
HOUSE BILL 2165

State of Washington 62nd Legislature 2011 2nd Special Session

By Representatives Maxwell, Dammeier, Lytton, Haigh, Reykdal, Santos, Ladenburg, Kagi, Kenney, and Billig

Read first time 12/09/11. Referred to Committee on Education.

1 AN ACT Relating to facilitating statewide implementation of revised
2 teacher and principal evaluation systems through professional
3 development and training; amending RCW 28A.415.023 and 28A.405.100;
4 adding new sections to chapter 28A.415 RCW; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature has made a commitment to
7 improve student achievement through high quality teaching and school
8 leadership by requiring a significant revision of performance
9 evaluations for teachers and principals. Pilot school districts have
10 led the way in developing evaluation systems using statewide criteria
11 definitions and research-based instructional frameworks, including
12 performance-based rubrics and multiple measures of performance, and
13 have been supported by supplemental funding from the state despite a
14 difficult fiscal environment.

15 (2) The legislature reaffirms its commitment to full statewide
16 implementation of revised evaluation systems in the 2013-14 school
17 year. Key to the success of this effort will be the readiness of
18 teachers, principals, and superintendents to fulfill their respective

1 roles and their level of understanding of the performance expectations
2 and the processes and tools for measuring and supporting performance
3 under the new system.

4 (3) Therefore the legislature intends to provide professional
5 development and training opportunities that are cost-effective and
6 accessible online. The legislature further intends to create the
7 expectation that teachers, principals, and superintendents dedicate a
8 portion of their continuing education to improving their understanding
9 of and capacity for high quality teaching and school leadership.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.415
11 RCW to read as follows:

12 (1) The office of the superintendent of public instruction shall
13 develop a comprehensive online training package for principals and
14 superintendents for the revised evaluation systems required under RCW
15 28A.405.100. The office shall also develop a modified version of the
16 training package to serve as an orientation for teachers. To the
17 maximum extent feasible, the office shall incorporate or adapt existing
18 online training or curriculum, including securing materials or
19 curriculum under contract or purchase agreements within available
20 funds.

21 (2) The training package must be developed in modules that allow
22 users to access the material over a reasonable number of training
23 sessions and in a self-directed manner. The package should incorporate
24 multiple modes of instruction, including videos of classroom teaching;
25 participatory exercises; and other engaging combinations of online
26 audio, video, and print presentation.

27 (3) The training package must include, but not be limited to, the
28 following topics:

29 (a) Introduction of the evaluation criteria for teachers and
30 principals and the four-level rating system;

31 (b) Orientation to and use of instructional frameworks;

32 (c) Orientation to and use of the leadership framework;

33 (d) Best practices in developing and using data in the evaluation
34 systems, including multiple measures, student growth data, classroom
35 observations, and other measures and evidence;

36 (e) Strategies for achieving evaluator agreement;

37 (f) Evaluator feedback protocols in the evaluation systems;

1 (g) Examples of high quality teaching and leadership; and

2 (h) Methods to link the summative evaluation process to ongoing
3 educator professional development.

4 (4) The office of the superintendent of public instruction shall
5 maintain a web site that includes the online training package along
6 with sample forms and templates, links to relevant research on
7 evaluation and on high quality teaching and leadership, samples of
8 contract and collective bargaining language on key topics, examples of
9 multiple measures of teacher and principal performance, suggestions for
10 data to measure student growth, and other tools that will assist school
11 districts in implementing the revised evaluation systems.

12 (5) The office of the superintendent of public instruction shall
13 identify the number of in-service training hours associated with each
14 module and develop a way for users to document their completion of the
15 training. Documented completion of the training under this section is
16 considered approved in-service training for the purposes of RCW
17 28A.415.020.

18 (6) All teachers and principals employed by a school district
19 during the 2013-14 school year in a certificated position must
20 successfully complete the online training package under this section,
21 or equivalent training as determined by the employing school district,
22 before the end of the school year and provide documentation of
23 successful completion to the employing district. School districts
24 shall collect and maintain the documentation under this subsection in
25 the personnel file of each teacher and principal.

