

SENATE BILL REPORT

SB 5085

As Reported by Senate Committee On:
Early Learning & K-12 Education, January 19, 2023

Title: An act relating to principal and assistant principal terms of employment.

Brief Description: Concerning principal and assistant principal terms of employment.

Sponsors: Senators Wellman, Mullet, Hunt, Lovick, Van De Wege and Wilson, C..

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/12/23, 1/19/23 [DPS, DNP].

Brief Summary of First Substitute Bill

- Removes statutory limitations on the scope of collective bargaining for bargaining units containing only supervisors, or principals and assistant principals, or both.
- Requires the citation of specific evaluation criteria when transferring a principal or an assistant principal to a subordinate certificated position.
- Requires that years of administrator experience count towards total years in future positions when a principal or assistant principal is transferred to a nonadministrative subordinate position.
- Applies employment provisions relating to principals to assistant principals as well.
- Requires evaluators of principals and assistant principals to receive training in evaluation procedures.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5085 be substituted therefor, and the substitute bill do pass.

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

Signed by Senators Wellman, Chair; Nobles, Vice Chair; Wilson, C., Vice Chair; Hunt, Mullet and Pedersen.

Minority Report: Do not pass.

Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Staff: Benjamin Omdal (786-7442)

Background: Principal Collective Bargaining. Principals, as with other educational employees, are permitted under Washington law to organize collective bargaining units, either as a separate unit or in coordination with supervisory or nonsupervisory educational employees. However, a unit that contains only supervisors, or principals, or both, and assistant principals is limited in scope of bargaining to compensation, hours of work, and the number of days of work in the annual employment contracts.

Principal Contracts and Transfer. Teachers, principals, superintendents, and other certificated employees of school districts are employed under written contracts that may be no more than one year in length. Contracts of certificated employees may be non-renewed when it is determined there is probable cause, including enrollment decline and revenue loss.

Principals may be transferred to a subordinate administrative position, defined as any certificated position for which the annual compensation is less than that of the position currently held, if determined by the superintendent. Such a transfer may be made in the following circumstances:

- for the first three consecutive school years of employment by the school district, or during the first full school year for a principal who has been previously employed as a principal by another school district in the state for three or more consecutive years, by a determination of the superintendent that the best interests of the school district would be served by the transfer; and
- commencing with the fourth consecutive school year of employment, or second consecutive school year for a principal who has been previously employed as a principal by another school district in the state for three or more consecutive years, based on the superintendent's determination that the results of the principal's evaluation provide a valid reason for the transfer.

If a valid reason is shown, it shall be deemed that the transfer is reasonably related to the principal's performance. No probationary period is required. However, provision of support and an attempt at remediation of the performance of the principal are required for a transfer determination.

Principal Evaluations. Classroom teachers and principals are currently evaluated using a four-level rating evaluation system, based on eight specified minimum criteria. These levels are unsatisfactory, basic, proficient, and distinguished. Performance ratings for each

criteria are combined with an overall rating for the entire evaluation into the comprehensive summative evaluation performance rating.

All teachers and principals must be evaluated each year. Generally, a comprehensive evaluation is required every six years. In other years, the evaluation is focused on specific criteria. School districts are encouraged to conduct comprehensive performance evaluations of principals on an annual basis.

No administrator, principal, or other supervisory personnel may evaluate a teacher without having received training in evaluation procedure. Before evaluating classroom teachers, principals and administrators must engage in professional development designed to implement the rating systems and maximize rater agreement.

School District Employment Applications. A school district employment application may not include a question asking whether the applicant has ever been placed on administrative leave.

Summary of Bill (First Substitute): Principal Collective Bargaining. The provision limiting the scope of bargaining in bargaining units containing only supervisors , or principals, or both, and assistant principals is removed.

Principal Transfer to a Subordinate Certificated Position. The statutes pertaining to transferring a principal to a subordinate certificated position are applied to assistant principals being evaluated on the leadership framework of the evaluation system. Notification of a transfer to a subordinate position must cite specific evaluation criteria from the principal's or assistant principal's performance evaluation.

Should a principal or assistant principal be transferred to a nonadministrative subordinate position, their years of experience as an administrator shall count towards total years of experience as a Washington State certificated educator and be recognized or factored in relationship to their next placement and salary.

Principal Evaluations. In addition to teachers, no administrator, principal, or other supervisory personnel may evaluate a principal or assistant principal without having received training in evaluation procedures. Before evaluating principals or assistant principals, principals and administrators must engage in professional development designed to implement the rating systems and maximize rater agreement.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (First Substitute):

Removes provision that prohibits a school district employment application from including a question asking whether the applicant has ever been on a plan of improvement, has ever been under an investigation, or has ever resigned in lieu of termination.

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 on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Principals are facing more crisis situations dealing with employment. Principals are leaving the profession in droves, and more inexperienced principals are being moved into complex roles. The job has become unrealistic and quite often impossible due to the demands of the profession and employment process. In the last 3 years there has been a sharp decline in school culture. Supporting our principals and assistant principals is essential to preventing this continual decline, in turn supporting our students. Our current environment weaponizes the complaint process against principals. Teachers are not interested in administrative careers due to the system pitfalls that currently exist. Districts have no incentives to ensure their agreements for principals are reasonable and workable, leaving them with an untenable workload that has increased dramatically in recent years. Principals deserve the right to bargain and retain their years of service. The bill addresses principal turnover, which is a critical problem in Washington schools. The disparity in collective bargaining topics puts principals at a disadvantage. Consistency in leadership is important in building strong relationships to best serve students. With a pending principal shortage, we cannot afford to lose highly qualified building leaders from the profession because of an employment application bias. Removing this question from applications allows principals to apply without the presumption of guilt on their record.

Persons Testifying: PRO: Senator Lisa Wellman, Prime Sponsor; Roz Thompson, Association of Washington School Principals; Dr. Scott Seaman, Association of Washington School Principals; Heidi Maurer, Kentlake High School; Jason Smith, Rogers High School; Dr. Robert Gary, Madison Middle School; Carlos Gonzalez, Othello Middle School; Justin Hendrickson, South Shore K-8 School; Gerrit Kischner, Thornton Creek Elementary; Brent Osborn, Lakeside High School.

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