Chapter 28A.405 RCW
CERTIFICATED EMPLOYEES

Sections

28A.405.005 Condensed compliance reports—Second-class districts.

QUALIFICATIONS

28A.405.030 Must teach morality and patriotism.
28A.405.040 Disqualification for failure to emphasize patriotism—Penalty.
28A.405.060 Course of study and regulations—Enforcement—Withholding salary warrant for failure.
28A.405.070 Job sharing.

CRITERIA FOR EVALUATION AND MODEL PROGRAMS

28A.405.100 Minimum criteria for the evaluation of certificated employees—Four-level rating evaluation system—Procedures—Steering committee—Implementation—Reports—Comprehensive performance evaluation.
28A.405.102 Analysis of evaluation systems.
28A.405.104 Professional development funding for new teachers—Districts participating in evaluation system in RCW 28A.405.100 (2) and (6).
28A.405.106 Professional development program to support evaluation systems—Duties of the office of the superintendent of public instruction—Website with professional development materials.
28A.405.110 Evaluations—Legislative findings.
28A.405.120 Training for evaluators.
28A.405.130 Training in evaluation procedures required.
28A.405.140 Assistance for teacher may be required after evaluation.
28A.405.170 Teacher's use of sexual orientation curriculum.

CONDITIONS AND CONTRACTS OF EMPLOYMENT

28A.405.200 Annual salary schedules as basis for salaries of certificated employees.
28A.405.210 Conditions and contracts of employment—Determination of probable cause for nonrenewal of contracts—Nonrenewal due to enrollment decline or revenue loss—Notice—Opportunity for hearing.
28A.405.220 Conditions and contracts of employment—Nonrenewal of provisional employees—Notice—Procedure.
28A.405.230 Conditions and contracts of employment—Transfer of administrator to subordinate certificated position—Notice—Procedure.
28A.405.240 Conditions and contracts of employment—Supplemental contracts, when—Continuing contract provisions not applicable to.
28A.405.245 Transfer of principal to subordinate certificated position—Notice—Procedure.
28A.405.250 Certificated employees, applicants for certificated position, not to be discriminated against—Right to inspect personnel file.
28A.405.260 Use of false academic credentials—Penalties.

28A.405.265 Rights of certificated employees in school districts dissolved due to financial insolvency.

HIRING AND DISCHARGE

28A.405.300 Adverse change in contract status of certificated employee—Determination of probable cause—Notice—Opportunity for hearing.
28A.405.310 Adverse change in contract status of certificated employee, including nonrenewal of contract—Hearings—Procedure.
28A.405.320 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appeal from—Notice—Service—Filing—Contents.
28A.405.330 Adverse change in contract status of certificated employee, including nonrenewal of contract—Notice of appeal—Filing party—Certification and filing.
28A.405.340 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appeal from—Scope.
28A.405.350 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appeal from—Costs, attorney's fee and damages.
28A.405.360 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appellate review.
28A.405.370 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appeal from—Other statutes not applicable.
28A.405.380 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appeal from—Direct judicial appeal, when.

SALARY AND COMPENSATION

28A.405.400 Payroll deductions authorized for employees.
28A.405.410 Payroll deductions authorized for certificated employees—Savings.
28A.405.415 Bonuses—National board for professional standards certification.

MISCELLANEOUS PROVISIONS

28A.405.460 Lunch period for certificated employees.
28A.405.465 Use of classified personnel to supervise in noninstructional activities.
28A.405.466 Presence of certificated personnel at schools before and after school—Policy.

TERMINATION OF CERTIFICATED STAFF

28A.405.470 Crimes against children—Mandatory termination of certificated employees—Appeal—Recovery of salary or compensation by district.
28A.405.475 Termination of certificated employee based on guilty plea or conviction of certain felonies—Notice to superintendent of public instruction—Record of notices.
28A.405.900 Certain certificated employees exempt from chapter provisions.

Assistance of certificated or classified employee—Reimbursement for substitute: RCW 28A.300.035.

Conditional scholarship and loan repayment program for future teachers: Chapter 28B.102 RCW.

Educational employment relations act: Chapter 41.59 RCW.

RCW 28A.405.005 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 s 31.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

QUALIFICATIONS

RCW 28A.405.030 Must teach morality and patriotism. It shall be the duty of all teachers to endeavor to impress on the minds of their pupils the principles of morality, truth, justice, temperance, humanity and patriotism; to teach them to avoid idleness, profanity and falsehood; to instruct them in the principles of free government, and to train them up to the true comprehension of the rights, duty and dignity of American citizenship. [1969 ex.s. c 223 s 28A.67.110. Prior: 1909 c 97 p 308 s 8; RRS s 4855; prior: 1897 c 118 s 58; 1890 p 371 s 42; 1886 p 19 s 50; Code 1881 s 3203. Formerly RCW 28A.67.110, 28.67.110.]

RCW 28A.405.040 Disqualification for failure to emphasize patriotism—Penalty. (1) No person, whose certificate or permit authorizing him or her to teach in the common schools of this state has been revoked due to his or her failure to endeavor to impress on the minds of his or her pupils the principles of patriotism, or to train them up to the true comprehension of the rights, duty and dignity of American citizenship, shall be permitted to teach in any common school in this state.

(2) Any person teaching in any school in violation of this section, and any school director knowingly permitting any person to teach in any school in violation of this section is guilty of a misdemeanor. [2003 c 53 s 167; 1990 c 33 s 384; 1969 ex.s. c 223 s 28A.67.030. Prior: 1919 c 38 s 2; RRS s 4846. Formerly RCW 28A.67.030, 28.67.030.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

RCW 28A.405.060 Course of study and regulations—Enforcement—Withholding salary warrant for failure. Certificated employees shall faithfully enforce in the common schools the course of study and regulations prescribed, whether regulations of the district, the

superintendent of public instruction, or the state board of education, and shall furnish promptly all information relating to the common schools which may be requested by the educational service district superintendent.

Any certificated employee who wilfully refuses or neglects to enforce the course of study or the rules and regulations as above in this section required, shall not be allowed by the directors any warrant for salary due until said person shall have complied with said requirements. [1975 1st ex.s. c 275 s 132; 1971 c 48 s 49; 1969 ex.s. c 223 s 28A.67.060. Prior: (i) 1909 c 97 p 307 s 4; RRS s 4850; prior: 1899 c 142 s 11; 1897 c 118 s 54; 1886 p 18 s 47. Formerly RCW 28.67.060. (ii) 1909 c 97 p 360 s 8; RRS s 5051; prior: 1903 c 156 s 8; 1897 c 118 s 166. Formerly RCW 28A.67.060, 28.87.150.]

RCW 28A.405.070 Job sharing. Effective December 31, 1995, school and educational service districts shall have a policy on the sharing of jobs by district employees. [1995 c 335 s 701; 1989 c 206 s 1. Formerly RCW 28A.58.580.]

Part headings, table of contents not law—1995 c 335: See note following RCW 28A.150.360.

CRITERIA FOR EVALUATION AND MODEL PROGRAMS

RCW 28A.405.100 Minimum criteria for the evaluation of certificated employees—Four-level rating evaluation system—Procedures—Steering committee—Implementation—Reports—Comprehensive performance evaluation. (1)(a) Except as provided in subsection (2) of this section, the superintendent of public instruction shall establish and may amend from time to time minimum criteria for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. For classroom teachers the criteria shall be developed in the following categories: Instructional skill; classroom management, professional preparation and scholarship; effort toward improvement when needed; the handling of student discipline and attendant problems; and interest in teaching pupils and knowledge of subject matter.

(b) Every board of directors shall, in accordance with procedure provided in RCW 41.59.010 through 41.59.170, 41.59.910, and 41.59.920, establish evaluative criteria and procedures for all certificated classroom teachers and certificated support personnel. The evaluative criteria must contain as a minimum the criteria established by the superintendent of public instruction pursuant to this section and must be prepared within six months following adoption of the superintendent of public instruction's minimum criteria. The district must certify to the superintendent of public instruction that evaluative criteria have been so prepared by the district.

(2)(a) Every board of directors shall, in accordance with procedures provided in RCW 41.59.010 through 41.59.170, 41.59.910, and 41.59.920, establish evaluative criteria and a four-level rating system for all certificated classroom teachers.

(b) The minimum criteria shall include: (i) Centering instruction on high expectations for student achievement; (ii) demonstrating effective teaching practices; (iii) recognizing individual student learning needs and developing strategies to address those needs; (iv) providing clear and intentional focus on subject matter content and curriculum; (v) fostering and managing a safe, positive learning environment; (vi) using multiple student data elements to modify instruction and improve student learning; (vii) communicating and collaborating with parents and the school community; and (viii) exhibiting collaborative and collegial practices focused on improving instructional practice and student learning. Student growth data must be a substantial factor in evaluating the performance of certificated classroom teachers for at least three of the evaluation criteria listed in this subsection.

