

SSB 5895 - S AMD 139

By Senators McAuliffe, Litzow, Ranker

ADOPTED 02/14/2012

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 28A.405.100 and 2010 c 235 s 202 are each amended to
4 read as follows:

5 (1)(a) Except as provided in subsection (2) of this section, the
6 superintendent of public instruction shall establish and may amend from
7 time to time minimum criteria for the evaluation of the professional
8 performance capabilities and development of certificated classroom
9 teachers and certificated support personnel. For classroom teachers
10 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 (b) 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
20 superintendent of public instruction pursuant to this section and must
21 be prepared within six months following adoption of the superintendent
22 of public instruction's minimum criteria. The district must certify to
23 the superintendent of public instruction that evaluative criteria have
24 been so prepared by the district.

25 (2)(a) Pursuant to the implementation schedule established in
26 subsection (7)(~~(b)~~) (c) of this section, every board of directors
27 shall, in accordance with procedures provided in RCW 41.59.010 through
28 41.59.170, 41.59.910, and 41.59.920, establish revised evaluative
29 criteria and a four-level rating system for all certificated classroom
30 teachers.

1 (b) The minimum criteria shall include: (i) Centering instruction
2 on high expectations for student achievement; (ii) demonstrating
3 effective teaching practices; (iii) recognizing individual student
4 learning needs and developing strategies to address those needs; (iv)
5 providing clear and intentional focus on subject matter content and
6 curriculum; (v) fostering and managing a safe, positive learning
7 environment; (vi) using multiple student data elements to modify
8 instruction and improve student learning; (vii) communicating and
9 collaborating with parents and ~~((the))~~ the school community; and
10 (viii) exhibiting collaborative and collegial practices focused on
11 improving instructional practice and student learning. Student growth
12 data must be a substantial factor in evaluating the summative
13 performance of certificated classroom teachers for at least three of
14 the evaluation criteria listed in this subsection.

15 (c) The four-level rating system used to evaluate the certificated
16 classroom teacher must describe performance along a continuum that
17 indicates the extent to which the criteria have been met or exceeded.
18 ~~((When))~~ The summative performance ratings shall be as follows: Level
19 1 - unsatisfactory; level 2 - basic; level 3 - proficient; and level 4
20 - distinguished. A classroom teacher shall receive one of the four
21 summative performance ratings for each of the minimum criteria in (b)
22 of this subsection and one of the four summative performance ratings
23 for the evaluation as a whole, which shall be the comprehensive
24 summative evaluation performance rating. By December 1, 2012, the
25 superintendent of public instruction must adopt rules prescribing a
26 common method for calculating the comprehensive summative evaluation
27 performance rating for each of the preferred instructional frameworks,
28 including for a focused evaluation under subsection (12) of this
29 section, giving appropriate weight to the indicators evaluated under
30 each criteria and maximizing rater agreement among the frameworks.

31 (d) By December 1, 2012, the superintendent of public instruction
32 shall adopt rules that provide descriptors for each of the summative
33 performance ratings, based on the development work of pilot school
34 districts under subsection (7) of this section. Any subsequent changes
35 to the descriptors by the superintendent may only be made following
36 consultation with a group broadly reflective of the parties represented
37 in subsection (7)(a) of this section.

1 (e) By September 1, 2012, the superintendent of public instruction
2 shall identify up to three preferred instructional frameworks that
3 support the revised evaluation system. The instructional frameworks
4 shall be research-based and establish definitions or rubrics for each
5 of the four summative performance ratings for each evaluation criteria.
6 Each school district must adopt one of the preferred instructional
7 frameworks and post the selection on the district's web site. The
8 superintendent of public instruction shall establish a process for
9 approving minor modifications or adaptations to a preferred
10 instructional framework that may be proposed by a school district.

11 (f) Student growth data(~~(, if available and)~~) that is relevant to
12 the teacher and subject matter(~~(, is referenced)~~) must be a factor in
13 the evaluation process (~~(it)~~) and must be based on multiple measures
14 that can include classroom-based, school-based, district-based, and
15 state-based tools. Student growth data elements may include the
16 teacher's performance as a member of a grade-level, subject matter, or
17 other instructional team within a school when the use of this data is
18 relevant and appropriate. Student growth data elements may also
19 include the teacher's performance as a member of the overall
20 instructional team of a school when use of this data is relevant and
21 appropriate. As used in this subsection, "student growth" means the
22 change in student achievement between two points in time.

23 (g) Student input may also be included in the evaluation process.

