H-1235.1

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**HOUSE BILL 1854**

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

**By** Representatives Magendanz and Muri

AN ACT Relating to a salary allocation system for certificated instructional staff; amending RCW 28A.150.410, 28A.415.265, 28A.405.415, 28A.400.200, 28A.415.020, 28A.415.023, 28A.415.024, 28A.415.025, 28A.400.205, and 41.59.935; adding new sections to chapter 28A.150 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 41.59 RCW; and providing expiration dates.

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

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

NEW SALARY MODEL.

(1) The legislature shall establish for each school year in the omnibus appropriations act, beginning with the 2017-18 school year, a statewide salary schedule for certificated instructional staff as provided in this section. The salary allocation schedule shall be used to distribute funds for the certificated instructional staff allocated under RCW 28A.150.260.

(2) 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.

(3) Salary allocations under this section shall be calculated by the superintendent of public instruction by determining the district's average salary for all certificated instructional staff in the district who are subject to this section, using the statewide salary schedule and related documents, conditions, and limitations established by the omnibus appropriations act.

(4) The statewide salary schedule under this section shall be based on three tiers of demonstrated performance that align with the following levels of certification: Residency and professional certification as defined by the professional educator standards board and national board certification as defined by the national board for professional teaching standards. Salary increases between each tier must be significant. Each tier must contain salary steps based on years of service up to ten years, with the largest salary increases provided in the first and second years in each tier, and declining increases provided with each subsequent year in that tier. The salary schedule must not provide increased salaries based on continuing education credits or academic degrees.

(5) This section applies only to certificated instructional staff whose first employment with a school district commences with or after the 2017-18 school year or who have transferred to the compensation system with salary allocations established under this section as provided under section 2 of this act.

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

TRANSFER TO NEW SYSTEM.

(1) Certificated instructional staff whose first employment with a school district commenced before the 2017-18 school year have the option to make an irrevocable transfer to the compensation system with salary allocations provided under section 1 of this act.

(2) An employee who wishes to transfer to the new compensation system in accordance with this section shall notify the employing school district no later than November 15th of the year before the school year when the transfer will take effect. The transfer shall take effect with the next subsequent school year after the notification regardless of whether the employee changes school districts, takes a leave of absence, or terminates employment before the beginning of the school year.

(3) Any employee subject to this section who has not transferred to the new compensation system by August 31, 2027, shall be automatically transferred effective September 1, 2027.

(4) This section expires December 31, 2027.

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

OLD SALARY ALLOCATION MODEL.

(1) The legislature shall establish for each school year in the appropriations act a statewide salary allocation schedule, for allocation purposes only, to be 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 under this section shall be calculated by the superintendent of public instruction by determining the district's average salary for all certificated instructional staff who are subject to this section, 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) 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. 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.405 RCW to read as follows:

NEW STIPENDS AND BONUSES.

(1) In addition to salaries allocated under section 1 of this act, the legislature shall allocate the stipends and bonuses in accordance with this subsection beginning with the 2017-18 school year for qualified certificated instructional staff who are subject to this section.

(a) Classroom teachers shall receive a bonus in the amount of two thousand dollars during the first three years if they are employed in:

(i) A "hard to staff position," which is defined for purposes of this section as a classroom teacher spending at least fifty percent of his or her work day in direct classroom instruction in either: Special education at the elementary, middle, or high school levels; or mathematics or science, or both, at the middle or high school levels; or

(ii) An instructional assignment in a school in which at least seventy percent of the students qualify for the free and reduced-price lunch program.

(b) Certificated instructional staff in the top three small, medium, and large schools recognized by the state board of education and the office of the superintendent of public instruction as demonstrating the most improvement on the Washington achievement index shall receive a bonus of five thousand dollars. The bonuses shall be paid only to the certificated instructional staff who were in the school at the time of recognition, and regardless of whether they were in the school during the school year for which the recognition is issued.