(c) The four-level rating system used to evaluate the certificated classroom teacher must describe performance along a continuum that indicates the extent to which the criteria have been met or exceeded. The performance ratings shall be as follows: Level 1 - unsatisfactory; level 2 - basic; level 3 - proficient; and level 4 - distinguished. A classroom teacher shall receive one of the four performance ratings for each of the minimum criteria in (b) of this subsection and one of the four performance ratings for the evaluation as a whole, which shall be the comprehensive performance rating. The superintendent of public instruction must adopt rules prescribing a common method for calculating the comprehensive performance rating for each of the preferred instructional frameworks, including for a focused performance evaluation under subsection (12) of this section, giving appropriate weight to the indicators evaluated under each criteria and maximizing rater agreement among the frameworks.

(d) The superintendent of public instruction shall adopt rules that provide descriptors for each of the performance ratings with updates to the rules made following consultation with the steering committee described in subsection (7)(a)(i) of this section.

(e) The superintendent of public instruction shall identify up to three preferred instructional frameworks that support the four-level rating evaluation system. The instructional frameworks shall be research-based and establish definitions or rubrics for each of the four performance ratings for each evaluation criteria. Each school district must adopt one of the preferred instructional frameworks and post the selection on the district's website. The superintendent of public instruction shall establish a process for approving minor modifications or adaptations to a preferred instructional framework that may be proposed by a school district.

(f) Student growth data that is relevant to the teacher and subject matter must be a factor in the evaluation process and must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. Student growth data elements may include the teacher's performance as a member of a grade-level, subject matter, or other instructional team within a school when the use of this data is relevant and appropriate. Student growth data elements may also include the teacher's performance as a member of the overall instructional team of a school when use of this data is relevant and appropriate. As used in this subsection, "student growth" means the change in student achievement between two points in time.

(g) Student input may also be included in the evaluation process.

(3)(a) Except as provided in subsection (11) of this section, it shall be the responsibility of a principal or his or her designee to evaluate all certificated personnel in his or her school. During each school year all classroom teachers and certificated support personnel shall be observed for the purposes of evaluation at least twice in the performance of their assigned duties. Total observation time for each employee for each school year shall be not less than sixty minutes. An employee in the third year of provisional status as defined in RCW 28A.405.220 shall be observed at least three times in the performance of his or her duties and the total observation time for the school year shall not be less than ninety minutes. Following each observation, or series of observations, the principal or other evaluator shall promptly document the results of the observation in writing, and shall provide the employee with a copy thereof within three days after such report is prepared. New employees shall be observed at least once for a total observation time of thirty minutes during the first ninety calendar days of their employment period.

(b) As used in this subsection and subsection (4) of this section, "employees" means classroom teachers and certificated support personnel except where otherwise specified.

(4)(a) At any time after October 15th, an employee whose work is not judged satisfactory based on district evaluation criteria shall be notified in writing of the specific areas of deficiencies along with a reasonable program for improvement. For classroom teachers who are required to be on the four-level rating evaluation system, the following comprehensive performance ratings based on the evaluation criteria in subsection (2)(b) of this section mean a classroom teacher's work is not judged satisfactory:

(i) Level 1; or

(ii) Level 2 if the classroom teacher is a continuing contract employee under RCW 28A.405.210 with more than five years of teaching experience and if the level 2 comprehensive performance rating has been received for two consecutive years or for two years within a consecutive three-year time period.

(b) During the period of probation, the employee may not be transferred from the supervision of the original evaluator. Improvement of performance or probable cause for nonrenewal must occur and be documented by the original evaluator before any consideration of a request for transfer or reassignment as contemplated by either the individual or the school district. A probationary period of sixty school days shall be established. Days may be added if deemed necessary to complete a program for improvement and evaluate the probationer's performance, as long as the probationary period is concluded before May 15th of the same school year. The probationary period may be extended into the following school year if the probationer has five or more years of teaching experience and has a comprehensive performance rating as of May 15th of less than level 2. The establishment of a probationary period does not adversely affect the contract status of an employee within the meaning of RCW 28A.405.300. The purpose of the probationary period is to give the employee opportunity to demonstrate improvements in his or her areas of deficiency. The establishment of the probationary period and the giving of the notice to the employee of deficiency shall be by the school district superintendent and need not be submitted to the board of directors for approval. During the probationary period the evaluator shall meet with the employee at least twice monthly to supervise and make a written evaluation of the progress, if any, made

by the employee. The evaluator may authorize one additional certificated employee to evaluate the probationer and to aid the employee in improving his or her areas of deficiency. Should the evaluator not authorize such additional evaluator, the probationer may request that an additional certificated employee evaluator become part of the probationary process and this request must be implemented by including an additional experienced evaluator assigned by the educational service district in which the school district is located and selected from a list of evaluation specialists compiled by the educational service district. Such additional certificated employee shall be immune from any civil liability that might otherwise be incurred or imposed with regard to the good faith performance of such evaluation. If a procedural error occurs in the implementation of a program for improvement, the error does not invalidate the probationer's plan for improvement or evaluation activities unless the error materially affects the effectiveness of the plan or the ability to evaluate the probationer's performance. The probationer must be removed from probation if he or she has demonstrated improvement to the satisfaction of the evaluator in those areas specifically detailed in his or her initial notice of deficiency and subsequently detailed in his or her program for improvement. A classroom teacher who is required to be on the four-level rating evaluation system must be removed from probation if he or she has demonstrated improvement that results in a new comprehensive performance rating of level 2 or above for a provisional employee or a continuing contract employee with five or fewer years of experience, or of level 3 or above for a continuing contract employee with more than five years of experience. Lack of necessary improvement during the established probationary period, as specifically documented in writing with notification to the probationer constitutes grounds for a finding of probable cause under RCW 28A.405.300 or 28A.405.210.

(c) When a continuing contract employee with five or more years of experience receives a comprehensive performance rating below level 2 for two consecutive years, the school district shall, within ten days of the completion of the second comprehensive performance evaluation or May 15th, whichever occurs first, implement the employee notification of discharge as provided in RCW 28A.405.300.

(d) Immediately following the completion of a probationary period that does not produce performance changes detailed in the initial notice of deficiencies and program for improvement, the employee may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year. In the case of a classroom teacher who is required to be on the four-level rating evaluation system, the teacher may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year immediately following the completion of a probationary period that does not result in the required comprehensive performance ratings specified in (b) of this subsection. This reassignment may not displace another employee nor may it adversely affect the probationary employee's compensation or benefits for the remainder of the employee's contract year. If such reassignment is not possible, the district may, at its option, place the employee on paid leave for the balance of the contract term.

(5) Every board of directors shall establish evaluative criteria and procedures for all superintendents, principals, and other administrators. It shall be the responsibility of the district superintendent or his or her designee to evaluate all administrators.

Except as provided in subsection (6) of this section, such evaluation shall be based on the administrative position job description. Such criteria, when applicable, shall include at least the following categories: Knowledge of, experience in, and training in recognizing good professional performance, capabilities and development; school administration and management; school finance; professional preparation and scholarship; effort toward improvement when needed; interest in pupils, employees, patrons and subjects taught in school; leadership; and ability and performance of evaluation of school personnel.

(6)(a) Every board of directors shall establish evaluative criteria and a four-level rating system for principals.

(b) The minimum criteria shall include: (i) Creating a school culture that promotes the ongoing improvement of learning and teaching for students and staff; (ii) demonstrating commitment to closing the achievement gap; (iii) providing for school safety; (iv) leading the development, implementation, and evaluation of a data-driven plan for increasing student achievement, including the use of multiple student data elements; (v) assisting instructional staff with alignment of curriculum, instruction, and assessment with state and local district learning goals; (vi) monitoring, assisting, and evaluating effective instruction and assessment practices; (vii) managing both staff and fiscal resources to support student achievement and legal responsibilities; and (viii) partnering with the school community to promote student learning. Student growth data must be a substantial factor in evaluating the performance of the principal for at least three of the evaluation criteria listed in this subsection.

(c) The four-level rating system used to evaluate the principal must describe performance along a continuum that indicates the extent to which the criteria have been met or exceeded. The performance ratings shall be as follows: Level 1 - unsatisfactory; level 2 - basic; level 3 - proficient; and level 4 - distinguished. A principal shall receive one of the four performance ratings for each of the minimum criteria in (b) of this subsection and one of the four performance ratings for the evaluation as a whole, which shall be the comprehensive performance rating.

(d) The superintendent of public instruction shall adopt rules that provide descriptors for each of the performance ratings, with updates to the rules made following consultation with the steering committee described in subsection (7)(a)(i) of this section.

(e) The superintendent of public instruction shall identify up to three preferred leadership frameworks that support the four-level rating evaluation system. The leadership frameworks shall be research-based and establish definitions or rubrics for each of the four performance ratings for each evaluation criteria. Each school district shall adopt one of the preferred leadership frameworks and post the selection on the district's website. The superintendent of public instruction shall establish a process for approving minor modifications or adaptations to a preferred leadership framework that may be proposed by a school district.

