
SUBSTITUTE SENATE BILL 6455

State of Washington

64th Legislature

2016 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators Dammeier, Rolfes, Litzow, Billig, Rivers, Conway, and McAuliffe)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to expanding the professional educator workforce
2 by increasing career opportunities in education, creating a more
3 robust enrollment forecasting, and enhancing recruitment efforts;
4 amending RCW 41.32.765, 41.32.875, 43.88C.010, 28A.660.050, and
5 28A.410.250; creating new sections; making an appropriation; and
6 providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** The legislature acknowledges that the
9 state is facing an unprecedented shortage of teachers and substitute
10 teachers. According to a study by the professional educator standards
11 board, nearly half of all new teachers leave the workforce within the
12 first five years of teaching. The legislature recognizes that
13 strengthening the educator workforce is essential to successfully
14 implement ongoing educational reforms and increase student
15 achievement. In order to accomplish this, the legislature finds an
16 immediate need for allowing retired teachers to reenter the workforce
17 without penalty of pension benefits, adequate student enrollment
18 forecasting, additional funding for the alternative routes and
19 educator retooling programs, and enhancements to recruitment.

PART I
RETURNING TEACHERS

Sec. 101. RCW 41.32.765 and 2012 1st sp.s. c 7 s 1 are each amended to read as follows:

(1) NORMAL RETIREMENT. Any member with at least five service credit years of service who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760.

(2) EARLY RETIREMENT. Any member who has completed at least twenty service credit years of service who has attained at least age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) ALTERNATE EARLY RETIREMENT.

(a) Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(b) On or after September 1, 2008, any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

Retirement Age	Percent Reduction
55	20%
56	17%
57	14%
58	11%
59	8%

1	60	5%
2	61	2%
3	62	0%
4	63	0%
5	64	0%

6 Any member who retires under the provisions of this subsection is
7 ineligible for the postretirement employment provisions of RCW
8 41.32.802(2) until the retired member has reached sixty-five years of
9 age. For purposes of this subsection, employment with an employer
10 also includes any personal service contract, service by an employer
11 as a temporary or project employee, or any other similar compensated
12 relationship with any employer included under the provisions of RCW
13 41.32.800(1). Beginning July 1, 2016, and until June 30, 2018,
14 employment with an employer for the purposes of this subsection shall
15 not include employment as a substitute teacher as defined in RCW
16 41.32.010.

17 The subsidized reductions for alternate early retirement in this
18 subsection as set forth in section 2, chapter 491, Laws of 2007 were
19 intended by the legislature as replacement benefits for gain-sharing.
20 Until there is legal certainty with respect to the repeal of chapter
21 41.31A RCW, the right to retire under this subsection is
22 noncontractual, and the legislature reserves the right to amend or
23 repeal this subsection. Legal certainty includes, but is not limited
24 to, the expiration of any: Applicable limitations on actions; and
25 periods of time for seeking appellate review, up to and including
26 reconsideration by the Washington supreme court and the supreme court
27 of the United States. Until that time, eligible members may still
28 retire under this subsection, and upon receipt of the first
29 installment of a retirement allowance computed under this subsection,
30 the resulting benefit becomes contractual for the recipient. If the
31 repeal of chapter 41.31A RCW is held to be invalid in a final
32 determination of a court of law, and the court orders reinstatement
33 of gain-sharing or other alternate benefits as a remedy, then
34 retirement benefits for any member who has completed at least thirty
35 service credit years and has attained age fifty-five but has not yet
36 received the first installment of a retirement allowance under this
37 subsection shall be computed using the reductions in (a) of this
38 subsection.

1 (c) Members who first become employed by an employer in an
2 eligible position on or after May 1, 2013, are not eligible for the
3 alternate early retirement provisions of (a) or (b) of this
4 subsection. Any member who first becomes employed by an employer in
5 an eligible position on or after May 1, 2013, and has completed at
6 least thirty service credit years and has attained age fifty-five
7 shall be eligible to retire and to receive a retirement allowance
8 computed according to the provisions of RCW 41.32.760, except that a
9 member retiring pursuant to this subsection shall have the retirement
10 allowance reduced by five percent per year to reflect the difference
11 in the number of years between age at retirement and the attainment
12 of age sixty-five.

