
HOUSE BILL 2769

State of Washington

54th Legislature

1996 Regular Session

By Representatives Pelesky, Poulsen and Brumsickle

Read first time 01/18/96. Referred to Committee on Education.

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

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

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

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

24 (3) Each certificated employee shall have the opportunity for
25 confidential conferences with his or her immediate supervisor on no
26 less than two occasions in each school year. Such confidential
27 conference shall have as its sole purpose the aiding of the
28 administrator in his or her assessment of the employee's professional
29 performance.

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

37 (5) After an employee has four years of (~~satisfactory~~) evaluations
38 in which the employee has been found to be effective under subsection
39 (1) of this section, a school district may use a short form of

1 evaluation, a locally bargained evaluation emphasizing professional
2 growth, an evaluation under subsection (1) of this section, or any
3 combination thereof. The short form of evaluation shall include either
4 a thirty minute observation during the school year with a written
5 summary or a final annual written evaluation based on the criteria in
6 subsection (1) of this section and based on at least two observation
7 periods during the school year totaling at least sixty minutes without
8 a written summary of such observations being prepared. However, the
9 evaluation process set forth in subsection (1) of this section shall be
10 followed at least once every three years unless this time is extended
11 by a local school district under the bargaining process set forth in
12 chapter 41.59 RCW. The employee or evaluator may require that the
13 evaluation process set forth in subsection (1) of this section be
14 conducted in any given school year. No evaluation other than the
15 evaluation authorized under subsection (1) of this section may be used
16 as a basis for determining that an employee's work is
17 ((unsatisfactory)) not effective under subsection (1) of this section
18 or as probable cause for the nonrenewal of an employee's contract under
19 RCW 28A.405.210 unless an evaluation process developed under chapter
20 41.59 RCW determines otherwise.