(f) Student growth data that is relevant to the principal must be a factor in the evaluation process and must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. As used in this subsection, "student growth" means the change in student achievement between two points in time.

(g) Input from building staff may also be included in the evaluation process.

(h) The following comprehensive performance ratings mean a principal's work is not judged satisfactory:

(i) Level 1; or

(ii) Level 2 if the principal has more than five years of experience in the principal role and if the level 2 comprehensive performance rating has been received for two consecutive years or for two years within a consecutive three-year time period.

(7)(a)(i) The steering committee is composed of the following participants: State associations representing teachers, principals, administrators, school board members, and parents.

(ii) The superintendent of public instruction, in collaboration with the steering committee, shall periodically examine implementation issues and refine tools for the teacher and principal four-level rating evaluation systems, including professional learning that addresses issues of equity through the lens of the selected instructional and leadership frameworks.

(b) The superintendent of public instruction shall monitor the statewide implementation of teacher and principal four-level rating evaluation systems using data reported under RCW 28A.150.230 as well as periodic input from focus groups of administrators, principals, and teachers.

(8)(a) Beginning with the 2015-16 school year, evaluation results for certificated classroom teachers and principals must be used as one of multiple factors in making human resource and personnel decisions. Human resource decisions include, but are not limited to: Staff assignment, including the consideration of an agreement to an assignment by an appropriate teacher, principal, and superintendent; and reduction in force. Nothing in this section limits the ability to collectively bargain how the multiple factors shall be used in making human resource or personnel decisions, with the exception that evaluation results must be a factor.

(b) The office of the superintendent of public instruction must, in accordance with RCW 43.01.036, report to the legislature and the governor regarding the school district implementation of the provisions of (a) of this subsection by December 1, 2019, and December 1, 2020.

(9) Each certificated classroom teacher and certificated support personnel shall have the opportunity for confidential conferences with his or her immediate supervisor on no less than two occasions in each school year. Such confidential conference shall have as its sole purpose the aiding of the administrator in his or her assessment of the employee's professional performance.

(10) The failure of any evaluator to evaluate or supervise or cause the evaluation or supervision of certificated classroom teachers and certificated support personnel or administrators in accordance with this section, as now or hereafter amended, when it is his or her specific assigned or delegated responsibility to do so, shall be sufficient cause for the nonrenewal of any such evaluator's contract under RCW 28A.405.210, or the discharge of such evaluator under RCW 28A.405.300.

(11) After a certificated classroom teacher who is not required to be on the four-level rating evaluation system or a certificated support personnel has four years of satisfactory evaluations under subsection (1) of this section, a school district may use a short form of evaluation, a locally bargained evaluation emphasizing professional

growth, an evaluation under subsection (1) or (2) of this section, or any combination thereof. The short form of evaluation shall include either a thirty minute observation during the school year with a written summary or a final annual written evaluation based on the criteria in subsection (1) or (2) of this section and based on at least two observation periods during the school year totaling at least sixty minutes without a written summary of such observations being prepared. A locally bargained short-form evaluation emphasizing professional growth must provide that the professional growth activity conducted by the certificated classroom teacher be specifically linked to one or more of the certificated classroom teacher evaluation criteria. However, the evaluation process set forth in subsection (1) or (2) of this section shall be followed at least once every three years unless this time is extended by a local school district under the bargaining process set forth in chapter 41.59 RCW. The employee or evaluator may require that the evaluation process set forth in subsection (1) or (2) of this section be conducted in any given school year. No evaluation other than the evaluation authorized under subsection (1) or (2) of this section may be used as a basis for determining that an employee's work is not satisfactory under subsection (1) or (2) of this section or as probable cause for the nonrenewal of an employee's contract under RCW 28A.405.210 unless an evaluation process developed under chapter 41.59 RCW determines otherwise.

(12) Certificated classroom teachers and principals who are required to be on the four-level rating evaluation system must receive annual performance evaluations as provided in this subsection (12).

(a) A comprehensive performance evaluation assesses all eight evaluation criteria and all criteria contribute to the comprehensive performance rating. Classroom teachers and principals must receive a comprehensive performance evaluation according to the schedule specified in (b) of this subsection.

(b)(i) Except as otherwise provided in this subsection (12)(b), classroom teachers and principals must receive a comprehensive performance evaluation at least once every six years.

(ii) The following types of classroom teachers and principals must receive an annual comprehensive performance evaluation:

(A) A classroom teacher who is a provisional employee under RCW 28A.405.220;

(B) A principal in the first three consecutive school years of employment as a principal;

(C) A principal previously employed as a principal by another school district in the state of Washington for three or more consecutive school years and in the first full year as a principal in the school district; and

(D) A classroom teacher or principal who received a comprehensive performance rating of level 1 or level 2 in the previous school year.

(c)(i) In the years when a comprehensive performance evaluation is not required, classroom teachers and principals who received a comprehensive performance rating of level 3 or above in their previous comprehensive performance evaluation are required to complete a focused performance evaluation. A focused performance evaluation includes an assessment of one of the eight criteria selected for a performance rating plus professional growth activities specifically linked to the selected criteria.

(ii) The selected criteria must be approved by the teacher's or principal's evaluator and may have been identified in a previous

comprehensive performance evaluation as benefiting from additional attention. A group of teachers may focus on the same evaluation criteria and share professional growth activities. A group of principals may focus on the same evaluation criteria and share professional growth activities.

(iii) The evaluator must assign a performance rating for the focused performance evaluation using the methodology adopted by the superintendent of public instruction for the instructional or leadership framework being used.

(iv) A teacher or principal may be transferred from a focused performance evaluation to a comprehensive performance evaluation at the request of the teacher or principal, or at the direction of the teacher's or principal's evaluator.

(v) Due to the importance of instructional leadership and assuring rater agreement among evaluators, particularly those evaluating teacher performance, school districts are encouraged to conduct comprehensive performance evaluations of principals on an annual basis.

(vi) A classroom teacher or principal may apply the focused performance evaluation professional growth activities toward the professional growth plan for certificate renewal as required by the Washington professional educator standards board.

(13) Each school district is encouraged to acknowledge and recognize classroom teachers and principals who have attained level 4 - distinguished performance ratings. [2019 c 295 s 303; 2012 c 35 s 1; 2010 c 235 s 202; 1997 c 278 s 1; 1994 c 115 s 1; 1990 c 33 s 386; 1985 c 420 s 6; 1975-'76 2nd ex.s. c 114 s 3; 1975 1st ex.s. c 288 s 22; 1969 ex.s. c 34 s 22. Formerly RCW 28A.67.065.]

Effective date—Findings—Intent—2019 c 295: See notes following RCW 28A.310.235.

Findings—Intent—2019 c 295: See notes following RCW 28B.10.033.

Intent—2019 c 295: See note following RCW 28B.102.030.

Findings—Intent—2019 c 295: See note following RCW 28A.415.265.

Findings—Intent—2019 c 295: See note following RCW 28A.180.120.

Finding—2010 c 235: See note following RCW 28A.405.245.

Effective date—1994 c 115: "This act shall take effect September 1, 1994." [1994 c 115 s 2.]

Severability—1985 c 420: See note following RCW 28A.405.110.

Savings—Severability—1975-'76 2nd ex.s. c 114: See notes following RCW 28A.400.010.

Effective date—1975 1st ex.s. c 288: See RCW 41.59.940.

Construction of chapter—Employee's rights preserved: See RCW 41.59.920.

Construction of chapter—Employer's responsibilities and rights preserved: See RCW 41.59.930.

Criteria used for evaluation of staff members to be included in guide: RCW 28A.150.230.

RCW 28A.405.102 Analysis of evaluation systems. (1) Representatives of the office of the superintendent of public instruction and statewide associations representing administrators, principals, human resources specialists, and certificated classroom teachers shall analyze how the evaluation systems in RCW 28A.405.100 (2) and (6) affect issues related to a change in contract status.

(2) The analysis shall be conducted during each of the phase-in years of the certificated classroom teacher and principal evaluation systems. The analysis shall include: Procedures, timelines, probationary periods, appeal procedures, and other items related to the timely exercise of employment decisions and due process provisions for certificated classroom teachers and principals. [2010 c 235 s 204.]

Finding—2010 c 235: See note following RCW 28A.405.245.

RCW 28A.405.104 Professional development funding for new teachers—Districts participating in evaluation system in RCW 28A.405.100 (2) and (6). If funds are provided for professional development activities designed specifically for first through third-year teachers, the funds shall be allocated first to districts participating in the evaluation systems in RCW 28A.405.100 (2) and (6) before the required implementation date under that section. [2010 c 235 s 205.]

Finding—2010 c 235: See note following RCW 28A.405.245.

RCW 28A.405.106 Professional development program to support evaluation systems—Duties of the office of the superintendent of public instruction—Website with professional development materials. (1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction must develop and make available a professional development program to support the implementation of the evaluation systems required by RCW 28A.405.100. The program components may be organized into professional development modules for principals, administrators, and teachers. The professional development program shall include a comprehensive online training package.

