

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5895

Chapter 35, Laws of 2012

62nd Legislature
2012 Regular Session

CERTIFICATED EDUCATION EMPLOYEES--EVALUATION

EFFECTIVE DATE: 06/07/12

Passed by the Senate February 14, 2012
YEAS 46 NAYS 3

BRAD OWEN

President of the Senate

Passed by the House February 29, 2012
YEAS 82 NAYS 16

FRANK CHOPP

Speaker of the House of Representatives

Approved March 8, 2012, 12:14 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5895** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 8, 2012

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5895

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 Regular Session

By Senate Ways & Means (originally sponsored by Senator Murray)

READ FIRST TIME 02/07/12.

1 AN ACT Relating to evaluating certificated employees; amending RCW
2 28A.405.100, 28A.405.120, 28A.405.130, 28A.415.023, and 28A.405.220;
3 adding a new section to chapter 28A.410 RCW; and adding a new section
4 to chapter 28A.405 RCW.

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

6 **Sec. 1.** RCW 28A.405.100 and 2010 c 235 s 202 are each amended to
7 read as follows:

8 (1)(a) Except as provided in subsection (2) of this section, the
9 superintendent of public instruction shall establish and may amend from
10 time to time minimum criteria for the evaluation of the professional
11 performance capabilities and development of certificated classroom
12 teachers and certificated support personnel. For classroom teachers
13 the criteria shall be developed in the following categories:
14 Instructional skill; classroom management, professional preparation and
15 scholarship; effort toward improvement when needed; the handling of
16 student discipline and attendant problems; and interest in teaching
17 pupils and knowledge of subject matter.

18 (b) Every board of directors shall, in accordance with procedure
19 provided in RCW 41.59.010 through 41.59.170, 41.59.910, and 41.59.920,

1 establish evaluative criteria and procedures for all certificated
2 classroom teachers and certificated support personnel. The evaluative
3 criteria must contain as a minimum the criteria established by the
4 superintendent of public instruction pursuant to this section and must
5 be prepared within six months following adoption of the superintendent
6 of public instruction's minimum criteria. The district must certify to
7 the superintendent of public instruction that evaluative criteria have
8 been so prepared by the district.

9 (2)(a) Pursuant to the implementation schedule established in
10 subsection (7)(~~(b)~~) (c) of this section, every board of directors
11 shall, in accordance with procedures provided in RCW 41.59.010 through
12 41.59.170, 41.59.910, and 41.59.920, establish revised evaluative
13 criteria and a four-level rating system for all certificated classroom
14 teachers.

15 (b) The minimum criteria shall include: (i) Centering instruction
16 on high expectations for student achievement; (ii) demonstrating
17 effective teaching practices; (iii) recognizing individual student
18 learning needs and developing strategies to address those needs; (iv)
19 providing clear and intentional focus on subject matter content and
20 curriculum; (v) fostering and managing a safe, positive learning
21 environment; (vi) using multiple student data elements to modify
22 instruction and improve student learning; (vii) communicating and
23 collaborating with parents and (~~(the)~~) the school community; and
24 (viii) exhibiting collaborative and collegial practices focused on
25 improving instructional practice and student learning. Student growth
26 data must be a substantial factor in evaluating the summative
27 performance of certificated classroom teachers for at least three of
28 the evaluation criteria listed in this subsection.

29 (c) The four-level rating system used to evaluate the certificated
30 classroom teacher must describe performance along a continuum that
31 indicates the extent to which the criteria have been met or exceeded.
32 (~~When~~) The summative performance ratings shall be as follows: Level
33 1 - unsatisfactory; level 2 - basic; level 3 - proficient; and level 4
34 - distinguished. A classroom teacher shall receive one of the four
35 summative performance ratings for each of the minimum criteria in (b)
36 of this subsection and one of the four summative performance ratings
37 for the evaluation as a whole, which shall be the comprehensive
38 summative evaluation performance rating. By December 1, 2012, the

1 superintendent of public instruction must adopt rules prescribing a
2 common method for calculating the comprehensive summative evaluation
3 performance rating for each of the preferred instructional frameworks,
4 including for a focused evaluation under subsection (12) of this
5 section, giving appropriate weight to the indicators evaluated under
6 each criteria and maximizing rater agreement among the frameworks.

7 (d) By December 1, 2012, the superintendent of public instruction
8 shall adopt rules that provide descriptors for each of the summative
9 performance ratings, based on the development work of pilot school
10 districts under subsection (7) of this section. Any subsequent changes
11 to the descriptors by the superintendent may only be made following
12 consultation with a group broadly reflective of the parties represented
13 in subsection (7)(a) of this section.

14 (e) By September 1, 2012, the superintendent of public instruction
15 shall identify up to three preferred instructional frameworks that
16 support the revised evaluation system. The instructional frameworks
17 shall be research-based and establish definitions or rubrics for each
18 of the four summative performance ratings for each evaluation criteria.
19 Each school district must adopt one of the preferred instructional
20 frameworks and post the selection on the district's web site. The
21 superintendent of public instruction shall establish a process for
22 approving minor modifications or adaptations to a preferred
23 instructional framework that may be proposed by a school district.

