
ENGROSSED SUBSTITUTE HOUSE BILL 1319

State of Washington

65th Legislature

2017 Regular Session

By House Education (originally sponsored by Representatives McCaslin, Bergquist, Holy, Ryu, Stokesbary, Orwall, Volz, Haler, Stambaugh, Griffey, Chandler, Blake, Dent, McDonald, Dolan, Shea, Koster, Short, Pettigrew, Fey, Santos, Smith, Hargrove, Sells, Pollet, Muri, and Young)

READ FIRST TIME 02/13/17.

1 AN ACT Relating to the frequency of evaluations for certain
2 educators; 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 2012 c 35 s 1 are each amended to
5 read as follows:

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

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

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

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

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

26 (c) The four-level rating system used to evaluate the
27 certificated classroom teacher must describe performance along a
28 continuum that indicates the extent to which the criteria have been
29 met or exceeded. The (~~summative~~) performance ratings shall be as
30 follows: Level 1 - unsatisfactory; level 2 - basic; level 3 -
31 proficient; and level 4 - distinguished. A classroom teacher shall
32 receive one of the four (~~summative~~) performance ratings for each of
33 the minimum criteria in (b) of this subsection and one of the four
34 (~~summative~~) performance ratings for the evaluation as a whole,
35 which shall be the comprehensive (~~summative-evaluation~~) performance
36 rating. (~~By December 1, 2012,~~) The superintendent of public
37 instruction must adopt rules prescribing a common method for
38 calculating the comprehensive (~~summative-evaluation~~) performance
39 rating for each of the preferred instructional frameworks, including
40 for a focused performance evaluation under subsection (12) of this

1 section, giving appropriate weight to the indicators evaluated under
2 each criteria and maximizing rater agreement among the frameworks.

3 (d) (~~By December 1, 2012,~~) The superintendent of public
4 instruction shall adopt rules that provide descriptors for each of
5 the (~~summative~~) performance ratings(~~, based on the development~~
6 ~~work of pilot school districts under subsection (7) of this section.~~
7 ~~Any subsequent changes to the descriptors by the superintendent may~~
8 ~~only be~~) with updates to the rules made following consultation with
9 (~~a group broadly reflective of the parties represented~~) the
10 steering committee described in subsection (7)(a)(i) 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~~) four-level rating evaluation
14 system. The instructional frameworks shall be research-based and
15 establish definitions or rubrics for each of the four (~~summative~~)
16 performance ratings for each evaluation criteria. Each school
17 district must adopt one of the preferred instructional frameworks and
18 post the selection on the district's web site. The superintendent of
19 public instruction shall establish a process for approving minor
20 modifications or adaptations to a preferred instructional framework
21 that may be proposed by a school district.

22 (f) 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. Student growth data
26 elements may include the teacher's performance as a member of a
27 grade-level, subject matter, or other instructional team within a
28 school when the use of this data is relevant and appropriate. Student
29 growth data elements may also include the teacher's performance as a
30 member of the overall instructional team of a school when use of this
31 data is relevant and appropriate. As used in this subsection,
32 "student growth" means the change in student achievement between two
33 points in time.

34 (g) Student input may also be included in the evaluation process.

35 (3)(a) Except as provided in subsection (11) of this section, it
36 shall be the responsibility of a principal or his or her designee to
37 evaluate all certificated personnel in his or her school. During each
38 school year all classroom teachers and certificated support personnel
39 shall be observed for the purposes of evaluation at least twice in
40 the performance of their assigned duties. Total observation time for

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

13 (b) As used in this subsection and subsection (4) of this
14 section, "employees" means classroom teachers and certificated
15 support personnel except where otherwise specified.

16 (4)(a) At any time after October 15th, an employee whose work is
17 not judged satisfactory based on district evaluation criteria shall
18 be notified in writing of the specific areas of deficiencies along
19 with a reasonable program for improvement. For classroom teachers who
20 ~~((have been transitioned to the revised evaluation system pursuant to
21 the district implementation schedule adopted under subsection (7)(c)
22 of this section))~~ are required to be on the four-level rating
23 evaluation system, the following comprehensive ~~((summative
24 evaluation))~~ performance ratings based on the evaluation criteria in
25 subsection (2)(b) of this section mean a classroom teacher's work is
26 not judged satisfactory:

27 (i) Level 1; or

28 (ii) Level 2 if the classroom teacher is a continuing contract
29 employee under RCW 28A.405.210 with more than five years of teaching
30 experience and if the level 2 comprehensive ~~((summative evaluation))~~
31 performance rating has been received for two consecutive years or for
32 two years within a consecutive three-year time period.

