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HOUSE BILL 2625

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State of Washington                      54th Legislature                      1996 Regular Session

By Representatives Pelesky, Brumsickle, Johnson, Talcott and Smith

Read first time 01/15/96. Referred to Committee on Education.

1            AN ACT Relating to the probationary period for certificated  
2 educational employees; and amending RCW 28A.405.100.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 28A.405.100 and 1994 c 115 s 1 are each amended to  
5 read as follows:

6            (1) The superintendent of public instruction shall establish and  
7 may amend from time to time minimum criteria for the evaluation of the  
8 professional performance capabilities and development of certificated  
9 classroom teachers and certificated support personnel. For classroom  
10 teachers the criteria shall be developed in the following categories:  
11 Instructional skill; classroom management, professional preparation and  
12 scholarship; effort toward improvement when needed; the handling of  
13 student discipline and attendant problems; and interest in teaching  
14 pupils and knowledge of subject matter.

15            Every board of directors shall, in accordance with procedure  
16 provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920,  
17 establish evaluative criteria and procedures for all certificated  
18 classroom teachers and certificated support personnel. The evaluative  
19 criteria must contain as a minimum the criteria established by the

1 superintendent of public instruction pursuant to this section and must  
2 be prepared within six months following adoption of the superintendent  
3 of public instruction's minimum criteria. The district must certify to  
4 the superintendent of public instruction that evaluative criteria have  
5 been so prepared by the district.

6 Except as provided in subsection (5) of this section, it shall be  
7 the responsibility of a principal or his or her designee to evaluate  
8 all certificated personnel in his or her school. During each school  
9 year all classroom teachers and certificated support personnel,  
10 hereinafter referred to as "employees" in this section, shall be  
11 observed for the purposes of evaluation at least twice in the  
12 performance of their assigned duties. Total observation time for each  
13 employee for each school year shall be not less than sixty minutes.  
14 Following each observation, or series of observations, the principal or  
15 other evaluator shall promptly document the results of the observation  
16 in writing, and shall provide the employee with a copy thereof within  
17 three days after such report is prepared. New employees shall be  
18 observed at least once for a total observation time of thirty minutes  
19 during the first ninety calendar days of their employment period.

20 Every employee whose work (~~is~~) has been judged unsatisfactory  
21 based on district evaluation criteria shall be notified in writing of  
22 stated specific areas of deficiencies along with a suggested specific  
23 and reasonable program for improvement (~~on or before February 1st of~~  
24 ~~each year~~) at any time after October 15th. A probationary period  
25 shall thereby be established (~~beginning on or before February 1st and~~  
26 ~~ending no later than May 1st~~) and shall continue for a minimum of  
27 sixty school days. The purpose of the probationary period is to give  
28 the employee opportunity to demonstrate improvements in his or her  
29 areas of deficiency. The establishment of the probationary period and  
30 the giving of the notice to the employee of deficiency shall be by the  
31 school district superintendent and need not be submitted to the board  
32 of directors for approval. During the probationary period the  
33 evaluator shall meet with the employee at least twice monthly to  
34 supervise and make a written evaluation of the progress, if any, made  
35 by the employee. The evaluator may authorize one additional  
36 certificated employee to evaluate the probationer and to aid the  
37 employee in improving his or her areas of deficiency; such additional  
38 certificated employee shall be immune from any civil liability that  
39 might otherwise be incurred or imposed with regard to the good faith

1 performance of such evaluation. The probationer may be removed from  
2 probation if he or she has demonstrated improvement to the satisfaction  
3 of the principal in those areas specifically detailed in his or her  
4 initial notice of deficiency and subsequently detailed in his or her  
5 improvement program. Lack of necessary improvement shall be  
6 specifically documented in writing with notification to the probationer  
7 and shall constitute grounds for a finding of probable cause under RCW  
8 28A.405.300 or 28A.405.210.

9 The establishment of a probationary period shall not be deemed to  
10 adversely affect the contract status of an employee within the meaning  
11 of RCW 28A.405.300.

12 Immediately following a probationary period that does not produce  
13 the desired performance changes, the employee may be placed in an  
14 alternative assignment for the remainder of the school year. The  
15 alternative assignment shall not adversely affect the employee's  
16 compensation or benefits for the remainder of his or her contract year.

17 (2) Every board of directors shall establish evaluative criteria  
18 and procedures for all superintendents, principals, and other  
19 administrators. It shall be the responsibility of the district  
20 superintendent or his or her designee to evaluate all administrators.  
21 Such evaluation shall be based on the administrative position job  
22 description. Such criteria, when applicable, shall include at least  
23 the following categories: Knowledge of, experience in, and training in  
24 recognizing good professional performance, capabilities and  
25 development; school administration and management; school finance;  
26 professional preparation and scholarship; effort toward improvement  
27 when needed; interest in pupils, employees, patrons and subjects taught  
28 in school; leadership; and ability and performance of evaluation of  
29 school personnel.

30 (3) Each certificated employee shall have the opportunity for  
31 confidential conferences with his or her immediate supervisor on no  
32 less than two occasions in each school year. Such confidential  
33 conference shall have as its sole purpose the aiding of the  
34 administrator in his or her assessment of the employee's professional  
35 performance.

36 (4) The failure of any evaluator to evaluate or supervise or cause  
37 the evaluation or supervision of certificated employees or  
38 administrators in accordance with this section, as now or hereafter  
39 amended, when it is his or her specific assigned or delegated

1 responsibility to do so, shall be sufficient cause for the nonrenewal  
2 of any such evaluator's contract under RCW 28A.405.210, or the  
3 discharge of such evaluator under RCW 28A.405.300.

4 (5) After an employee has four years of satisfactory evaluations  
5 under subsection (1) of this section, a school district may use a short  
6 form of evaluation, a locally bargained evaluation emphasizing  
7 professional growth, an evaluation under subsection (1) of this  
8 section, or any combination thereof. The short form of evaluation  
9 shall include either a thirty minute observation during the school year  
10 with a written summary or a final annual written evaluation based on  
11 the criteria in subsection (1) of this section and based on at least  
12 two observation periods during the school year totaling at least sixty  
13 minutes without a written summary of such observations being prepared.  
14 However, the evaluation process set forth in subsection (1) of this  
15 section shall be followed at least once every three years unless this  
16 time is extended by a local school district under the bargaining  
17 process set forth in chapter 41.59 RCW. The employee or evaluator may  
18 require that the evaluation process set forth in subsection (1) of this  
19 section be conducted in any given school year. No evaluation other  
20 than the evaluation authorized under subsection (1) of this section may  
21 be used as a basis for determining that an employee's work is  
22 unsatisfactory under subsection (1) of this section or as probable  
23 cause for the nonrenewal of an employee's contract under RCW  
24 28A.405.210 unless an evaluation process developed under chapter 41.59  
25 RCW determines otherwise.

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