

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 5895**

62nd Legislature  
2012 Regular Session

Passed by the Senate February 14, 2012  
YEAS 46 NAYS 3

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**President of the Senate**

Passed by the House February 29, 2012  
YEAS 82 NAYS 16

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5895** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE SENATE BILL 5895**

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Passed Legislature - 2012 Regular Session

**State of Washington                      62nd Legislature                      2012 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senator Murray)

READ FIRST TIME 02/07/12.

1            AN ACT Relating to evaluating certificated employees; amending RCW  
2 28A.405.100, 28A.405.120, 28A.405.130, 28A.415.023, and 28A.405.220;  
3 adding a new section to chapter 28A.410 RCW; and adding a new section  
4 to chapter 28A.405 RCW.

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

6            **Sec. 1.** RCW 28A.405.100 and 2010 c 235 s 202 are each amended to  
7 read as follows:

8            (1)(a) Except as provided in subsection (2) of this section, the  
9 superintendent of public instruction shall establish and may amend from  
10 time to time minimum criteria for the evaluation of the professional  
11 performance capabilities and development of certificated classroom  
12 teachers and certificated support personnel. For classroom teachers  
13 the criteria shall be developed in the following categories:  
14 Instructional skill; classroom management, professional preparation and  
15 scholarship; effort toward improvement when needed; the handling of  
16 student discipline and attendant problems; and interest in teaching  
17 pupils and knowledge of subject matter.

18            (b) Every board of directors shall, in accordance with procedure  
19 provided in RCW 41.59.010 through 41.59.170, 41.59.910, and 41.59.920,

1 establish evaluative criteria and procedures for all certificated  
2 classroom teachers and certificated support personnel. The evaluative  
3 criteria must contain as a minimum the criteria established by the  
4 superintendent of public instruction pursuant to this section and must  
5 be prepared within six months following adoption of the superintendent  
6 of public instruction's minimum criteria. The district must certify to  
7 the superintendent of public instruction that evaluative criteria have  
8 been so prepared by the district.

9 (2)(a) Pursuant to the implementation schedule established in  
10 subsection (7)(~~(b)~~) (c) of this section, every board of directors  
11 shall, in accordance with procedures provided in RCW 41.59.010 through  
12 41.59.170, 41.59.910, and 41.59.920, establish revised evaluative  
13 criteria and a four-level rating system for all certificated classroom  
14 teachers.

15 (b) The minimum criteria shall include: (i) Centering instruction  
16 on high expectations for student achievement; (ii) demonstrating  
17 effective teaching practices; (iii) recognizing individual student  
18 learning needs and developing strategies to address those needs; (iv)  
19 providing clear and intentional focus on subject matter content and  
20 curriculum; (v) fostering and managing a safe, positive learning  
21 environment; (vi) using multiple student data elements to modify  
22 instruction and improve student learning; (vii) communicating and  
23 collaborating with parents and (~~(the)~~) the school community; and  
24 (viii) exhibiting collaborative and collegial practices focused on  
25 improving instructional practice and student learning. Student growth  
26 data must be a substantial factor in evaluating the summative  
27 performance of certificated classroom teachers for at least three of  
28 the evaluation criteria listed in this subsection.

29 (c) The four-level rating system used to evaluate the certificated  
30 classroom teacher must describe performance along a continuum that  
31 indicates the extent to which the criteria have been met or exceeded.  
32 (~~When~~) The summative performance ratings shall be as follows: Level  
33 1 - unsatisfactory; level 2 - basic; level 3 - proficient; and level 4  
34 - distinguished. A classroom teacher shall receive one of the four  
35 summative performance ratings for each of the minimum criteria in (b)  
36 of this subsection and one of the four summative performance ratings  
37 for the evaluation as a whole, which shall be the comprehensive  
38 summative evaluation performance rating. By December 1, 2012, the

1 superintendent of public instruction must adopt rules prescribing a  
2 common method for calculating the comprehensive summative evaluation  
3 performance rating for each of the preferred instructional frameworks,  
4 including for a focused evaluation under subsection (12) of this  
5 section, giving appropriate weight to the indicators evaluated under  
6 each criteria and maximizing rater agreement among the frameworks.

