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**SUBSTITUTE HOUSE BILL 2277**

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**State of Washington**

**53rd Legislature**

**1994 Regular Session**

**By** House Committee on Education (originally sponsored by Representatives Jones, Dorn, R. Meyers, Schmidt, Pruitt, Karahalios, Holm, Kessler, Zellinsky, Brough, Mastin, Patterson, Basich and J. Kohl)

Read first time 02/02/94.

1 AN ACT Relating to teacher evaluation; amending RCW 28A.405.100;  
2 and providing an effective date.

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

4 **Sec. 1.** RCW 28A.405.100 and 1990 c 33 s 386 are each amended to  
5 read as follows:

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

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

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

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

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

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

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

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

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

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

37 (5) After an employee has four years of satisfactory evaluations  
38 under subsection (1) of this section, a school district may use a short  
39 form of evaluation, a locally bargained evaluation emphasizing

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

21 NEW SECTION. **Sec. 2.** This act shall take effect September 1,  
22 1994.

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