

SENATE BILL REPORT

SB 5242

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 15, 2013

Title: An act relating to policies regarding assignment of certificated instructional staff in public schools.

Brief Description: Requiring policies regarding assignment of certificated instructional staff.

Sponsors: Senators Litzow, Dammeier, Tom, Hobbs, Hatfield, Delvin, Hewitt, Padden and Schoesler.

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/01/13, 2/15/13 [DPS, DNP].

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5242 be substituted therefor, and the substitute bill do pass.

Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Brown, Fain, Hill and Rivers.

Minority Report: Do not pass.

Signed by Senators Billig, Cleveland, McAuliffe, Ranking Member; Mullet and Rolfes, Assistant Ranking Member.

Staff: Eric Wolf (786-7405)

Background: The Professional Educator Standards Board (PESB) is responsible for regulating the certification of instructional staff and has created administrative rules that districts must conform with when assigning classroom teachers, principals and assistant principals, and educational staff associates within their districts. These rules outline only the necessary certifications teachers must possess to teach in various grade levels or subject areas. Certain special assignments not authorized by the administrative rules may require a waiver from PESB, the Office of Superintendent of Public Instruction's Special Education Department, or receive local approval from a school board.

Matters such as order of layoffs, or recall in the case of a reduction in force, and transfer or assignment of staff are not specified in statute or administrative rules. These are determined by school district policies or collective bargaining agreements.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill (Recommended Substitute): New Certificated Instructional Staff Assignment Policy. Effective August 1, 2013, or the next expiration of an applicable collective bargaining agreement, each district must adopt a new policy on assignment of Certificated Instructional Staff (CIS), stipulating that a nonprovisional CIS may be assigned to a particular school only with the mutual agreement of the school's principal and the CIS. Beginning in 2015-16, evaluation results must be used as one of multiple factors in considering such an agreement. CIS includes classroom teachers and educational staff associates including, but not limited to, counselors, nurses, and school psychologists.

Assignment with No Mutual Agreement. The bill provides that if an assignment with a mutual agreement is not identified, the superintendent may assign the CIS to a temporary position, which could be a substitute, instructional support, in the district office, or another position. The bill additionally requires that if a displaced nonprovisional CIS is not assigned to a non-temporary position with a mutual agreement by May 15 of the year following displacement, notice of contract nonrenewal may be initiated. Lack of assignment to a non-temporary teaching position after eight or more months, including time spent in successive temporary assignments, is probable cause for nonrenewal.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (Recommended Substitute): Modifies the effective date by which districts must adopt a new policy on assignment of CIS to August 1, 2013.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: Teachers who don't care should not be rewarded with any classroom they want. This bill expects teachers be hireable, which is common sense. Good teachers will not find it hard to find a position quickly. The grace period of a year gives struggling teachers the opportunity to network and hone skills to take a new job and be effective. Teachers want to ensure that new teachers who come into a building are the best and the brightest. A teacher's success is based on whether they are a right fit for the school. It seems like common sense in our free market economy that a hiring manager and the employee should mutually agree. A 2011 poll shows support for allowing principals to make hiring decisions. Teachers should also have the freedom to choose where they want to work, not getting forcibly-placed into another school. Mutual consent policies create strong matches between teachers and schools. Research underscores the benefits: 90 percent of Chicago teachers assigned this way were satisfied; 76 percent in Philadelphia were satisfied. To build a great school culture, principals should have the authority to hire staff who are ready and willing to fully buy in.

CON: Involving the building administrator and teacher is important in the placement process, but it is already a common practice. Current process already allows school districts to take action to remove underperforming teachers. This bill is unworkable because

employees work for the school boards, not individual administrators. Regardless of whether or not a teacher is an effective teacher, this bill allows a teacher to be fired for reasons independent from their effectiveness. School districts already work hard with the unions to create more transparent and appropriate hiring policies. This will create chaos for human resource departments, creating legal and financial liabilities for districts. The solution for poor-quality teachers is to put the evaluation system we recently developed in place and let it run its course.

Persons Testifying: PRO: Kristin Baily-Fogarty, Erin Gustafson, Teachers United; Dave Powell, Stand for Children; Anne Luce, Partnership for Learning, WA Roundtable; Kevin Washington, citizen.

CON: Randy Hathaway, WA School Personnel Assn.; Lucinda Young, WA Education Assn.; Jerry Bender, Assn. of WA School Principals; Dan Steele, WA Assn. of School Administrators.