(2) The training program must include, but not be limited to, the following topics:

(a) Introduction of the evaluation criteria for teachers and principals and the four-level rating system;

(b) Orientation to and use of instructional frameworks;

(c) Orientation to and use of the leadership frameworks;

(d) Best practices in developing and using data in the evaluation systems, including multiple measures, student growth data, classroom observations, and other measures and evidence;

(e) Strategies for achieving maximum rater agreement;

(f) Evaluator feedback protocols in the evaluation systems;

(g) Examples of high quality teaching and leadership; and

(h) Methods to link the evaluation process to ongoing educator professional development.

(3) The training program must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum. The content of the training must be aligned with the standards of practice developed by the Washington professional educator standards board under RCW 28A.410.260. The office of the superintendent of public instruction, in consultation with the Washington professional educator standards board, the steering committee established in RCW 28A.405.100, and the educational opportunity gap oversight and accountability committee, must integrate the content for cultural competence into the overall training for principals, administrators, and teachers to support the revised evaluation systems.

(4) To the maximum extent feasible, the professional development program must incorporate or adapt existing online training or curriculum, including securing materials or curriculum under contract or purchase agreements within available funds. Multiple modes of instruction should be incorporated including videos of classroom teaching, participatory exercises, and other engaging combinations of online audio, video, and print presentation.

(5) The professional development program must be developed in modules that allow:

(a) Access to material over a reasonable number of training sessions;

(b) Delivery in person or online; and

(c) Use in a self-directed manner.

(6) The office of the superintendent of public instruction must maintain a website that includes the online professional development materials along with sample evaluation forms and templates, links to relevant research on evaluation and on high quality teaching and leadership, samples of contract and collective bargaining language on key topics, examples of multiple measures of teacher and principal performance, suggestions for data to measure student growth, and other tools that will assist school districts in implementing the revised evaluation systems.

(7) The office of the superintendent of public instruction must identify the number of in-service training hours associated with each professional development module and develop a way for users to document their completion of the training. Documented completion of the training under this section is considered approved in-service training for the purposes of *RCW 28A.415.020.

(8) The office of the superintendent of public instruction shall periodically update the modules to reflect new topics and research on performance evaluation so that the training serves as an ongoing source of continuing education and professional development.

(9) The office of the superintendent of public instruction shall work with the educational service districts to provide clearinghouse services for the identification and publication of professional development opportunities for teachers and principals that align with performance evaluation criteria. [2021 c 197 s 10; 2016 c 72 s 202; 2012 c 35 s 5.]

***Reviser's note:** RCW 28A.415.020 was repealed by 2018 c 266 s 411.

Finding—Intent—2021 c 197: See note following RCW 28A.415.443.

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

RCW 28A.405.110 Evaluations—Legislative findings. The legislature recognizes the importance of teachers in the educational system. Teachers are the fundamental element in assuring a quality education for the state's and the nation's children. Teachers, through their direct contact with children, have a great impact on the development of the child. The legislature finds that this important role of the teacher requires an assurance that teachers are as successful as possible in attaining the goal of a well-educated society. The legislature finds, therefore, that the evaluation of those persons seeking to enter the teaching profession is no less important than the evaluation of those persons currently teaching. The evaluation of persons seeking teaching credentials should be strenuous while making accommodations uniquely appropriate to the applicants. Strenuous teacher training and preparation should be complemented by examinations of prospective teachers prior to candidates being granted official certification by the professional educator standards board. Teacher preparation program entrance evaluations, teacher training, teacher preparation program exit examinations, official certification, in-service training, and ongoing evaluations of individual progress and professional growth are all part of developing and maintaining a strong precertification and postcertification professional education system.

The legislature further finds that an evaluation system for teachers has the following elements, goals, and objectives: (1) An evaluation system must be meaningful, helpful, and objective; (2) an evaluation system must encourage improvements in teaching skills, techniques, and abilities by identifying areas needing improvement; (3) an evaluation system must provide a mechanism to make meaningful distinctions among teachers and to acknowledge, recognize, and encourage superior teaching performance; and (4) an evaluation system must encourage respect in the evaluation process by the persons conducting the evaluations and the persons subject to the evaluations through recognizing the importance of objective standards and minimizing subjectivity. [2006 c 263 s 806; 1985 c 420 s 1. Formerly RCW 28A.67.205.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Contingency—Effective date—1985 c 420: "If specific funding for the purposes of this act, referencing this act by bill number, is not provided by the legislature by July 1, 1987, sections 1 through 5 and 7 through 10 of this act shall be null and void. This act shall be of no effect unless such specific funding is so provided. If such funding is so provided, this act shall take effect when the legislation providing the funding takes effect." [1985 c 420 s 11.]

Reviser's note: (1) 1985 ex.s. c 6 s 501 provides specific funding for the purposes of this act.

(2) 1985 ex.s. c 6 took effect June 27, 1985.

Severability—1985 c 420: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1985 c 420 s 12.]

RCW 28A.405.120 Training for evaluators. (1) School districts shall require each administrator, each principal, or other supervisory personnel who has responsibility for evaluating classroom teachers or principals to have training in evaluation procedures.

(2) Before school district implementation of the revised evaluation systems required under RCW 28A.405.100, principals and administrators who have evaluation responsibilities must engage in professional development designed to implement the revised systems and maximize rater agreement. The professional development to support the revised evaluation systems must also include foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition. [2016 c 72 s 203; 2012 c 35 s 2; 1995 c 335 s 401; 1985 c 420 s 3. Formerly RCW 28A.67.210.]

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

Part headings, table of contents not law—1995 c 335: See note following RCW 28A.150.360.

Contingency—Effective date—Severability—1985 c 420: See notes following RCW 28A.405.110.

RCW 28A.405.130 Training in evaluation procedures required. (1) No administrator, principal, or other supervisory personnel may evaluate a teacher without having received training in evaluation procedures.

(2) Before evaluating classroom teachers using the evaluation systems required under RCW 28A.405.100, principals and administrators must engage in professional development designed to implement the revised systems and maximize rater agreement. [2012 c 35 s 3; 1985 c 420 s 4. Formerly RCW 28A.67.215.]

Effective date—1985 c 420 s 4: "Section 4 of this act shall take effect September 1, 1986." [1985 c 420 s 10.]

Contingency—Effective date—Severability—1985 c 420: See notes following RCW 28A.405.110.

RCW 28A.405.140 Assistance for teacher may be required after evaluation. After an evaluation conducted pursuant to RCW 28A.405.100, the principal or the evaluator may require the teacher to take in-service training provided by the district in the area of teaching skills needing improvement, and may require the teacher to

have a mentor for purposes of achieving such improvement. [1993 c 336 s 403; 1990 c 33 s 387; 1985 c 420 s 5. Formerly RCW 28A.67.220.]

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.150.210.

Contingency—Effective date—Severability—1985 c 420: See notes following RCW 28A.405.110.

RCW 28A.405.170 Teacher's use of sexual orientation curriculum. A teacher's evaluation under RCW 28A.405.100 may not be negatively impacted if a teacher chooses to use curriculum or instructional materials that address subject matter related to sexual orientation including gender expression or identity so long as the subject matter is age-appropriate and connected to the teacher's content area. [2019 c 194 s 4.]

CONDITIONS AND CONTRACTS OF EMPLOYMENT

RCW 28A.405.200 Annual salary schedules as basis for salaries of certificated employees. Every school district by action of its board of directors shall adopt annual salary schedules and reproduce the same by printing, mimeographing or other reasonable method, which shall be the basis for salaries for all certificated employees in the district. [1969 ex.s. c 283 s 1. Formerly RCW 28A.67.066, 28.67.066.]

Severability—1969 ex.s. c 283: See note following RCW 28A.150.050.

RCW 28A.405.210 Conditions and contracts of employment—Determination of probable cause for nonrenewal of contracts—Nonrenewal due to enrollment decline or revenue loss—Notice—Opportunity for hearing. (1) No teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with a school district, hereinafter referred to as "employee," shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he or she is the holder of an effective teacher's certificate or other certificate required by law or the Washington professional educator standards board for the position for which the employee is employed.

(2)(a) The board shall make with each employee employed by it a written contract, which shall be in conformity with the laws of this state, and except as otherwise provided by law and under (b) of this subsection, limited to a term of not more than one year. Every such contract shall be made in duplicate, one copy to be retained by the school district superintendent or secretary and one copy to be delivered to the employee. No contract shall be offered by any board for the employment of any employee who has previously signed an employment contract for that same term in another school district of

the state of Washington unless such employee shall have been released from his or her obligations under such previous contract by the board of directors of the school district to which he or she was obligated. Any contract signed in violation of this provision shall be void.

