

## Appendix C: Washington State Rules and Regulations

### TPEP WACs and RCWs

The following are the new WACs and RCWs which apply to the evaluation of **teachers, support personnel** and **principals and assistant principals**. They have been reordered (but not reworded) to place like requirements adjacent to each other for principals and teachers. WACs begin with 392 and RCWs begin with 28A.

- **Black** indicates that the words or sections apply to both teachers, principals and assistant principals. This is the new TPEP language.
- **Blue** indicates that the words or sections apply only to teachers.
- **Purple** indicates that the words or sections apply only to principals.
- **Orange** indicates that the words or sections apply only to support personnel.
- **Yellow highlight** indicates that these words are not WAC language, but rather a note that we included in the document to add clarity.

### Authority

---

#### 392-191A-010

The general authority for this chapter is RCW 28A.405.100 which authorizes the superintendent of public instruction to adopt minimum criteria for the evaluation by school districts of professional educators.

[Statutory Authority: RCW 28A.405.100. 13-05-009, § 392-191A-010, filed 2/7/13, effective 3/10/13.]

### Purpose

---

#### 392-191A-020

The purpose of this chapter is to establish the minimum criteria, minimum procedural standards, summative methodology and summative descriptors to be adopted in accordance with chapter 41.59 RCW by school districts for the evaluation of the professional performance capabilities and development of certificated classroom teachers, principals, assistant principals, and certificated support personnel.

[Statutory Authority: RCW 28A.405.100. 13-05-009, § 392-191A-020, filed 2/7/13, effective 3/10/13.]

### Definitions

---

#### 392-191A-030

The following definitions apply to the terms used in this chapter:

**"Certificated classroom teacher"** and **"teacher"** mean a certificated employee who provides academically focused instruction to students and holds one or more of the certificates pursuant to WAC 181-79A-140 (1) through (3) and (6)(a) through (e) and (g).

**"Certificated principal," "principal"** and **"assistant principal"** mean a person who is employed to supervise the operation and management of a school as provided by RCW 28A.400.100 and holds certificates pursuant to WAC 181-79A-140 (4) (a) or (6) (h).

**"Certificated support personnel"** and **"certificate support person"** mean a certificated employee who provides services to students and holds one or more of the educational staff associate certificates pursuant to WAC 181-79A-140(5).

## Appendix C: Washington State Rules and Regulations

**"Evaluation"** means the ongoing process of identifying, gathering and using information to improve professional performance, assess total job effectiveness, and make personnel decisions.

**"Evaluation criteria"** means minimum evaluation criteria for classroom teachers specified in WAC 392-191-006, the minimum evaluation criteria for principals specified in WAC 392-191-014 and the minimum evaluation criteria for certificated support personnel specified in WAC 392-191-020.

**"Evidence"** means observed practice, products or results of a certificated classroom teacher or certificated principal's work that demonstrates knowledge and skills of the educator with respect to the four-level rating system.

**"Four-level rating system"** means the continuum of performance that indicates the extent to which the criteria have been met or exceeded.

**"Instructional framework"** means one of the approved instructional frameworks adopted by the superintendent of public instruction to support the four-level rating system pursuant to RCW 28A.405.100.

**"Leadership framework"** means one of the approved leadership frameworks adopted by the superintendent of public instruction to support the four-level rating system pursuant to RCW 28A.405.100.

**"Observe"** or **"observation"** means the gathering of evidence made through classroom or worksite visits for the purpose of examining evidence over time against the instructional or leadership framework rubrics pursuant to this section.

**"Rubrics"** or **"rubric row"** means the descriptions of practice used to capture evidence and data and classify teaching or leadership performance and student growth using the evaluation criteria and the four-level rating system.

**"Scoring band"** means the adopted range of scores used to determine the final summative score for a certificated classroom teacher or principal.

**"Student growth"** means the change in student achievement between two points in time.

**"Student growth data"** means relevant multiple measures that can include classroom-based, school-based, school district-based, and state-based tools.