13 **Sec. 102.** RCW 41.32.875 and 2012 1st sp.s. c 7 s 2 are each
14 amended to read as follows:

15 (1) NORMAL RETIREMENT. Any member who is at least age sixty-five
16 and who has:

17 (a) Completed ten service credit years; or

18 (b) Completed five service credit years, including twelve service
19 credit months after attaining age forty-four; or

20 (c) Completed five service credit years by July 1, 1996, under
21 plan 2 and who transferred to plan 3 under RCW 41.32.817;
22 shall be eligible to retire and to receive a retirement allowance
23 computed according to the provisions of RCW 41.32.840.

24 (2) EARLY RETIREMENT. Any member who has attained at least age
25 fifty-five and has completed at least ten years of service shall be
26 eligible to retire and to receive a retirement allowance computed
27 according to the provisions of RCW 41.32.840, except that a member
28 retiring pursuant to this subsection shall have the retirement
29 allowance actuarially reduced to reflect the difference in the number
30 of years between age at retirement and the attainment of age sixty-
31 five.

32 (3) ALTERNATE EARLY RETIREMENT.

33 (a) Any member who has completed at least thirty service credit
34 years and has attained age fifty-five shall be eligible to retire and
35 to receive a retirement allowance computed according to the
36 provisions of RCW 41.32.840, except that a member retiring pursuant
37 to this subsection shall have the retirement allowance reduced by
38 three percent per year to reflect the difference in the number of
39 years between age at retirement and the attainment of age sixty-five.

1 (b) On or after September 1, 2008, any member who has completed
2 at least thirty service credit years and has attained age fifty-five
3 shall be eligible to retire and to receive a retirement allowance
4 computed according to the provisions of RCW 41.32.840, except that a
5 member retiring pursuant to this subsection shall have the retirement
6 allowance reduced as follows:

7	Retirement	Percent
8	Age	Reduction
9	55	20%
10	56	17%
11	57	14%
12	58	11%
13	59	8%
14	60	5%
15	61	2%
16	62	0%
17	63	0%
18	64	0%

19 Any member who retires under the provisions of this subsection is
20 ineligible for the postretirement employment provisions of RCW
21 41.32.862(2) until the retired member has reached sixty-five years of
22 age. For purposes of this subsection, employment with an employer
23 also includes any personal service contract, service by an employer
24 as a temporary or project employee, or any other similar compensated
25 relationship with any employer included under the provisions of RCW
26 41.32.860(1). Beginning July 1, 2016, and until June 30, 2018,
27 employment with an employer for the purposes of this subsection shall
28 not include employment as a substitute teacher as defined in RCW
29 41.32.010.

30 The subsidized reductions for alternate early retirement in this
31 subsection as set forth in section 4, chapter 491, Laws of 2007 were
32 intended by the legislature as replacement benefits for gain-sharing.
33 Until there is legal certainty with respect to the repeal of chapter
34 41.31A RCW, the right to retire under this subsection is
35 noncontractual, and the legislature reserves the right to amend or
36 repeal this subsection. Legal certainty includes, but is not limited

1 to, the expiration of any: Applicable limitations on actions; and
2 periods of time for seeking appellate review, up to and including
3 reconsideration by the Washington supreme court and the supreme court
4 of the United States. Until that time, eligible members may still
5 retire under this subsection, and upon receipt of the first
6 installment of a retirement allowance computed under this subsection,
7 the resulting benefit becomes contractual for the recipient. If the
8 repeal of chapter 41.31A RCW is held to be invalid in a final
9 determination of a court of law, and the court orders reinstatement
10 of gain-sharing or other alternate benefits as a remedy, then
11 retirement benefits for any member who has completed at least thirty
12 service credit years and has attained age fifty-five but has not yet
13 received the first installment of a retirement allowance under this
14 subsection shall be computed using the reductions in (a) of this
15 subsection.

16 (c) Members who first become employed by an employer in an
17 eligible position on or after May 1, 2013, are not eligible for the
18 alternate early retirement provisions of (a) or (b) of this
19 subsection. Any member who first becomes employed by an employer in
20 an eligible position on or after May 1, 2013, and has completed at
21 least thirty service credit years and has attained age fifty-five
22 shall be eligible to retire and to receive a retirement allowance
23 computed according to the provisions of RCW 41.32.840, except that a
24 member retiring pursuant to this subsection shall have the retirement
25 allowance reduced by five percent per year to reflect the difference
26 in the number of years between age at retirement and the attainment
27 of age sixty-five.

28

PART II

29

STUDENT ENROLLMENT FORECASTING

30 **Sec. 201.** RCW 43.88C.010 and 2015 c 128 s 2 are each amended to
31 read as follows:

32 (1) The caseload forecast council is hereby created. The council
33 shall consist of two individuals appointed by the governor and four
34 individuals, one of whom is appointed by the chairperson of each of
35 the two largest political caucuses in the senate and house of
36 representatives. The chair of the council shall be selected from
37 among the four caucus appointees. The council may select such other
38 officers as the members deem necessary.