24 (3)(a) Except as provided in subsection (~~(+10)~~) (11) of this
25 section, it shall be the responsibility of a principal or his or her
26 designee to evaluate all certificated personnel in his or her school.
27 During each school year all classroom teachers and certificated support
28 personnel shall be observed for the purposes of evaluation at least
29 twice in the performance of their assigned duties. Total observation
30 time for each employee for each school year shall be not less than
31 sixty minutes. An employee in the third year of provisional status as
32 defined in RCW 28A.405.220 shall be observed at least three times in
33 the performance of his or her duties and the total observation time for
34 the school year shall not be less than ninety minutes. Following each
35 observation, or series of observations, the principal or other
36 evaluator shall promptly document the results of the observation in
37 writing, and shall provide the employee with a copy thereof within

1 three days after such report is prepared. New employees shall be
2 observed at least once for a total observation time of thirty minutes
3 during the first ninety calendar days of their employment period.

4 (b) As used in this subsection and subsection (4) of this section,
5 "employees" means classroom teachers and certificated support personnel
6 except where otherwise specified.

7 (4)(a) At any time after October 15th, an employee whose work is
8 not judged satisfactory based on district evaluation criteria shall be
9 notified in writing of the specific areas of deficiencies along with a
10 reasonable program for improvement. For classroom teachers who have
11 been transitioned to the revised evaluation system pursuant to the
12 district implementation schedule adopted under subsection (7)(c) of
13 this section, the following comprehensive summative evaluation
14 performance ratings based on the evaluation criteria in subsection
15 (2)(b) of this section mean a classroom teacher's work is not judged
16 satisfactory:

17 (i) Level 1; or

18 (ii) Level 2 if the classroom teacher is a continuing contract
19 employee under RCW 28A.405.210 with more than five years of teaching
20 experience and if the level 2 comprehensive summative evaluation
21 performance rating has been received for two consecutive years or for
22 two years within a consecutive three-year time period.

23 (b) During the period of probation, the employee may not be
24 transferred from the supervision of the original evaluator.
25 Improvement of performance or probable cause for nonrenewal must occur
26 and be documented by the original evaluator before any consideration of
27 a request for transfer or reassignment as contemplated by either the
28 individual or the school district. A probationary period of sixty
29 school days shall be established. Days may be added if deemed
30 necessary to complete a program for improvement and evaluate the
31 probationer's performance, as long as the probationary period is
32 concluded before May 15th of the same school year. The probationary
33 period may be extended into the following school year if the
34 probationer has five or more years of teaching experience and has a
35 comprehensive summative evaluation performance rating as of May 15th of
36 less than level 2. The establishment of a probationary period does not
37 adversely affect the contract status of an employee within the meaning
38 of RCW 28A.405.300. The purpose of the probationary period is to give

1 the employee opportunity to demonstrate improvements in his or her
2 areas of deficiency. The establishment of the probationary period and
3 the giving of the notice to the employee of deficiency shall be by the
4 school district superintendent and need not be submitted to the board
5 of directors for approval. During the probationary period the
6 evaluator shall meet with the employee at least twice monthly to
7 supervise and make a written evaluation of the progress, if any, made
8 by the employee. The evaluator may authorize one additional
9 certificated employee to evaluate the probationer and to aid the
10 employee in improving his or her areas of deficiency((+)). Should the
11 evaluator not authorize such additional evaluator, the probationer may
12 request that an additional certificated employee evaluator become part
13 of the probationary process and this request must be implemented by
14 including an additional experienced evaluator assigned by the
15 educational service district in which the school district is located
16 and selected from a list of evaluation specialists compiled by the
17 educational service district. Such additional certificated employee
18 shall be immune from any civil liability that might otherwise be
19 incurred or imposed with regard to the good faith performance of such
20 evaluation. If a procedural error occurs in the implementation of a
21 program for improvement, the error does not invalidate the
22 probationer's plan for improvement or evaluation activities unless the
23 error materially affects the effectiveness of the plan or the ability
24 to evaluate the probationer's performance. The probationer ((may))
25 must be removed from probation if he or she has demonstrated
26 improvement to the satisfaction of the ((principal)) evaluator in those
27 areas specifically detailed in his or her initial notice of deficiency
28 and subsequently detailed in his or her ((improvement)) program for
29 improvement. A classroom teacher who has been transitioned to the
30 revised evaluation system pursuant to the district implementation
31 schedule adopted under subsection (7)(c) of this section must be
32 removed from probation if he or she has demonstrated improvement that
33 results in a new comprehensive summative evaluation performance rating
34 of level 2 or above for a provisional employee or a continuing contract
35 employee with five or fewer years of experience, or of level 3 or above
36 for a continuing contract employee with more than five years of
37 experience. Lack of necessary improvement during the established

1 probationary period, as specifically documented in writing with
2 notification to the probationer (~~(and shall)~~) constitutes grounds for
3 a finding of probable cause under RCW 28A.405.300 or 28A.405.210.

4 ~~((b))~~ (c) When a continuing contract employee with five or more
5 years of experience receives a comprehensive summative evaluation
6 performance rating below level 2 for two consecutive years, the school
7 district shall, within ten days of the completion of the second
8 summative comprehensive evaluation or May 15th, whichever occurs first,
9 implement the employee notification of discharge as provided in RCW
10 28A.405.300.