(2) The stipends and bonuses provided under this section are in addition to compensation received under a district's salary schedule adopted in accordance with RCW 28A.405.200 and shall not be included in calculations of a district's average salary and associated salary limitations under RCW 28A.400.200. The bonuses under this section shall be adjusted annually for inflation, shall be paid in a lump sum amount, and shall not be included in the definition of "earnable compensation" under RCW 41.32.010.

(3) This section applies only to those certificated instructional staff whose first employment with a school district commences with or after the 2017-18 school year or who have transferred to the compensation system with salary allocations established under section 1 of this act as provided under section 2 of this act.

(4) The superintendent of public instruction shall adopt rules to implement this section, including assuring that certificated instructional staff who qualify for a stipend or bonus under this section for less than one full school year receive the stipend or bonus in a pro rata manner.

**Sec.**  RCW 28A.415.265 and 2013 2nd sp.s. c 18 s 401 are each amended to read as follows:

EDUCATOR SUPPORT PROGRAM.

(1) The educator support program is established to provide professional development and mentor support for beginning educators and educators on probation under RCW 28A.405.100, to be composed of the beginning educator support team for beginning educators and continuous improvement coaching for educators on probation, as provided in this section.

(2)(a) Subject to funds appropriated for this specific purpose, the office of the superintendent of public instruction shall allocate funds for the beginning educator support team on a competitive basis to individual school districts or consortia of districts. School districts are encouraged to include educational service districts in creating regional consortia. In allocating funds, the office of the superintendent of public instruction shall give priority to school districts with low-performing schools identified under RCW 28A.657.020 as being challenged schools in need of improvement. A portion of the appropriated funds may be used for program coordination and provision of statewide or regional professional development through the office of the superintendent of public instruction.

(b) A beginning educator support team must include the following components:

(i) A paid orientation or individualized assistance before the start of the school year for beginning educators;

(ii) Assignment of a trained and qualified mentor for the first three years for beginning educators, with intensive support in the first year and decreasing support over the following years depending on the needs of the beginning educator;

(iii) Professional development for beginning educators that is designed to meet their unique needs for supplemental training and skill development;

(iv) Professional development for mentors;

(v) Release time for mentors and their designated educators to work together, as well as time for educators to observe accomplished peers; and

(vi) A program evaluation using a standard evaluation tool provided from the office of the superintendent of public instruction that measures increased knowledge, skills, and positive impact on student learning for program participants.

(3) Subject to funds separately appropriated for this specific purpose, the beginning educator support team components under subsection (2) of this section may be provided for continuous improvement coaching to support educators on probation under RCW 28A.405.100.

(4) Beginning in the 2017-18 school year and subject to funds appropriated for this purpose, the educator support program shall be expanded statewide, and all teachers in their first year of teaching service in Washington public schools after receipt of a residency certificate must participate in the mentoring and support program developed under this section.

**Sec.**  RCW 28A.405.415 and 2013 2nd sp.s. c 5 s 4 are each amended to read as follows:

OLD BONUSES.

(1) Certificated instructional staff who have attained certification from the national board for professional teaching standards shall receive a bonus each year in which they maintain the certification. The bonus shall be calculated as follows: The annual bonus shall be five thousand dollars in the 2007-08 school year. Thereafter, the annual bonus shall increase by inflation, except that the bonus shall not be increased during the 2013-14 and 2014-15 school years.

(2) Certificated instructional staff who have attained certification from the national board for professional teaching standards shall be eligible for bonuses in addition to that provided by subsection (1) of this section if the individual is in an instructional assignment in a school in which at least seventy percent of the students qualify for the free and reduced-price lunch program.

(3) The amount of the additional bonus under subsection (2) of this section for those meeting the qualifications of subsection (2) of this section is five thousand dollars.

(4) The bonuses provided under this section are in addition to compensation received under a district's salary schedule adopted in accordance with RCW 28A.405.200 and shall not be included in calculations of a district's average salary and associated salary limitations under RCW 28A.400.200.