1 (2) The council shall employ a caseload forecast supervisor to
2 supervise the preparation of all caseload forecasts. As used in this
3 chapter, "supervisor" means the caseload forecast supervisor.

4 (3) Approval by an affirmative vote of at least five members of
5 the council is required for any decisions regarding employment of the
6 supervisor. Employment of the supervisor shall terminate after each
7 term of three years. At the end of the first year of each three-year
8 term the council shall consider extension of the supervisor's term by
9 one year. The council may fix the compensation of the supervisor. The
10 supervisor shall employ staff sufficient to accomplish the purposes
11 of this section.

12 (4) The caseload forecast council shall oversee the preparation
13 of and approve, by an affirmative vote of at least four members, the
14 official state caseload forecasts prepared under RCW 43.88C.020. If
15 the council is unable to approve a forecast before a date required in
16 RCW 43.88C.020, the supervisor shall submit the forecast without
17 approval and the forecast shall have the same effect as if approved
18 by the council.

19 (5) A councilmember who does not cast an affirmative vote for
20 approval of the official caseload forecast may request, and the
21 supervisor shall provide, an alternative forecast based on
22 assumptions specified by the member.

23 (6) Members of the caseload forecast council shall serve without
24 additional compensation but shall be reimbursed for travel expenses
25 in accordance with RCW 44.04.120 while attending sessions of the
26 council or on official business authorized by the council.
27 Nonlegislative members of the council shall be reimbursed for travel
28 expenses in accordance with RCW 43.03.050 and 43.03.060.

29 (7) "Caseload," as used in this chapter, means:

30 (a) The number of persons expected to meet entitlement
31 requirements and require the services of public assistance programs,
32 state correctional institutions, state correctional noninstitutional
33 supervision, state institutions for juvenile offenders, (~~the common~~
34 ~~school system,~~) long-term care, medical assistance, foster care, and
35 adoption support;

36 (b) The number of students who are eligible for the Washington
37 college bound scholarship program and are expected to attend an
38 institution of higher education as defined in RCW 28B.92.030;

1 (c) The number of children who are eligible, as defined in RCW
2 43.215.405, to participate in, and the number of children actually
3 served by, the early childhood education and assistance program; and

4 (d) The number of persons expected to meet entitlement
5 requirements in the common school system, by school district and in
6 total statewide. In determining district level forecasts, the council
7 must consider a geographic information system solution and providing
8 districts the ability to adjust the final forecast.

9 (8) The caseload forecast council shall forecast the temporary
10 assistance for needy families and the working connections child care
11 programs as a courtesy.

12 (9) The caseload forecast council shall forecast youth
13 participating in the extended foster care program pursuant to RCW
14 74.13.031 separately from other children who are residing in foster
15 care and who are under eighteen years of age.

16 (10) Unless the context clearly requires otherwise, the
17 definitions provided in RCW 43.88.020 apply to this chapter.

18 PART III

19 "GROW YOUR OWN" TEACHERS

20 **Sec. 301.** RCW 28A.660.050 and 2015 3rd sp.s. c 9 s 2 are each
21 amended to read as follows:

22 Subject to the availability of amounts appropriated for these
23 purposes, the conditional scholarship programs in this chapter are
24 created under the following guidelines:

25 (1) The programs shall be administered by the student achievement
26 council. In administering the programs, the council has the following
27 powers and duties:

28 (a) To adopt necessary rules and develop guidelines to administer
29 the programs;

30 (b) To collect and manage repayments from participants who do not
31 meet their service obligations; and

32 (c) To accept grants and donations from public and private
33 sources for the programs.

34 (2) Requirements for participation in the conditional scholarship
35 programs are as provided in this subsection (2).

36 (a) The alternative route conditional scholarship program is
37 limited to interns of professional educator standards board-approved
38 alternative routes to teaching programs under RCW 28A.660.040. For

1 fiscal year 2011, priority must be given to fiscal year 2010
2 participants in the alternative route partnership program. In order
3 to receive conditional scholarship awards, recipients shall:

4 (i) Be accepted and maintain enrollment in alternative
5 certification routes through a professional educator standards board-
6 approved program;

7 (ii) Continue to make satisfactory progress toward completion of
8 the alternative route certification program and receipt of a
9 residency teaching certificate; and

10 (iii) Receive no more than the annual amount of the scholarship,
11 not to exceed eight thousand dollars, for the cost of tuition, fees,
12 and educational expenses, including books, supplies, and
13 transportation for the alternative route certification program in
14 which the recipient is enrolled. The council may adjust the annual
15 award by the average rate of resident undergraduate tuition and fee
16 increases at the state universities as defined in RCW 28B.10.016.

