
ENGROSSED SUBSTITUTE SENATE BILL 5748

State of Washington

64th Legislature

2015 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators Litzow, Mullet, Fain, Dammeier, Hill, Rivers, Becker, King, Braun, Warnick, and Bailey)

READ FIRST TIME 02/18/15.

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, as
24 determined under (f) of this subsection, must be a substantial factor
25 in evaluating the summative performance of certificated classroom
26 teachers for at least three of the evaluation criteria listed in this
27 subsection.

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

1 preferred instructional frameworks, including for a focused
2 evaluation under subsection (12) of this section, giving appropriate
3 weight to the indicators evaluated under each criteria and maximizing
4 rater agreement among the frameworks.

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

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

23 (f)(i) Student growth data that is relevant to the teacher and
24 subject matter must be a factor in the evaluation process and must be
25 based on multiple measures that can include classroom-based, school-
26 based, district-based, and state-based tools. However, subject to the
27 requirements of (f)(iv) of this subsection and beginning no earlier
28 than the 2017-18 school year, for teachers who teach reading or
29 language arts or mathematics in a grade in which the federally
30 mandated statewide student assessments are administered, one of the
31 multiple measures of student growth must be the student results on
32 the relevant assessments. The methodology of using student results on
33 relevant federally mandated statewide student assessments as one of
34 the multiple measures of student growth shall be subject to
35 collective bargaining. The office of the superintendent of public
36 instruction shall provide to each school district the relevant state-
37 level assessment information necessary to determine student growth
38 for the purpose of teacher evaluations.

39 (ii) Student growth data elements may include the teacher's
40 performance as a member of a grade-level, subject matter, or other

1 instructional team within a school when the use of this data is
2 relevant and appropriate.

3 (iii) Student growth data elements may also include the teacher's
4 performance as a member of the overall instructional team of a school
5 when use of this data is relevant and appropriate. As used in this
6 subsection (2), "student growth" means the change in student
7 achievement between two points in time.

8 (iv) The federally mandated statewide assessments shall only be
9 used as one of the multiple measures of student growth once the
10 office of the superintendent of public instruction and the steering
11 committee described in subsection (7)(a) of this section have
12 determined that the relevant assessment meets professionally accepted
13 standards for being a valid and reliable tool for measuring student
14 growth and have certified that the use of relevant federally mandated
15 statewide assessments as one of the multiple measures of student
16 growth will strengthen and not undermine the existing teacher
17 evaluation system.

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

19 (3)(a) Except as provided in subsection (11) of this section, it
20 shall be the responsibility of a principal or his or her designee to
21 evaluate all certificated personnel in his or her school. During each
22 school year all classroom teachers and certificated support personnel
23 shall be observed for the purposes of evaluation at least twice in
24 the performance of their assigned duties. Total observation time for
25 each employee for each school year shall be not less than sixty
26 minutes. An employee in the third year of provisional status as
27 defined in RCW 28A.405.220 shall be observed at least three times in
28 the performance of his or her duties and the total observation time
29 for the school year shall not be less than ninety minutes. Following
30 each observation, or series of observations, the principal or other
31 evaluator shall promptly document the results of the observation in
32 writing, and shall provide the employee with a copy thereof within
33 three days after such report is prepared. New employees shall be
34 observed at least once for a total observation time of thirty minutes
35 during the first ninety calendar days of their employment period.

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

39 (4)(a) At any time after October 15th, an employee whose work is
40 not judged satisfactory based on district evaluation criteria shall

1 be notified in writing of the specific areas of deficiencies along
2 with a reasonable program for improvement. For classroom teachers who
3 have been transitioned to the revised evaluation system pursuant to
4 the district implementation schedule adopted under subsection (7)(c)
5 of this section, the following comprehensive summative evaluation
6 performance ratings based on the evaluation criteria in subsection
7 (2)(b) of this section mean a classroom teacher's work is not judged
8 satisfactory:

9 (i) Level 1; or

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

15 (b) During the period of probation, the employee may not be
16 transferred from the supervision of the original evaluator.
17 Improvement of performance or probable cause for nonrenewal must
18 occur and be documented by the original evaluator before any
19 consideration of a request for transfer or reassignment as
20 contemplated by either the individual or the school district. A
21 probationary period of sixty school days shall be established. Days
22 may be added if deemed necessary to complete a program for
23 improvement and evaluate the probationer's performance, as long as
24 the probationary period is concluded before May 15th of the same
25 school year. The probationary period may be extended into the
26 following school year if the probationer has five or more years of
27 teaching experience and has a comprehensive summative evaluation
28 performance rating as of May 15th of less than level 2. The
29 establishment of a probationary period does not adversely affect the
30 contract status of an employee within the meaning of RCW 28A.405.300.
31 The purpose of the probationary period is to give the employee
32 opportunity to demonstrate improvements in his or her areas of
33 deficiency. The establishment of the probationary period and the
34 giving of the notice to the employee of deficiency shall be by the
35 school district superintendent and need not be submitted to the board
36 of directors for approval. During the probationary period the
37 evaluator shall meet with the employee at least twice monthly to
38 supervise and make a written evaluation of the progress, if any, made
39 by the employee. The evaluator may authorize one additional
40 certificated employee to evaluate the probationer and to aid the

1 employee in improving his or her areas of deficiency. Should the
2 evaluator not authorize such additional evaluator, the probationer
3 may request that an additional certificated employee evaluator become
4 part of the probationary process and this request must be implemented
5 by including an additional experienced evaluator assigned by the
6 educational service district in which the school district is located
7 and selected from a list of evaluation specialists compiled by the
8 educational service district. Such additional certificated employee
9 shall be immune from any civil liability that might otherwise be
10 incurred or imposed with regard to the good faith performance of such
11 evaluation. If a procedural error occurs in the implementation of a
12 program for improvement, the error does not invalidate the
13 probationer's plan for improvement or evaluation activities unless
14 the error materially affects the effectiveness of the plan or the
15 ability to evaluate the probationer's performance. The probationer
16 must be removed from probation if he or she has demonstrated
17 improvement to the satisfaction of the evaluator in those areas
18 specifically detailed in his or her initial notice of deficiency and
19 subsequently detailed in his or her program for improvement. A
20 classroom teacher who has been transitioned to the revised evaluation
21 system pursuant to the district implementation schedule adopted under
22 subsection (7)(c) of this section must be removed from probation if
23 he or she has demonstrated improvement that results in a new
24 comprehensive summative evaluation performance rating of level 2 or
25 above for a provisional employee or a continuing contract employee
26 with five or fewer years of experience, or of level 3 or above for a
27 continuing contract employee with more than five years of experience.
28 Lack of necessary improvement during the established probationary
29 period, as specifically documented in writing with notification to
30 the probationer constitutes grounds for a finding of probable cause
31 under RCW 28A.405.300 or 28A.405.210.

32 (c) When a continuing contract employee with five or more years
33 of experience receives a comprehensive summative evaluation
34 performance rating below level 2 for two consecutive years, the
35 school district shall, within ten days of the completion of the
36 second comprehensive summative ((~~comprehensive~~—[comprehensive
37 summative])) evaluation or May 15th, whichever occurs first,
38 implement the employee notification of discharge as provided in RCW
39 28A.405.300.

1 (d) Immediately following the completion of a probationary period
2 that does not produce performance changes detailed in the initial
3 notice of deficiencies and program for improvement, the employee may
4 be removed from his or her assignment and placed into an alternative
5 assignment for the remainder of the school year. In the case of 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, the teacher may be removed from
9 his or her assignment and placed into an alternative assignment for
10 the remainder of the school year immediately following the completion
11 of a probationary period that does not result in the required
12 comprehensive summative evaluation performance ratings specified in
13 (b) of this subsection. This reassignment may not displace another
14 employee nor may it adversely affect the probationary employee's
15 compensation or benefits for the remainder of the employee's contract
16 year. If such reassignment is not possible, the district may, at its
17 option, place the employee on paid leave for the balance of the
18 contract term.

19 (5) Every board of directors shall establish evaluative criteria
20 and procedures for all superintendents, principals, and other
21 administrators. It shall be the responsibility of the district
22 superintendent or his or her designee to evaluate all administrators.
23 Except as provided in subsection (6) of this section, such evaluation
24 shall be based on the administrative position job description. Such
25 criteria, when applicable, shall include at least the following
26 categories: Knowledge of, experience in, and training in recognizing
27 good professional performance, capabilities and development; school
28 administration and management; school finance; professional
29 preparation and scholarship; effort toward improvement when needed;
30 interest in pupils, employees, patrons and subjects taught in school;
31 leadership; and ability and performance of evaluation of school
32 personnel.