26 (7) The office of the superintendent of public instruction shall
27 periodically update the modules to reflect new topics and research on
28 performance evaluation so that the training package serves as an
29 ongoing source of continuing education and professional development,
30 including for the purposes of section 3 of this act.

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.415
32 RCW to read as follows:

33 (1) The professional educator standards board shall incorporate in-
34 service training or continuing education on the revised teacher and
35 principal evaluation systems under RCW 28A.405.100 as a requirement for
36 renewal of continuing or professional level certificates, including

1 requiring demonstrated knowledge and competencies in teacher and
2 principal evaluation systems as an aspect of professional growth plans
3 used for certificate renewal.

4 (2) Documented completion of online training provided under section
5 2 of this act satisfies the requirement under this section.

6 **Sec. 4.** RCW 28A.415.023 and 2011 1st sp.s. c 18 s 6 are each
7 amended to read as follows:

8 (1) Credits earned by certificated instructional staff after
9 September 1, 1995, shall be eligible for application to the salary
10 schedule developed by the legislative evaluation and accountability
11 program committee only if the course content:

12 (a) Is consistent with a school-based plan for mastery of student
13 learning goals as referenced in RCW 28A.655.110, the annual school
14 performance report, for the school in which the individual is assigned;

15 (b) Pertains to the individual's current assignment or expected
16 assignment for the subsequent school year;

17 (c) Is necessary to obtain an endorsement as prescribed by the
18 Washington professional educator standards board;

19 (d) Is specifically required to obtain advanced levels of
20 certification;

21 (e) Is included in a college or university degree program that
22 pertains to the individual's current assignment, or potential future
23 assignment, as a certified instructional staff; (~~(or)~~)

24 (f) Addresses research-based assessment and instructional
25 strategies for students with dyslexia, dysgraphia, and language
26 disabilities when addressing learning goal one under RCW 28A.150.210,
27 as applicable and appropriate for individual certificated instructional
28 staff; or

29 (g) Pertains to the revised teacher evaluation system under RCW
30 28A.405.100, including the online training provided under section 2 of
31 this act.

32 (2) For the purpose of this section, "credits" mean college quarter
33 hour credits and equivalent credits for approved in-service, approved
34 continuing education, or approved internship hours computed in
35 accordance with RCW 28A.415.020.

36 (3) The superintendent of public instruction shall adopt rules and

1 standards consistent with the limits established by this section for
2 certificated instructional staff.

3 (4) For the 2011-12 and 2012-13 school years, application of
4 credits or credit equivalents earned under this section after October
5 1, 2010, to the salary schedule developed by the legislative evaluation
6 and accountability program committee is subject to any conditions or
7 limitations contained in the omnibus operating appropriations act.

8 **Sec. 5.** RCW 28A.405.100 and 2010 c 235 s 202 are each amended to
9 read as follows:

10 (1)(a) Except as provided in subsection (2) of this section, the
11 superintendent of public instruction shall establish and may amend from
12 time to time minimum criteria for the evaluation of the professional
13 performance capabilities and development of certificated classroom
14 teachers and certificated support personnel. For classroom teachers
15 the criteria shall be developed in the following categories:
16 Instructional skill; classroom management, professional preparation and
17 scholarship; effort toward improvement when needed; the handling of
18 student discipline and attendant problems; and interest in teaching
19 pupils and knowledge of subject matter.

20 (b) Every board of directors shall, in accordance with procedure
21 provided in RCW 41.59.010 through 41.59.170, 41.59.910, and 41.59.920,
22 establish evaluative criteria and procedures for all certificated
23 classroom teachers and certificated support personnel. The evaluative
24 criteria must contain as a minimum the criteria established by the
25 superintendent of public instruction pursuant to this section and must
26 be prepared within six months following adoption of the superintendent
27 of public instruction's minimum criteria. The district must certify to
28 the superintendent of public instruction that evaluative criteria have
29 been so prepared by the district.