17 (b) The pipeline for paraeducators conditional scholarship
18 program is limited to qualified paraeducators as provided by RCW
19 28A.660.042. In order to receive conditional scholarship awards,
20 recipients shall:

21 (i) Be accepted and maintain enrollment at a community and
22 technical college for no more than two years and attain an associate
23 of arts degree;

24 (ii) Continue to make satisfactory progress toward completion of
25 an associate of arts degree. This progress requirement is a condition
26 for eligibility into a route one program of the alternative routes to
27 teacher certification program for a mathematics, special education,
28 bilingual education, elementary education, computer science
29 education, early childhood education, or English as a second language
30 endorsement; and

31 (iii) Receive no more than the annual amount of the scholarship,
32 not to exceed four thousand dollars, for the cost of tuition, fees,
33 and educational expenses, including books, supplies, and
34 transportation for the alternative route certification program in
35 which the recipient is enrolled. The student achievement council may
36 adjust the annual award by the average rate of tuition and fee
37 increases at the state community and technical colleges.

38 (c) The educator retooling conditional scholarship program is
39 limited to current K-12 teachers. In order to receive conditional
40 scholarship awards:

1 (i) Individuals currently employed as teachers shall pursue an
2 endorsement in a subject or geographic endorsement shortage area, as
3 defined by the professional educator standards board, including but
4 not limited to((τ)) mathematics, science, special education,
5 elementary education, early childhood education, bilingual education,
6 English language learner, computer science education, or
7 environmental and sustainability education; or

8 (ii) Individuals who are certificated with an elementary
9 education endorsement shall pursue an endorsement in a subject or
10 geographic endorsement shortage area, as defined by the professional
11 educator standards board, including but not limited to((τ))
12 mathematics, science, special education, bilingual education, English
13 language learner, computer science education, or environmental and
14 sustainability education; and

15 (iii) Individuals shall use one of the pathways to endorsement
16 processes to receive an endorsement in a subject or geographic
17 endorsement shortage area, as defined by the professional educator
18 standards board, including but not limited to((τ)) mathematics,
19 science, special education, bilingual education, English language
20 learner, computer science education, or environmental and
21 sustainability education, which shall include passing an endorsement
22 test plus observation and completing applicable coursework to attain
23 the proper endorsement; and

24 (iv) Individuals shall receive no more than the annual amount of
25 the scholarship, not to exceed three thousand dollars, for the cost
26 of tuition, test fees, and educational expenses, including books,
27 supplies, and transportation for the endorsement pathway being
28 pursued.

29 (3) The Washington professional educator standards board shall
30 select individuals to receive conditional scholarships. In selecting
31 recipients, preference shall be given to eligible veterans or
32 national guard members. In awarding conditional scholarships to
33 support additional bilingual education or English language learner
34 endorsements, the board shall also give preference to teachers
35 assigned to schools required under state or federal accountability
36 measures to implement a plan for improvement, and to teachers
37 assigned to schools whose enrollment of English language learner
38 students has increased an average of more than five percent per year
39 over the previous three years.

1 (4) For the purpose of this chapter, a conditional scholarship is
2 a loan that is forgiven in whole or in part in exchange for service
3 as a certificated teacher employed in a Washington state K-12 public
4 school. The state shall forgive one year of loan obligation for every
5 two years a recipient teaches in a public school. Recipients who fail
6 to continue a course of study leading to residency teacher
7 certification or cease to teach in a public school in the state of
8 Washington in their endorsement area are required to repay the
9 remaining loan principal with interest.

10 (5) Recipients who fail to fulfill the required teaching
11 obligation are required to repay the remaining loan principal with
12 interest and any other applicable fees. The student achievement
13 council shall adopt rules to define the terms for repayment,
14 including applicable interest rates, fees, and deferments.

15 (6) The student achievement council may deposit all
16 appropriations, collections, and any other funds received for the
17 program in this chapter in the future teachers conditional
18 scholarship account authorized in RCW 28B.102.080.

