

SENATE BILL REPORT

SB 5895

As Reported by Senate Committee On:
Ways & Means, February 7, 2012

Title: An act relating to education.

Brief Description: Regarding certificated employee evaluations.

Sponsors: Senator Murray.

Brief History:

Committee Activity: Ways & Means: 2/07/12 [DPS].

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5895 be substituted therefor, and the substitute bill do pass.

Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli, Ranking Minority Member; Parlette, Ranking Minority Member Capital; Baumgartner, Brown, Conway, Fraser, Harper, Hatfield, Hewitt, Honeyford, Keiser, Kohl-Welles, Pridemore, Regala and Schoesler.

Staff: Elise Greef (786-7708)

Background: Teacher and Principal Evaluation Systems. Certain aspects of performance evaluation for certificated school employees are specified in statute. Consequences such as probation or nonrenewal of contract are based on performance judged not satisfactory. Before 2010 one set of evaluation criteria was specified for teachers and other certificated instructional staff (CIS), and one set for administrators. Beyond the minimums provided in statute, the details of the process and criteria for evaluation are subjects of collective bargaining.

Legislation enacted in 2010 directed development of revised evaluation systems specifically for teachers and principals, including eight new evaluation criteria for teachers, eight criteria for principals, and a four-level rating system that uses a continuum of performance based on the extent the criteria have been met.

The revised evaluation systems have been implemented first in eight pilot school districts and a consortium of small rural school districts, beginning with a design phase in 2010-11 and

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trial implementation in 2011-12. The Office of the Superintendent of Public Instruction (OSPI), along with a steering committee of organizations representing teachers, principals, administrators, and parents, has been overseeing implementation of the Teacher Principal Evaluation Pilot (TPEP).

The pilot districts have been using research-based frameworks that describe the attributes and characteristics of teaching and leadership based on the evaluation criteria and based on levels of performance. OSPI was directed to recommend in a July 2011 report whether a single statewide evaluation model should be required. The preliminary recommendation was that districts should be encouraged to select from a limited number of state-approved models, with a state approval process for districts who wished to use a different system.

Revised teacher and principal evaluation systems must be implemented in all school districts beginning with the 2013-14 school year. State requirements for the evaluation of other CIS and other administrators have not changed.

Probation. For teachers and other CIS whose performance is judged not satisfactory, a probationary period of 60 school days must be established, along with a program for improvement in specific areas of deficiency. An employee may be removed from probation if that employee has demonstrated improvement to the satisfaction of the evaluator in the areas identified in the improvement program. Lack of improvement is grounds for a finding of probable cause for nonrenewal of contract.

Evaluation Periods. Evaluations of teachers and other CIS must be conducted annually. However, after a teacher or CIS has four years of satisfactory evaluations, the school district may use a short form of evaluation, a locally-bargained professional growth option, a regular evaluation, or some combination. A regular evaluation must be conducted at least once every three years unless the local bargaining agreement extends this time period. A teacher under the revised system will be eligible for a short form of evaluation after four years at one of the top two evaluation ratings.

Evaluation Training. School districts must require any supervisor with responsibility for evaluation to have training in evaluation procedures, and a supervisor may not evaluate a teacher without having received such training.

Provisional and Continuing Contract Status. Except for superintendents, all school district employees are hired on a one-year contract. Teachers and other CIS are considered provisional employees during the first three years of employment or during the first year in a new district if they have 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. All other certificated staff, including administrators, are considered to have continuing contract status where probable cause must be shown for nonrenewal.

Teacher and Principal Certification. The Professional Educator Standards Board (PESB) has established two levels of certification: residency, which is achieved after completion of an approved preparation program; and professional, which is a second-tier certification achieved after three years of experience and a specified process of additional professional

development. For renewal of professional certificates, instead of a certain number of hours of continuing education, PESB is moving toward requiring teachers and principals to establish individualized professional growth plans (PGPs) under which a variety of planned activities may occur that are intended to improve their knowledge and skills.

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

Summary of Bill (Recommended Substitute): Teacher and Principal Evaluation Systems. The following labels are established for the four levels of the teacher and principal rating systems:

- Level 1: Unsatisfactory.
- Level 2: Basic.
- Level 3: Proficient.
- Level 4: Distinguished.

Each teacher and principal receives one of the four performance ratings for each of the eight evaluation criteria, and an overall rating for the entire evaluation. OSPI must adopt rules by December 1, 2012, establishing summative comprehensive evaluation descriptors for each level based on the work of the pilot districts. After December 1, 2012, any changes must follow consultation with a group similar to TPEP steering committee.

