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SENATE BILL 5945

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State of Washington                      63rd Legislature                      2013 1st Special Session

By Senators Litzow and Tom

Read first time 06/07/13. Referred to Committee on Early Learning & K-12 Education.

1            AN ACT Relating to principal empowerment; adding a new section to  
2 chapter 28A.405 RCW; adding a new section to chapter 41.59 RCW; and  
3 declaring an emergency.

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) Beginning 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 must adopt a policy on assignment of certificated  
11 instructional staff consistent with the provisions of this section.  
12 This section applies to all collective bargaining agreements entered  
13 into or renewed after the effective date of this section.

14            (2) For the purposes of this section:

15            (a) "Certificated instructional staff" means classroom teachers and  
16 educational staff associates;

17            (b) "Displaced" means a certificated instructional staff member  
18 assigned to a particular school no longer has an assignment to that  
19 school as a result of a request for reassignment by the certificated

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

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

9 (3) A nonprovisional certificated instructional staff member may be  
10 assigned to a particular school only with the agreement of the  
11 principal and the staff member being assigned. The principal shall  
12 receive input on assignment decisions from at least two teachers  
13 employed at the school who are chosen by the faculty of teachers at the  
14 school to represent them in the hiring process. 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 cannot be found, the superintendent or  
19 designee may assign the certificated instructional staff member to a  
20 temporary position, including a substitute assignment, an instructional  
21 support position, a position in a district office, or other position.

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

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

34 Nothing in this chapter may be construed to grant employers or  
35 employees the right to reach agreements that are in conflict with the  
36 provisions of section 1 of this act.

1        NEW SECTION.    **Sec. 3.**    This act is necessary for the immediate  
2    preservation of the public peace, health, or safety, or support of the  
3    state government and its existing public institutions, and takes effect  
4    immediately.

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