(b) A written contract made by a board with a principal under (a) of this subsection may be for a term of up to three years if the principal has: (i) Been employed as a principal for three or more consecutive years; (ii) been recommended by the superintendent as a candidate for a two or three-year contract because the principal has demonstrated the ability to stabilize instructional practices and received a comprehensive performance rating of level 3 or above in their most recent comprehensive performance evaluation under RCW 28A.405.100; and (iii) met the school district's requirements for satisfying an updated record check under RCW 28A.400.303. A written contract made by a board with a principal under (a) of this subsection for a term of three years may not be renewed before the final year of the contract.

(3) In the event it is determined that there is probable cause or causes that the employment contract of an employee should not be renewed by the district for the next ensuing term such employee shall be notified in writing on or before May 15th preceding the commencement of such term of that determination, or if the omnibus appropriations act has not passed the legislature by the end of the regular legislative session for that year, then notification shall be no later than June 15th, which notification shall specify the cause or causes for nonrenewal of contract. Such determination of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent. Such notice shall be served upon the employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the president, chair or secretary of the board of directors of the district within 10 days after receiving such notice, shall be granted opportunity for hearing pursuant to RCW 28A.405.310 to determine whether there is sufficient cause or causes for nonrenewal of contract: PROVIDED, That any employee receiving notice of nonrenewal of contract due to an enrollment decline or loss of revenue may, in his or her request for a hearing, stipulate that initiation of the arrangements for a hearing officer as provided for by RCW 28A.405.310(4) shall occur within 10 days following July 15 rather than the day that the employee submits the request for a hearing. If any such notification or opportunity for hearing is not timely given, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his or her employment had actually been renewed by the board of directors for such ensuing term.

(4) This section shall not be applicable to "provisional employees" as so designated in RCW 28A.405.220; transfer to a subordinate certificated position as that procedure is set forth in RCW 28A.405.230 or 28A.405.245 shall not be construed as a nonrenewal of contract for the purposes of this section. [2023 c 362 s 1; 2016 c 85 s 1; 2010 c 235 s 303; 2009 c 57 s 1; 2005 c 497 s 216; 1996 c 201 s 1; 1990 c 33 s 390. Prior: 1983 c 83 s 1; 1983 c 56 s 11; 1975-'76 2nd ex.s. c 114 s 4; 1975 1st ex.s. c 275 s 133; 1973 c 49 s 2; 1970 ex.s. c 15 s 16; prior: 1969 ex.s. c 176 s 143; 1969 ex.s. c 34 s 12;

1969 ex.s. c 15 s 2; 1969 ex.s. c 223 s 28A.67.070; prior: 1961 c 241 s 1; 1955 c 68 s 3; prior: (i) 1909 c 97 p 307 s 5; 1897 c 118 s 55; 1891 c 127 s 14; 1890 p 369 s 37; 1886 p 18 s 47; Code 1881 s 3200; RRS s 4851. (ii) 1943 c 52 s 1, part; 1941 c 179 s 1, part; 1939 c 131 s 1, part; 1925 ex.s. c 57 s 1, part; 1919 c 89 s 3, part; 1915 c 44 s 1, part; 1909 c 97 p 285 s 2, part; 1907 c 240 s 5, part; 1903 c 104 s 17, part; 1901 c 41 s 3, part; 1897 c 118 s 40, part; 1890 p 364 s 26, part; Rem. Supp. 1943 s 4776, part. Formerly RCW 28A.67.070, 28.67.070.]

Effective date—2016 c 85: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 31, 2016]." [2016 c 85 s 6.]

Finding—2010 c 235: See note following RCW 28A.405.245.

Effective date—2009 c 57: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 10, 2009]." [2009 c 57 s 5.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Severability—1983 c 56: See note following RCW 28A.195.010.

Savings—Severability—1975-'76 2nd ex.s. c 114: See notes following RCW 28A.400.010.

Severability—1970 ex.s. c 15: See note following RCW 28A.230.160.

Rights preserved—Severability—1969 ex.s. c 176: See notes following RCW 28A.310.010.

Minimum criteria for the evaluation of certificated employees—Four-level rating evaluation system—Procedures—Steering committee—Implementation—Reports—Comprehensive performance evaluation: RCW 28A.405.100.

School superintendent—RCW 28A.405.210 not applicable to contract renewal: RCW 28A.400.010.

RCW 28A.405.220 Conditions and contracts of employment—Nonrenewal of provisional employees—Notice—Procedure. (1) Notwithstanding the provisions of RCW 28A.405.210, every person employed by a school district in a teaching or other nonsupervisory certificated position shall be subject to nonrenewal of employment contract as provided in this section during the first three years of employment by such district, unless: (a) The employee has previously completed at least two years of certificated employment in another school district in the state of Washington, in which case the employee shall be subject to nonrenewal of employment contract pursuant to this

section during the first year of employment with the new district; or (b) the employee has received an evaluation rating below level 2 on the four-level rating system established under RCW 28A.405.100 during the third year of employment, in which case the employee shall remain subject to the nonrenewal of the employment contract until the employee receives a level 2 rating; or (c) the school district superintendent may make a determination to remove an employee from provisional status if the employee has received one of the top two evaluation ratings during the second year of employment by the district. Employees as defined in this section shall hereinafter be referred to as "provisional employees."

(2) The superintendent of the school district may not renew the employment contract of a provisional employee licensed under the interstate teacher mobility compact in chapter 28A.420 RCW for a third year if the provisional employee has not yet completed both the issues of abuse course described in RCW 28A.410.035 and the equity-based school practices requirements under RCW 28A.410.277.

(3) In the event the superintendent of the school district determines that the employment contract of any provisional employee should not be renewed by the district for the next ensuing term such provisional employee shall be notified thereof in writing on or before May 15th preceding the commencement of such school term, or if the omnibus appropriations act has not passed the legislature by the end of the regular legislative session for that year, then notification shall be no later than June 15th, which notification shall state the reason or reasons for such determination. Such notice shall be served upon the provisional employee personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein. The determination of the superintendent shall be subject to the evaluation requirements of RCW 28A.405.100.

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

(5) Within ten days following the meeting with the provisional employee, the superintendent shall either reinstate the provisional employee or shall submit to the school district board of directors for consideration at its next regular meeting a written report recommending that the employment contract of the provisional employee be nonrenewed and stating the reason or reasons therefor. A copy of such report shall be delivered to the provisional employee at least three days prior to the scheduled meeting of the board of directors. In taking action upon the recommendation of the superintendent, the board of directors shall consider any written communication which the provisional employee may file with the secretary of the board at any time prior to that meeting.

(6) The board of directors shall notify the provisional employee in writing of its final decision within ten days following the meeting

at which the superintendent's recommendation was considered. The decision of the board of directors to nonrenew the contract of a provisional employee shall be final and not subject to appeal.

(7) This section applies to any person employed by a school district in a teaching or other nonsupervisory certificated position after June 25, 1976. This section provides the exclusive means for nonrenewing the employment contract of a provisional employee and no other provision of law shall be applicable thereto, including, without limitation, RCW 28A.405.210 and chapter 28A.645 RCW. [2024 c 317 s 14; 2016 c 85 s 2; 2012 c 35 s 7; 2010 c 235 s 203; 2009 c 57 s 2; 1996 c 201 s 2; 1992 c 141 s 103; 1990 c 33 s 391; 1975-'76 2nd ex.s. c 114 s 1. Formerly RCW 28A.67.072.]

Effective date—2016 c 85: See note following RCW 28A.405.210.

Finding—2010 c 235: See note following RCW 28A.405.245.

Effective date—2009 c 57: See note following RCW 28A.405.210.

Effective date—1992 c 141 s 103: "Section 103 of this act shall take effect July 1, 1992." [1992 c 141 s 105.]

Findings—Part headings—Severability—1992 c 141: See notes following RCW 28A.410.040.

Savings—Severability—1975-'76 2nd ex.s. c 114: See notes following RCW 28A.400.010.

RCW 28A.405.230 Conditions and contracts of employment—Transfer of administrator to subordinate certificated position—Notice—Procedure. Any certificated employee of a school district employed as an assistant superintendent, director, principal, assistant principal, coordinator, or in any other supervisory or administrative position, hereinafter in this section referred to as "administrator", shall be subject to transfer, at the expiration of the term of his or her employment contract, to any subordinate certificated position within the school district. "Subordinate certificated position" as used in this section, shall mean any administrative or nonadministrative certificated position for which the annual compensation is less than the position currently held by the administrator.

Every superintendent determining that the best interests of the school district would be served by transferring any administrator to a subordinate certificated position shall notify that administrator in writing on or before May 15th preceding the commencement of such school term of that determination, or if the omnibus appropriations act has not passed the legislature by the end of the regular legislative session for that year, then notification shall be no later than June 15th, which notification shall state the reason or reasons for the transfer, and shall identify the subordinate certificated position to which the administrator will be transferred. Such notice shall be served upon the administrator personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein.