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

37 (b) The minimum criteria shall include: (i) Creating a school
38 culture that promotes the ongoing improvement of learning and
39 teaching for students and staff; (ii) demonstrating commitment to
40 closing the achievement gap; (iii) providing for school safety; (iv)

1 leading the development, implementation, and evaluation of a data-
2 driven plan for increasing student achievement, including the use of
3 multiple student data elements; (v) assisting instructional staff
4 with alignment of curriculum, instruction, and assessment with state
5 and local district learning goals; (vi) monitoring, assisting, and
6 evaluating effective instruction and assessment practices; (vii)
7 managing both staff and fiscal resources to support student
8 achievement and legal responsibilities; and (viii) partnering with
9 the school community to promote student learning. Student growth
10 data, as determined under (f) of this subsection, must be a
11 substantial factor in evaluating the summative performance of the
12 principal for at least three of the evaluation criteria listed in
13 this subsection.

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

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

31 (e) By September 1, 2012, the superintendent of public
32 instruction shall identify up to three preferred leadership
33 frameworks that support the revised evaluation system. The leadership
34 frameworks shall be research-based and establish definitions or
35 rubrics for each of the four performance ratings for each evaluation
36 criteria. Each school district shall adopt one of the preferred
37 leadership frameworks and post the selection on the district's web
38 site. The superintendent of public instruction shall establish a
39 process for approving minor modifications or adaptations to a

1 preferred leadership framework that may be proposed by a school
2 district.

3 (f)(i) Student growth data that is relevant to the principal must
4 be a factor in the evaluation process and must be based on multiple
5 measures that can include classroom-based, school-based, district-
6 based, and state-based tools. However, subject to the requirements of
7 (f)(iii) of this subsection and beginning no earlier than 2017-18
8 school year, for principals assigned to a school in which reading or
9 language arts or mathematics are taught in at least one of the grades
10 in which the federally mandated statewide assessments are
11 administered, one of the multiple measures of student growth must be
12 the student results on the relevant assessments. The methodology of
13 using student results on relevant federally mandated statewide
14 student assessments as one of the multiple measures of student growth
15 shall be subject to collective bargaining. The office of the
16 superintendent of public instruction shall provide to each school
17 district the relevant state-level assessment information necessary to
18 determine student growth for the purpose of principal evaluations.

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

21 (iii) The federally mandated statewide assessments shall only be
22 used as one of the multiple measures of student growth once the
23 office of the superintendent of public instruction and the steering
24 committee described in subsection (7)(a) of this section have
25 determined that the relevant assessment meets professionally accepted
26 standards for being a valid and reliable tool for measuring student
27 growth and have certified that the use of relevant federally mandated
28 statewide assessments as one of the multiple measures of student
29 growth will strengthen and not undermine the existing principal
30 evaluation system.

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

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

38 (i) Level 1; or

39 (ii) Level 2 if the principal has more than five years of
40 experience in the principal role and if the level 2 comprehensive

1 summative evaluation performance rating has been received for two
2 consecutive years or for two years within a consecutive three-year
3 time period.

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

16 (b) A new certificated classroom teacher evaluation system that
17 implements the provisions of subsection (2) of this section and a new
18 principal evaluation system that implements the provisions of
19 subsection (6) of this section shall be phased-in beginning with the
20 2010-11 school year by districts identified in (d) of this subsection
21 and implemented in all school districts beginning with the 2013-14
22 school year.

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

35 (i) Classroom teachers who are provisional employees under RCW
36 28A.405.220;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 considered. Recommendations must be reported by July 1, 2016, to the
2 legislature and the governor.

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

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

12 (v) The superintendent of public instruction shall submit reports
13 detailing findings, emergent issues or trends, recommendations from
14 the steering committee, and pilot school districts, and other
15 recommendations, to enhance implementation and continuous improvement
16 of the revised evaluation systems to appropriate committees of the
17 legislature and the governor beginning July 1, 2013, and each July
18 1st thereafter for each year of the school district implementation
19 transition period concluding with a report on December 1, 2016.

