

HOUSE BILL REPORT

HB 2310

As Reported By House Committee On:

Education

Title: An act relating to notification of nonrenewal of contracts for certificated employees.

Brief Description: Changing the date for notification of nonrenewal of a contract for a certificated employee.

Sponsors: Representatives Brumsickle, Radcliff and Mitchell.

Brief History:

Committee Activity:

Education: 1/16/96, 2/1/96 [DPS].

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Keiser, Assistant Ranking Minority Member; Clements; Fuhrman; Hatfield; Linville; McMahan; Pelesky; Poulsen; Quall; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

Staff: Susan Ronn (786-7292).

Background: Certificated employees' contracts, except as otherwise provided by law, are limited to a term of not more than one year. When there is probable cause to believe that a contract for a certificated employee will not be renewed by the district for the next school year, the employee must be notified in writing by May 15. Probable cause determinations are made by the superintendent. This provision affects all certificated employees, including certificated administrators. Employees receiving notice of nonrenewal of contract are entitled to receive such notice personally or by certified or registered mail, and are also entitled to some form of hearing.

Because the school districts are required by law to send notices of nonrenewal of contracts for certificated employees by May 15, uncertainty is created in years when the state operating budget has not yet been passed by that date. School districts have sent out notices to employees that would not have been sent if the school district had

known the figures in the final state budget. In 1995, the budget was passed on May 25 and signed into law on June 15. In 1993, the budget was passed on May 6 and signed on May 28.

This situation creates paperwork and expense problems for the districts. It has been argued that the morale of employees is adversely effected. In the past, school districts have lost employees to other districts, and the nonrenewal notices were widely reported by the press. The effect on school districts is state-wide.

Summary of Substitute Bill: Statutes requiring that certificated employees be notified in writing of nonrenewals of their contracts on or before May 15 preceding the commencement of the next school year are amended. Employees shall be notified by May 15 or, if the omnibus appropriations act has not been passed by the Legislature by May 15, then employees shall be notified no later than June 15. This requirement is changed as to all certificated employees, including provisional, administrative, and educational service district employees.

Substitute Bill Compared to Original Bill: The substitute bill changed the date of notification in years when the budget has not been passed by May 15 from "no later than seven days after passage of the omnibus appropriations act or June 15th, whichever occurs first" to "no later than June 15th."

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: Labor decisions must be made along with budgetary decisions; therefore, in years when the budget has not been passed by May 15, massive amounts of nonrenewal notices have been sent. This causes disarray in the lives of employees, and summer planning is affected. In some cases, teachers were lost to districts. Concerns regarding specifying a certain date to simplify the process were addressed by amendment.

Testimony Against: The May deadline helps to resolve hiring issues before the end of the school year in June. For the employee, it is worse to receive notice in June than in May because it becomes harder to find work in either summer school or other jobs.

Testified: Representative Brumsickle, prime sponsor; Dwayne Slate, Washington State School Directors' Association (pro); Bob Meier, Washington Education Association (con); and John Kvamme, Tacoma public schools (pro).