11 (d) Immediately following the completion of a probationary period
12 that does not produce performance changes detailed in the initial
13 notice of deficiencies and (~~improvement~~) program for improvement, the
14 employee may be removed from his or her assignment and placed into an
15 alternative assignment for the remainder of the school year. In the
16 case of a classroom teacher who has been transitioned to the revised
17 evaluation system pursuant to the district implementation schedule
18 adopted under subsection (7)(c) of this section, the teacher may be
19 removed from his or her assignment and placed into an alternative
20 assignment for the remainder of the school year immediately following
21 the completion of a probationary period that does not result in the
22 required comprehensive summative evaluation performance ratings
23 specified in (b) of this subsection. This reassignment may not
24 displace another employee nor may it adversely affect the probationary
25 employee's compensation or benefits for the remainder of the employee's
26 contract year. If such reassignment is not possible, the district may,
27 at its option, place the employee on paid leave for the balance of the
28 contract term.

29 (5) Every board of directors shall establish evaluative criteria
30 and procedures for all superintendents, principals, and other
31 administrators. It shall be the responsibility of the district
32 superintendent or his or her designee to evaluate all administrators.
33 Except as provided in subsection (6) of this section, such evaluation
34 shall be based on the administrative position job description. Such
35 criteria, when applicable, shall include at least the following
36 categories: Knowledge of, experience in, and training in recognizing
37 good professional performance, capabilities and development; school
38 administration and management; school finance; professional preparation

1 and scholarship; effort toward improvement when needed; interest in
2 pupils, employees, patrons and subjects taught in school; leadership;
3 and ability and performance of evaluation of school personnel.

4 (6)(a) Pursuant to the implementation schedule established by
5 subsection (7)(b) of this section, every board of directors shall
6 establish revised evaluative criteria and a four-level rating system
7 for principals.

8 (b) The minimum criteria shall include: (i) Creating a school
9 culture that promotes the ongoing improvement of learning and teaching
10 for students and staff; (ii) demonstrating commitment to closing the
11 achievement gap; (iii) providing for school safety; (iv) leading the
12 development, implementation, and evaluation of a data-driven plan for
13 increasing student achievement, including the use of multiple student
14 data elements; (v) assisting instructional staff with alignment of
15 curriculum, instruction, and assessment with state and local district
16 learning goals; (vi) monitoring, assisting, and evaluating effective
17 instruction and assessment practices; (vii) managing both staff and
18 fiscal resources to support student achievement and legal
19 responsibilities; and (viii) partnering with the school community to
20 promote student learning. Student growth data must be a substantial
21 factor in evaluating the summative performance of the principal for at
22 least three of the evaluation criteria listed in this subsection.

23 (c) The four-level rating system used to evaluate the principal
24 must describe performance along a continuum that indicates the extent
25 to which the criteria have been met or exceeded. ~~((When available,))~~
26 The summative performance ratings shall be as follows: Level 1 -
27 unsatisfactory; level 2 - basic; level 3 - proficient; and level 4 -
28 distinguished. A principal shall receive one of the four summative
29 performance ratings for each of the minimum criteria in (b) of this
30 subsection and one of the four summative performance ratings for the
31 evaluation as a whole, which shall be the comprehensive summative
32 evaluation performance rating.

33 (d) By December 1, 2012, the superintendent of public instruction
34 shall adopt rules that provide descriptors for each of the summative
35 performance ratings, based on the development work of pilot school
36 districts under subsection (7) of this section. Any subsequent changes
37 to the descriptors by the superintendent may only be made following

1 consultation with a group broadly reflective of the parties represented
2 in subsection (7)(a) of this section.

3 (e) By September 1, 2012, the superintendent of public instruction
4 shall identify up to three preferred leadership frameworks that support
5 the revised evaluation system. The leadership frameworks shall be
6 research-based and establish definitions or rubrics for each of the
7 four performance ratings for each evaluation criteria. Each school
8 district shall adopt one of the preferred leadership frameworks and
9 post the selection on the district's web site. The superintendent of
10 public instruction shall establish a process for approving minor
11 modifications or adaptations to a preferred leadership framework that
12 may be proposed by a school district.

13 (f) Student growth data that is ((referenced)) relevant to the
14 principal must be a factor in the evaluation process and must be based
15 on multiple measures that can include classroom-based, school-based,
16 district-based, and state-based tools. As used in this subsection,
17 "student growth" means the change in student achievement between two
18 points in time.

19 (g) Input from building staff may also be included in the
20 evaluation process.

