
HOUSE BILL 1611

State of Washington 60th Legislature 2007 Regular Session

By Representatives Anderson, Haler, Strow and Haigh

Read first time 01/24/2007. Referred to Committee on Education.

1 AN ACT Relating to creating a performance-based compensation system
2 for teachers and other certificated instructional staff in K-12 public
3 schools; amending RCW 28A.150.410, 28A.400.200, 28A.400.205, and
4 28A.340.040; adding new sections to chapter 28A.400 RCW; adding a new
5 section to chapter 28A.150 RCW; creating new sections; repealing RCW
6 28A.405.200, 28A.415.020, 28A.415.023, 28A.415.024, and 28A.415.025;
7 providing an effective date; and declaring an emergency.

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

9 **Sec. 1.** RCW 28A.150.410 and 2002 c 353 s 1 are each amended to
10 read as follows:

11 (1) The legislature shall establish for each school year in the
12 appropriations act a statewide salary ((allocation)) schedule((, for
13 allocation purposes only,)) to be used to distribute funds for basic
14 education certificated instructional staff salaries under RCW
15 28A.150.260.

16 (a) The statewide salary schedule shall be based on performance
17 categories of knowledge, skills, abilities, and levels of effort as
18 defined under section 2 of this act.

1 (b) School districts shall assign certificated instructional staff
2 to the appropriate performance category in the statewide salary
3 schedule using the performance evaluation process defined under section
4 3 of this act.

5 (2) Salary allocations for state-funded basic education
6 certificated instructional staff shall be calculated by the
7 superintendent of public instruction (~~by determining the district's~~
8 ~~average salary for certificated instructional staff,~~) using the
9 statewide salary (~~allocation~~) schedule, district-reported assignments
10 of staff to the schedule, and related documents, conditions, and
11 limitations established by the omnibus appropriations act.

12 (~~(3) Beginning January 1, 1992, no more than ninety college~~
13 ~~quarter hour credits received by any employee after the baccalaureate~~
14 ~~degree may be used to determine compensation allocations under the~~
15 ~~state salary allocation schedule and LEAP documents referenced in the~~
16 ~~omnibus appropriations act, or any replacement schedules and documents,~~
17 ~~unless:~~

18 ~~(a) The employee has a masters degree; or~~

19 ~~(b) The credits were used in generating state salary allocations~~
20 ~~before January 1, 1992.)~~

21 NEW SECTION. Sec. 2. A new section is added to chapter 28A.400
22 RCW to read as follows:

23 (1) The professional educator standards board shall define four
24 performance categories of knowledge, skills, abilities, and levels of
25 effort of certificated instructional staff employed in public schools
26 for purposes of the statewide salary schedule under RCW 28A.150.410.
27 The performance categories shall be entry, professional, lead, and
28 master. The professional educator standards board shall align the
29 state certification and licensing system and the state compensation
30 system for certificated instructional staff through the performance
31 categories of the statewide salary schedule.

32 (2) The general attributes of teachers in the four performance
33 categories are as provided in this subsection.

34 (a) Entry. Entry level teachers have successfully completed an
35 approved teacher preparation program with a student-teaching
36 experience, but have little additional experience in managing, leading,
37 and instructing in their own classroom. Entry level teachers require

1 mentoring and guidance; are learning to apply concepts of learning and
2 instructional theory to classroom situations and students; tend to
3 focus on classroom management; and use a limited range of instructional
4 strategies.

5 (b) Professional. Professional level teachers have successfully
6 completed a performance-based professional certificate program,
7 including demonstrating a positive impact on student learning.
8 Professional level teachers are continually expanding the range and
9 complexity of instructional and assessment strategies; use data to
10 analyze student performance; and adapt instruction to student needs and
11 student learning styles. All teachers are expected to reach a
12 professional level of performance and increase their competencies
13 thereafter.

14 (c) Lead. Lead teachers serve as a role model for above-average
15 skill and competency in teaching, although not yet to the level of
16 exemplary performance. Lead teachers regularly assume leadership
17 responsibilities in mentoring, coaching, curriculum development, and
18 other school or district improvement initiatives.