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

This section applies to any person employed as an administrator by a school district on June 25, 1976, and to all persons so employed at any time thereafter, except that RCW 28A.405.245 applies to persons first employed after June 10, 2010, as a principal by a school district meeting the criteria of RCW 28A.405.245. This section provides the exclusive means for transferring an administrator subject to this section to a subordinate certificated position at the expiration of the term of his or her employment contract. [2016 c 85 s 3; 2010 c 235 s 304; 2009 c 57 s 3; 1996 c 201 s 3; 1990 c 33 s 392; 1975-'76 2nd ex.s. c 114 s 9. Formerly RCW 28A.67.073.]

Effective date—2016 c 85: See note following RCW 28A.405.210.

Finding—2010 c 235: See note following RCW 28A.405.245.

Effective date—2009 c 57: See note following RCW 28A.405.210.

Savings—Severability—1975-'76 2nd ex.s. c 114: See notes following RCW 28A.400.010.

RCW 28A.405.240 Conditions and contracts of employment—Supplemental contracts, when—Continuing contract provisions not applicable to. No certificated employee shall be required to perform duties not described in the contract unless a new or supplemental contract is made, except that in an unexpected emergency the board of directors or school district administration may require the employee to perform other reasonable duties on a temporary basis.

No supplemental contract shall be subject to the continuing contract provisions of this title. [1990 c 33 s 393; 1985 c 341 s 15; 1969 ex.s. c 283 s 2. Formerly RCW 28A.67.074, 28.67.074.]

Severability—1969 ex.s. c 283: See note following RCW 28A.150.050.

RCW 28A.405.240 not applicable to contract renewal of school superintendent: RCW 28A.400.010.

RCW 28A.405.245 Transfer of principal to subordinate certificated position—Notice—Procedure. (1) Any certificated employee of a school district under this section who is first employed as a principal after June 10, 2010, shall be subject to transfer as provided under this section, at the expiration of the term of his or her employment contract, to any subordinate certificated position within the school district. "Subordinate certificated position" as used in this section means any administrative or nonadministrative certificated position for which the annual compensation is less than the position currently held by the administrator. This section applies only to school districts with an annual average student enrollment of more than thirty-five thousand full-time equivalent students.

(2) During the first three consecutive school years of employment as a principal by the school district, or during the first full school year of such employment in the case of a principal who has been previously employed as a principal by another school district in the state for three or more consecutive school years, the transfer of the principal to a subordinate certificated position may be made by a determination of the superintendent that the best interests of the school district would be served by the transfer.

(3) Commencing with the fourth consecutive school year of employment as a principal, or the second consecutive school year of such employment in the case of a principal who has been previously employed as a principal by another school district in the state for three or more consecutive school years, the transfer of the principal to a subordinate certificated position shall be based on the superintendent's determination that the results of the evaluation of the principal's performance using the evaluative criteria and rating system established under RCW 28A.405.100 provide a valid reason for the transfer without regard to whether there is probable cause for the transfer. If a valid reason is shown, it shall be deemed that the transfer is reasonably related to the principal's performance. No probationary period is required. However, provision of support and an attempt at remediation of the performance of the principal, as defined by the superintendent, are required for a determination by the superintendent under this subsection that the principal should be transferred to a subordinate certificated position.

(4) Any superintendent transferring a principal under this section to a subordinate certificated position shall notify that principal in writing on or before May 15th before the beginning of the school year of that determination, or if the omnibus appropriations act has not passed the legislature by the end of the regular legislative session for that year, then notification shall be no later than June 15th. The notification shall state the reason or reasons for the transfer and shall identify the subordinate certificated position

to which the principal will be transferred. The notification shall be served upon the principal personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein.

(5) Any principal so notified may request to the president or chair of the board of directors of the district, in writing and within ten days after receiving notice, an opportunity to meet informally with the board of directors in an executive session for the purpose of requesting the board to reconsider the decision of the superintendent, and shall be given such opportunity. The board, upon receipt of such request, shall schedule the meeting for no later than the next regularly scheduled meeting of the board, and shall give the principal written notice at least three days before the meeting of the date, time, and place of the meeting. At the meeting the principal shall be given the opportunity to refute any evidence upon which the determination was based and to make any argument in support of his or her request for reconsideration. The principal and the board may invite their respective legal counsel to be present and to participate at the meeting. The board shall notify the principal in writing of its final decision within ten days following its meeting with the principal. No appeal to the courts shall lie from the final decision of the board of directors to transfer a principal to a subordinate certificated position.

(6) This section provides the exclusive means for transferring a certificated employee first employed by a school district under this section as a principal after June 10, 2010, to a subordinate certificated position at the expiration of the term of his or her employment contract. [2016 c 85 s 4; 2010 c 235 s 302.]

Effective date—2016 c 85: See note following RCW 28A.405.210.

Finding—2010 c 235: "The legislature finds that the presence of highly effective principals in schools has never been more important than it is today. To enable students to meet high academic standards, principals must lead and encourage teams of teachers and support staff to work together, align curriculum and instruction, use student data to target instruction and intervention strategies, and serve as the chief school officer with parents and the community. Greater responsibility should come with greater authority over personnel, budgets, resource allocation, and programs. But greater responsibility also comes with greater accountability for outcomes. Washington is putting into place an updated and rigorous system of evaluating principal performance, one that will measure what matters. This system will never be truly effective unless the results are meaningfully used." [2010 c 235 s 301.]

RCW 28A.405.250 Certificated employees, applicants for certificated position, not to be discriminated against—Right to inspect personnel file. The board of directors of any school district, its employees or agents shall not discriminate in any way against any applicant for a certificated position or any certificated employee

(1) On account of his or her membership in any lawful organization, or

(2) For the orderly exercise during off-school hours of any rights guaranteed under the law to citizens generally, or

(3) For family relationship, except where covered by chapter 42.23 RCW.

The school district personnel file on any certificated employee in the possession of the district, its employees, or agents shall not be withheld at any time from the inspection of that employee. [1990 c 33 s 394; 1969 ex.s. c 34 s 21. Formerly RCW 28A.58.445.]

Code of ethics for municipal officers—Contract interests: Chapter 42.23 RCW.

RCW 28A.405.260 Use of false academic credentials—Penalties. A person who issues or uses a false academic credential is subject to RCW 28B.85.220 and 9A.60.070. [2006 c 234 s 5.]

RCW 28A.405.265 Rights of certificated employees in school districts dissolved due to financial insolvency. Notwithstanding the provisions of RCW 28A.405.210 through 28A.405.380, the employment status, the processes for notices of discharge or nonrenewal, and the appeal rights of certificated employees in school districts that are dissolved due to financial insolvency shall be as provided in RCW 28A.315.229. [2012 c 186 s 21.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

Rule-making authority—2012 c 186: See RCW 28A.315.902.

HIRING AND DISCHARGE

RCW 28A.405.300 Adverse change in contract status of certificated employee—Determination of probable cause—Notice—Opportunity for hearing. In the event it is determined that there is probable cause or causes for a teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with the school district, hereinafter referred to as "employee", to be discharged or otherwise adversely affected in his or her contract status, such employee shall be notified in writing of that decision, which notification shall specify the probable cause or causes for such action. Such determinations of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent. Such notices shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the president, chair of the board or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for a hearing pursuant to RCW 28A.405.310 to determine whether or not there is sufficient cause or causes for his or her discharge or other adverse action against his or her contract status.

In the event any such notice or opportunity for hearing is not timely given, or in the event cause for discharge or other adverse action is not established by a preponderance of the evidence at the hearing, such employee shall not be discharged or otherwise adversely affected in his or her contract status for the causes stated in the original notice for the duration of his or her contract.

If such employee does not request a hearing as provided herein, such employee may be discharged or otherwise adversely affected as provided in the notice served upon the employee.

Transfer to a subordinate certificated position as that procedure is set forth in RCW 28A.405.230 or 28A.405.245 shall not be construed as a discharge or other adverse action against contract status for the purposes of this section. [2010 c 235 s 305; 1990 c 33 s 395; 1975-'76 2nd ex.s. c 114 s 2; 1973 c 49 s 1; 1969 ex.s. c 34 s 13; 1969 ex.s. c 223 s 28A.58.450. Prior: 1961 c 241 s 2. Formerly RCW 28A.58.450, 28.58.450.]

Finding—2010 c 235: See note following RCW 28A.405.245.

Savings—Severability-1975-'76 2nd ex.s. c 114: See notes following RCW 28A.400.010.

Minimum criteria for the evaluation of certificated employees—Four-level rating evaluation system—Procedures—Steering committee—Implementation—Reports—Comprehensive performance evaluation: RCW 28A.405.100.

Transfer of administrator to subordinate certificated position—Procedure: RCW 28A.405.230.

RCW 28A.405.310 Adverse change in contract status of certificated employee, including nonrenewal of contract—Hearings—Procedure. (1) Any employee receiving a notice of probable cause for discharge or adverse effect in contract status pursuant to RCW 28A.405.300, or any employee, with the exception of provisional employees as defined in RCW 28A.405.220, receiving a notice of probable cause for nonrenewal of contract pursuant to RCW 28A.405.210, shall be granted the opportunity for a hearing pursuant to this section.

