
HOUSE BILL 1709

State of Washington 58th Legislature 2003 Regular Session

By Representatives Anderson, Talcott, Pflug and Cox

Read first time 02/05/2003. Referred to Committee on Education.

1 AN ACT Relating to parent-based performance compensation for
2 certificated employees allocated from local levy funds; amending RCW
3 28A.400.200; and adding a new section to chapter 28A.400 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.400
6 RCW to read as follows:

7 (1) The legislature finds that parents have a crucial role in the
8 education of their children. The legislature also finds that one of
9 the most effective ways to increase achievement, raise attendance
10 rates, and improve student behavior is to strengthen partnerships
11 between parents and schools. The legislature intends to strengthen the
12 role of parents in that partnership by giving parents an opportunity to
13 provide a tangible reward for the extraordinary efforts of those
14 teachers who raise academic achievement or help students succeed in
15 other important facets of education.

16 (2) School districts may provide parent-based performance pay to
17 classroom teachers and educational staff associates who meet one or
18 more of the criteria developed by the professional educator standards

1 board under subsection (3) of this section. In providing the parent-
2 based performance pay, school districts shall meet the conditions in
3 this subsection.

4 (a) Parent-based performance pay shall be provided solely from
5 local funds through supplemental contracts under RCW 28A.400.200.

6 (b) A parent council, appointed by the school principal, shall
7 determine the criteria used to distribute parent-based performance pay
8 to certificated teachers and certificated educational staff associates
9 in each school. The council shall consist of nine to fifteen parents
10 who each have at least one child enrolled in the school, do not have
11 any conflicts of interest, are not employees or the spouses of
12 employees of any school district, and are not members of any employee
13 bargaining unit. Members of the parent council shall serve two-year
14 terms and may serve a maximum of three terms.

15 (c) Using the one or more items from the criteria developed by the
16 professional educator standards board, the parent council shall select
17 the criteria used to determine which employees receive the performance
18 pay and the amount the recipients shall receive. The parent council
19 may select the recipients of the pay and the amount each recipient
20 shall receive, at the option of the parent council.

21 (d) Beginning with maintenance and operations levies submitted to
22 the voters after January 1, 2004, each school district board of
23 directors may reserve a minimum of twenty percent of the funds provided
24 by each maintenance and operation levy for parent-based performance
25 pay. For parent-based performance pay, the amount of the funding,
26 selection criteria, selection process, number of recipients, amount of
27 each award, timing, membership on the parent council, and all other
28 aspects of the pay are not subject to collective bargaining. All funds
29 collected for parent-based performance pay shall be used solely for
30 that purpose.

31 (3) By December 31, 2003, the professional educator standards board
32 shall adopt the criteria to be used by each parent council. The
33 criteria, created in consultation with the academic achievement and
34 accountability commission, shall be based on student achievement, and
35 at least sixty percent of the criteria shall emphasize student
36 achievement or improvement on objective assessment measures including
37 the Washington assessment of student learning. In addition, the board
38 shall:

- 1 (a) Biennially survey parent councils on the criteria and collect
2 from them information on the outcomes of the performance pay; and
3 (b) Review and may modify the criteria on a six-year cycle.

4 **Sec. 2.** RCW 28A.400.200 and 2002 c 353 s 2 are each amended to
5 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) Salaries for certificated instructional staff shall not be
10 less than the salary provided in the appropriations act in the
11 statewide salary allocation schedule for an employee with a
12 baccalaureate degree and zero years of service; and

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

17 (3)(a) The actual average salary paid to certificated instructional
18 staff shall not exceed the district's average certificated
19 instructional staff salary used for the state basic education
20 allocations for that school year as determined pursuant to RCW
21 28A.150.410.

22 (b) Fringe benefit contributions for certificated instructional
23 staff shall be included as salary under (a) of this subsection only to
24 the extent that the district's actual average benefit contribution
25 exceeds the amount of the insurance benefits allocation provided per
26 certificated instructional staff unit in the state operating
27 appropriations act in effect at the time the compensation is payable.
28 For purposes of this section, fringe benefits shall not include payment
29 for unused leave for illness or injury under RCW 28A.400.210; employer
30 contributions for old age survivors insurance, workers' compensation,
31 unemployment compensation, and retirement benefits under the Washington
32 state retirement system; or employer contributions for health benefits
33 in excess of the insurance benefits allocation provided per
34 certificated instructional staff unit in the state operating
35 appropriations act in effect at the time the compensation is payable.
36 A school district may not use state funds to provide employer
37 contributions for such excess health benefits.

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

5 (4) Salaries and benefits for certificated instructional staff may
6 exceed the limitations in subsection (3) of this section only by
7 separate contract for additional time, additional responsibilities, or
8 incentives. Incentives shall include parent-based performance pay
9 under section 1 of this act. Supplemental contracts shall not cause
10 the state to incur any present or future funding obligation. With the
11 exception of supplemental contracts for parent-based performance pay,
12 supplemental contracts shall be subject to the collective bargaining
13 provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240,
14 shall not exceed one year, and if not renewed shall not constitute
15 adverse change in accordance with RCW 28A.405.300 through 28A.405.380.
16 No district may enter into a supplemental contract under this
17 subsection for the provision of services which are a part of the basic
18 education program required by Article IX, section 3 of the state
19 Constitution.

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

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