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

14 (e) By September 1, 2012, the superintendent of public instruction  
15 shall identify up to three preferred instructional frameworks that  
16 support the revised evaluation system. The instructional frameworks  
17 shall be research-based and establish definitions or rubrics for each  
18 of the four summative performance ratings for each evaluation criteria.  
19 Each school district must adopt one of the preferred instructional  
20 frameworks and post the selection on the district's web site. The  
21 superintendent of public instruction shall establish a process for  
22 approving minor modifications or adaptations to a preferred  
23 instructional framework that may be proposed by a school district.

24 (f) Student growth data(~~(, if available and)~~) that is relevant to  
25 the teacher and subject matter(~~(, is referenced)~~) must be a factor in  
26 the evaluation process (~~(it)~~) and must be based on multiple measures  
27 that can include classroom-based, school-based, district-based, and  
28 state-based tools. Student growth data elements may include the  
29 teacher's performance as a member of a grade-level, subject matter, or  
30 other instructional team within a school when the use of this data is  
31 relevant and appropriate. Student growth data elements may also  
32 include the teacher's performance as a member of the overall  
33 instructional team of a school when use of this data is relevant and  
34 appropriate. As used in this subsection, "student growth" means the  
35 change in student achievement between two points in time.

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

37 (3)(a) Except as provided in subsection (~~(+10)~~) (11) of this  
38 section, it shall be the responsibility of a principal or his or her

1 designee to evaluate all certificated personnel in his or her school.  
2 During each school year all classroom teachers and certificated support  
3 personnel shall be observed for the purposes of evaluation at least  
4 twice in the performance of their assigned duties. Total observation  
5 time for each employee for each school year shall be not less than  
6 sixty minutes. An employee in the third year of provisional status as  
7 defined in RCW 28A.405.220 shall be observed at least three times in  
8 the performance of his or her duties and the total observation time for  
9 the school year shall not be less than ninety minutes. Following each  
10 observation, or series of observations, the principal or other  
11 evaluator shall promptly document the results of the observation in  
12 writing, and shall provide the employee with a copy thereof within  
13 three days after such report is prepared. New employees shall be  
14 observed at least once for a total observation time of thirty minutes  
15 during the first ninety calendar days of their employment period.

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

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

29 (i) Level 1; or

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

35 (b) During the period of probation, the employee may not be  
36 transferred from the supervision of the original evaluator.  
37 Improvement of performance or probable cause for nonrenewal must occur  
38 and be documented by the original evaluator before any consideration of

1 a request for transfer or reassignment as contemplated by either the  
2 individual or the school district. A probationary period of sixty  
3 school days shall be established. Days may be added if deemed  
4 necessary to complete a program for improvement and evaluate the  
5 probationer's performance, as long as the probationary period is  
6 concluded before May 15th of the same school year. The probationary  
7 period may be extended into the following school year if the  
8 probationer has five or more years of teaching experience and has a  
9 comprehensive summative evaluation performance rating as of May 15th of  
10 less than level 2. The establishment of a probationary period does not  
11 adversely affect the contract status of an employee within the meaning  
12 of RCW 28A.405.300. The purpose of the probationary period is to give  
13 the employee opportunity to demonstrate improvements in his or her  
14 areas of deficiency. The establishment of the probationary period and  
15 the giving of the notice to the employee of deficiency shall be by the  
16 school district superintendent and need not be submitted to the board  
17 of directors for approval. During the probationary period the  
18 evaluator shall meet with the employee at least twice monthly to  
19 supervise and make a written evaluation of the progress, if any, made  
20 by the employee. The evaluator may authorize one additional  
21 certificated employee to evaluate the probationer and to aid the  
22 employee in improving his or her areas of deficiency((+)). Should the  
23 evaluator not authorize such additional evaluator, the probationer may  
24 request that an additional certificated employee evaluator become part  
25 of the probationary process and this request must be implemented by  
26 including an additional experienced evaluator assigned by the  
27 educational service district in which the school district is located  
28 and selected from a list of evaluation specialists compiled by the  
29 educational service district. Such additional certificated employee  
30 shall be immune from any civil liability that might otherwise be  
31 incurred or imposed with regard to the good faith performance of such  
32 evaluation. If a procedural error occurs in the implementation of a  
33 program for improvement, the error does not invalidate the  
34 probationer's plan for improvement or evaluation activities unless the  
35 error materially affects the effectiveness of the plan or the ability  
36 to evaluate the probationer's performance. The probationer ((may))  
37 must be removed from probation if he or she has demonstrated  
38 improvement to the satisfaction of the ((principal)) evaluator in those

