

AMENDATORY SECTION (Amending WSR 14-04-002, filed 1/22/14, effective 2/22/14)

**WAC 392-140-970 Salary bonus for teachers and other certificated instructional staff who hold current certification by the national board—Applicable provisions—Authority.** The provisions of WAC 392-140-970 through ((392-140-975)) 392-140-976 govern administration of the salary bonus for teachers and other certificated instructional staff who hold current certification by the national board for professional teaching standards. The authority for WAC 392-140-970 through ((392-140-975)) 392-140-976 is the state Biennial Operating Appropriations Act, RCW 28A.405.415, and 28A.150.290(1).

AMENDATORY SECTION (Amending WSR 16-14-108, filed 7/6/16, effective 8/6/16)

**WAC 392-140-972 Salary bonus for teachers and other certificated instructional staff who hold current certification by the national board—Definitions.** As used in this chapter, "teachers and other certificated instructional staff" that are eligible for the national board bonus includes staff assigned to one of the following duties as defined in the *S-275 Personnel Reporting Handbook*:

- (1) Elementary homeroom teacher, duty root 31;
- (2) Secondary teacher, duty root 32;
- (3) Other teacher, duty root 33;
- (4) Elementary specialist teacher, duty root 34;
- (5) Other support personnel, duty root 40;
- (6) Library media specialist, duty root 41;
- (7) Counselor, duty root 42;
- (8) Occupational therapist, duty root 43;
- (9) Social worker, duty root 44;
- (10) Speech-language pathologist or audiologist, duty root 45;
- (11) Psychologist, duty root 46;
- (12) Nurse, duty root 47;
- (13) Physical therapist, duty root 48;
- (14) ((~~Reading resource specialist~~)) Behavior analyst, duty root 49;
- (15) Long-term substitute teacher, duty root 52;
- (16) Contractor teacher, duty root 63;
- (17) Contractor educational staff associate, duty root 64; and excludes staff not assigned to the above duties. This excludes staff whose duties consist entirely of the following:
  - (18) Superintendent, duty root 11;
  - (19) Deputy/assistant superintendent, duty root 12;
  - (20) Other district administrator, duty root 13;
  - (21) Elementary principal, duty root 21;
  - (22) Elementary principal, duty root 22;
  - (23) Secondary principal, duty root 23;
  - (24) Secondary vice principal, duty root 24;
  - (25) Other school administrator, duty root 25;
  - (26) Extracurricular, duty root 51;
  - (27) Certificated on leave, duty root 61; or

(28) Classified staff, duty roots 90 through 99.

AMENDATORY SECTION (Amending WSR 19-02-067, filed 12/28/18, effective 1/28/19)

**WAC 392-140-973 Salary bonus for teachers and other certificated instructional staff who hold current certification by the national board—Eligibility.** Staff that are eligible for the bonus shall be limited to those meeting the following requirements:

(1) Hold current certification by the national board for professional teaching standards during the entire school year, unless otherwise specified in the state Biennial Operating Appropriations Act; and

(2) Who are:

(a) Teachers and other certificated instructional staff employed full time or part time under written contract by Washington public school districts or educational service districts pursuant to RCW 28A.405.210;

(b) Teachers and other certificated instructional staff employed full time or part time by a contractor pursuant to WAC 392-121-188 and 392-121-206 (2) (a);

(c) Teachers and other certificated instructional staff employed full time or part time by the Washington school for the deaf or Washington school for the blind; ~~((or))~~

(d) Teachers and other certificated instructional staff employed full time or part time by a charter school; or

(e) Teachers and other certificated instructional staff employed full time or part time by a tribal compact school.

(3) In addition to bonuses provided by subsection (2) of this section, teachers and other certificated instructional staff shall be eligible for additional bonuses if in an instructional assignment in ~~((challenging))~~ high poverty schools, subject to the following conditions and limitations:

(a) ~~((Challenging))~~ High poverty schools are schools where, for the prior year, the student headcount enrollment eligible for the federal free or reduced price lunch program was at least:

(i) ~~((70))~~ Seventy percent for elementary schools;

(ii) ~~((60))~~ Sixty percent for middle schools; or

(iii) ~~((50))~~ Fifty percent for high schools; as determined by the October 1st count of the comprehensive education data and research system (CEDARS) or successor data collection and reporting systems, of the office of superintendent of public instruction, on March 31st of that prior year: Provided, That schools operating during the current school year as their first year may qualify as ~~((challenging))~~ high poverty schools based upon current year data, as determined by the October 1st count on March 31st of the current year.

(b) For purposes of the national board ~~((challenging))~~ high poverty schools bonus, a school shall be categorized based upon the highest grade served as follows:

(i) A school whose highest grade served is 6th grade or lower shall be considered an elementary school;

(ii) A school whose highest grade served is either 7th, 8th, or 9th grade shall be considered a middle school;

(iii) A school whose highest grade served is either 10th, 11th, or 12th grade shall be considered a high school.

(c) A school shall be considered only if it serves thirty or more students, or is the largest school in the district serving its designated category.

(d) Schools that provide institutional education programs pursuant to WAC 392-122-205 shall be designated as ~~((challenging))~~ high poverty schools with the student headcount enrollment eligible for the federal free or reduced price lunch program at one hundred percent and shall not be subject to the requirement in this subsection of serving thirty or more students.

