

# HOUSE BILL REPORT

## HB 2023

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**As Passed House:**  
February 17, 2016

**Title:** An act relating to changing the deadline for notices of nonrenewal of contracts for certificated school employees.

**Brief Description:** Changing the deadline for notices of nonrenewal of contracts for certificated school employees.

**Sponsors:** Representatives Parker, Lytton, Magendanz, Riccelli, Ormsby, Fagan and Santos.

**Brief History:**

**Committee Activity:**

Education: 2/16/15, 2/19/15 [DP], 1/19/16, 1/21/16 [DP].

**Floor Activity:**

Passed House: 3/5/15, 95-3.

**Floor Activity:**

Passed House: 2/17/16, 98-0.

**Brief Summary of Bill**

- Provides that if the omnibus appropriations act has not passed the Legislature by the end of the regular legislative session, school districts have until June 15 to send contract nonrenewal notices to certificated employees and transfer notices to administrators being transferred to a subordinate certificated position.
- Provides that if the omnibus appropriations act has not passed the Legislature by the end of the regular legislative session, Educational Service Districts have until June 15 to send contract nonrenewal notices to certificated employees.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass. Signed by 20 members: Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member;

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*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.*

Bergquist, Caldier, Griffey, Hargrove, Harris, Hayes, Kilduff, Klippert, Kuderer, McCaslin, Orwall, Pollet, Rossetti and Springer.

**Staff:** Ethan Moreno (786-7386).

**Background:**

Certificated employees of school districts and Educational Service Districts (ESDs) are employed under contracts that may be no more than one year in length. If the employing district determines that the employment contract should not be renewed for the following year, the district must notify the employee in writing on or before May 15 preceding the beginning of the next school year. This notice must occur regardless of the reason for the contract nonrenewal, including for reasons of enrollment decline or loss of revenue. If notice is not provided according to these requirements, the employee is presumed to have been re-employed under the same terms and conditions for the following year. The notice must be provided in person, sent by certified or registered mail, or delivered to the employee's home.

There is an exception to the May 15 notification deadline. If the omnibus appropriations act, the general operating budget for the state, has not passed the Legislature by May 15, then the employing district has until June 15 to provide the required notice of contract nonrenewal.

Similar notification requirements exist for certificated persons in administrative positions that may be transferred to subordinate positions. A certificated employee of a school district that is working in a qualifying administrative position may be transferred, at the direction of the superintendent of the school district, to a subordinate certificated position in the district. If a transfer is to be made, the district must notify the administrator of the transfer by May 15 preceding the beginning of the school term, or by June 15 if the omnibus appropriations act has not passed the Legislature by May 15.

During odd-numbered years, the regular 105-day legislative session ends during the third week of April, generally around April 22 to April 25. During even-numbered years, the regular 60-day legislative session ends during the second week of March, generally around March 10 to March 14.

**Summary of Bill:**

School districts have until June 15, rather than May 15, to send contract nonrenewal notices to certificated employees, including transfer notices to administrators being transferred to a subordinate certificated position, if the omnibus appropriations act has not passed the Legislature by the end of the regular legislative session.

The ESDs have until June 15, rather than May 15, to send contract nonrenewal notices to certificated employees if the omnibus appropriations act has not passed the Legislature by the end of the regular legislative session.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Staff Summary of Public Testimony:**

(In support) The intent of this bill is to provide flexibility to school districts, especially in the rare occurrence that the Legislature should go into overtime.

The Washington Education Association supports the bill exactly as written. This bill will prevent unnecessary reduction-in-force (RIF) notices in years in which the budget is late, and will allow teachers to have the flexibility to find a new job if they are laid off. Any attempt to amend the bill will be opposed, as a later date than June 15 might help school districts, but it would leave teachers in the lurch.

A perception exists that there is not job security in the teaching profession. This perception is associated with layoff and RIF notices in newspaper articles. Layoffs are unusual, but layoff notices must be sent if the state budget is late. The budget has been late the last three biennial budget sessions. Some proponents of the bill would like to see an amendment that would extend the notice requirement to 30 days after the budget has passed. School districts need to be sure that they don't send an improper message, and extending the notice time frame will be helpful.

School administrators do not make RIF notice decisions lightly, but the current law doesn't provide adequate stability or flexibility. Administrators must make decisions early to be safe or they risk not providing the notice in time. This bill will provide a clear process and timeline if the budget is not adopted in a timely manner. Teachers may be concerned about a later notice timeline, but a later notice would be better than an unnecessary RIF. A later notice deadline would be preferable, but support also exists for the current form of the bill.

(Opposed) None.

**Persons Testifying:** Representative Parker, prime sponsor; Wendy Rader-Konofalski, Washington Education Association; Shawn Lewis, Spokane Public Schools; and Dan Steele, Washington Association of School Administrators.

**Persons Signed In To Testify But Not Testifying:** None.