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**SUBSTITUTE HOUSE BILL 2811**

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**State of Washington                      55th Legislature                      1998 Regular Session**

**By** House Committee on Education (originally sponsored by Representatives Johnson, Cole, Talcott, Keiser and Quall)

Read first time 02/06/98. Referred to Committee on .

1            AN ACT Relating to notification of nonrenewal of educational  
2 employees' contracts; amending RCW 28A.405.210; and declaring an  
3 emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 28A.405.210 and 1996 c 201 s 1 are each amended to  
6 read as follows:

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

15            The board shall make with each employee employed by it a written  
16 contract, which shall be in conformity with the laws of this state, and  
17 except as otherwise provided by law, limited to a term of not more than  
18 one year. Every such contract shall be made in duplicate, one copy to  
19 be retained by the school district superintendent or secretary and one

1 copy to be delivered to the employee. No contract shall be offered by  
2 any board for the employment of any employee who has previously signed  
3 an employment contract for that same term in another school district of  
4 the state of Washington unless such employee shall have been released  
5 from his or her obligations under such previous contract by the board  
6 of directors of the school district to which he or she was obligated.  
7 Any contract signed in violation of this provision shall be void.

8 In the event it is determined that there is probable cause or  
9 causes that the employment contract of an employee should not be  
10 renewed by the district for the next ensuing term such employee shall  
11 be notified in writing on or before (~~(May)~~) June 15th preceding the  
12 commencement of such term of that determination(~~(7)~~) or (~~(if the~~  
13 ~~omnibus appropriations act has not passed the legislature by May 15th,~~  
14 ~~then notification shall be)~~) no later than (~~(June 1st)~~) thirty days  
15 after the governor signs the omnibus appropriations act, whichever is  
16 later, which notification shall specify the cause or causes for  
17 nonrenewal of contract. Such determination of probable cause for  
18 certificated employees, other than the superintendent, shall be made by  
19 the superintendent. Such notice shall be served upon the employee  
20 personally, or by certified or registered mail, or by leaving a copy of  
21 the notice at the house of his or her usual abode with some person of  
22 suitable age and discretion then resident therein. Every such employee  
23 so notified, at his or her request made in writing and filed with the  
24 president, chair or secretary of the board of directors of the district  
25 within ten days after receiving such notice, shall be granted  
26 opportunity for hearing pursuant to RCW 28A.405.310 to determine  
27 whether there is sufficient cause or causes for nonrenewal of contract:  
28 PROVIDED, That any employee receiving notice of nonrenewal of contract  
29 due to an enrollment decline or loss of revenue may, in his or her  
30 request for a hearing, stipulate that initiation of the arrangements  
31 for a hearing officer as provided for by RCW 28A.405.310(4) shall occur  
32 within ten days following July 15 rather than the day that the employee  
33 submits the request for a hearing. If any such notification or  
34 opportunity for hearing is not timely given, the employee entitled  
35 thereto shall be conclusively presumed to have been reemployed by the  
36 district for the next ensuing term upon contractual terms identical  
37 with those which would have prevailed if his or her employment had  
38 actually been renewed by the board of directors for such ensuing term.

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

6        NEW SECTION.    **Sec. 2.**    This act is necessary for the immediate  
7 preservation of the public peace, health, or safety, or support of the  
8 state government and its existing public institutions, and takes effect  
9 immediately.

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