
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: AB 2826
Author: Weber
Version: June 14, 2016
Urgency: No
Consultant: Lenin Del Castillo
Hearing Date: June 29, 2016
Fiscal: No

Subject: Teachers: evaluation and assessment

SUMMARY

This bill specifies additional measures of pupil progress, instructional techniques and strategies, and adherence to curricular objectives that school districts may use for purposes of teacher evaluation.

BACKGROUND

Existing law:

- 1) Establishes the Stull Act which expresses legislative intent that school districts and county governing boards establish a uniform system of evaluation and assessment of certificated personnel.
- 2) Requires school districts, with the exception of certificated personnel who are employed on an hourly basis to teach adult education classes, to evaluate and assess teacher performance as it reasonably relates to:
 - a) Progress of pupils toward district-adopted and, if applicable, state-adopted academic content standards as measured by state-adopted criterion referenced tests;
 - b) Instructional techniques and strategies used by the employee;
 - c) The employee's adherence to curricular objectives; and
 - d) The establishment and maintenance of a suitable learning environment within the scope of the employee's responsibilities.
(Education Code § 44660, et seq.)
- 3) Requires an evaluation and assessment of the performance of each certificated employee to be made at least once each school year for probationary personnel, at least every other year for personnel with permanent status, and at least every five years for permanent employees who have been employed with the district at least 10 years and were rated as meeting or exceeding standards in their previous evaluation. Teachers who receive an unsatisfactory rating may be required to participate in a program designed to improve the employee's

performance and to further pupil achievement and the instructional objectives of the district.

- 4) Provides that if the district participates in the Peer Assistance and Review (PAR) program, then the teachers who receive an unsatisfactory rating are required to participate in that program. (Education Code § 44664)
- 5) Establishes the PAR program for teachers by authorizing school districts and the exclusive representative of the certificated employees to develop and implement the program locally. The PAR programs are to include multiple observations of a teacher during periods of classroom instruction and sufficient staff development activities to assist a teacher in improving his or her skills and knowledge. The final evaluation of a teacher's participation in the program is made available for placement in his or her personnel file. (Education Code § 44505)

ANALYSIS

This bill:

- 1) Provides that, for purposes of teacher evaluation, the following phrases may include, but not be limited to, the following:
 - a) "Progress of pupils," in addition to local and state criterion-referenced evidence, as specified, may include the following multiple measures:
 - i) Formative or summative criterion-referenced assessments measuring progress of pupils towards local or state-adopted academic content standards;
 - ii) School district, school, or department-developed assessments;
 - iii) Curriculum-based and end-of-course assessments;
 - iv) Pretest and posttest data;
 - v) Interim, periodic, benchmark, and formative assessments;
 - vi) English language proficiency assessments;
 - vii) Assessments measuring progress in an individualized education program;
 - viii) Advanced placement, International Baccalaureate, and college preparedness examinations;
 - ix) A-G coursework completion;
 - x) Industry-recognized career technical education assessments and program completion;

- xv) Portfolios of pupils' work, projects, and performances redacted of personally identifiable pupil information;
 - xii) Surveys from parents, if approved in advance by the certificated employee;
 - xiii) Surveys from pupils, if approved in advance by the certificated employee;
 - xiv) Written reports from classroom observations; and
 - xv) Progress on outcomes described in the local control and accountability plan (LCAP).
- b) "Instructional techniques and strategies" may include the following:
- i) Engaging and supporting all pupils in learning;
 - ii) Planning instruction and designing learning experiences for all pupils; and
 - iii) Using pupil assessment information to inform instruction and improve learning.
- c) "Adherence to curricular objectives" may include:
- i) Understanding and organizing subject matter for pupil learning; and
 - ii) Developing as a professional educator.
- 2) Provides that the Legislature encourages school districts to utilize these options for purposes of teacher evaluation.
- 3) Provides that these provisions shall not be construed as to require the State Board of Education to revise the guidelines developed pursuant to existing law.
- 4) Provides that these provisions shall not be construed as in any way limiting the authority of school district governing boards to develop and adopt additional evaluation and assessment guidelines or criteria or to limit the rights of certificated employees or their exclusive representative to bargain procedures to be used for the evaluation of employees or other terms and conditions of employment pursuant.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "although California law has required the consideration of actual pupil progress in the evaluation and assessment of certificated staff job performance for over four decades, school district personnel continue to struggle with what measures of pupil progress are appropriate especially with the lack of state tests in specific grade levels or content areas. As a result of this confusion, a majority of California's largest school districts do not comply with the law and fail to include any actual data from state or local

measures or observations of actual pupil progress in the performance evaluations of certificated staff.”

