

ASSEMBLY THIRD READING
AB 5 (Fuentes)
As Amended May 27, 2011
Majority vote

EDUCATION	8-2	APPROPRIATIONS	12-5
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Ayes: Brownley, Norby, Ammiano, Butler,
Carter, Eng, Halderman, Williams

Ayes: Fuentes, Blumenfield, Bradford,
Charles Calderon, Campos, Davis,
Gatto, Hall, Hill, Lara, Mitchell,
Solorio

Nays: Buchanan, Wagner

Nays: Harkey, Donnelly, Nielsen, Norby,
Wagner

SUMMARY: Requires school districts to implement a best practices teacher evaluation system by July 1 of the fiscal year following the fiscal year in which the deficit factor is reduced to zero, as specified. Specifically, this bill:

- 1) Requires the governing board of each school district to adopt and implement a best practices teacher evaluation system by July 1 of the first fiscal year following the fiscal year in which the deficit factor is reduced to zero; specifies the best practices teacher evaluation system shall be negotiated with the local collective bargaining unit; and, specifies if the certificated employees of the school district do not have an exclusive bargaining representative, the governing board of the school district shall adopt objective evaluation and support components, as applicable.
- 2) Specifies that a best practices teacher evaluation system has the following attributes:
 - a) Each teacher is evaluated on the degree to which he or she accomplishes the following objectives:
 - i) Engages and supports all students in learning, evidence of which may include, but is not limited to, high expectations and active student engagement for each student;
 - ii) Creates and maintains effective environments for student learning;
 - iii) Understands and organizes subject matter for student learning, evidence of which may include, but is not limited to, extensive subject matter, content standards, and curriculum competence;
 - iv) Plans instruction and designs learning experiences for all students, evidence of which may include, but is not limited to, use of differentiated instruction and practices based on student progress and use of culturally responsive instruction, including, but not limited to, incorporation of multicultural information and content into the delivery of curriculum to eliminate the achievement gap;
 - v) Uses student assessment information to inform instruction and improve learning, evidence of which shall include, but is not limited to, the use of formative and summative assessments to adjust instructional practices to meet the needs of individual students; and,

specifies that for certificated employees who directly instruct English learner pupils in acquiring English language fluency, the assessment information shall include the results of the English language development test;

- vi) Develops as a professional educator, evidence of which may include, but is not limited to, consistent and positive relationships with students, parents, staff and administrators, use of collaborative professional practices for improving instructional strategies, use of participation in identified professional growth opportunities, and use of meaningful self-assessment to improve as a professional educator; and,
 - vii) Contributes to student academic growth based on multiple measures which are valid and reliable for the purpose of teacher evaluation and may include, but are not limited to, classroom work, local and state academic assessments, student grades, classroom participation, student presentations and performance, and student projects and portfolios; specifies that the evaluation and assessment of certificated employee performance shall not include the use of publishers' norms established by standardized tests; specifies for certificated employees who directly instruct English learner pupils in acquiring English, measures shall include the degree to which pupils acquire the English language development standards for the purpose of improving a pupil's English proficiency; and, specifies that pupil data used for purposes of teacher evaluation shall be confidential in the same manner as all other elements of a teacher's personnel file.
- b) Multiple observations of instructional and other professional practices conducted by evaluators who have received appropriate training and who have demonstrated competence in teacher evaluation, as determined by the school district.
- i) Specifies that multiple observations may include, but are not limited to, classroom observations, one-on-one discussions, and review of classroom materials and course of study;
 - ii) Specifies the observations shall be conducted using a uniform tool for use in observing the teacher for the purpose of conducting an evaluation; and,
 - iii) Specifies that prior to each observation, the observer shall meet with the teacher to discuss the purpose of the observation and after each observation, the observer shall meet with the teacher to discuss recommendations, as necessary, with regard to areas of improvement in the performance of the teacher.
- c) Evaluations at least once each school year for probationary personnel; at least every other year for personnel with permanent status; or, except as may be provided in the best practices teacher evaluation system that is negotiated with the local collective bargaining unit, at least every three years for personnel with permanent status who have been employed at least 10 years with the school district, and are highly qualified under the federal No Child Left Behind Act; and,
- d) Authorizes a locally negotiated evaluation process to designate teachers to conduct, or participate in, evaluations of other teachers for the purposes of determining needs for professional development or providing corrective advice for the teacher being evaluated.