21 (h) For principals who have been transitioned to the revised
22 evaluation system pursuant to the district implementation schedule
23 adopted under subsection (7)(c) of this section, the following
24 comprehensive summative evaluation performance ratings mean a
25 principal's work is not judged satisfactory:

26 (i) Level 1; or

27 (ii) Level 2 if the principal has more than five years of
28 experience in the principal role and if the level 2 comprehensive
29 summative evaluation performance rating has been received for two
30 consecutive years or for two years within a consecutive three-year time
31 period.

32 (7)(a) The superintendent of public instruction, in collaboration
33 with state associations representing teachers, principals,
34 administrators, school board members, and parents, to be known as the
35 steering committee, shall create models for implementing the evaluation
36 system criteria, student growth tools, professional development
37 programs, and evaluator training for certificated classroom teachers
38 and principals. Human resources specialists, professional development

1 experts, and assessment experts must also be consulted. Due to the
2 diversity of teaching assignments and the many developmental levels of
3 students, classroom teachers and principals must be prominently
4 represented in this work. The models must be available for use in the
5 2011-12 school year.

6 (b) A new certificated classroom teacher evaluation system that
7 implements the provisions of subsection (2) of this section and a new
8 principal evaluation system that implements the provisions of
9 subsection (6) of this section shall be phased-in beginning with the
10 2010-11 school year by districts identified in ~~((e))~~ (d) of this
11 subsection and implemented in all school districts beginning with the
12 2013-14 school year.

13 (c) Each school district board of directors shall adopt a schedule
14 for implementation of the revised evaluation systems that transitions
15 a portion of classroom teachers and principals in the district to the
16 revised evaluation systems each year beginning no later than the 2013-
17 14 school year, until all classroom teachers and principals are being
18 evaluated under the revised evaluation systems no later than the 2015-
19 16 school year. A school district is not precluded from completing the
20 transition of all classroom teachers and principals to the revised
21 evaluation systems before the 2015-16 school year. The schedule
22 adopted under this subsection (7)(c) must provide that the following
23 employees are transitioned to the revised evaluation systems beginning
24 in the 2013-14 school year:

25 (i) Classroom teachers who are provisional employees under RCW
26 28A.405.220;

27 (ii) Classroom teachers who are on probation under subsection (4)
28 of this section;

29 (iii) Principals in the first three consecutive school years of
30 employment as a principal;

31 (iv) Principals whose work is not judged satisfactory in their most
32 recent evaluation; and

33 (v) Principals previously employed as a principal by another school
34 district in the state of Washington for three or more consecutive
35 school years and in the first full year as a principal in the school
36 district.

37 (d) A set of school districts shall be selected by the
38 superintendent of public instruction to participate in a collaborative

1 process resulting in the development and piloting of new certificated
2 classroom teacher and principal evaluation systems during the 2010-11
3 and 2011-12 school years. These school districts must be selected
4 based on: (i) The agreement of the local associations representing
5 classroom teachers and principals to collaborate with the district in
6 this developmental work and (ii) the agreement to participate in the
7 full range of development and implementation activities, including:
8 Development of rubrics for the evaluation criteria and ratings in
9 subsections (2) and (6) of this section; identification of or
10 development of appropriate multiple measures of student growth in
11 subsections (2) and (6) of this section; development of appropriate
12 evaluation system forms; participation in professional development for
13 principals and classroom teachers regarding the content of the new
14 evaluation system; participation in evaluator training; and
15 participation in activities to evaluate the effectiveness of the new
16 systems and support programs. The school districts must submit to the
17 office of the superintendent of public instruction data that is used in
18 evaluations and all district-collected student achievement, aptitude,
19 and growth data regardless of whether the data is used in evaluations.
20 If the data is not available electronically, the district may submit it
21 in nonelectronic form. The superintendent of public instruction must
22 analyze the districts' use of student data in evaluations, including
23 examining the extent that student data is not used or is underutilized.
24 The superintendent of public instruction must also consult with
25 participating districts and stakeholders, recommend appropriate
26 changes, and address statewide implementation issues. The
27 superintendent of public instruction shall report evaluation system
28 implementation status, evaluation data, and recommendations to
29 appropriate committees of the legislature and governor by July 1, 2011,
30 and at the conclusion of the development phase by July 1, 2012. In the
31 July 1, 2011, report, the superintendent shall include recommendations
32 for whether a single statewide evaluation model should be adopted,
33 whether modified versions developed by school districts should be
34 subject to state approval, and what the criteria would be for
35 determining if a school district's evaluation model meets or exceeds a
36 statewide model. The report shall also identify challenges posed by
37 requiring a state approval process.

1 (e)(i) The steering committee in subsection (7)(a) of this section
2 and the pilot school districts in subsection (7)(d) of this section
3 shall continue to examine implementation issues and refine tools for
4 the new certificated classroom teacher evaluation system in subsection
5 (2) of this section and the new principal evaluation system in
6 subsection (6) of this section during the 2013-14 through 2015-16
7 implementation phase.

