

---

**SUBSTITUTE SENATE BILL 5246**

---

**State of Washington**

**63rd Legislature**

**2014 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators Litzow, Tom, Hobbs, Delvin, Padden, Schoesler, and Smith)

READ FIRST TIME 01/21/14.

1           AN ACT Relating to clarifying the teacher and principal evaluation  
2 process with the intent of strengthening the process; and amending RCW  
3 28A.405.100.

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

5           **Sec. 1.** RCW 28A.405.100 and 2012 c 35 s 1 are each amended to read  
6 as follows:

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

17           (b) Every board of directors shall, in accordance with procedure  
18 provided in RCW 41.59.010 through 41.59.170, 41.59.910, and 41.59.920,  
19 establish evaluative criteria and procedures for all certificated

1 classroom teachers and certificated support personnel. The evaluative  
2 criteria must contain as a minimum the criteria established by the  
3 superintendent of public instruction pursuant to this section and must  
4 be prepared within six months following adoption of the superintendent  
5 of public instruction's minimum criteria. The district must certify to  
6 the superintendent of public instruction that evaluative criteria have  
7 been so prepared by the district.

8 (2)(a) Pursuant to the implementation schedule established in  
9 subsection (7)(c) of this section, every board of directors shall, in  
10 accordance with procedures provided in RCW 41.59.010 through 41.59.170,  
11 41.59.910, and 41.59.920, establish revised evaluative criteria and a  
12 four-level rating system for all certificated classroom teachers.

13 (b) The minimum criteria shall include: (i) Centering instruction  
14 on high expectations for student achievement; (ii) demonstrating  
15 effective teaching practices; (iii) recognizing individual student  
16 learning needs and developing strategies to address those needs; (iv)  
17 providing clear and intentional focus on subject matter content and  
18 curriculum; (v) fostering and managing a safe, positive learning  
19 environment; (vi) using multiple student data elements to modify  
20 instruction and improve student learning; (vii) communicating and  
21 collaborating with parents and the school community; and (viii)  
22 exhibiting collaborative and collegial practices focused on improving  
23 instructional practice and student learning. Student growth data, as  
24 determined under (f) of this subsection, must be a substantial factor  
25 in evaluating the summative performance of certificated classroom  
26 teachers for at least three of the evaluation criteria listed in this  
27 subsection. Districts must use student growth data to create a rank  
28 order of teachers based on the amount of average student growth  
29 achieved in each teacher's classroom. The bottom quartile of teachers  
30 in the rank order shall be identified by the district as requiring  
31 additional support.

32 (c) The four-level rating system used to evaluate the certificated  
33 classroom teacher must describe performance along a continuum that  
34 indicates the extent to which the criteria have been met or exceeded.  
35 The summative performance ratings shall be as follows: Level 1 -  
36 unsatisfactory; level 2 - basic; level 3 - proficient; and level 4 -  
37 distinguished. A classroom teacher shall receive one of the four  
38 summative performance ratings for each of the minimum criteria in (b)

1 of this subsection and one of the four summative performance ratings  
2 for the evaluation as a whole, which shall be the comprehensive  
3 summative evaluation performance rating. By December 1, 2012, the  
4 superintendent of public instruction must adopt rules prescribing a  
5 common method for calculating the comprehensive summative evaluation  
6 performance rating for each of the preferred instructional frameworks,  
7 including for a focused evaluation under subsection (12) of this  
8 section, giving appropriate weight to the indicators evaluated under  
9 each criteria and maximizing rater agreement among the frameworks.

10 (d) By December 1, 2012, the superintendent of public instruction  
11 shall adopt rules that provide descriptors for each of the summative  
12 performance ratings, based on the development work of pilot school  
13 districts under subsection (7) of this section. Any subsequent changes  
14 to the descriptors by the superintendent may only be made following  
15 consultation with a group broadly reflective of the parties represented  
16 in subsection (7)(a) of this section.

17 (e) By September 1, 2012, the superintendent of public instruction  
18 shall identify up to three preferred instructional frameworks that  
19 support the revised evaluation system. The instructional frameworks  
20 shall be research-based and establish definitions or rubrics for each  
21 of the four summative performance ratings for each evaluation criteria.  
22 Each school district must adopt one of the preferred instructional  
23 frameworks and post the selection on the district's web site. The  
24 superintendent of public instruction shall establish a process for  
25 approving minor modifications or adaptations to a preferred  
26 instructional framework that may be proposed by a school district.