19 (d) Master. Master teachers are widely acknowledged by parents,
20 colleagues, administrators, and students as exemplary teachers and
21 leaders due to their knowledge and skills in classroom management,
22 adaptation of instruction, design and use of curriculum and
23 assessments, and parent involvement. Even the most academically and
24 personally challenged students demonstrate improved learning when
25 taught by a master teacher.

26 (3) The professional educator standards board shall delineate and
27 describe the attributes of teachers in each of the four performance
28 categories in greater detail than the general descriptions in
29 subsection (2) of this section to provide guidance to school districts
30 in assigning teachers to the appropriate category.

31 (4) The professional educator standards board shall also delineate
32 and describe the attributes of other types of certificated
33 instructional staff in each of the four performance categories to
34 reflect the specialized knowledge, skills, abilities, and levels of
35 effort of each staff type and to provide guidance to school districts
36 in assigning other certificated instructional staff to the appropriate
37 category.

1 (5) The professional educator standards board shall adopt rules to
2 implement this section no later than July 1, 2008.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.400
4 RCW to read as follows:

5 (1) The professional educator standards board shall develop an
6 objective, standard performance evaluation process for school districts
7 to determine the appropriate assignment of certificated instructional
8 staff to the performance categories of the statewide salary schedule as
9 defined in section 2 of this act. The evaluation process shall
10 include:

11 (a) Required procedures, evidence, documentation, and criteria to
12 be used by all school districts in assessing the knowledge, skills,
13 abilities, and levels of effort of certificated instructional staff for
14 the purposes of the statewide salary schedule;

15 (b) Evidence of a positive impact on student learning; and

16 (c) Appropriate due process protections for staff and procedures
17 for appeal of an assignment determination to the school district board
18 of directors.

19 (2) The evaluation process shall not include proxy indicators of
20 performance such as years of experience, credit hours, or degrees.

21 (3) The office of the superintendent of public instruction and
22 educational service districts shall provide regular training to school
23 districts on the performance evaluation process.

24 (4) The professional educator standards board shall conduct
25 periodic audits of school districts' use and application of the
26 performance evaluation process to ensure compliance.

27 (5) The professional educator standards board shall adopt rules to
28 implement this section no later than July 1, 2008.

29 NEW SECTION. **Sec. 4.** The professional educator standards board
30 shall submit a progress report to the governor and the education and
31 fiscal committees of the legislature on the implementation of sections
32 2 and 3 of this act by January 10, 2008.

33 NEW SECTION. **Sec. 5.** (1) The legislative evaluation and
34 accountability program committee shall develop a new, performance-based
35 statewide salary schedule to be used beginning in the 2008-09 school

1 year to distribute funds for basic education certificated instructional
2 staff salaries under RCW 28A.150.260 and other state-funded
3 certificated staff salaries.

4 (a) The new schedule shall be based on the four performance
5 categories under section 2 of this act and shall include four steps of
6 increasing compensation amounts within each category.

7 (b) The first step of the first category in the new schedule shall
8 be an amount no less than the amount for an employee with a
9 baccalaureate degree and zero years of service from the previous
10 statewide salary allocation schedule authorized for the 2008-09 school
11 year in the omnibus appropriations act.

12 (c) The amounts of the steps after the first step in the new
13 schedule shall be based on a combination of two criteria:

14 (i) The amounts of each successive step shall increase in a logical
15 progression, given the levels of knowledge, skills, abilities, and
16 levels of effort expected from the staff; and

17 (ii) If state-funded certificated instructional staff are assigned
18 in the 2008-09 school year to a step on the new schedule at an amount
19 equal to or next highest compared to the step the staff would have been
20 assigned on the previous statewide salary allocation schedule for that
21 school year, the overall fiscal impact to the state of implementing the
22 new schedule is as close as possible to neutral for the 2008-09 school
23 year, based on the funds appropriated in the 2007 omnibus
24 appropriations act for the 2007-09 biennium.

25 (d) The committee shall adjust the calculations under this section
26 to reflect assignment to the new schedule of certificated instructional
27 staff in school districts that have historically received salary
28 allocations in excess of the statewide salary allocation schedule, and
29 the phase-out of these excess salary allocations over a four-year
30 period as provided under section 6 of this act. The committee shall
31 include in its calculations the additional funding for compensation
32 resulting from the implementation of section 6 of this act.

