

SENATE BILL REPORT

ESSB 5748

As Passed Senate, March 11, 2015

Title: An act relating to clarifying the teacher and principal evaluation process with the intent of strengthening the process.

Brief Description: Clarifying the teacher and principal evaluation process with the intent of strengthening the process.

Sponsors: Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Litzow, Mullet, Fain, Dammeier, Hill, Rivers, Becker, King, Braun, Warnick and Bailey).

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/10/15, 2/17/15 [DPS, DNP, w/oRec].

Passed Senate: 3/11/15, 26-23.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5748 be substituted therefor, and the substitute bill do pass.

Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Fain, Hill, Mullet and Rivers.

Minority Report: Do not pass.

Signed by Senator McAuliffe, Ranking Member.

Minority Report: That it be referred without recommendation.

Signed by Senators Billig and Rolfes.

Staff: Matthew Lemon (786-7405)

Background: Teacher and Principal Evaluations. Aspects of performance evaluations for certificated employees are specified in statute, including minimum evaluation criteria and the requirement that performance rated as not satisfactory is subject to a probationary period and, if performance does not improve, a finding of probable cause for nonrenewal.

Legislation enacted in 2010 directed the development of a revised evaluation system for teachers and principals. The revised evaluation system includes eight evaluation criteria, a four-level rating system ranging from unsatisfactory to distinguished, and must include data

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on student growth, defined as the change in student achievement between two points in time, as a factor. Evaluations must be performed annually. Beginning no later than 2013-14 school year, each district adopted an implementation schedule that transitions all teachers and principals to the new evaluation system no later than the 2015-16 school year.

In current law, evaluation results for certificated teachers and principals must be used as one of multiple factors in making human resource and personnel decisions beginning with the 2015-16 school year. These decisions include, but are not limited to, staff assignments and reductions in force.

In 2012 the Legislature asked the Office of Superintendent of Public Instruction (OSPI) to submit a report on best practices and recommendations regarding how teacher and principal evaluations inform human resource and personnel decisions. The December 2013 report asked for a delay in using teacher evaluations to inform human resource decisions until the 2016-17 school year.

Elements of Student Growth Data. In current law, student growth data that must be a factor in certificated teacher and principal evaluations must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. Student growth data elements may include the teacher's performance as a member of a grade level, subject matter, or other instructional team within a school. Student growth data may also include the teacher's performance as a member of the overall instructional team of a school when relevant and appropriate.

No Child Left Behind (NCLB)/Elementary and Secondary Education Act (ESEA) Waiver. Under the federal NCLB/ESEA, schools and districts that receive federal Title I funds must meet an adequate yearly progress (AYP) target for all students in reading and mathematics. The targets call for a 100 percent student proficiency rate in both subjects beginning in 2014. Schools and districts that do not meet AYP targets for student proficiency are subject to sanctions. The sanctions include a requirement that the school notify parents that the AYP goal has not been met and a requirement that 20 percent of the school or district's Title I funds must be set aside to provide transportation to students who transfer out of the school or district and to provide supplemental education services such as tutoring. For the 2014-15 fiscal year, the statewide total amount set aside was approximately \$39 million.

Washington obtained a waiver from these requirements in 2012. In a letter from the U.S. Department of Education (ED), which was received by OSPI on August 14, 2013, ED designated Washington's waiver of certain provisions of NCLB/ESEA to be at high-risk status and directed Washington to seek legislative change to require the use of federally required state test scores as one of the measure's of student growth in the state's teacher and principal evaluations. The 2014 Legislature did not make any legislative changes and ED subsequently revoked Washington's waiver in April 2014.

Summary of Engrossed Substitute Bill: Use of Statewide Assessments for Teacher and Principal Evaluation. Beginning no earlier than the 2017-18 school year, student results from the relevant federally mandated statewide student assessments must be used as one of the multiple measures of student growth in performance evaluations for certain teachers and principals who are assigned to a class or school in which reading, language arts, or

mathematics are taught in at least one of the grades in which the mandated assessments are administered. The methodology of using the assessment results in the evaluations must be subject to collective bargaining.

The results must only be used in the evaluations once OSPI and the steering committee for the Teacher/Principal Evaluation Project have determined that the assessments meet professionally accepted standards for being a valid and reliable tool for measuring student growth and have certified that using the assessments as one of the multiple measures of student growth will strengthen and not undermine the existing teacher and principal evaluation system.

OSPI must provide to districts the relevant state-level assessment information necessary to determine student growth for the purposes of teacher and principal evaluations.

