

(8) Acquire or lease and operate any water or soil conservation, erosion control, or prevention project in the district undertaken by any state or federal agency; act as agent for the agency in acquiring, constructing, or operating the project; and accept contributions from the agency and use them to carry out its operations;

(9) Cooperate with other districts organized under this chapter in the exercise of any of its powers;

(10) Construct, improve, and maintain structures necessary or convenient for its purposes; and

(11) Sue and be sued in its name; adopt a seal; have perpetual existence, subject to termination provided herein; execute all instruments necessary for its purposes; and make and amend rules to carry out its purposes.

SEC. 14. Section 14, chapter 187, Laws of 1939 and RCW 89.08.340 are each amended to read as follows:

RCW 89.08.340  
amended.

The state and any subdivision thereof owning or controlling lands or operating within a district may cooperate with the district in carrying out its program and may transfer or allocate such funds as may be required for this purpose.

Intergovern-  
mental co-  
operation—  
Transfer,  
allocation of  
funds.

Passed the House February 20, 1961.

Passed the Senate March 7, 1961.

Approved by the Governor March 20, 1961.

## CHAPTER 241.

[ Sub. H. B. 421. ]

### SCHOOL BOARDS—TEACHERS' CONTRACTS—APPEALS.

AN ACT relating to education; and amending section 3, chapter 68, Laws of 1955 and RCW 28.67.070; amending section 1, page 362, Laws of 1909 and RCW 28.88.010, and adding new sections to chapter 28.58 RCW.

*Be it enacted by the Legislature of the State of Washington:*

RCW 28.67.070 amended.

SECTION 1. Section 3, chapter 68, Laws of 1955 and RCW 28.67.070 are each amended to read as follows:

Teachers—  
Conditions and  
contracts of  
employment  
—Nonrenewal  
of contracts  
of school  
personnel.

No teacher 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 is the holder of an effective teacher's certificate.

The board shall make with each teacher employed by it a written contract, which shall be in conformity with the laws of this state. Every such contract shall be made in duplicate, one copy of which shall be retained by the school district clerk or secretary, and the other shall be delivered to the teacher, after having been approved and registered by the county superintendent.

Every teacher, principal, supervisor, or superintendent holding a position as such with a school district, hereinafter referred to as "employee", whose employment contract is not to be renewed by the district for the next ensuing term shall be notified in writing on or before April 15th preceding the commencement of such term of the decision of the board of directors not to renew his employment which notification shall specify sufficient cause or causes for nonrenewal of contract. Such notice shall be served upon the employee by certified or registered mail, or to the teacher personally, or by leaving a copy of the notice at the house of his usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified shall, at his or her request made in writing and filed with the clerk or secretary of the board of directors of the district within ten days after receiving such notice, be granted opportunity for hearing before the board of directors of the district, to determine whether or not the facts constitute sufficient cause for nonrenewal of contract. Such board upon receipt of such request shall call the hearing to be held within ten days following the receipt of

such request, and shall at least three days prior to the date fixed for the hearing notify the employee in writing of the date, time and place of hearing. The employee may engage such counsel and produce such witnesses as he or she may desire. The board of directors shall, within five days following the conclusion of such hearing, notify the employee in writing of its final decision either to renew or not to renew the employment of the employee for the next ensuing term. Any decision not to renew such employment contract shall be based solely upon the cause or causes for nonrenewal specified in the notice to the employee and proved and established at the hearing. If such notification and opportunity for hearing is not timely given by the district, 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 employment had actually been renewed by the board of directors for such ensuing term: *Provided*, That in union high school districts the written notification and opportunity for hearing shall be given on or before April 30th preceding the commencement of the next ensuing term.

SEC. 2. There is added to chapter 28.58 RCW a new section to read as follows:

Every board of directors determining that there is probable cause for the discharge of a teacher, principal, supervisor, or superintendent shall notify such employee of its decision, which notification shall specify the probable cause for discharge. Every such employee so notified shall, at his or her request made in writing and filed with the clerk or secretary of the board of directors of the district within ten days after receiving such notice, be granted opportunity for hearing before the board of directors of the district, to determine whether or not there is cause for

New section.  
Notice of probable cause for discharge.

