







Washington

Law Analyzed	SB 6696 (Chapter 235 of the Laws of 2010), SB 5895 (Chapter 35 of the Laws of 2012)
Date Passed	2010, 2012
Overall Rating	4.5



In 2010, the Washington legislature passed, and Governor Christine Gregoire (D) signed, SB 6696 (Chapter 235 of the Laws of 2010), legislation that established new requirements for teacher evaluations and moved the state from a binary to a 4-level teacher evaluation system. In June 2012, the Washington legislature passed, and Gov. Gregoire signed, SB 5895 (Chapter 35 of the Laws of 2012), which further defines requirements for the evaluation of teachers, certificated support personnel, and principals in Washington State and the use of evaluations in key personnel decisions. SB 5985 requires student growth data to be a substantial factor in evaluating the performance of classroom teachers in at least 3 of 8 previously defined evaluation categories, and requires the superintendent of public instruction to adopt rules for teacher and principal evaluations and identify up to three preferred instructional and leadership frameworks for local use. (These rules and frameworks were not completed at the time of this analysis and are therefore not included in it.) Recent legislation also links teacher evaluations to some key personnel decisions: It modifies a pre-existing law that allows underperforming educators to be placed on improvement plans and, if they fail to improve, dismissed, and expands the criteria for who can be placed on improvement plans. It also calls for the establishment of a steering committee to examine implementation issues with new teacher and principal evaluations and make recommendations on a range of issues, including how teacher evaluations could inform state policy related to the award of continuing contract states.

Washington's legislation does not prohibit "last-in, first-out" layoffs and forced teacher placements, or protect students from being consecutively assigned to ineffective teachers. These are areas for potential improvement in future legislation or regulations.




Washington

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Once teachers and principals are transitioned to new evaluation system they must be evaluated annually. But teachers with more than four years of experience can be evaluated using a “short form” evaluation and receive a comprehensive evaluation only once every three years. Short form evaluations cannot be used as probable cause in the termination of an employee’s contract.	
Are principals, as well as teachers, evaluated?	Yes. Law establishes new evaluation requirements for teachers, certificated support staff, and principals.	
Is evidence of student learning a factor in teacher evaluations?	Student growth data must be a factor in the evaluation process and must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. Student growth data must be a significant factor in evaluating teachers for at least 3 of 8 previously defined evaluation criteria.	
Do evaluations differentiate between multiple levels of educator performance?	Yes, four levels of performance: 1-unsatisfactory, 2-basic, 3-proficient, 4-distinguished	
Are parents and the public provided clear information about teacher effectiveness?	The law neither requires nor precludes public reporting on teacher performance. Districts must annually report aggregated evaluation results to the Office of the Superintendent of Public Instruction.	
Are educator preparation programs accountable for graduates’ effectiveness?	Legislation does not address. SB 6696 does require the professional educator standards board to report the results for each program’s graduates on the assessment of teacher effectiveness developed by the professional educator standards board. After 2012-13 students completing teacher preparation programs must pass this assessment.	

Washington

Criteria	Explanation	Score
Is tenure linked to effectiveness?	Teachers in the first three years of employment are subject to nonrenewal of contract. A provisional employee who earns an evaluation rating below level 2 during the third year of employment shall remain subject to nonrenewal of contract until s/he receives a level 2 rating or the superintendent makes a determination to remove the employee from provisional status (the employee must have earned one of the top two evaluation ratings on a previous assessment). The law also requires the steering committee to make recommendations regarding how teacher evaluations could inform state policies regarding criteria for a teacher to obtain continuing contract status.	
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	Any employee whose work is not judged satisfactory shall be placed on a program for improvement and given a probationary period of 60 school days. This includes any teacher with a level 1 performance rating or, for a continuing contract teacher with more than five years teaching experience, two consecutive years of level 2 ratings. Lack of necessary improvement during the probationary period constitutes grounds for a finding of probable cause for dismissal. When a continuing contract employee with five or more years of experience receives an evaluation below level 2 for two consecutive years, the district shall implement notification of employee discharge after completing the probationary process. Such dismissals are subject to pre-existing code/process: A non-provisional teacher so notified may request a hearing before a hearing officer jointly selected by the board and teacher. The hearing officer's final decision shall be based solely upon the cause or causes specified in the notice of probable cause and established by a preponderance of evidence. Any educator may appeal action adversely affecting his or her contract status to the Superior Court, which will hear the case expeditiously without a jury. The Court may affirm the decision, remand, or reverse only if it finds the decision was 1) in violation of constitutional provisions, 2) in excess of the statutory authority or jurisdiction of the board or hearing officer, 3) made upon unlawful procedure, 4) affected by error of law, 5) clearly erroneous in view of the entire record and public policy contained in act of the legislature, or 6) arbitrary and capricious. Both parties may appeal the Superior Court's decision to the appellate court.	
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	Beginning with the 2015-16 school year, evaluation results must be used as one of multiple factors in making human resource and personnel decisions, including staff assignment and reduction in force. Nothing in the law limits the ability to collectively bargain how multiple factors should be used in making personnel decisions, except that evaluation results must be a factor.	

Washington

Criteria	Explanation	Score
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	Beginning with the 2015-16 school year, evaluation results must be used as one of multiple factors in making human resource and personnel decisions, including staff assignment and reduction in force. Nothing in the law limits the ability to collectively bargain how multiple factors should be used in making personnel decisions, except that evaluation results must be a factor. Law does not provide a process for excessed teachers to find new positions through mutual consent or be discharged from district employment if they fail to do so.	
Do principals have authority to decide who teaches in their schools?	Law does not address.	
Does the law protect students from being consecutively assigned to ineffective teachers?	Law does not address	
Are effective teachers rewarded with increased compensation?	Law does not address. Washington State has a salary allocation schedule that sets teacher base salaries based on higher education coursework and years of experience, but actual teacher compensation is set by local collective bargaining agreements, and nothing in the law precludes these agreements from basing compensation on performance. A separate law, Chapter 548 of the laws of 2009, established a working group to look at teacher compensation issues in Washington State. That work group recently issued a report, but no legislative or regulatory action has been taken based on that report.	