
SENATE BILL 5297

State of Washington

65th Legislature

2017 Regular Session

By Senators Ranker, Rolfes, and Keiser; by request of Office of
Financial Management

Read first time 01/19/17. Referred to Committee on Ways & Means.

1 AN ACT Relating to educational employees' compensation; and
2 amending RCW 28A.150.410, 28A.400.200, and 28A.400.205.

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

4 **Sec. 1.** RCW 28A.150.410 and 2010 c 236 s 10 are each amended to
5 read as follows:

6 (1) The legislature shall establish for each school year in the
7 appropriations act a statewide salary allocation (~~(schedule)~~) model,
8 for allocation purposes only, to be used to distribute funds for
9 basic education certificated instructional staff salaries under RCW
10 28A.150.260. For the purposes of this section, the staff allocations
11 for classroom teachers, teacher librarians, guidance counselors, and
12 student health services staff under RCW 28A.150.260 are considered
13 allocations for certificated instructional staff.

14 (2) Salary allocations for state-funded basic education
15 certificated instructional staff shall be calculated by the
16 superintendent of public instruction by determining the district's
17 average salary for certificated instructional staff, using the
18 statewide salary allocation (~~(schedule)~~) model and related documents,
19 conditions, and limitations established by the omnibus appropriations
20 act.

1 (3) Beginning January 1, 1992, and until the 2017-18 school year,
2 no more than ninety college quarter-hour credits received by any
3 employee after the baccalaureate degree may be used to determine
4 compensation allocations under the state salary allocation
5 ((schedule)) model and ((LEAP)) documents referenced in the omnibus
6 appropriations act, or any replacement schedules and documents,
7 unless:

8 (a) The employee has a master's degree; or

9 (b) The credits were used in generating state salary allocations
10 before January 1, 1992.

11 (4) Beginning in the 2017-18 school year and each year
12 thereafter, the state salary allocation model for certificated
13 instructional staff shall be specified in the omnibus appropriations
14 act and shall contain:

15 (a) Salary allocations based on ten months of usual and customary
16 work during the school year plus an additional thirty hours in school
17 year 2017-18 and eighty hours in school year 2018-19, and each year
18 thereafter, of professional learning and collaboration as specified
19 in RCW 28A.300.600, 28A.300.602, and 28A.300.604;

20 (b) Different levels of salary allocations for residency
21 certificate holders and second-tier certificate holders, each further
22 differentiated by baccalaureate degree and advanced degree; and

23 (c) Periodic differential salary allocations for years of
24 service.

25 (5) Beginning in the 2017-18 school year and each year
26 thereafter, a salary allocation for educator mentors shall be
27 specified in the omnibus appropriations act for the educator support
28 program specified in RCW 28A.415.265.

29 (6) Beginning in the 2007-08 school year, the calculation of
30 years of service for occupational therapists, physical therapists,
31 speech-language pathologists, audiologists, nurses, social workers,
32 counselors, and psychologists regulated under Title 18 RCW may
33 include experience in schools and other nonschool positions as
34 occupational therapists, physical therapists, speech-language
35 pathologists, audiologists, nurses, social workers, counselors, or
36 psychologists. The calculation shall be that one year of service in a
37 nonschool position counts as one year of service for purposes of this
38 chapter, up to a limit of two years of nonschool service. Nonschool
39 years of service included in calculations under this subsection shall
40 not be applied to service credit totals for purposes of any

1 retirement benefit under chapter 41.32, 41.35, or 41.40 RCW, or any
2 other state retirement system benefits.

3 **Sec. 2.** RCW 28A.400.200 and 2010 c 235 s 401 are each amended to
4 read as follows:

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

8 (2)(a) Salaries for certificated instructional staff shall not be
9 less than the salary provided in the appropriations act in the
10 statewide salary allocation (~~(schedule)~~) model for an employee with a
11 residency certificate, baccalaureate degree, and zero years of
12 service; and

13 (b) Salaries for certificated instructional staff with a master's
14 degree shall not be less than the salary provided in the
15 appropriations act in the statewide salary allocation (~~(schedule)~~)
16 model for an employee with a residency certificate, master's degree,
17 and zero years of service.

