
HOUSE BILL 2425

State of Washington 58th Legislature 2004 Regular Session

By Representatives Jarrett, Sullivan, Tom, Clibborn, Armstrong,
Talcott, Morrell and Moeller

Read first time 01/14/2004. Referred to Committee on Education.

1 AN ACT Relating to employing school district superintendents; and
2 amending RCW 28A.400.010, 28A.400.300, and 28A.400.315.

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

4 **Sec. 1.** RCW 28A.400.010 and 1990 c 33 s 376 are each amended to
5 read as follows:

6 (1) In all districts the board of directors ~~((shall))~~ must elect a
7 superintendent who ~~((shall have such))~~ has the qualifications ~~((as))~~
8 the local school board alone ~~((shall))~~ determines. The superintendent
9 ~~((shall have supervision over))~~ supervises the ~~((several))~~ departments
10 of the district's schools ~~((thereof))~~ and ~~((carry))~~ carries out
11 ~~((such))~~ other powers and duties ~~((as))~~ prescribed by law.
12 ~~((Notwithstanding the provisions of RCW 28A.400.300(1), the board may~~
13 ~~contract with such superintendent for a term not to exceed three years~~
14 ~~when deemed in the best interest of the district. The right to renew~~
15 ~~a contract of employment with any school superintendent shall rest~~
16 ~~solely with the discretion of the school board employing such school~~
17 ~~superintendent. Regarding such renewal of contracts of school~~
18 ~~superintendents the provisions of RCW 28A.405.210, 28A.405.240, and~~

1 ~~28A.645.010 shall be inapplicable.~~) The superintendent must be
2 appointed for an indefinite term and may be removed by a majority vote
3 of the local school board.

4 (2) At least thirty days before the effective date of removal, the
5 school board must furnish to the superintendent a formal statement in
6 the form of a resolution passed by a majority vote of the board stating
7 the board's intention to remove him or her and the reasons for removal.
8 After passing the resolution, the board may, by majority vote, suspend
9 the superintendent from duty, but his or her pay continues until the
10 removal is effective.

11 (3) The superintendent may reply in writing within thirty days from
12 the date of service upon him or her of a copy of the resolution stating
13 the board's intention to remove him or her. If no reply is timely
14 filed, the board's action is final on the thirty-first day from service
15 of the resolution and the superintendent's services terminate in
16 accordance with the resolution. If a reply is timely filed with its
17 president, the board must fix a time for a public hearing on the
18 question of the superintendent's removal, and a final resolution
19 removing the superintendent may not be adopted until after the public
20 hearing. The board's action in removing the superintendent is final.

21 **Sec. 2.** RCW 28A.400.300 and 1997 c 13 s 10 are each amended to
22 read as follows:

23 Every board of directors, unless otherwise specially provided by
24 law, shall:

25 (1) Except as provided in RCW 28A.400.010, employ for not more than
26 one year, and for sufficient cause discharge all certificated and
27 classified employees;

28 (2) Adopt written policies granting leaves to persons under
29 contracts of employment with the school district(s) in positions
30 requiring either certification or classified qualifications, including
31 but not limited to leaves for attendance at official or private
32 institutes and conferences and sabbatical leaves for employees in
33 positions requiring certification qualification, and leaves for
34 illness, injury, bereavement and, emergencies for both certificated and
35 classified employees, and with ~~((such))~~ the compensation ~~((as))~~ the
36 board of directors prescribes: PROVIDED, That the board of directors

1 (~~shall~~) must adopt written policies granting (~~to such~~) these
2 persons annual leave with compensation for illness, injury, and
3 emergencies as follows:

4 (a) For (~~such~~) persons under contract with the school district
5 for a full year, at least ten days;

6 (b) For (~~such~~) persons under contract with the school district as
7 part time employees, at least that portion of ten days as the total
8 number of days contracted for bears to one hundred eighty days;

9 (c) For certificated and classified employees, annual leave with
10 compensation for illness, injury, and emergencies (~~shall~~) must be
11 granted and accrue at a rate not to exceed twelve days per year;
12 provisions of any contract in force on June 12, 1980, which conflict
13 with requirements of this subsection (~~shall~~) continue in effect until
14 contract expiration; after expiration, any new contract executed
15 between the parties (~~shall~~) must be consistent with this subsection;

16 (d) Compensation for leave for illness or injury actually taken
17 (~~shall~~) must be the same as the compensation (~~such~~) the person
18 would have received had (~~such~~) that person not taken the leave
19 provided in this proviso;

20 (e) Leave provided in this proviso not taken (~~shall~~) accumulates
21 from year to year up to a maximum of one hundred eighty days for the
22 purposes of RCW 28A.400.210 and 28A.400.220, and for leave purposes up
23 to a maximum of the number of contract days agreed to in a given
24 contract, but not greater than one year. (~~Such~~) This accumulated
25 time may be taken at any time during the school year or up to twelve
26 days per year may be used for the purpose of payments for unused sick
27 leave.

28 (f) Sick leave heretofore accumulated under section 1, chapter 195,
29 Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under
30 administrative practice of school districts prior to the effective date
31 of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is
32 hereby declared valid, and shall be added to leave for illness or
33 injury accumulated under this proviso;

34 (g) Any leave for injury or illness accumulated up to a maximum of
35 forty-five days (~~shall be~~) is creditable as service rendered for the
36 purpose of determining the time at which an employee is eligible to
37 retire, if (~~such~~) the leave is taken it may not be compensated under
38 the provisions of RCW 28A.400.210 and 28A.310.490;

1 (h) Accumulated leave under this proviso (~~shall~~) must be
2 transferred to and from one district to another, the office of
3 superintendent of public instruction, and offices of educational
4 service district superintendents and boards, to and from (~~such~~)
5 districts and (~~such~~) offices;

6 (i) Leave accumulated by a person in a district (~~prior to~~) before
7 leaving (~~said~~) the district may, under rules and regulations of the
8 board, be granted to (~~such~~) the person when the person returns to the
9 employment of the district.

10 When any certificated or classified employee leaves one school
11 district within the state and (~~commences~~) begins employment with
12 another school district within the state, the employee (~~shall~~)
13 retains the same seniority, leave benefits, and other benefits that the
14 employee had in his or her previous position: PROVIDED, That
15 classified employees who transfer between districts after July 28,
16 1985, (~~shall~~) do not retain any seniority rights other than longevity
17 when leaving one school district and beginning employment with another.
18 If the school district to which the person transfers has a different
19 system for computing seniority, leave benefits, and other benefits,
20 then the employee shall be granted the same seniority, leave benefits,
21 and other benefits as a person in that district who has similar
22 occupational status and total years of service.

23 **Sec. 3.** RCW 28A.400.315 and 1990 c 8 s 6 are each amended to read
24 as follows:

25 Employment contracts entered into between an employer and (~~a~~
26 ~~superintendent, or~~) an administrator as defined in RCW
27 28A.405.230(~~(7)~~) under RCW (~~(28A.400.010,)~~) 28A.400.300(~~(7)~~) or
28 28A.405.210:

29 (1) (~~Shall~~) End no later than June 30th of the calendar year that
30 the contract expires except that, a contract entered into after June
31 30th of a given year may expire during that same calendar year; and

32 (2) (~~Shall~~) May not be revised or entered into retroactively.

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