
Education Committee

SSB 5242

Brief Description: Requiring policies regarding assignment of certificated instructional staff.

Sponsors: Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Litzow, Dammeier, Tom, Hobbs, Hatfield, Delvin, Hewitt, Padden and Schoesler).

Brief Summary of Substitute Bill

- Requires mutual agreement of the principal and the nonprovisional certificated instructional staff member for assignment to a particular school.
- Requires that evaluation results be used as a factor in the consideration of an assignment agreement beginning in the 2015-16 school year.
- Permits the superintendent to assign the certificated instructional staff member to a temporary position if mutual agreement is not reached.
- Permits the superintendent to initiate notice of nonrenewal of contract for a nonprovisional certificated instructional staff member who no longer has an assignment to a school and is not assigned to a nontemporary position.
- Specifies that lack of assignment to a nontemporary position after eight or more months for nonprovisional certificated instructional staff member who is no longer assigned to a school for various reasons constitutes grounds for probable cause not to renew his or her contract.

Hearing Date: 3/29/13

Staff: Luke Wickham (786-7146).

Background:

Nonrenewal of Teacher or Certificated School Staff Contracts.

School boards of directors provide each employee a written employment contract that is limited to not more than one year. There are two different procedures for the nonrenewal of teacher or certificated employee contracts, one for provisional employees and one for other employees.

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.

Employees are designated as provisional during the first three years of employment by a school district, unless:

- the employee previously completed at least two years of certificated employment in another district, in which case the employee is provisional for their first year of employment with the new district;
- the employee received an evaluation rating below Level 2 on the four-level rating system during his or her third year of employment, in which case the employee remains provisional until achieving a Level 2 rating; or
- the school district superintendent removes an employee from provisional status if the employee received one of the top two evaluation ratings during the second year of employment with the district.

To not renew a contract, a school district superintendent must provide a provisional teacher or certificated employee with a notice of contract nonrenewal stating the reason or reasons for that determination.

For nonprovisional school staff, the school district superintendent must make a determination of probable cause or causes not to renew an employment contract.

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." Beyond the minimum standards provided in statute, the details of the process and criteria for evaluation are subjects of collective bargaining.

Statute directs the 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 grading 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) must be a substantial factor in evaluating the performance of certificated classroom teachers for at least three of the evaluation criteria.

The certificated classroom teacher rating system includes a four level rating system with the following labels:

- Level 1: Unsatisfactory.
- Level 2: Basic.
- Level 3: Proficient.
- Level 4: Distinguished.

Teachers and certified instructional staff whose performance is judged "not satisfactory" places that employee in a probationary period for at least 60 days. Level 1 ratings are considered not satisfactory. Level 2 ratings are considered not satisfactory if an employee has more than five years of teaching experience and the Level 2 rating is received for two consecutive years during a three year period. During the period of probation, the employee may not be transferred from the supervision of the original evaluator. Improvement of performance or probable cause for nonrenewal must occur and be documented by the original evaluator before any consideration of transfer or reassignment of the employee. Lack of necessary improvement during the probationary period constitutes a grounds for probable cause for nonrenewal of contract.

Revised teacher and principal evaluation systems must be implemented in all school districts beginning in the 2013-14 school year, and all classroom teachers and principals must be evaluated by the 2015-16 school year.

Evaluations of teachers and other certificated instructional staff must be conducted annually. However, after a teacher or certificated instructional staff 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 of these options. Regular evaluations must be used at least once every three years, unless the local bargaining agreement extends that time period.

Beginning with the 2015-16 school year, evaluation results for certificated classroom teachers and principals must be used as one of multiple factors in making human resource and personnel decisions.

Summary of Bill:

Certificated instructional staff (CIS), for purposes of the bill, include classroom teachers and educational staff associates. A nonprovisional CIS may be assigned to a particular school only with the mutual agreement of the principal and the staff member. Evaluation results must be used as one of multiple factors in the consideration of an agreement to an assignment beginning with the 2015-16 school year. If mutual agreement is not reached regarding an assignment, the superintendent may assign the CIS to a temporary position, including a substitute assignment, an instructional support position, a position in the district office, or another position.

A CIS is considered displaced when he or she is no longer assigned to a particular school as a result or a request for reassignment by that CIS, a principal, or the district administration, a change in program, a change in enrollment, or implementation of a state or federal accountability intervention model. If a displaced CIS is not assigned to a non-temporary position with mutual agreement by May 15th of the school year following displacement, the superintendent may initiate notice of nonrenewal of contract. Lack of assignment of a displaced CIS to a non-temporary position after eight or more months, including the cumulative time spent in successive temporary positions, constitutes grounds for a finding of probable cause for nonrenewal of a CIS's contract.

Beginning August 1, 2013 or upon the expiration of a collective bargaining agreement in conflict with provisions of the bill, whichever is later, each school district board of directors must adopt a policy on assignment of CIS consistent with the bill.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.