33 (2) The committee shall present the new statewide salary schedule
34 to the governor and the fiscal committees of the legislature by
35 December 1, 2007, for inclusion in the 2008 supplemental omnibus
36 appropriations act for the 2007-2009 biennium and implementation in the
37 2008-09 school year. The committee shall also report on the estimated

1 additional state cost, if any, necessary to implement the schedule in
2 the 2008-09 school year.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.150
4 RCW to read as follows:

5 (1) Beginning with the fiscal year 2008 appropriations for the
6 2007-08 school year, the legislature shall increase the appropriations
7 for salary allocations to school districts based on the statewide
8 salary allocation schedule in RCW 28A.150.410 by successive amounts
9 over a four-year period so that, by the fiscal year 2011 appropriations
10 for the 2010-11 school year, no school district receives salary
11 allocations for certificated instructional staff in excess of the
12 statewide salary allocation schedule.

13 (2) The amount of the annual increase in appropriations under this
14 section shall be calculated as follows:

15 (a) For the 2007-08 school year, the difference between the base
16 salary on the statewide salary allocation schedule and the base salary
17 of the school district with the highest historical salary allocation is
18 no more than four and three-fourths percent;

19 (b) For the 2008-09 school year, the difference between the base
20 salary on the statewide salary allocation schedule and the base salary
21 of the school district with the highest historical salary allocation is
22 no more than three and two-tenths percent; and

23 (c) For the 2009-10 school year, the difference between the base
24 salary on the statewide salary allocation schedule and the base salary
25 of the school district with the highest historical salary allocation is
26 no more than one and six-tenths percent.

27 (3) The increases in appropriations required under this section are
28 in addition to any increases required to implement RCW 28A.400.205.

29 **Sec. 7.** RCW 28A.400.200 and 2002 c 353 s 2 are each amended to
30 read as follows:

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

34 (2)(a) (~~Salaries for certificated instructional staff shall not be~~
35 ~~less than the salary provided in the appropriations act in the~~

1 ~~statewide salary allocation schedule for an employee with a~~
2 ~~baccalaureate degree and zero years of service; and~~

3 ~~(b) Salaries for certificated instructional staff with a masters~~
4 ~~degree shall not be less than the salary provided in the appropriations~~
5 ~~act in the statewide salary allocation schedule for an employee with a~~
6 ~~masters degree and zero years of service;)) All certificated~~
7 instructional staff shall be compensated using the statewide salary
8 schedule under RCW 28A.150.410 and section 2 of this act. A school
9 district board of directors may not adopt a salary schedule that is
10 different from the statewide salary schedule.

11 (b) For the 2008-09 school year, certificated instructional staff
12 shall be assigned to a step on the statewide salary schedule under RCW
13 28A.150.410 that is an amount equal to or next highest compared to the
14 step the staff would have been assigned on the previous statewide
15 salary allocation schedule for that school year.

16 (c) For the 2009-10 school year and thereafter, school districts
17 shall assign new and continuing certificated instructional staff to the
18 statewide salary schedule under RCW 28A.150.410 and section 2 of this
19 act based solely on the outcome of the performance evaluation process
20 under section 3 of this act. A change in assignment on the statewide
21 salary schedule shall take effect at the beginning of the school year
22 immediately following the performance evaluation process. Assignment
23 determinations are not subject to the collective bargaining provisions
24 of chapter 41.59 RCW.

25 (3)(a) The actual ((average)) salary paid to certificated
26 instructional staff, based on their assignment to the statewide salary
27 schedule, shall not exceed the ((~~district's average certificated~~
28 ~~instructional staff salary~~)) statewide salary schedule used for the
29 state basic education allocations for that school year as determined
30 pursuant to RCW 28A.150.410.

31 (b) Fringe benefit contributions for certificated instructional
32 staff shall be included as salary under (a) of this subsection only to
33 the extent that the district's actual average benefit contribution
34 exceeds the amount of the insurance benefits allocation provided per
35 certificated instructional staff unit in the state operating
36 appropriations act in effect at the time the compensation is payable.
37 For purposes of this section, fringe benefits shall not include payment
38 for unused leave for illness or injury under RCW 28A.400.210; employer

1 contributions for old age survivors insurance, workers' compensation,
2 unemployment compensation, and retirement benefits under the Washington
3 state retirement system; or employer contributions for health benefits
4 in excess of the insurance benefits allocation provided per
5 certificated instructional staff unit in the state operating
6 appropriations act in effect at the time the compensation is payable.
7 A school district may not use state funds to provide employer
8 contributions for such excess health benefits.

