

SENATE BILL REPORT

SB 5038

As of January 10, 2023

Title: An act relating to the modification of notification deadlines for certain education employment contracts and related dates.

Brief Description: Modifying notification deadlines for certain education employment contracts and related dates.

Sponsors: Senators Mullet and Wellman.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/11/23.

Brief Summary of Bill

- Changes the deadline for notice of nonrenewal of certificated educator contracts from May 15th to June 1st.
- Removes notice of nonrenewal deadline provisions relating to instances when the Legislature does not pass a budget in a regular session.
- Changes the deadline for notice to administrators and principals of transfer to a subordinate position from May 15th to June 1st.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Benjamin Omdal (786-7442)

Background: Nonrenewal of Employment Contracts. Teachers, principals, superintendents, and other certificated employees of school districts and educational service districts are employed under written contracts that may be no more than one year in length. Contracts of certificated employees may be non-renewed when it is determined there is probable cause, including enrollment decline and revenue loss. Principals, directors, or other individuals employed in a supervisory or administrative position may be transferred to

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a subordinate administrative position, defined as any certificated position for which the annual compensation is less than that of the position currently held, in certain cases.

Provisional nonsupervisory certificated employees are subject to nonrenewal during the first three years of employment in a district, unless:

- the employee has previously completed at least two years in another district in the state, in which case the employee is subject to nonrenewal in their first year of employment with the district;
- the employee received an evaluation below level 2 on the four-level rating system, in which case the employee remains under provisional status until they reach level 2; or
- the district's superintendent has removed the employee from provisional status after receiving a level 3 or level 4 evaluation in their second year.

Nonrenewal Notices. If the employing district determines the employment contract should not be renewed for the following year, the district must notify the employee in writing on or before May 15th preceding the beginning of the next school year. If notice is not provided according to these requirements, the employee is presumed to have been re-employed under the same terms and conditions for the following year. The notice must be provided in person, sent by certified or registered mail, or delivered to the employee's home.

There is an exception to the May 15th notification deadline. If the Omnibus Appropriations Act—the general operating budget for the state—has not passed the Legislature by the end of the legislative session, then the employing district has until June 15th to provide the required notice of contract nonrenewal. During odd-numbered years, the regular 105-day legislative session ends in April, generally around April 22nd to April 25th. During even-numbered years, the regular 60-day session ends during March, generally around March 10th to March 14th.

Summary of Bill: School districts and educational service districts have until June 1st, rather than May 15th, to send contract nonrenewal notices to certificated employees, including transfer notices to administrators being transferred to a subordinate certificated position.

Provisions related to notice of contract nonrenewal in instances when the Legislature does not pass a budget in a regular session are removed.

Appropriation: None.

Fiscal Note: Requested on January 6, 2023.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on July 31, 2023.