
SENATE BILL 5242

State of Washington

63rd Legislature

2013 Regular Session

By Senators Litzow, Dammeier, Tom, Hobbs, Hatfield, Delvin, Hewitt, Padden, and Schoesler

Read first time 01/24/13. Referred to Committee on Early Learning & K-12 Education.

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 September 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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