
HOUSE BILL 2379

State of Washington

65th Legislature

2018 Regular Session

By Representatives Doglio, Orcutt, Dolan, Appleton, Muri, Stambaugh, Chandler, Fey, Bergquist, Johnson, Valdez, Haler, Kilduff, Ortiz-Self, Pollet, and Lovick

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1 AN ACT Relating to the need for substitutes in schools; amending
2 RCW 41.32.068; adding a new section to chapter 41.35 RCW; creating a
3 new section; and repealing 2016 c 233 s 19 (uncodified).

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

5 NEW SECTION. **Sec. 1.** School employees who retire using early
6 retirement factors known as the 2008 ERFs are essentially prohibited
7 from working in any capacity for employers that are part of the state
8 retirement system. In 2016, the legislature created a narrow
9 exception that allowed retirees in the teachers' retirement system
10 who retired under the 2008 ERFs to work only as substitute teachers
11 for a limited number of hours per year. This exception was created in
12 response to the teacher shortages seen across the state, which have
13 severely depleted the numbers of available substitutes. School
14 districts face challenges in other areas too, such as finding
15 substitute bus drivers, counselors, and paraprofessionals. Retired
16 school employees have the experience that allows them to step in and
17 maintain the best educational services for our students when
18 substitutes are needed. Therefore, it is the intent of the
19 legislature to allow a narrow exception to the 2008 early retirement
20 structure to allow those retirees to serve as substitutes in roles
21 that directly serve students.

1 **Sec. 2.** RCW 41.32.068 and 2016 c 233 s 7 are each amended to
2 read as follows:

3 In addition to the postretirement employment options available in
4 RCW 41.32.802 or 41.32.862(~~(, and only until August 1, 2020)~~), a
5 (~~teacher~~) retiree in plan 2 or plan 3 who has retired under the
6 alternate early retirement provisions of RCW 41.32.765(3)(b) or
7 41.32.875(3)(b) may be employed with an employer for up to eight
8 hundred sixty-seven hours per calendar year without suspension of his
9 or her benefit, provided that: (1) The retired (~~teacher~~) educator
10 reenters employment more than one calendar month after his or her
11 accrual date and after June 9, 2016; and (2) (~~{the retired~~
12 ~~teacher}~~) the retired educator is employed (~~(exclusively as either a~~
13 ~~substitute teacher as defined in RCW 41.32.010(48)(a) in an~~
14 ~~instructional capacity, as opposed to other capacities identified in~~
15 ~~RCW 41.32.010(49); and (3) the employing school district compensates~~
16 ~~the district's substitute teachers at a rate that is at least eighty-~~
17 ~~five percent of the full daily amount allocated by the state to the~~
18 ~~district for substitute teacher compensation)~~) in a nonadministrative
19 position.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 41.35
21 RCW to read as follows:

22 In addition to the postretirement employment options available in
23 RCW 41.35.060, a retiree in the school employees retirement system
24 plan 2 or plan 3 who has retired under the alternate early retirement
25 provisions of RCW 41.35.420(3)(b) or 41.35.680(3)(b) may be employed
26 with an employer for up to eight hundred sixty-seven hours per
27 calendar year without suspension of his or her benefit, provided
28 that: (1) The retired educator reenters employment more than one
29 calendar month after his or her accrual date; and (2) the retired
30 educator is employed in a nonadministrative position.

31 NEW SECTION. **Sec. 4.** 2016 c 233 s 19 (uncodified) is repealed.

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