S-3863.1			
5 5005.1			

SENATE BILL 6317

State of Washington 62nd Legislature 2012 Regular Session

By Senators Frockt and McAuliffe

2.

Read first time 01/17/12. Referred to Committee on Early Learning & K-12 Education.

AN ACT Relating to establishing a statewide plan for implementing revised teacher and principal evaluation systems to support continuous professional growth based on the development work of pilot school districts; amending RCW 28A.405.100, 28A.405.120, and 28A.405.130; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section.

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

NEW SECTION. Sec. 1. The legislature affirms its continued support for transforming the way that teacher and principal performance is evaluated by moving to a research-based system of clear expectations, common standards and benchmarks, and multiple meaningful measures of both professional growth and student growth. In order to ensure that the revised evaluation systems are implemented with full fidelity across the state, the legislature intends to establish a statewide implementation plan with common definitions and performance descriptions, professional development opportunities, and an evaluation schedule whereby all teachers and principals in the state receive a comprehensive new evaluation no later than the 2016-17 school year.

p. 1 SB 6317

Sec. 2. RCW 28A.405.100 and 2010 c 235 s 202 are each amended to 2 read as follows:

- (1)(a) Except as provided in subsection (2) of this section, the superintendent of public instruction shall establish and may amend from time to time minimum criteria for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. For classroom teachers the criteria shall be developed in the following categories: Instructional skill; classroom management, professional preparation and scholarship; effort toward improvement when needed; the handling of student discipline and attendant problems; and interest in teaching pupils and knowledge of subject matter.
- (b) Every board of directors shall, in accordance with procedure provided in RCW 41.59.010 through 41.59.170, 41.59.910, and 41.59.920, establish evaluative criteria and procedures for all certificated classroom teachers and certificated support personnel. The evaluative criteria must contain as a minimum the criteria established by the superintendent of public instruction pursuant to this section and must be prepared within six months following adoption of the superintendent of public instruction's minimum criteria. The district must certify to the superintendent of public instruction that evaluative criteria have been so prepared by the district.
- (2)(a) Pursuant to the implementation schedule established in subsection (7)(b) of this section, every board of directors shall, in accordance with procedures provided in RCW 41.59.010 through 41.59.170, 41.59.910, and 41.59.920, establish revised evaluative criteria and a four-level rating system for all certificated classroom teachers.
- (b) The minimum criteria shall include: (i) Centering instruction on high expectations for student achievement; (ii) demonstrating effective teaching practices; (iii) recognizing individual student learning needs and developing strategies to address those needs; (iv) providing clear and intentional focus on subject matter content and curriculum; (v) fostering and managing a safe, positive learning environment; (vi) using multiple student data elements to modify instruction and improve student learning; (vii) communicating and collaborating with parents and (([the])) the school community; and (viii) exhibiting collaborative and collegial practices focused on improving instructional practice and student learning.

(c) The four-level rating system used to evaluate the certificated classroom teacher must describe performance along a continuum that indicates the extent to which the criteria have been met or exceeded. The summative performance ratings shall be as follows: Level 1 - unsatisfactory; level 2 - basic; level 3 - proficient; and level 4 - distinguished. A classroom teacher shall receive one of the four summative performance ratings for each of the minimum criteria in (b) of this subsection and one of the four summative performance ratings for the evaluation as a whole, which shall be the comprehensive summative evaluation performance rating.

- (d) By December 1, 2012, the superintendent of public instruction shall adopt rules that provide descriptors for each of the summative performance ratings, based on the development work of pilot school districts under subsection (7) of this section. Any subsequent changes to the descriptors by the superintendent may only be made following consultation with a group broadly reflective of the parties represented in subsection (7)(a) of this section.
- (e) By September 1, 2012, the superintendent of public instruction shall identify up to three preferred instructional frameworks that support the revised evaluation system. The instructional frameworks shall be research-based and establish definitions or rubrics for each of the four summative performance ratings for each evaluation criteria. Each school district must adopt one of the preferred instructional frameworks and post the selection on the district's web site. The superintendent of public instruction shall establish a process for approving minor modifications or adaptations to a preferred instructional framework that may be proposed by a school district.
- (f) When student growth data, if available and relevant to the teacher and subject matter, is referenced in the evaluation process it must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. As used in this subsection, "student growth" means the change in student achievement between two points in time.
- (3)(a) Except as provided in subsection (10) of this section, it shall be the responsibility of a principal or his or her designee to evaluate all certificated personnel in his or her school. During each school year all classroom teachers and certificated support personnel shall be observed for the purposes of evaluation at least twice in the