24 (f) Student growth data(~~(, if available and)~~) that is relevant to
25 the teacher and subject matter(~~(, is referenced)~~) must be a factor in
26 the evaluation process (~~(it)~~) and must be based on multiple measures
27 that can include classroom-based, school-based, district-based, and
28 state-based tools. Student growth data elements may include the
29 teacher's performance as a member of a grade-level, subject matter, or
30 other instructional team within a school when the use of this data is
31 relevant and appropriate. Student growth data elements may also
32 include the teacher's performance as a member of the overall
33 instructional team of a school when use of this data is relevant and
34 appropriate. As used in this subsection, "student growth" means the
35 change in student achievement between two points in time.

36 (g) Student input may also be included in the evaluation process.

37 (3)(a) Except as provided in subsection (~~(+10)~~) (11) of this
38 section, it shall be the responsibility of a principal or his or her

1 designee to evaluate all certificated personnel in his or her school.
2 During each school year all classroom teachers and certificated support
3 personnel shall be observed for the purposes of evaluation at least
4 twice in the performance of their assigned duties. Total observation
5 time for each employee for each school year shall be not less than
6 sixty minutes. An employee in the third year of provisional status as
7 defined in RCW 28A.405.220 shall be observed at least three times in
8 the performance of his or her duties and the total observation time for
9 the school year shall not be less than ninety minutes. Following each
10 observation, or series of observations, the principal or other
11 evaluator shall promptly document the results of the observation in
12 writing, and shall provide the employee with a copy thereof within
13 three days after such report is prepared. New employees shall be
14 observed at least once for a total observation time of thirty minutes
15 during the first ninety calendar days of their employment period.

16 (b) As used in this subsection and subsection (4) of this section,
17 "employees" means classroom teachers and certificated support personnel
18 except where otherwise specified.

19 (4)(a) At any time after October 15th, an employee whose work is
20 not judged satisfactory based on district evaluation criteria shall be
21 notified in writing of the specific areas of deficiencies along with a
22 reasonable program for improvement. For classroom teachers who have
23 been transitioned to the revised evaluation system pursuant to the
24 district implementation schedule adopted under subsection (7)(c) of
25 this section, the following comprehensive summative evaluation
26 performance ratings based on the evaluation criteria in subsection
27 (2)(b) of this section mean a classroom teacher's work is not judged
28 satisfactory:

29 (i) Level 1; or

30 (ii) Level 2 if the classroom teacher is a continuing contract
31 employee under RCW 28A.405.210 with more than five years of teaching
32 experience and if the level 2 comprehensive summative evaluation
33 performance rating has been received for two consecutive years or for
34 two years within a consecutive three-year time period.

35 (b) During the period of probation, the employee may not be
36 transferred from the supervision of the original evaluator.
37 Improvement of performance or probable cause for nonrenewal must occur
38 and be documented by the original evaluator before any consideration of

1 a request for transfer or reassignment as contemplated by either the
2 individual or the school district. A probationary period of sixty
3 school days shall be established. Days may be added if deemed
4 necessary to complete a program for improvement and evaluate the
5 probationer's performance, as long as the probationary period is
6 concluded before May 15th of the same school year. The probationary
7 period may be extended into the following school year if the
8 probationer has five or more years of teaching experience and has a
9 comprehensive summative evaluation performance rating as of May 15th of
10 less than level 2. The establishment of a probationary period does not
11 adversely affect the contract status of an employee within the meaning
12 of RCW 28A.405.300. The purpose of the probationary period is to give
13 the employee opportunity to demonstrate improvements in his or her
14 areas of deficiency. The establishment of the probationary period and
15 the giving of the notice to the employee of deficiency shall be by the
16 school district superintendent and need not be submitted to the board
17 of directors for approval. During the probationary period the
18 evaluator shall meet with the employee at least twice monthly to
19 supervise and make a written evaluation of the progress, if any, made
20 by the employee. The evaluator may authorize one additional
21 certificated employee to evaluate the probationer and to aid the
22 employee in improving his or her areas of deficiency((+)). Should the
23 evaluator not authorize such additional evaluator, the probationer may
24 request that an additional certificated employee evaluator become part
25 of the probationary process and this request must be implemented by
26 including an additional experienced evaluator assigned by the
27 educational service district in which the school district is located
28 and selected from a list of evaluation specialists compiled by the
29 educational service district. Such additional certificated employee
30 shall be immune from any civil liability that might otherwise be
31 incurred or imposed with regard to the good faith performance of such
32 evaluation. If a procedural error occurs in the implementation of a
33 program for improvement, the error does not invalidate the
34 probationer's plan for improvement or evaluation activities unless the
35 error materially affects the effectiveness of the plan or the ability
36 to evaluate the probationer's performance. The probationer ((may))
37 must be removed from probation if he or she has demonstrated
38 improvement to the satisfaction of the ((principal)) evaluator in those

