
Commerce & Labor Committee

HB 2584

Brief Description: Regarding the scope of collective bargaining for nontenured faculty at community and technical colleges.

Sponsors: Representatives White, Nelson, Dunshee, Conway, Orwall, Hunt, Chase, Appleton, Sullivan, Upthegrove, Simpson, Green, Sells, Hudgins, Hasegawa, Ormsby, Rolfes, Moeller and Santos.

Brief Summary of Bill

- Requires that nontenured faculty members whose contracts are not renewed be provided with the reasons for the nonrenewal and a process to challenge the nonrenewal.
- Specifies that the evaluation tools and processes, the length of probation, and the challenge process are subject to collective bargaining.

Hearing Date: 1/26/10

Staff: Jill Reinmuth (786-7134).

Background:

Washington courts have said that, if a public employee has a property interest in continued employment, the public employee is entitled to a hearing or some related form of due process before being deprived of the property interest. The property interest typically arises from statutory or contractual limitations on the public employer's ability to terminate the public employee.

State law provides a process for granting tenure to full-time teachers, counselors, and librarians in the community and technical college system. (Most part-time instructors are not eligible for tenure.) A governing board must award tenure following the successful completion of a probationary period, but may award tenure at any time after giving reasonable consideration to a tenure review committee's recommendations. The probationary period lasts up to nine

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

consecutive college quarters, excluding summer quarter and approved leaves of absence. The probationary period is one of continuing evaluation by a tenure review committee. Once awarded, tenure may be revoked only for cause and by due process.

State law also provides for collective bargaining between community and technical colleges and their academic employees. The representatives of the college districts and the exclusive bargaining representatives of academic employees have a mutual obligation to bargain in good faith over wages, hours, and other terms and conditions of employment. Such terms and conditions include: procedures related to nonretention, dismissal, denial of tenure, and reduction in force.

Summary of Bill:

The Legislature affirms that due process requirements apply to nontenured faculty in community and technical colleges.

After an appropriate probationary period of evaluation, nontenured faculty members whose contracts are not renewed must be provided with the reasons for the nonrenewal and a process to challenge the nonrenewal. When the nonrenewal is based on enrollment, funding, or program changes, the challenge process does not apply.

The evaluation tools and processes, the length of probation, and the challenge process are subject to collective bargaining. The evaluation must include instructional skill, classroom management, professional preparation, and outcomes assessment.

Appropriation: None.

Fiscal Note: Requested on January 19, 2010.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.