30 (2)(a) Pursuant to the implementation schedule established in
31 subsection (7)(b) of this section, every board of directors shall, in
32 accordance with procedures provided in RCW 41.59.010 through 41.59.170,
33 41.59.910, and 41.59.920, establish revised evaluative criteria and a
34 four-level rating system for all certificated classroom teachers.

35 (b) The minimum criteria shall include: (i) Centering instruction
36 on high expectations for student achievement; (ii) demonstrating
37 effective teaching practices; (iii) recognizing individual student

1 learning needs and developing strategies to address those needs; (iv)
2 providing clear and intentional focus on subject matter content and
3 curriculum; (v) fostering and managing a safe, positive learning
4 environment; (vi) using multiple student data elements to modify
5 instruction and improve student learning; (vii) communicating and
6 collaborating with parents and ~~((the))~~ the school community; and
7 (viii) exhibiting collaborative and collegial practices focused on
8 improving instructional practice and student learning.

9 (c) The four-level rating system used to evaluate the certificated
10 classroom teacher must describe performance along a continuum that
11 indicates the extent to which the criteria have been met or exceeded.
12 When student growth data, if available and relevant to the teacher and
13 subject matter, is referenced in the evaluation process it must be
14 based on multiple measures that can include classroom-based, school-
15 based, district-based, and state-based tools. As used in this
16 subsection, "student growth" means the change in student achievement
17 between two points in time.

18 (3)(a) Except as provided in subsection (10) of this section, it
19 shall be the responsibility of a principal or his or her designee to
20 evaluate all certificated personnel in his or her school. During each
21 school year all classroom teachers and certificated support personnel
22 shall be observed for the purposes of evaluation at least twice in the
23 performance of their assigned duties. Total observation time for each
24 employee for each school year shall be not less than sixty minutes. An
25 employee in the third year of provisional status as defined in RCW
26 28A.405.220 shall be observed at least three times in the performance
27 of his or her duties and the total observation time for the school year
28 shall not be less than ninety minutes. Following each observation, or
29 series of observations, the principal or other evaluator shall promptly
30 document the results of the observation in writing, and shall provide
31 the employee with a copy thereof within three days after such report is
32 prepared. New employees shall be observed at least once for a total
33 observation time of thirty minutes during the first ninety calendar
34 days of their employment period.

35 (b) As used in this subsection and subsection (4) of this section,
36 "employees" means classroom teachers and certificated support
37 personnel.

1 (4)(a) At any time after October 15th, an employee whose work is
2 not judged satisfactory based on district evaluation criteria shall be
3 notified in writing of the specific areas of deficiencies along with a
4 reasonable program for improvement. During the period of probation,
5 the employee may not be transferred from the supervision of the
6 original evaluator. Improvement of performance or probable cause for
7 nonrenewal must occur and be documented by the original evaluator
8 before any consideration of a request for transfer or reassignment as
9 contemplated by either the individual or the school district. A
10 probationary period of sixty school days shall be established. The
11 establishment of a probationary period does not adversely affect the
12 contract status of an employee within the meaning of RCW 28A.405.300.
13 The purpose of the probationary period is to give the employee
14 opportunity to demonstrate improvements in his or her areas of
15 deficiency. The establishment of the probationary period and the
16 giving of the notice to the employee of deficiency shall be by the
17 school district superintendent and need not be submitted to the board
18 of directors for approval. During the probationary period the
19 evaluator shall meet with the employee at least twice monthly to
20 supervise and make a written evaluation of the progress, if any, made
21 by the employee. The evaluator may authorize one additional
22 certificated employee to evaluate the probationer and to aid the
23 employee in improving his or her areas of deficiency; such additional
24 certificated employee shall be immune from any civil liability that
25 might otherwise be incurred or imposed with regard to the good faith
26 performance of such evaluation. The probationer may be removed from
27 probation if he or she has demonstrated improvement to the satisfaction
28 of the principal in those areas specifically detailed in his or her
29 initial notice of deficiency and subsequently detailed in his or her
30 improvement program. Lack of necessary improvement during the
31 established probationary period, as specifically documented in writing
32 with notification to the probationer and shall constitute grounds for
33 a finding of probable cause under RCW 28A.405.300 or 28A.405.210.