1 areas specifically detailed in his or her initial notice of deficiency
2 and subsequently detailed in his or her (~~improvement~~) program for
3 improvement. A classroom teacher who has been transitioned to the
4 revised evaluation system pursuant to the district implementation
5 schedule adopted under subsection (7)(c) of this section must be
6 removed from probation if he or she has demonstrated improvement that
7 results in a new comprehensive summative evaluation performance rating
8 of level 2 or above for a provisional employee or a continuing contract
9 employee with five or fewer years of experience, or of level 3 or above
10 for a continuing contract employee with more than five years of
11 experience. Lack of necessary improvement during the established
12 probationary period, as specifically documented in writing with
13 notification to the probationer (~~and shall~~) constitutes grounds for
14 a finding of probable cause under RCW 28A.405.300 or 28A.405.210.

15 (~~(b)~~) (c) When a continuing contract employee with five or more
16 years of experience receives a comprehensive summative evaluation
17 performance rating below level 2 for two consecutive years, the school
18 district shall, within ten days of the completion of the second
19 summative comprehensive evaluation or May 15th, whichever occurs first,
20 implement the employee notification of discharge as provided in RCW
21 28A.405.300.

22 (d) Immediately following the completion of a probationary period
23 that does not produce performance changes detailed in the initial
24 notice of deficiencies and (~~improvement~~) program for improvement, the
25 employee may be removed from his or her assignment and placed into an
26 alternative assignment for the remainder of the school year. In the
27 case of a classroom teacher who has been transitioned to the revised
28 evaluation system pursuant to the district implementation schedule
29 adopted under subsection (7)(c) of this section, the teacher may be
30 removed from his or her assignment and placed into an alternative
31 assignment for the remainder of the school year immediately following
32 the completion of a probationary period that does not result in the
33 required comprehensive summative evaluation performance ratings
34 specified in (b) of this subsection. This reassignment may not
35 displace another employee nor may it adversely affect the probationary
36 employee's compensation or benefits for the remainder of the employee's
37 contract year. If such reassignment is not possible, the district may,

1 at its option, place the employee on paid leave for the balance of the
2 contract term.

3 (5) Every board of directors shall establish evaluative criteria
4 and procedures for all superintendents, principals, and other
5 administrators. It shall be the responsibility of the district
6 superintendent or his or her designee to evaluate all administrators.
7 Except as provided in subsection (6) of this section, such evaluation
8 shall be based on the administrative position job description. Such
9 criteria, when applicable, shall include at least the following
10 categories: Knowledge of, experience in, and training in recognizing
11 good professional performance, capabilities and development; school
12 administration and management; school finance; professional preparation
13 and scholarship; effort toward improvement when needed; interest in
14 pupils, employees, patrons and subjects taught in school; leadership;
15 and ability and performance of evaluation of school personnel.

16 (6)(a) Pursuant to the implementation schedule established by
17 subsection (7)(b) of this section, every board of directors shall
18 establish revised evaluative criteria and a four-level rating system
19 for principals.

20 (b) The minimum criteria shall include: (i) Creating a school
21 culture that promotes the ongoing improvement of learning and teaching
22 for students and staff; (ii) demonstrating commitment to closing the
23 achievement gap; (iii) providing for school safety; (iv) leading the
24 development, implementation, and evaluation of a data-driven plan for
25 increasing student achievement, including the use of multiple student
26 data elements; (v) assisting instructional staff with alignment of
27 curriculum, instruction, and assessment with state and local district
28 learning goals; (vi) monitoring, assisting, and evaluating effective
29 instruction and assessment practices; (vii) managing both staff and
30 fiscal resources to support student achievement and legal
31 responsibilities; and (viii) partnering with the school community to
32 promote student learning. Student growth data must be a substantial
33 factor in evaluating the summative performance of the principal for at
34 least three of the evaluation criteria listed in this subsection.

35 (c) The four-level rating system used to evaluate the principal
36 must describe performance along a continuum that indicates the extent
37 to which the criteria have been met or exceeded. (~~When available,~~)
38 The summative performance ratings shall be as follows: Level 1 -

1 unsatisfactory; level 2 - basic; level 3 - proficient; and level 4 -
2 distinguished. A principal shall receive one of the four summative
3 performance ratings for each of the minimum criteria in (b) of this
4 subsection and one of the four summative performance ratings for the
5 evaluation as a whole, which shall be the comprehensive summative
6 evaluation performance rating.

7 (d) By December 1, 2012, the superintendent of public instruction
8 shall adopt rules that provide descriptors for each of the summative
9 performance ratings, based on the development work of pilot school
10 districts under subsection (7) of this section. Any subsequent changes
11 to the descriptors by the superintendent may only be made following
12 consultation with a group broadly reflective of the parties represented
13 in subsection (7)(a) of this section.