27 (f)(i) Student growth data that is relevant to the teacher and  
28 subject matter must be a factor in the evaluation process as provided  
29 in (a) of this subsection and must be based on multiple measures that  
30 can include classroom-based, school-based, district-based, and state-  
31 based tools. However, for teachers who teach reading or language arts  
32 or mathematics in a grade in which the federally mandated statewide  
33 student assessments are administered, one of the multiple measures of  
34 student growth must be the student results on the relevant assessments.  
35 The office of the superintendent of public instruction shall provide to  
36 each school district the relevant state-level assessment information  
37 necessary to determine student growth for the purpose of teacher  
38 evaluations.

1       (ii) Student growth data elements may include the teacher's  
2 performance as a member of a grade-level, subject matter, or other  
3 instructional team within a school when the use of this data is  
4 relevant and appropriate. Student growth data elements may also  
5 include the teacher's performance as a member of the overall  
6 instructional team of a school when use of this data is relevant and  
7 appropriate.

8       (iii) Any rules adopted by the office of the superintendent of  
9 public instruction regarding student growth goals set by a teacher and  
10 principal must assume that students achieve one year of student growth  
11 in a given academic year. The goal may be less than one full year of  
12 student growth when there are unavoidable circumstances on an  
13 individual student basis.

14       (iv) As used in this subsection (2), "student growth" means the  
15 change in student achievement between two points in time.

16       (g) Student input may also be included in the evaluation process.

17       (3)(a) Except as provided in subsection (11) of this section, it  
18 shall be the responsibility of a principal or his or her designee to  
19 evaluate all certificated personnel in his or her school. During each  
20 school year all classroom teachers and certificated support personnel  
21 shall be observed for the purposes of evaluation at least twice in the  
22 performance of their assigned duties. Total observation time for each  
23 employee for each school year shall be not less than sixty minutes. An  
24 employee in the third year of provisional status as defined in RCW  
25 28A.405.220 shall be observed at least three times in the performance  
26 of his or her duties and the total observation time for the school year  
27 shall not be less than ninety minutes. Following each observation, or  
28 series of observations, the principal or other evaluator shall promptly  
29 document the results of the observation in writing, and shall provide  
30 the employee with a copy thereof within three days after such report is  
31 prepared. New employees shall be observed at least once for a total  
32 observation time of thirty minutes during the first ninety calendar  
33 days of their employment period.

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

37       (4)(a) At any time after October 15th, an employee whose work is  
38 not judged satisfactory based on district evaluation criteria shall be

1 notified in writing of the specific areas of deficiencies along with a  
2 reasonable program for improvement. For classroom teachers who have  
3 been transitioned to the revised evaluation system pursuant to the  
4 district implementation schedule adopted under subsection (7)(c) of  
5 this section, the following comprehensive summative evaluation  
6 performance ratings based on the evaluation criteria in subsection  
7 (2)(b) of this section mean a classroom teacher's work is not judged  
8 satisfactory:

9 (i) Level 1; or

10 (ii) Level 2 if the classroom teacher is a continuing contract  
11 employee under RCW 28A.405.210 with more than five years of teaching  
12 experience and if the level 2 comprehensive summative evaluation  
13 performance rating has been received for two consecutive years or for  
14 two years within a consecutive three-year time period.

15 (b) During the period of probation, the employee may not be  
16 transferred from the supervision of the original evaluator.  
17 Improvement of performance or probable cause for nonrenewal must occur  
18 and be documented by the original evaluator before any consideration of  
19 a request for transfer or reassignment as contemplated by either the  
20 individual or the school district. A probationary period of sixty  
21 school days shall be established. Days may be added if deemed  
22 necessary to complete a program for improvement and evaluate the  
23 probationer's performance, as long as the probationary period is  
24 concluded before May 15th of the same school year. The probationary  
25 period may be extended into the following school year if the  
26 probationer has five or more years of teaching experience and has a  
27 comprehensive summative evaluation performance rating as of May 15th of  
28 less than level 2. The establishment of a probationary period does not  
29 adversely affect the contract status of an employee within the meaning  
30 of RCW 28A.405.300. The purpose of the probationary period is to give  
31 the employee opportunity to demonstrate improvements in his or her  
32 areas of deficiency. The establishment of the probationary period and  
33 the giving of the notice to the employee of deficiency shall be by the  
34 school district superintendent and need not be submitted to the board  
35 of directors for approval. During the probationary period the  
36 evaluator shall meet with the employee at least twice monthly to  
37 supervise and make a written evaluation of the progress, if any, made  
38 by the employee. The evaluator may authorize one additional

