

HOUSE BILL REPORT

HB 3035

As Reported by House Committee On:
Education

Title: An act relating to educator performance and innovation.

Brief Description: Regarding educator performance and innovation.

Sponsors: Representatives Quall, Priest, Hunter, Carlyle, Probst, Kagi, Haigh, Lias, Dammeier, Kelley, Anderson, Kenney, Conway, Santos, Maxwell, Sullivan and Rolfes.

Brief History:

Committee Activity:

Education: 1/27/10, 2/2/10 [DPS].

Brief Summary of Substitute Bill

- Directs the Superintendent of Public Instruction (SPI) to create common, statewide models for evaluation criteria and four-level rating systems for classroom teachers and principals, based on specified minimum criteria.
- Establishes a phase-in schedule beginning in 2010-11 with selected districts who agree to collaborate in the development of the evaluation systems and requiring statewide implementation in 2013-14.
- Requires school districts either to adopt the statewide evaluation models or submit a modified system that the SPI may approve for use if it is equivalent to or better than the statewide model.
- Extends provisional status for non-supervisory certificated staff from two to three years.
- Establishes a new process and standards for transferring principals to a subordinate position, which applies only to principals hired after the bill takes effect and in school districts with more than 35,000 students.
- Amends the law pertaining to supplemental contracts to include implementing innovative activities to close the achievement gap or develop learning opportunities in science, technology, engineering, and mathematics.

HOUSE COMMITTEE ON EDUCATION

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.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Quall, Chair; Maxwell, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dammeier, Fagan, Johnson, Orwall, Probst and Santos.

Minority Report: Do not pass. Signed by 3 members: Representatives Hunt, Liias and Sullivan.

Staff: Barbara McLain (786-7383).

Background:

Teacher Evaluation.

The Superintendent of Public Instruction (SPI) must establish minimum criteria for the evaluation of teachers and other certificated support staff. For classroom teachers, the criteria must be based on the following categories:

- instructional skill;
- classroom management;
- professional preparation and scholarship;
- effort toward improvement when needed;
- handling of student discipline and attendance problems;
- interest in teaching pupils; and
- knowledge of subject matter.

Timelines and procedures are specified in the law for the conduct of evaluations and the use of results. Teachers whose work is judged "unsatisfactory" may be placed on probation or, in the case of provisional employees, subject to non-renewal of an employment contract. There is a short-form evaluation (also called the professional growth option) for those who have received four consecutive satisfactory evaluations.

Beyond the minimums provided in statute, the details of the process and criteria for evaluation are subjects of collective bargaining. Each school district must have a process and criteria.

Principal Evaluation.

School boards are also required to establish criteria and procedures for evaluating administrators. Depending on the job description, evaluation criteria include:

- knowledge of, experience in, and training in recognizing good professional performance, capabilities, and development;
- school administration and management;
- school finance;
- professional preparation and scholarship;
- effort toward improvement when needed;
- interest in pupils, employees, patrons, and subjects taught in school;
- leadership; and
- ability and performance of evaluation of school personnel.

Provisional Status and Transfer to a Subordinate Position.

Except for superintendents, all school district employees are hired on a one-year contract. With one exception, all certificated instructional and administrative staff are offered a contract renewal for the following year unless there is a probable cause that the contract should not be renewed. This is called a continuing contract. Evidence must be provided and due process procedures and appeal rights are required for a showing of probable cause and the non-renewal or termination of a continuing contract.

The exception is for non-supervisory certificated staff who have provisional status during the first two years of employment (one year if they worked at least two years in another district). While there are some procedures and due process requirements for non-renewal of a provisional employee's contract, it is not necessary for the district to show probable cause as a justification.

Certificated administrative staff do not have provisional status. However, they can be transferred within the district to a subordinate position (e.g., one with lower pay) if the superintendent determines it is in the best interest of the school district. The administrator can request that the school board reconsider the superintendent's determination, but no further appeal is provided. For principals, this transfer can only occur within the first three years of employment as a principal (one year if they have been a principal in another district for three years). Otherwise, principals have a continuing contract under the same laws as all other certificated staff.

Supplemental Contracts.

Salaries paid to certificated instructional staff can exceed the limitations imposed by laws pertaining to the statewide salary allocation schedule only through a supplemental contract for "time, additional responsibilities, or incentives." The supplemental contracts must be paid with non-state funds and cannot be for basic education services.

Summary of Substitute Bill:

Teacher Evaluation.

