2   **2SSB 5306** - S AMD 000396
3   By Senator Cantu

4   NOT ADOPTED 3/17/93

5   On page 16, after line 5, insert the following:

6   "**Sec. 602.** RCW 28A.405.210 and 1990 c 33 s 390 are each amended to
7   read as follows:
8   No teacher, principal, supervisor, superintendent, or other
9   certificated employee, holding a position as such with a school
10 district, hereinafter referred to as "employee", shall be employed
11 except by written order of a majority of the directors of the district
12 at a regular or special meeting thereof, nor unless he or she is the
13 holder of an effective teacher's certificate or other certificate
14 required by law or the state board of education for the position for
15 which the employee is employed.
16   The board shall make with each employee employed by it a written
17 contract, which shall be in conformity with the laws of this state, and
18 except as otherwise provided by law, limited to a term of not more than
19 one year.   Every such contract shall be made in duplicate, one copy to
20 be retained by the school district superintendent or secretary and one
21 copy to be delivered to the employee.   No contract shall be offered by
22 any board for the employment of any employee who has previously signed
23 an employment contract for that same term in another school district of
24 the state of Washington unless such employee shall have been released
25 from his or her obligations under such previous contract by the board
26 of directors of the school district to which he or she was obligated.
27 Any contract signed in violation of this provision shall be void.
28   In the event it is determined that there is probable cause or
29 causes that the employment contract of an employee should not be
30 renewed by the district for the next ensuing term such employee shall
31 be notified in writing on or before May 15th preceding the commencement
32 of such term of that determination, which notification shall specify
33 the cause or causes for nonrenewal of contract. For purposes of this
34 section, probable cause includes but is not limited to the failure of
35 an experienced teacher to respond with significantly improved
36 performance to the assistance of a mentor teacher provided under RCW

1 28A.415.250. Such determination of probable cause for certificated
2 employees, other than the superintendent, shall be made by the
3 superintendent. Such notice shall be served upon the employee
4 personally, or by certified or registered mail, or by leaving a copy of
5 the notice at the house of his or her usual abode with some person of
6 suitable age and discretion then resident therein. Every such employee
7 so notified, at his or her request made in writing and filed with the
8 president, chair or secretary of the board of directors of the district
9 within ten days after receiving such notice, shall be granted
10 opportunity for hearing pursuant to RCW 28A.405.310 to determine
11 whether there is sufficient cause or causes for nonrenewal of contract:
12 PROVIDED, That any employee receiving notice of nonrenewal of contract
13 due to an enrollment decline or loss of revenue may, in his or her
14 request for a hearing, stipulate that initiation of the arrangements
15 for a hearing officer as provided for by RCW 28A.405.310(4) shall occur
16 within ten days following July 15 rather than the day that the employee
17 submits the request for a hearing. If any such notification or
18 opportunity for hearing is not timely given, the employee entitled
19 thereto shall be conclusively presumed to have been reemployed by the
20 district for the next ensuing term upon contractual terms identical
21 with those which would have prevailed if his or her employment had
22 actually been renewed by the board of directors for such ensuing term.
23   This section shall not be applicable to "provisional employees" as
24 so designated in RCW 28A.405.220; transfer to a subordinate
25 certificated position as that procedure is set forth in RCW 28A.405.230
26 shall not be construed as a nonrenewal of contract for the purposes of
27 this section."

28 **2SSB 5306** - S AMD
29   By Senator Cantu

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31   On page 1, line 2 of the title, after "28A.415.250," insert
32 "28A.405.210,"

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