**5085-S AMS WELL S1194.2 - NOT FOR FLOOR USE**

**SSB 5085** - S AMD **26**

By Senator Wellman

**NOT CONSIDERED 05/17/2023**

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec.**  The legislature acknowledges the critical role that school principals play in our education system and the impact that effective and sustainable school leadership can have on student success, educator retention, and overall school culture.

The legislature finds that principal and assistant principal turnover is occurring at a much higher rate than in prior years with roughly 40 percent of school principals expecting to leave the profession in the next three years.

To retain principals in their schools and in this profession, the legislature recognizes the need for increased protections, guidance, and support for surrounding principal terms of employment.

The legislature intends to:

(1) Allow principals to retain years of experience as educators if transferring to different roles;

(2) Provide better protection for assistant principal positions; and

(3) Clarify required trainings for evaluations.

**Sec.**  RCW 28A.405.230 and 2016 c 85 s 3 are each amended to read as follows:

Any certificated employee of a school district employed as an assistant superintendent, director, ((~~principal, assistant principal,~~)) coordinator, or in any other supervisory or administrative position, hereinafter in this section referred to as "administrator", shall be subject to transfer, at the expiration of the term of his or her employment contract, to any subordinate certificated position within the school district. "Subordinate certificated position" as used in this section, shall mean any administrative or nonadministrative certificated position for which the annual compensation is less than the position currently held by the administrator.

Every superintendent determining that the best interests of the school district would be served by transferring any administrator to a subordinate certificated position shall notify that administrator in writing on or before May 15th preceding the commencement of such school term of that determination, or if the omnibus appropriations act has not passed the legislature by the end of the regular legislative session for that year, then notification shall be no later than June 15th, which notification shall state the reason or reasons for the transfer, and shall identify the subordinate certificated position to which the administrator will be transferred. Such notice shall be served upon the administrator personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein.

Every such administrator so notified, at his or her request made in writing and filed with the president or chair, or secretary of the board of directors of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the board of directors in an executive session thereof for the purpose of requesting the board to reconsider the decision of the superintendent. Such board, upon receipt of such request, shall schedule the meeting for no later than the next regularly scheduled meeting of the board, and shall notify the administrator in writing of the date, time and place of the meeting at least three days prior thereto. At such meeting the administrator shall be given the opportunity to refute any facts upon which the determination was based and to make any argument in support of his or her request for reconsideration. The administrator and the board may invite their respective legal counsel to be present and to participate at the meeting. The board shall notify the administrator in writing of its final decision within ten days following its meeting with the administrator. No appeal to the courts shall lie from the final decision of the board of directors to transfer an administrator to a subordinate certificated position((~~: PROVIDED, That in the case of principals such transfer shall be made at the expiration of the contract year and only during the first three consecutive school years of employment as a principal by a school district; except that if any such principal has been previously employed as a principal by another school district in the state of Washington for three or more consecutive school years the provisions of this section shall apply only to the first full school year of such employment.~~

~~This section applies to any person employed as an administrator by a school district on June 25, 1976, and to all persons so employed at any time thereafter, except that RCW 28A.405.245 applies to persons first employed after June 10, 2010, as a principal by a school district meeting the criteria of RCW 28A.405.245. This section provides the exclusive means for transferring an administrator subject to this section to a subordinate certificated position at the expiration of the term of his or her employment contract~~)).

**Sec.**  RCW 28A.400.200 and 2018 c 266 s 205 are each amended to read as follows:

(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)(a) Through the 2017-18 school year, 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;

(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; and

(c) Beginning with the 2018-19 school year:

(i) Salaries for full-time certificated instructional staff must not be less than ((~~forty thousand dollars~~)) $40,000, to be adjusted for regional differences in the cost of hiring staff as specified in RCW 28A.150.410, and to be adjusted annually by the same inflationary measure as provided in RCW 28A.400.205;

(ii) Salaries for full-time certificated instructional staff with at least five years of experience must exceed by at least ((~~ten~~)) 10 percent the value specified in (c)(i) of this subsection;

(iii) A district may not pay full-time certificated instructional staff a salary that exceeds ((~~ninety thousand dollars~~)) $90,000, subject to adjustment for regional differences in the cost of hiring staff as specified in RCW 28A.150.410. This maximum salary is adjusted annually by the inflationary measure in RCW 28A.400.205;

(iv) These minimum and maximum salaries apply to the services provided as part of the state's statutory program of basic education and exclude supplemental contracts for additional time, responsibility, or incentive pursuant to this section or for enrichment pursuant to RCW 28A.150.276;

(v) A district may pay a salary that exceeds this maximum salary by up to ((~~ten~~)) 10 percent for full-time certificated instructional staff: Who are educational staff associates; who teach in the subjects of science, technology, engineering, or math; or who teach in the transitional bilingual instruction or special education programs.

