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SENATE BILL 5851

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State of Washington                      58th Legislature                      2003 Regular Session

By Senators Reardon, Johnson, Morton, Parlette, Schmidt and Shin

Read first time 02/17/2003. Referred to Committee on Education.

1            AN ACT Relating to contracts for employment of school district  
2 superintendents; and amending RCW 28A.400.010.

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 elect a  
7 superintendent who shall have such qualification as the local school  
8 board alone shall determine. The superintendent shall have supervision  
9 over the several departments of the schools thereof and carry out such  
10 other powers and duties as prescribed by law. Notwithstanding the  
11 provisions of RCW 28A.400.300(1), the board may contract with such  
12 superintendent for a term not to exceed three years when deemed in the  
13 best interest of the district. The right to renew a contract of  
14 employment with any school superintendent shall rest solely with the  
15 discretion of the school board employing such school superintendent.  
16 Regarding such renewal of contracts of school superintendents the  
17 provisions of RCW 28A.405.210, 28A.405.240, and 28A.645.010 shall be  
18 inapplicable.

1       (2) In addition to any other contract terms and conditions agreed  
2 upon between the parties, a contract for the employment of a  
3 superintendent shall include the following language: "This contract  
4 may be terminated if, by a unanimous affirmative vote of all members of  
5 the school district board of directors, the board finds that the  
6 superintendent has engaged in intentional conduct that creates the  
7 appearance of impropriety and the inability, or apparent inability, to  
8 perform his or her duties in a fair and impartial manner."

9       (3) If a school district board of directors determines by an  
10 affirmative unanimous vote that the superintendent has engaged in  
11 intentional conduct described in subsection (2) of this section, the  
12 board is prohibited from negotiating a severance agreement with the  
13 superintendent.

14       (4) The total dollar amount of any termination or severance  
15 agreement in contract or otherwise shall be limited to no more than  
16 one-half the remaining salary otherwise payable under the contract.

17       (5) For the purposes of this section, "appearance of impropriety"  
18 means engaging in actions that would create the appearance of bias to  
19 a reasonable person and that do not promote public confidence in the  
20 integrity and impartiality of the office.

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