

SENATE BILL REPORT

SHB 2811

As Reported By Senate Committee On:
Education, February 26, 1998

Title: An act relating to notification of nonrenewal of educational employees' contracts.

Brief Description: Changing the notification date for nonrenewal of educational employees' contracts.

Sponsors: House Committee on Education (originally sponsored by Representatives Johnson, Cole, Talcott, Keiser and Quall).

Brief History:

Committee Activity: Education: 2/19/98, 2/26/98 [DPA].

SENATE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended.

Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson and Zarelli.

Staff: William Bridges (786-7424)

Background: School districts and certificated employees, including teachers, principals, and superintendents, enter into written employment contracts for up to one year. Except for provisional employees, contracts for certificated employees are renewed for the following year unless the district notifies the employee that probable cause exists not to renew the contract. The district must notify the employee by May 15. If the Legislature has not passed the appropriations act by May 15, then the district must notify the employee by June 1. Employees may appeal the probable cause determination.

Summary of Amended Bill: Notice that probable cause exists not to renew a certificated employee's contract because of fiscal considerations, such as enrollment decline or revenue loss, must be given by June 15 or 30 days after the budget is passed, whichever is later. Notice not to renew because of employee performance must be made by May 15.

Provisional employees, administrators subject to transfer to lower certificated positions, and ESD certificated employees have the same notice requirements as certificated employees.

Amended Bill Compared to Original Bill: Notice requirements are modified for not renewing contracts for certificated employees, provisional employees, administrators subject to transfer to lower certificated positions, and ESD certificated employees. Nonrenewal notifications due to fiscal considerations must be given by June 15 or 30 days after the budget is passed, whichever is later. Nonrenewal notifications due to employee performance must be made by May 15.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: This bill will reduce the number of unnecessary reduction in force (RIF) notices that are sent because the statutory notice period comes too early in the budgeting process. Being able to provide notice later when there is more certainty about the budget will result in better planning and unnecessary RIFs.

Testimony Against: The bill applies to all notices of nonrenewal; it should only apply to nonrenewals based on the budget or a reduction in enrollment; performance-based decisions should still be made by May 15. The bill allows the notice to be sent by June 30 even if the budget is finalized in March; if the budget is finished early, the notification date should be earlier. The later a teacher is notified, the more difficult it is to find a new teaching position.

Testified: Jonathan Bill, teacher (con); George Fleming, Seattle Public Schools (pro); Mikel O'Brien, Seattle Public Schools (pro); Bob Maier, Washington Education Association (con); Dwayne Slate, Washington State School Directors' Association (pro).