

---

SENATE BILL 5861

---

State of Washington                      52nd Legislature                      1991 Regular Session

By Senators Anderson, Talmadge and L. Smith.

Read first time February 26, 1991. Referred to Committee on Education.

1            AN ACT Relating to provisional periods for certificated employees;  
2 and amending RCW 28A.405.220.

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

4            **Sec. 1.** RCW 28A.405.220 and 1990 c 33 s 391 are each amended to  
5 read as follows:

6            Notwithstanding the provisions of RCW 28A.405.210, every person  
7 employed by a school district in a teaching or other nonsupervisory  
8 certificated position shall be subject to nonrenewal of employment  
9 contract as provided in this section during the first three years of  
10 employment by such district, unless the employee has previously  
11 completed at least three years of certificated employment in another  
12 school district in the state of Washington, in which case the employee  
13 shall be subject to nonrenewal of employment contract pursuant to this  
14 section during the first year of employment with the new district.

1 Employees as defined in this section shall hereinafter be referred to  
2 as "provisional employees".

3 In the event the superintendent of the school district determines  
4 that the employment contract of any provisional employee should not be  
5 renewed by the district for the next ensuing term such provisional  
6 employee shall be notified thereof in writing on or before May 15th  
7 preceding the commencement of such school term, which notification  
8 shall state the reason or reasons for such determination. Such notice  
9 shall be served upon the provisional employee personally, or by  
10 certified or registered mail, or by leaving a copy of the notice at the  
11 place of his or her usual abode with some person of suitable age and  
12 discretion then resident therein. The determination of the  
13 superintendent shall be subject to the evaluation requirements of RCW  
14 28A.405.100.

15 Every such provisional employee so notified, at his or her request  
16 made in writing and filed with the superintendent of the district  
17 within ten days after receiving such notice, shall be given the  
18 opportunity to meet informally with the superintendent for the purpose  
19 of requesting the superintendent to reconsider his or her decision.  
20 Such meeting shall be held no later than ten days following the receipt  
21 of such request, and the provisional employee shall be given written  
22 notice of the date, time and place of meeting at least three days prior  
23 thereto. At such meeting the provisional employee shall be given the  
24 opportunity to refute any facts upon which the superintendent's  
25 determination was based and to make any argument in support of his or  
26 her request for reconsideration.

27 Within ten days following the meeting with the provisional  
28 employee, the superintendent shall either reinstate the provisional  
29 employee or shall submit to the school district board of directors for  
30 consideration at its next regular meeting a written report recommending

1 that the employment contract of the provisional employee be nonrenewed  
2 and stating the reason or reasons therefor. A copy of such report  
3 shall be delivered to the provisional employee at least three days  
4 prior to the scheduled meeting of the board of directors. In taking  
5 action upon the recommendation of the superintendent, the board of  
6 directors shall consider any written communication which the  
7 provisional employee may file with the secretary of the board at any  
8 time prior to that meeting.

9 The board of directors shall notify the provisional employee in  
10 writing of its final decision within ten days following the meeting at  
11 which the superintendent's recommendation was considered. The decision  
12 of the board of directors to nonrenew the contract of a provisional  
13 employee shall be final and not subject to appeal.

14 This section applies to any person employed by a school district in  
15 a teaching or other nonsupervisory certificated position after June 25,  
16 1976. This section provides the exclusive means for nonrenewing the  
17 employment contract of a provisional employee and no other provision of  
18 law shall be applicable thereto, including, without limitation, RCW  
19 28A.405.210 and chapter 28A.645 RCW.