(5) The bonuses provided under this section shall be paid in a lump sum amount.

(6) Beginning in the 2017-18 school year, this section applies only to certificated instructional staff whose first employment with a school district commenced before the 2017-18 school year and who have not transferred under section 2 of this act to the compensation system with salary allocations provided under section 1 of this act.

(7) This section expires December 31, 2027.

**Sec.**  RCW 28A.400.200 and 2010 c 235 s 401 are each amended to read as follows:

SALARY CONTROL AND SUPPLEMENTAL CONTRACTS.

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

(2) For certificated instructional staff subject to the salary allocation schedule established under RCW 28A.150.410:

(a) Salaries for ((~~certificated instructional~~)) staff shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a baccalaureate degree and zero years of service; ((~~and~~))

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

~~(3)(a)~~)); and

(c) The actual average salary paid to ((~~certificated instructional~~)) staff subject to this subsection (2) shall not exceed the district's average certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.150.410.

((~~(b)~~))(3) For certificated instructional staff subject to the salary schedule established under section 1 of this act, salaries shall be as provided in the statewide salary schedule in the omnibus appropriations act.

(4)(a) Fringe benefit contributions for certificated instructional staff shall be included as salary under ((~~(a) of this~~)) subsections (2) and (3) of this section only to the extent that the district's actual average benefit contribution exceeds the amount of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.400.210; employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system; or employer contributions for health benefits in excess of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. A school district may not use state funds to provide employer contributions for such excess health benefits.

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

((~~(4)~~))(5)(a) Salaries and benefits for certificated instructional staff may exceed the limitations in subsections((~~(3)~~))(2) through (4) of this section only by separate contract for ((~~additional time, for additional responsibilities, for incentives, or for implementing specific measurable innovative activities, including professional development, specified by the school district to: (a) Close one or more achievement gaps, (b) focus on development of science, technology, engineering, and mathematics (STEM) learning opportunities, or (c) provide arts education. Beginning September 1, 2011, school districts shall annually provide a brief description of the innovative activities included in any supplemental contract to the office of the superintendent of public instruction. The office of the superintendent of public instruction shall summarize the district information and submit an annual report to the education committees of the house of representatives and the senate~~))enhancements to the program of basic education consisting of additional staff time or responsibility as follows: Athletic coaching; advising of clubs and student body organizations; professional development on nonschool days, or after work hours on school days; extra day contracts for certificated instructional staff on special assignment as classroom coaches and curriculum specialists or for summer school; time spent on individualized education programs, after work hours on school days and on nonschool days, by certificated instructional staff employed in special education; after school meetings among certificated instructional staff to coplan, often through professional learning communities; and time spent tutoring students after school hours and on nonschool days.

(b) The superintendent of public instruction is authorized to provide, by rule, for other similar additional time or responsibilities to be considered enhancements to basic education and the proper subject of a supplemental contract for purposes of this subsection (5).

(c) Supplemental contracts shall specify the minimum amount of additional time required and the purpose or purposes of the additional time or responsibility using standard terms and definitions established by the office of the superintendent of public instruction. Nothing in this section prohibits a supplemental contract that pays a stipend rather than a per-unit amount for the additional time. School districts shall annually submit the information required under this subsection in a common reporting format established by the office of the superintendent of public instruction and disaggregated for each individual receiving a supplemental contract.

(d) Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.405.300 through 28A.405.380. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 3 of the state Constitution.

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

**Sec.**  RCW 28A.415.020 and 2011 1st sp.s. c 18 s 5 are each amended to read as follows:

CLOCK HOURS.

(1) Certificated personnel shall receive for each ten clock hours of approved in-service training attended the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(2) Certificated personnel shall receive for each ten clock hours of approved continuing education earned, as continuing education is defined by rule adopted by the professional educator standards board, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(3) Certificated personnel shall receive for each forty clock hours of participation in an approved internship with a business, an industry, or government, as an internship is defined by rule of the professional educator standards board in accordance with RCW 28A.415.025, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(4) An approved in-service training program shall be a program approved by a school district board of directors, which meet standards adopted by the professional educator standards board, and the development of said program has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.415.040, or a program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the professional educator standards board, or both.