14 (e) By September 1, 2012, the superintendent of public instruction
15 shall identify up to three preferred leadership frameworks that support
16 the revised evaluation system. The leadership frameworks shall be
17 research-based and establish definitions or rubrics for each of the
18 four performance ratings for each evaluation criteria. Each school
19 district shall adopt one of the preferred leadership frameworks and
20 post the selection on the district's web site. The superintendent of
21 public instruction shall establish a process for approving minor
22 modifications or adaptations to a preferred leadership framework that
23 may be proposed by a school district.

24 (f) Student growth data that is ((referenced)) relevant to the
25 principal must be a factor in the evaluation process and must be based
26 on multiple measures that can include classroom-based, school-based,
27 district-based, and state-based tools. As used in this subsection,
28 "student growth" means the change in student achievement between two
29 points in time.

30 (g) Input from building staff may also be included in the
31 evaluation process.

32 (h) For principals who have been transitioned to the revised
33 evaluation system pursuant to the district implementation schedule
34 adopted under subsection (7)(c) of this section, the following
35 comprehensive summative evaluation performance ratings mean a
36 principal's work is not judged satisfactory:

37 (i) Level 1; or

1 (ii) Level 2 if the principal has more than five years of
2 experience in the principal role and if the level 2 comprehensive
3 summative evaluation performance rating has been received for two
4 consecutive years or for two years within a consecutive three-year time
5 period.

6 (7)(a) The superintendent of public instruction, in collaboration
7 with state associations representing teachers, principals,
8 administrators, school board members, and parents, to be known as the
9 steering committee, shall create models for implementing the evaluation
10 system criteria, student growth tools, professional development
11 programs, and evaluator training for certificated classroom teachers
12 and principals. Human resources specialists, professional development
13 experts, and assessment experts must also be consulted. Due to the
14 diversity of teaching assignments and the many developmental levels of
15 students, classroom teachers and principals must be prominently
16 represented in this work. The models must be available for use in the
17 2011-12 school year.

18 (b) A new certificated classroom teacher evaluation system that
19 implements the provisions of subsection (2) of this section and a new
20 principal evaluation system that implements the provisions of
21 subsection (6) of this section shall be phased-in beginning with the
22 2010-11 school year by districts identified in ~~((e))~~ (d) of this
23 subsection and implemented in all school districts beginning with the
24 2013-14 school year.

25 (c) Each school district board of directors shall adopt a schedule
26 for implementation of the revised evaluation systems that transitions
27 a portion of classroom teachers and principals in the district to the
28 revised evaluation systems each year beginning no later than the 2013-
29 14 school year, until all classroom teachers and principals are being
30 evaluated under the revised evaluation systems no later than the 2015-
31 16 school year. A school district is not precluded from completing the
32 transition of all classroom teachers and principals to the revised
33 evaluation systems before the 2015-16 school year. The schedule
34 adopted under this subsection (7)(c) must provide that the following
35 employees are transitioned to the revised evaluation systems beginning
36 in the 2013-14 school year:

37 (i) Classroom teachers who are provisional employees under RCW
38 28A.405.220;

1 (ii) Classroom teachers who are on probation under subsection (4)
2 of this section;

3 (iii) Principals in the first three consecutive school years of
4 employment as a principal;

5 (iv) Principals whose work is not judged satisfactory in their most
6 recent evaluation; and

7 (v) Principals previously employed as a principal by another school
8 district in the state of Washington for three or more consecutive
9 school years and in the first full year as a principal in the school
10 district.

11 (d) A set of school districts shall be selected by the
12 superintendent of public instruction to participate in a collaborative
13 process resulting in the development and piloting of new certificated
14 classroom teacher and principal evaluation systems during the 2010-11
15 and 2011-12 school years. These school districts must be selected
16 based on: (i) The agreement of the local associations representing
17 classroom teachers and principals to collaborate with the district in
18 this developmental work and (ii) the agreement to participate in the
19 full range of development and implementation activities, including:
20 Development of rubrics for the evaluation criteria and ratings in
21 subsections (2) and (6) of this section; identification of or
22 development of appropriate multiple measures of student growth in
23 subsections (2) and (6) of this section; development of appropriate
24 evaluation system forms; participation in professional development for
25 principals and classroom teachers regarding the content of the new
26 evaluation system; participation in evaluator training; and
27 participation in activities to evaluate the effectiveness of the new
28 systems and support programs. The school districts must submit to the
29 office of the superintendent of public instruction data that is used in
30 evaluations and all district-collected student achievement, aptitude,
31 and growth data regardless of whether the data is used in evaluations.
32 If the data is not available electronically, the district may submit it
33 in nonelectronic form. The superintendent of public instruction must
34 analyze the districts' use of student data in evaluations, including
35 examining the extent that student data is not used or is underutilized.
36 The superintendent of public instruction must also consult with
37 participating districts and stakeholders, recommend appropriate
38 changes, and address statewide implementation issues. The

1 superintendent of public instruction shall report evaluation system
2 implementation status, evaluation data, and recommendations to
3 appropriate committees of the legislature and governor by July 1, 2011,
4 and at the conclusion of the development phase by July 1, 2012. In the
5 July 1, 2011, report, the superintendent shall include recommendations
6 for whether a single statewide evaluation model should be adopted,
7 whether modified versions developed by school districts should be
8 subject to state approval, and what the criteria would be for
9 determining if a school district's evaluation model meets or exceeds a
10 statewide model. The report shall also identify challenges posed by
11 requiring a state approval process.