8 (ii) Particular attention shall be given to the following issues:

9 (A) Developing a report for the legislature and governor, due by
10 December 1, 2013, of best practices and recommendations regarding how
11 teacher and principal evaluations and other appropriate elements shall
12 inform school district human resource and personnel practices. The
13 legislature and governor are provided the opportunity to review the
14 report and recommendations during the 2014 legislative session;

15 (B) Taking the new teacher and principal evaluation systems to
16 scale and the use of best practices for statewide implementation;

17 (C) Providing guidance regarding the use of student growth data to
18 assure it is used responsibly and with integrity;

19 (D) Refining evaluation system management tools, professional
20 development programs, and evaluator training programs with an emphasis
21 on developing rater reliability;

22 (E) Reviewing emerging research regarding teacher and principal
23 evaluation systems and the development and implementation of evaluation
24 systems in other states;

25 (F) Reviewing the impact that variable demographic characteristics
26 of students and schools have on the objectivity, reliability, validity,
27 and availability of student growth data; and

28 (G) Developing recommendations regarding how teacher evaluations
29 could inform state policies regarding the criteria for a teacher to
30 obtain continuing contract status under RCW 28A.405.210. In developing
31 these recommendations the experiences of school districts and teachers
32 during the evaluation transition phase must be considered.
33 Recommendations must be reported by July 1, 2016, to the legislature
34 and the governor.

35 (iii) To support the tasks in (e)(ii) of this subsection, the
36 superintendent of public instruction may contract with an independent
37 research organization with expertise in educator evaluations and

1 knowledge of the revised evaluation systems being implemented under
2 this section.

3 (iv) The superintendent of public instruction shall monitor the
4 statewide implementation of revised teacher and principal evaluation
5 systems using data reported under RCW 28A.150.230 as well as periodic
6 input from focus groups of administrators, principals, and teachers.

7 (v) The superintendent of public instruction shall submit reports
8 detailing findings, emergent issues or trends, recommendations from the
9 steering committee, and pilot school districts, and other
10 recommendations, to enhance implementation and continuous improvement
11 of the revised evaluation systems to appropriate committees of the
12 legislature and the governor beginning July 1, 2013, and each July 1st
13 thereafter for each year of the school district implementation
14 transition period concluding with a report on December 1, 2016.

15 (8)(a) Beginning with the 2015-16 school year, evaluation results
16 for certificated classroom teachers and principals must be used as one
17 of multiple factors in making human resource and personnel decisions.
18 Human resource decisions include, but are not limited to: Staff
19 assignment, including the consideration of an agreement to an
20 assignment by an appropriate teacher, principal, and superintendent;
21 and reduction in force. Nothing in this section limits the ability to
22 collectively bargain how the multiple factors shall be used in making
23 human resource or personnel decisions, with the exception that
24 evaluation results must be a factor.

25 (b) The office of the superintendent of public instruction must
26 report to the legislature and the governor regarding the school
27 district implementation of the provisions of (a) of this subsection by
28 December 1, 2017.

29 (9) Each certificated classroom teacher and certificated support
30 personnel shall have the opportunity for confidential conferences with
31 his or her immediate supervisor on no less than two occasions in each
32 school year. Such confidential conference shall have as its sole
33 purpose the aiding of the administrator in his or her assessment of the
34 employee's professional performance.

35 ((+9)) (10) The failure of any evaluator to evaluate or supervise
36 or cause the evaluation or supervision of certificated classroom
37 teachers and certificated support personnel or administrators in
38 accordance with this section, as now or hereafter amended, when it is

1 his or her specific assigned or delegated responsibility to do so,
2 shall be sufficient cause for the nonrenewal of any such evaluator's
3 contract under RCW 28A.405.210, or the discharge of such evaluator
4 under RCW 28A.405.300.

5 ~~((+10))~~ (11) After a certificated classroom teacher or
6 certificated support personnel has four years of satisfactory
7 evaluations under subsection (1) of this section ~~((or has received one
8 of the two top ratings for four years under subsection (2) of this
9 section))~~, a school district may use a short form of evaluation, a
10 locally bargained evaluation emphasizing professional growth, an
11 evaluation under subsection (1) or (2) of this section, or any
12 combination thereof. The short form of evaluation shall include either
13 a thirty minute observation during the school year with a written
14 summary or a final annual written evaluation based on the criteria in
15 subsection (1) or (2) of this section and based on at least two
16 observation periods during the school year totaling at least sixty
17 minutes without a written summary of such observations being prepared.
18 A locally bargained short-form evaluation emphasizing professional
19 growth must provide that the professional growth activity conducted by
20 the certificated classroom teacher be specifically linked to one or
21 more of the certificated classroom teacher evaluation criteria.
22 However, the evaluation process set forth in subsection (1) or (2) of
23 this section shall be followed at least once every three years unless
24 this time is extended by a local school district under the bargaining
25 process set forth in chapter 41.59 RCW. The employee or evaluator may
26 require that the evaluation process set forth in subsection (1) or (2)
27 of this section be conducted in any given school year. No evaluation
28 other than the evaluation authorized under subsection (1) or (2) of
29 this section may be used as a basis for determining that an employee's
30 work is not satisfactory under subsection (1) or (2) of this section or
31 as probable cause for the nonrenewal of an employee's contract under
32 RCW 28A.405.210 unless an evaluation process developed under chapter
33 41.59 RCW determines otherwise. The provisions of this subsection
34 apply to certificated classroom teachers only until the teacher has
35 been transitioned to the revised evaluation system pursuant to the
36 district implementation schedule adopted under subsection (7)(c) of
37 this section.

