
HOUSE BILL 1640

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Pettigrew, Springer, and Magendanz

Read first time 02/04/13. Referred to Committee on Education.

1 AN ACT Relating to policies regarding assignment of certificated
2 instructional staff in public schools; adding a new section to chapter
3 28A.405 RCW; and adding a new section to chapter 41.59 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.405
6 RCW to read as follows:

7 (1) Effective August 1, 2013, or upon the expiration of a
8 collective bargaining agreement that conflicts with the provisions of
9 this section, whichever is later, each school district board of
10 directors of a school district with a year-end average headcount
11 enrollment of ten thousand or more students must adopt a policy on
12 assignment of certificated instructional staff consistent with the
13 provisions of this section. This section applies to all collective
14 bargaining agreements entered into or renewed after the effective date
15 of this section.

16 (2) For the purposes of this section:

17 (a) "Certificated instructional staff" means classroom teachers and
18 educational staff associates;

1 (b) "Displaced" means a certificated instructional staff member
2 assigned to a particular school no longer has an assignment to that
3 school as a result of a request for reassignment by the certificated
4 instructional staff member, a principal, or the district
5 administration; change in program; change in enrollment; or
6 implementation of a state or federal accountability intervention model.
7 As provided under RCW 28A.405.100(4)(b), a certificated instructional
8 staff member may not be displaced during a probationary period to the
9 supervision of an individual other than the original evaluator; and

10 (c) "Nonprovisional" means a certificated instructional staff
11 member who does not fall under the provisions of RCW 28A.405.220.

12 (3) A nonprovisional certificated instructional staff member may be
13 assigned to a particular school only with the mutual agreement of the
14 principal and the staff member being assigned. As provided under RCW
15 28A.405.100(8), evaluation results must be used as one of multiple
16 factors in the consideration of an agreement to an assignment beginning
17 with the 2015-16 school year.

18 (4) If an assignment with mutual agreement is not identified, the
19 superintendent or designee may assign the certificated instructional
20 staff member to a temporary position, including a substitute
21 assignment, an instructional support position, a position in a district
22 office, or other position.

23 (5) If a displaced nonprovisional certificated instructional staff
24 member is not assigned to a nontemporary position with mutual agreement
25 by May 15th of the school year following the displacement, the
26 superintendent may initiate notice of nonrenewal of contract as
27 provided under RCW 28A.405.210. Lack of assignment under this section
28 of a displaced certificated instructional staff member to a
29 nontemporary position after eight or more months, including cumulative
30 time spent in successive assignments to temporary positions,
31 constitutes grounds for a finding of probable cause under RCW
32 28A.405.210.

33 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.59 RCW
34 to read as follows:

35 Nothing in this chapter may be construed to grant employers or

1 employees the right to reach agreements that are in conflict with the
2 provisions of section 1 of this act.

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