

# SENATE BILL REPORT

## E2SHB 2573

As of February 27, 2016

**Title:** An act relating to the shortage of public school teachers and substitute teachers.

**Brief Description:** Concerning the shortage of public school teachers and substitute teachers.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Santos, Magendanz, Kilduff, Reykdal, Rossetti, Muri, Pollet and Hickel; by request of Superintendent of Public Instruction).

**Brief History:** Passed House: 2/17/16, 92-6.

**Committee Activity:** Early Learning & K-12 Education: 2/23/16, 2/25/16 [DPA-WM, DNP].

**Ways & Means:** 2/29/16.

### Brief Summary of Engrossed Second Substitute Bill

- Requires the development and implementation of a statewide recruitment campaign to increase the number of qualified individuals who apply for teaching positions in Washington.
- Requires that certain out-of-state teachers be issued a Washington Professional Certificate.
- Provides that teachers who retire under the early retirement provisions may be employed as substitute teachers for up to 867 hours per school year without suspension of retirement benefits.
- Tasks the Professional Educator Standards Board with coordinating meetings with institutions of higher education and school districts to discuss the possibility of implementing an alternative route program.
- Requires plans describing how public institutions of higher education with Alternative Route programs will partner with school districts to place resident teachers.
- Expands the Beginning Educator Support Team program.
- Requires development of mentor training program goals for teacher preparation program curricula.

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

- Requires that caseload forecasts include the number of persons expected to meet entitlement requirements by school district and statewide.
- Expands the endorsement areas eligible under conditional scholarship programs for teachers and paraeducators, and includes a review of the effectiveness of the expansion.
- Allows institutions of higher education to waive the tuition and fees for public school classified staff when their coursework is relevant to their work assignment.

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## SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig, Fain, Hill, Mullet, Rivers and Rolfes.

**Minority Report:** Do not pass.

Signed by Senator McAuliffe, Ranking Member.

**Staff:** Alia Kennedy (786-7405)

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## SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Lorrell Noahr (786-7708)

**Background:** Teacher Certification. There are two levels of teacher certification: (1) residency, which requires completion of an approved teacher preparation program; and (2) professional, which requires a minimum of two years of experience, and either completion of an external, uniform assessment adopted by the Professional Educator Standards Board (PESB), called the ProTeach Portfolio, or completion of a certificate from the National Board for Professional Teaching Standards.

Teachers in Washington are required to obtain the Professional Certificate sometime between their third and seventh year of teaching. Out-of-state teachers who want to teach in Washington must also obtain a Professional Certificate within seven years of being hired. The Professional Certificate is currently awarded to teachers who have: (1) completed the ProTeach Portfolio; (2) completed a program in another state whose advanced level certification program is comparable to that in Washington, as determined by PESB; or (3) a certificate issued by the National Board for Professional Teaching Standards.

Teachers' Retirement System. The normal retirement age for members of Plans 2 and 3 of the Teachers' Retirement System (TRS) is age 65. TRS Plan 2 members with 20 years of service and TRS Plan 3 members with 10 years of service can retire as early as age 55. Benefits paid to persons who retire early from TRS Plans 2 or 3 with less than 30 years of service are calculated using early retirement factors that provide a full actuarial reduction based on the number of years between the retirement age and age 65. For example, a 27 percent reduction for retirement at age 62, or a 41 percent reduction for retirement at age 60.

Two early retirement factor options are available to TRS Plan 2 and 3 members who retire with 30 or more years of service. One of the options was created in 2000 and reduces benefits by 3 percent for each year in the period between the retirement age and age 65. For example a 9 percent reduction for retirement at age 62, or a 15 percent reduction for retirement at age 60. The other option that provides smaller benefit reductions was implemented in 2008 as a replacement for gain-sharing benefits. Under the 2008 early retirement factors, TRS Plan 2 and 3 members with 30 years of service may retire at age 62 with no reduction of benefit and at age 60 with a 5 percent reduction.

State law does not prohibit persons who retire from TRS Plans 2 or 3 from returning to work but it does limit when a retiree may work and continue receiving pension payments. In general, payments are suspended when a TRS retiree works more than 867 hours per year in a position included in TRS or another state retirement plan. However, payments are suspended immediately if a TRS Plan 2 or 3 retiree who retired using the 2008 early retirement factors returns to work in any kind of position with a state retirement plan employer prior to age 65. This includes returning to work as a substitute teacher.