1 areas specifically detailed in his or her initial notice of deficiency  
2 and subsequently detailed in his or her (~~improvement~~) program for  
3 improvement. A classroom teacher who has been transitioned to the  
4 revised evaluation system pursuant to the district implementation  
5 schedule adopted under subsection (7)(c) of this section must be  
6 removed from probation if he or she has demonstrated improvement that  
7 results in a new comprehensive summative evaluation performance rating  
8 of level 2 or above for a provisional employee or a continuing contract  
9 employee with five or fewer years of experience, or of level 3 or above  
10 for a continuing contract employee with more than five years of  
11 experience. Lack of necessary improvement during the established  
12 probationary period, as specifically documented in writing with  
13 notification to the probationer (~~and shall~~) constitutes grounds for  
14 a finding of probable cause under RCW 28A.405.300 or 28A.405.210.

15 ~~((b))~~ (c) When a continuing contract employee with five or more  
16 years of experience receives a comprehensive summative evaluation  
17 performance rating below level 2 for two consecutive years, the school  
18 district shall, within ten days of the completion of the second  
19 summative comprehensive evaluation or May 15th, whichever occurs first,  
20 implement the employee notification of discharge as provided in RCW  
21 28A.405.300.

22 (d) Immediately following the completion of a probationary period  
23 that does not produce performance changes detailed in the initial  
24 notice of deficiencies and (~~improvement~~) program for improvement, the  
25 employee may be removed from his or her assignment and placed into an  
26 alternative assignment for the remainder of the school year. In the  
27 case of a classroom teacher who has been transitioned to the revised  
28 evaluation system pursuant to the district implementation schedule  
29 adopted under subsection (7)(c) of this section, the teacher may be  
30 removed from his or her assignment and placed into an alternative  
31 assignment for the remainder of the school year immediately following  
32 the completion of a probationary period that does not result in the  
33 required comprehensive summative evaluation performance ratings  
34 specified in (b) of this subsection. This reassignment may not  
35 displace another employee nor may it adversely affect the probationary  
36 employee's compensation or benefits for the remainder of the employee's  
37 contract year. If such reassignment is not possible, the district may,

1 at its option, place the employee on paid leave for the balance of the  
2 contract term.

3 (5) Every board of directors shall establish evaluative criteria  
4 and procedures for all superintendents, principals, and other  
5 administrators. It shall be the responsibility of the district  
6 superintendent or his or her designee to evaluate all administrators.  
7 Except as provided in subsection (6) of this section, such evaluation  
8 shall be based on the administrative position job description. Such  
9 criteria, when applicable, shall include at least the following  
10 categories: Knowledge of, experience in, and training in recognizing  
11 good professional performance, capabilities and development; school  
12 administration and management; school finance; professional preparation  
13 and scholarship; effort toward improvement when needed; interest in  
14 pupils, employees, patrons and subjects taught in school; leadership;  
15 and ability and performance of evaluation of school personnel.

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

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

35 (c) The four-level rating system used to evaluate the principal  
36 must describe performance along a continuum that indicates the extent  
37 to which the criteria have been met or exceeded. (~~When available,~~)  
38 The summative performance ratings shall be as follows: Level 1 -

1 unsatisfactory; level 2 - basic; level 3 - proficient; and level 4 -  
2 distinguished. A principal shall receive one of the four summative  
3 performance ratings for each of the minimum criteria in (b) of this  
4 subsection and one of the four summative performance ratings for the  
5 evaluation as a whole, which shall be the comprehensive summative  
6 evaluation performance rating.

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

14 (e) By September 1, 2012, the superintendent of public instruction  
15 shall identify up to three preferred leadership frameworks that support  
16 the revised evaluation system. The leadership frameworks shall be  
17 research-based and establish definitions or rubrics for each of the  
18 four performance ratings for each evaluation criteria. Each school  
19 district shall adopt one of the preferred leadership frameworks and  
20 post the selection on the district's web site. The superintendent of  
21 public instruction shall establish a process for approving minor  
22 modifications or adaptations to a preferred leadership framework that  
23 may be proposed by a school district.

