

Employment Contracts

Certificated Staff Contracts

ESD 123 will write contracts for certificated staff for a period not to exceed one (1) year. Upon recommendation of the superintendent and approval by a majority of the board of directors, ESD 123 will offer a certificated staff contract to the recommended and approved applicant. Such a contract will state the salary to be paid based upon the applicable salary schedule, the number of days of service, effective date, and term of the contract.

ESD 123 will issue a "provisional contract" to first, second, and third-year certificated teaching staff and other non-supervisory certificated staff who are "provisional employees," subject to non-renewal of employment as provided by law.

Contracts with retiree-rehires and persons replacing certificated staff on leave are not subject to the continuing contract law and will include the following rider: "It is understood and agreed that the staff member is employed pursuant to the provisions of RCW 28A.405.900. In accordance with the provisions of RCW 28A.405.900, this contract expires automatically at the end of the contract terms set forth herein and is not subject to the provisions of RCW 28A.405.210."

Classified Staff Contracts

Upon the recommendation of the superintendent, contracts for selected classified staff may be in writing and/or for a specific period of time not to exceed one (1) year. Otherwise, the employment of classified staff will be on a month-to-month basis commencing from the first day of work.

Supplemental Contracts

ESD 123 may issue separate supplemental employment contracts, which are not subject to the continuing contract statute, for services to be rendered in addition to a staff member's normal "full-time" assignment. Supplemental contracts will not exceed one (1) year and if not renewed will not constitute an adverse change in contract status.

Consultants

ESD 123 may obtain staff consultant services when unique knowledge or technical skills are needed. A description of desired services and an estimate of time and costs will be submitted to the superintendent or designee for action. The superintendent or designee will determine compensation, but normally compensation may not exceed that paid to a regular staff member with comparable duties. The superintendent or designee determines the honorarium paid to a consultant, taking into account cost incurred and benefits derived therefrom. ESD 123 will determine the compensation classification of a consultant on a personal services contract or payroll in compliance with the guidelines of the Internal Revenue Service.

Paraeducators

All paraeducators must be 18 years of age, must hold a high school diploma or a recognized equivalent, and must have done one of the following:

1. Earned 72 quarter credits or 48-semester credits at an institution of higher learning;
2. Obtained at least an associate's degree;
3. Received a passing grade on the education testing service paraeducator assessment; or

4. Completed a registered apprenticeship program.

Contracts for Services

Contracts for services must have the following steps followed to ensure the related business has provided evidence it meets legal requirements to operate as a contractor and the individuals performing the service are "independent" and, therefore, do not qualify as ESD 123 employees. Contracts for services can be issued by ESD 123 under the following conditions unless the Superintendent determines an exception is appropriate:

1. All contracts are to be approved by the superintendent or designee prior to the commencement of services.
2. Contracts for services should not be issued to a contractor unless they are performing services that cannot be performed by an employee.
3. Contracts for services should not be issued to any ESD 123 employee. When an exception warrants using such a contract, the services required are to be performed outside of the normal workday and outside of the employee's normal work requirements.
4. Prior to drafting a contract for services, the responsible ESD 123 staff member must work with the Human Resources staff to confirm and document legal qualification as an independent contractor (not as an ESD 123 employee), under Internal Revenue Service (IRS) rules.
5. All contracts for services and contractual arrangements must be processed through the purchase order system (see Procedure 6210P).

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Reference:

[RCW 28A.310.220 ESD board—Delegation of powers and duties to superintendent.](#)

[RCW 28A.310.250 Certificated employees of district—Contracts of employment—Nonrenewal of contracts—Notice.](#)

[RCW 28A.310.260 Certificated employees of district—Adverse change in contract status—Notice—Probable cause—Review—Appeal.](#)

[RCW 28A.330.100 Additional powers of board.](#)

[RCW 28A.400.300 Hiring and discharging of employees—Written leave policies—Seniority and leave benefits of employees transferring between school districts and other educational employers.](#)

[RCW 28A.400.315 Employment contracts.](#)

[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.](#)

[RCW 28A.405.220 Conditions and contracts of employment—Nonrenewal of provisional employees—Notice—Procedure.](#)

[RCW 28A.405.240 Conditions and contracts of employment—Supplemental contracts, when—Continuing contract provisions not applicable to.](#)

[RCW 28A.405.900 Certain certificated employees exempt from chapter provisions.](#)

[RCW 28A.413.040 Minimum employment requirements.](#)

[20 U.S.C. 6311 State plans](#)

Cross Reference:

[Policy 5280 - Separation from Employment](#)