

HOUSE BILL REPORT

HB 1804

As Passed House:
February 10, 2016

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

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

Sponsors: Representatives Springer, Magendanz, Lytton, Muri and Reykdal; by request of Professional Educator Standards Board.

Brief History:

Committee Activity:

Education: 2/12/15, 2/17/15 [DP], 1/18/16, 1/21/16 [DP].

Floor Activity:

Passed House: 3/10/15, 82-15.

Floor Activity:

Passed House: 2/10/16, 78-18.

Brief Summary of Bill

- Exempts from public inspection and copying the professional growth plans in educator license renewals submitted through the electronic certification system in the Office of the Superintendent of Public Instruction.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 19 members: Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist, Caldier, Griffey, Hargrove, Harris, Hayes, Kilduff, Kuderer, McCaslin, Orwall, Pollet, Rossetti and Springer.

Minority Report: Do not pass. Signed by 1 member: Representative Klippert.

Staff: Ashley Fisher (786-7296) and Megan Wargacki (786-7194).

Background:

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 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. A public record is any writing that is prepared, owned, used, or retained by any state or local government agency, and that contains information that relates to the conduct of government, or the performance of any governmental or proprietary function. The term "writing" is broadly defined in the PRA to include written, typed, or printed records, photos, maps, videos, sound recordings, and other documents that include information that may be obtained or translated.

Exemptions to the public's right to information are narrowly defined in order to effectuate the general policy favoring disclosure. 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. Some employment and licensing information is exempt from public inspection under the PRA, such as the personal information of employees and volunteers of a public agency or their dependents.

Professional Growth Plans.

The Professional Educator Standards Board (PESB) establishes policies and requirements for certification of education professionals. Depending on the type of teaching certificate held by an educator, completion of professional growth plans (PGPs) may be a requirement or an option for renewing a teaching certificate. Professional growth plans are individual plans in which educators identify how they will implement professional growth over the coming year. Educators that submit PGPs include teachers, principals, program administrators, and educational staff associates, including school counselors and school psychologists.

Summary of Bill:

The PGPs in educator license renewals submitted through the electronic certification system in the Office of the Superintendent of Public Instruction (OSPI) are added to the list of employment and licensing information exempt from public inspection and copying.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill was created at the request of the PESB.

The Legislature should make sure these personnel records are in the hands of Human Resource persons and not the public. Licensing information is stored in the electronic certification system with the OSPI, who is not the employer. The employer is the district. That is why it is important that this personnel information is exempt.

The PESB ran a pilot project around PGP, looking at how to help teachers renew their teaching certifications in meaningful ways. In keeping with the principals of a self-evaluation program, people should be comfortable in considering how to improve their work. If they think their self-evaluations may show up in the Sunday paper, they might not be as honest.

The courts have determined that if information reflects someone's personnel matters and is a consideration of employment, it is not a public record.

(Opposed) None.

Persons Testifying: Representative Springer, prime sponsor; David Brenna, Professional Educator Standards Board; and Lucinda Young, Washington Education Association.

Persons Signed In To Testify But Not Testifying: None.