

2 SHB 2811 - S COMM AMD
3 By Committee on Education

4

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

7 "Sec. 1. RCW 28A.405.210 and 1996 c 201 s 1 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~~): (1) For nonrenewal due to
33 fiscal considerations, such as an enrollment decline or loss of
34 revenue, June 15th preceding the commencement of such term of that
35 determination(~~(7)~~) or (~~(if the omnibus appropriations act has not~~
36 ~~passed the legislature by May 15th, then notification shall be)~~) no

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

28 This section shall not be applicable to "provisional employees" as
29 so designated in RCW 28A.405.220; transfer to a subordinate
30 certificated position as that procedure is set forth in RCW 28A.405.230
31 shall not be construed as a nonrenewal of contract for the purposes of
32 this section.

33 **Sec. 2.** RCW 28A.405.220 and 1996 c 201 s 2 are each amended to
34 read as follows:

35 Notwithstanding the provisions of RCW 28A.405.210, every person
36 employed by a school district in a teaching or other nonsupervisory
37 certificated position shall be subject to nonrenewal of employment
38 contract as provided in this section during the first two years of

1 employment by such district, unless the employee has previously
2 completed at least two years of certificated employment in another
3 school district in the state of Washington, in which case the employee
4 shall be subject to nonrenewal of employment contract pursuant to this
5 section during the first year of employment with the new district.
6 Employees as defined in this section shall hereinafter be referred to
7 as "provisional employees".

8 In the event the superintendent of the school district determines
9 that the employment contract of any provisional employee should not be
10 renewed by the district for the next ensuing term such provisional
11 employee shall be notified thereof in writing on or before ~~((May))~~:
12 (1) For nonrenewal due to fiscal considerations, such as an enrollment
13 decline or loss of revenue, June 15th preceding the commencement of
14 such school term, or ~~((if the omnibus appropriations act has not passed~~
15 ~~the legislature by May 15th, then notification shall be))~~ no later than
16 ~~((June 1st, which))~~ thirty days after the governor signs the omnibus
17 appropriations act, whichever is later; and (2) for nonrenewal due to
18 employee performance causes, May 15th preceding the commencement of
19 such term of that determination. The notification shall state the
20 reason or reasons for such determination. Such notice shall be served
21 upon the provisional employee personally, or by certified or registered
22 mail, or by leaving a copy of the notice at the place of his or her
23 usual abode with some person of suitable age and discretion then
24 resident therein. The determination of the superintendent shall be
25 subject to the evaluation requirements of RCW 28A.405.100.

26 Every such provisional employee so notified, at his or her request
27 made in writing and filed with the superintendent of the district
28 within ten days after receiving such notice, shall be given the
29 opportunity to meet informally with the superintendent for the purpose
30 of requesting the superintendent to reconsider his or her decision.
31 Such meeting shall be held no later than ten days following the receipt
32 of such request, and the provisional employee shall be given written
33 notice of the date, time and place of meeting at least three days prior
34 thereto. At such meeting the provisional employee shall be given the
35 opportunity to refute any facts upon which the superintendent's
36 determination was based and to make any argument in support of his or
37 her request for reconsideration.

38 Within ten days following the meeting with the provisional
39 employee, the superintendent shall either reinstate the provisional

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

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

16 This section applies to any person employed by a school district in
17 a teaching or other nonsupervisory certificated position after June 25,
18 1976. This section provides the exclusive means for nonrenewing the
19 employment contract of a provisional employee and no other provision of
20 law shall be applicable thereto, including, without limitation, RCW
21 28A.405.210 and chapter 28A.645 RCW.

22 **Sec. 3.** RCW 28A.405.230 and 1996 c 201 s 3 are each amended to
23 read as follows:

24 Any certificated employee of a school district employed as an
25 assistant superintendent, director, principal, assistant principal,
26 coordinator, or in any other supervisory or administrative position,
27 hereinafter in this section referred to as "administrator", shall be
28 subject to transfer, at the expiration of the term of his or her
29 employment contract, to any subordinate certificated position within
30 the school district. "Subordinate certificated position" as used in
31 this section, shall mean any administrative or nonadministrative
32 certificated position for which the annual compensation is less than
33 the position currently held by the administrator.

