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**SUBSTITUTE SENATE BILL 5242**

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**State of Washington**

**63rd Legislature**

**2013 Regular 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 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) 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 mutual agreement of the  
11 principal and the staff member being assigned. As provided under RCW  
12 28A.405.100(8), evaluation results must be used as one of multiple  
13 factors in the consideration of an agreement to an assignment beginning  
14 with the 2015-16 school year.

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

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

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

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

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