
SUBSTITUTE HOUSE BILL 1385

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Education (originally sponsored by Representatives Johnson, B. Thomas, Talcott, Sump and Hickel)

Read first time 02/24/97.

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))~~ At any time after October 15th, an employee whose work is
21 judged unsatisfactory based on district evaluation criteria shall be
22 notified in writing of ~~((stated))~~ the specific areas of deficiencies
23 along with a ~~((suggested specific and))~~ reasonable program for
24 improvement ~~((on or before February 1st of each year))~~. During the
25 period of probation, the employee may not be transferred from the
26 supervision of the original evaluator. Improvement of performance or
27 probable cause for nonrenewal must occur and be documented by the
28 original evaluator before any consideration of a request for transfer
29 or reassignment as contemplated by either the individual or the school
30 district. A probationary period of sixty school days shall be
31 established ~~((beginning on or before February 1st and ending no later~~
32 than May 1st)). The establishment of a probationary period does not
33 adversely affect the contract status of an employee within the meaning
34 of RCW 28A.405.300. The purpose of the probationary period is to give
35 the employee opportunity to demonstrate improvements in his or her
36 areas of deficiency. The establishment of the probationary period and
37 the giving of the notice to the employee of deficiency shall be by the
38 school district superintendent and need not be submitted to the board
39 of directors for approval. During the probationary period the

1 evaluator shall meet with the employee at least twice monthly to
2 supervise and make a written evaluation of the progress, if any, made
3 by the employee. The evaluator may authorize one additional
4 certificated employee to evaluate the probationer and to aid the
5 employee in improving his or her areas of deficiency; such additional
6 certificated employee shall be immune from any civil liability that
7 might otherwise be incurred or imposed with regard to the good faith
8 performance of such evaluation. The probationer may be removed from
9 probation if he or she has demonstrated improvement to the satisfaction
10 of the principal in those areas specifically detailed in his or her
11 initial notice of deficiency and subsequently detailed in his or her
12 improvement program. Lack of necessary improvement (~~(shall be)~~) during
13 the established probationary period, as specifically documented in
14 writing with notification to the probationer and shall constitute
15 grounds for a finding of probable cause under RCW 28A.405.300 or
16 28A.405.210.

17 (~~(The establishment of a probationary period shall not be deemed to~~
18 ~~adversely affect the contract status of an employee within the meaning~~
19 ~~of RCW 28A.405.300.)~~)

20 Immediately following the completion of a probationary period that
21 does not produce performance changes detailed in the initial notice of
22 deficiencies and improvement program, the employee may be removed from
23 his or her assignment and placed into an alternative assignment for the
24 remainder of the school year. This reassignment may not displace
25 another employee nor may it adversely affect the probationary
26 employee's compensation or benefits for the remainder of the employee's
27 contract year. If such reassignment is not possible, the district may,
28 at its option, place the employee on paid leave for the balance of the
29 contract term.

30 (2) Every board of directors shall establish evaluative criteria
31 and procedures for all superintendents, principals, and other
32 administrators. It shall be the responsibility of the district
33 superintendent or his or her designee to evaluate all administrators.
34 Such evaluation shall be based on the administrative position job
35 description. Such criteria, when applicable, shall include at least
36 the following categories: Knowledge of, experience in, and training in
37 recognizing good professional performance, capabilities and
38 development; school administration and management; school finance;
39 professional preparation and scholarship; effort toward improvement

1 when needed; interest in pupils, employees, patrons and subjects taught
2 in school; leadership; and ability and performance of evaluation of
3 school personnel.

4 (3) Each certificated employee shall have the opportunity for
5 confidential conferences with his or her immediate supervisor on no
6 less than two occasions in each school year. Such confidential
7 conference shall have as its sole purpose the aiding of the
8 administrator in his or her assessment of the employee's professional
9 performance.

10 (4) The failure of any evaluator to evaluate or supervise or cause
11 the evaluation or supervision of certificated employees or
12 administrators in accordance with this section, as now or hereafter
13 amended, when it is his or her specific assigned or delegated
14 responsibility to do so, shall be sufficient cause for the nonrenewal
15 of any such evaluator's contract under RCW 28A.405.210, or the
16 discharge of such evaluator under RCW 28A.405.300.

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

- 1 28A.405.210 unless an evaluation process developed under chapter 41.59
- 2 RCW determines otherwise.

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