9 (c) Salary and benefits for certificated instructional staff in
10 programs other than basic education shall be consistent with the salary
11 and benefits paid to certificated instructional staff in the basic
12 education program.

13 (4) Salaries and benefits for certificated instructional staff may
14 exceed the limitations in subsection (3) of this section only by
15 separate contract for additional time, additional responsibilities, or
16 incentives. Supplemental contracts shall not cause the state to incur
17 any present or future funding obligation. Supplemental contracts shall
18 be subject to the collective bargaining provisions of chapter 41.59 RCW
19 and the provisions of RCW 28A.405.240, shall not exceed one year, and
20 if not renewed shall not constitute adverse change in accordance with
21 RCW 28A.405.300 through 28A.405.380. No district may enter into a
22 supplemental contract under this subsection for the provision of
23 services which are a part of the basic education program required by
24 Article IX, section 3 of the state Constitution.

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

27 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.400
28 RCW to read as follows:

29 (1) In addition to and not subject to the limitations of salaries
30 provided under RCW 28A.400.200, certificated instructional staff who
31 meet the eligibility criteria shall receive annual salary bonuses under
32 this section, beginning in the 2007-08 school year. Bonuses under this
33 section are provided on a year-to-year basis; are renewable subject to
34 continued eligibility; are not subject to the collective bargaining
35 provisions of chapter 41.59 RCW; and are not part of basic education.
36 Salary bonuses shall be paid in monthly increments and shall be

1 included in the definition of "earnable compensation" under RCW
2 41.32.010(10).

3 (2) Teachers who hold certification endorsements in mathematics,
4 science, a designated science, middle level math/science, special
5 education, or early childhood special education, and whose duty
6 assignment for the school year is to teach one or more of these subject
7 areas, shall receive a salary bonus of five thousand dollars.

8 (3) Teachers who hold a certification endorsement in bilingual
9 education or who are bilingual in a language spoken as a first language
10 by students enrolled in the school district shall receive a salary
11 bonus of five thousand dollars.

12 (4)(a) Certificated instructional staff employed in rural and
13 remote school districts shall receive a salary bonus of two thousand
14 dollars. For the purposes of this section, "rural and remote" means a
15 school district whose central administrative office is:

16 (i) Located in a county with a population of fewer than one hundred
17 persons per square mile; and

18 (ii) Located more than one hour travel time under normal travel
19 conditions from a city or town with a population of ten thousand or
20 more persons.

21 (b) The office of the superintendent of public instruction shall
22 identify rural and remote school districts under this section using the
23 most recent state population data collected by the office of financial
24 management and travel information from the department of
25 transportation.

26 (5) Teachers who hold a valid certificate from the national board
27 for professional teaching standards shall receive a salary bonus of
28 three thousand five hundred dollars. A teacher who attains
29 certification after the beginning of a school year shall receive the
30 bonus beginning the following school year.

31 (6)(a) Teachers who commit to teach in a challenged school for at
32 least three years shall receive a salary bonus of five thousand dollars
33 during each year that their duty assignment is to teach in that
34 challenged school. For the purposes of this section, "challenged
35 school" means:

36 (i) At least sixty percent of the students enrolled in the school
37 are eligible for free and reduced price lunch; and

1 (ii) The school is in federal "needs improvement" status under P.L.
2 107-110, the no child left behind act of 2001.

3 (b) A teacher who fails to fulfill the three-year commitment to
4 teach in the challenged school shall repay any bonus amounts previously
5 received to the superintendent of public instruction. Years of
6 teaching in a challenged school that occurred before the effective date
7 of this section shall not count toward the three-year commitment.
8 Nothing in this section precludes a teacher from teaching in a
9 challenged school for more than three years and continuing to receive
10 the salary bonus after the three-year commitment has been met.

11 (7) The superintendent of public instruction may adopt rules to
12 implement this section.