34 Every superintendent determining that the best interests of the
35 school district would be served by transferring any administrator to a
36 subordinate certificated position shall notify that administrator in
37 writing on or before (~~May~~): (1) For nonrenewal due to fiscal
38 considerations, such as an enrollment decline or loss of revenue, June

1 15th preceding the commencement of such school term of that
2 determination(~~(7)~~) or (~~((if the omnibus appropriations act has not~~
3 ~~passed the legislature by May 15th, then notification shall be))~~) no
4 later than (~~((June 1st, which))~~) thirty days after the governor signs the
5 omnibus appropriations act, whichever is later; and (2) for nonrenewal
6 due to employee performance causes, May 15th preceding the commencement
7 of such term of that determination. The notification shall state the
8 reason or reasons for the transfer, and shall identify the subordinate
9 certificated position to which the administrator will be transferred.
10 Such notice shall be served upon the administrator personally, or by
11 certified or registered mail, or by leaving a copy of the notice at the
12 place of his or her usual abode with some person of suitable age and
13 discretion then resident therein.

14 Every such administrator so notified, at his or her request made in
15 writing and filed with the president or chair, or secretary of the
16 board of directors of the district within ten days after receiving such
17 notice, shall be given the opportunity to meet informally with the
18 board of directors in an executive session thereof for the purpose of
19 requesting the board to reconsider the decision of the superintendent.
20 Such board, upon receipt of such request, shall schedule the meeting
21 for no later than the next regularly scheduled meeting of the board,
22 and shall notify the administrator in writing of the date, time and
23 place of the meeting at least three days prior thereto. At such
24 meeting the administrator shall be given the opportunity to refute any
25 facts upon which the determination was based and to make any argument
26 in support of his or her request for reconsideration. The
27 administrator and the board may invite their respective legal counsel
28 to be present and to participate at the meeting. The board shall
29 notify the administrator in writing of its final decision within ten
30 days following its meeting with the administrator. No appeal to the
31 courts shall lie from the final decision of the board of directors to
32 transfer an administrator to a subordinate certificated position:
33 PROVIDED, That in the case of principals such transfer shall be made at
34 the expiration of the contract year and only during the first three
35 consecutive school years of employment as a principal by a school
36 district; except that if any such principal has been previously
37 employed as a principal by another school district in the state of
38 Washington for three or more consecutive school years the provisions of

1 this section shall apply only to the first full school year of such
2 employment.

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

8 **Sec. 4.** RCW 28A.310.250 and 1996 c 201 s 4 are each amended to
9 read as follows:

10 No certificated employee of an educational service district shall
11 be employed as such except by written contract, which shall be in
12 conformity with the laws of this state. Every such contract shall be
13 made in duplicate, one copy of which shall be retained by the
14 educational service district superintendent and the other shall be
15 delivered to the employee.

16 Every educational service district superintendent or board
17 determining that there is probable cause or causes that the employment
18 contract of a certificated employee thereof is not to be renewed for
19 the next ensuing term shall be notified in writing on or before
20 ~~((May))~~: (1) For nonrenewal due to fiscal considerations, such as an
21 enrollment decline or loss of revenue, June 15th preceding the
22 commencement of such term of that determination or ((if the omnibus
23 appropriations act has not passed the legislature by May 15th, then
24 notification shall be)) no later than ((June 1st, which)) thirty days
25 after the governor signs the omnibus appropriations act, whichever is
26 later; and (2) for nonrenewal due to employee performance causes, May
27 15th preceding the commencement of such term of that determination.
28 The notification shall specify the cause or causes for nonrenewal of
29 contract. Such notice shall be served upon that employee personally,
30 or by certified or registered mail, or by leaving a copy of the notice
31 at the house of his or her usual abode with some person of suitable age
32 and discretion then resident therein. The procedure and standards for
33 the review of the decision of the hearing officer, superintendent or
34 board and appeal therefrom shall be as prescribed for nonrenewal cases
35 of teachers in RCW 28A.405.210, 28A.405.300 through 28A.405.380, and
36 28A.645.010. Appeals may be filed in the superior court of any county
37 in the educational service district.

1 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately."

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8 On page 1, line 2 of the title, after "contracts;" strike the
9 remainder of the title and insert "amending RCW 28A.405.210,
10 28A.405.220, 28A.405.230, and 28A.310.250; and declaring an emergency."

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