School districts are encouraged to recognize teachers and principals with Distinguished ratings.

School districts must adopt a leadership framework that supports the revised evaluation system. The framework must be posted on the district's web site.

OSPI must also adopt rules for a transition plan using the recommendations from TPEP steering committee by December 1, 2012.

The transition period begins in the 2013-14 school year and end in the 2016-17 school year. School districts must increase the number of teachers and principals evaluated with each transition year.

Probations. Additional days of probation may be added to the required 60 days for certificated classroom support personnel and teachers as long as the probationary period is concluded before May 15 of that year. If a procedural error occurs during probation, the error does not invalidate the program of improvement or evaluation unless they are materially affected.

For teachers and principals who have been transitioned to the new evaluation system, not satisfactory is defined, for purposes of probation, as:

- a summative comprehensive evaluation performance rating at Level 1; or
- a summative comprehensive evaluation performance rating at Level 2 if the teacher or principal has a continuing contract with more than five years' experience and if the rating is received for either two consecutive years or two out of three years.

To be removed from probation, a teacher must demonstrate improvement; and a teacher with provisional status, or continuing contract status but fewer than five years' experience, must achieve at least a Level 2 rating. Continuing contract teachers with more than five years' experience must achieve at least a Level 3 rating.

Evaluation Periods. Annual, comprehensive evaluations must be conducted for teachers and principals who have been transitioned to the new system. A comprehensive evaluation uses all eight criteria and occurs once every four years except when applied to the following:

- classroom teachers with provisional status;
- principals in the first three consecutive school years of employment;
- principals previously employed as a principal by another district in Washington for three or more consecutive school years and in the first full year as a principal in the district;
- classroom teacher on probationary status;
- principals on probationary status; and
- certificated classroom teachers and principals with a comprehensive evaluation rating at level 2 the previous year.

Teachers and principals with four consecutive years of evaluations at a rating of Level 3 or above are eligible for an annual focused evaluation, which is based on one selected criteria for a performance rating following professional growth activities. The selected criteria must be approved by the evaluator and may have been identified in previous evaluations. The rating for a focused evaluation is calculated using the previous score from the other seven criteria and the new score from the focused criteria.

A group of teachers or a group of principals may focus on the same criteria and share professional growth activities. A teacher or principal may be transferred from a focused evaluation process to a comprehensive evaluation process because they have requested to receive a comprehensive evaluation or because the evaluator requires that a comprehensive evaluation be conducted. Professional growth activities under focused evaluations may be used to fulfill PGP requirements for professional certificate renewal.

Evaluation Training. Principals and administrators who are evaluators must engage in professional development to implement the revised evaluation system before evaluating teachers.

OSPI must develop a professional development program to support implementation of the revised evaluation systems. To the extent possible, materials must be made available online and use web-based tools, and they must be provided to teachers and principals preparation programs. Required components and topics of the program are specified.

Principal Certification. After August 31, 2013, to receive a residency certificate, candidates for principal must have demonstrated knowledge of teacher evaluation research and Washington's evaluation requirements, and they must have successfully completed opportunities to practice teacher evaluation skills. Components of the expected knowledge and skills are specified.

Appropriation: None.

Fiscal Note: Available on SB 6177, which is identical.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This legislation builds on the investments that you have already made to build a rigorous, research-based teacher and principal evaluation system that is focused on instruction and student outcomes. It incorporates the work of the teacher/principal evaluation project. That organization has fulfilled the assignments you have given to them. As a result, this bill incorporates decisions and the work of that group and provides a framework for professional development for the implementation of the new teacher and principal evaluation systems. From a fiscal point of view, we are delighted to see acknowledgement of the need for funding support to train principals and central office administrators to do the job right and end up with greater reliability. The bill allows you to stay the course with professional development of teachers and principals. This bill takes the work the pilots have done and implements it, although there is a concern about going too fast in the process. The professional development element is important. The funding for professional development is essential. Without the funding, the risk is another cookie-cutter system that does not benefit anyone.

CON: Although Superintendent Dorn does not support this bill, he does support aspects of it. It is excellent to see many of the Superintendent's recommendations implemented, as well as funding for training. However, the Superintendent is concerned about the methods that are proposed to ensure the few bad teachers are exited from the system.

Persons Testifying: PRO: Judy Hartmann, Education Policy Advisor to Governor Gregoire; Jerry Bender, Assn. of WA School Principals; Dan Steele, WA Assn. of School Administrators; Lucinda Young, WA Education Assn.

CON: Shawn Lewis, CFO, OSPI.