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## Education Committee

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### ESSB 5895

**Brief Description:** Regarding certificated employee evaluations.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senator Murray).

#### Brief Summary of Engrossed Substitute Bill

- Adds details to revised teacher and principal evaluation systems, including a requirement for the Office of the Superintendent of Public Instruction (OSPI) to adopt up to three preferred instructional and leadership frameworks and requiring school districts to adopt a preferred framework.
- Requires student growth data to be a substantial factor in evaluating teacher and principal performance for at least three evaluation criteria.
- Requires each school district to adopt an implementation schedule that transitions staff to the revised evaluation systems beginning no later than 2013-14, with full transition no later than 2015-16.
- Defines "not satisfactory" performance for teachers and principals, and revises provisions related to probation for teachers.
- Requires annual evaluations under the revised systems, but allows for a focused evaluation for those who have received a Level 3 rating, as long as comprehensive evaluations are completed once every four years.
- Requires evaluation results to be used as one of multiple factors in human resource and personnel decisions beginning in 2015-16.
- Provides that teachers who receive less than a Level 2 rating in their third year remain in provisional status until they receive a Level 3 rating.
- Directs the OSPI to develop a professional development program to support implementation of the revised systems if funds are appropriated for this purpose.
- Directs the Professional Educator Standards Board to incorporate continuing education or competencies in the revised evaluation systems as a requirement for renewal of educator certificates beginning September 1, 2016, and for residency principal certification after August 31, 2013.

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*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.*

**Hearing Date:** 2/16/12

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

**Background:**

*Teacher and Principal Evaluation Systems.* Certain aspects of performance evaluation for certificated school employees are specified in statute. Consequences such as probation or nonrenewal of contract are based on performance judged "not satisfactory." Before 2010, one set of evaluation criteria was specified for teachers and other certificated instructional staff (CIS), and one set for administrators. Beyond the minimums provided in statute, the details of the process and criteria for evaluation are subjects of collective bargaining.

Legislation enacted in 2010 directed development of revised evaluation systems specifically for teachers and principals, including eight new evaluation criteria for teachers, eight criteria for principals, and a four-level rating system using a continuum of performance based on the extent the criteria have been met. Data on student growth (the change in student achievement between two points in time) may be included in evaluation of a teacher or principal if it is based on multiple measures of student achievement.

The revised evaluation systems have been implemented first in eight pilot school districts plus one consortium of small rural school districts, beginning with a design phase in 2010-11 and trial implementation in 2011-12. The Office of the Superintendent of Public Instruction (OSPI), along with a Steering Committee of organizations representing teachers, principals, administrators and parents, has been overseeing implementation of the Teacher Principal Evaluation Pilot (TPEP).

The pilot districts have been using research-based frameworks that describe the attributes and characteristics of teaching and leadership based on the evaluation criteria and levels of performance. The OSPI was directed to recommend in a July 2011 report whether a single statewide evaluation model should be required. The preliminary recommendation was that districts should be encouraged to select from a limited number of state-approved models, with a state approval process for districts who wished to use a different system.

Revised teacher and principal evaluation systems must be implemented in all school districts beginning with the 2013-14 school year.

*Evaluation Periods.* Evaluations of teachers and other CIS must be conducted annually. However, after a teacher or CIS has four years of satisfactory evaluations, the school district may use a short form of evaluation, a locally-bargained professional growth option, a regular evaluation, or some combination. A regular evaluation must be conducted at least once every three years, unless the local bargaining agreement extends this time period.

*Probation.* For teachers and other CIS whose performance is judged "not satisfactory," a probationary period of 60 school days must be established, along with a program for improvement in specific areas of deficiency. The evaluator may authorize an additional certificated employee to evaluate and assist the probationer in improving performance. The probationer may be removed from probation if he or she has demonstrated improvement to the

satisfaction of the evaluator in the areas identified in the program of improvement. Lack of improvement is grounds for a finding of probable cause for nonrenewal of contract or discharge.

