

SENATE BILL REPORT

SB 5340

As Passed Senate, March 12, 1997

Title: An act relating to the probationary period for certificated educational employees.

Brief Description: Changing probation provisions for certificated educational employees.

Sponsors: Senators Hochstatter, Johnson, Zarelli, Oke and Finkbeiner.

Brief History:

Committee Activity: Education: 2/7/97, 2/18/97 [DP].
Passed Senate, 3/12/97, 48-0.

SENATE COMMITTEE ON EDUCATION

Majority Report: Do pass.

Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Staff: Karen Carter (786-7424)

Background: School principals are responsible for evaluating the performance of classroom teachers and certificated support personnel at least twice each year. Work judged to be unsatisfactory by district performance standards is grounds for probation. Under current law, district superintendents must notify employees of their probation by February 1 and such probation cannot extend beyond May 1. The probation notice must be specific as to the areas of work deficiency, and a reasonable, suggested program for improvement must be offered. Lack of necessary performance improvements thereafter is probable cause and grounds for discharge, or for not renewing an employee's contract.

Summary of Bill: The time frame governing the probation of a certificated school employee is modified. Options are created to reassign probationary employees for lack of subsequent performance improvements and provides for a study.

Modification of Probationary Period: An employee may be placed on probation any time after October 15 for failure to meet district employee performance standards. The probation is limited to 60 days. Lack of necessary performance improvements by a certificated staff member during the 60 days of probation is probable cause and grounds for discharge, or for not renewing the employee's contract.

Options for Nonperformance: If the probationary employee does not produce the necessary performance improvements, detailed in the initial notice, then after 60 days has expired, the district may reassign that employee for the remainder of the school year. Reassignments cannot displace another school employee nor should they adversely affect the compensation or benefits of the reassigned, nonperforming employee. If reassignment is not possible, a

district may choose to place the nonperforming employee on paid leave for the balance of the contract term.

Study of Evaluation Procedures: The Superintendent of Public Instruction (SPI) is directed to study and recommend changes in how certificated personnel are evaluated. The study must examine current performance standards as well as the use and effectiveness of the probationary process. Recommendations to the Legislature should be consistent with changes in teacher preparation programs as well as higher standards for students. In developing recommendations, the SPI must consult with local school directors, administrators, parents, students, certificated instructors, and deans of education. A final report to the Legislature is due by November 15, 1999.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Bargaining units have come to expect that probation notices, where appropriate, will not be handed out before February 1. That date is arbitrary. It can arrive too late for the sake of classroom students. It can arrive too early for the sake of educators when a teacher's performance is lacking but may not, as yet, prove to be seriously deficient. School administrators lack options, including reassignment remedies under current law. The act provides for a more flexible system that can address unique, individual performance circumstances while respecting due process owed to a teacher. To limit employee probation to a 60-day period is appropriate given that it is the generally accepted, industry working standard.

Testimony Against: None.

Testified: Randy Hathaway, Washington School Personnel Association (pro); Barb Wright, Washington School Personnel, Renton School District (pro); Jeanne Strickland, Washington School Personnel, Issaquah School District (pro); Jim Noddings, Renton School District, Nelson Middle School (pro); John Kvamme, Tacoma Public Schools (pro).

House Amendment(s): The study provision is deleted while adding two new provisions. First, an employee on probation must remain under the supervision of the original evaluator. Second, a request for transfer to a different position may not be considered until the evaluator documents improved performance or probable cause for not renewing the employee's contract.