All school districts must adopt revised criteria and a four-level rating system for evaluating classroom teachers based on the procedure outlined in the bill. The minimum evaluation criteria must include:

- centering instruction on high expectations for student achievement;
- demonstrating effective teaching practices;
- recognizing individual student learning needs and developing strategies to address those needs;
- providing clear and intentional focus on subject matter content and curriculum;
- fostering and managing a safe, positive learning environment;
- using multiple student data elements to modify instruction and improve student learning;
- communicating and collaborating with parents and school community; and
- exhibiting collaborative and collegial practices focused on improving instructional practice and student learning.

The four-level rating system must describe performance on a continuum that indicates the extent the criteria have been met or exceeded. When student growth data, if available and appropriate, is referenced in the evaluation process, it must be based on multiple measures. "Student growth data" means change in student achievement between two points in time.

Teachers can use a short-form evaluation after four years of receiving one of the top two evaluation ratings. Locally-bargained short-form evaluations must provide that professional growth is specifically linked to one or more of the evaluation criteria.

Principal Evaluation.

School districts must also adopt revised criteria and a four-level rating system for evaluating principals based on the procedure outlined in the bill. Minimum criteria must include:

- creating a school culture that promotes the ongoing improvement of learning and teaching for students and staff;
- providing for school safety
- leading the development, implementation, and evaluation of a data-driven plan for increasing student achievement, including the use of multiple student data elements;
- assisting instructional staff with alignment of curriculum, instruction, and assessment with state and local district learning goals;
- monitoring, assisting, and evaluating effective instruction and assessment practices;
- managing both staff and fiscal resources to support student achievement and legal responsibilities; and
- partnering with the school community to promote student learning.

The four-level rating system for principals must have the same characteristics as the one for teachers.

Implementation of New Evaluation Systems.

The SPI must create common statewide models for the evaluation system criteria and the four-level rating systems for teachers and principals. Models must also be developed for student growth measurement tools, professional development programs, and evaluator training. The new evaluation systems will be phased in beginning in 2010-11 as follows:

1. A set of school districts must be selected by the SPI based on agreement of local associations representing teachers and principals to collaborate with their district, and agreement of the district to participate in a full range of development and piloting activities in 2010-11 and 2011-12.
2. Based on the developmental work in 2010-11, the SPI must adopt common statewide models for the evaluation criteria and the four-level rating systems, one each for teachers and principals, which are to be used by the pilot school districts in 2011-12. The SPI may make modifications to the models based on the districts' experience.
3. During the 2012-13 school year, each school district in the state must use the new evaluation systems for at least some employees.
4. Beginning in 2013-14 each school district in the state must either implement the common statewide models for evaluating teachers and principals, or submit a modified model to the SPI. Modifications to the model for evaluating teachers must be developed through collective bargaining. If the SPI determines the modified

model proposed by a district is equivalent to or better than the statewide model, the district may use the modified version.

The SPI must provide reports on the status of implementation by July 1, 2011, and July 1, 2012. The SPI and representatives of statewide associations must also analyze how the new evaluation systems affect issues related to a change in contract status for employees.

If funds are provided for beginning teacher support programs, school districts participating in the phase-in of the new evaluation systems receive first priority for funds during the phase-in period.

School districts must annually report to the SPI on the evaluation criteria and results for all district staff, and provide information to the community about district policies for hiring, assigning, evaluating, and terminating staff. School district staff assignment policies must be based on a plan to ensure that the policy supports the learning needs of all students and gives specific attention to high-need schools and classrooms.

Provisional Status and Transfer to a Subordinate Position.

Provisional status for newly hired non-supervisory certificated staff is changed to three years instead of two years, except that the district superintendent can choose to move an individual to continuing contract status if the person received one of the top two evaluation ratings during the second year of employment. Additional observations are required for purposes of evaluating a provisional employee in their third year.

Principals hired after the effective date of the bill can be transferred to a subordinate position in the district even if they have more than three years of employment as a principal, based on the superintendent's determination that the results of the principal's performance evaluation provide a valid reason for the transfer. If a valid reason is shown, regardless of probable cause, it is deemed that the transfer is reasonably related to the principal's performance. No probationary period is required, but support and an attempt at remediation, as defined by the superintendent, are required. Notice of any such transfer is required and principals have the right to meet informally with the school board to request a reconsideration. A final decision by the board to transfer the principal cannot be appealed. These provisions apply only in school districts with more than 35,000 students.

Supplemental Contracts.

