

2 SHB 2310 - S COMM AMD
3 By Committee on Education

4 ADOPTED 2/28/96

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 28A.405.210 and 1990 c 33 s 390 are each amended to
8 read as follows:

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

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

29 In the event it is determined that there is probable cause or
30 causes that the employment contract of an employee should not be
31 renewed by the district for the next ensuing term such employee shall
32 be notified in writing on or before May 15th preceding the commencement
33 of such term of that determination, or if the omnibus appropriations
34 act has not passed the legislature by May 15th, then notification shall
35 be no later than June 1st, which notification shall specify the cause
36 or causes for nonrenewal of contract. Such determination of probable

1 cause for certificated employees, other than the superintendent, shall
2 be made by the superintendent. Such notice shall be served upon the
3 employee personally, or by certified or registered mail, or by leaving
4 a copy of the notice at the house of his or her usual abode with some
5 person of suitable age and discretion then resident therein. Every
6 such employee so notified, at his or her request made in writing and
7 filed with the president, chair or secretary of the board of directors
8 of the district within ten days after receiving such notice, shall be
9 granted opportunity for hearing pursuant to RCW 28A.405.310 to
10 determine whether there is sufficient cause or causes for nonrenewal of
11 contract: PROVIDED, That any employee receiving notice of nonrenewal
12 of contract due to an enrollment decline or loss of revenue may, in his
13 or her request for a hearing, stipulate that initiation of the
14 arrangements for a hearing officer as provided for by RCW
15 28A.405.310(4) shall occur within ten days following July 15 rather
16 than the day that the employee submits the request for a hearing. If
17 any such notification or opportunity for hearing is not timely given,
18 the employee entitled thereto shall be conclusively presumed to have
19 been reemployed by the district for the next ensuing term upon
20 contractual terms identical with those which would have prevailed if
21 his or her employment had actually been renewed by the board of
22 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 **Sec. 2.** RCW 28A.405.220 and 1992 c 141 s 103 are each amended to
29 read as follows:

30 Notwithstanding the provisions of RCW 28A.405.210, every person
31 employed by a school district in a teaching or other nonsupervisory
32 certificated position shall be subject to nonrenewal of employment
33 contract as provided in this section during the first two years of
34 employment by such district, unless the employee has previously
35 completed at least two years of certificated employment in another
36 school district in the state of Washington, in which case the employee
37 shall be subject to nonrenewal of employment contract pursuant to this
38 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, or if the omnibus
8 appropriations act has not passed the legislature by May 15th, then
9 notification shall be no later than June 1st, which notification shall
10 state the reason or reasons for such determination. Such notice shall
11 be served upon the provisional employee personally, or by certified or
12 registered mail, or by leaving a copy of the notice at the place of his
13 or her usual abode with some person of suitable age and discretion then
14 resident therein. The determination of the superintendent shall be
15 subject to the evaluation requirements of RCW 28A.405.100.

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

28 Within ten days following the meeting with the provisional
29 employee, the superintendent shall either reinstate the provisional
30 employee or shall submit to the school district board of directors for
31 consideration at its next regular meeting a written report recommending
32 that the employment contract of the provisional employee be nonrenewed
33 and stating the reason or reasons therefor. A copy of such report
34 shall be delivered to the provisional employee at least three days
35 prior to the scheduled meeting of the board of directors. In taking
36 action upon the recommendation of the superintendent, the board of
37 directors shall consider any written communication which the
38 provisional employee may file with the secretary of the board at any
39 time prior to that meeting.

1 The board of directors shall notify the provisional employee in
2 writing of its final decision within ten days following the meeting at
3 which the superintendent's recommendation was considered. The decision
4 of the board of directors to nonrenew the contract of a provisional
5 employee shall be final and not subject to appeal.

6 This section applies to any person employed by a school district in
7 a teaching or other nonsupervisory certificated position after June 25,
8 1976. This section provides the exclusive means for nonrenewing the
9 employment contract of a provisional employee and no other provision of
10 law shall be applicable thereto, including, without limitation, RCW
11 28A.405.210 and chapter 28A.645 RCW.

