

SENATE BILL REPORT

HB 1804

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 25, 2016

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: Passed House: 3/10/15, 82-15; 2/10/16, 78-18.

Committee Activity: Early Learning & K-12 Education: 3/24/15, 2/22/16, 2/25/16 [DP, w/oRec].

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass.

Signed by Senators Litzow, Chair; McAuliffe, Ranking Member; Billig, Fain, Hill, Mullet, Rivers and Rolfes.

Minority Report: That it be referred without recommendation.

Signed by Senator Dammeier, Vice Chair.

Staff: Alia Kennedy (786-7405)

Background: Public Records Act. The Public Records Act (PRA) requires that all state and local government agencies make all public records available for public inspection and copying unless certain statutory exemptions apply. Under the PRA, a public record includes any writing, defined in part as every means of recording any form of communication or representation, 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, certain information contained in public records related to employment and licensing is exempt from disclosure under the PRA, such as examination data used to administer a license and

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residential addresses contained in public agency personnel files. According to the Washington State Attorney General's Office, 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 Plan. 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 after September 2014, PESB requires teachers, administrators, school counselors, and school psychologists to complete four annual professional growth plans (PGPs) over a five-year period. The PGP is a plan developed by an educator that documents formal learning and professional development opportunities the educator intends to implement for growth over the coming year and identifies the specific competencies, knowledge, skills, and experiences needed to meet the standards for career-level benchmarks established by PESB. Educators are able to submit and track applications for certificate renewal through the Washington Educator Electronic Certification System, called eCert, run by the Office of Superintendent of Public Instruction (OSPI).

Summary of Bill: The PGPs in educator license renewals submitted through the eCert system are added to the list of employment and licensing information exempt from public inspection and copying.

Appropriation: None.

Fiscal Note: Not requested.

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: A professional growth plan was a policy initiative intended to move away from the archaic clock hours approach. Professional growth plans are similar to what is found in an employee's personnel file, which is generally not subject to public disclosure. Asking teachers to submit professional growth plans to the certification office makes them public record and subject to public disclosure. The goal is to make sure teachers are protected and honest about what they put in their professional growth plans.

CON: Newspaper members care about professional licensing. The professional growth plan is the professional licensing for teachers. The plans replace clock hours which are generally open to the public for other professions. Allied Daily Newspapers of Washington has an interest in knowing the standards that a profession is held to and that those standards are met.

Persons Testifying: PRO: David Brenna, Professional Educator Standards Board.

CON: Rowland Thompson, Allied Daily Newspapers of Washington.

Persons Signed In To Testify But Not Testifying: No one.