**"Summative performance ratings"** means the four performance levels applied using the four-level rating system: Level 1 - Unsatisfactory; Level 2 - Basic; Level 3 - Proficient; Level 4 - Distinguished.

[Statutory Authority: RCW 28A.405.100. 13-05-009, § 392-191A-030, filed 2/7/13, effective 3/10/13.]

### District Policy Requirements

#### 392-191A-040

Local school districts must establish and implement on or before September 1, 2013, an evaluation program consisting of the following:

- (1) Evaluation criteria meeting the minimum standards specified in WAC 392-191-010 and 392-191-020;
- (2) Evaluation procedures meeting the minimum standards specified in this chapter;
- (3) Evaluation criteria and procedures as specified in RCW 28A.405.100.

[Statutory Authority: RCW 28A.405.100. 13-05-009, § 392-191A-040, filed 2/7/13, effective 3/10/13.]

## Appendix C: Washington State Rules and Regulations

### Purposes of Evaluation

---

#### 392-191A-050

The purposes of evaluations of certificated classroom teachers, certificated principals, and assistant principals will be, at a minimum:

- (1) To acknowledge the critical importance of teacher and leadership quality in impacting student growth and support professional learning as the underpinning of the new evaluation system.
- (2) To identify, in consultation with classroom teachers, principals, and assistant principals, particular areas in which the professional performance is distinguished, proficient, basic or unsatisfactory, and particular areas in which the classroom teacher, principal, or assistant principal needs to improve his or her performance.
- (3) To assist classroom teachers and certificated principals and assistant principals, who have identified areas needing improvement, in making those improvements.

[Statutory Authority: RCW 28A.405.100. 13-05-009, § 392-191A-050, filed 2/7/13, effective 3/10/13.]

### Evaluation Criteria

---

#### 392-191A-060 | Certificated Classroom Teachers

The following are the minimum evaluation criteria and accompanying descriptors for certificated classroom teachers:

- (1) Centering instruction on high expectations for student achievement.** The related descriptor is: Expectations; the teacher communicates high expectations for student learning.
- (2) Demonstrating effective teaching practices.** The related descriptor is: Instruction; the teacher uses research-based instructional practices to meet the needs of all students.
- (3) Recognizing individual student learning needs and developing strategies to address those needs.** The related descriptor is: Differentiation; the teacher acquires and uses specific knowledge about students' cultural, individual, intellectual and social development and uses that knowledge to adjust their practice by employing strategies that advance student learning. Student growth data must be a substantial factor utilizing the OSPI approved student growth rubrics.
- (4) Providing clear and intentional focus on subject matter content and curriculum.** The related descriptor is: Content knowledge; the teacher uses content area knowledge, learning standards, appropriate pedagogy and resources to design and deliver curricula and instruction to impact student learning.
- (5) Fostering and managing a safe, positive learning environment.** The related descriptor is: Learning environment; the teacher fosters and manages a safe and inclusive learning environment that takes into account: Physical, emotional, and intellectual well-being of students.
- (6) Using multiple student data elements to modify instruction and improve student learning.** The related descriptor is: Assessment; the teacher uses multiple data elements (both formative and summative) to plan, inform and adjust instruction, and evaluate student learning. Student growth data must be a substantial factor utilizing the OSPI approved student growth rubrics.
- (7) Communicating and collaborating with parents and school community.** The related descriptor is: Families and community; the teacher communicates and collaborates with students, families and all educational stakeholders in an ethical and professional manner to promote student learning.

## Appendix C: Washington State Rules and Regulations

**(8) Exhibiting collaborative and collegial practices focused on improving instructional practice and student learning.** The related descriptor is: Professional practice; the teacher participates collaboratively in the educational community to improve instruction, advance the knowledge and practice of teaching as a profession, and ultimately impact student learning. Student growth data must be a substantial factor utilizing the OSPI approved student growth rubrics.

[Statutory Authority: RCW 28A.405.100. 13-05-009, § 392-191A-060, filed 2/7/13, effective 3/10/13.]