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

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

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

37 (i) Level 1; or

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

6        (7)(a) The superintendent of public instruction, in collaboration  
7 with state associations representing teachers, principals,  
8 administrators, school board members, and parents, to be known as the  
9 steering committee, shall create models for implementing the evaluation  
10 system criteria, student growth tools, professional development  
11 programs, and evaluator training for certificated classroom teachers  
12 and principals. Human resources specialists, professional development  
13 experts, and assessment experts must also be consulted. Due to the  
14 diversity of teaching assignments and the many developmental levels of  
15 students, classroom teachers and principals must be prominently  
16 represented in this work. The models must be available for use in the  
17 2011-12 school year.

18        (b) A new certificated classroom teacher evaluation system that  
19 implements the provisions of subsection (2) of this section and a new  
20 principal evaluation system that implements the provisions of  
21 subsection (6) of this section shall be phased-in beginning with the  
22 2010-11 school year by districts identified in ~~((e))~~ (d) of this  
23 subsection and implemented in all school districts beginning with the  
24 2013-14 school year.

25        (c) Each school district board of directors shall adopt a schedule  
26 for implementation of the revised evaluation systems that transitions  
27 a portion of classroom teachers and principals in the district to the  
28 revised evaluation systems each year beginning no later than the 2013-  
29 14 school year, until all classroom teachers and principals are being  
30 evaluated under the revised evaluation systems no later than the 2015-  
31 16 school year. A school district is not precluded from completing the  
32 transition of all classroom teachers and principals to the revised  
33 evaluation systems before the 2015-16 school year. The schedule  
34 adopted under this subsection (7)(c) must provide that the following  
35 employees are transitioned to the revised evaluation systems beginning  
36 in the 2013-14 school year:

37        (i) Classroom teachers who are provisional employees under RCW  
38 28A.405.220;

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

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

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

7 (v) Principals previously employed as a principal by another school  
8 district in the state of Washington for three or more consecutive  
9 school years and in the first full year as a principal in the school  
10 district.

11 (d) A set of school districts shall be selected by the  
12 superintendent of public instruction to participate in a collaborative  
13 process resulting in the development and piloting of new certificated  
14 classroom teacher and principal evaluation systems during the 2010-11  
15 and 2011-12 school years. These school districts must be selected  
16 based on: (i) The agreement of the local associations representing  
17 classroom teachers and principals to collaborate with the district in  
18 this developmental work and (ii) the agreement to participate in the  
19 full range of development and implementation activities, including:  
20 Development of rubrics for the evaluation criteria and ratings in  
21 subsections (2) and (6) of this section; identification of or  
22 development of appropriate multiple measures of student growth in  
23 subsections (2) and (6) of this section; development of appropriate  
24 evaluation system forms; participation in professional development for  
25 principals and classroom teachers regarding the content of the new  
26 evaluation system; participation in evaluator training; and  
27 participation in activities to evaluate the effectiveness of the new  
28 systems and support programs. The school districts must submit to the  
29 office of the superintendent of public instruction data that is used in  
30 evaluations and all district-collected student achievement, aptitude,  
31 and growth data regardless of whether the data is used in evaluations.  
32 If the data is not available electronically, the district may submit it  
33 in nonelectronic form. The superintendent of public instruction must  
34 analyze the districts' use of student data in evaluations, including  
35 examining the extent that student data is not used or is underutilized.  
36 The superintendent of public instruction must also consult with  
37 participating districts and stakeholders, recommend appropriate  
38 changes, and address statewide implementation issues. The

1 superintendent of public instruction shall report evaluation system  
2 implementation status, evaluation data, and recommendations to  
3 appropriate committees of the legislature and governor by July 1, 2011,  
4 and at the conclusion of the development phase by July 1, 2012. In the  
5 July 1, 2011, report, the superintendent shall include recommendations  
6 for whether a single statewide evaluation model should be adopted,  
7 whether modified versions developed by school districts should be  
8 subject to state approval, and what the criteria would be for  
9 determining if a school district's evaluation model meets or exceeds a  
10 statewide model. The report shall also identify challenges posed by  
11 requiring a state approval process.