12 **Sec. 3.** RCW 28A.405.230 and 1990 c 33 s 392 are each amended to
13 read as follows:

14 Any certificated employee of a school district employed as an
15 assistant superintendent, director, principal, assistant principal,
16 coordinator, or in any other supervisory or administrative position,
17 hereinafter in this section referred to as "administrator", shall be
18 subject to transfer, at the expiration of the term of his or her
19 employment contract, to any subordinate certificated position within
20 the school district. "Subordinate certificated position" as used in
21 this section, shall mean any administrative or nonadministrative
22 certificated position for which the annual compensation is less than
23 the position currently held by the administrator.

24 Every superintendent determining that the best interests of the
25 school district would be served by transferring any administrator to a
26 subordinate certificated position shall notify that administrator in
27 writing on or before May 15th preceding the commencement of such school
28 term of that determination, or if the omnibus appropriations act has
29 not passed the legislature by May 15th, then notification shall be no
30 later than June 1st, which notification shall state the reason or
31 reasons for the transfer, and shall identify the subordinate
32 certificated position to which the administrator will be transferred.
33 Such notice shall be served upon the administrator personally, or by
34 certified or registered mail, or by leaving a copy of the notice at the
35 place of his or her usual abode with some person of suitable age and
36 discretion then resident therein.

37 Every such administrator so notified, at his or her request made in
38 writing and filed with the president or chair, or secretary of the

1 board of directors of the district within ten days after receiving such
2 notice, shall be given the opportunity to meet informally with the
3 board of directors in an executive session thereof for the purpose of
4 requesting the board to reconsider the decision of the superintendent.
5 Such board, upon receipt of such request, shall schedule the meeting
6 for no later than the next regularly scheduled meeting of the board,
7 and shall notify the administrator in writing of the date, time and
8 place of the meeting at least three days prior thereto. At such
9 meeting the administrator shall be given the opportunity to refute any
10 facts upon which the determination was based and to make any argument
11 in support of his or her request for reconsideration. The
12 administrator and the board may invite their respective legal counsel
13 to be present and to participate at the meeting. The board shall
14 notify the administrator in writing of its final decision within ten
15 days following its meeting with the administrator. No appeal to the
16 courts shall lie from the final decision of the board of directors to
17 transfer an administrator to a subordinate certificated position:
18 PROVIDED, That in the case of principals such transfer shall be made at
19 the expiration of the contract year and only during the first three
20 consecutive school years of employment as a principal by a school
21 district; except that if any such principal has been previously
22 employed as a principal by another school district in the state of
23 Washington for three or more consecutive school years the provisions of
24 this section shall apply only to the first full school year of such
25 employment.

26 This section applies to any person employed as an administrator by
27 a school district on June 25, 1976 and to all persons so employed at
28 any time thereafter. This section provides the exclusive means for
29 transferring an administrator to a subordinate certificated position at
30 the expiration of the term of his or her employment contract.

31 **Sec. 4.** RCW 28A.310.250 and 1990 c 33 s 280 are each amended to
32 read as follows:

33 No certificated employee of an educational service district shall
34 be employed as such except by written contract, which shall be in
35 conformity with the laws of this state. Every such contract shall be
36 made in duplicate, one copy of which shall be retained by the
37 educational service district superintendent and the other shall be
38 delivered to the employee.

1 Every educational service district superintendent or board
2 determining that there is probable cause or causes that the employment
3 contract of a certificated employee thereof is not to be renewed for
4 the next ensuing term shall be notified in writing on or before May
5 15th preceding the commencement of such term of that determination or
6 if the omnibus appropriations act has not passed the legislature by May
7 15th, then notification shall be no later than June 1st, which
8 notification shall specify the cause or causes for nonrenewal of
9 contract. Such notice shall be served upon that employee personally,
10 or by certified or registered mail, or by leaving a copy of the notice
11 at the house of his or her usual abode with some person of suitable age
12 and discretion then resident therein. The procedure and standards for
13 the review of the decision of the hearing officer, superintendent or
14 board and appeal therefrom shall be as prescribed for nonrenewal cases
15 of teachers in RCW 28A.405.210, 28A.405.300 through 28A.405.380, and
16 28A.645.010. Appeals may be filed in the superior court of any county
17 in the educational service district.

18 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
19 preservation of the public peace, health, or safety, or support of the
20 state government and its existing public institutions, and shall take
21 effect immediately."

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23 By Committee on Education

24 ADOPTED 2/28/96

25 On page 1, line 2 of the title, after "employees;" strike the
26 remainder of the title and insert "amending RCW 28A.405.210,
27 28A.405.220, 28A.405.230, and 28A.310.250; and declaring an emergency."

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