### 392-191A-150 | Certificated Principals and Assistant Principals

The following are the minimum evaluation criteria and accompanying descriptors for certificated principals and assistant principals:

**(1) Creating a school culture that promotes the ongoing improvement of learning and teaching for students and staff.** The related descriptor is: An effective leader advocates, nurtures, and sustains a school culture and instructional program that promote student learning and staff professional growth.

**(2) Demonstrating commitment to closing the achievement gap.** Note that this criterion is number 8 in our framework. The state added it here, but we believe it should not separate Culture and Safety. The related descriptor is: Effective leaders who have a commitment to closing identified gaps in achievement between groups of students, monitor subgroup data and develop and encourage strategies to eliminate those gaps. Student growth data must be a substantial factor utilizing the OSPI approved student growth rubrics.

**(3) Providing for school safety.** The related descriptor is: An effective leader teams with the school's community to develop routines and expectations that create a physically and emotionally safe learning environment.

**(4) Leading the development, implementation and evaluation of a data-driven plan for increasing student achievement, including the use of multiple student data elements.** The related descriptor is: Effective leaders rely on data to promote improvement through school improvement plans in all aspects of the school and across all of the eight principal evaluation criteria. Student growth data must be a substantial factor utilizing the OSPI approved student growth rubrics.

**(5) Assisting instructional staff with alignment of curriculum, instruction, and assessment with state and local school district learning goals.** The related descriptor is: An effective leader assumes responsibility to assist staff with the alignment of their teaching and classroom assessments with the state's learning goals and the school district's curriculum.

**(6) Monitoring, assisting, and evaluating effective instruction and assessment practices.** The related descriptor is: An effective leader monitors teaching and uses the evaluation process and other strategies to support teachers' efforts to strengthen their teaching and learning in classrooms. Student growth data must be a substantial factor utilizing the OSPI approved student growth rubrics.

**(7) Managing both staff and fiscal resources to support student achievement and legal responsibilities.** The related descriptor is: An effective leader manages human and fiscal resources in ways that enhance the likelihood that students will thrive and succeed in achieving the school's goals for them.

**(8) Partnering with the school community to promote student learning.** The related descriptor is: An effective leader engages families and the community in ways that increase the success of students.

[Statutory Authority: RCW 28A.405.100. 13-05-009, § 392-191A-150, filed 2/7/13, effective 3/10/13.]

## Appendix C: Washington State Rules and Regulations

### Student Growth

#### 28A.405.100 (2)(f) & (6)(f)

Student growth data that is relevant to the [teacher and subject matter](#) or [principal](#) 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 elements may include the teacher’s performance as a member of a grade-level, subject matter, or other instructional team within a school when the use of this data is relevant and appropriate.](#) Student growth data elements may also include the teacher’s performance as a member of the overall instructional team of a school when use of this data is relevant and appropriate. As used in this subsection, “student growth” means the change in student achievement between two points in time.

#### 28A.405.100 (2)(g) & (6)(g)

[Student input](#) or [input from building staff](#) may also be included in the evaluation process.

### Comprehensive Evaluation

#### 28A.405.100 (12)

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 annual performance evaluations as provided in this subsection:

All [classroom teachers](#) and [principals](#) shall receive a comprehensive summative evaluation at least once every four years. A comprehensive summative evaluation assesses all eight evaluation criteria and all criteria contribute to the comprehensive summative evaluation performance rating.

The following categories of classroom teachers and principals shall receive an annual comprehensive evaluation:

- [Classroom teachers who are provisional employees under RCW 28A.405.220;](#)
- [Principals in the first three consecutive school years of employment as a principal;](#)
- [Principals previously employed as a principals 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; and](#)
- [Any classroom teacher or principal who received a comprehensive summative evaluation performance rating of level 1 or level 2 in the previous school year.](#)

### 392-191A-070 | Frequency of Observations

(1) School districts must observe all classroom teachers for the purposes of a comprehensive evaluation at least twice each school year in the performance of their assigned duties. School districts must observe all employees who are subject to a comprehensive evaluation for a period of no less than sixty minutes during each school year.

(2) School districts must observe new employees at least once for a total observation time of thirty minutes during the first ninety calendar days of the new employee’s employment period.

