

# HOUSE BILL REPORT

## E2SHB 1432

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### As Passed Legislature

**Title:** An act relating to educational staff associates.

**Brief Description:** Granting service credit to educational staff associates for nonschool employment.

**Sponsors:** By House Committee on Appropriations (originally sponsored by Representatives P. Sullivan, Upthegrove, Simpson, Hunter, Moeller, Linville, Schual-Berke and Santos).

#### **Brief History:**

##### **Committee Activity:**

Education: 2/9/07, 2/20/07 [DPS];

Appropriations: 3/9/07, 3/10/07 [DP2S(w/o sub ED)].

##### **Floor Activity:**

Passed House: 3/12/07, 89-9.

Senate Amended.

Passed Senate: 4/11/07, 49-0.

House Refused to Concur.

Senate Insists on Position.

House Concurred.

Passed House: 4/20/07, 98-0.

Passed Legislature.

#### **Brief Summary of Engrossed Second Substitute Bill**

- Recognizes up to two years of non-school professional experience when calculating years of service for certain educational staff associates.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Quall, Chair; Barlow, Vice Chair; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh, McDermott, Roach, Santos and P. Sullivan.

**Staff:** Andrew Colvin (786-7304).

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by 26 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Haler, Assistant Ranking Minority Member; Cody, Conway, Darneille, Dunn, Ericks, Fromhold, Grant, Haigh, Hunt, Hunter, Kagi, Kenney, Kessler, McDermott, McDonald, McIntire, Morrell, Pettigrew, Priest, Schual-Berke, Seaquist, P. Sullivan and Walsh.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson and Chandler.

**Staff:** Ben Rarick (786-7349).

### **Background:**

Through the apportionment process, the state makes payments to school districts for the salaries of basic education certificated instructional staff. Certificated instructional staff include both teachers and other professionals called educational staff associates (ESAs) who meet certification requirements adopted by the Professional Education Standards Board. The ESAs include: (1) occupational therapists; (2) physical therapists; (3) speech-language pathologists; (4) audiologists; (5) nurses; (6) social workers; (7) counselors; and (8) psychologists.

Funding for all certificated instructional staff salaries is based on a state salary allocation schedule that is implemented in the state's biennial operating budget. The salary allocation schedule is used by the state to account for differences in the education and experience of each district's certificated instructional staff.

The ESAs are currently included in the statewide salary allocation schedule. This schedule takes into account years of service and educational background. However, the current years of service determination applies only to service in schools (both public and private), but not to service in other non-school positions, such as work in a hospital, physician's office, or counseling center.

According to the Office of Superintendent of Public Instruction, schools are having greater difficulty recruiting ESAs, and as a result, schools have had to contract out for some services.

### **Summary of Engrossed Second Substitute Bill:**

Beginning in the 2007-08 school year, the certificated instructional staff salary allocation schedule will recognize up to two years of professional experience obtained by educational staff associates (ESAs) outside of a school setting. The ESAs included are: (1) school nurses; (2) occupational therapists; (3) physical therapists; (4) speech-language pathologists; (5) audiologists; (6) social workers; (7) counselors; and (8) psychologists.

Each year of service outside of the school system, up to two years, will count as one year of school service on the state salary allocation schedule. Non-school years of service shall not count towards service credits for retirement benefits or other state benefits.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

**Staff Summary of Public Testimony:** (Education)

(In support) This bill will rectify an inequity, and reduce the need for school districts to contract out for services provided by Educational Staff Associates (ESAs). There is a shortage of ESAs in the state, and not allowing them to count years of service outside of schools makes it unappealing for people in those professions to transition into school positions. Current ESAs are often stretched too thin because of understaffing. The ESAs who are contracted often don't receive benefits and lack supervision. Contracting for ESAs is expensive for school districts. Contracted ESAs are not factored into the staff mix for funding allocations, so districts have to pay for contracted staff out of local funds. When staff are contracted for these positions, the personnel changes frequently, meaning the continuity of care is lost compared to district employees that may stay for many years.

(Opposed) None.

**Staff Summary of Public Testimony:** (Appropriations)

(In support) The Washington Occupational Therapist Association supports this bill. I was an occupational therapist in Kent for 20 years. A survey done last year and responded to by 95 out of 295 districts revealed that on average, districts pay 36 percent higher for contractors than in-district hires. Contracted therapists still cost more than providing all the prior years experience for therapists who are in-district hires. Also, in many cases these are legally mandated services due to special education requirements.

(Opposed) None.

**Persons Testifying:** (Education) (In support) Representative P. Sullivan, prime sponsor; Jan Galvia, Physical Therapy Association of Washington State; Nasue Nishida, Professional Educator Standards Board; Melissa Johnson, Physical Therapy Association and Washington Speech and Hearing Association; Jennifer Priddy, Office of the Superintendent of Public Instruction; Charia Dunham, School Nurse Organization of Washington; Lucinda Young and Beth Nordstrom, Washington Education Association; John MacDonald, Washington State Association of School Psychologists; Roberta Reardon, Washington Education Association and Washington Occupational Therapy Association; Mark Haddock and Rose Racicot, Kent School District; Gail Rothwell, Washington Education Association and Tacoma School District; Mitch Denning, Alliance of Education Associations.

**Persons Testifying:** (Appropriations) Rose Raciot and Hans Landig, Washington Occupational Therapy Association.

**Persons Signed In To Testify But Not Testifying:** (Education) None.

**Persons Signed In To Testify But Not Testifying:** (Appropriations) None.