

SENATE BILL REPORT

SB 5547

As of February 15, 2017

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

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

Sponsors: Senators Rolfes, Rivers and Kuderer; by request of Professional Educator Standards Board.

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/13/17.

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.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Alia Kennedy (786-7405)

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 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.

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 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 and a specified process of additional professional development.

In general, for renewal of a professional certificate, 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: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is request legislation by PESB and is an attempt to keep professional growth plans confidential. Employees have the right to privacy related to their professional evaluations. In order to have a system with integrity, the principal and the teacher need to have the assurance of privacy so that principals can adequately evaluate teachers and teachers can adequately and honestly evaluate themselves. Professional growth planning is a process of self-assessment and identification of growth goals that includes a broad range of activities. PESB cannot collect and analyze these plans if they are subject to public disclosure. This bill adds professional growth plans to the other types of personnel records that are exempt from public disclosure. Allowing professional growth plans to be publically available may have a chilling effect on educators truly identifying areas of challenge.

CON: This is a system that supplants the continuing education credits, which were standard, publically known, and allowed people to see what a teacher did to renew their license or to reach certain levels as an educator. The professional growth plans are not a personnel record because they are used by teachers in keeping their license current. It would be the only profession where what was done to renew a license is closed. For example, if you are a member of the bar, an accountant, or a doctor, continuing learning credits necessary to renew your license are public. This process is not standardized or objective which provides for a wide divergence among those plans.

Persons Testifying: PRO: Senator Christine Rolfes, Prime Sponsor; Lucinda Young, Washington Education Association; Sue Anderson, Office of Superintendent of Public Instruction; Jennifer Wallace, Director, Professional Educator Standards Board.

CON: Rowland Thompson, Allied Daily Newspapers of Washington.

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