

SSB 5242 - S AMD 354
By Senator Litzow

PULLED 06/08/2013

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 achievement 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 for two school years after the school year in which the
19 district is identified.

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

22 (1) For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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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