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**SENATE BILL 5933**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senator Mullet

1 AN ACT Relating to base compensation hours for teachers; amending  
2 RCW 28A.400.200 and 41.59.105; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that full-time  
5 certificated staff in our state's K-12 public schools work a full-  
6 time job in a substantially compressed one hundred eighty-day  
7 traditional calendar. National and state research affirms that our  
8 K-12 teachers, teaching a full-time load, work in excess of one  
9 thousand six hundred fifty hours per year. These employees are not  
10 part-time workers as is often perceived by the public. Rather, these  
11 are full-time jobs on a compressed schedule, averaging nine and one-  
12 half hours per day of work.

13 Therefore, the legislature intends to define the full-time nature  
14 of this work in these time standards as part of the state's program  
15 of basic education.

16 **Sec. 2.** RCW 28A.400.200 and 2018 c 266 s 205 are each amended to  
17 read as follows:

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

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

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

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

10 (i) Salaries for full-time certificated instructional staff must  
11 not be less than forty thousand dollars, to be adjusted for regional  
12 differences in the cost of hiring staff as specified in RCW  
13 28A.150.410, and to be adjusted annually by the same inflationary  
14 measure as provided in RCW 28A.400.205;

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

18 (iii) A district may not pay full-time certificated instructional  
19 staff a salary that exceeds ninety thousand dollars, subject to  
20 adjustment for regional differences in the cost of hiring staff as  
21 specified in RCW 28A.150.410. This maximum salary is adjusted  
22 annually by the inflationary measure in RCW 28A.400.205;

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

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

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

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

1 (iii) Beginning with the 2019-20 school year, for purposes of  
2 (~~subsection (4) of this section,~~) RCW 28A.150.276(~~(7)~~) and  
3 28A.505.100, each school district must annually identify the actual  
4 salary paid to each certificated instructional staff for services  
5 rendered as part of the state's program of basic education.

6 (b) Through the 2018-19 school year, fringe benefit contributions  
7 for certificated instructional staff shall be included as salary  
8 under (a)(i) of this subsection only to the extent that the  
9 district's actual average benefit contribution exceeds the amount of  
10 the insurance benefits allocation, less the amount remitted by  
11 districts to the health care authority for retiree subsidies,  
12 provided per certificated instructional staff unit in the state  
13 operating appropriations act in effect at the time the compensation  
14 is payable. For purposes of this section, fringe benefits shall not  
15 include payment for unused leave for illness or injury under RCW  
16 28A.400.210; employer contributions for old age survivors insurance,  
17 workers' compensation, unemployment compensation, and retirement  
18 benefits under the Washington state retirement system; or employer  
19 contributions for health benefits in excess of the insurance benefits  
20 allocation provided per certificated instructional staff unit in the  
21 state operating appropriations act in effect at the time the  
22 compensation is payable. A school district may not use state funds to  
23 provide employer contributions for such excess health benefits.

24 (c) Salary and benefits for certificated instructional staff in  
25 programs other than basic education shall be consistent with the  
26 salary and benefits paid to certificated instructional staff in the  
27 basic education program.

28 (d) Base compensation hours for full-time certificated  
29 instructional staff shall be:

30 (i) One thousand hours of direct instructional time with  
31 students;

32 (ii) Four hundred hours of structured in-building time. This time  
33 may include direct instruction, planning time, grading time,  
34 professional development, and other responsibilities as directed by  
35 building principals that are consistent with the school district's  
36 strategic plan and the school improvement plan defined for that  
37 school; and

38 (iii) Two hundred fifty hours of additional time outside of the  
39 building at the discretion of the individual certificated staff  
40 member.

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

9 (b) Supplemental contracts shall be subject to the collective  
10 bargaining provisions of chapter 41.59 RCW and the provisions of RCW  
11 28A.405.240, shall not exceed one year, and if not renewed shall not  
12 constitute adverse change in accordance with RCW 28A.405.300 through  
13 28A.405.380. No district may enter into a supplemental contract under  
14 this subsection for the provision of services which are a part of the  
15 basic education program required by Article IX, section 1 of the  
16 state Constitution and RCW 28A.150.220.

17 (c) (i) Beginning September 1, 2019, supplemental contracts for  
18 certificated instructional staff are subject to the following  
19 additional restrictions: School districts may enter into supplemental  
20 contracts only for enrichment activities as defined in and subject to  
21 the limitations of RCW 28A.150.276, and only for hours, duties, and  
22 responsibilities in addition to the base compensation hours under  
23 subsection (3) (d) of this section.

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

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

35 **Sec. 3.** RCW 41.59.105 and 2017 3rd sp.s. c 13 s 818 are each  
36 amended to read as follows:

37 (1) All collective bargaining agreements entered into between a  
38 school district employer and school district employees under this  
39 chapter after June 10, 2010, as well as bargaining agreements

1 existing on June 10, 2010, but renewed or extended after June 10,  
2 2010, shall be consistent with RCW 28A.657.050.

3 (2) All collective bargaining agreements entered into between a  
4 school district employer and school district employees under this  
5 chapter shall be consistent with RCW 28A.400.280 and 28A.400.350, and  
6 must incorporate the time requirements under RCW 28A.400.200(3)(d).

7 (3) Employee bargaining shall be initiated after July 1, 2018,  
8 over the dollar amount to be contributed beginning January 1, 2020,  
9 on behalf of each employee for health care benefits. Bargaining must  
10 subsequently be conducted in even-numbered years between the governor  
11 or governor's designee and one coalition of all the exclusive  
12 bargaining representatives impacted by benefit purchasing with the  
13 school employees' benefits board established in RCW 41.05.740,  
14 consistent with RCW 28A.400.280 and 28A.400.350. The coalition  
15 bargaining must follow the model initially established for state  
16 employees in RCW 41.80.020.

17 (4) The governor shall submit a request for funds necessary to  
18 implement the collective bargaining agreement for the dollar amount  
19 to be expended for school employee health benefits, or for  
20 legislation necessary to implement the agreement. A request for funds  
21 shall not be submitted to the legislature by the governor unless such  
22 request:

23 (a) Has been submitted to the director of the office of financial  
24 management by October 1st prior to the legislative session at which  
25 the request is to be considered; and

26 (b) Has been certified by the director of the office of financial  
27 management as being feasible financially for the state.

28 The legislature shall approve or reject the submission of the  
29 request for funds. The legislature shall not consider a request for  
30 funds unless the request is transmitted to the legislature as part of  
31 the governor's budget document submitted under RCW 43.88.030 and  
32 43.88.060.

33 If the legislature rejects or fails to act on the submission,  
34 either party may reopen all or part of the agreement. However, if the  
35 director of the office of financial management does not certify a  
36 request under this section as being feasible financially for the  
37 state, the parties shall enter into collective bargaining solely for  
38 the purpose of reaching a mutually agreed upon modification of the  
39 agreement necessary to address the absence of those requested funds.  
40 The legislature may act upon the health care benefit provisions of

1 the modified collective bargaining agreement if those provisions are  
2 agreed upon and submitted to the office of financial management and  
3 legislative budget committees before final legislative action on the  
4 biennial or supplemental operating budget. If the legislature rejects  
5 or fails to act on the submission, either party may reopen all or  
6 part of the agreement.

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