1 certificated employee to evaluate the probationer and to aid the  
2 employee in improving his or her areas of deficiency. Should the  
3 evaluator not authorize such additional evaluator, the probationer may  
4 request that an additional certificated employee evaluator become part  
5 of the probationary process and this request must be implemented by  
6 including an additional experienced evaluator assigned by the  
7 educational service district in which the school district is located  
8 and selected from a list of evaluation specialists compiled by the  
9 educational service district. Such additional certificated employee  
10 shall be immune from any civil liability that might otherwise be  
11 incurred or imposed with regard to the good faith performance of such  
12 evaluation. If a procedural error occurs in the implementation of a  
13 program for improvement, the error does not invalidate the  
14 probationer's plan for improvement or evaluation activities unless the  
15 error materially affects the effectiveness of the plan or the ability  
16 to evaluate the probationer's performance. The probationer must be  
17 removed from probation if he or she has demonstrated improvement to the  
18 satisfaction of the evaluator in those areas specifically detailed in  
19 his or her initial notice of deficiency and subsequently detailed in  
20 his or her program for improvement. A classroom teacher who has been  
21 transitioned to the revised evaluation system pursuant to the district  
22 implementation schedule adopted under subsection (7)(c) of this section  
23 must be removed from probation if he or she has demonstrated  
24 improvement that results in a new comprehensive summative evaluation  
25 performance rating of level 2 or above for a provisional employee or a  
26 continuing contract employee with five or fewer years of experience, or  
27 of level 3 or above for a continuing contract employee with more than  
28 five years of experience. Lack of necessary improvement during the  
29 established probationary period, as specifically documented in writing  
30 with notification to the probationer constitutes grounds for a finding  
31 of probable cause under RCW 28A.405.300 or 28A.405.210.

32 (c) When a continuing contract employee with five or more years of  
33 experience receives a comprehensive summative evaluation performance  
34 rating below level 2 for two consecutive years, the school district  
35 shall, within ten days of the completion of the second comprehensive  
36 summative ((~~comprehensive~~ [~~comprehensive summative~~])) evaluation or May  
37 15th, whichever occurs first, implement the employee notification of  
38 discharge as provided in RCW 28A.405.300.

1 (d) Immediately following the completion of a probationary period  
2 that does not produce performance changes detailed in the initial  
3 notice of deficiencies and program for improvement, the employee may be  
4 removed from his or her assignment and placed into an alternative  
5 assignment for the remainder of the school year. In the case of a  
6 classroom teacher who has been transitioned to the revised evaluation  
7 system pursuant to the district implementation schedule adopted under  
8 subsection (7)(c) of this section, the teacher may be removed from his  
9 or her assignment and placed into an alternative assignment for the  
10 remainder of the school year immediately following the completion of a  
11 probationary period that does not result in the required comprehensive  
12 summative evaluation performance ratings specified in (b) of this  
13 subsection. This reassignment may not displace another employee nor  
14 may it adversely affect the probationary employee's compensation or  
15 benefits for the remainder of the employee's contract year. If such  
16 reassignment is not possible, the district may, at its option, place  
17 the employee on paid leave for the balance of the contract term.

18 (5) Every board of directors shall establish evaluative criteria  
19 and procedures for all superintendents, principals, and other  
20 administrators. It shall be the responsibility of the district  
21 superintendent or his or her designee to evaluate all administrators.  
22 Except as provided in subsection (6) of this section, such evaluation  
23 shall be based on the administrative position job description. Such  
24 criteria, when applicable, shall include at least the following  
25 categories: Knowledge of, experience in, and training in recognizing  
26 good professional performance, capabilities and development; school  
27 administration and management; school finance; professional preparation  
28 and scholarship; effort toward improvement when needed; interest in  
29 pupils, employees, patrons and subjects taught in school; leadership;  
30 and ability and performance of evaluation of school personnel.