(3) School districts must observe employees in the third year of provisional status at least three times in the performance of the employee. The total observation time for the school year must not be less than ninety minutes for such employees.

See also *Procedures for Observations and Evaluations* on page 92.

[Statutory Authority: RCW 28A.405.100. 13-05-009, § 392-191A-070, filed 2/7/13, effective 3/10/13.]

## Appendix C: Washington State Rules and Regulations

### 392-191A-080 (Combined with 392-191A-160) | Conduct of the Comprehensive Evaluation

The conduct of the evaluation of classroom teachers and principals and assistant principals must include, at a minimum, the following:

- (1) All eight teacher and principal criteria must contribute to the overall summative evaluation and must be completed at least once every four years.
- (2) The evaluation cycle must include an assessment of the criteria using the instructional or leadership framework rubrics and the superintendent of public instruction's approved student growth rubrics. More than one measure of student growth data must be used in scoring the student growth rubrics.
- (3) The principal or his or her designee at the school to which the certificated employee is assigned must make observations and written comments pursuant to RCW 28A.405.100.

For details, see *Procedures for Observations and Evaluations* on page 92.

- (4) The opportunity for the employee to attach written comments to his or her evaluation report.
- (5) Criterion scores, including instructional or leadership and student growth rubrics, must be determined by an analysis of evidence.
- (6) An overall summative score shall be derived by a calculation of all criterion scores and determining the final four-level rating based on the superintendent of public instruction's determined summative evaluation scoring band.
- (7) Upon completion of the overall summative scoring process, the evaluator will combine only the student growth rubric scores to assess the certificated classroom teacher's or principal or assistant principal's student growth impact rating.
- (8) The student growth impact rating will be determined by the superintendent of public instruction's student impact rating scoring band.
- (9) A student growth score of "1" in any of the rubric rows will result in an overall low student growth impact rating.
- (10) Evaluators must analyze the student growth score in light of the overall summative score and determine outcomes.

[Statutory Authority: RCW 28A.405.100, 13-05-009, § 392-191A-080, filed 2/7/13, effective 3/10/13.]

### 392-191A-090 (Combined with 392-191A-170) | Outcomes of the Student Growth Rating

The following outcomes of the student growth impact rating analysis will apply:

- (1) Certificated classroom teachers and principals and assistant principals with preliminary rating of distinguished with low student growth rating will receive an overall proficient rating.
- (2) Certificated classroom teachers and principals and assistant principals with low student growth ratings will engage, with their evaluator, in a student growth inquiry pursuant to WAC 392-191-010 focusing on the specific areas of weak student impact.

## Appendix C: Washington State Rules and Regulations

(3) Certificated [classroom teachers](#) and [principals and assistant principals](#) with a preliminary rating of distinguished with average or high student growth rating will receive an overall distinguished rating and will be formally recognized and/or rewarded.

(4) The evaluations of certificated [classroom teachers](#) and [principals and assistant principals](#) with a preliminary rating of unsatisfactory and high student growth rating will be reviewed by the evaluator's supervisor.

[Statutory Authority: RCW 28A.405.100. 13-05-009, § 392-191A-090, filed 2/7/13, effective 3/10/13.]

### **392-191A-100 (Combined with 392-191A-180) | Conduct of a Student Growth Inquiry**

Within two months of receiving the low student growth score or at the beginning of the following school year, one or more of the following must be initiated by the evaluator:

- Examine student growth data in conjunction with other evidence including observation, artifacts and other student and teacher information based on appropriate classroom, school, school district and state-based tools and practices;
- Examine extenuating circumstances which may include one or more of the following: Goal setting process; content and expectations; [student](#) attendance; extent to which standards, curriculum and assessment are aligned;
- Schedule monthly conferences focused on improving student growth to include one or more of the following topics: Student growth goal revisions, refinement, and progress; best practices related to instruction areas in need of attention; best practices related to student growth data collection and interpretation;
- Create and implement a professional development plan to address student growth areas.

[Statutory Authority: RCW 28A.405.100. 13-05-009, § 392-191A-100, filed 2/7/13, effective 3/10/13.]