p. 3 SB 6317

performance of their assigned duties. Total observation time for each employee for each school year shall be not less than sixty minutes. An employee in the third year of provisional status as defined in RCW 28A.405.220 shall be observed at least three times in the performance of his or her duties and the total observation time for the school year shall not be less than ninety minutes. Following each observation, or series of observations, the principal or other evaluator shall promptly document the results of the observation in writing, and shall provide the employee with a copy thereof within three days after such report is prepared. New employees shall be observed at least once for a total observation time of thirty minutes during the first ninety calendar days of their employment period.

- (b) As used in this subsection and subsection (4) of this section, "employees" means classroom teachers and certificated support personnel except where otherwise specified.
- (4)(a) At any time after October 15th, an employee whose work is not judged satisfactory based on district evaluation criteria shall be notified in writing of the specific areas of deficiencies along with a reasonable program for improvement. For classroom teachers who have been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section, the following comprehensive summative evaluation performance ratings based on the evaluation criteria in subsection (2)(b) of this section mean a classroom teacher's work is not judged satisfactory:
 - (i) Level 1; or

- (ii) Level 2 if the classroom teacher is a continuing contract employee under RCW 28A.405.210 with more than five years of teaching experience and if the level 2 comprehensive summative evaluation performance rating has been received for two consecutive years or for two years within a consecutive three-year time period.
- (b) During the period of probation, the employee may not be transferred from the supervision of the original evaluator. Improvement of performance or probable cause for nonrenewal must occur and be documented by the original evaluator before any consideration of a request for transfer or reassignment as contemplated by either the individual or the school district. A probationary period of sixty school days shall be established. Days may be added if deemed

necessary to complete a program for improvement and evaluate the 1 probationer's performance, as long as the probationary period is 2 concluded before May 15th of the same school year. The establishment 3 of a probationary period does not adversely affect the contract status 4 of an employee within the meaning of RCW 28A.405.300. The purpose of 5 6 the probationary period is to give the employee opportunity to demonstrate improvements in his or her areas of deficiency. 7 establishment of the probationary period and the giving of the notice 8 9 to the employee of deficiency shall be by the school district superintendent and need not be submitted to the board of directors for 10 11 approval. During the probationary period the evaluator shall meet with 12 the employee at least twice monthly to supervise and make a written 13 evaluation of the progress, if any, made by the employee. The evaluator may authorize one additional certificated employee 14 15 evaluate the probationer and to aid the employee in improving his or her areas of deficiency; such additional certificated employee shall be 16 immune from any civil liability that might otherwise be incurred or 17 18 imposed with regard to the good faith performance of such evaluation. 19 If a procedural error occurs in the implementation of a program for 20 improvement, the error does not invalidate the probationer's plan for 21 improvement or evaluation activities unless the error materially affects the effectiveness of the plan or the ability to evaluate the 22 probationer's performance. The probationer may be removed from 23 24 probation if he or she has demonstrated improvement to the satisfaction 25 of the principal in those areas specifically detailed in his or her 26 initial notice of deficiency and subsequently detailed in his or her 27 improvement program. A classroom teacher who has been transitioned to the revised evaluation system pursuant to the district implementation 28 schedule adopted under subsection (7)(c) of this section may be removed 29 30 from probation if he or she has demonstrated improvement that results in a new comprehensive summative evaluation performance rating of level 31 2 or above for a provisional employee or a continuing contract employee 32 with five or fewer years of experience, or of level 3 or above for a 33 continuing contract employee with more than five years of experience. 34 35 Lack of necessary improvement during the established probationary 36 period, as specifically documented in writing with notification to the 37 probationer ((and shall)) constitutes grounds for a finding of probable 38 cause under RCW 28A.405.300 or 28A.405.210.

p. 5 SB 6317

((\(\frac{(b)}{(b)}\)) (c) Immediately following the completion of a probationary period that does not produce performance changes detailed in the initial notice of deficiencies and improvement program, the employee may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year. This reassignment may not displace another employee nor may it adversely affect the probationary employee's compensation or benefits for the remainder of the employee's contract year. If such reassignment is not possible, the district may, at its option, place the employee on paid leave for the balance of the contract term.