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

35 (b) The minimum criteria shall include: (i) Creating a school  
36 culture that promotes the ongoing improvement of learning and teaching  
37 for students and staff; (ii) demonstrating commitment to closing the  
38 achievement gap; (iii) providing for school safety; (iv) leading the

1 development, implementation, and evaluation of a data-driven plan for  
2 increasing student achievement, including the use of multiple student  
3 data elements; (v) assisting instructional staff with alignment of  
4 curriculum, instruction, and assessment with state and local district  
5 learning goals; (vi) monitoring, assisting, and evaluating effective  
6 instruction and assessment practices; (vii) managing both staff and  
7 fiscal resources to support student achievement and legal  
8 responsibilities; and (viii) partnering with the school community to  
9 promote student learning. Student growth data, as determined under (f)  
10 of this subsection, must be a substantial factor in evaluating the  
11 summative performance of the principal for at least three of the  
12 evaluation criteria listed in this subsection. Districts must use  
13 student growth data to create a rank order of principals based on the  
14 amount of average student growth achieved by the teachers in each  
15 principal's school. The bottom quartile of principals in the rank  
16 order shall be identified by the district as requiring additional  
17 support.

18 (c) The four-level rating system used to evaluate the principal  
19 must describe performance along a continuum that indicates the extent  
20 to which the criteria have been met or exceeded. The summative  
21 performance ratings shall be as follows: Level 1 - unsatisfactory;  
22 level 2 - basic; level 3 - proficient; and level 4 - distinguished. A  
23 principal shall receive one of the four summative performance ratings  
24 for each of the minimum criteria in (b) of this subsection and one of  
25 the four summative performance ratings for the evaluation as a whole,  
26 which shall be the comprehensive summative evaluation performance  
27 rating.

28 (d) By December 1, 2012, the superintendent of public instruction  
29 shall adopt rules that provide descriptors for each of the summative  
30 performance ratings, based on the development work of pilot school  
31 districts under subsection (7) of this section. Any subsequent changes  
32 to the descriptors by the superintendent may only be made following  
33 consultation with a group broadly reflective of the parties represented  
34 in subsection (7)(a) of this section.

35 (e) By September 1, 2012, the superintendent of public instruction  
36 shall identify up to three preferred leadership frameworks that support  
37 the revised evaluation system. The leadership frameworks shall be  
38 research-based and establish definitions or rubrics for each of the



1 four performance ratings for each evaluation criteria. Each school  
2 district shall adopt one of the preferred leadership frameworks and  
3 post the selection on the district's web site. The superintendent of  
4 public instruction shall establish a process for approving minor  
5 modifications or adaptations to a preferred leadership framework that  
6 may be proposed by a school district.

7 (f)(i) Student growth data that is relevant to the principal must  
8 be a factor in the evaluation process as provided in (b) of this  
9 subsection and must be based on multiple measures that can include  
10 classroom-based, school-based, district-based, and state-based tools.  
11 However, for principals assigned to a school in which reading or  
12 language arts or mathematics are taught in at least one of the grades  
13 in which the federal mandated statewide assessments are administered,  
14 one of the multiple measures of student growth must be the student  
15 results on the relevant assessments. The office of the superintendent  
16 of public instruction shall provide to each school district the  
17 relevant state-level assessment information necessary to determine  
18 student growth for the purpose of principal evaluations.

19 (ii) As used in this subsection (6), "student growth" means the  
20 change in student achievement between two points in time.

21 (g) Input from building staff may also be included in the  
22 evaluation process.

23 (h) For principals who have been transitioned to the revised  
24 evaluation system pursuant to the district implementation schedule  
25 adopted under subsection (7)(c) of this section, the following  
26 comprehensive summative evaluation performance ratings mean a  
27 principal's work is not judged satisfactory:

28 (i) Level 1; or

29 (ii) Level 2 if the principal has more than five years of  
30 experience in the principal role and if the level 2 comprehensive  
31 summative evaluation performance rating has been received for two  
32 consecutive years or for two years within a consecutive three-year time  
33 period.

34 (7)(a) The superintendent of public instruction, in collaboration  
35 with state associations representing teachers, principals,  
36 administrators, school board members, and parents, to be known as the  
37 steering committee, shall create models for implementing the evaluation  
38 system criteria, student growth tools, professional development

1 programs, and evaluator training for certificated classroom teachers  
2 and principals. Human resources specialists, professional development  
3 experts, and assessment experts must also be consulted. Due to the  
4 diversity of teaching assignments and the many developmental levels of  
5 students, classroom teachers and principals must be prominently  
6 represented in this work. The models must be available for use in the  
7 2011-12 school year.

