

SSB 5085 - S AMD 26
By Senator Wellman

NOT CONSIDERED 05/17/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature acknowledges the critical
4 role that school principals play in our education system and the
5 impact that effective and sustainable school leadership can have on
6 student success, educator retention, and overall school culture.

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

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

14 The legislature intends to:

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

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

19 (3) Clarify required trainings for evaluations.

20 **Sec. 2.** RCW 28A.405.230 and 2016 c 85 s 3 are each amended to
21 read as follows:

22 Any certificated employee of a school district employed as an
23 assistant superintendent, director, (~~(principal, —assistant~~
24 ~~principal,~~) coordinator, or in any other supervisory or
25 administrative position, hereinafter in this section referred to as
26 "administrator", shall be subject to transfer, at the expiration of
27 the term of his or her employment contract, to any subordinate
28 certificated position within the school district. "Subordinate
29 certificated position" as used in this section, shall mean any
30 administrative or nonadministrative certificated position for which

1 the annual compensation is less than the position currently held by
2 the administrator.

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

17 Every such administrator so notified, at his or her request made
18 in writing and filed with the president or chair, or secretary of the
19 board of directors of the district within ten days after receiving
20 such notice, shall be given the opportunity to meet informally with
21 the board of directors in an executive session thereof for the
22 purpose of requesting the board to reconsider the decision of the
23 superintendent. Such board, upon receipt of such request, shall
24 schedule the meeting for no later than the next regularly scheduled
25 meeting of the board, and shall notify the administrator in writing
26 of the date, time and place of the meeting at least three days prior
27 thereto. At such meeting the administrator shall be given the
28 opportunity to refute any facts upon which the determination was
29 based and to make any argument in support of his or her request for
30 reconsideration. The administrator and the board may invite their
31 respective legal counsel to be present and to participate at the
32 meeting. The board shall notify the administrator in writing of its
33 final decision within ten days following its meeting with the
34 administrator. No appeal to the courts shall lie from the final
35 decision of the board of directors to transfer an administrator to a
36 subordinate certificated position(~~(: PROVIDED, That in the case of~~
37 ~~principals such transfer shall be made at the expiration of the~~
38 ~~contract year and only during the first three consecutive school~~
39 ~~years of employment as a principal by a school district; except that~~
40 ~~if any such principal has been previously employed as a principal by~~

1 another school district in the state of Washington for three or more
2 consecutive school years the provisions of this section shall apply
3 only to the first full school year of such employment.

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

12 **Sec. 3.** RCW 28A.400.200 and 2018 c 266 s 205 are each amended to
13 read as follows:

14 (1) Every school district board of directors shall fix, alter,
15 allow, and order paid salaries and compensation for all district
16 employees in conformance with this section.

17 (2) (a) Through the 2017-18 school year, salaries for certificated
18 instructional staff shall not be less than the salary provided in the
19 appropriations act in the statewide salary allocation schedule for an
20 employee with a baccalaureate degree and zero years of service;

21 (b) Salaries for certificated instructional staff with a master's
22 degree shall not be less than the salary provided in the
23 appropriations act in the statewide salary allocation schedule for an
24 employee with a master's degree and zero years of service; and

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

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

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

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

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

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

12 (3) (a) (i) Through the 2017-18 school year the actual average
13 salary paid to certificated instructional staff shall not exceed the
14 district's average certificated instructional staff salary used for
15 the state basic education allocations for that school year as
16 determined pursuant to RCW 28A.150.410.

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

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

24 (b) Through the 2018-19 school year, fringe benefit contributions
25 for certificated instructional staff shall be included as salary
26 under (a) (i) of this subsection only to the extent that the
27 district's actual average benefit contribution exceeds the amount of
28 the insurance benefits allocation, less the amount remitted by
29 districts to the health care authority for retiree subsidies,
30 provided per certificated instructional staff unit in the state
31 operating appropriations act in effect at the time the compensation
32 is payable. For purposes of this section, fringe benefits shall not
33 include payment for unused leave for illness or injury under RCW
34 28A.400.210; employer contributions for old age survivors insurance,
35 workers' compensation, unemployment compensation, and retirement
36 benefits under the Washington state retirement system; or employer
37 contributions for health benefits in excess of the insurance benefits
38 allocation provided per certificated instructional staff unit in the
39 state operating appropriations act in effect at the time the

1 compensation is payable. A school district may not use state funds to
2 provide employer contributions for such excess health benefits.

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

7 (4) (a) Salaries and benefits for certificated instructional staff
8 may exceed the limitations in subsection (3) of this section only by
9 separate contract for additional time, for additional
10 responsibilities, or for incentives. Supplemental contracts shall not
11 cause the state to incur any present or future funding obligation.
12 Supplemental contracts must be accounted for by a school district
13 when the district is developing its four-year budget plan under RCW
14 28A.505.040.

