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## Education Committee

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### HB 3035

**Brief Description:** Regarding educator performance and innovation.

**Sponsors:** Representatives Quall, Priest, Hunter, Carlyle, Probst, Kagi, Haigh, Lias, Dammeier, Kelley, Anderson, Kenney, Conway, Santos, Maxwell, Sullivan and Rolfes.

#### Brief Summary of Bill

- Requires all school districts to establish revised evaluation criteria and a four-level rating system for classroom teachers and principals and specifies minimum criteria for each system.
- Directs the Superintendent of Public Instruction to create models for these systems and make them available for use in 2011-12.
- Establishes a phase-in schedule beginning in 2011-12 with selected districts who agree to collaborate in the development of the evaluation systems and requiring statewide implementation in 2013-14.
- Extends provisional status for non-supervisory certificated staff from two to three years.
- Amends the law pertaining to supplemental contracts to include implementing innovative activities to close the achievement gap or develop learning opportunities in science, technology, engineering, and mathematics.

**Hearing Date:** 1/27/10

**Staff:** Barbara McLain (786-7383).

#### **Background:**

##### Teacher Evaluation.

The Superintendent of Public Instruction (SPI) must establish minimum criteria for the evaluation of teachers and other certificated support staff. For classroom teachers, the criteria must be based on the following categories:

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- instructional skill;
- classroom management;
- professional preparation and scholarship;
- effort toward improvement when needed;
- handling of student discipline and attendance problems;
- interest in teaching pupils; and
- knowledge of subject matter.

Timelines and procedures are specified in the law for the conduct of evaluations and the use of results. Teachers whose work is judged "unsatisfactory" may be placed on probation or, in the case of provisional employees, subject to non-renewal of an employment contract. There is a short-form evaluation (also called the professional growth option) for those who have received four consecutive satisfactory evaluations.

Beyond the minimums provided in statute, the details of the process and criteria for evaluation are subjects of collective bargaining. Each school district must have a process and criteria.

#### Principal Evaluation.

School boards are also required to establish criteria and procedures for evaluating administrators. Depending on the job description, evaluation criteria include:

- knowledge of, experience in, and training in recognizing good professional performance, capabilities, and development;
- school administration and management;
- school finance;
- professional preparation and scholarship;
- effort toward improvement when needed;
- interest in pupils, employees, patrons and subjects taught in school;
- leadership; and
- ability and performance of evaluation of school personnel.

#### Provisional Status.

Except for superintendents, all school district employees are hired on a one-year contract. With one exception, all certificated instructional and administrative staff are offered a contract renewal for the following year unless there is a probable cause that the contract should not be renewed. This is called a continuing contract. Evidence must be provided, and due process procedures and appeal rights are required for a showing of probable cause and the non-renewal of a continuing contract.

The exception is for non-supervisory certificated staff, who have provisional status during the first two years of employment (one year if they worked at least two years in another district). While there are some procedures and due process requirements for non-renewal of a provisional employee's contract, it is not necessary for the district to show probable cause as a justification.

#### Supplemental Contracts.

Salaries paid to certificated instructional staff can exceed the limitations imposed by laws pertaining to the statewide salary allocation schedule only through a supplemental contract for "time, additional responsibilities, or incentives". The supplemental contracts must be paid with non-state funds and cannot be for basic education services.

## **Summary of Bill:**

### Teacher Evaluation.

All school districts must, through collective bargaining, establish revised criteria and a four-level rating system for evaluating classroom teachers. The minimum evaluation criteria must include:

- centering instruction on high expectations for student achievement;
- demonstrating effective teaching practices;
- recognizing individual student learning needs and developing strategies to address those needs;
- providing clear and intentional focus on subject matter content and curriculum;
- fostering and managing a safe, positive learning environment;
- using multiple student data elements to modify instruction and improve student learning;
- communicating with parents and school community; and
- exhibiting collaborative and collegial practices focused on improving instructional practice and student learning.

The four-level rating system must describe performance on a continuum that indicates the extent the criteria have been met or exceeded. When student growth data, if available and appropriate, is referenced in the evaluation process, it must be based on multiple measures. "Student growth data" means change in student achievement between two points in time.

Teachers can use a short-form evaluation after four years of receiving one of the top two evaluation ratings. Locally-bargained short-form evaluations must provide that professional growth is specifically linked to one or more of the evaluation criteria.

### Principal Evaluation.

School districts must also establish revised criteria and a four-level rating system for evaluating principals. Minimum criteria must include:

- creating a school culture that promotes the ongoing improvement of learning and teaching for students and staff;
- providing for school safety
- leading the development, implementation, and evaluation of a data-driven plan for increasing student achievement, including the use of multiple student data elements;
- assisting instructional staff with alignment of curriculum, instruction, and assessment with state and local district learning goals;
- monitoring, assisting, and evaluating effective instruction and assessment practices;
- managing both staff and fiscal resources to support student achievement and legal responsibilities; and
- partnering with the school community to promote student learning.

The four-level rating system for principals must have the same characteristics as the one for teachers.

### Implementation of New Evaluation Systems.

The SPI must create models, which must be available for use in the 2011-12 school year, for implementing the evaluation system criteria, student growth measurement tools, professional development programs, and evaluator training. The new evaluation systems will be phased in beginning in 2010-11 in school districts selected by the SPI based on agreement of local

associations representing teachers and principals to collaborate with their district and agreement of the district to participate in a full range of development and piloting activities in 2010-11 and 2011-12. The new systems must be implemented in all school districts beginning in 2013-14.

The SPI must provide reports on the status of implementation by July 1, 2011 and July 1, 2012. The SPI and representatives of statewide associations must also analyze how the new evaluation systems affect issues related to a change in contract status for employees.

If funds are provided for beginning teacher support programs, school districts participating in the phase-in of the new evaluation systems receive first priority for funds during the phase-in period.

School districts must annually report to the SPI on the evaluation criteria and results for all district staff, and provide information to the community about district policies for hiring, assigning, evaluating, and terminating staff. School district staff assignment policies must be based on a plan to ensure that the policy supports the learning needs of all students and gives specific attention to high-need schools and classrooms.

Provisional Status.

Provisional status for newly hired non-supervisory certificated staff is changed to three years instead of two years, except that the district superintendent can choose to move an individual to continuing contract status if the person received one of the top two evaluation ratings during the second year of employment. Additional observations are required for purposes of evaluating a provisional employee in their third year.

Supplemental Contracts.

The following is added to activities that can be covered by supplemental contracts: implementing specific measurable innovative activities to close the achievement gap or focus on development of science, technology, engineering, and mathematics learning opportunities, to include professional development.

**Appropriation:** None.

**Fiscal Note:** Requested on January 21, 2010.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.