

# SENATE BILL REPORT

## SB 5829

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As of February 24, 2011

**Title:** An act relating to providing school districts with temporary flexibility in implementing compensation adjustments made in the omnibus appropriations act.

**Brief Description:** Providing school districts with temporary flexibility in implementing compensation adjustments made in the omnibus appropriations act.

**Sponsors:** Senator McAuliffe.

**Brief History:**

**Committee Activity:** Ways & Means: 2/22/11.

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### SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Elise Greef (786-7708)

**Background:** Public School Employee Salaries. The Legislature allocates money to each district for state-funded employee salaries and associated fringe benefits. In the case of certificated instructional staff (CIS) – teachers, counselors, librarians, and other instructional staff requiring certification – the state funding is provided based on a state-salary allocation schedule. An individual’s education level and teaching experience determines the allocation for base salary. Additional funds (a 1 to 3 percent increase) are provided for each additional year of experience up to 16 years. Additional funds (a 3 to 20 percent increase) are also provided for additional credits of approved education acquired up to a Ph.D.

The state does not require school districts to pay certificated instructional staff in accordance with the state-salary allocation schedule. However, most school districts have adopted a salary schedule the same as, or similar to, the state allocation schedule. Some of the state’s 295 school districts receive higher salary allocations for certificated instructional staff, because of historical pay differences.

*Minimum Salary.* The actual minimum salaries in the district cannot be less than the minimum on the state-salary allocation schedule for a certificated instructional staff member who has a BA or MA with no years of experience. The rationale for this limitation is to ensure a minimum salary for beginning certificated instructional staff.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

*Average Salary.* The actual average salary in the district cannot exceed the average salary calculated based on the state allocation schedule. A rationale for this limitation is to prevent districts from paying a few certificated instructional staff a very large salary and the rest at the minimum.

In the case of administrators and classified staff, there is not a state-salary allocation schedule. However, each district receives an allocation for these staff based on historical salary allocations adjusted for any cost-of-living increases.

Compensation is a component of basic education funding, to be provided at a sufficient level to attract and retain quality individuals, but has been deemed by the state Supreme Court to be a type of funding stream and not a specific type of instructional program protected by the state Constitution.

Required Number of Days of Public School Instruction. The legislature has set forth the definition of basic education in statute, and has adopted amendments to that definition to become effective September 1, 2011. Required numbers of days and hours are set in RCWs 28A.150.200 through 28A.150.220. Currently, RCW 28A.150.220, subsection (3) sets the required number of days of instruction as a minimum of 180 school days per school year and 180 half-days of instruction, or equivalent, in kindergarten, with some minor exceptions.

The same statute sets forth the minimum number of hours of instruction. That is, 450 hours per year for kindergarten students and 1000 hours per year for students in grades one through 12. Effective September 1, 2011, the minimum number of hours for grades 7 through 12 will increase to 1080 on a schedule set by the Legislature and the minimum number of hours for kindergarten students will increase to 1000 on a phase-in schedule beginning in the 2011-13 school year and completed by the 2017-18 school year.

There is a process by which districts may seek a State Board of Education waiver from these requirements in cases where it is necessary to implement a successful local education plan.

In the 2009 Session, the Legislature enacted SHB 1292, which provided an exemption from the 180-day school year requirement for up to five small school districts.

**Summary of Bill:** In the event the 2011-13 omnibus operating budget reduces compensation, districts are provided the option of accommodating those reductions through leave without pay, including temporary layoffs that result in shortened school days or hours, up to a maximum of five days. Exceptions are compensation changes related to suspension of I-732 COLAs or changes to the National Board bonus program.

Each school district will submit a plan to the State Board of Education explaining how any compensation reductions adopted in the 2011-13 budget will be managed. The State Board of Education will grant waivers to the day and hour provisions, if districts choose to amend days and hours as a way to manage salary reductions. Districts' waiver applications must provide that the school district will maintain a quality instructional program and any plan for a shortened school year or reduced work day must apply proportionally to all full- and part-time school district staff.

Employees' health benefits will continue to be calculated as if reductions in hours or days did not occur.

To the extent districts employ the waiver from current day and hour requirements, employees' retirement benefits will be preserved as if the salary reductions did not occur.

To the extent districts employ the waiver, compensation reductions will not be considered in determining the average salary paid.

This authority is effective for school years 2011-12 and 2012-13 and expires September 1, 2013.

**Appropriation:** None.

**Fiscal Note:** Requested February 18, 2011.

**Committee/Commission/Task Force Created:** None.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:** CON: We oppose lessening instructional time. If the bill moves, we recommend suspension of other current waivers, requiring non-instructional days to be reduced before instructional days, including details and criteria about how districts would ensure continued quality of education and how the state Board would assess that. The courts have been very clear that the definition of basic education cannot be changed for financial reasons. Compensation, per se, may not be protected as a component of basic education but school days certainly are. Cutting school days, cutting hours, cannot occur without violating the state's constitutional paramount duty. The bill also shifts responsibility for difficult budget reductions onto the districts, forcing districts to re-negotiate locally-bargained agreements. The concern is protecting the interests of parents and students. Rather than laying off teachers, this bill lays off students; we shouldn't be doing either.

OTHER: We recognize the need to engage in difficult budget discussions and this may be a path toward retaining a robust program of education but doing so in a fewer number of days. We are concerned about part-time employees who need to earn a certain number of service credits each period to retain their benefits. Most states have 180 days of school, some have 186 days; cutting to 175 would be well below the average. Some other nations provide upwards of 200 days of instruction. This move would put Washington students at a disadvantage. We suggest looking for ways to increase resources for K-12 education rather than eroding the current program. No one thinks this is going in the right direction; if anything, we should be adding days not subtracting them. We worry the bill has the potential to widen the gap between districts that have and those that have not, since districts with local resources would be able to retain the longer instructional period and those without would be disadvantaged.

**Persons Testifying:** CON: Brad Burnham, Washington State Board of Education; George Scarola, League of Education Voters.

OTHER: Randy Parr, Washington Education Association; Jerry Bender, Association of Washington School Principals; Marie Sullivan, Washington State School Directors Association.