Alternative Teacher Preparation and Certification Programs. The Alternative Route to Certification programs are designed to fill subject matter or geographic shortage areas by allowing individuals with work and life experience to segue into teaching through flexible, expedient teacher preparation programs. In these programs, school districts, or districts in cooperation with an educational service district (ESD), work in partnership with teacher preparation programs to offer shortened, field-based preparation programs with a mentored internship. There are Alternative Route programs at eight higher education institutions.

Teacher Shortage Areas and Endorsements. PESB designates official shortage areas based on periodic analysis of educator supply and demand in Washington. An endorsement is the subject area in which a certified educator is authorized to teach, along with designated grade levels for that area. There are 39 endorsements in Washington, not including a large number of career and technical education endorsements. The current endorsement shortage areas, as defined by the PESB, include special education, mathematics, and science.

The Educator Retooling Conditional Scholarship program award conditional scholarships to educators who pursue endorsement in a subject or geographic shortage area, as defined by PESB. Eligible endorsement areas currently include mathematics, science, special education, bilingual education, English language learner, computer science education, or environmental and sustainability education. The annual scholarship - which may not exceed \$3,000 - is for the cost of tuition, test fees, and educational expenses, including books, supplies, and transportation for the endorsement pathway being pursued.

Beginning Educator Support Team (BEST). The BEST program provides professional development and mentor support for beginning educators and educators on probation. The Office of the Superintendent of Public Instruction (OSPI) administers grant funding for the BEST program. The BEST program includes professional development for beginning educators and mentors, release time for beginning educators and mentors to work together, orientation or individualized assistance before the start of the school year, and program evaluation.

Caseload Forecasting. The Caseload Forecast Council (CFC) is a statutory body that oversees the preparation of caseload forecasts for populations of persons expected to meet entitlement requirements, and require the services of the common school system, medical assistance programs, state correctional institutions, public assistance programs, and others.

The forecast of students expected to require the services of the common school system is prepared at the statewide level. The caseload forecast for basic education includes children enrolled in grades K-12, private school students receiving services from public schools, "home schooled" children receiving services from public schools, state-funded "summer school" students, participants in the Running Start program, and participants in the University of Washington Transition program.

K-12 enrollment is forecasted as a nine-month annual average full-time equivalent (FTE) student, where one FTE is the equivalent of one student enrolled full time. In addition to the forecast for basic education, the CFC forecasts enrollment by headcount for the transitional bilingual program and the special education program.

Tuition Waivers. Tuition waivers provided by public institutions of higher education fall into one of three categories: state-supported, discretionary, and space available. For state-supported waivers only, it has been assumed that tuition not collected from students to whom the waivers are granted is offset by state funding in the institutions' budgets. These waivers are subject to caps on the maximum percentages of gross operating fee revenue that each institution or sector can waive. A few mandatory waivers exist in state statute concerning the children and spouses of veterans and law enforcement officers who became totally disabled or lost their lives in the line of duty.

Public institutions have the authority to waive tuition to any undergraduate or graduate student for any purpose. These discretionary waivers are not subject to caps, but none of the foregone tuition revenue is made up by the state.

Under current law, public institutions of higher education may waive all or a portion of the tuition and services and activities fees for state employees, teachers, and certain certificated instructional staff. However, the following conditions exist: these students must register for and be enrolled in courses on a space-available basis; enrollment information must be maintained separate from official enrollment reports; and a registration fee is required.

**Summary of Bill (Recommended Amendments):** Teacher Recruitment Campaign. OSPI, in partnership with the Employment Security Department, must develop a recruitment campaign for out-of-state teachers and prospective new teachers in Washington, subject to appropriation. The campaign must target individuals with certificates who are not employed as teachers, undergraduate college students who have not chosen a major, out-of-state teachers, military personnel and their spouses, and other groups of individuals who may be interested in teaching in our public schools.

The recruitment campaign activities include:

- developing a central depository that allows teachers to apply for jobs in multiple school districts, and school districts to have access to a broader pool of applicants; and
- creating or enhancing an existing website that provides job-related information to individuals who are interested in teaching in Washington.

