

# HOUSE BILL REPORT

## HB 1804

---

**As Passed House:**  
March 10, 2015

**Title:** An act relating to confidentiality of educator professional growth plans.

**Brief Description:** Concerning the confidentiality of educator professional growth plans.

**Sponsors:** Representatives Springer, Magendanz, Lytton, Muri and Reykdal; by request of Professional Educator Standards Board.

**Brief History:**

**Committee Activity:**

Education: 2/12/15, 2/17/15 [DP].

**Floor Activity:**

Passed House: 3/10/15, 82-15.

**Brief Summary of Bill**

- Provides that the Professional Growth Plans in educator license renewals submitted through the Office of the Superintendent of Public Instruction's electronic certification system are exempt from public inspection and copying.

---

### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass. Signed by 20 members: Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist, Caldier, Fagan, Gregory, Griffey, Hargrove, Hayes, S. Hunt, Kilduff, Lytton, McCaslin, Orwall, Pollet and Springer.

**Minority Report:** Do not pass. Signed by 1 member: Representative Klippert.

**Staff:** Megan Wargacki (786-7194).

**Background:**

---

*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 Public Records Act.

The Public Records Act (PRA) requires all state and local agencies to disclose public records to any person upon request, unless the record falls within certain statutory exemptions. Under the PRA, a public record is any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency, regardless of physical form or characteristics.

Over 500 specific references in the PRA or other statutes remove certain information from application of the PRA, provide exceptions to the public disclosure and copying of certain information, or designate certain information as confidential. For example, personal information in files maintained for employees of any public agency are exempt from disclosure under the PRA to the extent that disclosure would violate the employee's right to privacy.

The provisions requiring public records disclosure must be interpreted liberally while the exemptions must be interpreted narrowly to effectuate the general policy favoring disclosure.

### Professional Growth Plans.

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, the PESB requires teachers, administrators, school counselors, and school psychologists to complete four annual Professional Growth Plans (PGPs) during a five-year period. A PGP is a plan an educator intends to implement for growth over the coming year.

### **Summary of Bill:**

The PGPs in educator license renewals submitted through the Office of the Superintendent of Public Instruction's electronic certification system are exempt from public inspection and copying.

**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.

### **Staff Summary of Public Testimony:**

(In support) The Sunshine committee reviews exemptions to the PRA. It is difficult to make decisions about whether certain information should be exempt from public disclosure. It is important to weigh the public's right to know with the private right of privacy. In this bill,

the content of the PGP is so intimately connected to the employee's personnel file that it would be difficult to make certain parts of the PGP available to the public. The personnel file is already exempt and this bill would clarify that the PGP is also exempt.

Washington went through a major licensure change recently. Traditionally educator license renewal was a matter of clock hours. This method bore criticism because it was just a matter of seat time. The PESB likes the idea of requiring a PGP because it shows an educator is consciously and effectively trying to improve. The PESB is not rating or grading the PGP, but wants to see the PGP so it can determine what professional learning looks like and how the PESB can contribute to it. Washington is the only state that has a high-stakes secondary certification. The teachers are nervous about the PGP, but it seems to be working. The PESB has spent lots of time making sure that the licensing process is relevant to the teacher. The PGP allows a teacher to look at themselves, their classroom, and their district to see what is needed. The PGP may include courses or seminars to help teachers improve themselves and their classrooms. While the PGP was being debated, no one from outside of the education world spoke up about it with any concerns.

(Opposed) The accountability of the education system is critical. The PGP is part of the credentialing process. If it is made confidential, something that has been objective will be allowed to become highly subjective. Rather than requiring seat time, like is done in other professions, the PGP creates a highly individualized plan that cannot be examined by the public, or even other teachers, to ensure that educators are on the right track towards renewal.

**Persons Testifying:** (In support) Representative Springer, prime sponsor; David Brenna, Professional Educator Standards Board; and Lucinda Young, Washington Education Association.

(Opposed) Rowland Thompson, Allied Daily Newspapers.

**Persons Signed In To Testify But Not Testifying:** None.