
SENATE BILL 5960

State of Washington

63rd Legislature

2014 Regular Session

By Senators McAuliffe, Mullet, Billig, and Rolfes

Read first time 01/13/14. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to changing the requirements for the relevant
2 multiple measures of student growth used in teacher and principal
3 evaluations to include the use of student results on the federally
4 mandated statewide administered reading or language arts and
5 mathematics assessments for teachers who teach the relevant subject in
6 a grade in which the assessments are administered and for principals
7 who are assigned to schools in which at least one of the relevant
8 subjects is taught in at least one of the grades in which the
9 assessments are administered; amending RCW 28A.405.100; and creating a
10 new section.

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

12 NEW SECTION. **Sec. 1.** (1) The legislature finds that the United
13 States department of education designated Washington's waiver of
14 certain provisions of the federal elementary and secondary education
15 act to be at "high-risk." The legislature further finds that the
16 federal department of education directed Washington to require the use
17 of student results on the federally mandated statewide administered
18 reading or language arts and mathematics assessments as one of the
19 measures of student growth in Washington's teacher and principal

1 evaluations. The legislature intends to address the concerns of the
2 federal department of education by requiring the student results on the
3 federally mandated statewide administered reading or language arts and
4 mathematics assessments be used as one of the multiple measures of
5 student growth for the teachers who teach the relevant subjects in the
6 grades in which the assessments are administered and for principals who
7 are assigned to schools in which at least one of the relevant subjects
8 are taught in at least one of the grades in which the assessments are
9 administered.

10 (2) The legislature recognizes the importance of science in the
11 school curriculum and that the federally mandated statewide
12 administered science assessments are not currently required to be used
13 as one of the multiple measures of student growth for teacher
14 evaluation. The legislature further recognizes that there are
15 technical difficulties in using the science assessments because they
16 are not annual assessments but instead are only administered in the
17 fifth, eighth, and tenth grades. The legislature intends to revisit
18 this issue in the future and further intends, if appropriate, to use
19 the statewide administered science assessment as one of the multiple
20 measures of student growth for teacher evaluation.

21 **Sec. 2.** RCW 28A.405.100 and 2012 c 35 s 1 are each amended to read
22 as follows:

23 (1)(a) Except as provided in subsection (2) of this section, the
24 superintendent of public instruction shall establish and may amend from
25 time to time minimum criteria for the evaluation of the professional
26 performance capabilities and development of certificated classroom
27 teachers and certificated support personnel. For classroom teachers
28 the criteria shall be developed in the following categories:
29 Instructional skill; classroom management, professional preparation and
30 scholarship; effort toward improvement when needed; the handling of
31 student discipline and attendant problems; and interest in teaching
32 pupils and knowledge of subject matter.

33 (b) Every board of directors shall, in accordance with procedure
34 provided in RCW 41.59.010 through 41.59.170, 41.59.910, and 41.59.920,
35 establish evaluative criteria and procedures for all certificated
36 classroom teachers and certificated support personnel. The evaluative
37 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 (2)(a) Pursuant to the implementation schedule established in
7 subsection (7)(c) of this section, every board of directors shall, in
8 accordance with procedures provided in RCW 41.59.010 through 41.59.170,
9 41.59.910, and 41.59.920, establish revised evaluative criteria and a
10 four-level rating system for all certificated classroom teachers.

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

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

1 including for a focused evaluation under subsection (12) of this
2 section, giving appropriate weight to the indicators evaluated under
3 each criteria and maximizing rater agreement among the frameworks.

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

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

21 (f)(i) Student growth data that is relevant to the teacher and
22 subject matter must be a factor in the evaluation process and must be
23 based on multiple measures that can include classroom-based, school-
24 based, district-based, and state-based tools. However, for teachers
25 who teach reading or language arts or mathematics in a grade in which
26 the federally mandated statewide student assessments are administered,
27 one of the multiple measures of student growth must be the student
28 results on the relevant assessment. The office of the superintendent
29 of public instruction shall provide to each school district the
30 relevant state-level assessment information necessary to determine
31 student growth for the purpose of teacher evaluations.

32 (ii) Student growth data elements may include the teacher's
33 performance as a member of a grade-level, subject matter, or other
34 instructional team within a school when the use of this data is
35 relevant and appropriate. Student growth data elements may also
36 include the teacher's performance as a member of the overall
37 instructional team of a school when use of this data is relevant and
38 appropriate.

1 (iii) As used in this subsection (2), "student growth" means the
2 change in student achievement between two points in time.