33 (b) During the period of probation, the employee may not be
34 transferred from the supervision of the original evaluator.
35 Improvement of performance or probable cause for nonrenewal must
36 occur and be documented by the original evaluator before any
37 consideration of a request for transfer or reassignment as
38 contemplated by either the individual or the school district. A
39 probationary period of sixty school days shall be established. Days
40 may be added if deemed necessary to complete a program for

1 improvement and evaluate the probationer's performance, as long as
2 the probationary period is concluded before May 15th of the same
3 school year. The probationary period may be extended into the
4 following school year if the probationer has five or more years of
5 teaching experience and has a comprehensive (~~summative evaluation~~)
6 performance rating as of May 15th of less than level 2. The
7 establishment of a probationary period does not adversely affect the
8 contract status of an employee within the meaning of RCW 28A.405.300.
9 The purpose of the probationary period is to give the employee
10 opportunity to demonstrate improvements in his or her areas of
11 deficiency. The establishment of the probationary period and the
12 giving of the notice to the employee of deficiency shall be by the
13 school district superintendent and need not be submitted to the board
14 of directors for approval. During the probationary period the
15 evaluator shall meet with the employee at least twice monthly to
16 supervise and make a written evaluation of the progress, if any, made
17 by the employee. The evaluator may authorize one additional
18 certificated employee to evaluate the probationer and to aid the
19 employee in improving his or her areas of deficiency. Should the
20 evaluator not authorize such additional evaluator, the probationer
21 may request that an additional certificated employee evaluator become
22 part of the probationary process and this request must be implemented
23 by including an additional experienced evaluator assigned by the
24 educational service district in which the school district is located
25 and selected from a list of evaluation specialists compiled by the
26 educational service district. Such additional certificated employee
27 shall be immune from any civil liability that might otherwise be
28 incurred or imposed with regard to the good faith performance of such
29 evaluation. If a procedural error occurs in the implementation of a
30 program for improvement, the error does not invalidate the
31 probationer's plan for improvement or evaluation activities unless
32 the error materially affects the effectiveness of the plan or the
33 ability to evaluate the probationer's performance. The probationer
34 must be removed from probation if he or she has demonstrated
35 improvement to the satisfaction of the evaluator in those areas
36 specifically detailed in his or her initial notice of deficiency and
37 subsequently detailed in his or her program for improvement. A
38 classroom teacher who (~~has been transitioned to the revised~~
39 ~~evaluation system pursuant to the district implementation schedule~~
40 ~~adopted under subsection (7)(c) of this section~~) is required to be

1 on the four-level rating evaluation system must be removed from
2 probation if he or she has demonstrated improvement that results in a
3 new comprehensive (~~summative evaluation~~) performance rating of
4 level 2 or above for a provisional employee or a continuing contract
5 employee with five or fewer years of experience, or of level 3 or
6 above for a continuing contract employee with more than five years of
7 experience. Lack of necessary improvement during the established
8 probationary period, as specifically documented in writing with
9 notification to the probationer constitutes grounds for a finding of
10 probable cause under RCW 28A.405.300 or 28A.405.210.

11 (c) When a continuing contract employee with five or more years
12 of experience receives a comprehensive (~~summative evaluation~~)
13 performance rating below level 2 for two consecutive years, the
14 school district shall, within ten days of the completion of the
15 second (~~summative~~) comprehensive (~~comprehensive summative~~)
16 performance evaluation or May 15th, whichever occurs first, implement
17 the employee notification of discharge as provided in RCW
18 28A.405.300.