*Provisional and Continuing Contract Status.* Teachers and other CIS are considered provisional employees during the first three years of employment or during the first year in a new district if they have worked at least two years in another district. While there are some procedures and due process requirements for nonrenewal of a provisional employee's contract, it is not necessary for the district to show probable cause as a justification. All other certificated staff, including administrators, are considered to have continuing contract status where probable cause must be shown for nonrenewal or discharge.

*Reduction in Force and Assignment.* Matters such as order of layoffs or recall in the case of a reduction in force and transfer or assignment of staff are not specified in statute. These are determined by school district policies or collective bargaining agreements.

*Evaluation Training.* School districts must require any supervisor with responsibility for evaluation to have training in evaluation procedures, and a supervisor may not evaluate a teacher without having received such training.

*Teacher and Principal Certification.* The Professional Educator Standards Board (PESB) establishes requirements for issuance and renewal of educator certificates. Rather than requiring a certain number of hours of continuing education for renewal, the PESB is moving toward requiring teachers and principals to establish individualized professional growth plans (PGPs) under which a range of planned activities may occur that are intended to improve their knowledge and skills.

### **Summary of Bill:**

*Teacher and Principal Evaluation Systems.* The following labels are established for the four levels of the teacher and principal rating systems:

- Level 1: Unsatisfactory.
- Level 2: Basic.
- Level 3: Proficient.
- Level 4: Distinguished.

The OSPI must adopt rules by December 1, 2012, establishing descriptors for each level, based on the development work of the pilot districts. Any future revisions must follow consultation with a group similar to the TPEP Steering Committee. The OSPI must also adopt rules prescribing a common method for calculating the performance rating. Each teacher and principal receives one of the four ratings for each of the eight evaluation criteria, and an overall rating for the entire evaluation.

School districts are encouraged to recognize teachers and principals with Distinguished ratings.

The OSPI must also adopt up to three preferred, research-based instructional frameworks and up to three leadership frameworks by September 1, 2012. School districts must adopt one each of the preferred frameworks. The OSPI must establish a process for approving minor modifications.

School districts must adopt an implementation schedule that transitions teachers and principals to the new evaluation systems beginning no later than 2013-14, with all teachers and principals evaluated under the new systems no later than 2015-16. Probationary and provisional teachers, principals with fewer than three years' experience or new to the district, and any principal whose work was judged not satisfactory in the previous year must be transitioned first.

*Student Growth Data.* Student growth data must be a substantial factor in evaluating teachers and principals for at least three of the evaluation criteria. For teachers, student growth data may include the teacher's performance as a member of an instructional or schoolwide team when use of this data is relevant and appropriate. Student input may be included in the evaluation process for teachers, and input from building staff may included for principals.

*Evaluation Periods.* Annual evaluations must be conducted for teachers and principals who have been transitioned to the new systems. A comprehensive evaluation uses all eight criteria, and must occur at least every four years. Provisional teachers, principals with fewer than three years' experience or new to the district, and any teacher or principal scoring at Level 1 or 2 in the previous year must receive annual comprehensive evaluations.

In the years when a comprehensive evaluation is not required, teachers and principals scoring at Level 3 or above are eligible for an annual focused evaluation, which is based on one selected criteria plus specifically linked professional growth activities. The selected criteria must be approved by the evaluator and may have been identified in previous evaluations. A group of teachers or a group of principals may focus on the same criteria and share professional growth activities.

School districts are encouraged to conduct annual comprehensive evaluations for principals.

*Probation.* For teachers who have been transitioned to the new evaluation system, "not satisfactory" for purposes of probation is defined as:

- a Level 1 rating; or
- a Level 2 rating if the teacher has a continuing contract with more than five years' experience and if the rating is received for either two consecutive years or two out of three years.

"Not satisfactory" performance for principals who have been transitioned to the new evaluation system is defined in the same manner.