## Focused Evaluation

### **28A.405.100 (12)(c)(i)**

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

### **392-191A-110 | Frequency of Observations**

If the evaluation of the certificated classroom teacher includes an assessment of a criterion that requires observation the following shall apply: School districts must observe all classroom teachers for the purposes of focused evaluation at least twice each school year in the performance of their assigned duties. School districts must observe all employees who are subject to a focused evaluation for a period of no less than sixty minutes during each school year.

See also *Procedures for Observations and Evaluations* on page 92.

[Statutory Authority: RCW 28A.405.100. 13-05-009, § 392-191A-110, filed 2/7/13, effective 3/10/13.]

## Appendix C: Washington State Rules and Regulations

### 392-191A-120 (Combined with 392-191A-190) | Conduct of the Focused Evaluation

The conduct of the evaluation of [classroom teachers](#) and [principals or assistant principals](#) must include, at a minimum, the following:

- (1) One of the eight criterion for certificated [classroom teachers](#) and [principals or assistant principals](#) must be assessed in every year that a comprehensive evaluation is not required.
- (2) The selected criterion must be approved by the [teacher's](#) or [principal's](#) evaluator and may have been identified in a previous comprehensive summative evaluation as benefiting from additional attention.
- (3) The evaluation must include an assessment of the criterion using the [instructional](#) or [leadership](#) framework rubrics and the superintendent of public instruction's approved student growth rubrics. More than one measure of student growth data must be used in scoring the student growth rubrics.
- (4) The focused evaluation will include the student growth rubrics of the selected criterion. If criterion 3, 6 or 8 are selected, evaluators will use those student growth rubrics. If criterion 1, 2, 4, 5, or 7 is selected, evaluators will use criterion 3 or 6 student growth rubrics.
- (4) The focused evaluation will include the student growth rubrics selected by the principal or assistant principal and approved by the principal's evaluator.
- (5) A summative score is determined through the scoring of the [instructional](#) or [leadership](#) and student growth rubrics for the criterion selected.

### 28A.405.100 (12)(c)(iv)

A teacher or principal may be transferred from a focused evaluation to a comprehensive evaluation at the request of the teacher or principal, or at the direction of the teacher's or principal's evaluator.

### 28A.405.100 (12)(c)(v)

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

[Statutory Authority: RCW 28A.405.100. 13-05-009, § 392-191A-120, filed 2/7/13, effective 3/10/13.]

## Procedures for Observations and Evaluations

### 392-191A-130

The following procedures must be used in making evaluations:

- (1) Following each observation, or series of observations, the principal or his or her designee must:
  - (a) Promptly document the results of the observation in writing; and
  - (b) Provide the employee with a copy of the written observation report within three days after such report is prepared.
- (2) Each classroom teacher will have the opportunity for a minimum of two confidential conferences during each school year with his or her principal or principal's designee either:
  - (a) Following receipt of the written evaluation results; or



## Appendix C: Washington State Rules and Regulations

- (b) At a time mutually satisfactory to the participants.
- (3) The purpose of each such conference will be to provide additional evidence by either the evaluator or certificated classroom teacher to aid in the assessment of the certificated classroom teacher's professional performance against the instructional framework rubrics.
- (4) If other evaluators are used, additional procedures may be adopted pursuant to local policy.

[Statutory Authority: RCW 28A.405.100. 13-05-009, § 392-191A-130, filed 2/7/13, effective 3/10/13.]