12 (e)(i) The steering committee in subsection (7)(a) of this section
13 and the pilot school districts in subsection (7)(d) of this section
14 shall continue to examine implementation issues and refine tools for
15 the new certificated classroom teacher evaluation system in subsection
16 (2) of this section and the new principal evaluation system in
17 subsection (6) of this section during the 2013-14 through 2015-16
18 implementation phase.

19 (ii) Particular attention shall be given to the following issues:

20 (A) Developing a report for the legislature and governor, due by
21 December 1, 2013, of best practices and recommendations regarding how
22 teacher and principal evaluations and other appropriate elements shall
23 inform school district human resource and personnel practices. The
24 legislature and governor are provided the opportunity to review the
25 report and recommendations during the 2014 legislative session;

26 (B) Taking the new teacher and principal evaluation systems to
27 scale and the use of best practices for statewide implementation;

28 (C) Providing guidance regarding the use of student growth data to
29 assure it is used responsibly and with integrity;

30 (D) Refining evaluation system management tools, professional
31 development programs, and evaluator training programs with an emphasis
32 on developing rater reliability;

33 (E) Reviewing emerging research regarding teacher and principal
34 evaluation systems and the development and implementation of evaluation
35 systems in other states;

36 (F) Reviewing the impact that variable demographic characteristics
37 of students and schools have on the objectivity, reliability, validity,
38 and availability of student growth data; and

1 (G) Developing recommendations regarding how teacher evaluations
2 could inform state policies regarding the criteria for a teacher to
3 obtain continuing contract status under RCW 28A.405.210. In developing
4 these recommendations the experiences of school districts and teachers
5 during the evaluation transition phase must be considered.
6 Recommendations must be reported by July 1, 2016, to the legislature
7 and the governor.

8 (iii) To support the tasks in (e)(ii) of this subsection, the
9 superintendent of public instruction may contract with an independent
10 research organization with expertise in educator evaluations and
11 knowledge of the revised evaluation systems being implemented under
12 this section.

13 (iv) The superintendent of public instruction shall monitor the
14 statewide implementation of revised teacher and principal evaluation
15 systems using data reported under RCW 28A.150.230 as well as periodic
16 input from focus groups of administrators, principals, and teachers.

17 (v) The superintendent of public instruction shall submit reports
18 detailing findings, emergent issues or trends, recommendations from the
19 steering committee, and pilot school districts, and other
20 recommendations, to enhance implementation and continuous improvement
21 of the revised evaluation systems to appropriate committees of the
22 legislature and the governor beginning July 1, 2013, and each July 1st
23 thereafter for each year of the school district implementation
24 transition period concluding with a report on December 1, 2016.

25 (8)(a) Beginning with the 2015-16 school year, evaluation results
26 for certificated classroom teachers and principals must be used as one
27 of multiple factors in making human resource and personnel decisions.
28 Human resource decisions include, but are not limited to: Staff
29 assignment, including the consideration of an agreement to an
30 assignment by an appropriate teacher, principal, and superintendent;
31 and reduction in force. Nothing in this section limits the ability to
32 collectively bargain how the multiple factors shall be used in making
33 human resource or personnel decisions, with the exception that
34 evaluation results must be a factor.

35 (b) The office of the superintendent of public instruction must
36 report to the legislature and the governor regarding the school
37 district implementation of the provisions of (a) of this subsection by
38 December 1, 2017.

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

7 ~~((9))~~ (10) The failure of any evaluator to evaluate or supervise
8 or cause the evaluation or supervision of certificated classroom
9 teachers and certificated support personnel or administrators in
10 accordance with this section, as now or hereafter amended, when it is
11 his or her specific assigned or delegated responsibility to do so,
12 shall be sufficient cause for the nonrenewal of any such evaluator's
13 contract under RCW 28A.405.210, or the discharge of such evaluator
14 under RCW 28A.405.300.