34 (b) Immediately following the completion of a probationary period
35 that does not produce performance changes detailed in the initial
36 notice of deficiencies and improvement program, the employee may be
37 removed from his or her assignment and placed into an alternative
38 assignment for the remainder of the school year. This reassignment may

1 not displace another employee nor may it adversely affect the
2 probationary employee's compensation or benefits for the remainder of
3 the employee's contract year. If such reassignment is not possible,
4 the district may, at its option, place the employee on paid leave for
5 the balance of the contract term.

6 (5) Every board of directors shall establish evaluative criteria
7 and procedures for all superintendents, principals, and other
8 administrators. It shall be the responsibility of the district
9 superintendent or his or her designee to evaluate all administrators.
10 Except as provided in subsection (6) of this section, such evaluation
11 shall be based on the administrative position job description. Such
12 criteria, when applicable, shall include at least the following
13 categories: Knowledge of, experience in, and training in recognizing
14 good professional performance, capabilities and development; school
15 administration and management; school finance; professional preparation
16 and scholarship; effort toward improvement when needed; interest in
17 pupils, employees, patrons and subjects taught in school; leadership;
18 and ability and performance of evaluation of school personnel.

19 (6)(a) Pursuant to the implementation schedule established by
20 subsection (7)(b) of this section, every board of directors shall
21 establish revised evaluative criteria and a four-level rating system
22 for principals.

23 (b) The minimum criteria shall include: (i) Creating a school
24 culture that promotes the ongoing improvement of learning and teaching
25 for students and staff; (ii) demonstrating commitment to closing the
26 achievement gap; (iii) providing for school safety; (iv) leading the
27 development, implementation, and evaluation of a data-driven plan for
28 increasing student achievement, including the use of multiple student
29 data elements; (v) assisting instructional staff with alignment of
30 curriculum, instruction, and assessment with state and local district
31 learning goals; (vi) monitoring, assisting, and evaluating effective
32 instruction and assessment practices; (vii) managing both staff and
33 fiscal resources to support student achievement and legal
34 responsibilities; and (viii) partnering with the school community to
35 promote student learning.

36 (c) The four-level rating system used to evaluate the principal
37 must describe performance along a continuum that indicates the extent
38 to which the criteria have been met or exceeded. When available,

1 student growth data that is referenced in the evaluation process must
2 be based on multiple measures that can include classroom-based, school-
3 based, district-based, and state-based tools. As used in this
4 subsection, "student growth" means the change in student achievement
5 between two points in time.

6 (7)(a) The superintendent of public instruction, in collaboration
7 with state associations representing teachers, principals,
8 administrators, and parents, shall create models for implementing the
9 evaluation system criteria, student growth tools, professional
10 development programs, and evaluator training for certificated classroom
11 teachers and principals. Human resources specialists, professional
12 development experts, and assessment experts must also be consulted.
13 Due to the diversity of teaching assignments and the many developmental
14 levels of students, classroom teachers and principals must be
15 prominently represented in this work. The models must be available for
16 use in the 2011-12 school year.

17 (b) A new certificated classroom teacher evaluation system that
18 implements the provisions of subsection (2) of this section and a new
19 principal evaluation system that implements the provisions of
20 subsection (6) of this section shall be phased-in beginning with the
21 2010-11 school year by districts identified in (c) of this subsection
22 and implemented in all school districts beginning with the 2013-14
23 school year.