The central depository for jobs must be made available initially to small school districts, and to larger districts as resources are available. When defining small districts for the purpose of this subsection, OSPI must consider whether a district has fewer than three hundred certificated staff.

Workforce Training and Educator Coordinating Board Recruitment Efforts. Subject to a specific appropriation, the Workforce Training and Educator Coordinating Board, in collaboration with PESB, must work with appropriate public agencies, school districts and ESDs, and other parties to disseminate information designed to increase recruitment into PESB-approved teacher preparation programs. The information must be disseminated statewide using existing channels. This section expires July 1, 2019.

Professional Certification for Out-of-state Teachers. A Professional Certificate must be issued to out-of-state teachers with five or more years of successful teaching experience if the teacher holds a certification from the National Board for Professional Teaching Standards.

Until June 30, 2021, a Professional Certificate must be issued to out-of-state teachers with five or more years of successful teaching experience if the teacher has a:

- continuing or advanced level certificate from another state, or that state's equivalent, issued by the other state; or
- continuing or advanced level certificate that allows the individual to teach internationally.

Retired Teachers. Effective immediately and until August 1, 2020, certain teachers who have retired under the alternate early retirement provisions may be employed with an employer that has documented a shortage of certificated substitute teachers without a suspension of benefits for up to 867 hours per school year if:

- the retired teacher reenters employment more than one calendar month after his or her accrual date and after the effective date of this section;
- the retired teacher is employed exclusively as a substitute teacher in an instructional capacity; and
- the employing school district compensates the district's substitute teachers at a level that is at least equal to the full daily amount allocated by the state to the district for substitute teacher compensation.

Alternative Route Program Expansion Efforts. Subject to a specific appropriation, PESB must convene meetings between school districts that do not have an Alternative Route program and the nearest PESB-approved teacher preparation program to determine whether the districts and institutions can partner to apply to PESB to operate an Alternative Route program. Subject to a specific appropriation, the public institutions without PESB-approved Alternative Route programs must submit proposals to PESB to offer such programs by

September 1, 2016. If approved, the institutions must implement an Alternative Route program according to a timeline suggested by PESB. This section expires July 1, 2017.

Mentoring Teachers. By July 1, 2018, institutions of higher education with PESB-approved Alternative Route programs must develop a plan describing how the institution will partner with school districts in the general geographic region of the school, or where its programs are offered, regarding placement of resident teachers. The plans must be developed in collaboration with districts desiring to partner with the institutions, and may include use of unexpended federal or state funds to support residencies and mentoring for students who are likely to continue teaching in the district in which they have a supervised student teaching residency. The plans must be updated at least biennially.

Beginning Educator Support Team Program. A mentor is an educator who has achieved appropriate training in assisting, coaching, and advising beginning teachers or student teaching residents as defined by the OSPI, such as a National Board Certification or other specialized training. Candidates in Alternative Route programs are offered support through the BEST program. Funds are prioritized to school districts with a large influx of beginning teachers.

The BEST program must have a goal to provide beginning teachers from underrepresented populations with a mentor who has strong ties to underrepresented populations. OSPI must notify districts about the BEST program and encourage them to apply for program funds.

Mentor Training. In fiscal year 2017, OSPI must collaborate with PESB and PESB-approved teacher preparation programs to develop mentor training program goals. Once developed, PESB-approved teacher preparation programs are encouraged to develop and implement curricula that meet the mentor training program goals. This section expires July 1, 2019.

Student Enrollment Forecasting. The CFC is required to prepare forecasts of the number of persons expected to meet entitlement requirements in the common school system by school district, subject to appropriations. When determining district level forecasts, the CFC must consider a geographic information system solution and providing districts the ability to adjust the final forecast. The forecast of entitlement requirements at the district level is subject to a specific appropriation.

Conditional Scholarship Programs. Until July 1, 2026, the Educator Retooling program is made available to individuals who wish to obtain endorsements in elementary education or early childhood education.

Until July 1, 2026, the Pipeline for Paraeducators program is made available to paraeducators who wish to obtain teacher certification and endorsement in bilingual education, elementary education, computer science education, or early childhood education.

No later than January 1, 2026, the Joint Legislative Audit and Review Committee (JLARC) must review the expansion of the programs described above. JLARC must determine the effectiveness of the expansion and provide a recommendation to the fiscal committees of the Legislature as to whether the expansion should be continued without modification, modified, scheduled for sunset review at a future date, or terminated immediately.

