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SENATE BILL 5748

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State of Washington

64th Legislature

2015 Regular Session

By Senators Litzow, Mullet, Fain, Dammeier, Hill, Rivers, Becker, King, Braun, Warnick, and Bailey

Read first time 02/02/15. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to clarifying the teacher and principal  
2 evaluation process with the intent of strengthening the process; and  
3 amending RCW 28A.405.100.

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

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

7 (1)(a) Except as provided in subsection (2) of this section, the  
8 superintendent of public instruction shall establish and may amend  
9 from time to time minimum criteria for the evaluation of the  
10 professional performance capabilities and development of certificated  
11 classroom teachers and certificated support personnel. For classroom  
12 teachers the criteria shall be developed in the following categories:  
13 Instructional skill; classroom management, professional preparation  
14 and scholarship; effort toward improvement when needed; the handling  
15 of student discipline and attendant problems; and interest in  
16 teaching pupils and knowledge of subject matter.

17 (b) Every board of directors shall, in accordance with procedure  
18 provided in RCW 41.59.010 through 41.59.170, 41.59.910, and  
19 41.59.920, establish evaluative criteria and procedures for all  
20 certificated classroom teachers and certificated support personnel.  
21 The evaluative criteria must contain as a minimum the criteria

1 established by the superintendent of public instruction pursuant to  
2 this section and must be prepared within six months following  
3 adoption of the superintendent of public instruction's minimum  
4 criteria. The district must certify to the superintendent of public  
5 instruction that evaluative criteria have been so prepared by the  
6 district.

7 (2)(a) Pursuant to the implementation schedule established in  
8 subsection (7)(c) of this section, every board of directors shall, in  
9 accordance with procedures provided in RCW 41.59.010 through  
10 41.59.170, 41.59.910, and 41.59.920, establish revised evaluative  
11 criteria and a four-level rating system for all certificated  
12 classroom teachers.

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

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

1 evaluation under subsection (12) of this section, giving appropriate  
2 weight to the indicators evaluated under each criteria and maximizing  
3 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  
8 changes to the descriptors by the superintendent may only be made  
9 following consultation with a group broadly reflective of the parties  
10 represented in subsection (7)(a) of this section.

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

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

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

37 (iii) Student growth data elements may also include the teacher's  
38 performance as a member of the overall instructional team of a school  
39 when use of this data is relevant and appropriate. As used in this

1 subsection (2), "student growth" means the change in student  
2 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  
9 the performance of their assigned duties. Total observation time for  
10 each employee for each school year shall be not less than sixty  
11 minutes. An employee in the third year of provisional status as  
12 defined in RCW 28A.405.220 shall be observed at least three times in  
13 the performance of his or her duties and the total observation time  
14 for the school year shall not be less than ninety minutes. Following  
15 each observation, or series of observations, the principal or other  
16 evaluator shall promptly document the results of the observation in  
17 writing, and shall provide the employee with a copy thereof within  
18 three days after such report is prepared. New employees shall be  
19 observed at least once for a total observation time of thirty minutes  
20 during the first ninety calendar days of their employment period.

21 (b) As used in this subsection and subsection (4) of this  
22 section, "employees" means classroom teachers and certificated  
23 support personnel 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  
26 be notified in writing of the specific areas of deficiencies along  
27 with a reasonable program for improvement. For classroom teachers who  
28 have been transitioned to the revised evaluation system pursuant to  
29 the district implementation schedule adopted under subsection (7)(c)  
30 of 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  
38 performance rating has been received for two consecutive years or for  
39 two years within a consecutive three-year time period.

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

1 ability to evaluate the probationer's performance. The probationer  
2 must be removed from probation if he or she has demonstrated  
3 improvement to the satisfaction of the evaluator in those areas  
4 specifically detailed in his or her initial notice of deficiency and  
5 subsequently detailed in his or her program for improvement. A  
6 classroom teacher who has been transitioned to the revised evaluation  
7 system pursuant to the district implementation schedule adopted under  
8 subsection (7)(c) of this section must be removed from probation if  
9 he or she has demonstrated improvement that results in a new  
10 comprehensive summative evaluation performance rating of level 2 or  
11 above for a provisional employee or a continuing contract employee  
12 with five or fewer years of experience, or of level 3 or above for a  
13 continuing contract employee with more than five years of experience.  
14 Lack of necessary improvement during the established probationary  
15 period, as specifically documented in writing with notification to  
16 the probationer constitutes grounds for a finding of probable cause  
17 under RCW 28A.405.300 or 28A.405.210.

