

SENATE BILL REPORT

SB 5246

As Reported by Senate Committee On:
Early Learning & K-12 Education, January 20, 2014

Title: An act relating to clarifying the teacher and principal evaluation process.

Brief Description: Clarifying the teacher and principal evaluation process with the intent of strengthening the process.

Sponsors: Senators Litzow, Tom, Hobbs, Delvin, Padden, Schoesler and Smith.

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/04/13, 1/15/14, 1/20/14 [DPS, DNP].

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5246 be substituted therefor, and the substitute bill do pass.

Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Brown, Fain, Hill and Rivers.

Minority Report: Do not pass.

Signed by Senators McAuliffe, Ranking Member; Rolfes, Assistant Ranking Member; Billig, Cleveland and Mullet.

Staff: Eric Wolf (786-7405)

Background: Teacher and Principal Evaluation Systems. Certain aspects of performance evaluation for school employees are specified in statute. Consequences such as probation or nonrenewal of contract may be based on performance judged as not satisfactory. Legislation enacted in 2010 directed development of revised evaluation systems for teachers and principals, including new evaluation criteria for teachers and principals, and a four-level rating system using a continuum of performance based on the extent that the criteria are met. Data on student growth—the change in student achievement between two points in time—may be included in an evaluation of a teacher or principal if it is based on multiple measures of student achievement. The 2013-14 school year is the first year all school districts must begin implementation of the revised teacher and principal evaluation systems.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Elements of Student Growth Data. Student growth data to be factored into the evaluation process for both certificated classroom staff and principals must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. Student growth data may include the teacher or principal's performance as a member of a grade level, subject matter, or other instructional team within a school. Student growth data may also include the teacher or principal's performance as a member of the overall instructional team of a school.

No Child Left Behind Act (NCLB)/Elementary and Secondary Education Act (ESEA)Waiver. Under the federal NCLB/ESEA, schools and school districts that receive federal Title I money must meet an adequate yearly progress target for all students in reading and mathematics and reach 100 percent student proficiency in both subjects by 2014. Failure to meet the target goals in adequate yearly progress and student proficiency triggers consequences for a school. Consequences include that parents must be notified that the school has not met the adequate yearly progress goal, and 20 percent of the school's Title I funds must be set aside to provide transportation to students who transfer out of the school or district and to provide supplemental educational services such as tutoring. Washington obtained a waiver from these federal requirements in 2011. In a letter from the U.S. Department of Education (ED), which was received by the Office of Superintendent of Public Instruction (OSPI) on August 14, 2013, ED designated Washington's waiver of certain provisions of NCLB/ESEA to be at high risk and directed Washington to require the use of federally required state test scores as one the measures of student growth in Washington's teacher and principal evaluations.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Recommended Substitute as Passed Committee): Student Growth Data as Evaluation Criteria. The statute requiring a four-level rating system for all certificated classroom teachers and principals is amended so that student growth data must be used to create a rank ordering of teachers and principals based on the amount of student growth achieved. The bottom quartile of teachers and principals must be identified by districts as requiring additional support. Seniority may only be used as a tie-breaking factor when making human resource or personnel decisions.

Student Growth Data and Goals. For teachers who teach reading, language arts, or mathematics in a grade in which a federally mandated statewide student assessment is administered, student results on the statewide assessment must be used as one of the multiple measures of student growth. Any rules adopted by OSPI regarding student growth goals set by the teacher in consultations with their principal must assume a goal that students achieve one year of student growth in a given academic year. The goal may be adjusted on an individual student basis when unavoidable circumstances exist.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (Recommended Substitute as Passed Committee): Student Growth Data as Evaluation Criteria. A provision requiring student growth data to be weighted such that it consists of 50 percent of the summative performance of certificated classroom teachers and principals for at least three of the evaluation criteria in the rating system is removed. Student growth data must instead be used to create a rank ordering of teachers and principals based

on the amount of student growth achieved. The bottom quartile of teachers and principals must be identified by districts as requiring additional support.

Seniority. A provision that seniority must not be weighted more than 10 percent after other factors are considered when making human resource or personnel decisions is removed. Instead, seniority must only be used as a tie-breaking factor in human resource and personnel decisions.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Proposed Substitute as Heard in Committee:
PRO: Freedom to use Title I funding in some districts has allowed those districts to provide instructional coaches, additional early learning support, and targeted interventions in grades pre-K through 12. Maintaining the freedom to use Title I funding is very important to these districts. Without the Title I flexibility the waiver grants one district, they will need to close six preschools and reduce student support. SB 5246 gives necessary guidance on how much student growth data should be weighted. State-based assessment data of student growth is one of multiple measures to be used, so even though Smarter Balanced assessments may result in lower scores over the first few years of implementation, other measures will mitigate that impact. Maintaining the waiver is critical because Title I money makes such an impact in some communities, particularly among low-income children and in rural school districts.

CON: Washington is one of the only states that has successfully implemented an evaluation system based on student growth, and the system should continue its rollout. Teachers and principals are confused that the system is changing again, and that the federal government is mandating that state-based assessments must be a factor in calculating student growth when the test itself does not measure student growth. Individual districts can obtain their own waivers if they desire flexibility; they do not have to operate under a state-obtained waiver. State tests do not measure student growth from one point to another. One district already has indicators of student growth that they individually developed, and this bill would tamper with that system. One district claims that their data has been more relevant and timely than state data. There is a fear that the flexibility to choose the right teacher for the school's culture will be lost. There is concern about setting specific weights for student growth and seniority, and local control should be maintained. Requiring a full year of student growth as a baseline goal will be difficult to implement, particularly when students transition from elementary to middle school and middle school to high school; the goal is too specific to be practical.

OTHER: Local control over the use of assessment data is better because it provides a more individualized snapshot of student achievement within a district. In the last four years, there have been four major changes to the Teacher and Principal Evaluation Program (TPEP), which has made it difficult to train educators on the system. The waiver is important and should be maintained, but the minimum number of other changes to the TPEP system should

be made so that the implementation may continue without much upheaval. No one wants to have Title I money being used ineffectively by being tied up in transportation, and no one wants to have their school be labeled as a failing school; but on the other hand, Washington is a local control state and should not have to adjust its evaluation system based on federal demands.

Persons Testifying: PRO: Carla Santorno, Tacoma Public Schools Superintendent; Frank Ordway, League of Education Voters; Anne Heavey, Partnership for Learning; Dave Powell, Stand for Children.

CON: Randy Dorn, Superintendent of Public Instruction; Lucinda Young, WA Education Assn.; Kristin DeWitte, Irene Bare, Marysville School District.

OTHER: Marie Sullivan, WA State School Directors' Assn.; Dan Steele, WA Assn. of School Administrators; Jerry Bender, Assn. of WA School Principals.