8 (b) A new certificated classroom teacher evaluation system that  
9 implements the provisions of subsection (2) of this section and a new  
10 principal evaluation system that implements the provisions of  
11 subsection (6) of this section shall be phased-in beginning with the  
12 2010-11 school year by districts identified in (d) of this subsection  
13 and implemented in all school districts beginning with the 2013-14  
14 school year.

15 (c) Each school district board of directors shall adopt a schedule  
16 for implementation of the revised evaluation systems that transitions  
17 a portion of classroom teachers and principals in the district to the  
18 revised evaluation systems each year beginning no later than the 2013-  
19 14 school year, until all classroom teachers and principals are being  
20 evaluated under the revised evaluation systems no later than the 2015-  
21 16 school year. A school district is not precluded from completing the  
22 transition of all classroom teachers and principals to the revised  
23 evaluation systems before the 2015-16 school year. The schedule  
24 adopted under this subsection (7)(c) must provide that the following  
25 employees are transitioned to the revised evaluation systems beginning  
26 in the 2013-14 school year:

27 (i) Classroom teachers who are provisional employees under RCW  
28 28A.405.220;

29 (ii) Classroom teachers who are on probation under subsection (4)  
30 of this section;

31 (iii) Principals in the first three consecutive school years of  
32 employment as a principal;

33 (iv) Principals whose work is not judged satisfactory in their most  
34 recent evaluation; and

35 (v) Principals previously employed as a principal by another school  
36 district in the state of Washington for three or more consecutive  
37 school years and in the first full year as a principal in the school  
38 district.

1 (d) A set of school districts shall be selected by the  
2 superintendent of public instruction to participate in a collaborative  
3 process resulting in the development and piloting of new certificated  
4 classroom teacher and principal evaluation systems during the 2010-11  
5 and 2011-12 school years. These school districts must be selected  
6 based on: (i) The agreement of the local associations representing  
7 classroom teachers and principals to collaborate with the district in  
8 this developmental work and (ii) the agreement to participate in the  
9 full range of development and implementation activities, including:  
10 Development of rubrics for the evaluation criteria and ratings in  
11 subsections (2) and (6) of this section; identification of or  
12 development of appropriate multiple measures of student growth in  
13 subsections (2) and (6) of this section; development of appropriate  
14 evaluation system forms; participation in professional development for  
15 principals and classroom teachers regarding the content of the new  
16 evaluation system; participation in evaluator training; and  
17 participation in activities to evaluate the effectiveness of the new  
18 systems and support programs. The school districts must submit to the  
19 office of the superintendent of public instruction data that is used in  
20 evaluations and all district-collected student achievement, aptitude,  
21 and growth data regardless of whether the data is used in evaluations.  
22 If the data is not available electronically, the district may submit it  
23 in nonelectronic form. The superintendent of public instruction must  
24 analyze the districts' use of student data in evaluations, including  
25 examining the extent that student data is not used or is underutilized.  
26 The superintendent of public instruction must also consult with  
27 participating districts and stakeholders, recommend appropriate  
28 changes, and address statewide implementation issues. The  
29 superintendent of public instruction shall report evaluation system  
30 implementation status, evaluation data, and recommendations to  
31 appropriate committees of the legislature and governor by July 1, 2011,  
32 and at the conclusion of the development phase by July 1, 2012. In the  
33 July 1, 2011, report, the superintendent shall include recommendations  
34 for whether a single statewide evaluation model should be adopted,  
35 whether modified versions developed by school districts should be  
36 subject to state approval, and what the criteria would be for  
37 determining if a school district's evaluation model meets or exceeds a

1 statewide model. The report shall also identify challenges posed by  
2 requiring a state approval process.

3 (e)(i) The steering committee in (~~(subsection (7))~~)(a) of this  
4 (~~(section)~~) subsection and the pilot school districts in (~~(subsection~~  
5 ~~(7))~~)(d) of this (~~(section)~~) subsection shall continue to examine  
6 implementation issues and refine tools for the new certificated  
7 classroom teacher evaluation system in subsection (2) of this section  
8 and the new principal evaluation system in subsection (6) of this  
9 section during the 2013-14 through 2015-16 implementation phase.