(e) The student enrollment data used shall include the state-funded students in kindergarten through twelfth grade, plus prekindergarten students in special education.

(f) Teachers and other certificated instructional staff that meet the qualifications for the ~~((challenging))~~ high poverty schools bonus under this subsection who are assigned for less than one full school year or less than full time for the school year shall receive the ~~((challenging))~~ high poverty schools bonus in a prorated manner, subject to the following conditions and limitations:

(i) The portion of the employee's assignment to ~~((challenging))~~ high poverty schools shall be determined as of the last day of school, or June ((15th)) 30th of the school year, whichever occurs first.

(ii) If the employee's assignment to ~~((challenging))~~ high poverty schools is less than 1.0 full-time equivalent, the proration shall use the methodology in WAC 392-121-212 and shall be rounded to three decimal places.

(g) A school participating in the community eligibility provision or provision 2 as authorized by section 11 (a)(1) of the Richard B. Russell National School Lunch Act may be designated as a ~~((challenging))~~ high poverty school if the school was a ~~((challenging))~~ high poverty school based on the student headcount enrollment eligible for the federal free or reduced price lunch program in either of the two school years immediately prior to the school's participation in the community eligibility provision.

AMENDATORY SECTION (Amending WSR 15-18-078, filed 8/28/15, effective 9/28/15)

**WAC 392-140-974 Salary bonus for teachers and other certificated instructional staff who hold current certification by the national board—Administrative procedures.** (1) ~~((School))~~ Districts ((and)), charter schools, and tribal compact schools that employ teachers and other certificated instructional staff eligible for the salary bonus shall report those employees to the office of superintendent of public instruction by submitting for each employee the required data as determined by the superintendent of public instruction.

(2) Districts ((and)), charter schools, and tribal compact schools shall document each employee's eligibility by maintaining on file for audit a copy of the employee's national board certification notice and evidence of employment and duties assigned. For employees eligible for the ~~((challenging))~~ high poverty schools bonus pursuant to WAC 392-140-973(3), districts ((and)), charter schools, and tribal

compact schools shall also document the employee's instructional assignments in ~~((challenging,))~~ high poverty schools.

(3) All requests for the bonus must be submitted to the superintendent of public instruction by ~~((June 15th))~~ July 1st of the school year and shall be paid in the July apportionment and displayed on Report 1197, in revenue account 4158.

(4) Bonuses shall be reduced by a factor of 40 percent for first year National Board for Professional Teaching Standards (NBPTS) certified teachers, to reflect the portion of the instructional school year they are certified.

~~((4))~~ (5) For each candidate, the superintendent of public instruction shall send the district ~~((or))~~, charter school, or tribal compact school the amount of the salary bonus set in the operating appropriations act plus an amount for the district's or charter school's (employer) portion of mandatory fringe benefits. The amount of the annual bonus in WAC 392-140-973(2) shall be five thousand dollars in the 2007-08 school year. Thereafter, the annual bonus shall increase by inflation. The amount of the ~~((challenging,))~~ high poverty schools bonus in WAC 392-140-973(3) shall be five thousand dollars in the 2007-08 school year. Thereafter, the ~~((challenging,))~~ high poverty schools bonus shall not increase by inflation.

~~((5))~~ (6) The district ~~((or))~~, charter school, or tribal compact school shall pay the bonus to the employee in a lump sum amount on a supplemental contract pursuant to RCW 28A.400.200 no later than August 31st of the school year.

~~((6))~~ (7) The salary bonus is included in the definition of "earnable compensation" under RCW 41.32.010(10).

AMENDATORY SECTION (Amending WSR 15-18-078, filed 8/28/15, effective 9/28/15)

**WAC 392-140-975 Salary bonus for teachers and other certificated instructional staff who hold current certification by the national board—Requests for review and adjustment.** A ~~((school))~~ district ~~((or))~~, charter school, or tribal compact school may request that the superintendent of public instruction review and adjust data and calculations used to determine funding for the salary bonus for teachers and other certificated instructional staff who hold current certification by the national board for professional teaching standards pursuant to this chapter and instructions issued by the superintendent of public instruction. Requests to review and adjust data shall be considered only for those districts ~~((or))~~, charter schools, or tribal compact schools wishing to appeal a school's eligibility designation for the ~~((challenging,))~~ high poverty schools bonus pursuant to WAC 392-140-973(3).

Requests to review and adjust data shall be considered only if the district, charter school, or tribal compact school shows that the data or calculations are in error, or other bona fide adjustments are necessary.

**WAC 392-140-976 Salary bonus for teachers and other certificated instructional staff who hold current certification by the national board—Conditional loan program.** (1) (~~During the 2017-18 and 2018-19 school years, and~~) Within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the National Board for Professional Teaching Standards may receive a conditional loan of one thousand four hundred twenty-five dollars toward the current assessment fee, not including the initial up-front candidacy payment.

(2) The conditional loan shall be an advance on the first annual bonus provided under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200.

(3) (a) Conditional loan recipients who fail to receive national board certification within three years following the completion of their second year of candidacy under the National Board for Professional Teaching Standards must repay the conditional loan.

(b) Repayment shall begin after the candidate has either:

(i) Obtained the national board certification;

(ii) Exhausted all years of eligibility under the National Board for Professional Teaching Standards; or

(iii) Withdrawn their candidacy.

(4) The terms of repayment shall be pursuant to a promissory note or other instrument executed by the conditional loan recipient.