

SENATE BILL REPORT

SB 6317

As of February 3, 2012

Title: An act relating to establishing a statewide plan for implementing revised teacher and principal evaluation systems to support continuous professional growth based on the development work of pilot school districts.

Brief Description: Establishing a statewide plan for implementing revised teacher and principal evaluation systems to support continuous professional growth based on the development work of pilot school districts.

Sponsors: Senators Frockt, McAuliffe, Keiser, Rolfes and Harper.

Brief History:

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

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 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 using 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 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 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).

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.

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. The 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. The employee may be removed from probation if the employee has demonstrated improvement to the satisfaction of the evaluator in the areas identified in the program of improvement. 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 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.

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, the 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: 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 ratings for each of the eight evaluation criteria, and an overall rating for the entire evaluation. The OSPI must adopt rules by December 1, 2012, establishing descriptors for each level, based on the development work of the pilot districts. Any future revisions must follow consultation with a group similar to the TPEP steering committee.

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

The OSPI must also adopt up to three preferred, research-based instructional frameworks and up to three leadership frameworks by September 1, 2012. School districts must adopt one each of the preferred frameworks. The OSPI must establish a process for approving minor modifications.

School districts must adopt an implementation schedule that transitions teachers and principals to the new evaluation systems beginning no later than 2013-14, with all teachers and principals evaluated under the new systems no later than 2016-17. Probationary and provisional teachers, and principals with fewer than three years' experience or new to the district, must be transitioned first.

Probation. Additional days of probation may be added to the required 60 days for teachers and other CIS 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 who have been transitioned to the new evaluation system, not satisfactory for purposes of probation is defined as:

- a Level 1 rating; or
- a Level 2 rating if the teacher 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.

Not satisfactory performance for principals who have been transitioned to the new evaluation system is defined in the same manner.

To be removed from probation, 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 systems. A comprehensive evaluation uses all eight criteria.

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 plus specifically linked 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. Professional growth activities under focused evaluations may be used to fulfill the PGP requirements for professional certificate renewal.

All teachers and principals must undergo a comprehensive evaluation at least once every three years. The focused evaluation does not apply to a teacher or principal in that person's first year in a new school district.

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

The 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 teacher and principal preparation programs.

Required components and topics of the program are specified.

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

The OSPI must monitor statewide implementation of the teacher and principal evaluation systems and provide a report to the education committees of the Legislature with findings, trends, and recommendations by December 1, 2016.

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: If you want a fair evaluation system, there should be four evaluations through the course of the year, and there should be two evaluators. Professional development will need to be funded. We appreciate the training that will go into evaluators. The timeline for the implementation of TPEP as proposed is doable. We encourage you to adopt the definitions of the four rating levels requiring the eight criteria for evaluations. We are pleased to see the bill recognizes that training is crucial to effective implementation.

Persons Testifying: PRO: Randy Dorn, Superintendent of Public Instruction; Aaron Wyatt, State Board of Education; Jonelle Adams, WA State School Directors Assn.; Jerry Bender, Assn. of WA School Principals; Mac Armstrong, WA Assn. of School Administrators; Lucinda Young, WA Education Assn.