

---

HOUSE BILL 2769

---

State of Washington                      54th Legislature                      1996 Regular Session

By Representatives Pelesky, Poulsen and Brumsickle

Read first time 01/18/96. Referred to Committee on Education.

1            AN ACT Relating to certificated school employee evaluations; and  
2 amending RCW 28A.405.100.

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

4            **Sec. 1.** RCW 28A.405.100 and 1994 c 115 s 1 are each amended to  
5 read as follows:

6            (1) The superintendent of public instruction shall establish and  
7 may amend from time to time minimum criteria for the evaluation of the  
8 professional performance capabilities and development of certificated  
9 classroom teachers and certificated support personnel. For classroom  
10 teachers the criteria shall be developed in the following categories:  
11 Instructional skill; classroom management, professional preparation and  
12 scholarship; effort toward improvement when needed; the handling of  
13 student discipline and attendant problems; and interest in teaching  
14 pupils and knowledge of subject matter.

15            Every board of directors shall, in accordance with procedure  
16 provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920,  
17 establish evaluative criteria and procedures for all certificated  
18 classroom teachers and certificated support personnel. The evaluative  
19 criteria must contain as a minimum the criteria established by the

1 superintendent of public instruction pursuant to this section and must  
2 be prepared within six months following adoption of the superintendent  
3 of public instruction's minimum criteria. The district must certify to  
4 the superintendent of public instruction that evaluative criteria have  
5 been so prepared by the district.

6 Except as provided in subsection (5) of this section, it shall be  
7 the responsibility of a principal or his or her designee to evaluate  
8 all certificated personnel in his or her school. During each school  
9 year all classroom teachers and certificated support personnel,  
10 hereinafter referred to as "employees" in this section, shall be  
11 observed for the purposes of evaluation at least twice in the  
12 performance of their assigned duties. Total observation time for each  
13 employee for each school year shall be not less than sixty minutes.  
14 Following each observation, or series of observations, the principal or  
15 other evaluator shall promptly document the results of the observation  
16 in writing, and shall provide the employee with a copy thereof within  
17 three days after such report is prepared. New employees shall be  
18 observed at least once for a total observation time of thirty minutes  
19 during the first ninety calendar days of their employment period.

20 ~~((Every employee whose work is judged unsatisfactory))~~ If it is  
21 found that an employee is not effective based on district evaluation  
22 criteria, the employee shall be notified in writing of stated specific  
23 areas of deficiencies along with a suggested specific and reasonable  
24 program for improvement on or before February 1st of each year. A  
25 probationary period shall be established beginning on or before  
26 February 1st and ending no later than May 1st. The purpose of the  
27 probationary period is to give the employee opportunity to demonstrate  
28 improvements in his or her areas of deficiency. The establishment of  
29 the probationary period and the giving of the notice to the employee of  
30 deficiency shall be by the school district superintendent and need not  
31 be submitted to the board of directors for approval. During the  
32 probationary period the evaluator shall meet with the employee at least  
33 twice monthly to supervise and make a written evaluation of the  
34 progress, if any, made by the employee. The evaluator may authorize  
35 one additional certificated employee to evaluate the probationer and to  
36 aid the employee in improving his or her areas of deficiency; such  
37 additional certificated employee shall be immune from any civil  
38 liability that might otherwise be incurred or imposed with regard to  
39 the good faith performance of such evaluation. The probationer may be

1 removed from probation if he or she has demonstrated improvement to the  
2 satisfaction of the principal in those areas specifically detailed in  
3 his or her initial notice of deficiency and subsequently detailed in  
4 his or her improvement program. Lack of necessary improvement shall be  
5 specifically documented in writing with notification to the probationer  
6 and shall constitute grounds for a finding of probable cause under RCW  
7 28A.405.300 or 28A.405.210.

8 The establishment of a probationary period shall not be deemed to  
9 adversely affect the contract status of an employee within the meaning  
10 of RCW 28A.405.300.

11 (2) Every board of directors shall establish evaluative criteria  
12 and procedures for all superintendents, principals, and other  
13 administrators. It shall be the responsibility of the district  
14 superintendent or his or her designee to evaluate all administrators.  
15 Such evaluation shall be based on the administrative position job  
16 description. Such criteria, when applicable, shall include at least  
17 the following categories: Knowledge of, experience in, and training in  
18 recognizing good professional performance, capabilities and  
19 development; school administration and management; school finance;  
20 professional preparation and scholarship; effort toward improvement  
21 when needed; interest in pupils, employees, patrons and subjects taught  
22 in school; leadership; and ability and performance of evaluation of  
23 school personnel.

24 (3) Each certificated employee shall have the opportunity for  
25 confidential conferences with his or her immediate supervisor on no  
26 less than two occasions in each school year. Such confidential  
27 conference shall have as its sole purpose the aiding of the  
28 administrator in his or her assessment of the employee's professional  
29 performance.

30 (4) The failure of any evaluator to evaluate or supervise or cause  
31 the evaluation or supervision of certificated employees or  
32 administrators in accordance with this section, as now or hereafter  
33 amended, when it is his or her specific assigned or delegated  
34 responsibility to do so, shall be sufficient cause for the nonrenewal  
35 of any such evaluator's contract under RCW 28A.405.210, or the  
36 discharge of such evaluator under RCW 28A.405.300.

37 (5) After an employee has four years of (~~satisfactory~~) evaluations  
38 in which the employee has been found to be effective under subsection  
39 (1) of this section, a school district may use a short form of

1 evaluation, a locally bargained evaluation emphasizing professional  
2 growth, an evaluation under subsection (1) of this section, or any  
3 combination thereof. The short form of evaluation shall include either  
4 a thirty minute observation during the school year with a written  
5 summary or a final annual written evaluation based on the criteria in  
6 subsection (1) of this section and based on at least two observation  
7 periods during the school year totaling at least sixty minutes without  
8 a written summary of such observations being prepared. However, the  
9 evaluation process set forth in subsection (1) of this section shall be  
10 followed at least once every three years unless this time is extended  
11 by a local school district under the bargaining process set forth in  
12 chapter 41.59 RCW. The employee or evaluator may require that the  
13 evaluation process set forth in subsection (1) of this section be  
14 conducted in any given school year. No evaluation other than the  
15 evaluation authorized under subsection (1) of this section may be used  
16 as a basis for determining that an employee's work is  
17 ((unsatisfactory)) not effective under subsection (1) of this section  
18 or as probable cause for the nonrenewal of an employee's contract under  
19 RCW 28A.405.210 unless an evaluation process developed under chapter  
20 41.59 RCW determines otherwise.