(3)(a)(i) Through the 2017-18 school year the actual average salary paid to certificated instructional staff 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.

(ii) ((~~For the 2018-19 school year, salaries for certificated instructional staff are subject to the limitations in RCW 41.59.800.~~

~~(iii)~~)) Beginning with the 2019-20 school year, for purposes of subsection (4) of this section, RCW 28A.150.276, and 28A.505.100, each school district must annually identify the actual salary paid to each certificated instructional staff for services rendered as part of the state's program of basic education.

(b) Through the 2018-19 school year, fringe benefit contributions for certificated instructional staff shall be included as salary under (a)(i) of this subsection only to the extent that the district's actual average benefit contribution exceeds the amount of the insurance benefits allocation, less the amount remitted by districts to the health care authority for retiree subsidies, 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) 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)(a) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, for additional responsibilities, or for incentives. Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts must be accounted for by a school district when the district is developing its four-year budget plan under RCW 28A.505.040.

(b) 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 1 of the state Constitution and RCW 28A.150.220.

(c)(i) Beginning September 1, 2019, supplemental contracts for certificated instructional staff are subject to the following additional restrictions: School districts may enter into supplemental contracts only for enrichment activities as defined in and subject to the limitations of RCW 28A.150.276.

(ii) For a supplemental contract, or portion of a supplemental contract, that is time-based, the hourly rate the district pays may not exceed the hourly rate provided to that same instructional staff for services under the basic education salary identified under subsection (3)(a)((~~(iii)~~)) (ii) of this section. For a supplemental contract, or portion of a supplemental contract that is not time-based, the contract must document the additional duties, responsibilities, or incentives that are being funded in the contract.

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

(6)(a) Beginning in the 2023-24 school year, salaries for certificated administrative staff employed as an assistant principal in a school district must not be less than the higher of:

(i) Five percent more than the maximum salary provided in the school district's salary schedule adopted under RCW 28A.405.200 for a certificated instructional employee with a master's degree; or

(ii) The minimum salary provided to an assistant principal in the school district's salary schedule for the prior school year adjusted by the same inflationary measure as provided in RCW 28A.400.205.

(b) Beginning in the 2023-24 school year, salaries for certificated administrative staff employed as a principal in a school district must not be less than the higher of:

(i) 15 percent more than the maximum salary provided in the school district's salary schedule adopted under RCW 28A.405.200 for a certificated instructional employee with a master's degree; or

(ii) The minimum salary provided to a principal in the school district's salary schedule for the prior school year adjusted by the same inflationary measure as provided in RCW 28A.400.205.

**Sec.**  RCW 28A.405.245 and 2016 c 85 s 4 are each amended to read as follows:

(1) Any certificated employee of a school district under this section who is first employed as a principal ((~~after June 10, 2010,~~)) or assistant principal as provided in RCW 28A.400.100 and evaluated on the leadership framework shall be subject to transfer as provided under this section, at the expiration of the term of his or her employment contract, to any subordinate certificated position within the school district: PROVIDED, That such transfer shall be made at the expiration of the contract year and only during the first three consecutive school years of employment as a principal or assistant principal by a school district; except that if any such principal or assistant principal has been previously employed as a principal or assistant principal by another school district in the state of Washington for three or more consecutive school years the provisions of this section shall apply only to the first full school year of such employment. "Subordinate certificated position" as used in this section means any administrative or nonadministrative certificated position for which the annual compensation is less than the position currently held by the administrator. ((~~This section applies only to school districts with an annual average student enrollment of more than thirty~~‑~~five thousand full~~‑~~time equivalent students.~~))

(2) During the first three consecutive school years of employment as a principal or assistant principal by the school district, or during the first full school year of such employment in the case of a principal or assistant principal who has been previously employed as a principal or assistant principal by another school district in the state for three or more consecutive school years, the transfer of the principal or assistant principal to a subordinate certificated position may be made by a determination of the superintendent that the best interests of the school district would be served by the transfer and shall cite specific evaluation criteria from the principal's or assistant principal's performance using the evaluative criteria and rating system established under RCW 28A.405.100, where applicable.