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

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

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

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

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

30 (D) Refining evaluation system management tools, professional  
31 development programs, and evaluator training programs with an emphasis  
32 on developing rater reliability;

33 (E) Reviewing emerging research regarding teacher and principal  
34 evaluation systems and the development and implementation of evaluation  
35 systems in other states;

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

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

8       (iii) To support the tasks in (e)(ii) of this subsection, the  
9 superintendent of public instruction may contract with an independent  
10 research organization with expertise in educator evaluations and  
11 knowledge of the revised evaluation systems being implemented under  
12 this section.

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

17       (v) The superintendent of public instruction shall submit reports  
18 detailing findings, emergent issues or trends, recommendations from the  
19 steering committee, and pilot school districts, and other  
20 recommendations, to enhance implementation and continuous improvement  
21 of the revised evaluation systems to appropriate committees of the  
22 legislature and the governor beginning July 1, 2013, and each July 1st  
23 thereafter for each year of the school district implementation  
24 transition period concluding with a report on December 1, 2016.

25       (8)(a) Beginning with the 2015-16 school year, evaluation results  
26 for certificated classroom teachers and principals must be used as one  
27 of multiple factors in making human resource and personnel decisions.  
28 Human resource decisions include, but are not limited to: Staff  
29 assignment, including the consideration of an agreement to an  
30 assignment by an appropriate teacher, principal, and superintendent;  
31 and reduction in force. Nothing in this section limits the ability to  
32 collectively bargain how the multiple factors shall be used in making  
33 human resource or personnel decisions, with the exception that  
34 evaluation results must be a factor.

35       (b) The office of the superintendent of public instruction must  
36 report to the legislature and the governor regarding the school  
37 district implementation of the provisions of (a) of this subsection by  
38 December 1, 2017.

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

7        ~~((+9))~~ (10) The failure of any evaluator to evaluate or supervise  
8 or cause the evaluation or supervision of certificated classroom  
9 teachers and certificated support personnel or administrators in  
10 accordance with this section, as now or hereafter amended, when it is  
11 his or her specific assigned or delegated responsibility to do so,  
12 shall be sufficient cause for the nonrenewal of any such evaluator's  
13 contract under RCW 28A.405.210, or the discharge of such evaluator  
14 under RCW 28A.405.300.

15        ~~((+10))~~ (11) After a certificated classroom teacher or  
16 certificated support personnel has four years of satisfactory  
17 evaluations under subsection (1) of this section ~~((or has received one  
18 of the two top ratings for four years under subsection (2) of this  
19 section))~~, a school district may use a short form of evaluation, a  
20 locally bargained evaluation emphasizing professional growth, an  
21 evaluation under subsection (1) or (2) of this section, or any  
22 combination thereof. The short form of evaluation shall include either  
23 a thirty minute observation during the school year with a written  
24 summary or a final annual written evaluation based on the criteria in  
25 subsection (1) or (2) of this section and based on at least two  
26 observation periods during the school year totaling at least sixty  
27 minutes without a written summary of such observations being prepared.  
28 A locally bargained short-form evaluation emphasizing professional  
29 growth must provide that the professional growth activity conducted by  
30 the certificated classroom teacher be specifically linked to one or  
31 more of the certificated classroom teacher evaluation criteria.  
32 However, the evaluation process set forth in subsection (1) or (2) of  
33 this section shall be followed at least once every three years unless  
34 this time is extended by a local school district under the bargaining  
35 process set forth in chapter 41.59 RCW. The employee or evaluator may  
36 require that the evaluation process set forth in subsection (1) or (2)  
37 of this section be conducted in any given school year. No evaluation  
38 other than the evaluation authorized under subsection (1) or (2) of

1 this section may be used as a basis for determining that an employee's  
2 work is not satisfactory under subsection (1) or (2) of this section or  
3 as probable cause for the nonrenewal of an employee's contract under  
4 RCW 28A.405.210 unless an evaluation process developed under chapter  
5 41.59 RCW determines otherwise. The provisions of this subsection  
6 apply to certificated classroom teachers only until the teacher has  
7 been transitioned to the revised evaluation system pursuant to the  
8 district implementation schedule adopted under subsection (7)(c) of  
9 this section.

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

15 (a) All classroom teachers and principals shall receive a  
16 comprehensive summative evaluation at least once every four years. A  
17 comprehensive summative evaluation assesses all eight evaluation  
18 criteria and all criteria contribute to the comprehensive summative  
19 evaluation performance rating.