JLARC's state spending performance statement for the expansion of these programs is intended only to be used for subsequent evaluation of the expansion of these programs; it is not intended to create a private right of action by any party or be used to determine eligibility for the services provided by these programs.

Tuition and Fee Waivers. Public four-year and two-year institutions of higher education may waive all or a portion of the tuition and services and activities fees for public school K–12 classified staff when their coursework is relevant to their work assignment.

**EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (Recommended Amendments):** OSPI must partner with the Employment Security Department for the development and implementation of a teacher recruitment campaign. The recruitment specialist grant fund program is removed. Teachers who retire under the early retirement provisions may be employed as substitute teachers in an instructional capacity for up to 876 hours per school year without suspension of their retirement benefits. School districts employing retired substitute teachers must have a documented shortage of certified substitute teachers. The minimum compensation for substitute teachers must be at a level that is at least equal to the full daily amount allocated by the state for substitute teacher compensation. A Professional Certificate must be issued to out-of-state teachers who have five or more years of teaching experience and hold a certification from the National Board for Professional Teaching Standards. Until June 30, 2021, a Professional Certificate must be issued to out-of-state teachers with five or more years of successful teaching experience if the teacher has a continuing or advanced level certificate from another state or a continuing or advanced level certificate that allows the individual to teach internationally. The Future Teachers Conditional Scholarship program is removed. Bilingual education, elementary education, computer science education, and early childhood education area added to the list of qualifying endorsements for the purposes of the Pipeline for Paraeducators Conditional Scholarship. JLARC is directed to conduct a study on the effectiveness of conditional scholarships. The requirement that school districts report the number of teachers they plan to hire in the following year is removed. Caseload forecasts of the number of persons expected to meet entitlement requirements must be by school district and statewide. Four-year and two-year institutions of higher education may waive all or a portion of the tuition and services and activities fees for public school K–12 classified staff when their coursework is relevant to their work assignment. The teacher residency grant program is removed. JLARC must conduct an analysis on the costs and impacts associated with maternity and paternity leave for certificated classroom teachers. The term "alternate route" is changed to "alternative route" for technical purposes.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony (Early Learning & K-12 Education):** PRO: This bill is the product of months of collaboration and takes a comprehensive approach to address the teacher shortage crisis. The bill does not address teacher pay, but does address teacher preparation with efforts to increase enrollment through financial aid, loan forgiveness, and mentorship programs. Recently retired teachers can return to work as mentors. Alternative route programs are important. Teacher certification standards will not be reduced. The bill focuses on building stronger teachers through mentorship. The Legislature should reconsider allowing retired teachers to only return as mentors or advisors because the state is in need of substitute teachers. The professional certification requirements deter teachers from coming to Washington. Lessening the requirements would reduce barriers for out-of-state teachers and create bridges that would allow Washington to attract qualified experienced educators from across the border. Recruitment efforts should include colleges, the Professional Educator Standards Board, teachers, and other stakeholders. The bill should include student enrollment forecasting. Language on the professional certification for out-of-state teachers should match the Senate bill because as currently written, it would only apply to one other state. There is some confusion regarding use of the terms "residency" and "resident teachers."

CON: The safe environment for teachers caused the teacher shortage. No accountability.

OTHER: Efforts to address the teacher shortage should include educational staff associates.

**Persons Testifying (Early Learning & K-12 Education):** PRO: Representative Pollet, Sponsor; Jene (Jenna) Jones, League of Education Voters; Dave Smith, Newport School District/Eastern Washington Quality Schools Coalition; Brian Talbott, Nine Mile Falls School District; Lucinda Young, Washington Education Association; Bob Butts, Superintendent of Public Instruction; Bob Cooper, Washington Association of Colleges for Teacher Education; David Brenna, Professional Educator Standards Board; Colleen Rust, The Evergreen State College.

CON: Grazyna Prouty, Washington certified teacher (continuing contract in Tahoma 2005/2006 - 2010-2011), ESL (ELL), Bilingual).

OTHER: Susan Sturms, Washington State Special Education Coalition.

**Persons Signed In To Testify But Not Testifying:** No one.