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**SENATE BILL 5544**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators McAuliffe, Hasegawa, Chase, Liias, Rolfes, Conway, Kohl-Welles, and Keiser

AN ACT Relating to establishing comparable and professional wages for K-12 employees; amending RCW 28A.150.410; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  (1) The legislature finds that the Washington supreme court in *McCleary v. State of Washington* found that the state allocation for salaries fell short of the actual cost of recruiting and retaining high quality educators.

(2) The legislature finds that Engrossed Substitute House Bill No. 2261 (chapter 548, Laws of 2009) created a compensation technical working group to recommend the details of an enhanced salary allocation model that aligns with state expectations for educator development and certification and to conduct a comparative labor market analysis of salaries and other compensation for school district employees. The legislature further finds that the working group issued its final report June 30, 2012.

(3) The legislature finds that the supreme court's *McCleary* order filed January 9, 2014, reaffirmed that "Quality educators and administrators are the heart of Washington's education system" and found that "the inescapable fact is that salaries for educators in Washington are no better now than when this case went to trial."

(4) The legislature intends to comply with its constitutional mandate to provide for the actual cost of educator salaries through a phase-in of the compensation technical working group's recommendations for comparable, market-based salaries for all K-12 staff and a revised compensation system for certificated instructional staff in order to attract and retain high quality educators to Washington schools. The legislature intends to continue to recognize the achievement of national board certification through the salary bonuses provided in RCW 28A.405.415, with additional bonus amounts for national board certified teachers choosing to teach in high poverty schools. The legislature further intends that the revised compensation system will link salary increases to movement within the certification system. The legislature intends to complete the phase-in to the new salary allocation schedule for certificated instructional staff and new salary allocations for classified and administrative staff by the 2017-18 school year.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.150 RCW to read as follows:

(1) By the 2017-18 school year, the legislature shall provide state allocations for K-12 salaries at levels that provide competitive, professional wages for all staff based on the comparable wages included in the final report of the compensation technical working group created by Engrossed Substitute House Bill No. 2261, chapter 548, Laws of 2009.

(2) Consistent with the compensation technical working group's final report, the legislature intends to transition to a new salary allocation schedule for certificated instructional staff, as specified in RCW 28A.150.410, which is aligned with the state expectations for educator development and certification.

(3) For the 2015-16 school year through the 2017-18 school year, the legislature shall increase state salary allocations for classified and certificated administrative staff by job category to reach comparable wages as recommended in the final report of the compensation technical working group created by Engrossed Substitute House Bill No. 2261, chapter 548, Laws of 2009. The phase-in shall be made in generally equal annual increments necessary to achieve the full phase-in of comparable wages adjusted for inflation since the release of the report as provided in subsection (4) of this section.

(4) Beginning in the 2017-18 school year and thereafter, state salary allocations for classified staff and certificated administrative staff shall reflect the compensation technical working group's recommended salary allocations by job category as adjusted by the cost-of-living index since the release of the report. The 2017-18 school year state salary allocations shall be an amount equal to the salaries from the compensation technical working group's report adjusted for annual cost-of-living increases from the 2011-12 school year to the 2017-18 school year using the cost-of-living index.

(5) Beginning in the 2018-19 school year and thereafter, the state salary allocations shall be based on the 2017-18 school year salary allocations with periodic updates to the comparable wage analysis pursuant to section 4 of this act and annual cost-of-living increases pursuant to RCW 28A.400.205.

(6) For the purposes of this section and RCW 28A.150.410, "cost-of-living index" means, for any school year, the previous calendar year's annual average consumer price index, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the cost-of-living index in this section.

**Sec.**  RCW 28A.150.410 and 2010 c 236 s 10 are each amended to read as follows:

(1) The legislature shall establish for each school year in the appropriations act a statewide salary allocation schedule, for allocation purposes only((~~, to be~~))and used to distribute funds for basic education certificated instructional staff salaries under RCW 28A.150.260. For the purposes of this section, the staff allocations for classroom teachers, teacher librarians, guidance counselors, and student health services staff under RCW 28A.150.260 are considered allocations for certificated instructional staff.

