



OSPI

Chris Reykdal
State Superintendent

Good morning,

This is a follow-up to my April 6th email regarding the draft salary schedule and 2018-19 compensation restrictions.

There are some complications we need to settle during the next legislative session regarding the 4% experience factor that will kick in for the 2019-20 school year. Here is the bottom line: We believe it is the intent of the Legislature that qualifying districts may use those funds flexibly to have the necessary resources to pay for their particular staff mix, given that they are “more experienced” and that is what drove the calculation for which districts qualified.

Unfortunately, the Legislature added the 4% experience factor to the regionalization factors published on the [LEAP](#) schedule. This has led to confusion about salary compliance requirements.

After hearing feedback from stakeholders, I reviewed the guidance I offered in the April 6 email and believe now that it was not consistent with legislative intent. We will work with legislators during the interim and the 2019 session to get the budget language regarding experience factors into its own section and to have a separate LEAP schedule that clearly distinguishes the experience factor from the regionalization factor. Experience factor funds should be very flexible, and by their definition, should help districts with the upper end of their schedules. Regionalization factors impact salary compliance and implicate your first step, your fifth year step, and the statutory salary maximum. The 4% experience factor was not intended to necessarily impact the three statutory compensation benchmarks (first year, fifth year, and max).

Finally, a few stakeholders have asked us to be more specific about the 2018-19 compensation limitations that the Legislature put forward. However, my earlier guidance, and this email related to the experience factor, stands as is. OSPI will not offer additional guidance on the legal framework or legislative intent about 2018-19 collective bargaining limitations.

The most complicated section of the new law amends [RCW 41.59.800](#). This is a collective bargaining statute under the authority of the Public Employee Relations Commission; not RCW Title 28A where OSPI is often given authority to make clarifying rules. In summary, we will not offer additional guidance related to collective bargaining or weigh in on specific collective bargaining proposals. At least two parties to bargaining have legal counsel with unique interpretations, and all sides have been appropriately recommending that districts consult legal counsel as necessary. At the end of the day, this is a local collective bargaining state and where you get to at the local table is likely the most appropriate answer for your district and your local community.

We are always here to give you technical assistance on apportionment and clear guidance on statutes under our jurisdiction, including the new four-year budget requirements, pre-ballot levy reviews, and the forthcoming changes to the accounting structure. While these are all implicated by local bargaining, we will not weigh in or make judgements about the details or considerations of local bargaining proposals.

Please reach out if you have questions, thoughts, or feedback.

Superintendent Chris Reykdal