Additional days of probation may be added to the required 60 days for teachers and other CIS as long as the probationary period is concluded before May 15 of that year. If a teacher on probation has five or more years of experience and scores below a Level 2 as of May 15th, the probationary period may be extended into the following school year. If a procedural error occurs during probation, the error does not invalidate the program of improvement or evaluation unless they are materially affected. If the evaluator does not authorize an additional certificated employee to assist in the evaluation, a probationer may request this and the request must be implemented by having the Educational Service District (ESD) assign an individual from a list of evaluation specialists compiled by the ESD.

To be removed from probation, a teacher with provisional status, or continuing contract status but five or fewer years' experience, must achieve at least a Level 2 rating. Continuing contract teachers with more than five years' experience must achieve at least a Level 3 rating.

When a continuing contract teacher with five or more years' experience receives a performance rating below Level 2 for two consecutive years, within 10 days of the second evaluation or May 15th (whichever is earlier), the school district must initiate the procedures for notification of discharge.

*Provisional and Continuing Contract Status.* Provisional teachers who receive a rating below Level 2 during the third year of employment remain on provisional status until they receive a Level 2 rating. The TPEP Steering Committee and the pilot school districts must develop recommendations by July 1, 2016, regarding how teacher evaluations could inform state policies for the criteria for obtaining continuing contract status. The experiences of school districts and teachers during the transition phase of implementing new evaluation systems must be considered.

*Reduction in Force and Assignment.* The TPEP Steering Committee and the pilot school districts must develop a report and recommendations by December 1, 2013, regarding best practices for how teacher and principal evaluations and other appropriate elements must inform school district human resource and personnel practices. Beginning with the 2015-16 school year, evaluation results must be used as one of multiple factors in making human resource and personnel decisions, including assignment; the consideration of an agreement to an assignment by a teacher, principal, and superintendent; and reduction in force. This does not limit the ability to collectively bargain how the multiple factors are used, with the exception that evaluation results must be a factor. The OSPI must report on school district implementation of these provisions by December 1, 2017.

*Evaluation Training.* Principals and administrators who are evaluators must engage in professional development to implement the revised evaluation systems before they are implemented and before evaluating teachers.

Subject to funds appropriated for this purpose, the OSPI must develop a professional development program to support implementation of revised evaluation systems, which must include a comprehensive online training package. Topics for the training program are specified.

The OSPI must incorporate or adapt existing online training or curriculum to the maximum extent feasible, including contracting for or purchasing materials within available funds. Multiple modes of instruction should be incorporated, such as videos; participatory exercises; and other combinations of audio, video, and print. The OSPI must also maintain a website that includes the professional development materials along with other evaluation resources to assist school districts. The OSPI must identify the number of inservice training hours associated with each module of the professional development program and develop a way for users to document completion.

The OSPI must also work with the ESDs to provide clearinghouse services for professional development opportunities that align with the evaluation criteria.

*Teacher and Principal Certification.* Beginning September 1, 2016, the PESB must incorporate continuing education or knowledge and competencies related to the revised teacher and principal evaluation systems as a requirement for renewal of a continuing or professional certificate. Professional growth activities under focused evaluations may be used to fulfill the PGP requirements for professional certificate renewal. After August 31, 2013, to receive a residency certificate, principal candidates must have demonstrated knowledge of teacher evaluation research and Washington's evaluation requirements, and successfully completed opportunities to practice teacher evaluation skills.

*Continued Work and Reports.* The TPEP Steering Committee and pilot school districts must continue to examine implementation issues and refine tools for the new evaluation systems through the 2015-16 implementation phase, with particular attention to the following issues:

- taking new evaluation systems to scale and use of best practices for statewide implementation;
- providing guidance for use of student growth data to assure it is used responsibly and with integrity;
- refining evaluation system management tools and training to develop rater reliability;
- reviewing emerging research and similar activities in other states; and
- reviewing the impact of variable demographic characteristics of students and schools on the objectivity, reliability, validity, and availability of student growth data.

The OSPI may contract with an independent research organization to support these tasks.

The OSPI must monitor statewide implementation of the teacher and principal evaluation systems and provide a report to the Legislature and the Governor each July 1st between 2013 and 2016, with a final report on December 1, 2016.

**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

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