(2) Salary allocations for state-funded basic education certificated instructional staff shall be calculated by the superintendent of public instruction by determining the district's average salary for certificated instructional staff, using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act.

(3) Beginning January 1, 1992, no more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in the omnibus appropriations act, or any replacement schedules and documents, unless:

(a) The employee has a master's degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(4) For the 2015-16 school year through the 2017-18 school year, the legislature shall phase-in a change to the salary allocation schedule for certificated instructional staff as recommended in the final report of the compensation technical working group created by Engrossed Substitute House Bill No. 2261, chapter 548, Laws of 2009. The phase-in shall be made in generally equal annual increments necessary to achieve the full phase-in as provided in subsection (5) of this section.

(5)(a) Beginning in the 2017-18 school year and thereafter, a beginning certificated instructional staff member with an entry-level residency certificate may remain on a residency certificate for up to nine years at the same salary allocation, although there are different levels of salary allocations for residency certificate holders who have a bachelor's degree and those who have an advanced degree. Allocations based on an advanced degree must be only for those degrees that are relevant to current or future assignments as locally determined by the relevant school district.

(b) For the school year immediately following a certificated instructional staff's attainment of a professional certificate, the salary allocated for that staff must increase to reflect the salaries for a professional or continuing certificate in the state salary allocation schedule. A minimum of three years of experience is required to make the progression from the residency certification to the professional certification and the corresponding step on the salary allocation model.

(c) For certificated instructional staff with a professional or continuing certificate, there are different levels of salary allocations for those who have a bachelor's degree and those who have an advanced degree. Allocations based on an advanced degree must be only for those degrees that are relevant to current or future assignments as locally determined by the relevant school district.

(d) After nine years of experience, inclusive of the years with an initial or residency certificate, an additional salary increase must be allocated for a certificated instructional staff member who has achieved and retained the professional or continuing certificate.

(e) In the 2017-18 school year, the state salary allocation schedule in the enacted omnibus appropriations act must reflect full implementation of the compensation technical working group's recommended salary allocation schedule from the final report as adjusted for inflation since the release of the report. The report's recommended salary allocations, included in the table in this subsection (5)(e), were based on comparable wage analyses from the time of the report. When fully enacted in the 2017-18 school year, the state salary allocations shall adjust the salaries cited in the table in this subsection (5)(e) for annual cost-of-living increases from the 2011-12 school year to the 2017-18 school year using the cost-of-living index as defined in section 2(6) of this act.

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| --- | --- | --- | --- |
|  |  | 0-9 Years Experience | 10+ Years Experience |
| BA - Initial/Residency  | $48,687 | -- |
| MA - Initial/Residency  | $52,582 | -- |
| BA - Professional/Continuing  | $58,424 | $70,109 |
| MA - Professional/Continuing  | $63,098 | $75,718 |

(6) Beginning in the 2018-19 school year and thereafter, the actual state salary allocation schedule shall be based on the 2017-18 school year salary allocation schedule with periodic updates to the comparable wage analysis pursuant to section 4 of this act and annual cost-of-living increases pursuant to RCW 28A.400.205.

(7) The office of the superintendent of public instruction and the professional educator standards board shall adopt rules to implement this section.

(8) Beginning in the 2007-08 school year, the calculation of years of service for occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, and psychologists regulated under Title 18 RCW may include experience in schools and other nonschool positions as occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, or psychologists. The calculation shall be that one year of service in a nonschool position counts as one year of service for purposes of this chapter, up to a limit of two years of nonschool service, increased to a limit of three years in 2015-16, four years in 2016-17, and five years in 2017-18. Nonschool years of service included in calculations under this subsection shall not be applied to service credit totals for purposes of any retirement benefit under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement system benefits.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.300 RCW to read as follows:

(1) The legislature intends to ensure that K-12 salary allocations keep pace with the wages of comparable occupations by requiring a comparable wage analysis be conducted every four years.

(2) The superintendent of public instruction shall conduct or contract for a comparative labor market analysis of the salaries and other compensation for school district employees. The first analysis, including any recommendations for salary adjustments based on the analysis, must be submitted to the governor and the legislature by July 1, 2018. Subsequent reports shall be submitted every four years thereafter.

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