

# SENATE BILL REPORT

## SB 6203

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As of February 3, 2012

**Title:** An act relating to implementing and using the results of educator evaluation systems.

**Brief Description:** Implementing revised teacher and principal evaluation systems.

**Sponsors:** Senators Tom, Litzow, Hobbs, Kastama, Shin, Baumgartner, Fain, Hill, King, Parlette, Delvin, Hatfield, Hewitt, Sheldon, Murray, Swecker, Frockt and Pflug.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 1/23/12.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Staff:** Ingrid Mungia (786-7423)

**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 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.

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*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.*

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 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.

**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 takes the next logical step with the evaluation system and starts to use it for personnel purposes. Everything is centered around making sure we have the best teacher in the classroom. Every organization out there, nonprofit or for profit corporations, use their evaluation system in personnel matters. It is important to make sure you have an evaluation system that really matters and to make sure it is comprehensive. That is what we are trying to do with this system: take the evaluation system to the next system and ensure every child has great teachers and every school has great principals. We need to evaluate teachers in the classroom and come up with a system for improving them. We already have the framework for training, and we have piloted programs. We need to get it implemented now. We are supporting this bill because it has four additional features – student performance, end of force placement by using mutual consent, increase in the rigor to keep non-provisional status. We also like the robust professional development language. Studies show both teachers and voters overwhelmingly support using an evaluation system for continued contract status and as a measure of student growth. Now is the time to take the next step to make a strong impact on our students. We want to make sure we continue on the good work we have done in the pilots. The evaluations are part of professional growth and not a compliance system.

CON: Washington Education Association (WEA) believes these concepts were presented last year and they failed for good reason. There is no indication they will help student

learning. There is not any research to show an evaluation system should be a valid tool for reduction in force. This bill eliminates due process in the system.

**Persons Testifying:** PRO: Senator Tom, prime sponsor; Connie Gerlitz, parent; Jonelle Adams, WSSDA; Heather Cope, League of Education Voters; Anne Luce, Partnership for Learning/WA Roundtable; Dave Powell, Stand for Children.

CON: Lucinda Young, WEA.