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

26 (d) Immediately following the completion of a probationary period  
27 that does not produce performance changes detailed in the initial  
28 notice of deficiencies and program for improvement, the employee may  
29 be removed from his or her assignment and placed into an alternative  
30 assignment for the remainder of the school year. In the case of a  
31 classroom teacher who has been transitioned to the revised evaluation  
32 system pursuant to the district implementation schedule adopted under  
33 subsection (7)(c) of this section, the teacher may be removed from  
34 his or her assignment and placed into an alternative assignment for  
35 the remainder of the school year immediately following the completion  
36 of a probationary period that does not result in the required  
37 comprehensive summative evaluation performance ratings specified in  
38 (b) of this subsection. This reassignment may not displace another  
39 employee nor may it adversely affect the probationary employee's  
40 compensation or benefits for the remainder of the employee's contract

1 year. If such reassignment is not possible, the district may, at its  
2 option, place the employee on paid leave for the balance of the  
3 contract term.

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

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

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

39 (c) The four-level rating system used to evaluate the principal  
40 must describe performance along a continuum that indicates the extent

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

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

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

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

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



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

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

8 (i) Level 1; or

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

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

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

33 (c) Each school district board of directors shall adopt a  
34 schedule for implementation of the revised evaluation systems that  
35 transitions a portion of classroom teachers and principals in the  
36 district to the revised evaluation systems each year beginning no  
37 later than the 2013-14 school year, until all classroom teachers and  
38 principals are being evaluated under the revised evaluation systems  
39 no later than the 2015-16 school year. A school district is not  
40 precluded from completing the transition of all classroom teachers

1 and principals to the revised evaluation systems before the 2015-16  
2 school year. The schedule adopted under this subsection (7)(c) must  
3 provide that the following employees are transitioned to the revised  
4 evaluation systems beginning in the 2013-14 school year:

5 (i) Classroom teachers who are provisional employees under RCW  
6 28A.405.220;

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

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

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

13 (v) Principals previously employed as a principal by another  
14 school district in the state of Washington for three or more  
15 consecutive school years and in the first full year as a principal in  
16 the school district.

17 (d) A set of school districts shall be selected by the  
18 superintendent of public instruction to participate in a  
19 collaborative process resulting in the development and piloting of  
20 new certificated classroom teacher and principal evaluation systems  
21 during the 2010-11 and 2011-12 school years. These school districts  
22 must be selected based on: (i) The agreement of the local  
23 associations representing classroom teachers and principals to  
24 collaborate with the district in this developmental work and (ii) the  
25 agreement to participate in the full range of development and  
26 implementation activities, including: Development of rubrics for the  
27 evaluation criteria and ratings in subsections (2) and (6) of this  
28 section; identification of or development of appropriate multiple  
29 measures of student growth in subsections (2) and (6) of this  
30 section; development of appropriate evaluation system forms;  
31 participation in professional development for principals and  
32 classroom teachers regarding the content of the new evaluation  
33 system; participation in evaluator training; and participation in  
34 activities to evaluate the effectiveness of the new systems and  
35 support programs. The school districts must submit to the office of  
36 the superintendent of public instruction data that is used in  
37 evaluations and all district-collected student achievement, aptitude,  
38 and growth data regardless of whether the data is used in  
39 evaluations. If the data is not available electronically, the  
40 district may submit it in nonelectronic form. The superintendent of

1 public instruction must analyze the districts' use of student data in  
2 evaluations, including examining the extent that student data is not  
3 used or is underutilized. The superintendent of public instruction  
4 must also consult with participating districts and stakeholders,  
5 recommend appropriate changes, and address statewide implementation  
6 issues. The superintendent of public instruction shall report  
7 evaluation system implementation status, evaluation data, and  
8 recommendations to appropriate committees of the legislature and  
9 governor by July 1, 2011, and at the conclusion of the development  
10 phase by July 1, 2012. In the July 1, 2011, report, the  
11 superintendent shall include recommendations for whether a single  
12 statewide evaluation model should be adopted, whether modified  
13 versions developed by school districts should be subject to state  
14 approval, and what the criteria would be for determining if a school  
15 district's evaluation model meets or exceeds a statewide model. The  
16 report shall also identify challenges posed by requiring a state  
17 approval process.

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

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

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

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

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

36 (D) Refining evaluation system management tools, professional  
37 development programs, and evaluator training programs with an  
38 emphasis on developing rater reliability;

1 (E) Reviewing emerging research regarding teacher and principal  
2 evaluation systems and the development and implementation of  
3 evaluation systems in other states;

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

7 (G) Developing recommendations regarding how teacher evaluations  
8 could inform state policies regarding the criteria for a teacher to  
9 obtain continuing contract status under RCW 28A.405.210. In  
10 developing these recommendations the experiences of school districts  
11 and teachers during the evaluation transition phase must be  
12 considered. Recommendations must be reported by July 1, 2016, to the  
13 legislature and the governor.

14 (iii) To support the tasks in (e)(ii) of this subsection, the  
15 superintendent of public instruction may contract with an independent  
16 research organization with expertise in educator evaluations and  
17 knowledge of the revised evaluation systems being implemented under  
18 this section.