24 (c) A set of school districts shall be selected by the
25 superintendent of public instruction to participate in a collaborative
26 process resulting in the development and piloting of new certificated
27 classroom teacher and principal evaluation systems during the 2010-11
28 and 2011-12 school years. These school districts must be selected
29 based on: (i) The agreement of the local associations representing
30 classroom teachers and principals to collaborate with the district in
31 this developmental work and (ii) the agreement to participate in the
32 full range of development and implementation activities, including:
33 Development of rubrics for the evaluation criteria and ratings in
34 subsections (2) and (6) of this section; identification of or
35 development of appropriate multiple measures of student growth in
36 subsections (2) and (6) of this section; development of appropriate
37 evaluation system forms; participation in professional development for
38 principals and classroom teachers regarding the content of the new

1 evaluation system; participation in evaluator training; and
2 participation in activities to evaluate the effectiveness of the new
3 systems and support programs. The school districts must submit to the
4 office of the superintendent of public instruction data that is used in
5 evaluations and all district-collected student achievement, aptitude,
6 and growth data regardless of whether the data is used in evaluations.
7 If the data is not available electronically, the district may submit it
8 in nonelectronic form. The superintendent of public instruction must
9 analyze the districts' use of student data in evaluations, including
10 examining the extent that student data is not used or is underutilized.
11 The superintendent of public instruction must also consult with
12 participating districts and stakeholders, recommend appropriate
13 changes, and address statewide implementation issues. The
14 superintendent of public instruction shall report evaluation system
15 implementation status, evaluation data, and recommendations to
16 appropriate committees of the legislature and governor by July 1, 2011,
17 and at the conclusion of the development phase by July 1, 2012. In the
18 July 1, 2011, report, the superintendent shall include recommendations
19 for whether a single statewide evaluation model should be adopted,
20 whether modified versions developed by school districts should be
21 subject to state approval, and what the criteria would be for
22 determining if a school district's evaluation model meets or exceeds a
23 statewide model. The report shall also identify challenges posed by
24 requiring a state approval process.

25 (8) Each certificated classroom teacher and certificated support
26 personnel shall have the opportunity for confidential conferences with
27 his or her immediate supervisor on no less than two occasions in each
28 school year. Such confidential conference shall have as its sole
29 purpose the aiding of the administrator in his or her assessment of the
30 employee's professional performance.

31 (9) The failure of any evaluator to evaluate or supervise or cause
32 the evaluation or supervision of certificated classroom teachers and
33 certificated support personnel or administrators in accordance with
34 this section, as now or hereafter amended, when it is his or her
35 specific assigned or delegated responsibility to do so, shall be
36 sufficient cause for the nonrenewal of any such evaluator's contract
37 under RCW 28A.405.210, or the discharge of such evaluator under RCW
38 28A.405.300.

1 (10) After a certificated classroom teacher or certificated support
2 personnel has four years of satisfactory evaluations under subsection
3 (1) of this section or has received one of the two top ratings for four
4 years under subsection (2) of this section, a school district may use
5 a short form of evaluation, a locally bargained evaluation emphasizing
6 professional growth, an evaluation under subsection (1) or (2) of this
7 section, or any combination thereof. The short form of evaluation
8 shall include either a thirty minute observation during the school year
9 with a written summary or a final annual written evaluation based on
10 the criteria in subsection (1) or (2) of this section and based on at
11 least two observation periods during the school year totaling at least
12 sixty minutes without a written summary of such observations being
13 prepared. A locally bargained short-form evaluation emphasizing
14 professional growth must provide that the professional growth activity
15 conducted by the certificated classroom teacher be specifically linked
16 to one or more of the certificated classroom teacher evaluation
17 criteria. However, the evaluation process set forth in subsection (1)
18 or (2) of this section shall be followed at least once every three
19 years (~~unless this time is extended by a local school district under~~
20 ~~the bargaining process set forth in chapter 41.59 RCW~~), and any
21 collective bargaining agreement entered into or amended after the
22 effective date of this section must be consistent with this provision.
23 The employee or evaluator may require that the evaluation process set
24 forth in subsection (1) or (2) of this section be conducted in any
25 given school year. No evaluation other than the evaluation authorized
26 under subsection (1) or (2) of this section may be used as a basis for
27 determining that an employee's work is not satisfactory under
28 subsection (1) or (2) of this section or as probable cause for the
29 nonrenewal of an employee's contract under RCW 28A.405.210 unless an
30 evaluation process developed under chapter 41.59 RCW determines
31 otherwise.

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