(3) Commencing with the fourth consecutive school year of employment as a principal or assistant principal, or the second consecutive school year of such employment in the case of a principal or assistant principal who has been previously employed as a principal or assistant principal by another school district in the state for three or more consecutive school years, the transfer of the principal or assistant principal to a subordinate certificated position shall be based on the superintendent's determination that the results of the evaluation of the principal's or assistant principal's performance using the evaluative criteria and rating system established under RCW 28A.405.100 provide a valid reason for the transfer ((~~without regard to whether there is probable cause for the transfer~~)). If a valid reason is shown, it shall be deemed that the transfer is reasonably related to the principal's or assistant principal's performance. No probationary period is required. However, provision of support and an attempt at remediation of the performance of the principal or assistant principal, as defined by the superintendent, are required for a determination by the superintendent under this subsection that the principal or assistant principal should be transferred to a subordinate certificated position.

(4) Any superintendent transferring a principal or assistant principal under this section to a subordinate certificated position shall notify that principal or assistant principal directly and in writing on or before May 15th before the beginning of the school year of that determination, or if the omnibus appropriations act has not passed the legislature by the end of the regular legislative session for that year, then notification shall be no later than June 15th. The notification shall state the reason or reasons for the transfer citing specific evaluative and performance criteria using the rating system established under RCW 28A.405.100 and shall identify the subordinate certificated position to which the principal or assistant principal will be transferred. The notification shall be served upon the principal or assistant principal personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein. Such notice shall be communicated directly to the principal or assistant principal and served by certified or registered mail.

(5) Any principal or assistant principal so notified may request to the president or chair of the board of directors of the district, in writing and within ((~~ten~~)) 10 days after receiving notice, an opportunity to meet informally with the board of directors in an executive session for the purpose of requesting the board to reconsider the decision of the superintendent, and shall be given such opportunity. The board, upon receipt of such request, shall schedule the meeting for no later than the next regularly scheduled meeting of the board, and shall give the principal or assistant principal written notice at least three days before the meeting of the date, time, and place of the meeting. At the meeting the principal or assistant principal shall be given the opportunity to refute any evidence upon which the determination was based and to make any argument in support of his or her request for reconsideration. The principal or assistant principal and the board may invite their respective legal counsel to be present and to participate at the meeting. The board shall notify the principal or assistant principal in writing of its final decision within ((~~ten~~)) 10 days following its meeting with the principal or assistant principal. No appeal to the courts shall lie from the final decision of the board of directors to transfer a principal or assistant principal to a subordinate certificated position.

(6) ((~~This section provides the exclusive means for transferring a certificated employee first employed by a school district under this section as a principal after June 10, 2010, to a subordinate certificated position at the expiration of the term of his or her employment contract~~)) Should a principal or assistant principal be transferred to a nonadministrative subordinate position their years of experience as an administrator shall count towards total years of experience as a Washington state certificated educator and be recognized or factored in relationship to their next placement and salary.

**Sec.**  RCW 28A.405.130 and 2012 c 35 s 3 are each amended to read as follows:

(1) No administrator, principal, or other supervisory personnel may evaluate a teacher, principal, or assistant principal without having received training in evaluation procedures.

(2) Before evaluating classroom teachers, principals, or assistant principals using the evaluation systems required under RCW 28A.405.100, principals and administrators must engage in professional development designed to implement the revised systems and maximize rater agreement."

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On page 1, line 2 of the title, after "employment;" strike the remainder of the title and insert "amending RCW 28A.405.230, 28A.400.200, 28A.405.245, and 28A.405.130; and creating a new section."

EFFECT: Removes provisions related to the scope of collective bargaining for units containing only administrators. Establishes a salary floor for principals and assistant principals based on a school district's salary schedule for certificated instructional staff or based on the prior year's salaries with an inflationary factor, whichever is higher. Amends the intent section.