Request for hearing.

Notice of  
hearing—  
Hearing.

discharge. The board upon receipt of such request shall call the hearing to be held within ten days following the receipt of such request, and shall at least three days prior to the date fixed for the hearing notify such employee in writing of the date, time and place of the hearing. The employee may engage such counsel and produce such witnesses as he or she may desire. The board of directors shall within five days following the conclusion of such hearing notify such employee in writing of its final decision. Any decision to discharge such employee shall be based solely upon the cause for discharge specified in the notice of probable cause to the employee and established by a preponderance of the evidence at the hearing to be sufficient cause for discharge.

Notice of final  
decision.

In the event such notice and opportunity for hearing is not timely given by the district, or in the event cause for discharge is not established by a preponderance of the evidence at the hearing, such employee shall not be discharged for the duration of his or her contract.

If such employee does not request a hearing as provided herein, such employee shall be discharged.

New section.

SEC. 3. There is added to chapter 28.58 RCW a new section to read as follows:

Appeal from  
action of board  
upon contract  
—Procedure.

Any teacher, principal, supervisor or superintendent desiring to appeal from any action or failure to act upon the part of a school board relating to the discharge, or failure to renew that employee's contract for the next ensuing term, may, within thirty days after his receipt of such decision or order serve upon the clerk 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 also set forth in a clear and concise manner the errors complained of.

New section.

SEC. 4. There is added to chapter 28.58 RCW a new section to read as follows:

The clerk of the superior court shall, within ten days of his receipt of the notice of appeal notify in writing the clerk 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.

Notice of appeal—  
Transcript to be filed.

SEC. 5. There is added to chapter 28.58 RCW a new section to read as follows:

New section.

Any appeal to the superior court by teacher, principal, supervisor or superintendent shall be heard de novo by the superior court. Such appeal shall be heard expeditiously.

Appeal heard de novo.

SEC. 6. There is added to chapter 28.58 RCW a new section to read as follows:

New section.

The court in its discretion may award to a teacher, principal, supervisor or superintendent a reasonable attorney's fee for the preparation and trial of his appeal, together with his taxable costs in the superior court.

Attorney's fee, costs, allowable.

SEC. 7. There is added to chapter 28.58 RCW a new section to read as follows:

New section.

Either party to the proceedings in the superior court may appeal the decision to the supreme court of this state as any other civil action is appealed.

Appeal to supreme court—  
Procedure.

SEC. 8. There is added to chapter 28.58 RCW a new section to read as follows:

New section.

The provisions of chapter 28.88 RCW shall not be applicable to this chapter.

Chapter 28.88 RCW inapplicable.

SEC. 9. Section 1, page 362, Laws of 1909, and RCW 28.88.010 are each amended to read as follows:

RCW 28.88.010 amended.

Any person, or persons, other than teachers, principals, supervisors and superintendents, either severally or collectively, aggrieved by any decision or order of any school officer or school board may, within thirty days after the rendition of such deci-

Appeals from decisions—  
Time limitation.

sion or order, or of the failure to act upon the same when properly presented, appeal the same to the proper officer or board as hereinafter provided. Appeals by teachers, principals, supervisors or superintendents from the actions of school boards shall be governed by the provisions of chapter 28.58 RCW.

Severability.

SEC. 10. If any provision of this 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.

Passed the House March 2, 1961.

Passed the Senate March 7, 1961.

Approved by the Governor March 17, 1961.

---

CHAPTER 242.

[ H. B. 514. ]

WATER DISTRICTS COMMISSIONERS ASSOCIATION.

AN ACT relating to water districts; providing for the association of water district commissioners; and adding a new section to chapter 57.08 RCW.

*Be it enacted by the Legislature of the State of Washington:*

New section.

SECTION 1. There is added to chapter 57.08 RCW a new section to read as follows:

Association of water district commissioners authorized.

To improve the organization and operation of water districts, the commissioners of two or more such districts may form an association thereof, for the purpose of securing and disseminating information of value to the members of the association and for the purpose of promoting the more economical and efficient operation of the comprehensive plans of water supply in their respective districts. The commissioners of water districts so associated shall adopt articles of association, select such officers as