### Performance Rating Descriptors

#### 392-191A-140 (Combined with 392-191A-200)

- (1) Unsatisfactory:** Professional practice at Level 1 shows evidence of not understanding the concepts underlying individual components of the criteria. This level of practice is ineffective and inefficient and may represent practice that is harmful to student learning progress, professional learning environment, or individual teaching or leading practice. This level requires immediate intervention.
- (2) Basic:** Professional practice at Level 2 shows a developing understanding of the knowledge and skills of the criteria required to practice, but performance is inconsistent over a period of time due to lack of experience, expertise, and/or commitment. This level may be considered minimally competent for teachers or principals early in their careers but insufficient for more experienced teachers or principals. This level requires specific support.
- (3) Proficient:** Professional practice at Level 3 shows evidence of thorough knowledge of all aspects of the profession. This is successful, accomplished, professional, and effective practice. Teaching and leading at this level utilizes a broad repertoire of strategies and activities to support student learning. At this level, teaching and leading a school are strengthened and expanded through purposeful, collaborative sharing and learning with colleagues as well as ongoing self-reflection and professional improvement.
- (4) Distinguished:** Professional practice at Level 4 is that of a master professional whose practices operate at a qualitatively different level from those of other professional peers. To achieve this rating, a teacher or principal would need to have received a majority of distinguished ratings on the criterion scores. A teacher or principal at this level must show evidence of average to high impact on student growth. Ongoing, reflective teaching and leading is demonstrated through the highest level of expertise and commitment to all students' learning, challenging professional growth, and collaborative practice.

[Statutory Authority: RCW 28A.405.100. 13-05-009, § 392-191A-140, filed 2/7/13, effective 3/10/13.]

### Certificated Support Personnel

#### 392-191A-210 | Minimum Evaluation Criteria

The following are the minimum criteria for certificated support personnel:

- (1) Knowledge and scholarship in special field.** Each certificated support person demonstrates a depth and breadth of knowledge of theory and content in the special field. He or she demonstrates an understanding of and knowledge about common school education and the educational milieu grades K-12, and demonstrates the ability to integrate the area of specialty into the total school milieu.
- (2) Specialized skills.** Each certificated support person demonstrates in his or her performance a competent level of skill and knowledge in designing and conducting specialized programs of prevention, instruction, remediation and evaluation.

## Appendix C: Washington State Rules and Regulations

**(3) Management of special and technical environment.** Each certificated support person demonstrates an acceptable level of performance in managing and organizing the special materials, equipment and environment essential to the specialized programs.

**(4) The support person as a professional.** Each certificated support person demonstrates awareness of his or her limitations and strengths and demonstrates continued professional growth.

**(5) Involvement in assisting pupils, parents, and educational personnel.** Each certificated support person demonstrates an acceptable level of performance in offering specialized assistance in identifying those needing specialized programs.

[Statutory Authority: RCW 28A.405.100. 13-05-009, § 392-191A-210, filed 2/7/13, effective 3/10/13.]

### 392-191A-220 | Frequency of Evaluation

Each school year the frequency of evaluation must be as follows:

- (1) All certificated support personnel must be observed for the purposes of evaluation at least twice in the performance of their assigned duties.
- (2) New employees must be observed at least once for a total observation time of thirty minutes during the first ninety calendar days of their employment period.
- (3) An employee in the third year of provisional status must be observed at least three times in the performance of his or her duties and the total observation time for the school year must not be less than ninety minutes.
- (4) Total observation time for each employee for each school year must be not less than sixty minutes: Provided, that after an employee has four years of satisfactory evaluations, a school district may use a short form evaluation pursuant to RCW 28A.405.100(11).

[Statutory Authority: RCW 28A.405.100. 13-05-009, § 392-191A-220, filed 2/7/13, effective 3/10/13.]

### 392-191A-230 | Procedures to be Used

The following procedures must be used in making evaluations:

- (1) The procedures stipulated in RCW 28A.405.100 must be used by principals or their designees conducting evaluations of certificated support personnel.
- (2) Following each observation, or series of observations, the principal or his or her designee must promptly document the results of the observation in writing, and must provide the employee with a copy thereof within three days after such report is prepared.
- (3) Each certificated support personnel must have the opportunity for a minimum of two confidential conferences during each school year with his or her principal or principal's designee either following receipt of the written observation results, or at a time mutually satisfactory to the participants. The sole purpose of each such conference must be to provide additional information to aid the principal or his or her designee in evaluating the certificated support person (e.g., providing direction, assistance, guidance, encouragement to the employee).
- (4) If other evaluators are used, additional procedures may be adopted pursuant to local policy.

