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ENGROSSED SUBSTITUTE SENATE BILL 5242

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State of Washington                      63rd Legislature                      2013 1st Special Session

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators Litzow, Dammeier, Tom, Hobbs, Hatfield, Delvin, Hewitt, Padden, and Schoesler)

READ FIRST TIME 02/18/13.

1            AN ACT Relating to principal empowerment; adding a new section to  
2 chapter 28A.657 RCW; adding a new section to chapter 28A.405 RCW;  
3 adding a new section to chapter 41.59 RCW; and providing for submission  
4 of this act to a vote of the people.

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

6            NEW SECTION.    **Sec. 1.** A new section is added to chapter 28A.657  
7 RCW to read as follows:

8            (1) In addition to the accountability processes implemented under  
9 this chapter, the state board of education must use the Washington  
10 achievement index to identify all the school districts that during the  
11 previous two school years did not make progress in closing the  
12 opportunity gaps in any of the individual subgroups of students or did  
13 not make progress in closing the overall opportunity gap within the  
14 district. The state board of education shall provide the list of  
15 school districts to the office of the superintendent of public  
16 instruction by December 1st of each year. The superintendent shall  
17 notify each school district of the identification by January 1st of  
18 each year.

1 (2) School districts identified under subsection (1) of this  
2 section must implement staff assignment policies pursuant to section 2  
3 of this act even if not identified in subsequent years.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.405  
5 RCW to read as follows:

6 (1) School districts identified and notified pursuant to section 1  
7 of this act must implement the staff assignment policy in this section.

8 (2) For the purposes of this section:

9 (a) "Certificated instructional staff" means classroom teachers and  
10 educational staff associates;

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

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

22 (3) A nonprovisional certificated instructional staff member may be  
23 assigned to a particular school only with the agreement of the  
24 principal and the staff member being assigned. The principal shall  
25 receive input on assignment decisions from at least two teachers  
26 employed at the school and chosen by the faculty of teachers at the  
27 school to represent them in the hiring process. As provided under RCW  
28 28A.405.100(8), evaluation results must be used as one of multiple  
29 factors in the consideration of an agreement to an assignment beginning  
30 with the 2015-16 school year. A district superintendent or the  
31 district superintendent's designee may override up to two staff  
32 assignment agreements in a given school year.

33 (4) If an assignment cannot be found, the superintendent or  
34 designee may assign the displaced nonprovisional certificated  
35 instructional staff member to a temporary position, including a  
36 substitute assignment, an instructional support position, a position in  
37 a district office, or other position.

1 (5) If a displaced nonprovisional certificated instructional staff  
2 member is not assigned to a nontemporary position by May 15th of the  
3 school year following the displacement, the school district shall place  
4 the displaced nonprovisional certificated instructional staff member on  
5 unpaid leave until such time as the displaced nonprovisional  
6 certificated instructional staff member is able to secure an  
7 assignment. If the displaced nonprovisional certificated instructional  
8 staff member secures an assignment while placed on unpaid leave that is  
9 substantially similar to their assignment prior to their displacement,  
10 the school district shall reinstate the displaced nonprovisional  
11 certificated instructional staff member's salary and benefits at the  
12 level they would have been if the nonprovisional certificated  
13 instructional staff member had not been placed on unpaid leave.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 41.59 RCW  
15 to read as follows:

16 Sections 1 and 2 of this act do not affect or impair any collective  
17 bargaining agreements between an employer and educational employees or  
18 employee organization under this chapter in effect on the effective  
19 date of this section. All collective bargaining agreements entered  
20 into between a school district employer and school district employees  
21 under this chapter after the effective date of this section, and  
22 bargaining agreements existing on the effective date of this section  
23 but renewed or extended after the effective date of this section, must  
24 be consistent with sections 1 and 2 of this act.

25 NEW SECTION. **Sec. 4.** The secretary of state shall submit this act  
26 to the people for their adoption and ratification, or rejection, at the  
27 next general election to be held in this state, in accordance with  
28 Article II, section 1 of the state Constitution and the laws adopted to  
29 facilitate its operation.

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