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

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

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

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

34 (i) Level 1; or

35 (ii) Level 2 if the classroom teacher is a continuing contract
36 employee under RCW 28A.405.210 with more than five years of teaching
37 experience and if the level 2 comprehensive summative evaluation

1 performance rating has been received for two consecutive years or for
2 two years within a consecutive three-year time period.

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

1 program for improvement, the error does not invalidate the
2 probationer's plan for improvement or evaluation activities unless the
3 error materially affects the effectiveness of the plan or the ability
4 to evaluate the probationer's performance. The probationer must be
5 removed from probation if he or she has demonstrated improvement to the
6 satisfaction of the evaluator in those areas specifically detailed in
7 his or her initial notice of deficiency and subsequently detailed in
8 his or her program for improvement. A classroom teacher who has been
9 transitioned to the revised evaluation system pursuant to the district
10 implementation schedule adopted under subsection (7)(c) of this section
11 must be removed from probation if he or she has demonstrated
12 improvement that results in a new comprehensive summative evaluation
13 performance rating of level 2 or above for a provisional employee or a
14 continuing contract employee with five or fewer years of experience, or
15 of level 3 or above for a continuing contract employee with more than
16 five years of experience. Lack of necessary improvement during the
17 established probationary period, as specifically documented in writing
18 with notification to the probationer constitutes grounds for a finding
19 of probable cause under RCW 28A.405.300 or 28A.405.210.

20 (c) When a continuing contract employee with five or more years of
21 experience receives a comprehensive summative evaluation performance
22 rating below level 2 for two consecutive years, the school district
23 shall, within ten days of the completion of the second ((~~summative~~))
24 comprehensive ((~~comprehensive summative~~)) summative evaluation or May
25 15th, whichever occurs first, implement the employee notification of
26 discharge as provided in RCW 28A.405.300.

27 (d) Immediately following the completion of a probationary period
28 that does not produce performance changes detailed in the initial
29 notice of deficiencies and program for improvement, the employee may be
30 removed from his or her assignment and placed into an alternative
31 assignment for the remainder of the school year. In the case of a
32 classroom teacher who has been transitioned to the revised evaluation
33 system pursuant to the district implementation schedule adopted under
34 subsection (7)(c) of this section, the teacher may be removed from his
35 or her assignment and placed into an alternative assignment for the
36 remainder of the school year immediately following the completion of a
37 probationary period that does not result in the required comprehensive
38 summative evaluation performance ratings specified in (b) of this

1 subsection. This reassignment may not displace another employee nor
2 may it adversely affect the probationary employee's compensation or
3 benefits for the remainder of the employee's contract year. If such
4 reassignment is not possible, the district may, at its option, place
5 the employee on paid leave for the balance of the contract term.

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

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

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

1 (c) The four-level rating system used to evaluate the principal
2 must describe performance along a continuum that indicates the extent
3 to which the criteria have been met or exceeded. The summative
4 performance ratings shall be as follows: Level 1 - unsatisfactory;
5 level 2 - basic; level 3 - proficient; and level 4 - distinguished. A
6 principal shall receive one of the four summative performance ratings
7 for each of the minimum criteria in (b) of this subsection and one of
8 the four summative performance ratings for the evaluation as a whole,
9 which shall be the comprehensive summative evaluation performance
10 rating.

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

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

28 (f) Student growth data that is relevant to the principal must be
29 a factor in the evaluation process and must be based on multiple
30 measures that can include classroom-based, school-based, district-
31 based, and state-based tools. However, for principals assigned to a
32 school in which reading or language arts or mathematics are taught in
33 at least one of the grades in which the federally mandated statewide
34 assessments are administered, one of the multiple measures of student
35 growth must be the student results on the relevant assessments. The
36 office of the superintendent of public instruction shall provide to
37 each school district the relevant state-level assessment information

1 necessary to determine student growth for the purpose of teacher
2 evaluations.

3 (ii) As used in this subsection (6), "student growth" means the
4 change in student achievement between two points in time.

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

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

12 (i) Level 1; or

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

18 (7)(a) The superintendent of public instruction, in collaboration
19 with state associations representing teachers, principals,
20 administrators, school board members, and parents, to be known as the
21 steering committee, shall create models for implementing the evaluation
22 system criteria, student growth tools, professional development
23 programs, and evaluator training for certificated classroom teachers
24 and principals. Human resources specialists, professional development
25 experts, and assessment experts must also be consulted. Due to the
26 diversity of teaching assignments and the many developmental levels of
27 students, classroom teachers and principals must be prominently
28 represented in this work. The models must be available for use in the
29 2011-12 school year.