The date in which evaluation results for teacher and principals must be used as one of multiple factors in making human resource and personnel decisions is delayed from the 2015-16 school year to the 2016-17 school year and a report from OSPI on district implementation is delayed until December 2018.

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: This has been an ongoing discussion since the state lost its waiver last year, which impacted \$40 million used to support the most disadvantaged children in the state. NCLB is a failed law and needs to be changed. The Legislature needs to make sure that the system can use funds to their best advantage. Schools and districts were forced to stop using locally customized programs and interventions that improved student success. Districts have suffered consequences as a result of losing the waiver, including reductions in the number of educator jobs and a loss of support services and resources. About 93 percent of schools have been labeled as failing due to the loss of the waiver, but schools are doing a much better job than that.

The evaluation process supports increased student achievement and using the results of the state assessment can improve the process. State assessment results are one way the state measures outcomes throughout the system. They are used to evaluate schools and districts, to determine if a student is ready to graduate, and to determine if a student needs interventions before moving on to fourth grade. Teachers and principals should be subject to the same system. It is essential to have consistent comparative data to identify areas for improvement, monitor opportunity gaps, help target resources, and provide information to parents. State tests record aspects of student learning that observation-based evaluations have historically missed.

Evaluating teachers is complex, but research shows that teacher quality is the most important factor for improving student achievement. Test results are not the sole determiner of teacher effectiveness, but they are a factor. The statewide tests provide a check and validate local assessments. This proposal only requires that state assessments be one of multiple measures used for teacher evaluations and districts have flexibility to decide how and to what extent the results are used, including as a screener. There are adequate protections and teachers would not be fired from the results of a single test. These tests are already being used in evaluations by districts, schools, and teachers at the local level. Voters support the use of test scores as one factor in teacher evaluations. Appropriate and relevant data on student growth should not be ignored and can help to create an aligned accountability system.

CON: Tying evaluations to test scores seems like a good idea from the outside, but there is more at stake in children's education than teachers have control over. There are students with a variety of needs and abilities who may struggle on standardized tests. Teachers do everything they can to provide modified instruction and individual attention for those who need it while also providing meaningful instruction to all students, including working long hours before and after school and on the weekends. Some students will struggle despite teachers' best efforts and a teacher's value should not be determined by a test that cannot reflect how hard teachers and students work and what challenges they face.

Using assessment scores to evaluate teacher performance is not supported by science or evidence. Student assessments are designed and calculated for a specific purpose and become invalid when used for a different purpose. The American Statistical Association holds the position that value-added metrics do not measure teacher effectiveness and studies have concluded that using test scores to fire teachers is unreliable. Using test scores in evaluations is unfair to teachers working with lower-income families. Test scores are not an accurate measure of learning and can vary dramatically.

The Smarter Balanced assessment results cannot inform teachers' work with their students because they do not come out until summer. The evaluation system should be focused on professional growth rather than compliance. The Teacher-principal Evaluation Project (TPEP) is already working in an authentic and organic way based on classroom practices and students' individual behavioral, social-emotional, and academic needs. Teachers can implement formative and summative assessments that give direct feedback and these assessments are already part of the evaluation system the Legislature put in place. This is a poor time to add another variable or change to TPEP, as the system is only partly implemented and another change may increase costs.

ESEA reauthorization may not include a provision to use test scores for teacher evaluation. Seattle uses the state test as a screen, not as part of the evaluation, and they have been able to keep a federal grant. Other states have also been able to keep waivers without using state tests in their evaluation systems. The state should stay the course with the evaluation system we have and should listen to what educators are saying.

OTHER: The Superintendent of Public Instruction supports both bills, but believes that SB 5749 is a cleaner and more streamlined way to meet the requirements needed to obtain the waiver.

Persons Testifying: PRO: Senator Litzow, prime sponsor; Carla Santorno, Tacoma School District; Becky Imler, Wapato Public Schools; Neil Strege, WA Roundtable; Todd Hausman, Teachers United; Cary Evans, Stand for Children; Frank Ordway, League of Education Voters; Julia Suliman, State Board of Education.

CON: Victoria Mann, Teacher; Michele Miller, Bellevue School District TPEP Steering Committee; David Spring, Coalition to Protect Our Public Schools; Mark Morrow, Bellevue Education Assn.; Justin Fox-Bailey, Snohomish Education Assn.; William Mester, Snohomish School District; Camlynn Tafa, Teacher; Lucinda Young, WA Education Assn.

OTHER: Marcia Fromhold, OSPI.