

# HOUSE BILL REPORT

## HB 1385

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**As Reported By House Committee On:**  
Education

**Title:** An act relating to the probationary period for certificated educational employees.

**Brief Description:** Changing probation provisions for certificated educational employees.

**Sponsors:** Representatives Johnson, B. Thomas, Talcott, Sump and Hickel.

**Brief History:**

**Committee Activity:**

Education: 2/6/97, 2/20/97 [DPS].

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Johnson, Chairman; Hickel, Vice Chairman; Cole, Ranking Minority Member; Keiser, Assistant Ranking Minority Member; Linville; Quall; Smith; Sterk; Sump; Talcott and Veloria.

**Staff:** Pat Shelledy (786-7149).

**Background:** The Superintendent of Public Instruction must establish minimum criteria for evaluating the performance of certificated classroom teachers and support personnel. Minimum criteria and evaluation procedures are in statute and the Washington Administrative Code. Every board of directors also must establish evaluation criteria and procedures, according to the terms of collective bargaining agreements and the minimum criteria established by the Superintendent of Public Instruction. The principal of each school must evaluate each certificated employee.

If the principal determines an employee's work is unsatisfactory, the employee is entitled to a written notice stating the specific areas of deficiencies along with a suggested specific and reasonable program for improvement. This notice must be delivered by February 1 of each year. A probationary period begins by February 1 and must end no later than May 1. Lack of necessary improvement in the areas of deficiencies constitutes grounds for discharge, an adverse change in the employee's contract status, or non-renewal of his or her contract. However, the probationary period itself must not adversely affect the contract status of the employee.

**Summary of Substitute Bill:** A notice of deficiency in performance may be provided at any time after October 15. After the notice is provided, the employee will be placed on probation for 60 school days. During the period of probation, the employee may not be transferred from the supervision of the original evaluator. The evaluator must document improvement of performance or probable cause for contract non-renewal before the employee may be reassigned to another position. If the employee does not correct the deficiencies within the probation period, the district may immediately remove the employee from the current assignment and transfer the employee into an alternative assignment for the remainder of the school year. The reassignment may not displace another employee nor may it adversely affect the probationary employee's compensation or benefits for the remainder of the school year. If reassignment is unfeasible, the district may place the employee on paid leave for the balance of the contract term.

**Substitute Bill Compared to Original Bill:** Provisions are added providing that an employee on probation must remain under supervision of the original evaluator and may not be transferred to another position until the probation period is over. A separate section that established a study of the probation process and evaluation criteria is stricken.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** The current probation process is too cumbersome and time consuming. It interferes with the ability of a school principal to remove an unsatisfactory teacher from the classroom in a timely manner. When a bad teacher remains in a classroom, everyone at school suffers including the students, other teachers, and parents. The bill will improve the probation process.

**Testimony Against:** None.

**Testified:** Randy Hathaway, Washington School Personnel Association; Jeanie Engelland, Tacoma School District; Marla Shurman, Longview School District; and Joe Pope, Association of Washington School Principals.