20 (8)(a) Beginning with the ((2015-16)) 2016-17 school year,
21 evaluation results for certificated classroom teachers and principals
22 must be used as one of multiple factors in making human resource and
23 personnel decisions. Human resource decisions include, but are not
24 limited to: Staff assignment, including the consideration of an
25 agreement to an assignment by an appropriate teacher, principal, and
26 superintendent; and reduction in force. Nothing in this section
27 limits the ability to collectively bargain how the multiple factors
28 shall be used in making human resource or personnel decisions, with
29 the exception that evaluation results must be a factor.

30 (b) The office of the superintendent of public instruction must
31 report to the legislature and the governor regarding the school
32 district implementation of the provisions of (a) of this subsection
33 by December 1, ((2017)) 2018.

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

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

9 (11) After a certificated classroom teacher or certificated
10 support personnel has four years of satisfactory evaluations under
11 subsection (1) of this section, a school district may use a short
12 form of evaluation, a locally bargained evaluation emphasizing
13 professional growth, an evaluation under subsection (1) or (2) of
14 this section, or any combination thereof. The short form of
15 evaluation shall include either a thirty minute observation during
16 the school year with a written summary or a final annual written
17 evaluation based on the criteria in subsection (1) or (2) of this
18 section and based on at least two observation periods during the
19 school year totaling at least sixty minutes without a written summary
20 of such observations being prepared. A locally bargained short-form
21 evaluation emphasizing professional growth must provide that the
22 professional growth activity conducted by the certificated classroom
23 teacher be specifically linked to one or more of the certificated
24 classroom teacher evaluation criteria. However, the evaluation
25 process set forth in subsection (1) or (2) of this section shall be
26 followed at least once every three years unless this time is extended
27 by a local school district under the bargaining process set forth in
28 chapter 41.59 RCW. The employee or evaluator may require that the
29 evaluation process set forth in subsection (1) or (2) of this section
30 be conducted in any given school year. No evaluation other than the
31 evaluation authorized under subsection (1) or (2) of this section may
32 be used as a basis for determining that an employee's work is not
33 satisfactory under subsection (1) or (2) of this section or as
34 probable cause for the nonrenewal of an employee's contract under RCW
35 28A.405.210 unless an evaluation process developed under chapter
36 41.59 RCW determines otherwise. The provisions of this subsection
37 apply to certificated classroom teachers only until the teacher has
38 been transitioned to the revised evaluation system pursuant to the
39 district implementation schedule adopted under subsection (7)(c) of
40 this section.

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

6 (a) All classroom teachers and principals shall receive a
7 comprehensive summative evaluation at least once every four years. A
8 comprehensive summative evaluation assesses all eight evaluation
9 criteria and all criteria contribute to the comprehensive summative
10 evaluation performance rating.

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

13 (i) Classroom teachers who are provisional employees under RCW
14 28A.405.220;

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

17 (iii) Principals previously employed as a principal by another
18 school district in the state of Washington for three or more
19 consecutive school years and in the first full year as a principal in
20 the school district; and

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

24 (c)(i) In the years when a comprehensive summative evaluation is
25 not required, classroom teachers and principals who received a
26 comprehensive summative evaluation performance rating of level 3 or
27 above in the previous school year are required to complete a focused
28 evaluation. A focused evaluation includes an assessment of one of the
29 eight criteria selected for a performance rating plus professional
30 growth activities specifically linked to the selected criteria.

31 (ii) The selected criteria must be approved by the teacher's or
32 principal's evaluator and may have been identified in a previous
33 comprehensive summative evaluation as benefiting from additional
34 attention. A group of teachers may focus on the same evaluation
35 criteria and share professional growth activities. A group of
36 principals may focus on the same evaluation criteria and share
37 professional growth activities.

38 (iii) The evaluator must assign a comprehensive summative
39 evaluation performance rating for the focused evaluation using the

1 methodology adopted by the superintendent of public instruction for
2 the instructional or leadership framework being used.

3 (iv) A teacher or principal may be transferred from a focused
4 evaluation to a comprehensive summative evaluation at the request of
5 the teacher or principal, or at the direction of the teacher's or
6 principal's evaluator.

7 (v) Due to the importance of instructional leadership and
8 assuring rater agreement among evaluators, particularly those
9 evaluating teacher performance, school districts are encouraged to
10 conduct comprehensive summative evaluations of principal performance
11 on an annual basis.

12 (vi) A classroom teacher or principal may apply the focused
13 evaluation professional growth activities toward the professional
14 growth plan for professional certificate renewal as required by the
15 professional educator standards board.

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

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