19 (d) Immediately following the completion of a probationary period
20 that does not produce performance changes detailed in the initial
21 notice of deficiencies and program for improvement, the employee may
22 be removed from his or her assignment and placed into an alternative
23 assignment for the remainder of the school year. In the case of a
24 classroom teacher who (~~has been transitioned to the revised~~
25 ~~evaluation system pursuant to the district implementation schedule~~
26 ~~adopted under subsection (7)(c) of this section~~) is required to be
27 on the four-level rating evaluation system, the teacher may be
28 removed from his or her assignment and placed into an alternative
29 assignment for the remainder of the school year immediately following
30 the completion of a probationary period that does not result in the
31 required comprehensive (~~summative evaluation~~) performance ratings
32 specified in (b) of this subsection. This reassignment may not
33 displace another employee nor may it adversely affect the
34 probationary employee's compensation or benefits for the remainder of
35 the employee's contract year. If such reassignment is not possible,
36 the district may, at its option, place the employee on paid leave for
37 the balance of the contract term.

38 (5) Every board of directors shall establish evaluative criteria
39 and procedures for all superintendents, principals, and other
40 administrators. It shall be the responsibility of the district

1 superintendent or his or her designee to evaluate all administrators.
2 Except as provided in subsection (6) of this section, such evaluation
3 shall be based on the administrative position job description. Such
4 criteria, when applicable, shall include at least the following
5 categories: Knowledge of, experience in, and training in recognizing
6 good professional performance, capabilities and development; school
7 administration and management; school finance; professional
8 preparation and scholarship; effort toward improvement when needed;
9 interest in pupils, employees, patrons and subjects taught in school;
10 leadership; and ability and performance of evaluation of school
11 personnel.

12 (6)(a) (~~Pursuant to the implementation schedule established by~~
13 ~~subsection (7)(b) of this section,~~) Every board of directors shall
14 establish (~~revised~~) evaluative criteria and a four-level rating
15 system for principals.

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

32 (c) The four-level rating system used to evaluate the principal
33 must describe performance along a continuum that indicates the extent
34 to which the criteria have been met or exceeded. The (~~summative~~)
35 performance ratings shall be as follows: Level 1 - unsatisfactory;
36 level 2 - basic; level 3 - proficient; and level 4 - distinguished. A
37 principal shall receive one of the four (~~summative~~) performance
38 ratings for each of the minimum criteria in (b) of this subsection
39 and one of the four (~~summative~~) performance ratings for the

1 evaluation as a whole, which shall be the comprehensive ((~~summative~~
2 ~~evaluation~~)) performance rating.

3 (d) ((~~By December 1, 2012,~~)) The superintendent of public
4 instruction shall adopt rules that provide descriptors for each of
5 the ((~~summative~~)) performance ratings((~~, based on the development~~
6 ~~work of pilot school districts under subsection (7) of this section.~~
7 ~~Any subsequent changes to the descriptors by the superintendent may~~
8 ~~only be~~)) with updates to the rules made following consultation with
9 ((~~a group broadly reflective of the parties represented~~)) the
10 steering committee described in subsection (7)(a)(i) of this section.

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

22 (f) Student growth data that is relevant to the principal must be
23 a factor in the evaluation process and must be based on multiple
24 measures that can include classroom-based, school-based, district-
25 based, and state-based tools. As used in this subsection, "student
26 growth" means the change in student achievement between two points in
27 time.

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

30 (h) ((~~For principals who have been transitioned to the revised~~
31 ~~evaluation system pursuant to the district implementation schedule~~
32 ~~adopted under subsection (7)(c) of this section,~~)) The following
33 comprehensive ((~~summative evaluation~~)) performance ratings mean a
34 principal's work is not judged satisfactory:

35 (i) Level 1; or

36 (ii) Level 2 if the principal has more than five years of
37 experience in the principal role and if the level 2 comprehensive
38 ((~~summative evaluation~~)) performance rating has been received for two
39 consecutive years or for two years within a consecutive three-year
40 time period.

