
HOUSE BILL 2247

State of Washington 58th Legislature 2003 Regular Session

By Representatives Fromhold, McIntire, Lovick and Moeller

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1 AN ACT Relating to cost-of-living increases for educational
2 employees; amending RCW 28A.400.205, 28A.150.250, and 28A.150.260;
3 adding a new section to chapter 28A.400 RCW; providing an effective
4 date; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.400
7 RCW to read as follows:

8 The legislature finds that under the state Constitution, making
9 ample provision for basic education is the state's paramount duty. The
10 legislature finds that under the state's current basic education
11 funding formulas, teacher salaries are the key component of basic
12 education funding, and thus the state's basic education funding
13 obligation requires the state to provide districts with an allocation
14 sufficient to hire and retain qualified providers of basic education
15 services. The legislature further finds that requiring predictable
16 cost-of-living increases is the best way to ensure that all educational
17 employees' salaries maintain pace with inflation.

18 Therefore, the legislature reaffirms the goal of ensuring that
19 cost-of-living increases are provided to all school district employees.

1 The legislature also intends that the state should be responsible for
2 funding the cost-of-living increase for the educational services for
3 which the state provides funding, and school districts should provide
4 the cost-of-living increase for employees hired by the district with
5 local levy funding or other nonstate sources. Further, for those
6 educational programs that are within the state's definition of basic
7 education, the legislature intends to clarify that these cost-of-living
8 increases are within the state's constitutional basic education funding
9 obligation.

10 **Sec. 2.** RCW 28A.400.205 and 2001 c 4 s 2 are each amended to read
11 as follows:

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

14 ~~(a) ((The cost of living increase shall be calculated by applying~~
15 ~~the rate of the yearly increase in the cost of living index to any~~
16 ~~state funded salary base used in state funding formulas for teachers~~
17 ~~and other school district employees. Beginning with the 2001-02 school~~
18 ~~year, and for each subsequent school year, each school district shall~~
19 ~~be provided a cost of living allocation sufficient to grant this cost-~~
20 ~~of living increase for the salaries, including mandatory salary related~~
21 ~~benefits, of all employees of the district))~~ (i) Each school district's
22 total cost-of-living increase is calculated by applying the rate of the
23 yearly increase in the cost-of-living index to the district's salary
24 base for all employees of the district.

25 (ii) The state's portion of the cost-of-living increase is
26 calculated by applying the rate of the yearly increase in the cost-of-
27 living index to the state-funded salary base used in state funding
28 formulas for teachers and other school employees. Beginning with the
29 2003-04 school year, the superintendent of public instruction shall
30 distribute to each district the amount of the state's portion
31 attributable to that district.

32 (iii) Beginning with the 2003-04 school year, from amounts
33 distributed under (a)(ii) of this subsection and from other district
34 resources, each district shall provide a total cost-of-living
35 allocation sufficient to grant the district's cost-of-living increase
36 for the salaries, including mandatory salary-related benefits, of all
37 employees of the district.

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

8 (c) Any funded cost-of-living increase shall be included in the
9 salary base used to determine cost-of-living increases for all school
10 employees in subsequent years. For teachers and other certificated
11 instructional staff, the rate of the annual cost-of-living increase
12 funded for certificated instructional staff shall be applied to the
13 base salary used with the statewide salary allocation schedule
14 established under RCW 28A.150.410 and to any other salary models used
15 to recognize school district personnel costs.

16 ~~((Beginning with the 2001-02 school year, the state shall fully
17 fund the cost of living increase in this section as part of its
18 obligation to meet the basic education requirements under Article IX of
19 the Washington Constitution))~~ For those programs within the state-
20 funded salary base that are within the program of basic education, the
21 cost-of-living increase in (a)(ii) of this subsection is also within
22 the program of basic education. Beginning with the 2005-06 school
23 year, the state shall fully fund the cost-of-living increase in (a)(ii)
24 of this subsection for programs within the program of basic education
25 as a part of the state's basic education funding obligation under
26 Article IX of the state Constitution.

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

36 **Sec. 3.** RCW 28A.150.250 and 1990 c 33 s 107 are each amended to
37 read as follows:

1 From those funds made available by the legislature for the current
2 use of the common schools, the superintendent of public instruction
3 shall distribute annually as provided in RCW 28A.510.250 to each school
4 district of the state operating a program approved by the state board
5 of education an amount which, when combined with an appropriate portion
6 of such locally available revenues, other than receipts from federal
7 forest revenues distributed to school districts pursuant to RCW
8 28A.520.010 and 28A.520.020, as the superintendent of public
9 instruction may deem appropriate for consideration in computing state
10 equalization support, excluding excess property tax levies, will
11 constitute a basic education allocation in dollars for each annual
12 average full time equivalent student enrolled, based upon one full
13 school year of one hundred eighty days, except that for kindergartens
14 one full school year shall be one hundred eighty half days of
15 instruction, or the equivalent as provided in RCW 28A.150.220.

16 Basic education shall be considered to be fully funded by those
17 amounts of dollars appropriated by the legislature pursuant to RCW
18 28A.150.250 and 28A.150.260 to fund those program requirements
19 identified in RCW 28A.150.220 in accordance with the formula and ratios
20 provided in RCW 28A.150.260 and those amounts of dollars appropriated
21 by the legislature to fund the salary requirements of RCW 28A.150.100
22 (~~and~~), 28A.150.410, and 28A.400.205(1)(d).