- (5) Every board of directors shall establish evaluative criteria and procedures for all superintendents, principals, and other administrators. It shall be the responsibility of the district superintendent or his or her designee to evaluate all administrators. Except as provided in subsection (6) of this section, such evaluation shall be based on the administrative position job description. Such criteria, when applicable, shall include at least the following categories: Knowledge of, experience in, and training in recognizing good professional performance, capabilities and development; school administration and management; school finance; professional preparation and scholarship; effort toward improvement when needed; interest in pupils, employees, patrons and subjects taught in school; leadership; and ability and performance of evaluation of school personnel.
- (6)(a) Pursuant to the implementation schedule established by subsection (7)(b) of this section, every board of directors shall establish revised evaluative criteria and a four-level rating system for principals.
- (b) The minimum criteria shall include: (i) Creating a school culture that promotes the ongoing improvement of learning and teaching for students and staff; (ii) demonstrating commitment to closing the achievement gap; (iii) providing for school safety; (iv) leading the development, implementation, and evaluation of a data-driven plan for increasing student achievement, including the use of multiple student data elements; (v) assisting instructional staff with alignment of curriculum, instruction, and assessment with state and local district learning goals; (vi) monitoring, assisting, and evaluating effective instruction and assessment practices; (vii) managing both staff and

fiscal resources to support student achievement and legal responsibilities; and (viii) partnering with the school community to promote student learning.

- (c) The four-level rating system used to evaluate the principal must describe performance along a continuum that indicates the extent to which the criteria have been met or exceeded. The summative performance ratings shall be as follows: Level 1 unsatisfactory; level 2 basic; level 3 proficient; and level 4 distinguished. A principal shall receive one of the four summative performance ratings for each of the minimum criteria in (b) of this subsection and one of the four summative performance ratings for the evaluation as a whole, which shall be the comprehensive summative evaluation performance rating.
- (d) By December 1, 2012, the superintendent of public instruction shall adopt rules that provide descriptors for each of the summative performance ratings, based on the development work of pilot school districts under subsection (7) of this section. Any subsequent changes to the descriptors by the superintendent may only be made following consultation with a group broadly reflective of the parties represented in subsection (7)(a) of this section.
- (e) By September 1, 2012, the superintendent of public instruction shall identify up to three preferred leadership frameworks that support the revised evaluation system. The leadership frameworks shall be research-based and establish definitions or rubrics for each of the four performance ratings for each evaluation criteria. Each school district shall adopt one of the preferred leadership frameworks and post the selection on the district's web site. The superintendent of public instruction shall establish a process for approving minor modifications or adaptations to a preferred leadership framework that may be proposed by a school district.
- <u>(f)</u> When available, student growth data that is referenced in the evaluation process must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. As used in this subsection, "student growth" means the change in student achievement between two points in time.
- (g) For principals who have been transitioned to the revised evaluation system pursuant to the district implementation schedule

p. 7 SB 6317

adopted under subsection (7)(c) of this section, the following comprehensive summative evaluation performance ratings mean a principal's work is not judged satisfactory:

(i) Level 1; or

- (ii) Level 2 if the principal has more than five years of experience in the principal role and if the level 2 comprehensive summative evaluation performance rating has been received for two consecutive years or for two years within a consecutive three-year time period.
- (7)(a) The superintendent of public instruction, in collaboration with state associations representing teachers, principals, administrators, and parents, shall create models for implementing the evaluation system criteria, student growth tools, professional development programs, and evaluator training for certificated classroom teachers and principals. Human resources specialists, professional development experts, and assessment experts must also be consulted. Due to the diversity of teaching assignments and the many developmental levels of students, classroom teachers and principals must be prominently represented in this work. The models must be available for use in the 2011-12 school year.
- (b) A new certificated classroom teacher evaluation system that implements the provisions of subsection (2) of this section and a new principal evaluation system that implements the provisions of subsection (6) of this section shall be phased-in beginning with the 2010-11 school year by districts identified in ((+c)) (d) of this subsection and implemented in all school districts beginning with the 2013-14 school year.
- (c) Each school district board of directors shall adopt a schedule for implementation of the revised evaluation systems that transitions a portion of classroom teachers and principals in the district to the revised evaluation systems each year beginning no later than the 2013-14 school year, until all classroom teachers and principals are being evaluated under the revised evaluation systems no later than the 2016-17 school year. A school district is not precluded from completing the transition of all classroom teachers and principals to the revised evaluation systems before the 2016-17 school year. The schedule adopted under this subsection (7)(c) must provide that the following

- employees are transitioned to the revised evaluation systems beginning in the 2013-14 school year:
- 3 <u>(i) Classroom teachers who are provisional employees under RCW</u> 4 28A.405.220;
- 5 <u>(ii) Classroom teachers who are on probation under subsection (4)</u> 6 of this section;

7

8

10 11

12

13

14

15

16 17

18 19

20

21

22

2324

2526

27

28

29

30

3132

33

3435

36

37

38

- (iii) Principals in the first three consecutive school years of employment as a principal; and
- (iv) Principals previously employed as a principal by another school district in the state of Washington for three or more consecutive school years and in the first full year as a principal in the school district.
- (d) A set of school districts shall be selected by the superintendent of public instruction to participate in a collaborative process resulting in the development and piloting of new certificated classroom teacher and principal evaluation systems during the 2010-11 and 2011-12 school years. These school districts must be selected based on: (i) The agreement of the local associations representing classroom teachers and principals to collaborate with the district in this developmental work and (ii) the agreement to participate in the full range of development and implementation activities, including: Development of rubrics for the evaluation criteria and ratings subsections (2) and (6) of this section; identification of development of appropriate multiple measures of student growth in subsections (2) and (6) of this section; development of appropriate evaluation system forms; participation in professional development for principals and classroom teachers regarding the content of the new evaluation participation in evaluator training; system; and participation in activities to evaluate the effectiveness of the new systems and support programs. The school districts must submit to the office of the superintendent of public instruction data that is used in evaluations and all district-collected student achievement, aptitude, and growth data regardless of whether the data is used in evaluations. If the data is not available electronically, the district may submit it in nonelectronic form. The superintendent of public instruction must analyze the districts' use of student data in evaluations, including examining the extent that student data is not used or is underutilized. The superintendent of public instruction must also consult with

p. 9 SB 6317

participating districts and stakeholders, recommend appropriate changes, and address statewide implementation issues. The superintendent of public instruction shall report evaluation system implementation status, evaluation data, and recommendations appropriate committees of the legislature and governor by July 1, 2011, and at the conclusion of the development phase by July 1, 2012. In the July 1, 2011, report, the superintendent shall include recommendations for whether a single statewide evaluation model should be adopted, whether modified versions developed by school districts should be subject to state approval, and what the criteria would be for determining if a school district's evaluation model meets or exceeds a statewide model. The report shall also identify challenges posed by requiring a state approval process.

- (8) Each certificated classroom teacher and certificated support personnel shall have the opportunity for confidential conferences with his or her immediate supervisor on no less than two occasions in each school year. Such confidential conference shall have as its sole purpose the aiding of the administrator in his or her assessment of the employee's professional performance.
- (9) The failure of any evaluator to evaluate or supervise or cause the evaluation or supervision of certificated classroom teachers and certificated support personnel or administrators in accordance with this section, as now or hereafter amended, when it is his or her specific assigned or delegated responsibility to do so, shall be sufficient cause for the nonrenewal of any such evaluator's contract under RCW 28A.405.210, or the discharge of such evaluator under RCW 28A.405.300.
- (10) After a certificated classroom teacher or certificated support personnel has four years of satisfactory evaluations under subsection (1) of this section ((or has received one of the two top ratings for four years under subsection (2) of this section)), a school district may use a short form of evaluation, a locally bargained evaluation emphasizing professional growth, an evaluation under subsection (1) or (2) of this section, or any combination thereof. The short form of evaluation shall include either a thirty minute observation during the school year with a written summary or a final annual written evaluation based on the criteria in subsection (1) or (2) of this section and based on at least two observation periods during the school year

