

SENATE BILL REPORT

HB 1732

As of March 21, 2017

Title: An act relating to confidentiality of educator professional growth plans.

Brief Description: Concerning the confidentiality of educator professional growth plans.

Sponsors: Representatives Springer and Bergquist; by request of Professional Educator Standards Board.

Brief History: Passed House: 3/01/17, 97-1.

Committee Activity: Early Learning & K-12 Education: 3/14/17.

Brief Summary of Bill

- Provides that the Professional Growth Plans in educator license renewals submitted through the Office of the Superintendent of Public Instruction's electronic certification system are exempt from public inspection and copying.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Alia Kennedy (786-7405)

Background: The Public Records Act. The Public Records Act (PRA) requires all state and local agencies to disclose public records to any person upon request, unless the record falls within certain statutory exemptions. Under the PRA, a public record is any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency, regardless of physical form or characteristics.

Over 500 specific references in the PRA or other statutes remove certain information from application of the PRA, provide exceptions to the public disclosure and copying of certain information, or designate certain information as confidential. For example, personal information in files maintained for employees of any public agency are exempt from disclosure under the PRA to the extent that disclosure would violate the employee's right to privacy.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The provisions requiring public records disclosure must be interpreted liberally while the exemptions must be interpreted narrowly to effectuate the general policy favoring disclosure.

Professional Growth Plans. The Professional Educator Standards Board (PESB) has established two levels of certification: residency, which is achieved after completion of an approved preparation program; and professional, which is an advanced level certificate achieved after a minimum amount of experience and a specified process of additional professional development.

In general, for renewal of a professional certificate, PESB requires teachers, administrators, school counselors, and school psychologists to complete four annual Professional Growth Plans (PGPs) during a five-year period. A PGP is a plan an educator intends to implement for growth over the coming year.

Summary of Bill: The PGPs in educator license renewals submitted through the Office of the Superintendent of Public Instruction's electronic certification system are exempt from public inspection and copying.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: There are exceptions to the public records act to protect the privacy of individuals. This legislation aligns with the protections currently in place for virtually all state employees. Professional growth plans are considered human resource documents and already subject to exemption at the local level. The professional growth plan is not a record of what an individual had done to maintain their certificate. Making professional growth plans exempt from public disclosure allows the Professional Educator Standards Board to review those plans for the purpose of identifying necessary areas of support for educators. Allowing professional growth plans to be subject to public disclosure may have a chilling effect on a teacher's willingness to develop plans that address true areas of challenge.

Persons Testifying: PRO: Representative Larry Springer, Prime Sponsor; Lucinda Young, Washington Education Association; Justin Montermini, Professional Educator Standards Board; Sue Anderson, Office of Superintendent of Public Instruction.

Persons Signed In To Testify But Not Testifying: No one.