10 (ii) Particular attention shall be given to the following issues:

11 (A) Developing a report for the legislature and governor, due by  
12 December 1, 2013, of best practices and recommendations regarding how  
13 teacher and principal evaluations and other appropriate elements shall  
14 inform school district human resource and personnel practices. The  
15 legislature and governor are provided the opportunity to review the  
16 report and recommendations during the 2014 legislative session;

17 (B) Taking the new teacher and principal evaluation systems to  
18 scale and the use of best practices for statewide implementation;

19 (C) Providing guidance regarding the use of student growth data to  
20 assure it is used responsibly and with integrity;

21 (D) Refining evaluation system management tools, professional  
22 development programs, and evaluator training programs with an emphasis  
23 on developing rater reliability;

24 (E) Reviewing emerging research regarding teacher and principal  
25 evaluation systems and the development and implementation of evaluation  
26 systems in other states;

27 (F) Reviewing the impact that variable demographic characteristics  
28 of students and schools have on the objectivity, reliability, validity,  
29 and availability of student growth data; and

30 (G) Developing recommendations regarding how teacher evaluations  
31 could inform state policies regarding the criteria for a teacher to  
32 obtain continuing contract status under RCW 28A.405.210. In developing  
33 these recommendations the experiences of school districts and teachers  
34 during the evaluation transition phase must be considered.  
35 Recommendations must be reported by July 1, 2016, to the legislature  
36 and the governor.

37 (iii) To support the tasks in (e)(ii) of this subsection, the  
38 superintendent of public instruction may contract with an independent

1 research organization with expertise in educator evaluations and  
2 knowledge of the revised evaluation systems being implemented under  
3 this section.

4 (iv) The superintendent of public instruction shall monitor the  
5 statewide implementation of revised teacher and principal evaluation  
6 systems using data reported under RCW 28A.150.230 as well as periodic  
7 input from focus groups of administrators, principals, and teachers.

8 (v) The superintendent of public instruction shall submit reports  
9 detailing findings, emergent issues or trends, recommendations from the  
10 steering committee, and pilot school districts, and other  
11 recommendations, to enhance implementation and continuous improvement  
12 of the revised evaluation systems to appropriate committees of the  
13 legislature and the governor beginning July 1, 2013, and each July 1st  
14 thereafter for each year of the school district implementation  
15 transition period concluding with a report on December 1, 2016.

16 (8)(a) Beginning with the 2015-16 school year, evaluation results  
17 for certificated classroom teachers and principals must be used as one  
18 of multiple factors in making human resource and personnel decisions.  
19 Human resource decisions include, but are not limited to: Staff  
20 assignment, including the consideration of an agreement to an  
21 assignment by an appropriate teacher, principal, and superintendent;  
22 and reduction in force. Nothing in this section limits the ability to  
23 collectively bargain how the multiple factors shall be used in making  
24 human resource or personnel decisions, with the exception that  
25 evaluation results must be a factor and seniority must only be used as  
26 a tiebreaker.

27 (b) The office of the superintendent of public instruction must  
28 report to the legislature and the governor regarding the school  
29 district implementation of the provisions of (a) of this subsection by  
30 December 1, 2017.

31 (9) Each certificated classroom teacher and certificated support  
32 personnel shall have the opportunity for confidential conferences with  
33 his or her immediate supervisor on no less than two occasions in each  
34 school year. Such confidential conference shall have as its sole  
35 purpose the aiding of the administrator in his or her assessment of the  
36 employee's professional performance.

37 (10) The failure of any evaluator to evaluate or supervise or cause  
38 the evaluation or supervision of certificated classroom teachers and

1 certificated support personnel or administrators in accordance with  
2 this section, as now or hereafter amended, when it is his or her  
3 specific assigned or delegated responsibility to do so, shall be  
4 sufficient cause for the nonrenewal of any such evaluator's contract  
5 under RCW 28A.405.210, or the discharge of such evaluator under RCW  
6 28A.405.300.

