

HOUSE BILL REPORT

HB 1732

As Passed House:
March 1, 2017

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

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

Sponsors: Representatives Springer and Bergquist; by request of Professional Educator Standards Board.

Brief History:

Committee Activity:

Education: 2/7/17, 2/14/17 [DP].

Floor Activity:

Passed House: 3/1/17, 97-1.

Brief Summary of Bill

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

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 19 members: Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist, Caldier, Hargrove, Johnson, Kilduff, Lovick, McCaslin, Ortiz-Self, Senn, Slatter, Springer, Steele, Stokesbary and Volz.

Staff: Megan Wargacki (786-7194).

Background:

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

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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 an advanced level certificate achieved after a minimum amount of experience is met and a specified process of additional professional development is completed.

In general, for renewal of a professional certificate, 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: Requested on March 3, 2017.

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) This bill passed out of the House previously. The state exempts the personal information of employees of public agencies from public disclosure for privacy purposes. The issue here is that educators' growth plans contain that same set of information. These employees should be treated the same ways as other public employees and have their personal information protected.

Self-assessment to identify needed professional growth takes honesty and courage. It is important that educators take a critical look at their practice and use that to inform their growth. The needed level of honesty and criticism will not be achieved if educators are concerned that their plans are subject to public disclosure. The PESB would like to be able to look at these plans in the aggregate to determine what kinds of professional growth educators are pursuing and the level of quality of the professional growth that they are pursuing.

Allowing this information to be subject to public disclosure could have a chilling effect on the willingness of teachers to address true areas of challenge. It would be good to add personally identifiable educator evaluation data to the list of exemptions. The PGPs are for license renewal. There was a lot of public involvement to develop and pilot the PGPs. Many educators were involved and no one expressed concerns about the process for renewal. This bill will allow researchers to delve into what is going on around professional development in the state.

(Opposed) This is about professional licensure. It is called the PGP because the plans are unique to the individual. If this bill passes, the PGPs would be the only place where required continuing education in a profession, including certified professional accountants, lawyers, doctors, veterinarians, electricians, would not be disclosable to others in the profession or to the public. The information in the PGPs is unique to the individual, unlike the continuing education requirements in other professions, which is usually a credit requirement obtained by taking standard, approved courses. The PGPs vary greatly between districts, buildings, supervisors, and individuals because they are subjective and not objective. This would be the one place where the public will not be able to examine what individuals have done to maintain professional licensure.

Persons Testifying: (In support) Representative Springer, prime sponsor; Jennifer Wallace, Professional Educators Standards Board; Sue Anderson, Office of the Superintendent of Public Instruction; and Lucinda Young, Washington Education Association.

(Opposed) Rowland Thompson, Allied Daily Newspaper Washington.

Persons Signed In To Testify But Not Testifying: None.