

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5340**

Chapter 278, Laws of 1997

55th Legislature  
1997 Regular Session

PROBATIONARY PERIODS FOR CERTIFICATED EDUCATIONAL EMPLOYEES--  
MODIFICATIONS

EFFECTIVE DATE: 7/27/97

Passed by the Senate April 19, 1997  
YEAS 47 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House April 8, 1997  
YEAS 97 NAYS 0

CLYDE BALLARD

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**Speaker of the  
House of Representatives**

Approved May 7, 1997

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5340** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

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**Secretary**

FILED

May 7, 1997 - 1:52 p.m.

GARY LOCKE

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**SENATE BILL 5340**

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AS AMENDED BY THE HOUSE

Passed Legislature - 1997 Regular Session

**State of Washington                      55th Legislature                      1997 Regular Session**

**By** Senators Hochstatter, Johnson, Zarelli, Oke and Finkbeiner

Read first time 01/23/97. Referred to Committee on Education.

1            AN ACT Relating to the probationary period for certificated  
2 educational employees; and 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))~~ At any time after October 15th, an employee whose work is  
21 judged unsatisfactory based on district evaluation criteria shall be  
22 notified in writing of ~~((stated))~~ the specific areas of deficiencies  
23 along with a ~~((suggested specific and))~~ reasonable program for  
24 improvement ~~((on or before February 1st of each year))~~. During the  
25 period of probation, the employee may not be transferred from the  
26 supervision of the original evaluator. Improvement of performance or  
27 probable cause for nonrenewal must occur and be documented by the  
28 original evaluator before any consideration of a request for transfer  
29 or reassignment as contemplated by either the individual or the school  
30 district. A probationary period of sixty school days shall be  
31 established ~~((beginning on or before February 1st and ending no later~~  
32 than May 1st)). The establishment of a probationary period does not  
33 adversely affect the contract status of an employee within the meaning  
34 of RCW 28A.405.300. The purpose of the probationary period is to give  
35 the employee opportunity to demonstrate improvements in his or her  
36 areas of deficiency. The establishment of the probationary period and  
37 the giving of the notice to the employee of deficiency shall be by the  
38 school district superintendent and need not be submitted to the board  
39 of directors for approval. During the probationary period the

1 evaluator shall meet with the employee at least twice monthly to  
2 supervise and make a written evaluation of the progress, if any, made  
3 by the employee. The evaluator may authorize one additional  
4 certificated employee to evaluate the probationer and to aid the  
5 employee in improving his or her areas of deficiency; such additional  
6 certificated employee shall be immune from any civil liability that  
7 might otherwise be incurred or imposed with regard to the good faith  
8 performance of such evaluation. The probationer may be removed from  
9 probation if he or she has demonstrated improvement to the satisfaction  
10 of the principal in those areas specifically detailed in his or her  
11 initial notice of deficiency and subsequently detailed in his or her  
12 improvement program. Lack of necessary improvement (~~(shall be)~~) during  
13 the established probationary period, as specifically documented in  
14 writing with notification to the probationer and shall constitute  
15 grounds for a finding of probable cause under RCW 28A.405.300 or  
16 28A.405.210.

17 (~~(The establishment of a probationary period shall not be deemed to~~  
18 ~~adversely affect the contract status of an employee within the meaning~~  
19 ~~of RCW 28A.405.300.)~~)

20 Immediately following the completion of a probationary period that  
21 does not produce performance changes detailed in the initial notice of  
22 deficiencies and improvement program, the employee may be removed from  
23 his or her assignment and placed into an alternative assignment for the  
24 remainder of the school year. This reassignment may not displace  
25 another employee nor may it adversely affect the probationary  
26 employee's compensation or benefits for the remainder of the employee's  
27 contract year. If such reassignment is not possible, the district may,  
28 at its option, place the employee on paid leave for the balance of the  
29 contract term.

30 (2) Every board of directors shall establish evaluative criteria  
31 and procedures for all superintendents, principals, and other  
32 administrators. It shall be the responsibility of the district  
33 superintendent or his or her designee to evaluate all administrators.  
34 Such evaluation shall be based on the administrative position job  
35 description. Such criteria, when applicable, shall include at least  
36 the following categories: Knowledge of, experience in, and training in  
37 recognizing good professional performance, capabilities and  
38 development; school administration and management; school finance;  
39 professional preparation and scholarship; effort toward improvement

1 when needed; interest in pupils, employees, patrons and subjects taught  
2 in school; leadership; and ability and performance of evaluation of  
3 school personnel.

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

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

17 (5) After an employee has four years of satisfactory evaluations  
18 under subsection (1) of this section, a school district may use a short  
19 form of evaluation, a locally bargained evaluation emphasizing  
20 professional growth, an evaluation under subsection (1) of this  
21 section, or any combination thereof. The short form of evaluation  
22 shall include either a thirty minute observation during the school year  
23 with a written summary or a final annual written evaluation based on  
24 the criteria in subsection (1) of this section and based on at least  
25 two observation periods during the school year totaling at least sixty  
26 minutes without a written summary of such observations being prepared.  
27 However, the evaluation process set forth in subsection (1) of this  
28 section shall be followed at least once every three years unless this  
29 time is extended by a local school district under the bargaining  
30 process set forth in chapter 41.59 RCW. The employee or evaluator may  
31 require that the evaluation process set forth in subsection (1) of this  
32 section be conducted in any given school year. No evaluation other  
33 than the evaluation authorized under subsection (1) of this section may  
34 be used as a basis for determining that an employee's work is  
35 unsatisfactory under subsection (1) of this section or as probable  
36 cause for the nonrenewal of an employee's contract under RCW  
37 28A.405.210 unless an evaluation process developed under chapter 41.59  
38 RCW determines otherwise.

Passed the Senate April 19, 1997.

Passed the House April 8, 1997.

Approved by the Governor May 7, 1997.

Filed in Office of Secretary of State May 7, 1997.