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

22 (i) Classroom teachers who are provisional employees under RCW  
23 28A.405.220;

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

26 (iii) Principals previously employed as a principal by another  
27 school district in the state of Washington for three or more  
28 consecutive school years and in the first full year as a principal in  
29 the school district; and

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

33 (c)(i) In the years when a comprehensive summative evaluation is  
34 not required, classroom teachers and principals who received a  
35 comprehensive summative evaluation performance rating of level 3 or  
36 above in the previous school year are required to complete a focused  
37 evaluation. A focused evaluation includes an assessment of one of the

1 eight criteria selected for a performance rating plus professional  
2 growth activities specifically linked to the selected criteria.

3 (ii) The selected criteria must be approved by the teacher's or  
4 principal's evaluator and may have been identified in a previous  
5 comprehensive summative evaluation as benefiting from additional  
6 attention. A group of teachers may focus on the same evaluation  
7 criteria and share professional growth activities. A group of  
8 principals may focus on the same evaluation criteria and share  
9 professional growth activities.

10 (iii) The evaluator must assign a comprehensive summative  
11 evaluation performance rating for the focused evaluation using the  
12 methodology adopted by the superintendent of public instruction for the  
13 instructional or leadership framework being used.

14 (iv) A teacher or principal may be transferred from a focused  
15 evaluation to a comprehensive summative evaluation at the request of  
16 the teacher or principal, or at the direction of the teacher's or  
17 principal's evaluator.

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

22 (vi) A classroom teacher or principal may apply the focused  
23 evaluation professional growth activities toward the professional  
24 growth plan for professional certificate renewal as required by the  
25 professional educator standards board.

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

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

31 (1) School districts shall require each administrator, each  
32 principal, or other supervisory personnel who has responsibility for  
33 evaluating classroom teachers or principals to have training in  
34 evaluation procedures.

35 (2) Before school district implementation of the revised evaluation  
36 systems required under RCW 28A.405.100, principals and administrators

1 who have evaluation responsibilities must engage in professional  
2 development designed to implement the revised systems and maximize  
3 rater agreement.

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

6 (1) No administrator, principal, or other supervisory personnel may  
7 evaluate a teacher without having received training in evaluation  
8 procedures.

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

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

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

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

21 (i) Examination of Washington teacher and principal evaluation  
22 criteria, and four-tiered performance rating system, and the preferred  
23 instructional and leadership frameworks used to describe the evaluation  
24 criteria;

25 (ii) Classroom observations;

26 (iii) The use of student growth data and multiple measures of  
27 performance;

28 (iv) Evaluation conferencing;

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

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

34 (2) Beginning September 1, 2016, the professional educator  
35 standards board shall incorporate in-service training or continuing  
36 education on the revised teacher and principal evaluation systems under

1 RCW 28A.405.100 as a requirement for renewal of continuing or  
2 professional level certificates, including requiring knowledge and  
3 competencies in teacher and principal evaluation systems as an aspect  
4 of professional growth plans used for certificate renewal.

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

7 (1) Subject to funds appropriated for this purpose, the office of  
8 the superintendent of public instruction must develop and make  
9 available a professional development program to support the  
10 implementation of the evaluation systems required by RCW 28A.405.100.  
11 The program components may be organized into professional development  
12 modules for principals, administrators, and teachers. The professional  
13 development program shall include a comprehensive online training  
14 package.

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

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

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

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

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

24 (e) Strategies for achieving maximum rater agreement;

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

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

27 (h) Methods to link the evaluation process to ongoing educator  
28 professional development.

29 (3) To the maximum extent feasible, the professional development  
30 program must incorporate or adapt existing online training or  
31 curriculum, including securing materials or curriculum under contract  
32 or purchase agreements within available funds. Multiple modes of  
33 instruction should be incorporated including videos of classroom  
34 teaching, participatory exercises, and other engaging combinations of  
35 online audio, video, and print presentation.

36 (4) The professional development program must be developed in  
37 modules that allow:

1 (a) Access to material over a reasonable number of training  
2 sessions;

3 (b) Delivery in person or online; and

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

5 (5) The office of the superintendent of public instruction must  
6 maintain a web site that includes the online professional development  
7 materials along with sample evaluation forms and templates, links to  
8 relevant research on evaluation and on high quality teaching and  
9 leadership, samples of contract and collective bargaining language on  
10 key topics, examples of multiple measures of teacher and principal  
11 performance, suggestions for data to measure student growth, and other  
12 tools that will assist school districts in implementing the revised  
13 evaluation systems.