(2) In any request for a hearing pursuant to RCW 28A.405.300 or 28A.405.210, the employee may request either an open or closed hearing. The hearing shall be open or closed as requested by the employee, but if the employee fails to make such a request, the hearing officer may determine whether the hearing shall be open or closed.

(3) The employee may engage counsel who shall be entitled to represent the employee at the prehearing conference held pursuant to subsection (5) of this section and at all subsequent proceedings pursuant to this section. At the hearing provided for by this section, the employee may produce such witnesses as he or she may desire.

(4) In the event that an employee requests a hearing pursuant to RCW 28A.405.300 or 28A.405.210, a hearing officer shall be appointed in the following manner: Within fifteen days following the receipt of any such request the board of directors of the district or its designee and the employee or employee's designee shall each appoint

one nominee. The two nominees shall jointly appoint a hearing officer who shall be a member in good standing of the Washington state bar association or a person adhering to the arbitration standards established by the public employment relations commission and listed on its current roster of arbitrators. Should said nominees fail to agree as to who should be appointed as the hearing officer, either the board of directors or the employee, upon appropriate notice to the other party, may apply to the presiding judge of the superior court for the county in which the district is located for the appointment of such hearing officer, whereupon such presiding judge shall have the duty to appoint a hearing officer who shall, in the judgment of such presiding judge, be qualified to fairly and impartially discharge his or her duties. Nothing herein shall preclude the board of directors and the employee from stipulating as to the identity of the hearing officer in which event the foregoing procedures for the selection of the hearing officer shall be inapplicable. The district shall pay all fees and expenses of any hearing officer selected pursuant to this subsection.

(5) Within five days following the selection of a hearing officer pursuant to subsection (4) of this section, the hearing officer shall schedule a prehearing conference to be held within such five day period, unless the board of directors and employee agree on another date convenient with the hearing officer. The employee shall be given written notice of the date, time, and place of such prehearing conference at least three days prior to the date established for such conference.

(6) The hearing officer shall preside at any prehearing conference scheduled pursuant to subsection (5) of this section and in connection therewith shall:

(a) Issue such subpoenas or subpoenas duces tecum as either party may request at that time or thereafter; and

(b) Authorize the taking of prehearing depositions at the request of either party at that time or thereafter; and

(c) Provide for such additional methods of discovery as may be authorized by the civil rules applicable in the superior courts of the state of Washington; and

(d) Establish the date for the commencement of the hearing, to be within ten days following the date of the prehearing conference, unless the employee requests a continuance, in which event the hearing officer shall give due consideration to such request.

(7) The hearing officer shall preside at any hearing and in connection therewith shall:

(a) Make rulings as to the admissibility of evidence pursuant to the rules of evidence applicable in the superior court of the state of Washington.

(b) Make other appropriate rulings of law and procedure.

(c) Within ten days following the conclusion of the hearing transmit in writing to the board and to the employee, findings of fact and conclusions of law and final decision. If the final decision is in favor of the employee, the employee shall be restored to his or her employment position and shall be awarded reasonable attorneys' fees.

(8) Any final decision by the hearing officer to nonrenew the employment contract of the employee, or to discharge the employee, or to take other action adverse to the employee's contract status, as the case may be, shall be based solely upon the cause or causes specified in the notice of probable cause to the employee and shall be

established by a preponderance of the evidence at the hearing to be sufficient cause or causes for such action.

(9) All subpoenas and prehearing discovery orders shall be enforceable by and subject to the contempt and other equity powers of the superior court of the county in which the school district is located upon petition of any aggrieved party.

(10) A complete record shall be made of the hearing and all orders and rulings of the hearing officer and school board. [1990 c 33 s 396; 1987 c 375 s 1; 1977 ex.s. c 7 s 1; 1975-'76 2nd ex.s. c 114 s 5. Formerly RCW 28A.58.455.]

Severability—1977 ex.s. c 7: "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 7 s 2.]

Savings—Severability—1975-'76 2nd ex.s. c 114: See notes following RCW 28A.400.010.

RCW 28A.405.320 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appeal from—Notice—Service—Filing—Contents. Any teacher, principal, supervisor, superintendent, or other certificated employee, desiring to appeal from any action or failure to act upon the part of a school board relating to the discharge or other action adversely affecting his or her contract status, or failure to renew that employee's contract for the next ensuing term, within thirty days after his or her receipt of such decision or order, may serve upon the chair of the school board and file with the clerk of the superior court in the county in which the school district is located a notice of appeal which shall set forth also in a clear and concise manner the errors complained of. [1990 c 33 s 397; 1969 ex.s. c 34 s 14; 1969 ex.s. c 223 s 28A.58.460. Prior: 1961 c 241 s 3. Formerly RCW 28A.58.460, 28.58.460.]

RCW 28A.405.330 Adverse change in contract status of certificated employee, including nonrenewal of contract—Notice of appeal—Filing party—Certification and filing. The filing party, within ten days of filing the notice of appealshall notify in writing the chair of the school board of the taking of the appeal, and within twenty days thereafter the school board shall at its expense file the complete transcript of the evidence and the papers and exhibits relating to the decision complained of, all properly certified to be correct. [2016 c 93 s 3; 1990 c 33 s 398; 1969 ex.s. c 223 s 28A.58.470. Prior: 1961 c 241 s 4. Formerly RCW 28A.58.470, 28.58.470.]

RCW 28A.405.340 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appeal from—Scope. Any appeal to the superior court by an employee shall be heard by the superior court without a jury. Such appeal shall be heard expeditiously. The superior court's review shall be confined to the verbatim transcript of the hearing and the papers and exhibits

admitted into evidence at the hearing, except that in cases of alleged irregularities in procedure not shown in the transcript or exhibits and in cases of alleged abridgment of the employee's constitutional free speech rights, the court may take additional testimony on the alleged procedural irregularities or abridgment of free speech rights. The court shall hear oral argument and receive written briefs offered by the parties.

The court may affirm the decision of the board or hearing officer or remand the case for further proceedings; or it may reverse the decision if the substantial rights of the employee may have been prejudiced because the decision was:

(1) In violation of constitutional provisions; or

(2) In excess of the statutory authority or jurisdiction of the board or hearing officer; or

(3) Made upon unlawful procedure; or

(4) Affected by other error of law; or

(5) Clearly erroneous in view of the entire record as submitted and the public policy contained in the act of the legislature authorizing the decision or order; or

(6) Arbitrary or capricious. [1975-'76 2nd ex.s. c 114 s 6; 1969 ex.s. c 34 s 15; 1969 ex.s. c 223 s 28A.58.480. Prior: 1961 c 241 s 5. Formerly RCW 28A.58.480, 28.58.480.]

Savings—Severability—1975-'76 2nd ex.s. c 114: See notes following RCW 28A.400.010.

RCW 28A.405.350 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appeal from—Costs, attorney's fee and damages. If the court enters judgment for the employee, and if the court finds that the probable cause determination was made in bad faith or upon insufficient legal grounds, the court in its discretion may award to the employee a reasonable attorneys' fee for the preparation and trial of his or her appeal, together with his or her taxable costs in the superior court. If the court enters judgment for the employee, in addition to ordering the school board to reinstate or issue a new contract to the employee, the court may award damages for loss of compensation incurred by the employee by reason of the action of the school district. [1990 c 33 s 399; 1975-'76 2nd ex.s. c 114 s 7; 1969 ex.s. c 34 s 16; 1969 ex.s. c 223 s 28A.58.490. Prior: 1961 c 241 s 6. Formerly RCW 28A.58.490, 28.58.490.]

Savings—Severability—1975-'76 2nd ex.s. c 114: See notes following RCW 28A.400.010.

RCW 28A.405.360 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appellate review. Either party to the proceedings in the superior court may seek appellate review of the decision as any other civil action. [1988 c 202 s 26; 1971 c 81 s 71; 1969 ex.s. c 223 s 28A.58.500. Prior: 1961 c 241 s 7. Formerly RCW 28A.58.500, 28.58.500.]

Severability—1988 c 202: See note following RCW 2.24.050.

RCW 28A.405.370 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appeal from—Other statutes not applicable. The provisions of chapter 28A.645 RCW shall not be applicable to RCW 28A.405.300 through 28A.405.360. [1990 c 33 s 400; 1969 ex.s. c 223 s 28A.58.510. Prior: 1961 c 241 s 8. Formerly RCW 28A.58.510, 28.58.510.]