1 (7)(a) (~~The superintendent of public instruction, in~~
2 ~~collaboration with state associations representing teachers,~~
3 ~~principals, administrators, school board members, and parents, to be~~
4 ~~known as the steering committee, shall create models for implementing~~
5 ~~the evaluation system criteria, student growth tools, professional~~
6 ~~development programs, and evaluator training for certificated~~
7 ~~classroom teachers and principals. Human resources specialists,~~
8 ~~professional development experts, and assessment experts must also be~~
9 ~~consulted. Due to the diversity of teaching assignments and the many~~
10 ~~developmental levels of students, classroom teachers and principals~~
11 ~~must be prominently represented in this work. The models must be~~
12 ~~available for use in the 2011-12 school year.~~

13 (b) ~~A new certificated classroom teacher evaluation system that~~
14 ~~implements the provisions of subsection (2) of this section and a new~~
15 ~~principal evaluation system that implements the provisions of~~
16 ~~subsection (6) of this section shall be phased in beginning with the~~
17 ~~2010-11 school year by districts identified in (d) of this subsection~~
18 ~~and implemented in all school districts beginning with the 2013-14~~
19 ~~school year.~~

20 (c) ~~Each school district board of directors shall adopt a~~
21 ~~schedule for implementation of the revised evaluation systems that~~
22 ~~transitions a portion of classroom teachers and principals in the~~
23 ~~district to the revised evaluation systems each year beginning no~~
24 ~~later than the 2013-14 school year, until all classroom teachers and~~
25 ~~principals are being evaluated under the revised evaluation systems~~
26 ~~no later than the 2015-16 school year. A school district is not~~
27 ~~precluded from completing the transition of all classroom teachers~~
28 ~~and principals to the revised evaluation systems before the 2015-16~~
29 ~~school year. The schedule adopted under this subsection (7)(c) must~~
30 ~~provide that the following employees are transitioned to the revised~~
31 ~~evaluation systems beginning in the 2013-14 school year:~~

32 (i) ~~Classroom teachers who are provisional employees under RCW~~
33 ~~28A.405.220;~~

34 (ii) ~~Classroom teachers who are on probation under subsection (4)~~
35 ~~of this section;~~

36 (iii) ~~Principals in the first three consecutive school years of~~
37 ~~employment as a principal;~~

38 (iv) ~~Principals whose work is not judged satisfactory in their~~
39 ~~most recent evaluation; and~~

1 ~~(v) Principals previously employed as a principal by another~~
2 ~~school district in the state of Washington for three or more~~
3 ~~consecutive school years and in the first full year as a principal in~~
4 ~~the school district.~~

5 ~~(d) A set of school districts shall be selected by the~~
6 ~~superintendent of public instruction to participate in a~~
7 ~~collaborative process resulting in the development and piloting of~~
8 ~~new certificated classroom teacher and principal evaluation systems~~
9 ~~during the 2010-11 and 2011-12 school years. These school districts~~
10 ~~must be selected based on: (i) The agreement of the local~~
11 ~~associations representing classroom teachers and principals to~~
12 ~~collaborate with the district in this developmental work and (ii) the~~
13 ~~agreement to participate in the full range of development and~~
14 ~~implementation activities, including: Development of rubrics for the~~
15 ~~evaluation criteria and ratings in subsections (2) and (6) of this~~
16 ~~section; identification of or development of appropriate multiple~~
17 ~~measures of student growth in subsections (2) and (6) of this~~
18 ~~section; development of appropriate evaluation system forms;~~
19 ~~participation in professional development for principals and~~
20 ~~classroom teachers regarding the content of the new evaluation~~
21 ~~system; participation in evaluator training; and participation in~~
22 ~~activities to evaluate the effectiveness of the new systems and~~
23 ~~support programs. The school districts must submit to the office of~~
24 ~~the superintendent of public instruction data that is used in~~
25 ~~evaluations and all district collected student achievement, aptitude,~~
26 ~~and growth data regardless of whether the data is used in~~
27 ~~evaluations. If the data is not available electronically, the~~
28 ~~district may submit it in nonelectronic form. The superintendent of~~
29 ~~public instruction must analyze the districts' use of student data in~~
30 ~~evaluations, including examining the extent that student data is not~~
31 ~~used or is underutilized. The superintendent of public instruction~~
32 ~~must also consult with participating districts and stakeholders,~~
33 ~~recommend appropriate changes, and address statewide implementation~~
34 ~~issues. The superintendent of public instruction shall report~~
35 ~~evaluation system implementation status, evaluation data, and~~
36 ~~recommendations to appropriate committees of the legislature and~~
37 ~~governor by July 1, 2011, and at the conclusion of the development~~
38 ~~phase by July 1, 2012. In the July 1, 2011, report, the~~
39 ~~superintendent shall include recommendations for whether a single~~
40 ~~statewide evaluation model should be adopted, whether modified~~

1 versions developed by school districts should be subject to state
2 approval, and what the criteria would be for determining if a school
3 district's evaluation model meets or exceeds a statewide model. The
4 report shall also identify challenges posed by requiring a state
5 approval process.

