
Education Committee

HB 2392

Brief Description: Prohibiting the use of public resources by school district officers or employees to support or oppose a teachers' strike.

Sponsors: Representatives Simpson, Green, Chase, Conway, McCoy, Hudgins, Hasegawa and Moeller.

Brief Summary of Bill

- Prohibits school district officers or employees from using or authorizing the use of public resources for the purpose of supporting or opposing a teachers' strike.

Hearing Date: 1/19/10

Staff: Cece Clynch (786-7195).

Background:

Legislation enacted in 2009 prohibits school district employees from using property, money or persons under their official control, without authorization, for their own or another's private benefit or gain. Each school district board of directors may adopt policies permitting occasional de minimis use, if the activity does not interfere with the proper performance of public duties. The Office of the Superintendent of Public Instruction (OSPI) was directed to adopt disciplinary guidelines for violations of the law.

The use of public resources to benefit others as part of the employee's official duties is not prohibited. "Public resources" is not defined in statute.

In 2006, the Attorney General issued an opinion regarding whether state and local public employees, including teachers, have a legally protected right to strike. In that opinion, the Attorney General opined that state and local public employees do not have a legally protected right to strike. In so doing, the Attorney General acknowledged the lack of any Washington

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appellate decisions concerning the validity of strikes in the specific context of a strike by teachers, but noted that several lower courts in the state have enjoined strikes by teachers.

Summary of Bill:

School district officers and employees are prohibited from using or authorizing the use of public resources for the purpose of supporting or opposing a teachers' strike.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.