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

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

24 (8) The office of the superintendent of public instruction shall  
25 work with the educational service districts to provide clearinghouse  
26 services for the identification and publication of professional  
27 development opportunities for teachers and principals that align with  
28 performance evaluation criteria.

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

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

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

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

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

5 (d) Is specifically required to obtain advanced levels of  
6 certification;

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

10 (f) Addresses research-based assessment and instructional  
11 strategies for students with dyslexia, dysgraphia, and language  
12 disabilities when addressing learning goal one under RCW 28A.150.210,  
13 as applicable and appropriate for individual certificated instructional  
14 staff; or

15 (g) Pertains to the revised teacher evaluation system under RCW  
16 28A.405.100, including the professional development training provided  
17 in section 5 of this act.

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

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

25 (4) For the 2011-12 and 2012-13 school years, application of  
26 credits or credit equivalents earned under this section after October  
27 1, 2010, to the salary schedule developed by the legislative evaluation  
28 and accountability program committee is subject to any conditions or  
29 limitations contained in the omnibus operating appropriations act.

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

32 (1) Notwithstanding the provisions of RCW 28A.405.210, every person  
33 employed by a school district in a teaching or other nonsupervisory  
34 certificated position shall be subject to nonrenewal of employment  
35 contract as provided in this section during the first three years of  
36 employment by such district, unless: (a) The employee has previously  
37 completed at least two years of certificated employment in another

1 school district in the state of Washington, in which case the employee  
2 shall be subject to nonrenewal of employment contract pursuant to this  
3 section during the first year of employment with the new district; or  
4 (b) the employee has received an evaluation rating below level 2 on the  
5 four-level rating system established under RCW 28A.405.100 during the  
6 third year of employment, in which case the employee shall remain  
7 subject to the nonrenewal of the employment contract until the employee  
8 receives a level 2 rating; or (c) the school district superintendent  
9 may make a determination to remove an employee from provisional status  
10 if the employee has received one of the top two evaluation ratings  
11 during the second year of employment by the district. Employees as  
12 defined in this section shall hereinafter be referred to as  
13 "provisional employees."

14 (2) In the event the superintendent of the school district  
15 determines that the employment contract of any provisional employee  
16 should not be renewed by the district for the next ensuing term such  
17 provisional employee shall be notified thereof in writing on or before  
18 May 15th preceding the commencement of such school term, or if the  
19 omnibus appropriations act has not passed the legislature by May 15th,  
20 then notification shall be no later than June 15th, which notification  
21 shall state the reason or reasons for such determination. Such notice  
22 shall be served upon the provisional employee personally, or by  
23 certified or registered mail, or by leaving a copy of the notice at the  
24 place of his or her usual abode with some person of suitable age and  
25 discretion then resident therein. The determination of the  
26 superintendent shall be subject to the evaluation requirements of RCW  
27 28A.405.100.

28 (3) Every such provisional employee so notified, at his or her  
29 request made in writing and filed with the superintendent of the  
30 district within ten days after receiving such notice, shall be given  
31 the opportunity to meet informally with the superintendent for the  
32 purpose of requesting the superintendent to reconsider his or her  
33 decision. Such meeting shall be held no later than ten days following  
34 the receipt of such request, and the provisional employee shall be  
35 given written notice of the date, time and place of meeting at least  
36 three days prior thereto. At such meeting the provisional employee  
37 shall be given the opportunity to refute any facts upon which the

1 superintendent's determination was based and to make any argument in  
2 support of his or her request for reconsideration.

3 (4) Within ten days following the meeting with the provisional  
4 employee, the superintendent shall either reinstate the provisional  
5 employee or shall submit to the school district board of directors for  
6 consideration at its next regular meeting a written report recommending  
7 that the employment contract of the provisional employee be nonrenewed  
8 and stating the reason or reasons therefor. A copy of such report  
9 shall be delivered to the provisional employee at least three days  
10 prior to the scheduled meeting of the board of directors. In taking  
11 action upon the recommendation of the superintendent, the board of  
12 directors shall consider any written communication which the  
13 provisional employee may file with the secretary of the board at any  
14 time prior to that meeting.

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

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

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