19 **PART IV**
20 **TEACHER RECRUITMENT**

21 **Sec. 401.** RCW 28A.410.250 and 2005 c 498 s 2 are each amended to
22 read as follows:

23 The agency responsible for educator certification shall adopt
24 rules for professional certification that:

25 (1) Provide maximum program choice for applicants, promote
26 portability among programs, and promote maximum efficiency for
27 applicants in attaining professional certification;

28 (2) Require professional certification no earlier than the fifth
29 year following the year that the teacher first completes provisional
30 status, with an automatic two-year extension upon enrollment;

31 (3) Grant professional certification to any teacher who attains
32 certification from the national board for professional teaching
33 standards;

34 (4) Permit any teacher currently enrolled in or participating in
35 a program leading to professional certification to continue the
36 program under administrative rules in place when the teacher began
37 the program;

1 (5) Provide criteria for the approval of educational service
2 districts, beginning no later than August 31, 2007, to offer programs
3 leading to professional certification. The rules shall be written to
4 encourage institutions of higher education and educational service
5 districts to partner with local school districts or consortia of
6 school districts, as appropriate, to provide instruction for teachers
7 seeking professional certification;

8 (6) Encourage institutions of higher education to offer
9 professional certificate coursework as continuing education credit
10 hours. This shall not prevent an institution of higher education from
11 providing the option of including the professional certification
12 requirements as part of a master's degree program;

13 (7) Provide criteria for a liaison relationship between approved
14 programs and school districts in which applicants are employed;

15 (8) Identify an expedited professional certification process for
16 out-of-state teachers who have five years or more of successful
17 teaching experience (~~to demonstrate skills and impact on student~~
18 ~~learning commensurate with Washington requirements for professional~~
19 ~~certification. The rules may require these teachers, within one year~~
20 ~~of the time they begin to teach in the state's public schools, take a~~
21 ~~course in or show evidence that they can teach to the state's~~
22 ~~essential academic learning requirements)). A professional
23 certificate must be issued to these experienced out-of-state teachers
24 if:~~

25 (a) The teacher holds a valid teaching certificate issued by the
26 national board for professional teaching standards; or

27 (b) The teacher has a second-level teacher certificate from
28 another state; and

29 (9) Identify an evaluation process of approved programs that
30 includes a review of the program coursework and applicant coursework
31 load requirements, linkages of programs to individual teacher
32 professional growth plans, linkages to school district and school
33 improvement plans, and, to the extent possible, linkages to school
34 district professional enrichment and growth programs for teachers,
35 where such programs are in place in school districts. The agency
36 shall provide a preliminary report on the evaluation process to the
37 senate and house of representatives committees on education policy by
38 November 1, 2005. The board shall identify:

1 (a) A process for awarding conditional approval of a program that
2 shall include annual evaluations of the program until the program is
3 awarded full approval;

4 (b) A less intensive evaluation cycle every three years once a
5 program receives full approval unless the responsible agency has
6 reason to intensify the evaluation;

7 (c) A method for investigating programs that have received
8 numerous complaints from students enrolled in the program and from
9 those recently completing the program;

10 (d) A method for investigating programs at the reasonable
11 discretion of the agency; and

12 (e) A method for using, in the evaluation, both program completer
13 satisfaction responses and data on the impact of educators who have
14 obtained professional certification on student work and achievement.

15 NEW SECTION. **Sec. 402.** (1) The office of the superintendent of
16 public instruction, in consultation with school districts,
17 educational service districts, and other state agencies, shall
18 develop and implement a comprehensive, statewide initiative to
19 increase the number of qualified individuals who apply for teaching
20 positions in Washington. In developing and implementing the
21 initiative, the office of the superintendent of public instruction,
22 in partnership with the employment security department, shall:

23 (a) Develop and implement a teacher recruitment campaign that
24 targets individuals with teaching certificates who are not employed
25 as teachers, undergraduate college students who have not chosen a
26 major, out-of-state teachers, military personnel and their spouses,
27 and other groups of individuals who may be interested in teaching in
28 Washington public schools;

29 (b) Incorporate certificated positions into the employment
30 security department's existing web-based depository for job
31 applications that allows for access by school districts in the state
32 for purposes of hiring teachers and other certificated positions; and

33 (c) Create or enhance an existing web site that provides useful
34 information to individuals who are interested in teaching in
35 Washington.

36 (2) This section expires July 1, 2018.

37 **PART V**

38 **MISCELLANEOUS PROVISIONS**

1 NEW SECTION. **Sec. 501.** The sum of one million dollars, or as
2 much thereof as may be necessary, is appropriated for the fiscal year
3 ending June 30, 2017, from the general fund to the professional
4 educator standards board in support of the alternative route and
5 educator retooling programs under chapter 28A.660 RCW.

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