
HOUSE BILL 1068

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Brough, Peery, Vance, H. Sommers, Neher, Broback, Tate, May, Forner, Mitchell, McLean and Winsley.

Read first time January 17, 1991. Referred to Committee on Education.

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

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

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

6 In establishing rules for determining eligibility for and
7 certification of persons employed in the common schools under RCW
8 28A.410.010, the state board of education shall allow school districts
9 to employ, with or without compensation or other benefits, persons
10 without certificates to teach classes without being under the
11 supervision of a certificated teacher if the person: (1) Will provide
12 classroom instruction for one hundred eighty hours or less during the
13 school year; (2) holds a baccalaureate degree from an accredited
14 college or university; and (3) complies with applicable background

1 check requirements under RCW 28A.410.010. The school district, at its
2 discretion, may require persons who qualify under this section to
3 obtain additional educational experience or in-service training before,
4 or concurrent with, the classroom instruction.

5 **Sec. 2.** RCW 28A.405.210 and 1990 c 33 s 390 are each amended to
6 read as follows:

7 Except as provided for in section 1 of this 1991 act, no teacher,
8 principal, supervisor, superintendent, or other certificated employee,
9 holding a position as such with a school district, hereinafter referred
10 to as "employee", shall be employed except by written order of a
11 majority of the directors of the district at a regular or special
12 meeting thereof, nor unless he or she is the holder of an effective
13 teacher's certificate or other certificate required by law or the state
14 board of education for the position for which the employee is employed.

15 The board shall make with each employee employed by it a written
16 contract, which shall be in conformity with the laws of this state, and
17 except as otherwise provided by law, limited to a term of not more than
18 one year. Every such contract shall be made in duplicate, one copy to
19 be retained by the school district superintendent or secretary and one
20 copy to be delivered to the employee. No contract shall be offered by
21 any board for the employment of any employee who has previously signed
22 an employment contract for that same term in another school district of
23 the state of Washington unless such employee shall have been released
24 from his or her obligations under such previous contract by the board
25 of directors of the school district to which he or she was obligated.
26 Any contract signed in violation of this provision shall be void.

27 In the event it is determined that there is probable cause or
28 causes that the employment contract of an employee should not be
29 renewed by the district for the next ensuing term such employee shall

1 be notified in writing on or before May 15th preceding the commencement
2 of such term of that determination, which notification shall specify
3 the cause or causes for nonrenewal of contract. Such determination of
4 probable cause for certificated employees, other than the
5 superintendent, shall be made by the superintendent. Such notice shall
6 be served upon the employee personally, or by certified or registered
7 mail, or by leaving a copy of the notice at the house of his or her
8 usual abode with some person of suitable age and discretion then
9 resident therein. Every such employee so notified, at his or her
10 request made in writing and filed with the president, chair or
11 secretary of the board of directors of the district within ten days
12 after receiving such notice, shall be granted opportunity for hearing
13 pursuant to RCW 28A.405.310 to determine whether there is sufficient
14 cause or causes for nonrenewal of contract: PROVIDED, That any
15 employee receiving notice of nonrenewal of contract due to an
16 enrollment decline or loss of revenue may, in his or her request for a
17 hearing, stipulate that initiation of the arrangements for a hearing
18 officer as provided for by RCW 28A.405.310(4) shall occur within ten
19 days following July 15 rather than the day that the employee submits
20 the request for a hearing. If any such notification or opportunity for
21 hearing is not timely given, the employee entitled thereto shall be
22 conclusively presumed to have been reemployed by the district for the
23 next ensuing term upon contractual terms identical with those which
24 would have prevailed if his or her employment had actually been renewed
25 by the board of directors for such ensuing term.

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

1 **Sec. 3.** RCW 28A.635.080 and 1990 c 33 s 539 are each amended to
2 read as follows:

3 Any school district director who shall aid in or give his or her
4 consent to the employment of a teacher who is not the holder of a valid
5 teacher's certificate issued under authority of chapter 28A.410 RCW
6 authorizing him or her to teach in the school district by which
7 employed, or who does not meet the requirements of section 1 of this
8 1991 act, shall be personally liable to his or her district for any
9 loss which it may sustain by reason of the employment of such person.