15 ~~((10))~~ (11) After a certificated classroom teacher or
16 certificated support personnel has four years of satisfactory
17 evaluations under subsection (1) of this section ~~((or has received one
18 of the two top ratings for four years under subsection (2) of this
19 section))~~, a school district may use a short form of evaluation, a
20 locally bargained evaluation emphasizing professional growth, an
21 evaluation under subsection (1) or (2) of this section, or any
22 combination thereof. The short form of evaluation shall include either
23 a thirty minute observation during the school year with a written
24 summary or a final annual written evaluation based on the criteria in
25 subsection (1) or (2) of this section and based on at least two
26 observation periods during the school year totaling at least sixty
27 minutes without a written summary of such observations being prepared.
28 A locally bargained short-form evaluation emphasizing professional
29 growth must provide that the professional growth activity conducted by
30 the certificated classroom teacher be specifically linked to one or
31 more of the certificated classroom teacher evaluation criteria.
32 However, the evaluation process set forth in subsection (1) or (2) of
33 this section shall be followed at least once every three years unless
34 this time is extended by a local school district under the bargaining
35 process set forth in chapter 41.59 RCW. The employee or evaluator may
36 require that the evaluation process set forth in subsection (1) or (2)
37 of this section be conducted in any given school year. No evaluation
38 other than the evaluation authorized under subsection (1) or (2) of

1 this section may be used as a basis for determining that an employee's
2 work is not satisfactory under subsection (1) or (2) of this section or
3 as probable cause for the nonrenewal of an employee's contract under
4 RCW 28A.405.210 unless an evaluation process developed under chapter
5 41.59 RCW determines otherwise. The provisions of this subsection
6 apply to certificated classroom teachers only until the teacher has
7 been transitioned to the revised evaluation system pursuant to the
8 district implementation schedule adopted under subsection (7)(c) of
9 this section.

10 (12) All certificated classroom teachers and principals who have
11 been transitioned to the revised evaluation systems pursuant to the
12 district implementation schedule adopted under subsection (7)(c) of
13 this section must receive annual performance evaluations as provided in
14 this subsection:

15 (a) All classroom teachers and principals shall receive a
16 comprehensive summative evaluation at least once every four years. A
17 comprehensive summative evaluation assesses all eight evaluation
18 criteria and all criteria contribute to the comprehensive summative
19 evaluation performance rating.

20 (b) The following categories of classroom teachers and principals
21 shall receive an annual comprehensive summative evaluation:

22 (i) Classroom teachers who are provisional employees under RCW
23 28A.405.220;

24 (ii) Principals in the first three consecutive school years of
25 employment as a principal;

26 (iii) Principals previously employed as a principal by another
27 school district in the state of Washington for three or more
28 consecutive school years and in the first full year as a principal in
29 the school district; and

30 (iv) Any classroom teacher or principal who received a
31 comprehensive summative evaluation performance rating of level 1 or
32 level 2 in the previous school year.

33 (c)(i) In the years when a comprehensive summative evaluation is
34 not required, classroom teachers and principals who received a
35 comprehensive summative evaluation performance rating of level 3 or
36 above in the previous school year are required to complete a focused
37 evaluation. A focused evaluation includes an assessment of one of the

1 eight criteria selected for a performance rating plus professional
2 growth activities specifically linked to the selected criteria.

3 (ii) The selected criteria must be approved by the teacher's or
4 principal's evaluator and may have been identified in a previous
5 comprehensive summative evaluation as benefiting from additional
6 attention. A group of teachers may focus on the same evaluation
7 criteria and share professional growth activities. A group of
8 principals may focus on the same evaluation criteria and share
9 professional growth activities.

10 (iii) The evaluator must assign a comprehensive summative
11 evaluation performance rating for the focused evaluation using the
12 methodology adopted by the superintendent of public instruction for the
13 instructional or leadership framework being used.

14 (iv) A teacher or principal may be transferred from a focused
15 evaluation to a comprehensive summative evaluation at the request of
16 the teacher or principal, or at the direction of the teacher's or
17 principal's evaluator.

18 (v) Due to the importance of instructional leadership and assuring
19 rater agreement among evaluators, particularly those evaluating teacher
20 performance, school districts are encouraged to conduct comprehensive
21 summative evaluations of principal performance on an annual basis.

22 (vi) A classroom teacher or principal may apply the focused
23 evaluation professional growth activities toward the professional
24 growth plan for professional certificate renewal as required by the
25 professional educator standards board.

26 (13) Each school district is encouraged to acknowledge and
27 recognize classroom teachers and principals who have attained level 4 -
28 distinguished performance ratings.

29 **Sec. 2.** RCW 28A.405.120 and 1995 c 335 s 401 are each amended to
30 read as follows:

31 (1) School districts shall require each administrator, each
32 principal, or other supervisory personnel who has responsibility for
33 evaluating classroom teachers or principals to have training in
34 evaluation procedures.

35 (2) Before school district implementation of the revised evaluation
36 systems required under RCW 28A.405.100, principals and administrators

1 who have evaluation responsibilities must engage in professional
2 development designed to implement the revised systems and maximize
3 rater agreement.

4 **Sec. 3.** RCW 28A.405.130 and 1985 c 420 s 4 are each amended to
5 read as follows:

6 (1) No administrator, principal, or other supervisory personnel may
7 evaluate a teacher without having received training in evaluation
8 procedures.