1 (12) All certificated classroom teachers and principals who have
2 been transitioned to the revised evaluation systems pursuant to the
3 district implementation schedule adopted under subsection (7)(c) of
4 this section must receive annual performance evaluations as provided in
5 this subsection:

6 (a) All classroom teachers and principals shall receive a
7 comprehensive summative evaluation at least once every four years. A
8 comprehensive summative evaluation assesses all eight evaluation
9 criteria and all criteria contribute to the comprehensive summative
10 evaluation performance rating.

11 (b) The following categories of classroom teachers and principals
12 shall receive an annual comprehensive summative evaluation:

13 (i) Classroom teachers who are provisional employees under RCW
14 28A.405.220;

15 (ii) Principals in the first three consecutive school years of
16 employment as a principal;

17 (iii) Principals previously employed as a principal by another
18 school district in the state of Washington for three or more
19 consecutive school years and in the first full year as a principal in
20 the school district; and

21 (iv) Any classroom teacher or principal who received a
22 comprehensive summative evaluation performance rating of level 1 or
23 level 2 in the previous school year.

24 (c)(i) In the years when a comprehensive summative evaluation is
25 not required, classroom teachers and principals who received a
26 comprehensive summative evaluation performance rating of level 3 or
27 above in the previous school year are required to complete a focused
28 evaluation. A focused evaluation includes an assessment of one of the
29 eight criteria selected for a performance rating plus professional
30 growth activities specifically linked to the selected criteria.

31 (ii) The selected criteria must be approved by the teacher's or
32 principal's evaluator and may have been identified in a previous
33 comprehensive summative evaluation as benefiting from additional
34 attention. A group of teachers may focus on the same evaluation
35 criteria and share professional growth activities. A group of
36 principals may focus on the same evaluation criteria and share
37 professional growth activities.

1 (iii) The evaluator must assign a comprehensive summative
2 evaluation performance rating for the focused evaluation using the
3 methodology adopted by the superintendent of public instruction for the
4 instructional or leadership framework being used.

5 (iv) A teacher or principal may be transferred from a focused
6 evaluation to a comprehensive summative evaluation at the request of
7 the teacher or principal, or at the direction of the teacher's or
8 principal's evaluator.

9 (v) Due to the importance of instructional leadership and assuring
10 rater agreement among evaluators, particularly those evaluating teacher
11 performance, school districts are encouraged to conduct comprehensive
12 summative evaluations of principal performance on an annual basis.

13 (vi) A classroom teacher or principal may apply the focused
14 evaluation professional growth activities toward the professional
15 growth plan for professional certificate renewal as required by the
16 professional educator standards board.

17 (13) Each school district is encouraged to acknowledge and
18 recognize classroom teachers and principals who have attained level 4 -
19 distinguished performance ratings.

20 **Sec. 2.** RCW 28A.405.120 and 1995 c 335 s 401 are each amended to
21 read as follows:

22 (1) School districts shall require each administrator, each
23 principal, or other supervisory personnel who has responsibility for
24 evaluating classroom teachers or principals to have training in
25 evaluation procedures.

26 (2) Before school district implementation of the revised evaluation
27 systems required under RCW 28A.405.100, principals and administrators
28 who have evaluation responsibilities must engage in professional
29 development designed to implement the revised systems and maximize
30 rater agreement.

31 **Sec. 3.** RCW 28A.405.130 and 1985 c 420 s 4 are each amended to
32 read as follows:

33 (1) No administrator, principal, or other supervisory personnel may
34 evaluate a teacher without having received training in evaluation
35 procedures.

1 (2) Before evaluating classroom teachers using the evaluation
2 systems required under RCW 28A.405.100, principals and administrators
3 must engage in professional development designed to implement the
4 revised systems and maximize rater agreement.

5 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.410
6 RCW to read as follows:

7 (1)(a) After August 31, 2013, candidates for a residency principal
8 certificate must have demonstrated knowledge of teacher evaluation
9 research and Washington's evaluation requirements and successfully
10 completed opportunities to practice teacher evaluation skills.