30 (b) A new certificated classroom teacher evaluation system that
31 implements the provisions of subsection (2) of this section and a new
32 principal evaluation system that implements the provisions of
33 subsection (6) of this section shall be phased-in beginning with the
34 2010-11 school year by districts identified in (d) of this subsection
35 and implemented in all school districts beginning with the 2013-14
36 school year.

37 (c) Each school district board of directors shall adopt a schedule
38 for implementation of the revised evaluation systems that transitions

1 a portion of classroom teachers and principals in the district to the
2 revised evaluation systems each year beginning no later than the 2013-
3 14 school year, until all classroom teachers and principals are being
4 evaluated under the revised evaluation systems no later than the 2015-
5 16 school year. A school district is not precluded from completing the
6 transition of all classroom teachers and principals to the revised
7 evaluation systems before the 2015-16 school year. The schedule
8 adopted under this subsection (7)(c) must provide that the following
9 employees are transitioned to the revised evaluation systems beginning
10 in the 2013-14 school year:

11 (i) Classroom teachers who are provisional employees under RCW
12 28A.405.220;

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

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

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

19 (v) Principals previously employed as a principal by another school
20 district in the state of Washington for three or more consecutive
21 school years and in the first full year as a principal in the school
22 district.

23 (d) A set of school districts shall be selected by the
24 superintendent of public instruction to participate in a collaborative
25 process resulting in the development and piloting of new certificated
26 classroom teacher and principal evaluation systems during the 2010-11
27 and 2011-12 school years. These school districts must be selected
28 based on: (i) The agreement of the local associations representing
29 classroom teachers and principals to collaborate with the district in
30 this developmental work and (ii) the agreement to participate in the
31 full range of development and implementation activities, including:
32 Development of rubrics for the evaluation criteria and ratings in
33 subsections (2) and (6) of this section; identification of or
34 development of appropriate multiple measures of student growth in
35 subsections (2) and (6) of this section; development of appropriate
36 evaluation system forms; participation in professional development for
37 principals and classroom teachers regarding the content of the new
38 evaluation system; participation in evaluator training; and

1 participation in activities to evaluate the effectiveness of the new
2 systems and support programs. The school districts must submit to the
3 office of the superintendent of public instruction data that is used in
4 evaluations and all district-collected student achievement, aptitude,
5 and growth data regardless of whether the data is used in evaluations.
6 If the data is not available electronically, the district may submit it
7 in nonelectronic form. The superintendent of public instruction must
8 analyze the districts' use of student data in evaluations, including
9 examining the extent that student data is not used or is underutilized.
10 The superintendent of public instruction must also consult with
11 participating districts and stakeholders, recommend appropriate
12 changes, and address statewide implementation issues. The
13 superintendent of public instruction shall report evaluation system
14 implementation status, evaluation data, and recommendations to
15 appropriate committees of the legislature and governor by July 1, 2011,
16 and at the conclusion of the development phase by July 1, 2012. In the
17 July 1, 2011, report, the superintendent shall include recommendations
18 for whether a single statewide evaluation model should be adopted,
19 whether modified versions developed by school districts should be
20 subject to state approval, and what the criteria would be for
21 determining if a school district's evaluation model meets or exceeds a
22 statewide model. The report shall also identify challenges posed by
23 requiring a state approval process.

24 (e)(i) The steering committee in (a) of this subsection (~~((7)(a) of~~
25 ~~this section))~~) and the pilot school districts in (d) of this subsection
26 (~~((7)(d) of this section))~~) shall continue to examine implementation
27 issues and refine tools for the new certificated classroom teacher
28 evaluation system in subsection (2) of this section and the new
29 principal evaluation system in subsection (6) of this section during
30 the 2013-14 through 2015-16 implementation phase.

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

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

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

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

5 (D) Refining evaluation system management tools, professional
6 development programs, and evaluator training programs with an emphasis
7 on developing rater reliability;

8 (E) Reviewing emerging research regarding teacher and principal
9 evaluation systems and the development and implementation of evaluation
10 systems in other states;

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

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

21 (iii) To support the tasks in (e)(ii) of this subsection, the
22 superintendent of public instruction may contract with an independent
23 research organization with expertise in educator evaluations and
24 knowledge of the revised evaluation systems being implemented under
25 this section.