9 (2) Before evaluating classroom teachers using the evaluation
10 systems required under RCW 28A.405.100, principals and administrators
11 must engage in professional development designed to implement the
12 revised systems and maximize rater agreement.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.410
14 RCW to read as follows:

15 (1)(a) After August 31, 2013, candidates for a residency principal
16 certificate must have demonstrated knowledge of teacher evaluation
17 research and Washington's evaluation requirements and successfully
18 completed opportunities to practice teacher evaluation skills.

19 (b) At a minimum, principal preparation programs must address the
20 following knowledge and skills related to evaluations:

21 (i) Examination of Washington teacher and principal evaluation
22 criteria, and four-tiered performance rating system, and the preferred
23 instructional and leadership frameworks used to describe the evaluation
24 criteria;

25 (ii) Classroom observations;

26 (iii) The use of student growth data and multiple measures of
27 performance;

28 (iv) Evaluation conferencing;

29 (v) Development of classroom teacher and principal support plans
30 resulting from an evaluation; and

31 (vi) Use of an online tool to manage the collection of observation
32 notes, teacher and principal-submitted materials, and other information
33 related to the conduct of the evaluation.

34 (2) Beginning September 1, 2016, the professional educator
35 standards board shall incorporate in-service training or continuing
36 education on the revised teacher and principal evaluation systems under

1 RCW 28A.405.100 as a requirement for renewal of continuing or
2 professional level certificates, including requiring knowledge and
3 competencies in teacher and principal evaluation systems as an aspect
4 of professional growth plans used for certificate renewal.

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.405
6 RCW to read as follows:

7 (1) Subject to funds appropriated for this purpose, the office of
8 the superintendent of public instruction must develop and make
9 available a professional development program to support the
10 implementation of the evaluation systems required by RCW 28A.405.100.
11 The program components may be organized into professional development
12 modules for principals, administrators, and teachers. The professional
13 development program shall include a comprehensive online training
14 package.

15 (2) The training program must include, but not be limited to, the
16 following topics:

17 (a) Introduction of the evaluation criteria for teachers and
18 principals and the four-level rating system;

19 (b) Orientation to and use of instructional frameworks;

20 (c) Orientation to and use of the leadership frameworks;

21 (d) Best practices in developing and using data in the evaluation
22 systems, including multiple measures, student growth data, classroom
23 observations, and other measures and evidence;

24 (e) Strategies for achieving maximum rater agreement;

25 (f) Evaluator feedback protocols in the evaluation systems;

26 (g) Examples of high quality teaching and leadership; and

27 (h) Methods to link the evaluation process to ongoing educator
28 professional development.

29 (3) To the maximum extent feasible, the professional development
30 program must incorporate or adapt existing online training or
31 curriculum, including securing materials or curriculum under contract
32 or purchase agreements within available funds. Multiple modes of
33 instruction should be incorporated including videos of classroom
34 teaching, participatory exercises, and other engaging combinations of
35 online audio, video, and print presentation.

36 (4) The professional development program must be developed in
37 modules that allow:

1 (a) Access to material over a reasonable number of training
2 sessions;

3 (b) Delivery in person or online; and

4 (c) Use in a self-directed manner.

5 (5) The office of the superintendent of public instruction must
6 maintain a web site that includes the online professional development
7 materials along with sample evaluation forms and templates, links to
8 relevant research on evaluation and on high quality teaching and
9 leadership, samples of contract and collective bargaining language on
10 key topics, examples of multiple measures of teacher and principal
11 performance, suggestions for data to measure student growth, and other
12 tools that will assist school districts in implementing the revised
13 evaluation systems.

14 (6) The office of the superintendent of public instruction must
15 identify the number of in-service training hours associated with each
16 professional development module and develop a way for users to document
17 their completion of the training. Documented completion of the
18 training under this section is considered approved in-service training
19 for the purposes of RCW 28A.415.020.

20 (7) The office of the superintendent of public instruction shall
21 periodically update the modules to reflect new topics and research on
22 performance evaluation so that the training serves as an ongoing source
23 of continuing education and professional development.

24 (8) The office of the superintendent of public instruction shall
25 work with the educational service districts to provide clearinghouse
26 services for the identification and publication of professional
27 development opportunities for teachers and principals that align with
28 performance evaluation criteria.

29 **Sec. 6.** RCW 28A.415.023 and 2011 1st sp.s. c 18 s 6 are each
30 amended to read as follows:

31 (1) Credits earned by certificated instructional staff after
32 September 1, 1995, shall be eligible for application to the salary
33 schedule developed by the legislative evaluation and accountability
34 program committee only if the course content:

35 (a) Is consistent with a school-based plan for mastery of student
36 learning goals as referenced in RCW 28A.655.110, the annual school
37 performance report, for the school in which the individual is assigned;

1 (b) Pertains to the individual's current assignment or expected
2 assignment for the subsequent school year;

3 (c) Is necessary to obtain an endorsement as prescribed by the
4 Washington professional educator standards board;

5 (d) Is specifically required to obtain advanced levels of
6 certification;

7 (e) Is included in a college or university degree program that
8 pertains to the individual's current assignment, or potential future
9 assignment, as a certified instructional staff; (~~or~~)

10 (f) Addresses research-based assessment and instructional
11 strategies for students with dyslexia, dysgraphia, and language
12 disabilities when addressing learning goal one under RCW 28A.150.210,
13 as applicable and appropriate for individual certificated instructional
14 staff; or

15 (g) Pertains to the revised teacher evaluation system under RCW
16 28A.405.100, including the professional development training provided
17 in section 5 of this act.