11 (b) At a minimum, principal preparation programs must address the
12 following knowledge and skills related to evaluations:

13 (i) Examination of Washington teacher and principal evaluation
14 criteria, and four-tiered performance rating system, and the preferred
15 instructional and leadership frameworks used to describe the evaluation
16 criteria;

17 (ii) Classroom observations;

18 (iii) The use of student growth data and multiple measures of
19 performance;

20 (iv) Evaluation conferencing;

21 (v) Development of classroom teacher and principal support plans
22 resulting from an evaluation; and

23 (vi) Use of an online tool to manage the collection of observation
24 notes, teacher and principal-submitted materials, and other information
25 related to the conduct of the evaluation.

26 (2) Beginning September 1, 2016, the professional educator
27 standards board shall incorporate in-service training or continuing
28 education on the revised teacher and principal evaluation systems under
29 RCW 28A.405.100 as a requirement for renewal of continuing or
30 professional level certificates, including requiring knowledge and
31 competencies in teacher and principal evaluation systems as an aspect
32 of professional growth plans used for certificate renewal.

33 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.405
34 RCW to read as follows:

35 (1) Subject to funds appropriated for this purpose, the office of
36 the superintendent of public instruction must develop and make

1 available a professional development program to support the
2 implementation of the evaluation systems required by RCW 28A.405.100.
3 The program components may be organized into professional development
4 modules for principals, administrators, and teachers. The professional
5 development program shall include a comprehensive online training
6 package.

7 (2) The training program must include, but not be limited to, the
8 following topics:

9 (a) Introduction of the evaluation criteria for teachers and
10 principals and the four-level rating system;

11 (b) Orientation to and use of instructional frameworks;

12 (c) Orientation to and use of the leadership frameworks;

13 (d) Best practices in developing and using data in the evaluation
14 systems, including multiple measures, student growth data, classroom
15 observations, and other measures and evidence;

16 (e) Strategies for achieving maximum rater agreement;

17 (f) Evaluator feedback protocols in the evaluation systems;

18 (g) Examples of high quality teaching and leadership; and

19 (h) Methods to link the evaluation process to ongoing educator
20 professional development.

21 (3) To the maximum extent feasible, the professional development
22 program must incorporate or adapt existing online training or
23 curriculum, including securing materials or curriculum under contract
24 or purchase agreements within available funds. Multiple modes of
25 instruction should be incorporated including videos of classroom
26 teaching, participatory exercises, and other engaging combinations of
27 online audio, video, and print presentation.

28 (4) The professional development program must be developed in
29 modules that allow:

30 (a) Access to material over a reasonable number of training
31 sessions;

32 (b) Delivery in person or online; and

33 (c) Use in a self-directed manner.

34 (5) The office of the superintendent of public instruction must
35 maintain a web site that includes the online professional development
36 materials along with sample evaluation forms and templates, links to
37 relevant research on evaluation and on high quality teaching and
38 leadership, samples of contract and collective bargaining language on

1 key topics, examples of multiple measures of teacher and principal
2 performance, suggestions for data to measure student growth, and other
3 tools that will assist school districts in implementing the revised
4 evaluation systems.

5 (6) The office of the superintendent of public instruction must
6 identify the number of in-service training hours associated with each
7 professional development module and develop a way for users to document
8 their completion of the training. Documented completion of the
9 training under this section is considered approved in-service training
10 for the purposes of RCW 28A.415.020.

11 (7) The office of the superintendent of public instruction shall
12 periodically update the modules to reflect new topics and research on
13 performance evaluation so that the training serves as an ongoing source
14 of continuing education and professional development.

15 (8) The office of the superintendent of public instruction shall
16 work with the educational service districts to provide clearinghouse
17 services for the identification and publication of professional
18 development opportunities for teachers and principals that align with
19 performance evaluation criteria.

20 **Sec. 6.** RCW 28A.415.023 and 2011 1st sp.s. c 18 s 6 are each
21 amended to read as follows:

22 (1) Credits earned by certificated instructional staff after
23 September 1, 1995, shall be eligible for application to the salary
24 schedule developed by the legislative evaluation and accountability
25 program committee only if the course content:

26 (a) Is consistent with a school-based plan for mastery of student
27 learning goals as referenced in RCW 28A.655.110, the annual school
28 performance report, for the school in which the individual is assigned;

29 (b) Pertains to the individual's current assignment or expected
30 assignment for the subsequent school year;

31 (c) Is necessary to obtain an endorsement as prescribed by the
32 Washington professional educator standards board;

33 (d) Is specifically required to obtain advanced levels of
34 certification;

35 (e) Is included in a college or university degree program that
36 pertains to the individual's current assignment, or potential future
37 assignment, as a certified instructional staff; ((or))

1 (f) Addresses research-based assessment and instructional
2 strategies for students with dyslexia, dysgraphia, and language
3 disabilities when addressing learning goal one under RCW 28A.150.210,
4 as applicable and appropriate for individual certificated instructional
5 staff; or

6 (g) Pertains to the revised teacher evaluation system under RCW
7 28A.405.100, including the professional development training provided
8 in section 5 of this act.