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

30 (v) The superintendent of public instruction shall submit reports
31 detailing findings, emergent issues or trends, recommendations from the
32 steering committee, and pilot school districts, and other
33 recommendations, to enhance implementation and continuous improvement
34 of the revised evaluation systems to appropriate committees of the
35 legislature and the governor beginning July 1, 2013, and each July 1st
36 thereafter for each year of the school district implementation
37 transition period concluding with a report on December 1, 2016.

1 (8)(a) Beginning with the 2015-16 school year, evaluation results
2 for certificated classroom teachers and principals must be used as one
3 of multiple factors in making human resource and personnel decisions.
4 Human resource decisions include, but are not limited to: Staff
5 assignment, including the consideration of an agreement to an
6 assignment by an appropriate teacher, principal, and superintendent;
7 and reduction in force. Nothing in this section limits the ability to
8 collectively bargain how the multiple factors shall be used in making
9 human resource or personnel decisions, with the exception that
10 evaluation results must be a factor.

11 (b) The office of the superintendent of public instruction must
12 report to the legislature and the governor regarding the school
13 district implementation of the provisions of (a) of this subsection by
14 December 1, 2017.

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

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

29 (11) After a certificated classroom teacher or certificated support
30 personnel has four years of satisfactory evaluations under subsection
31 (1) of this section, a school district may use a short form of
32 evaluation, a locally bargained evaluation emphasizing professional
33 growth, an evaluation under subsection (1) or (2) of this section, or
34 any combination thereof. The short form of evaluation shall include
35 either a thirty minute observation during the school year with a
36 written summary or a final annual written evaluation based on the
37 criteria in subsection (1) or (2) of this section and based on at least
38 two observation periods during the school year totaling at least sixty

1 minutes without a written summary of such observations being prepared.
2 A locally bargained short-form evaluation emphasizing professional
3 growth must provide that the professional growth activity conducted by
4 the certificated classroom teacher be specifically linked to one or
5 more of the certificated classroom teacher evaluation criteria.
6 However, the evaluation process set forth in subsection (1) or (2) of
7 this section shall be followed at least once every three years unless
8 this time is extended by a local school district under the bargaining
9 process set forth in chapter 41.59 RCW. The employee or evaluator may
10 require that the evaluation process set forth in subsection (1) or (2)
11 of this section be conducted in any given school year. No evaluation
12 other than the evaluation authorized under subsection (1) or (2) of
13 this section may be used as a basis for determining that an employee's
14 work is not satisfactory under subsection (1) or (2) of this section or
15 as probable cause for the nonrenewal of an employee's contract under
16 RCW 28A.405.210 unless an evaluation process developed under chapter
17 41.59 RCW determines otherwise. The provisions of this subsection
18 apply to certificated classroom teachers only until the teacher has
19 been transitioned to the revised evaluation system pursuant to the
20 district implementation schedule adopted under subsection (7)(c) of
21 this section.

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

27 (a) All classroom teachers and principals shall receive a
28 comprehensive summative evaluation at least once every four years. A
29 comprehensive summative evaluation assesses all eight evaluation
30 criteria and all criteria contribute to the comprehensive summative
31 evaluation performance rating.

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

34 (i) Classroom teachers who are provisional employees under RCW
35 28A.405.220;

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

1 (iii) Principals previously employed as a principal by another
2 school district in the state of Washington for three or more
3 consecutive school years and in the first full year as a principal in
4 the school district; and

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

8 (c)(i) In the years when a comprehensive summative evaluation is
9 not required, classroom teachers and principals who received a
10 comprehensive summative evaluation performance rating of level 3 or
11 above in the previous school year are required to complete a focused
12 evaluation. A focused evaluation includes an assessment of one of the
13 eight criteria selected for a performance rating plus professional
14 growth activities specifically linked to the selected criteria.

15 (ii) The selected criteria must be approved by the teacher's or
16 principal's evaluator and may have been identified in a previous
17 comprehensive summative evaluation as benefiting from additional
18 attention. A group of teachers may focus on the same evaluation
19 criteria and share professional growth activities. A group of
20 principals may focus on the same evaluation criteria and share
21 professional growth activities.

22 (iii) The evaluator must assign a comprehensive summative
23 evaluation performance rating for the focused evaluation using the
24 methodology adopted by the superintendent of public instruction for the
25 instructional or leadership framework being used.

26 (iv) A teacher or principal may be transferred from a focused
27 evaluation to a comprehensive summative evaluation at the request of
28 the teacher or principal, or at the direction of the teacher's or
29 principal's evaluator.

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

34 (vi) A classroom teacher or principal may apply the focused
35 evaluation professional growth activities toward the professional
36 growth plan for professional certificate renewal as required by the
37 professional educator standards board.

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

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