RCW 28A.405.380 Adverse change in contract status of certificated employee, including nonrenewal of contract—Appeal from—Direct judicial appeal, when. In the event that an employee, with the exception of a provisional employee as defined in RCW 28A.405.220, receives a notice of probable cause pursuant to RCW 28A.405.300 or 28A.405.210 stating that by reason of a lack of sufficient funds or loss of levy election the employment contract of such employee should not be renewed for the next ensuing school term or that the same should be adversely affected, the employee may appeal any said probable cause determination directly to the superior court of the county in which the school district is located. Such appeal shall be perfected by serving upon the secretary of the school board and filing with the clerk of the superior court a notice of appeal within ten days after receiving the probable cause notice. The notice of appeal shall set forth in a clear and concise manner the action appealed from. The superior court shall determine whether or not there was sufficient cause for the action as specified in the probable cause notice, which cause must be proven by a preponderance of the evidence, and shall base its determination solely upon the cause or causes stated in the notice of the employee. The appeal provided in this section shall be tried as an ordinary civil action: PROVIDED, That the board of directors' determination of priorities for the expenditure of funds shall be subject to superior court review pursuant to the standards set forth in RCW 28A.405.340: PROVIDED FURTHER, That the provisions of RCW 28A.405.350 and 28A.405.360 shall be applicable thereto. [1990 c 33 s 401; 1975-'76 2nd ex.s. c 114 s 8; 1973 c 49 s 3; 1969 ex.s. c 34 s 18. Formerly RCW 28A.58.515.]

Savings—Severability—1975-'76 2nd ex.s. c 114: See notes following RCW 28A.400.010.

SALARY AND COMPENSATION

RCW 28A.405.400 Payroll deductions authorized for employees. In addition to other deductions permitted by law, any person authorized to disburse funds in payment of salaries or wages to employees of school districts, upon written request of at least ten percent of the employees, shall make deductions as they authorize, subject to the limitations of district equipment or personnel. Any person authorized to disburse funds shall not be required to make other deductions for employees if fewer than ten percent of the employees make the request for the same payee. Moneys so deducted shall be paid or applied monthly by the school district for the purposes specified by the employee. The employer may not derive any financial benefit from such deductions. A deduction authorized before July 28, 1991, shall be

subject to the law in effect at the time the deduction was authorized. [1991 c 116 s 18; 1972 ex.s. c 39 s 1. Formerly RCW 28A.67.095.]

RCW 28A.405.410 Payroll deductions authorized for certificated employees—Savings. Nothing in RCW 28A.405.400 shall be construed to annul or modify any lawful agreement heretofore entered into between any school district and any representative of its employees or other existing lawful agreements and obligations in effect on May 23, 1972. [1990 c 33 s 402; 1972 ex.s. c 39 s 2. Formerly RCW 28A.67.096.]

RCW 28A.405.415 Bonuses—National board for professional standards certification. (1) Certificated instructional staff who have attained certification from the national board for professional teaching standards shall receive a bonus each year in which they maintain the certification. The bonus shall be calculated as follows: The annual bonus shall be $5,000 in the 2007-08 school year. Thereafter, the annual bonus shall increase by inflation through the 2025-26 school year.

(2)(a) Certificated instructional staff who have attained certification from the national board for professional teaching standards shall be eligible for bonuses in addition to that provided by subsection (1) of this section if the individual is in an instructional assignment in a school in which at least 70 percent of the students qualify for the free and reduced-price lunch program.

(b) An individual is eligible for bonuses authorized under this subsection (2) if he or she is in an instructional assignment in a school that meets the definition of high poverty school as defined in rule by the office of the superintendent of public instruction in the school year immediately preceding the school's participation in the United States department of agriculture's community eligibility provision.

(c) For the 2024-25 and 2025-26 school years, individuals are eligible for bonuses under this subsection if they are in an instructional assignment in a school providing meals at no charge to students under RCW 28A.235.135 that met the definition of high poverty school as defined in rule by the office of the superintendent of public instruction during the 2022-23 school year.

(3) The amount of the additional bonus under subsection (2) of this section for those meeting the qualifications of subsection (2) of this section is $5,000.

(4) The bonuses provided under this section are in addition to compensation received under a district's salary schedule adopted in accordance with RCW 28A.405.200 and shall not be included in calculations of a district's average salary and associated salary limitations under RCW 28A.400.200.

(5) The bonuses provided under this section shall be paid in a lump sum amount. [2026 c 267 s 4; 2023 c 379 s 7; 2020 c 288 s 5; 2013 2nd sp.s. c 5 s 4; 2011 1st sp.s. c 18 s 4; 2009 c 539 s 6; 2008 c 175 s 2; 2007 c 398 s 2.]

Intent—2023 c 379: See note following RCW 28A.235.135.

Short title—2020 c 288: See note following RCW 28A.235.300.

Effective date—2013 2nd sp.s. c 5: See note following RCW 28A.400.205.

Effective date—2011 1st sp.s. c 18: See note following RCW 28A.400.205.

Effective date—2009 c 539: See note following RCW 28A.655.200.

Findings—2007 c 398: "The legislature finds and declares:

(1) The national board for professional teaching standards has established high and rigorous standards for what highly accomplished teachers should know and be able to do in order to increase student learning results;

(2) The national board certifies teachers who meet these standards through a rigorous, performance-based assessment process;

(3) A certificate awarded by the national board attests that a teacher has met high and rigorous standards and has demonstrated the ability to make sound professional judgments about how to best meet students' learning needs and effectively help students meet challenging academic standards; and

(4) Teachers who attain national board certification should be acknowledged and rewarded in order to encourage more teachers to pursue certification for the benefit of Washington students." [2007 c 398 s 1.]

MISCELLANEOUS PROVISIONS

RCW 28A.405.460 Lunch period for certificated employees. All certificated employees of school districts shall be allowed a reasonable lunch period of not less than thirty continuous minutes per day during the regular school lunch periods and during which they shall have no assigned duties: PROVIDED, That local districts may work out other arrangements with the consent of all affected parties. [1995 c 335 s 702; 1991 c 116 s 15; 1969 ex.s. c 223 s 28A.58.275. Prior: 1965 c 18 s 1. Formerly RCW 28A.58.275, 28.58.275.]

Part headings, table of contents not law—1995 c 335: See note following RCW 28A.150.360.

RCW 28A.405.465 Use of classified personnel to supervise in noninstructional activities. Any school district may employ classified personnel to supervise school children in noninstructional activities, and in instructional activities while under the supervision of a certificated employee. [1997 c 13 s 13; 1991 c 116 s 16.]

RCW 28A.405.466 Presence of certificated personnel at schools before and after school—Policy. Each school district board of directors shall adopt a policy regarding the presence at their respective schools of teachers and other certificated personnel before the opening of school in the morning and after the closing of school in the afternoon or evening. The board of directors shall make the

policy available to parents and the public through the school district report card and other means of communication. [2006 c 263 s 902.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

TERMINATION OF CERTIFICATED STAFF

RCW 28A.405.470 Crimes against children—Mandatory termination of certificated employees—Appeal—Recovery of salary or compensation by district. The school district shall immediately terminate the employment of any person whose certificate or permit authorized under chapter 28A.405 or 28A.410 RCW is subject to revocation under *RCW 28A.410.090(3) upon a guilty plea or conviction of any felony crime specified under RCW 28A.400.322. Employment shall remain terminated unless the employee successfully prevails on appeal. A school district board of directors is entitled to recover from the employee any salary or other compensation that may have been paid to the employee for the period between such time as the employee was placed on administrative leave, based upon criminal charges that the employee committed a felony crime specified under RCW 28A.400.322, and the time termination becomes final. This section shall only apply to employees holding a certificate or permit who have contact with children during the course of their employment. [2009 c 396 s 4; 1990 c 33 s 405; 1989 c 320 s 5. Formerly RCW 28A.58.1003.]

***Reviser's note:** RCW 28A.410.090 was amended by 2013 c 163 s 1, changing subsection (3) to subsection (4).

Severability—1989 c 320: See note following RCW 28A.410.090.

RCW 28A.405.475 Termination of certificated employee based on guilty plea or conviction of certain felonies—Notice to superintendent of public instruction—Record of notices. (1) A school district superintendent shall immediately notify the office of the superintendent of public instruction when the district terminates the employment contract of a certificated employee on the basis of a guilty plea or a conviction of any felony crime specified under RCW 28A.400.322.

(2) The office of the superintendent of public instruction shall maintain a record of the notices received under this section.

(3) This section applies only to employees holding a certificate or permit authorized under this chapter or chapter 28A.410 RCW who have contact with children during the course of employment. [2009 c 396 s 9.]

RCW 28A.405.900 Certain certificated employees exempt from chapter provisions. Certificated employees subject to the provisions of RCW 28A.310.250, 28A.405.100, 28A.405.210, and 28A.405.220 shall not include those certificated employees hired to replace certificated employees who have been granted sabbatical, regular, or other leave by school districts, and shall not include retirees hired for

postretirement employment under the provisions of chapter 10, Laws of 2001 2nd sp. sess.

It is not the intention of the legislature that this section apply to any regularly hired certificated employee or that the legal or constitutional rights of such employee be limited, abridged, or abrogated. [2002 c 26 s 1; 2001 2nd sp.s. c 10 s 2; 1990 c 33 s 404; 1972 ex.s. c 142 s 3. Formerly RCW 28A.67.900.]

Effective dates—2001 2nd sp.s. c 10: See note following RCW 41.40.037.

Postretirement employment under the teachers' retirement system: RCW 41.32.570.