9 (2) For the purpose of this section, "credits" mean college quarter
10 hour credits and equivalent credits for approved in-service, approved
11 continuing education, or approved internship hours computed in
12 accordance with RCW 28A.415.020.

13 (3) The superintendent of public instruction shall adopt rules and
14 standards consistent with the limits established by this section for
15 certificated instructional staff.

16 (4) For the 2011-12 and 2012-13 school years, application of
17 credits or credit equivalents earned under this section after October
18 1, 2010, to the salary schedule developed by the legislative evaluation
19 and accountability program committee is subject to any conditions or
20 limitations contained in the omnibus operating appropriations act.

21 **Sec. 7.** RCW 28A.405.220 and 2010 c 235 s 203 are each amended to
22 read as follows:

23 (1) Notwithstanding the provisions of RCW 28A.405.210, every person
24 employed by a school district in a teaching or other nonsupervisory
25 certificated position shall be subject to nonrenewal of employment
26 contract as provided in this section during the first three years of
27 employment by such district, unless: (a) The employee has previously
28 completed at least two years of certificated employment in another
29 school district in the state of Washington, in which case the employee
30 shall be subject to nonrenewal of employment contract pursuant to this
31 section during the first year of employment with the new district; or
32 (b) the employee has received an evaluation rating below level 2 on the
33 four-level rating system established under RCW 28A.405.100 during the
34 third year of employment, in which case the employee shall remain
35 subject to the nonrenewal of the employment contract until the employee
36 receives a level 2 rating; or (c) the school district superintendent
37 may make a determination to remove an employee from provisional status

1 if the employee has received one of the top two evaluation ratings
2 during the second year of employment by the district. Employees as
3 defined in this section shall hereinafter be referred to as
4 "provisional employees."

5 (2) In the event the superintendent of the school district
6 determines that the employment contract of any provisional employee
7 should not be renewed by the district for the next ensuing term such
8 provisional employee shall be notified thereof in writing on or before
9 May 15th preceding the commencement of such school term, or if the
10 omnibus appropriations act has not passed the legislature by May 15th,
11 then notification shall be no later than June 15th, which notification
12 shall state the reason or reasons for such determination. Such notice
13 shall be served upon the provisional employee personally, or by
14 certified or registered mail, or by leaving a copy of the notice at the
15 place of his or her usual abode with some person of suitable age and
16 discretion then resident therein. The determination of the
17 superintendent shall be subject to the evaluation requirements of RCW
18 28A.405.100.

19 (3) Every such provisional employee so notified, at his or her
20 request made in writing and filed with the superintendent of the
21 district within ten days after receiving such notice, shall be given
22 the opportunity to meet informally with the superintendent for the
23 purpose of requesting the superintendent to reconsider his or her
24 decision. Such meeting shall be held no later than ten days following
25 the receipt of such request, and the provisional employee shall be
26 given written notice of the date, time and place of meeting at least
27 three days prior thereto. At such meeting the provisional employee
28 shall be given the opportunity to refute any facts upon which the
29 superintendent's determination was based and to make any argument in
30 support of his or her request for reconsideration.

31 (4) Within ten days following the meeting with the provisional
32 employee, the superintendent shall either reinstate the provisional
33 employee or shall submit to the school district board of directors for
34 consideration at its next regular meeting a written report recommending
35 that the employment contract of the provisional employee be nonrenewed
36 and stating the reason or reasons therefor. A copy of such report
37 shall be delivered to the provisional employee at least three days
38 prior to the scheduled meeting of the board of directors. In taking

1 action upon the recommendation of the superintendent, the board of
2 directors shall consider any written communication which the
3 provisional employee may file with the secretary of the board at any
4 time prior to that meeting.

5 (5) The board of directors shall notify the provisional employee in
6 writing of its final decision within ten days following the meeting at
7 which the superintendent's recommendation was considered. The decision
8 of the board of directors to nonrenew the contract of a provisional
9 employee shall be final and not subject to appeal.

10 (6) This section applies to any person employed by a school
11 district in a teaching or other nonsupervisory certificated position
12 after June 25, 1976. This section provides the exclusive means for
13 nonrenewing the employment contract of a provisional employee and no
14 other provision of law shall be applicable thereto, including, without
15 limitation, RCW 28A.405.210 and chapter 28A.645 RCW."

SSB 5895 - S AMD

By Senators McAuliffe, Litzow, Ranker

ADOPTED 02/14/2012

16 On page 1, line 1 of the title, after "employees;" strike the
17 remainder of the title and insert "amending RCW 28A.405.100,
18 28A.405.120, 28A.405.130, 28A.415.023, and 28A.405.220; adding a new
19 section to chapter 28A.410 RCW; and adding a new section to chapter
20 28A.405 RCW."

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