15 (b) Supplemental contracts shall be subject to the collective
16 bargaining provisions of chapter 41.59 RCW and the provisions of RCW
17 28A.405.240, shall not exceed one year, and if not renewed shall not
18 constitute adverse change in accordance with RCW 28A.405.300 through
19 28A.405.380. No district may enter into a supplemental contract under
20 this subsection for the provision of services which are a part of the
21 basic education program required by Article IX, section 1 of the
22 state Constitution and RCW 28A.150.220.

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

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

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

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

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

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

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

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

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

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

21 (1) Any certificated employee of a school district under this
22 section who is first employed as a principal (~~(after June 10, 2010,)~~)
23 or assistant principal as provided in RCW 28A.400.100 and evaluated
24 on the leadership framework shall be subject to transfer as provided
25 under this section, at the expiration of the term of his or her
26 employment contract, to any subordinate certificated position within
27 the school district: PROVIDED, That such transfer shall be made at
28 the expiration of the contract year and only during the first three
29 consecutive school years of employment as a principal or assistant
30 principal by a school district; except that if any such principal or
31 assistant principal has been previously employed as a principal or
32 assistant principal by another school district in the state of
33 Washington for three or more consecutive school years the provisions
34 of this section shall apply only to the first full school year of
35 such employment. "Subordinate certificated position" as used in this
36 section means any administrative or nonadministrative certificated
37 position for which the annual compensation is less than the position
38 currently held by the administrator. (~~(This section applies only to~~

1 ~~school districts with an annual average student enrollment of more~~
2 ~~than thirty-five thousand full-time equivalent students.))~~

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

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

37 (4) Any superintendent transferring a principal or assistant
38 principal under this section to a subordinate certificated position
39 shall notify that principal or assistant principal directly and in
40 writing on or before May 15th before the beginning of the school year

1 of that determination, or if the omnibus appropriations act has not
2 passed the legislature by the end of the regular legislative session
3 for that year, then notification shall be no later than June 15th.
4 The notification shall state the reason or reasons for the transfer
5 citing specific evaluative and performance criteria using the rating
6 system established under RCW 28A.405.100 and shall identify the
7 subordinate certificated position to which the principal or assistant
8 principal will be transferred. The notification shall be served upon
9 the principal or assistant principal personally, or by certified or
10 registered mail, or by leaving a copy of the notice at the place of
11 his or her usual abode with some person of suitable age and
12 discretion then resident therein. Such notice shall be communicated
13 directly to the principal or assistant principal and served by
14 certified or registered mail.

15 (5) Any principal or assistant principal so notified may request
16 to the president or chair of the board of directors of the district,
17 in writing and within (~~ten~~) 10 days after receiving notice, an
18 opportunity to meet informally with the board of directors in an
19 executive session for the purpose of requesting the board to
20 reconsider the decision of the superintendent, and shall be given
21 such opportunity. The board, upon receipt of such request, shall
22 schedule the meeting for no later than the next regularly scheduled
23 meeting of the board, and shall give the principal or assistant
24 principal written notice at least three days before the meeting of
25 the date, time, and place of the meeting. At the meeting the
26 principal or assistant principal shall be given the opportunity to
27 refute any evidence upon which the determination was based and to
28 make any argument in support of his or her request for
29 reconsideration. The principal or assistant principal and the board
30 may invite their respective legal counsel to be present and to
31 participate at the meeting. The board shall notify the principal or
32 assistant principal in writing of its final decision within (~~ten~~)
33 10 days following its meeting with the principal or assistant
34 principal. No appeal to the courts shall lie from the final decision
35 of the board of directors to transfer a principal or assistant
36 principal to a subordinate certificated position.

37 (~~(6) (This section provides the exclusive means for transferring~~
38 ~~a certificated employee first employed by a school district under~~
39 ~~this section as a principal after June 10, 2010, to a subordinate~~
40 ~~certificated position at the expiration of the term of his or her~~

1 ~~employment contract))~~ Should a principal or assistant principal be
2 transferred to a nonadministrative subordinate position their years
3 of experience as an administrator shall count towards total years of
4 experience as a Washington state certificated educator and be
5 recognized or factored in relationship to their next placement and
6 salary.

7 **Sec. 5.** RCW 28A.405.130 and 2012 c 35 s 3 are each amended to
8 read as follows:

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

12 (2) Before evaluating classroom teachers, principals, or
13 assistant principals using the evaluation systems required under RCW
14 28A.405.100, principals and administrators must engage in
15 professional development designed to implement the revised systems
16 and maximize rater agreement."

SSB 5085 - S AMD 26
By Senator Wellman

NOT CONSIDERED 05/17/2023

17 On page 1, line 2 of the title, after "employment;" strike the
18 remainder of the title and insert "amending RCW 28A.405.230,
19 28A.400.200, 28A.405.245, and 28A.405.130; and creating a new
20 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.

--- END ---