13 **Sec. 9.** RCW 28A.400.205 and 2003 1st sp.s. c 20 s 1 are each
14 amended to read as follows:

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

17 (a) The cost-of-living increase shall be calculated by applying the
18 rate of the yearly increase in the cost-of-living index to any state-
19 funded salary base used in state funding formulas for teachers and
20 other school district employees. Beginning with the 2001-02 school
21 year, and for each subsequent school year, except for the 2003-04 and
22 2004-05 school years, each school district shall be provided a cost-of-
23 living allocation sufficient to grant this cost-of-living increase.

24 (b) A school district shall distribute its cost-of-living
25 allocation for salaries and salary-related benefits in accordance with
26 the district's salary schedules, collective bargaining agreements, and
27 compensation policies. No later than the end of the school year, each
28 school district shall certify to the superintendent of public
29 instruction that it has spent funds provided for cost-of-living
30 increases on salaries and salary-related benefits.

31 (c) Any funded cost-of-living increase shall be included in the
32 salary base used to determine cost-of-living increases for school
33 employees in subsequent years. For teachers and other certificated
34 instructional staff, the rate of the annual cost-of-living increase
35 funded for certificated instructional staff shall be applied to the
36 (~~base salary used with~~) steps of the statewide salary (~~allocation~~)

1 schedule established under RCW 28A.150.410 and to any other salary
2 models used to recognize school district personnel costs.

3 (2) For the purposes of this section, "cost-of-living index" means,
4 for any school year, the previous calendar year's annual average
5 consumer price index, using the official current base, compiled by the
6 bureau of labor statistics, United States department of labor for the
7 state of Washington. If the bureau of labor statistics develops more
8 than one consumer price index for areas within the state, the index
9 covering the greatest number of people, covering areas exclusively
10 within the boundaries of the state, and including all items shall be
11 used for the cost-of-living index in this section.

12 **Sec. 10.** RCW 28A.340.040 and 1990 c 33 s 369 are each amended to
13 read as follows:

14 ~~((1) School districts participating in a cooperative project
15 pursuant to RCW 28A.340.030 may adopt identical salary schedules
16 following compliance with chapter 41.59 RCW: PROVIDED, That if the
17 districts participating in a cooperative project adopt identical salary
18 schedules, the participating districts shall be considered a single
19 school district for purposes of establishing compliance with the salary
20 limitations of RCW 28A.400.200(3) but not for the purposes of
21 allocation of state funds.~~

22 ~~(2))~~ For purposes of computing fringe benefit contributions for
23 purposes of establishing compliance with RCW 28A.400.200(3)(b), the
24 districts participating in a cooperative project pursuant to RCW
25 28A.340.030 may use the greater of: ~~((a))~~ (1) The highest amount
26 provided in the 1986-87 school year by a district participating in the
27 cooperative project; or ~~((b))~~ (2) the amount authorized for such
28 purposes in the state operating appropriations act in effect at the
29 time.

30 NEW SECTION. **Sec. 11.** The following acts or parts of acts are
31 each repealed:

32 (1) RCW 28A.405.200 (Annual salary schedules as basis for salaries
33 of certificated employees) and 1969 ex.s. c 283 s 1;

34 (2) RCW 28A.415.020 (Credit on salary schedule for approved in-
35 service training, continuing education, and internship) and 2006 c 263
36 s 808, 1995 c 284 s 2, 1990 c 33 s 415, & 1987 c 519 s 1;

1 (3) RCW 28A.415.023 (Credit on salary schedule for approved in-
2 service training, continuing education, or internship--Course content--
3 Rules) and 2005 c 497 s 209, 2005 c 393 s 1, & 1997 c 90 s 1;

4 (4) RCW 28A.415.024 (Credit on salary schedule--Accredited
5 institutions--Verification--Penalty for submitting credits from
6 unaccredited institutions) and 2006 c 263 s 809 & 2005 c 461 s 1; and

7 (5) RCW 28A.415.025 (Internship clock hours--Rules) and 2006 c 263
8 s 810 & 1995 c 284 s 3.

9 NEW SECTION. **Sec. 12.** Sections 1, 7, and 9 through 11 of this act
10 take effect September 1, 2008.

11 NEW SECTION. **Sec. 13.** Section 6 of this act is necessary for the
12 immediate preservation of the public peace, health, or safety, or
13 support of the state government and its existing public institutions,
14 and takes effect immediately.

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