent shall be  
10 subject to the evaluation requirements of RCW 28A.405.100.

11 Every such provisional employee so notified, at his or her request  
12 made in writing and filed with the superintendent of the district  
13 within ten days after receiving such notice, shall be given the  
14 opportunity to meet informally with the superintendent for the purpose  
15 of requesting the superintendent to reconsider his or her decision.  
16 Such meeting shall be held no later than ten days following the receipt  
17 of such request, and the provisional employee shall be given written  
18 notice of the date, time and place of meeting at least three days prior  
19 thereto. At such meeting the provisional employee shall be given the  
20 opportunity to refute any facts upon which the superintendent's  
21 determination was based and to make any argument in support of his or  
22 her request for reconsideration.

23 Within ten days following the meeting with the provisional  
24 employee, the superintendent shall either reinstate the provisional  
25 employee or shall submit to the school district board of directors for  
26 consideration at its next regular meeting a written report recommending  
27 that the employment contract of the provisional employee be nonrenewed  
28 and stating the reason or reasons therefor. A copy of such report  
29 shall be delivered to the provisional employee at least three days  
30 prior to the scheduled meeting of the board of directors. In taking  
31 action upon the recommendation of the superintendent, the board of  
32 directors shall consider any written communication which the  
33 provisional employee may file with the secretary of the board at any  
34 time prior to that meeting.

35 The board of directors shall notify the provisional employee in  
36 writing of its final decision within ten days following the meeting at  
37 which the superintendent's recommendation was considered. The decision  
38 of the board of directors to nonrenew the contract of a provisional  
39 employee shall be final and not subject to appeal.

1        This section applies to any person employed by a school district in  
2 a teaching or other nonsupervisory certificated position after June 25,  
3 1976. This section provides the exclusive means for nonrenewing the  
4 employment contract of a provisional employee and no other provision of  
5 law shall be applicable thereto, including, without limitation, RCW  
6 28A.405.210 and chapter 28A.645 RCW.

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