The following is added to activities that can be covered by supplemental contracts: implementing specific measurable innovative activities to close the achievement gap or focus on development of science, technology, engineering, and mathematics learning opportunities, to include professional development.

Substitute Bill Compared to Original Bill:

"Collaborating" with parents is added to the criteria for evaluating teachers. The SPI must create common statewide models for the evaluation system criteria and the four-level rating systems for teachers and principals, which are implemented in 2011-12 in a set of school districts that were selected to participate in their development, and then implemented in 2012-13 in all school districts for at least some employees. Beginning in 2013-14 each

school district in the state must either implement the common statewide models, or submit a modified model to the SPI. If the SPI determines the modified model proposed by a district is equivalent to or better than the statewide model, the district may use the modified version. In the original bill, each school district established revised evaluation system criteria and four-level rating systems through collective bargaining. The SPI, with a set of selected school districts, developed and pilot-tested models for the criteria and rating systems and made them available in 2011-12 for optional use by other school districts.

A new process and standard for transferring principals who have been employed for more than three years to a subordinate position is created, based on the superintendent's determination that the results of the principal's performance evaluation provide a valid reason for the transfer. These provisions apply only in school districts with more than 35,000 students and only to principals hired after the effective date of the bill.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Good teachers and good principals are the foundation of good schools. We know that, but one thing that is missing is a good evaluation system. A "satisfactory" rating versus an "unsatisfactory" rating is not helpful information. It is not meaningful for improving student learning. Some school districts have already developed four-tiered rating systems that provide good feedback. The wording is a bit different from district to district, but the system provides motivation for teachers to improve. Two years is not enough time for a solid evaluation of a teacher's performance before tenure is granted. It is recognized that there is general dissatisfaction with the evaluation system currently in place. The goals of the system are clearly outlined in law, but the reality does not match these goals. In effect, this bill tries to accomplish the stated goals. We are already implementing a performance-based and evidence-based philosophy in our teacher certification system; it is time to do the same in our evaluation system. The current law does not specifically identify the important role of a principal or the standards for evaluating principals. It is important for school districts and their employees to work together to develop these evaluation systems. Conversations have gone on over the last six months about how to create an evaluation system that is research-based and supports effective teaching. The local flexibility is appreciated. Many school districts will adopt the SPI model, but others are already on the cutting edge and will create their own systems. It is critical to provide extra pay for teachers who are high-performing and work in high poverty, high minority schools. Excellent teachers are critical in these schools. The criteria around parent engagement should be strengthened; the current language addresses only one-way communication.

(In support with concerns) The evaluation criteria should be tightened up to focus on student improvement. A number of districts have done work on this. The way to improve the evaluation system is to focus on student learning. This cannot be based on a single measure, but it is nevertheless very important. This is a good start, but it must go further. Significant improvements in evaluation systems are needed to help all students succeed and provide adequate feedback for teachers. There is significant public support for these changes. According to the federal grant criteria, at least 50 percent of the evaluation should be based on evidence of improved student learning, using objective data. It is critical to have a statewide measure of student growth. Leaving it up to each district to develop criteria, rating models, and measures of student growth is too much of a burden and leads to too much inconsistency. The criteria for addressing poor performance should also be changed to permit teachers to be put back in provisional status based on their performance. This represents progress, but student data must be used to evaluate performance. People believe teachers should be compensated based on their performance. In what other profession do you reward individuals who merely stay in the classroom because they are not judged unsatisfactory? This is not as strong as it should be.

(Neutral) The statistics about students are very serious. Too many drop out of school; too many need remediation before being ready for college. We must do what the Department of Education is calling for in implementing a rigorous evaluation system.

(Opposed) None.

Persons Testifying: (In support) Representative Quall, prime sponsor; Judy Hartmann, Governor 's Executive Policy Office; Mary Lindquist, Washington Education Association; Rudy Edwards; Dr. Rayburn Lewis, Washington Association of Black Professionals in Health Care; Kim Howard, Washington State Parent and Teacher Association; Doreen Cato, Stand for Children and First Place; and Randy Dorn, Superintendent of Public Instruction.

(In support with concerns) George Scarola, League of Education Voters and Excellent Schools Now; Erin Gustafson, Stand for Children; Caroline King, Partnership for Learning; and Shannon Campion, Stand for Children and Excellent Schools Now.

(Neutral) Liv Finne, Washington Policy Center.

Persons Signed In To Testify But Not Testifying: (In support) Julie Suchanek, The Evergreen State College; and Desean Quinn and Joe Duffie, Tukwila City Council.