

# SENATE BILL REPORT

## ESSB 5895

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As Passed Senate, February 14, 2012

**Title:** An act relating to evaluating certificated employees.

**Brief Description:** Regarding certificated employee evaluations.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senator Murray).

**Brief History:**

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

Passed Senate: 2/14/12, 46-3.

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### 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 Engrossed Substitute Bill:** 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. The Office of Superintendent of Public Instruction (OSPI) must adopt rules that describe the ratings and set a common method for calculating the comprehensive and focused summative evaluation ratings. Student-growth data must be a substantial factor in evaluating performance for at least three of the eight evaluation criteria for both teachers and principals. This student-growth data may include the teacher's performance as an individual or as a member of a team, when relevant.

OSPI must identify up to three preferred instructional frameworks and three leadership frameworks to support the new evaluation system. Each school district must use one of the preferred frameworks for teachers and one for principals.

Beginning with the 2015-16 school year, evaluation results for certificated classroom teachers and principals are used as one of multiple factors in making human resource and personnel decisions. Human resource decisions defined to include (but not be limited to) staff assignment, including the consideration of an agreement to an assignment by an appropriate teacher, principal, and superintendent; and reduction in force. Clarification is included that the bill does not limit the ability to collectively bargain how the multiple factors are used in making human resource or personnel decisions, with the exception that evaluation results must be a factor.

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

Implementation begins no later than the 2013-14 school year and end in the 2016-17 school year and is fully complete in the 2015-16 school year. The bill details which teachers and principals must transition to the new evaluation system first.

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. However, for teachers with five or more years of experience receiving performance rating less than Level 2, the probationary period may be extended into the second year. If the teacher does not make progress in the second year and move from Level 2, the district must implement the employee-dismissal process.

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 five or more years' experience and if the rating is received for either two consecutive years or two out of three years.

A teacher cannot leave provisional status and gain continuing-contract status until the teacher receives at least a Level 2 rating.

Evaluation Periods. All teachers and principals must be evaluated each year. Every four years, the evaluation must be comprehensive and use all eight criteria. In the intervening years, evaluations are focused, zeroing in on a specific evaluation criterion for professional development.

Annual, comprehensive evaluations must be given in the following cases:

- new teachers and principals in the first three years of employment;
- new principals in the first year of employment, if previously employed as a principal by another district in Washington for three or more consecutive school years; and
- teachers or principals receiving a Level 1 or Level 2 rating in the previous year.

School districts are encouraged to conduct comprehensive evaluations of principal performance annually.

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.

Subject to funds appropriated, OSPI must develop a professional development program to support implementation of the revised evaluation systems. The professional-development program must include an online training package. Required components and topics of the program are specified.

Principal Certification. After August 31, 2013, residency principal candidates must show knowledge of evaluation research, use of student-growth data and multiple measures, and Washington's requirements and have practiced evaluation skills. Beginning in September, 2016, the Professional Educator Standards Board must incorporate evaluation training as a requirement for continued certification.

**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.