SB 6317 p. 10

totaling at least sixty minutes without a written summary of such 1 2 observations being prepared. A locally bargained short-form evaluation emphasizing professional growth must provide that the professional 3 growth activity conducted by the certificated classroom teacher be 4 specifically linked to one or more of the certificated classroom 5 6 teacher evaluation criteria. However, the evaluation process set forth in subsection (1) or (2) of this section shall be followed at least 7 8 once every three years unless this time is extended by a local school 9 district under the bargaining process set forth in chapter 41.59 RCW. The employee or evaluator may require that the evaluation process set 10 11 forth in subsection (1) or (2) of this section be conducted in any 12 given school year. No evaluation other than the evaluation authorized 13 under subsection (1) or (2) of this section may be used as a basis for determining that an employee's work is not satisfactory under 14 15 subsection (1) or (2) of this section or as probable cause for the nonrenewal of an employee's contract under RCW 28A.405.210 unless an 16 evaluation process developed under chapter 41.59 RCW determines 17 The provisions of this subsection apply to certificated 18 otherwise. classroom teachers only until the teacher has been transitioned to the 19 20 revised evaluation system pursuant to the district implementation 21 schedule adopted under subsection (7)(c) of this section.

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

22

2324

25

26

27

28

29

30

3132

33

3435

36

37

38

- (a) Except for classroom teachers and principals under (c) of this subsection, classroom teachers and principals shall receive an annual comprehensive summative evaluation. A comprehensive summative evaluation assesses all eight evaluation criteria and all criteria contribute to the comprehensive summative evaluation performance rating.
- (b) Classroom teachers who are on probationary status shall receive comprehensive summative evaluations as provided under subsection (4) of this section.
- (c)(i) Classroom teachers and principals who have received comprehensive summative evaluation performance ratings of level 3 or above for four consecutive years are eligible to receive an annual

p. 11 SB 6317

- focused evaluation. A focused evaluation includes an assessment of one 1 of the eight criteria selected for a performance rating plus 2 professional growth activities specifically linked to the selected 3 criteria. However, each classroom teacher and principal under this 4 subsection (11)(c) must receive a comprehensive summative evaluation at 5 6 <u>least once every three years.</u> The provisions of this subsection 7 (11)(c) do not apply to a classroom teacher or principal in their first full year of employment in a school district. 8
 - (ii) The selected criteria must be approved by the teacher's or principal's evaluator and may have been identified in a previous comprehensive summative evaluation as benefitting from additional attention. A group of teachers may focus on the same evaluation criteria and share professional growth activities. A group of principals may focus on the same evaluation criteria and share professional growth activities.
 - (iii) The evaluator must assign a summative performance rating to the selected evaluation criteria and this rating, combined with the previously assigned summative performance ratings for the other seven criteria, comprise the comprehensive summative evaluation performance rating.
 - (iv) A teacher or principal may be transferred from a focused evaluation to a comprehensive summative evaluation at the request of the teacher or principal, or at the direction of the teacher's or principal's evaluator.
 - (v) A classroom teacher or principal may apply the focused evaluation professional growth activities toward the professional growth plan for professional certificate renewal as required by the professional educator standards board.
- 29 <u>(12) Each school district is encouraged to acknowledge and</u> 30 <u>recognize classroom teachers and principals who have attained level 4 -</u> 31 distinguished performance ratings.
- 32 **Sec. 3.** RCW 28A.405.120 and 1995 c 335 s 401 are each amended to read as follows:
- 34 (1) School districts shall require each administrator, each 35 principal, or other supervisory personnel who has responsibility for 36 evaluating classroom teachers <u>or principals</u> to have training in 37 evaluation procedures.

