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HOUSE BILL 2811

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State of Washington                      55th Legislature                      1998 Regular Session

By Representatives Johnson, Cole, Talcott, Keiser and Quall

Read first time 01/20/98. Referred to Committee on Education.

1            AN ACT Relating to notification of nonrenewal of educational  
2 employees' contracts; and amending RCW 28A.405.210.

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

4            **Sec. 1.** RCW 28A.405.210 and 1996 c 201 s 1 are each amended to  
5 read as follows:

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

14            The board shall make with each employee employed by it a written  
15 contract, which shall be in conformity with the laws of this state, and  
16 except as otherwise provided by law, limited to a term of not more than  
17 one year. Every such contract shall be made in duplicate, one copy to  
18 be retained by the school district superintendent or secretary and one  
19 copy to be delivered to the employee. No contract shall be offered by

1 any board for the employment of any employee who has previously signed  
2 an employment contract for that same term in another school district of  
3 the state of Washington unless such employee shall have been released  
4 from his or her obligations under such previous contract by the board  
5 of directors of the school district to which he or she was obligated.  
6 Any contract signed in violation of this provision shall be void.

7 In the event it is determined that there is probable cause or  
8 causes that the employment contract of an employee should not be  
9 renewed by the district for the next ensuing term such employee shall  
10 be notified in writing on or before (~~May 15th~~) June 30th preceding  
11 the commencement of such term of that determination(~~(7)~~) or (~~if the~~  
12 ~~omnibus appropriations act has not passed the legislature by May 15th,~~  
13 ~~then notification shall be~~) no later than (~~June 1st~~) thirty days  
14 after the governor signs the omnibus appropriations act, whichever is  
15 later, which notification shall specify the cause or causes for  
16 nonrenewal of contract. Such determination of probable cause for  
17 certificated employees, other than the superintendent, shall be made by  
18 the superintendent. Such notice shall be served upon the employee  
19 personally, or by certified or registered mail, or by leaving a copy of  
20 the notice at the house of his or her usual abode with some person of  
21 suitable age and discretion then resident therein. Every such employee  
22 so notified, at his or her request made in writing and filed with the  
23 president, chair or secretary of the board of directors of the district  
24 within ten days after receiving such notice, shall be granted  
25 opportunity for hearing pursuant to RCW 28A.405.310 to determine  
26 whether there is sufficient cause or causes for nonrenewal of contract:  
27 PROVIDED, That any employee receiving notice of nonrenewal of contract  
28 due to an enrollment decline or loss of revenue may, in his or her  
29 request for a hearing, stipulate that initiation of the arrangements  
30 for a hearing officer as provided for by RCW 28A.405.310(4) shall occur  
31 within ten days following July 15 rather than the day that the employee  
32 submits the request for a hearing. If any such notification or  
33 opportunity for hearing is not timely given, the employee entitled  
34 thereto shall be conclusively presumed to have been reemployed by the  
35 district for the next ensuing term upon contractual terms identical  
36 with those which would have prevailed if his or her employment had  
37 actually been renewed by the board of directors for such ensuing term.

38 This section shall not be applicable to "provisional employees" as  
39 so designated in RCW 28A.405.220; transfer to a subordinate

1 certificated position as that procedure is set forth in RCW 28A.405.230  
2 shall not be construed as a nonrenewal of contract for the purposes of  
3 this section.

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