

SENATE BILL REPORT

SB 5896

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

Title: An act relating to education.

Brief Description: Implementing revised teacher and principal evaluation systems.

Sponsors: Senator Murray.

Brief History:

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

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5896 be substituted therefor, and the substitute bill do pass.

Signed by Senators Murray, Chair; Zarelli, Ranking Minority Member; Parlette, Ranking Minority Member Capital; Baumgartner, Fraser, Hatfield, Hewitt, Holmquist Newbry, Honeyford, Kastama, Keiser, Padden, Regala, Schoesler and Tom.

Minority Report: Do not pass.

Signed by Senators Conway and Pridemore.

Staff: Elise Greef (786-7708)

Background: Teacher and Principal Evaluation Systems. Certain aspects of performance evaluation for 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.

In 2010 the Legislature passed E2SSB 6696 that, among other things, 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 using a continuum of performance based on the extent the criteria have been met. Data on student growth, the change in student achievement between two points in time, may be

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included in evaluation of a teacher or principal if it is based on multiple measures of student achievement.

The revised evaluation systems have been implemented in eight pilot school districts plus one consortium of small rural school districts, beginning with a design phase in 2010-11 and trial implementation in 2011-12. The Office of Superintendent of Public Instruction (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.

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 nonrenewal 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. In addition to performance, enrollment declines and loss of revenue may be reasons for contract nonrenewal.

Layoffs and Assignment. Matters such as order of layoffs or recall and transfer or assignment of staff are not specified in statute. These are determined by school district policies or collective bargaining agreements.

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

Summary of Bill (Recommended Substitute): The bill makes several changes to the Teacher and Principal Evaluation Project, created in the 2010 Legislative Session.

Teacher and Principal Evaluation Systems. The OSPI must establish common components of evaluation systems for teachers and principals that must be used by school districts starting in 2013-14 in order to ensure fairness and comparability of evaluation results across the state. Student growth data must be included as a significant factor in the evaluations. Student input for teachers and building staff input for principals may also be included in evaluations.

Beginning in the 2014-15 school year, each teacher and principal must have an individual professional growth plan, informed by the evaluation results and designed to assist in increasing the skills and competencies identified in the evaluation. The OSPI and the Educational Service Districts (ESDs) must act as clearinghouses of professional development opportunities for teachers and principals to meet their professional growth plans. To the extent funds are available, the OSPI and the ESDs may provide professional development, including on a fee-for-service basis.

Provisional and Continuing Contract Status. Beginning in the 2014-15 school year, to gain continuing contract status, a provisional teacher must receive one of the top two evaluation ratings for three years within a five-year period. Other provisional CIS must receive satisfactory evaluations for the same time period. Years of non-employment or leave of absence are not included in the time period, but years of employment in multiple districts are included.

Teachers and other CIS who are under continuing contracts who receive an unsatisfactory or lowest evaluation rating for two years in a row are moved back to provisional status, including those who have been on probation.

Layoffs and Assignment. District policies or bargaining agreements regarding contract nonrenewal due to enrollment decline or loss of revenue for principals or teachers within an endorsement area must require consideration of the results of performance evaluations before other factors such as seniority may be considered. Policies or agreements that specify recall rights must recall staff in the reverse order.

Policies or agreements regarding school assignment and placement decisions for principals and teachers must also require consideration of the results of performance evaluations before other factors may be considered, and must incorporate analysis of the best match between the needs of the assignment and the skills of the principal or teacher.

Policies or agreements regarding assignment of a teacher to a school must provide a process that includes mutual agreement by the superintendent, teacher, and principal unless there are exceptional circumstances.

These provisions pertaining to layoffs and assignment apply to policies and agreements no later than September 1, 2014, but nothing precludes policies or agreements that are consistent with these provisions before that date. Current bargaining agreements are not affected, but agreements entered into or amended after the bill takes effect must be consistent with these provisions.

Appropriation: None.

Fiscal Note: Available for SB 6203, 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 bill is about ensuring that every child in our state has access to a great teacher. Teachers are the most important factors in the quality of education students receive – leading to better graduation rates, college enrollment rates, and a better-prepared workforce. The economic benefits to a student of having great teachers are staggering. A recent study conducted by Harvard and Columbia tracked 2.5 million students in this country for 20 years and tracked back their lifetime earnings based on the quality of teaching they'd received. It found that replacing one below-average teacher with an average teacher in a single year in the students' 12-year education resulted in the entire

classroom earning an average of \$260,000 more, each over their lifetimes. This bill improves the policies of how evaluations are used, and the data that are measured, with marginal fiscal cost. The bill would use Washington State's resources effectively by building on the good work of the teacher/principal evaluation pilots. The time for strong educator performance reform is now, and this bill is the only one that makes such reforms a reality. There are many good components of this bill, including using student growth as a component of the evaluations, using evaluation results as a factor in employment decisions, ending forced placements, requiring mutual agreement when teachers are placed, increasing the rigor to earn and keep non-provisional contract status, and investing in professional development – which constitutes the bulk of the fiscal note. Studies show teachers' influence on student achievement is 20 times greater than any other variable, including class size or poverty. Three years of good teaching increases student achievement; a good return on our investment. The bill includes five areas that are each essential to a strong evaluation system: (1) using student growth in teacher evaluations; (2) using evaluations as a factor in personnel decisions; (3) mutual agreement among teachers, principals and superintendents regarding placement – yielding teams of people who want to work together in the same school toward the same goals; (4) teachers earning ongoing contracts by demonstrating a high level of competence rather than just by having been hired back for three years in a row; and (5) the approach of managing the results of two successive years of unsatisfactory evaluations and the recognition that there might be better professions for some individuals.

CON: We are worried the bill moves too fast, although we agree with some of the concepts in the bill. We are not sure we have the time, money, or manpower to implement at this time. Although Superintendent Dorn does not support this bill, he does support aspects of it. The bill does not require training for all principals prior to implementation. Good aspects include the elements regarding accountability and teacher evaluation that mirror the Superintendent's recommendations. Washington Education Association (WEA) members that have worked on the evaluation pilots realize that some work is still ongoing. For example, how to use student-growth data in teacher evaluations is a topic still being researched.

Persons Testifying: PRO: Dave Powell, Stand for Children; George Scarola, League of Education Voters; Jana Carlisle, Partnership for Learning.

CON: Dan Steele, WA Assn. of School Administrators; Shawn Lewis, CFO, OSPI; Lucinda Young, WEA.