

SENATE BILL REPORT

ESSB 5242

As Passed Senate, June 9, 2013

Title: An act relating to principal empowerment.

Brief Description: Regarding assignment of certificated instructional staff.

Sponsors: Senate Committee on Early Learning & K-12 Education (originally sponsored by 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].

Passed Senate: 3/06/13, 27-22.

First Special Session: Passed Senate: 6/09/13, 26-19.

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

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 Engrossed Substitute Bill: Identification of Participating Districts. By December 1 of each year, the State Board of Education (SBE) must use the Washington Achievement Index to identify all school districts that did not make progress in closing the opportunity gap, in either the district overall or among individual student subgroups, and provide a list of those districts to the Office of Superintendent of Public Instruction (OSPI). By January 1 of each year, OSPI must notify each listed school district of its identification. Identified school districts must adopt the new certificated instructional staff (CIS) assignment policy created by the act, provided that doing so would not affect or impair any collective bargaining agreement already in place. All collective bargaining agreements entered into, renewed, or extended by school districts and the district's employees after the effective date of the act must allow school districts to adopt the new CIS assignment policy if the school district is identified by SBE in the future.

New CIS Assignment Policy. A nonprovisional CIS may be assigned to a particular school only with the agreement of the school's principal and the CIS. The principal must receive input on the assignment decision from at least two teachers employed at the principal's school who are chosen by the faculty of teachers at the school to represent them in the hiring process. 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 Agreement. The act provides that if an assignment agreement is not identified, the superintendent may assign the CIS to a temporary position, which could be a substitute position, instructional support role, a placement in the district office, or another position. If a displaced nonprovisional CIS is not assigned to a non-temporary position by May 15 of the year following displacement, the school district must place them on unpaid leave until such time as they secure a non-temporary assignment. If a displaced nonprovisional CIS on unpaid leave secures an assignment that is substantially similar to their assignment prior to their displacement, the school district must reinstate the displaced nonprovisional CIS's salary and benefits at the level they would have been if the nonprovisional CIS had not been placed on unpaid leave.

Referendum Clause. The act includes a referendum clause directing the Secretary of State to submit the act to the people for their adoption and ratification, or rejection, at the next general election.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect if approved by the voters at the November 2013 election.

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.