

ESSB 5313 - H AMD TO H AMD (5313-S.E AMH Sulp Mack 160) **947**

By Representative Chandler

WITHDRAWN 04/28/2019

1 On page 13, after line 10 of the striking amendment, insert the
2 following:

3

4 **"Sec. 5.** RCW 28A.400.200 and 2018 c 266 s 205 are each amended
5 to read as follows:

6 (1) Every school district board of directors shall fix, alter,
7 allow, and order paid salaries and compensation for all district
8 employees in conformance with this section.

9 (2)(a) Through the 2017-18 school year, salaries for
10 certificated instructional staff shall not be less than the salary
11 provided in the appropriations act in the statewide salary
12 allocation schedule for an employee with a baccalaureate degree and
13 zero years of service;

14 (b) Salaries for certificated instructional staff with a
15 master's degree shall not be less than the salary provided in the
16 appropriations act in the statewide salary allocation schedule for
17 an employee with a master's degree and zero years of service; and

18 (c) Beginning with the 2018-19 school year:

19 (i) Salaries for full-time certificated instructional staff must
20 not be less than forty thousand dollars, to be adjusted for regional
21 differences in the cost of hiring staff as specified in RCW 28A.
22 150.410, and to be adjusted annually by the same inflationary
23 measure as provided in RCW 28A.400.205;

24 (ii) Salaries for full-time certificated instructional staff
25 with at least five years of experience must exceed by at least ten
26 percent the value specified in (c)(i) of this subsection;

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1 (iii) A district may not pay full-time certificated
2 instructional staff a salary that exceeds ninety thousand dollars,
3 subject to adjustment for regional differences in the cost of hiring
4 staff as specified in RCW 28A.150.410. This maximum salary is
5 adjusted annually by the inflationary measure in RCW 28A.400.205;

6 (iv) These minimum and maximum salaries apply to the services
7 provided as part of the state's statutory program of basic education
8 and exclude supplemental contracts for additional time,
9 responsibility, or incentive pursuant to this section or for
10 enrichment pursuant to RCW 28A.150.276;

11 (v) A district may pay a salary that exceeds this maximum salary
12 by up to ten percent for full-time certificated instructional staff:
13 Who are educational staff associates; who teach in the subjects of
14 science, technology, engineering, or math; or who teach in the
15 transitional bilingual instruction or special education programs.

16 (3)(a)(i) Through the 2017-18 school year the actual average
17 salary paid to certificated instructional staff shall not exceed the
18 district's average certificated instructional staff salary used for
19 the state basic education allocations for that school year as
20 determined pursuant to RCW 28A.150.410.

21 (ii) For the 2018-19 school year, salaries for certificated
22 instructional staff are subject to the limitations in RCW 41.59.800.

23 (iii) Beginning with the 2019-20 school year, for purposes of
24 subsection (4) of this section, RCW 28A.150.276, and 28A.505.100,
25 each school district must annually identify the actual salary paid
26 to each certificated instructional staff for services rendered as
27 part of the state's program of basic education.

28 (b) Through the 2018-19 school year, fringe benefit
29 contributions for certificated instructional staff shall be included
30 as salary under (a)(i) of this subsection only to the extent that
31 the district's actual average benefit contribution exceeds the
32 amount of the insurance benefits allocation, less the amount
33 remitted by districts to the health care authority for retiree
34 subsidies, provided per certificated instructional staff unit in the

1 state operating appropriations act in effect at the time the
2 compensation is payable. For purposes of this section, fringe
3 benefits shall not include payment for unused leave for illness or
4 injury under RCW 28A.400.210; employer contributions for old age
5 survivors insurance, workers' compensation, unemployment
6 compensation, and retirement benefits under the Washington state
7 retirement system; or employer contributions for health benefits in
8 excess of the insurance benefits allocation provided per
9 certificated instructional staff unit in the state operating
10 appropriations act in effect at the time the compensation is
11 payable. A school district may not use state funds to provide
12 employer contributions for such excess health benefits.