23 Operation of a program approved by the state board of education,
24 for the purposes of this section, shall include a finding that the
25 ratio of students per classroom teacher in grades kindergarten through
26 three is not greater than the ratio of students per classroom teacher
27 in grades four and above for such district: PROVIDED, That for the
28 purposes of this section, "classroom teacher" shall be defined as an
29 instructional employee possessing at least a provisional certificate,
30 but not necessarily employed as a certificated employee, whose primary
31 duty is the daily educational instruction of students: PROVIDED
32 FURTHER, That the state board of education shall adopt rules and
33 regulations to insure compliance with the student/teacher ratio
34 provisions of this section, and such rules and regulations shall allow
35 for exemptions for those special programs and/or school districts which
36 may be deemed unable to practicably meet the student/teacher ratio
37 requirements of this section by virtue of a small number of students.

1 If a school district's basic education program fails to meet the
2 basic education requirements enumerated in RCW 28A.150.250,
3 28A.150.260, and 28A.150.220, the state board of education shall
4 require the superintendent of public instruction to withhold state
5 funds in whole or in part for the basic education allocation until
6 program compliance is assured: PROVIDED, That the state board of
7 education may waive this requirement in the event of substantial lack
8 of classroom space.

9 **Sec. 4.** RCW 28A.150.260 and 1997 c 13 s 2 are each amended to read
10 as follows:

11 The basic education allocation for each annual average full time
12 equivalent student shall be determined in accordance with the following
13 procedures:

14 (1) The governor shall and the superintendent of public instruction
15 may recommend to the legislature a formula based on a ratio of students
16 to staff for the distribution of a basic education allocation for each
17 annual average full time equivalent student enrolled in a common
18 school. The distribution formula shall have the primary objective of
19 equalizing educational opportunities and shall provide appropriate
20 recognition of the following costs among the various districts within
21 the state:

22 (a) Certificated instructional staff and their related costs;

23 (b) Certificated administrative staff and their related costs;

24 (c) Classified staff and their related costs;

25 (d) Nonsalary costs;

26 (e) Extraordinary costs of remote and necessary schools and small
27 high schools, including costs of additional certificated and classified
28 staff; (~~and~~)

29 (f) The attendance of students pursuant to RCW 28A.335.160 and
30 28A.225.250 who do not reside within the servicing school district; and

31 (g) Cost-of-living adjustments as required by RCW
32 28A.400.205(1)(d).

33 (2)(a) This formula for distribution of basic education funds shall
34 be reviewed biennially by the superintendent and governor. The
35 recommended formula shall be subject to approval, amendment or
36 rejection by the legislature. The formula shall be for allocation
37 purposes only. While the legislature intends that the allocations for

1 additional instructional staff be used to increase the ratio of such
2 staff to students, nothing in this section shall require districts to
3 reduce the number of administrative staff below existing levels.

4 (b) The formula adopted by the legislature shall reflect the
5 following ratios at a minimum: (i) Forty-nine certificated
6 instructional staff to one thousand annual average full time equivalent
7 students enrolled in grades kindergarten through three; (ii) forty-six
8 certificated instructional staff to one thousand annual average full
9 time equivalent students in grades four through twelve; (iii) four
10 certificated administrative staff to one thousand annual average full
11 time equivalent students in grades kindergarten through twelve; and
12 (iv) sixteen and sixty-seven one-hundredths classified personnel to one
13 thousand annual average full time equivalent students enrolled in
14 grades kindergarten through twelve.

15 (c) In the event the legislature rejects the distribution formula
16 recommended by the governor, without adopting a new distribution
17 formula, the distribution formula for the previous school year shall
18 remain in effect: PROVIDED, That the distribution formula developed
19 pursuant to this section shall be for state apportionment and
20 equalization purposes only and shall not be construed as mandating
21 specific operational functions of local school districts other than
22 those program requirements identified in RCW 28A.150.220 and
23 28A.150.100. The enrollment of any district shall be the annual
24 average number of full time equivalent students and part time students
25 as provided in RCW 28A.150.350, enrolled on the first school day of
26 each month and shall exclude full time equivalent students with
27 disabilities recognized for the purposes of allocation of state funds
28 for programs under RCW 28A.155.010 through 28A.155.100. The definition
29 of full time equivalent student shall be determined by rules of the
30 superintendent of public instruction: PROVIDED, That the definition
31 shall be included as part of the superintendent's biennial budget
32 request: PROVIDED, FURTHER, That any revision of the present
33 definition shall not take effect until approved by the house
34 appropriations committee and the senate ways and means committee:
35 PROVIDED, FURTHER, That the office of financial management shall make
36 a monthly review of the superintendent's reported full time equivalent
37 students in the common schools in conjunction with RCW 43.62.050.

1 (3)(a) Certificated instructional staff shall include those persons
2 employed by a school district who are nonsupervisory employees within
3 the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases,
4 people of unusual competence but without certification may teach
5 students so long as a certificated person exercises general
6 supervision: PROVIDED, FURTHER, That the hiring of such classified
7 people shall not occur during a labor dispute and such classified
8 people shall not be hired to replace certificated employees during a
9 labor dispute.

10 (b) Certificated administrative staff shall include all those
11 persons who are chief executive officers, chief administrative
12 officers, confidential employees, supervisors, principals, or assistant
13 principals within the meaning of RCW 41.59.020(4).

14 NEW SECTION. **Sec. 5.** Sections 3 and 4 of this act take effect
15 July 1, 2005.

16 NEW SECTION. **Sec. 6.** Section 2 of this act is necessary for the
17 immediate preservation of the public peace, health, or safety, or
18 support of the state government and its existing public institutions,
19 and takes effect immediately.

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