6 (e)(i) The steering committee in subsection (7)(a) of this
7 section and the pilot school districts in subsection (7)(d) of this
8 section shall continue to examine implementation issues and refine
9 tools for the new certificated classroom teacher evaluation system in
10 subsection (2) of this section and the new principal evaluation
11 system in subsection (6) of this section during the 2013-14 through
12 2015-16 implementation phase.

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

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

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

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

24 (D) Refining evaluation system management tools, professional
25 development programs, and evaluator training programs with an
26 emphasis on developing rater reliability;

27 (E) Reviewing emerging research regarding teacher and principal
28 evaluation systems and the development and implementation of
29 evaluation systems in other states;

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

33 (G) Developing recommendations regarding how teacher evaluations
34 could inform state policies regarding the criteria for a teacher to
35 obtain continuing contract status under RCW 28A.405.210. In
36 developing these recommendations the experiences of school districts
37 and teachers during the evaluation transition phase must be
38 considered. Recommendations must be reported by July 1, 2016, to the
39 legislature and the governor.

1 ~~(iii) To support the tasks in (e)(ii) of this subsection, the~~
2 ~~superintendent of public instruction may contract with an independent~~
3 ~~research organization with expertise in educator evaluations and~~
4 ~~knowledge of the revised evaluation systems being implemented under~~
5 ~~this section.~~

6 ~~(iv)) (i) The following participants must be known as the~~
7 ~~steering committee: State associations representing teachers,~~
8 ~~principals, administrators, school board members, and parents. The~~
9 ~~committee shall cease to function July 1, 2022.~~

10 ~~(ii) The superintendent of public instruction, in collaboration~~
11 ~~with the steering committee, shall periodically examine~~
12 ~~implementation issues and refine tools for the teacher and principal~~
13 ~~four-level rating evaluation systems.~~

14 ~~(b) The superintendent of public instruction shall monitor the~~
15 ~~statewide implementation of ((revised)) teacher and principal four-~~
16 ~~level rating evaluation systems using data reported under RCW~~
17 ~~28A.150.230 as well as periodic input from focus groups of~~
18 ~~administrators, principals, and teachers.~~

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

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

38 (b) The office of the superintendent of public instruction must
39 report to the legislature and the governor regarding the school

1 district implementation of the provisions of (a) of this subsection
2 by December 1, 2017.

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

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

17 (11) After a certificated classroom teacher (~~(or)~~) who is not
18 required to be on the four-level rating evaluation system or a
19 certificated support personnel has four years of satisfactory
20 evaluations under subsection (1) of this section, a school district
21 may use a short form of evaluation, a locally bargained evaluation
22 emphasizing professional growth, an evaluation under subsection (1)
23 or (2) of this section, or any combination thereof. The short form of
24 evaluation shall include either a thirty minute observation during
25 the school year with a written summary or a final annual written
26 evaluation based on the criteria in subsection (1) or (2) of this
27 section and based on at least two observation periods during the
28 school year totaling at least sixty minutes without a written summary
29 of such observations being prepared. A locally bargained short-form
30 evaluation emphasizing professional growth must provide that the
31 professional growth activity conducted by the certificated classroom
32 teacher be specifically linked to one or more of the certificated
33 classroom teacher evaluation criteria. However, the evaluation
34 process set forth in subsection (1) or (2) of this section shall be
35 followed at least once every three years unless this time is extended
36 by a local school district under the bargaining process set forth in
37 chapter 41.59 RCW. The employee or evaluator may require that the
38 evaluation process set forth in subsection (1) or (2) of this section
39 be conducted in any given school year. No evaluation other than the
40 evaluation authorized under subsection (1) or (2) of this section may

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

10 (12) (~~All~~) Certificated classroom teachers and principals who
11 (~~have been transitioned to the revised evaluation systems pursuant~~
12 ~~to the district implementation schedule adopted under subsection~~
13 ~~(7)(c) of this section~~) are required to be on the four-level rating
14 evaluation system must receive annual performance evaluations as
15 provided in this subsection(~~(+)~~) (12).