13 (c) Salary and benefits for certificated instructional staff in
14 programs other than basic education shall be consistent with the
15 salary and benefits paid to certificated instructional staff in the
16 basic education program.

17 (4)(a) Salaries and benefits for certificated instructional
18 staff may exceed the limitations in subsection (3) of this section
19 only by separate contract for additional time, for additional
20 responsibilities, or for incentives. Supplemental contracts shall
21 not cause the state to incur any present or future funding
22 obligation. Supplemental contracts must be accounted for by a school
23 district when the district is developing its four-year budget plan
24 under RCW 28A.505.040.

25 (b) Supplemental contracts shall be subject to the collective
26 bargaining provisions of chapter 41.59 RCW and the provisions of RCW
27 28A.405.240, shall not exceed one year, and if not renewed shall not
28 constitute adverse change in accordance with RCW 28A.405.300 through
29 28A.405.380. No district may enter into a supplemental contract
30 under this subsection for the provision of services which are a part
31 of the basic education program required by Article IX, section 1 of
32 the state Constitution and RCW 28A.150.220.

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1 (c)(i) Beginning September 1, 2019, supplemental contracts for
2 certificated instructional staff are subject to the following
3 additional restrictions:

4 (A) School districts may enter into supplemental contracts only
5 for enrichment activities as defined in and subject to the
6 limitations of RCW 28A.150.276;

7 (B) Until September 1, 2021, the average supplemental contract,
8 or portion of a supplemental contract, that is provided by a
9 district for additional duties, responsibilities, or incentives may
10 be no higher than the average supplemental contract for additional
11 duties, responsibilities, or incentives from the previous year
12 reduced by the annual salary inflationary increase provided under
13 RCW 28A.400.205;

14 (C) Beginning September 1, 2021, the average supplemental
15 contract given by a district for additional duties,
16 responsibilities, or incentives must be for no more than three
17 percent of the average salary in the district provided as part of
18 the state's statutory program of basic education. Districts that do
19 not meet the three percent threshold under this subsection must
20 submit a four-year budgetary plan to the office of the
21 superintendent of public instruction that includes steps to reach
22 the three percent threshold under this subsection;

23 (D) In no instances shall the provisions of (c)(i)(B) and (C) of
24 this subsection result in a decrease of the total compensation
25 provided to certificated instructional staff for the same duties,
26 responsibilities, and incentives; and

27 (E) Nothing contained in this subsection shall be construed to
28 limit supplemental contracts for additional time or to limit bonuses
29 provided to certificated instructional staff who have attained
30 certification from the national board for professional teaching
31 standards under RCW 28A.405.415.

32 (ii) For a supplemental contract, or portion of a supplemental
33 contract, that is time-based, the hourly rate the district pays may
34 not exceed the hourly rate provided to that same instructional staff

1 for services under the basic education salary identified under
2 subsection (3)(a)(iii) of this section. For a supplemental contract,
3 or portion of a supplemental contract that is not time-based, the
4 contract must document the additional duties, responsibilities, or
5 incentives that are being funded in the contract.

6 (5) Employee benefit plans offered by any district shall comply
7 with RCW 28A.400.350, 28A.400.275, and 28A.400.280."

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9 Renumber the remaining sections consecutively and correct any
10 internal references accordingly.

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12 Correct the title.

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EFFECT: Adds section related to supplemental contracts
subject to enrichment levy limitations and state salary allocations
and makes the following changes:

1) Places restrictions on supplemental contracts for additional
duties, responsibilities, or incentives (not time-based), including
a limit of 3 percent of average salary for such contracts beginning
September 1, 2021.

(2) Provides that districts that do not reach the three percent
threshold must submit a budgetary plan to OSPI.

(3) Clarifies that nothing contained in the subsection shall be
construed to limit bonuses for national board certification.

(4) States that the restrictions on supplemental contracts
shall not result in decreased total compensation for certificated
instructional staff.

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