- 3) Requires the following sections of the Stull Act to become inoperative July 1 of the first fiscal year following the fiscal year in which the deficit factor is reduced to zero:
 - a) Legislative intent that governing boards establish a uniform system for evaluation and assessment;
 - b) The requirement that the governing board shall, in developing and adopting the guidelines, avail itself of the advice of the certificated instructional personnel in the district as part of a locally negotiated collective bargaining agreement;
 - c) The authorization for a school district, by mutual agreement between the local bargaining unit and the district, to include objective standards from the National Board for Professional Teaching Standards or the California Standards for the Teaching Profession; and,
 - d) The requirement that each school district shall establish standards of expected pupil achievement at each grade level in each area of study and each teacher shall be evaluated pursuant to specified criteria.
- 4) Makes legislative findings and declarations that teaching is a professional endeavor, one in which effective practice is driven by an understanding of knowledge in the field and a commitment to all students and their families; excellent teaching requires knowledge, skills, artistry, passion, and commitment; effective teachers integrate ethical concern for children and society; extensive subject matter competence; thoughtfully selected pedagogical practices; a depth of knowledge about their students, including knowledge of child and adolescent development and learning; an understanding of their individual strengths, interests, and needs; and, knowledge about their families and communities; effective teachers share a common set of professional and ethical obligations that includes a profound and fundamental commitment to the growth and success of the individual students within their care as well as to the strengthening and continual revitalization of our democratic society; and, the primary purpose of an evaluation system is to ensure that teachers meet the highest professional standards of effective teaching thereby resulting in high levels of student learning.

EXISTING LAW establishes the Stull Act, enacted in 1971, which governs certificated employee evaluations and requires school districts to evaluate and assess teacher performance as it reasonably relates to pupil performance on criterion referenced tests, teacher technique and strategies, curricular objectives, and the maintenance of a suitable learning environment (Education Code 44660 et. seq.).

FISCAL EFFECT: According to the Assembly Appropriations Committee:

- 1) Once the K-12 revenue limit deficit factor is paid off, there will be General Fund/Proposition 98 (GF/98) state mandated reimbursable costs, likely between \$30 million and \$60 million, to school districts to conduct evaluations pursuant to this measure. According to the Center for the Future of Teaching in Learning, there are approximately 300,000 teachers in California. Of this number, 18,164 are first or second year teachers (i.e., probationary).
- 2) GF/98 state reimbursable mandated costs, likely between \$2 million and \$4 million, to school districts to provide training to personnel to conduct evaluations, as specified.

COMMENTS: This bill requires school districts to implement a best practices teacher evaluation system with specific components, such as local and state assessment data and multiple observations when the deficit factor has been reduced to zero. This means that this new teacher evaluation system will go into effect when all of the current revenue limit reductions have been restored. While existing law authorizes school districts to collectively bargain many of these elements, this bill requires these as components of a best practices teacher evaluation system.

Research on the current teacher evaluation system: Several research studies detail the essential principals and components of a strong teacher evaluation system. The National Comprehensive Center for Teacher Quality argues a strong evaluation system must: "involve teachers and stakeholders in developing the system; use multiple indicators; and give teachers opportunities to improve in the areas in which they score poorly." Likewise, the New Teacher Project states "evaluations should provide all teachers with regular feedback that helps them grow as professionals, no matter how long they have been in the classroom. The primary purpose of evaluations should not be punitive. Good evaluations identify excellent teachers and help teachers of all skill levels understand how they can improve."

The use of assessments in evaluation: This bill requires both formative and summative assessments to be included in teacher evaluation. Formative assessments are developed locally and are used by teachers to continually inform instruction in the classroom throughout the school year. Summative assessments can be developed locally or state-wide and assess a student's performance at a point in time. Summative assessments can include end of unit quizzes, end of course tests, or standardized tests. Since these assessments are used for disparate purposes, the Assembly should consider whether it is appropriate to use them in teacher evaluations.

This bill authorizes state assessments (i.e., Standardized Testing and Reporting program (STAR)) to be used to evaluate teachers. While STAR tests provide information about student performance at a point in time, the tests do not provide information about performance over time. In fact, STAR assessments were not developed to be used to assess performance over time, and were not developed to be vertically aligned across grade levels. With this in mind, the Assembly should consider whether it is appropriate to use STAR test results as part of teacher evaluations, and whether this data will truly inform administrators about a teacher's performance over time.

Evaluation frequency: This bill requires probationary teachers to be evaluated at least every year and permanent teacher to be evaluated at least every other year; and, authorizes teachers with more than 10 years experience to be evaluated every three years pursuant to a local collective bargaining agreement. This eliminates the current five year evaluation cycle for teachers with more than 10 years experience. By eliminating the five year evaluation cycle for experienced teachers, this bill will require experienced teachers to be evaluated more frequently. It is unclear how many teachers are currently evaluated every five years and thus it is unclear how this bill will affect administrator work load to complete the increased number of evaluations.

Confidentiality: The bill specifies that student assessment data used for purposes of teacher evaluation shall be confidential in the same manner as all other elements of a teacher's personnel file. This means that the teacher's personnel file shall not be a public document. It is unclear, however, whether this distinction is sufficient to allow a school district to claim an exemption from disclosure to a public records act request.