16 (a) (~~All classroom teachers and principals shall receive a~~
17 ~~comprehensive summative evaluation at least once every four years.~~)
18 A comprehensive (~~summative~~) performance evaluation assesses all
19 eight evaluation criteria and all criteria contribute to the
20 comprehensive (~~summative evaluation~~) performance rating. Classroom
21 teachers and principals must receive a comprehensive performance
22 evaluation according to the schedule specified in (b) of this
23 subsection.

24 (b)(i) Except as otherwise provided in this subsection (12)(b),
25 classroom teachers and principals must receive a comprehensive
26 performance evaluation at least once every four years.

27 (~~(b)~~) (ii) The following (~~categories~~) types of classroom
28 teachers and principals (~~shall~~) must receive an annual
29 comprehensive (~~summative~~) performance evaluation:

30 (~~(i)~~) (A) A classroom teacher(~~(s)~~) who (~~are~~) is a provisional
31 employee(~~(s)~~) under RCW 28A.405.220;

32 (~~(ii)~~) (B) A principal(~~(s)~~) in the first three consecutive
33 school years of employment as a principal;

34 (~~(iii)~~) (C) A principal(~~(s)~~) previously employed as a principal
35 by another school district in the state of Washington for three or
36 more consecutive school years and in the first full year as a
37 principal in the school district; and

38 (~~(iv) Any~~) (D) A classroom teacher or principal who received a
39 comprehensive (~~summative evaluation~~) performance rating of level 1
40 or level 2 in the previous school year.

1 (iii) A classroom teacher who holds a valid Washington
2 professional teaching certificate or a valid certification from the
3 national board for professional teaching standards and a principal
4 who holds a valid Washington professional administrator certificate,
5 and who received a comprehensive performance rating of level 3 or
6 above in his or her previous comprehensive performance evaluation
7 must receive a comprehensive performance evaluation at least every
8 six years.

9 (c)(i) In the years when a comprehensive ((~~summative~~))
10 performance evaluation is not required, classroom teachers and
11 principals who received a comprehensive ((~~summative—evaluation~~))
12 performance rating of level 3 or above in ((~~the previous school~~
13 ~~year~~)) their previous comprehensive performance evaluation are
14 required to complete a focused performance evaluation. A focused
15 performance evaluation includes an assessment of one of the eight
16 criteria selected for a performance rating plus professional growth
17 activities specifically linked to the selected criteria.

18 (ii) The selected criteria must be approved by the teacher's or
19 principal's evaluator and may have been identified in a previous
20 comprehensive ((~~summative~~)) performance evaluation as benefiting from
21 additional attention. A group of teachers may focus on the same
22 evaluation criteria and share professional growth activities. A group
23 of principals may focus on the same evaluation criteria and share
24 professional growth activities.

25 (iii) The evaluator must assign a ((~~comprehensive—summative~~
26 ~~evaluation~~)) performance rating for the focused performance
27 evaluation using the methodology adopted by the superintendent of
28 public instruction for the instructional or leadership framework
29 being used.

30 (iv) A teacher or principal may be transferred from a focused
31 performance evaluation to a comprehensive ((~~summative~~)) performance
32 evaluation at the request of the teacher or principal, or at the
33 direction of the teacher's or principal's evaluator.

34 (v) Due to the importance of instructional leadership and
35 assuring rater agreement among evaluators, particularly those
36 evaluating teacher performance, school districts are encouraged to
37 conduct comprehensive ((~~summative~~)) performance evaluations of
38 principals ((~~performance~~)) on an annual basis.

39 (vi) A classroom teacher or principal may apply the focused
40 performance evaluation professional growth activities toward the

1 professional growth plan for professional certificate renewal as
2 required by the professional educator standards board.

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

--- END ---