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SENATE BILL 5340

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State of Washington                      55th Legislature                      1997 Regular Session

By Senators Hochstatter, Johnson, Zarelli, Oke and Finkbeiner

Read first time 01/23/97. Referred to Committee on Education.

1            AN ACT Relating to the probationary period for certificated  
2 educational employees; amending RCW 28A.405.100; creating a new  
3 section; and providing an expiration date.

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

5            **Sec. 1.** RCW 28A.405.100 and 1994 c 115 s 1 are each amended to  
6 read as follows:

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

16            Every board of directors shall, in accordance with procedure  
17 provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920,  
18 establish evaluative criteria and procedures for all certificated  
19 classroom teachers and certificated support personnel. The evaluative

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

7 Except as provided in subsection (5) of this section, it shall be  
8 the responsibility of a principal or his or her designee to evaluate  
9 all certificated personnel in his or her school. During each school  
10 year all classroom teachers and certificated support personnel,  
11 hereinafter referred to as "employees" in this section, shall be  
12 observed for the purposes of evaluation at least twice in the  
13 performance of their assigned duties. Total observation time for each  
14 employee for each school year shall be not less than sixty minutes.  
15 Following each observation, or series of observations, the principal or  
16 other evaluator shall promptly document the results of the observation  
17 in writing, and shall provide the employee with a copy thereof within  
18 three days after such report is prepared. New employees shall be  
19 observed at least once for a total observation time of thirty minutes  
20 during the first ninety calendar days of their 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))~~ at any time after October 15th. A probationary period of sixty  
26 school days shall thereby be established (~~(beginning on or before~~  
27 ~~February 1st and ending no later than May 1st))~~). The establishment of  
28 a probationary period does not adversely affect the contract status of  
29 an employee within the meaning of RCW 28A.405.300. The purpose of the  
30 probationary period is to give the employee opportunity to demonstrate  
31 improvements in his or her areas of deficiency. The establishment of  
32 the probationary period and the giving of the notice to the employee of  
33 deficiency shall be by the school district superintendent and need not  
34 be submitted to the board of directors for approval. During the  
35 probationary period the evaluator shall meet with the employee at least  
36 twice monthly to supervise and make a written evaluation of the  
37 progress, if any, made by the employee. The evaluator may authorize  
38 one additional certificated employee to evaluate the probationer and to  
39 aid the employee in improving his or her areas of deficiency; such

1 additional certificated employee shall be immune from any civil  
2 liability that might otherwise be incurred or imposed with regard to  
3 the good faith performance of such evaluation. The probationer may be  
4 removed from probation if he or she has demonstrated improvement to the  
5 satisfaction of the principal in those areas specifically detailed in  
6 his or her initial notice of deficiency and subsequently detailed in  
7 his or her improvement program. Lack of necessary improvement (~~shall~~  
8 be) during the established probationary period, as specifically  
9 documented in writing with notification to the probationer ((and))  
10 shall constitute grounds for a finding of probable cause under RCW  
11 28A.405.300 or 28A.405.210.

12 ~~((The establishment of a probationary period shall not be deemed to~~  
13 ~~adversely affect the contract status of an employee within the meaning~~  
14 ~~of RCW 28A.405.300.))~~

15 Immediately following the completion of the probationary period  
16 that does not produce the performance changes detailed in the initial  
17 notice of deficiencies and improvement program, the employee may be  
18 removed from his or her assignment and placed into an alternative  
19 assignment for the remainder of the school year. This reassignment may  
20 not displace another employee nor may it adversely affect the  
21 probationary employee's compensation or benefits for the remainder of  
22 the employee's contract year. If such a reassignment is not possible,  
23 the district may, at its option, place the employee on paid leave for  
24 the balance of the contract term.

25 (2) Every board of directors shall establish evaluative criteria  
26 and procedures for all superintendents, principals, and other  
27 administrators. It shall be the responsibility of the district  
28 superintendent or his or her designee to evaluate all administrators.  
29 Such evaluation shall be based on the administrative position job  
30 description. Such criteria, when applicable, shall include at least  
31 the following categories: Knowledge of, experience in, and training in  
32 recognizing good professional performance, capabilities and  
33 development; school administration and management; school finance;  
34 professional preparation and scholarship; effort toward improvement  
35 when needed; interest in pupils, employees, patrons and subjects taught  
36 in school; leadership; and ability and performance of evaluation of  
37 school personnel.

38 (3) Each certificated employee shall have the opportunity for  
39 confidential conferences with his or her immediate supervisor on no

1 less than two occasions in each school year. Such confidential  
2 conference shall have as its sole purpose the aiding of the  
3 administrator in his or her assessment of the employee's professional  
4 performance.

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

12 (5) After an employee has four years of satisfactory evaluations  
13 under subsection (1) of this section, a school district may use a short  
14 form of evaluation, a locally bargained evaluation emphasizing  
15 professional growth, an evaluation under subsection (1) of this  
16 section, or any combination thereof. The short form of evaluation  
17 shall include either a thirty minute observation during the school year  
18 with a written summary or a final annual written evaluation based on  
19 the criteria in subsection (1) of this section and based on at least  
20 two observation periods during the school year totaling at least sixty  
21 minutes without a written summary of such observations being prepared.  
22 However, the evaluation process set forth in subsection (1) of this  
23 section shall be followed at least once every three years unless this  
24 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) of this  
27 section be conducted in any given school year. No evaluation other  
28 than the evaluation authorized under subsection (1) of this section may  
29 be used as a basis for determining that an employee's work is  
30 unsatisfactory under subsection (1) of this section or as probable  
31 cause for the nonrenewal of an employee's contract under RCW  
32 28A.405.210 unless an evaluation process developed under chapter 41.59  
33 RCW determines otherwise.

34 NEW SECTION. **Sec. 2.** (1) The superintendent of public instruction  
35 shall conduct a study in consultation with local school directors,  
36 administrators, parents, students, certificated instructional  
37 personnel, and deans of schools of education regarding the evaluation  
38 of certificated classroom teachers and recommendations for changes in

1 the evaluation procedures for certificated teachers and certificated  
2 support personnel consistent with the changes in instructional  
3 certificated staff preparation programs and higher standards for  
4 students. The study shall include recommendations for changes based  
5 upon subjects including but not limited to:

6 (a) A review of the evaluation criteria and standards for  
7 performance for certificated staff; and

8 (b) A review of the use and effectiveness of the probationary  
9 process related to certificated staff.

10 (2) A report shall be made to the appropriate committees of the  
11 legislature not later than November 15, 1999.

12 (3) This section expires December 31, 1999.

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