

SSB 5242 - S AMD 355  
By Senator Litzow

ADOPTED 06/09/2013

1 Strike everything after the enacting clause and insert the  
2 following:

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

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

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

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

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

23 (2) For the purposes of this section:

24 (a) "Certificated instructional staff" means classroom teachers and  
25 educational staff associates;

26 (b) "Displaced" means a certificated instructional staff member  
27 assigned to a particular school no longer has an assignment to that  
28 school as a result of a request for reassignment by the certificated  
29 instructional staff member, a principal, or the district

1 administration; change in program; change in enrollment; or  
2 implementation of a state or federal accountability intervention model.  
3 As provided under RCW 28A.405.100(4)(b), a certificated instructional  
4 staff member may not be displaced during a probationary period to the  
5 supervision of an individual other than the original evaluator; and

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

8 (3) A nonprovisional certificated instructional staff member may be  
9 assigned to a particular school only with the agreement of the  
10 principal and the staff member being assigned. The principal shall  
11 receive input on assignment decisions from at least two teachers  
12 employed at the school and chosen by the faculty of teachers at the  
13 school to represent them in the hiring process. As provided under RCW  
14 28A.405.100(8), evaluation results must be used as one of multiple  
15 factors in the consideration of an agreement to an assignment beginning  
16 with the 2015-16 school year. A district superintendent or the  
17 district superintendent's designee may override up to two staff  
18 assignment agreements in a given school year.

19 (4) If an assignment cannot be found, the superintendent or  
20 designee may assign the displaced nonprovisional certificated  
21 instructional staff member to a temporary position, including a  
22 substitute assignment, an instructional support position, a position in  
23 a district office, or other position.

24 (5) If a displaced nonprovisional certificated instructional staff  
25 member is not assigned to a nontemporary position by May 15th of the  
26 school year following the displacement, the school district shall place  
27 the displaced nonprovisional certificated instructional staff member on  
28 unpaid leave until such time as the displaced nonprovisional  
29 certificated instructional staff member is able to secure an  
30 assignment. If the displaced nonprovisional certificated instructional  
31 staff member secures an assignment while placed on unpaid leave that is  
32 substantially similar to their assignment prior to their displacement,  
33 the school district shall reinstate the displaced nonprovisional  
34 certificated instructional staff member's salary and benefits at the  
35 level they would have been if the nonprovisional certificated  
36 instructional staff member had not been placed on unpaid leave.

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

3        Sections 1 and 2 of this act do not affect or impair any collective  
4    bargaining agreements between an employer and educational employees or  
5    employee organization under this chapter in effect on the effective  
6    date of this section.    All collective bargaining agreements entered  
7    into between a school district employer and school district employees  
8    under this chapter after the effective date of this section, and  
9    bargaining agreements existing on the effective date of this section  
10   but renewed or extended after the effective date of this section, must  
11   be consistent with sections 1 and 2 of this act.

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

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17       On page 1, beginning on line 1 of the title, after "to" strike the  
18   remainder of the title and insert "principal empowerment; adding a new  
19   section to chapter 28A.657 RCW; adding a new section to chapter 28A.405  
20   RCW; adding a new section to chapter 41.59 RCW; and providing for  
21   submission of this act to a vote of the people."

EFFECT:    The following changes are made to the underlying bill:  
If a displaced nonprovisional certificated instructional staff  
member is not assigned to a nontemporary position by May 15th of the  
school year following their displacement, then the school district

shall place that staffer on unpaid leave until the staffer can obtain a new assignment.

If the staffer's new assignment is substantially similar to their assignment prior to their displacement, the school district shall reinstate the displaced staff member's salary and benefits at the level they would have been if the staffer had not been placed on unpaid leave.

The following provisions are added to the underlying bill:

The State Board of Education is required to use the Washington Achievement Index to identify all school districts that during the previous two school years did not make progress in closing the opportunity gap. The State Board of Education will provide a list of those districts annually to the Office of the Superintendent of Public Instruction, who shall notify each school district of the identification.

Each identified school district is required to implement the staff assignment policy created by the act for two years after the school year in which the district is identified.

Each identified school district is required to implement the staff assignment policy created by the act.

In each school year, a district superintendent or their designee may override up to two staff assignment agreements between a principal and displaced certificated instructional staff.

All collective bargaining agreements entered into between a school district employer and school district employees after the effective date of this section, and bargaining agreements existing on the effective date but renewed or extended after the effective date, must be consistent with this act.

A referendum clause is added.

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