7 (11) After a certificated classroom teacher or certificated support  
8 personnel has four years of satisfactory evaluations under subsection  
9 (1) of this section, a school district may use a short form of  
10 evaluation, a locally bargained evaluation emphasizing professional  
11 growth, an evaluation under subsection (1) or (2) of this section, or  
12 any combination thereof. The short form of evaluation shall include  
13 either a thirty minute observation during the school year with a  
14 written summary or a final annual written evaluation based on the  
15 criteria in subsection (1) or (2) of this section and based on at least  
16 two observation periods during the school year totaling at least sixty  
17 minutes without a written summary of such observations being prepared.  
18 A locally bargained short-form evaluation emphasizing professional  
19 growth must provide that the professional growth activity conducted by  
20 the certificated classroom teacher be specifically linked to one or  
21 more of the certificated classroom teacher evaluation criteria.  
22 However, the evaluation process set forth in subsection (1) or (2) of  
23 this section shall be followed at least once every three years unless  
24 this time is extended by a local school district under the bargaining  
25 process set forth in chapter 41.59 RCW. The employee or evaluator may  
26 require that the evaluation process set forth in subsection (1) or (2)  
27 of this section be conducted in any given school year. No evaluation  
28 other than the evaluation authorized under subsection (1) or (2) of  
29 this section may be used as a basis for determining that an employee's  
30 work is not satisfactory under subsection (1) or (2) of this section or  
31 as probable cause for the nonrenewal of an employee's contract under  
32 RCW 28A.405.210 unless an evaluation process developed under chapter  
33 41.59 RCW determines otherwise. The provisions of this subsection  
34 apply to certificated classroom teachers only until the teacher has  
35 been transitioned to the revised evaluation system pursuant to the  
36 district implementation schedule adopted under subsection (7)(c) of  
37 this section.

1 (12) All certificated classroom teachers and principals who have  
2 been transitioned to the revised evaluation systems pursuant to the  
3 district implementation schedule adopted under subsection (7)(c) of  
4 this section must receive annual performance evaluations as provided in  
5 this subsection:

6 (a) All classroom teachers and principals shall receive a  
7 comprehensive summative evaluation at least once every four years. A  
8 comprehensive summative evaluation assesses all eight evaluation  
9 criteria and all criteria contribute to the comprehensive summative  
10 evaluation performance rating.

11 (b) The following categories of classroom teachers and principals  
12 shall receive an annual comprehensive summative evaluation:

13 (i) Classroom teachers who are provisional employees under RCW  
14 28A.405.220;

15 (ii) Principals in the first three consecutive school years of  
16 employment as a principal;

17 (iii) Principals previously employed as a principal by another  
18 school district in the state of Washington for three or more  
19 consecutive school years and in the first full year as a principal in  
20 the school district; and

21 (iv) Any classroom teacher or principal who received a  
22 comprehensive summative evaluation performance rating of level 1 or  
23 level 2 in the previous school year.

24 (c)(i) In the years when a comprehensive summative evaluation is  
25 not required, classroom teachers and principals who received a  
26 comprehensive summative evaluation performance rating of level 3 or  
27 above in the previous school year are required to complete a focused  
28 evaluation. A focused evaluation includes an assessment of one of the  
29 eight criteria selected for a performance rating plus professional  
30 growth activities specifically linked to the selected criteria.

31 (ii) The selected criteria must be approved by the teacher's or  
32 principal's evaluator and may have been identified in a previous  
33 comprehensive summative evaluation as benefiting from additional  
34 attention. A group of teachers may focus on the same evaluation  
35 criteria and share professional growth activities. A group of  
36 principals may focus on the same evaluation criteria and share  
37 professional growth activities.

1 (iii) The evaluator must assign a comprehensive summative  
2 evaluation performance rating for the focused evaluation using the  
3 methodology adopted by the superintendent of public instruction for the  
4 instructional or leadership framework being used.

5 (iv) A teacher or principal may be transferred from a focused  
6 evaluation to a comprehensive summative evaluation at the request of  
7 the teacher or principal, or at the direction of the teacher's or  
8 principal's evaluator.

9 (v) Due to the importance of instructional leadership and assuring  
10 rater agreement among evaluators, particularly those evaluating teacher  
11 performance, school districts are encouraged to conduct comprehensive  
12 summative evaluations of principal performance on an annual basis.

13 (vi) A classroom teacher or principal may apply the focused  
14 evaluation professional growth activities toward the professional  
15 growth plan for professional certificate renewal as required by the  
16 professional educator standards board.

17 (13) Each school district is encouraged to acknowledge and  
18 recognize classroom teachers and principals who have attained level 4 -  
19 distinguished performance ratings.

--- END ---