SB 6317 p. 12

9

10

11

12

13

14

15

16

17

18 19

2021

22

2324

25

26

27

28

- (2) Before school district implementation of the revised evaluation systems required under RCW 28A.405.100, principals and administrators who have evaluation responsibilities must engage in professional development designed to implement the revised systems and maximize rater agreement.
- 6 **Sec. 4.** RCW 28A.405.130 and 1985 c 420 s 4 are each amended to read as follows:
- 8 <u>(1)</u> No administrator, principal, or other supervisory personnel may 9 evaluate a teacher without having received training in evaluation 10 procedures.
- 11 (2) Before evaluating classroom teachers using the revised 12 evaluation systems required under RCW 28A.405.100, principals and 13 administrators who have evaluation responsibilities must engage in 14 professional development designed to implement the revised systems and 15 maximize rater agreement.
- NEW SECTION. Sec. 5. A new section is added to chapter 28A.405
 RCW to read as follows:
 - (1) The office of the superintendent of public instruction shall develop and make available a professional development program to support the implementation of the revised evaluation systems required under RCW 28A.405.100. The program components may be organized into professional development strands for principals, administrators, and classroom teachers.
- 24 (2) The professional development program shall include the 25 following components:
 - (a) Examination of Washington evaluation criteria, the four-tiered performance rating system, and the preferred instructional and leadership frameworks used to describe the evaluation criteria;
- 29 (b) The use of student growth data and multiple measures of 30 performance;
 - (c) Evaluation conferencing;

18 19

20

21

22

23

26

27

28

31

- 32 (d) Development of classroom teacher and principal support plans 33 resulting from an evaluation;
- (e) Use of an online tool to manage the collection of observation notes, teacher and principal-submitted materials, and other information related to the conduct of the evaluation; and

p. 13 SB 6317

- 1 (f) Other components resulting from the model development process 2 in RCW 28A.405.100(7).
- 3 (3) To the extent possible, professional development materials 4 shall be made available online and make use of appropriate existing 5 web-based tools and other web-based tools that may be developed.
- 6 (4) The professional development materials described in this 7 section shall also be made available to teacher and principal 8 preparation programs in the state.
- 9 <u>NEW SECTION.</u> **Sec. 6.** A new section is added to chapter 28A.410 10 RCW to read as follows:
 - (1) After August 31, 2013, candidates for a residency principal certificate must have demonstrated knowledge of teacher evaluation research and Washington's evaluation requirements and successfully completed opportunities to practice teacher evaluation skills.
- 15 (2) At a minimum, principal preparation programs must address the following knowledge and skills related to evaluations:
 - (a) Examination of Washington teacher and principal evaluation criteria, the four-tiered performance rating system, and the preferred instructional and leadership frameworks used to describe the evaluation criteria;
 - (b) Classroom observations;

11

12

13

14

17

18

1920

21

24

- (c) The use of student growth data and multiple measures of performance;
 - (d) Evaluation conferencing;
- 25 (e) Development of classroom teacher and principal support plans 26 resulting from an evaluation;
- 27 (f) Use of an online tool to manage the collection of observation 28 notes, teacher and principal-submitted materials, and other information 29 related to the conduct of the evaluation; and
- 30 (g) Development of classroom teacher support plans resulting from 31 an evaluation.
- NEW SECTION. Sec. 7. A new section is added to chapter 28A.300 RCW to read as follows:
- 34 (1) The office of the superintendent of public instruction shall 35 monitor the statewide implementation of revised teacher and principal 36 evaluation systems using data reported under RCW 28A.150.230 as well as

periodic input from focus groups of administrators, principals, and teachers. The office shall modify the professional development materials developed under section 5 of this act as appropriate to improve understanding, enhance rater agreement, and assure fidelity of implementation of the new systems statewide.

(2) The office of the superintendent of public instruction shall submit a report detailing findings, emergent issues or trends, and any recommendations to enhance implementation and continuous improvement of the revised evaluation systems to the education committees of the legislature by December 1, 2016.

--- END ---

p. 15 SB 6317