18 (2) For the purpose of this section, "credits" mean college quarter
19 hour credits and equivalent credits for approved in-service, approved
20 continuing education, or approved internship hours computed in
21 accordance with RCW 28A.415.020.

22 (3) The superintendent of public instruction shall adopt rules and
23 standards consistent with the limits established by this section for
24 certificated instructional staff.

25 (4) For the 2011-12 and 2012-13 school years, application of
26 credits or credit equivalents earned under this section after October
27 1, 2010, to the salary schedule developed by the legislative evaluation
28 and accountability program committee is subject to any conditions or
29 limitations contained in the omnibus operating appropriations act.

30 **Sec. 7.** RCW 28A.405.220 and 2010 c 235 s 203 are each amended to
31 read as follows:

32 (1) Notwithstanding the provisions of RCW 28A.405.210, every person
33 employed by a school district in a teaching or other nonsupervisory
34 certificated position shall be subject to nonrenewal of employment
35 contract as provided in this section during the first three years of
36 employment by such district, unless: (a) The employee has previously
37 completed at least two years of certificated employment in another

1 school district in the state of Washington, in which case the employee
2 shall be subject to nonrenewal of employment contract pursuant to this
3 section during the first year of employment with the new district; or
4 (b) the employee has received an evaluation rating below level 2 on the
5 four-level rating system established under RCW 28A.405.100 during the
6 third year of employment, in which case the employee shall remain
7 subject to the nonrenewal of the employment contract until the employee
8 receives a level 2 rating; or (c) the school district superintendent
9 may make a determination to remove an employee from provisional status
10 if the employee has received one of the top two evaluation ratings
11 during the second year of employment by the district. Employees as
12 defined in this section shall hereinafter be referred to as
13 "provisional employees."

14 (2) In the event the superintendent of the school district
15 determines that the employment contract of any provisional employee
16 should not be renewed by the district for the next ensuing term such
17 provisional employee shall be notified thereof in writing on or before
18 May 15th preceding the commencement of such school term, or if the
19 omnibus appropriations act has not passed the legislature by May 15th,
20 then notification shall be no later than June 15th, which notification
21 shall state the reason or reasons for such determination. Such notice
22 shall be served upon the provisional employee personally, or by
23 certified or registered mail, or by leaving a copy of the notice at the
24 place of his or her usual abode with some person of suitable age and
25 discretion then resident therein. The determination of the
26 superintendent shall be subject to the evaluation requirements of RCW
27 28A.405.100.

28 (3) Every such provisional employee so notified, at his or her
29 request made in writing and filed with the superintendent of the
30 district within ten days after receiving such notice, shall be given
31 the opportunity to meet informally with the superintendent for the
32 purpose of requesting the superintendent to reconsider his or her
33 decision. Such meeting shall be held no later than ten days following
34 the receipt of such request, and the provisional employee shall be
35 given written notice of the date, time and place of meeting at least
36 three days prior thereto. At such meeting the provisional employee
37 shall be given the opportunity to refute any facts upon which the

1 superintendent's determination was based and to make any argument in
2 support of his or her request for reconsideration.

3 (4) Within ten days following the meeting with the provisional
4 employee, the superintendent shall either reinstate the provisional
5 employee or shall submit to the school district board of directors for
6 consideration at its next regular meeting a written report recommending
7 that the employment contract of the provisional employee be nonrenewed
8 and stating the reason or reasons therefor. A copy of such report
9 shall be delivered to the provisional employee at least three days
10 prior to the scheduled meeting of the board of directors. In taking
11 action upon the recommendation of the superintendent, the board of
12 directors shall consider any written communication which the
13 provisional employee may file with the secretary of the board at any
14 time prior to that meeting.

15 (5) The board of directors shall notify the provisional employee in
16 writing of its final decision within ten days following the meeting at
17 which the superintendent's recommendation was considered. The decision
18 of the board of directors to nonrenew the contract of a provisional
19 employee shall be final and not subject to appeal.

20 (6) This section applies to any person employed by a school
21 district in a teaching or other nonsupervisory certificated position
22 after June 25, 1976. This section provides the exclusive means for
23 nonrenewing the employment contract of a provisional employee and no
24 other provision of law shall be applicable thereto, including, without
25 limitation, RCW 28A.405.210 and chapter 28A.645 RCW.

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