(5) Clock hours eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee as described in subsections (1) and (2) of this section, shall be those hours acquired after August 31, 1987. Clock hours eligible for application to the salary schedule as described in subsection (3) of this section shall be those hours acquired after December 31, 1995.

(6) In-service training or continuing education in first peoples' language, culture, or oral tribal traditions provided by a sovereign tribal government participating in the Washington state first peoples' language, culture, and oral tribal traditions teacher certification program authorized under RCW 28A.410.045 shall be considered approved in-service training or approved continuing education under this section and RCW 28A.415.023.

(7) For the 2011-12 and 2012-13 school years, application of credits or credit equivalents earned under this section after October 1, 2010, to the salary schedule developed by the legislative evaluation and accountability program committee is subject to any conditions or limitations contained in the omnibus operating appropriations act.

(8) Beginning in the 2017-18 school year, this section applies only to certificated instructional staff whose first employment with a school district commenced before the 2017-18 school year and who have not transferred under section 2 of this act to the compensation system with salary allocation schedules provided under section 1 of this act.

(9) This section expires December 31, 2027.

**Sec.**  RCW 28A.415.023 and 2012 c 35 s 6 are each amended to read as follows:

CREDITS.

(1) Credits earned by certificated instructional staff after September 1, 1995, shall be eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee only if the course content:

(a) Is consistent with a school-based plan for mastery of student learning goals as referenced in RCW 28A.655.110, the annual school performance report, for the school in which the individual is assigned;

(b) Pertains to the individual's current assignment or expected assignment for the subsequent school year;

(c) Is necessary to obtain an endorsement as prescribed by the Washington professional educator standards board;

(d) Is specifically required to obtain advanced levels of certification;

(e) Is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certified instructional staff;

(f) Addresses research-based assessment and instructional strategies for students with dyslexia, dysgraphia, and language disabilities when addressing learning goal one under RCW 28A.150.210, as applicable and appropriate for individual certificated instructional staff; or

(g) Pertains to the revised teacher evaluation system under RCW 28A.405.100, including the professional development training provided in RCW 28A.405.106.

(2) For the purpose of this section, "credits" mean college quarter hour credits and equivalent credits for approved in-service, approved continuing education, or approved internship hours computed in accordance with RCW 28A.415.020.

(3) The superintendent of public instruction shall adopt rules and standards consistent with the limits established by this section for certificated instructional staff.

(4) For the 2011-12 and 2012-13 school years, application of credits or credit equivalents earned under this section after October 1, 2010, to the salary schedule developed by the legislative evaluation and accountability program committee is subject to any conditions or limitations contained in the omnibus operating appropriations act.

(5) Beginning in the 2017-18 school year, this section applies only to certificated instructional staff whose first employment with a school district commenced before the 2017-18 school year and who have not transferred under section 2 of this act to the compensation system with salary allocation schedules provided under section 1 of this act.

(6) This section expires December 31, 2027.

**Sec.**  RCW 28A.415.024 and 2006 c 263 s 809 are each amended to read as follows:

CREDITS.

(1) All credits earned in furtherance of degrees earned by certificated staff, that are used to increase earnings on the salary schedule consistent with RCW 28A.415.023, must be obtained from an educational institution accredited by an accrediting association recognized by rule of the professional educator standards board.

(2) The office of the superintendent of public instruction shall verify for school districts the accreditation status of educational institutions granting degrees that are used by certificated staff to increase earnings on the salary schedule consistent with RCW 28A.415.023.

(3) The office of the superintendent of public instruction shall provide school districts with training and additional resources to ensure they can verify that degrees earned by certificated staff, that are used to increase earnings on the salary schedule consistent with RCW 28A.415.023, are obtained from an educational institution accredited by an accrediting association recognized by rule of the professional educator standards board.