- 2) **Improvements to the Stull Act.** The terms, "progress of pupils," "instructional techniques and strategies," and "the establishment and maintenance of a suitable learning environment" are not defined in statute, but the Stull Act gives school districts broad authority to "develop and adopt additional evaluation and assessment guidelines or criteria." This bill is intended to provide clarity to the Stull Act by specifying criteria that may be used by a governing board within its existing authority to define and measure these terms. The bill also includes an expansive set of evidence for student achievement that recognizes the differences in outcome measures for various disciplines and pedagogy beyond statewide assessments, including, but not limited to, student portfolios, surveys, classroom observation, department assessments, Advanced Placement examinations, and English-language proficiency assessments. Further, the bill encourages the use of all the elements of the interrelated domains of teaching practice from the California Standards of the Teaching Profession, which represent consensus on the developmental, holistic view of effective teaching.
- 3) **Current research.** Several studies document the correlation between teacher quality and student achievement. According to information provided by the author, research indicates differential teacher effectiveness is a strong determinant of differences in student learning, far outweighing the effects of differences in class size and heterogeneity. Studies have shown that students who are assigned to several ineffective teachers in a row have significantly lower achievement and gains in achievement than those who are assigned to several highly effective teachers.

The Center for the Future of Teaching and Learning has recommended making teacher evaluation multi-dimensional, strengthening the training of those who conduct evaluations, and tying evaluation results directly to substantive feedback to teachers. The National Comprehensive Center for Teacher Quality suggests 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.”

According to a 2010 report released by the National Board Resource Center at Stanford University, “While evaluation processes across the state vary widely, many of them look very much the same as they did in 1971...” Comments from Accomplished California Teachers indicate that current approaches to teacher evaluation results in a system that teachers do not trust, that rarely offers clear direction for improving practice, and often charges school leaders to implement without preparation or resources. A January 2011 report by the Center for the Future of Teaching and Learning notes that evaluations pay “scarce attention to

student learning or do not connect that learning to elements of teacher content knowledge or instructional skills that could be improved.”

4) ***Related and prior legislation.***

SB 499 (Liu, 2015) repeals and replaces various provisions of existing law governing the evaluation of certificated employees and requires school districts to implement a best practices teacher evaluation system, as specified. This bill also repeals and replaces provisions of existing law regarding school administrator evaluations. The bill is pending before the Assembly Education Committee.

AB 1495 (Weber) proposed to add various requirements to the certificated employee evaluation system known as the Stull Act. This bill failed passage in the Assembly Education Committee.

AB 1078 (Olsen) would also make changes to the certificated employee evaluation system. This measure failed passage in the Assembly Education Committee.

SB 441 (Calderon, 2013) proposed to amend various provisions of existing law governing the evaluation of certificated employees by requiring the evaluations to use multiple measures, including a minimum of four rating levels, increasing the frequency of evaluations for teachers with 10 or more years of experience in a school district from every five years to every three years, and requiring school districts to consider the findings of sessions, surveys, and specific focus groups by subject matter and grade level from parents of pupils. SB 441 failed passage in this Committee on May 1, 2013.

SB 453 (Huff) would have authorized the governing board of a school district to evaluate and assess the performance of certificated employees using a multiple-measures evaluation system, authorized school districts to make specified employment decisions based on teacher performance, and expanded the reasons districts may deviate from the order of seniority in terminating and reappointing teachers. This bill failed passage in this Committee on April 24, 2013.

SB 1292 (Liu, Chapter 435, Statutes of 2012) authorized the evaluation of school principals based on the California Professional Standards for Educational Leaders as well as evidence of pupil academic growth, effective and comprehensive teacher evaluations, culturally responsive instructional strategies, the ability to analyze quality instructional strategies and provide effective feedback, and effective school management.

AB 5 (Fuentes, 2012), similar to this bill, would have repealed and replaced various provisions of existing law governing the evaluation of certificated employees and required school districts to implement a best practices teacher evaluation system.

SUPPORT

California State PTA
Children Now
EdVoice
Students Matter

OPPOSITION

None received.

-- END --