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SENATE BILL 5212

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State of Washington

60th Legislature

2007 Regular Session

By Senators McAuliffe and Rasmussen

Read first time 01/12/2007. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to the suspension of payment of a teacher,  
2 principal, supervisor, superintendent, or other certificated employee's  
3 salary while conducting a hearing on probable cause for discharge or  
4 adverse effect in contract status; and amending RCW 28A.405.300.

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

6 **Sec. 1.** RCW 28A.405.300 and 1990 c 33 s 395 are each amended to  
7 read as follows:

8 In the event it is determined that there is probable cause or  
9 causes for a teacher, principal, supervisor, superintendent, or other  
10 certificated employee, holding a position as such with the school  
11 district, hereinafter referred to as "employee", to be discharged or  
12 otherwise adversely affected in his or her contract status, such  
13 employee shall be notified in writing of that decision, which  
14 notification shall specify the probable cause or causes for such  
15 action. Such determinations of probable cause for certificated  
16 employees, other than the superintendent, shall be made by the  
17 superintendent. Such notices shall be served upon that employee  
18 personally, or by certified or registered mail, or by leaving a copy of  
19 the notice at the house of his or her usual abode with some person of

1 suitable age and discretion then resident therein. Every such employee  
2 so notified, at his or her request made in writing and filed with the  
3 president, chair of the board or secretary of the board of directors of  
4 the district within ten days after receiving such notice, shall be  
5 granted opportunity for a hearing pursuant to RCW 28A.405.310 to  
6 determine whether or not there is sufficient cause or causes for his or  
7 her discharge or other adverse action against his or her contract  
8 status.

9 In the event the employee demands a hearing, the employee shall  
10 continue to be paid his or her regular salary during the hearing  
11 process and until entry of the final decision pursuant to RCW  
12 28A.405.310, if and during such time as the employee furnishes to the  
13 school district a suitable bond, or other security acceptable to the  
14 school district, as a guarantee that the employee will repay to the  
15 school district the amount of salary paid to him or her during the  
16 hearing process in case the final decision is that the employee shall  
17 be discharged. If it is determined that the employee may not be  
18 discharged, the school district shall reimburse the employee for the  
19 cost of the bond or security.

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

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

29 Transfer to a subordinate certificated position as that procedure  
30 is set forth in RCW 28A.405.230 shall not be construed as a discharge  
31 or other adverse action against contract status for the purposes of  
32 this section.

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