(4)(a) No school district may submit degree information before there has been verification of accreditation under subsection (3) of this section.

(b) Certificated staff who submit degrees received from an unaccredited educational institution for the purposes of receiving a salary increase shall be fined three hundred dollars. The fine shall be paid to the office of the superintendent of public instruction and used for costs of administering this section.

(c) In addition to the fine in (b) of this subsection, certificated staff who receive salary increases based upon degrees earned from educational institutions that have been verified to be unaccredited must reimburse the district for any compensation received based on these degrees.

(5) Beginning in the 2017-18 school year, this section applies only to certificated instructional staff whose first employment with a school district commenced before the 2017-18 school year and who have not transferred under section 2 of this act to the compensation system with salary allocation schedules provided under section 1 of this act.

(6) This section expires December 31, 2027.

**Sec.**  RCW 28A.415.025 and 2006 c 263 s 810 are each amended to read as follows:

INTERNSHIP CLOCK HOURS.

(1) The professional educator standards board shall establish rules for awarding clock hours for participation of certificated personnel in internships with business, industry, or government. To receive clock hours for an internship, the individual must demonstrate that the internship will provide beneficial skills and knowledge in an area directly related to his or her current assignment, or to his or her assignment for the following school year.

(2) An individual may not receive more than the equivalent of two college quarter credits for internships during a calendar-year period. The total number of credits for internships that an individual may earn to advance on the salary schedule developed by the legislative evaluation and accountability program committee or its successor agency is limited to the equivalent of fifteen college quarter credits.

(3) Beginning in the 2017-18 school year, this section applies only to certificated instructional staff whose first employment with a school district commenced before the 2017-18 school year and who have not transferred under section 2 of this act to the compensation system with salary allocation schedules provided under section 1 of this act.

(4) This section expires December 31, 2027.

**Sec.**  RCW 28A.400.205 and 2013 2nd sp.s. c 5 s 1 are each amended to read as follows:

(1) School district employees shall be provided an annual salary cost-of-living increase in accordance with this section.

(a) The cost-of-living increase shall be calculated by applying the rate of the yearly increase in the cost-of-living index to any state-funded salary base used in state funding formulas for teachers and other school district employees. Beginning with the 2001-02 school year, and for each subsequent school year, except for the 2013-14 and 2014-15 school years, each school district shall be provided a cost-of-living allocation sufficient to grant this cost-of-living increase.

(b) A school district shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with the district's salary schedules, collective bargaining agreements, and compensation policies. No later than the end of the school year, each school district shall certify to the superintendent of public instruction that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.

(c) Any funded cost-of-living increase shall be included in the salary base used to determine cost-of-living increases for school employees in subsequent years. For teachers and other certificated instructional staff, the rate of the annual cost-of-living increase funded for certificated instructional staff shall be applied to the base salary used with the statewide salary allocation schedule established under ((~~RCW 28A.150.410~~))sections 1 and 2 of this act and to any other salary models used to recognize school district personnel costs, except that the annual cost-of-living increase shall not be applied to the base salary used with the statewide salary allocation schedule established under RCW 28A.150.410.

(2) For the purposes of this section, "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.

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

COLLECTIVE BARGAINING AGREEMENTS.

Nothing in chapter ..., Laws of 2015 (this act) is intended to alter or affect existing collective bargaining agreements. Chapter ..., Laws of 2015 (this act) applies to all collective bargaining agreements ratified after the effective date of this section.

**Sec.**  RCW 41.59.935 and 1990 c 33 s 571 are each amended to read as follows:

LIMITS TO SALARY BARGAINING.

Nothing in this chapter shall be construed to grant employers or employees the right to reach agreements regarding salary or compensation increases in excess of those authorized in accordance with section 1 of this act, RCW 28A.150.410 ((~~and~~)), 28A.400.200.

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