18 (3)(a) The actual average salary paid to certificated
19 instructional staff shall not exceed the district's average
20 certificated instructional staff salary used for the state basic
21 education allocations for that school year as determined pursuant to
22 RCW 28A.150.410.

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

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

5 (4) Salaries and benefits for certificated instructional staff
6 may exceed the limitations in subsection (3) of this section only by
7 separate contract for additional time, for additional
8 responsibilities, for incentives, or for implementing specific
9 measurable innovative activities, including professional development,
10 specified by the school district to: (a) Close one or more
11 achievement gaps, (b) focus on development of science, technology,
12 engineering, and mathematics (STEM) learning opportunities, or (c)
13 provide arts education. Beginning September 1, 2011, school districts
14 shall annually provide a brief description of the innovative
15 activities included in any supplemental contract to the office of the
16 superintendent of public instruction. The office of the
17 superintendent of public instruction shall summarize the district
18 information and submit an annual report to the education committees
19 of the house of representatives and the senate. Supplemental
20 contracts shall not cause the state to incur any present or future
21 funding obligation. Supplemental contracts shall be subject to the
22 collective bargaining provisions of chapter 41.59 RCW and the
23 provisions of RCW 28A.405.240, shall not exceed one year, and if not
24 renewed shall not constitute adverse change in accordance with RCW
25 28A.405.300 through 28A.405.380. No district may enter into a
26 supplemental contract under this subsection for the provision of
27 services which are a part of the basic education program required by
28 Article IX, section 3 of the state Constitution.

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

31 **Sec. 3.** RCW 28A.400.205 and 2013 2nd sp.s. c 5 s 1 are each
32 amended to read as follows:

33 (1) Except as provided in subsection (2) of this section, school
34 district employees shall be provided an annual salary cost-of-living
35 increase in accordance with this section.

36 (a) The cost-of-living increase shall be calculated by applying
37 the rate of the yearly increase in the cost-of-living index to any
38 state-funded salary base used in state funding formulas for teachers
39 and other school district employees. Beginning with the 2001-02

1 school year, and for each subsequent school year, except for the
2 2013-14 and 2014-15 school years, each school district shall be
3 provided a cost-of-living allocation sufficient to grant this cost-
4 of-living increase, except as provided in subsection (2) of this
5 section.

6 (b) A school district shall distribute its cost-of-living
7 allocation for salaries and salary-related benefits in accordance
8 with the district's salary schedules, collective bargaining
9 agreements, and compensation policies. No later than the end of the
10 school year, each school district shall certify to the superintendent
11 of public instruction that it has spent funds provided for cost-of-
12 living increases on salaries and salary-related benefits.

13 (c) Any funded cost-of-living increase shall be included in the
14 salary base used to determine cost-of-living increases for school
15 employees in subsequent years. For teachers and other certificated
16 instructional staff, the rate of the annual cost-of-living increase
17 funded for certificated instructional staff shall be applied to the
18 base salary used with the statewide salary allocation (~~schedule~~)
19 model established under RCW 28A.150.410 and to any other salary
20 models used to recognize school district personnel costs.

21 (2) By July 1, 2022, and July 1st every four years thereafter,
22 the employment security department shall provide the governor and the
23 legislature an update to the comparable wage analysis that was
24 conducted by the employment security department and reported to the
25 legislature in 2012 by the technical working group established in RCW
26 28A.400.201. For the school year beginning September 1, 2023, and
27 every four years thereafter, the state-funded base salary used in
28 state funding formulas for certificated instructional, certificated
29 administrative, and classified staff shall be the salary identified
30 in the updated comparable wage analysis and increased by the cost-of-
31 living index defined in subsection (3) of this section.

32 (3) For the purposes of this section, "cost-of-living index"
33 means, for any school year, the previous calendar year's annual
34 average consumer price index, using the official current base,
35 compiled by the bureau of labor statistics, United States department
36 of labor for the state of Washington. If the bureau of labor
37 statistics develops more than one consumer price index for areas
38 within the state, the index covering the greatest number of people,
39 covering areas exclusively within the boundaries of the state, and

1 including all items shall be used for the cost-of-living index in
2 this section.

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