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

23 (v) The superintendent of public instruction shall submit reports  
24 detailing findings, emergent issues or trends, recommendations from  
25 the steering committee, and pilot school districts, and other  
26 recommendations, to enhance implementation and continuous improvement  
27 of the revised evaluation systems to appropriate committees of the  
28 legislature and the governor beginning July 1, 2013, and each July  
29 1st thereafter for each year of the school district implementation  
30 transition period concluding with a report on December 1, 2016.

31 (8)(a) Beginning with the ((2015-16)) 2016-17 school year,  
32 evaluation results for certificated classroom teachers and principals  
33 must be used as one of multiple factors in making human resource and  
34 personnel decisions. Human resource decisions include, but are not  
35 limited to: Staff assignment, including the consideration of an  
36 agreement to an assignment by an appropriate teacher, principal, and  
37 superintendent; and reduction in force. Nothing in this section  
38 limits the ability to collectively bargain how the multiple factors  
39 shall be used in making human resource or personnel decisions, with  
40 the exception that evaluation results must be a factor.

1 (b) The office of the superintendent of public instruction must  
2 report to the legislature and the governor regarding the school  
3 district implementation of the provisions of (a) of this subsection  
4 by December 1, (~~2017~~) 2018.

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

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

19 (11) After a certificated classroom teacher or certificated  
20 support personnel has four years of satisfactory evaluations under  
21 subsection (1) of this section, a school district may use a short  
22 form of evaluation, a locally bargained evaluation emphasizing  
23 professional growth, an evaluation under subsection (1) or (2) of  
24 this section, or any combination thereof. The short form of  
25 evaluation shall include either a thirty minute observation during  
26 the school year with a written summary or a final annual written  
27 evaluation based on the criteria in subsection (1) or (2) of this  
28 section and based on at least two observation periods during the  
29 school year totaling at least sixty minutes without a written summary  
30 of such observations being prepared. A locally bargained short-form  
31 evaluation emphasizing professional growth must provide that the  
32 professional growth activity conducted by the certificated classroom  
33 teacher be specifically linked to one or more of the certificated  
34 classroom teacher evaluation criteria. However, the evaluation  
35 process set forth in subsection (1) or (2) of this section shall be  
36 followed at least once every three years unless this time is extended  
37 by a local school district under the bargaining process set forth in  
38 chapter 41.59 RCW. The employee or evaluator may require that the  
39 evaluation process set forth in subsection (1) or (2) of this section  
40 be conducted in any given school year. No evaluation other than the

1 evaluation authorized under subsection (1) or (2) of this section may  
2 be used as a basis for determining that an employee's work is not  
3 satisfactory under subsection (1) or (2) of this section or as  
4 probable cause for the nonrenewal of an employee's contract under RCW  
5 28A.405.210 unless an evaluation process developed under chapter  
6 41.59 RCW determines otherwise. The provisions of this subsection  
7 apply to certificated classroom teachers only until the teacher has  
8 been transitioned to the revised evaluation system pursuant to the  
9 district implementation schedule adopted under subsection (7)(c) of  
10 this section.

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

16 (a) All classroom teachers and principals shall receive a  
17 comprehensive summative evaluation at least once every four years. A  
18 comprehensive summative evaluation assesses all eight evaluation  
19 criteria and all criteria contribute to the comprehensive summative  
20 evaluation performance rating.

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

23 (i) Classroom teachers who are provisional employees under RCW  
24 28A.405.220;

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

27 (iii) Principals previously employed as a principal by another  
28 school district in the state of Washington for three or more  
29 consecutive school years and in the first full year as a principal in  
30 the school district; and

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

34 (c)(i) In the years when a comprehensive summative evaluation is  
35 not required, classroom teachers and principals who received a  
36 comprehensive summative evaluation performance rating of level 3 or  
37 above in the previous school year are required to complete a focused  
38 evaluation. A focused evaluation includes an assessment of one of the  
39 eight criteria selected for a performance rating plus professional  
40 growth activities specifically linked to the selected criteria.

1 (ii) The selected criteria must be approved by the teacher's or  
2 principal's evaluator and may have been identified in a previous  
3 comprehensive summative evaluation as benefiting from additional  
4 attention. A group of teachers may focus on the same evaluation  
5 criteria and share professional growth activities. A group of  
6 principals may focus on the same evaluation criteria and share  
7 professional growth activities.

8 (iii) The evaluator must assign a comprehensive summative  
9 evaluation performance rating for the focused evaluation using the  
10 methodology adopted by the superintendent of public instruction for  
11 the instructional or leadership framework being used.

12 (iv) A teacher or principal may be transferred from a focused  
13 evaluation to a comprehensive summative evaluation at the request of  
14 the teacher or principal, or at the direction of the teacher's or  
15 principal's evaluator.

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

21 (vi) A classroom teacher or principal may apply the focused  
22 evaluation professional growth activities toward the professional  
23 growth plan for professional certificate renewal as required by the  
24 professional educator standards board.

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

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