[Statutory Authority: RCW 28A.405.100. 13-05-009, § 392-191A-230, filed 2/7/13, effective 3/10/13.]

## Appendix C: Washington State Rules and Regulations

### Use of Evaluation Results

#### 392-191A-240

Evaluation results will be used:

- (1) To acknowledge, recognize, and encourage excellence in professional performance.
- (2) To document the level of performance by an employee of his or her assigned duties.
- (3) To identify discrete areas according to the criteria included on the evaluation instrument in which the employee may need improvement.
- (4) To document performance by an employee judged unsatisfactory based on the district evaluation criteria.
- (5) Beginning with the 2015-16 school year, evaluation results for certificated classroom teachers and principals must be used as one of multiple factors in making human resource decisions.

[Statutory Authority: RCW 28A.405.100. 13-05-009, § 392-191A-240, filed 2/7/13, effective 3/10/13.]

#### 28A.405.100 (4)(a) and (6)((h)

At any time after October 15th, an employee (defined in 28A.405.100 (3)(b) as “classroom teachers and certified support personnel except where otherwise specified”) 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 and principals 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 mean a teacher’s or principal’s work is not judged satisfactory:

- Level 1; or
- Level 2 if the classroom teacher is a continuing contract employee under RCW 28A.405.210 with more than five years of teacher experience or 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.

(4)(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 probationer’s performance, as long as the probationary period is concluded before May 15th of the same school year. The probationary period may be extended into the following school year if the probationer has five or more years of teaching experience and has a comprehensive summative evaluation performance rating as of May 15th of less than level 2. The establishment of a probationary period does not adversely affect the contract status of an employee within the meaning of RCW 28A.405.300.

The purpose of the probationary period is to give the employee opportunity to demonstrate improvements in his or her areas of deficiency. The establishment of the probationary period and the giving of the notice to the employee of deficiency shall be by the school district superintendent and need not be submitted to the board of directors for approval.

During the probationary period the evaluator shall meet with the employee at least twice monthly to supervise and make a written evaluation of the progress, if any, made by the employee. The evaluator may authorize one

## Appendix C: Washington State Rules and Regulations

additional certificated employee to evaluate the probationer and to aid the employee in improving his or her areas of deficiency. Should the evaluator not authorize such additional evaluator, the probationer may request that an additional certificated employee evaluator become part of the probationary process and this request must be implemented by including an additional experienced evaluator assigned by the educational service district in which the school district is located and selected from a list of evaluation specialists compiled by the educational service district.. Such additional certificated employee shall be immune from any civil liability that might otherwise be incurred or imposed with regard to the good faith performance of such evaluation.

If a procedural error occurs in the implementation of a program for improvement, the error does not invalidate the probationer's plan for improvement or evaluation activities unless the error materially affects the effectiveness of the plan or the ability to evaluate the probationer's performance.

The probationer must be removed from probation if he or she has demonstrated improvement to the satisfaction of the evaluator in those areas specifically detailed in his or her initial notice of deficiency and subsequently detailed in his or her program for improvement.

A classroom teacher who has been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section must be removed from probation if he or she has demonstrated improvement that results in a new comprehensive summative evaluation performance rating of level 2 or above for a provisional employee or a continuing contract employee with five or fewer years of experience, or of level 3 or above for a continuing contract employee with more than five years of experience. Lack of necessary improvement during the established probationary period, as specifically documented in writing with notification to the probationer constitutes grounds for finding of probable cause under RCW 28A.405.300 or 28A.405.210.

When a continuing contract employee with five or more years of experience receives a comprehensive summative evaluation performance rating below level 2 for two consecutive years, the school district shall, within ten days of the completion of the second summative comprehensive [comprehensive summative] evaluation or May 15th, whichever occurs first, implement the employee notification of discharge as provided in RCW28A.405.300

Immediately following the completion of a probationary period that does not produce performance changes detailed in the initial notice of deficiencies and program for improvement, the employee may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year. In the case of a classroom teacher who has been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section, the teacher may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year immediately following the completion of a probationary period that does not result in the required comprehensive summative evaluation performance ratings specified in (b) of this subsection. 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.