

**ASSEMBLY BILL**

**No. 1372**

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**Introduced by Assembly Member Norby**

February 18, 2011

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An act to amend Sections 44662 and 60641 of the Education Code, relating to certificated employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1372, as introduced, Norby. Certificated employees: evaluation and assessment.

(1) Existing law requires the governing board of each school district to evaluate and assess certificated employee performance as it reasonably relates to the academic progress of pupils, the instructional techniques and strategies used by the employee, the employee's adherence to curricular objectives, and the establishment and maintenance of a suitable learning environment. Existing law prohibits this evaluation and assessment from including the use of publishers' norms established by standardized tests.

This bill would delete this prohibition, and instead authorize the evaluation and assessment to include the use of publishers' norms established by standardized tests.

(2) Existing law establishes the Standardized Testing and Reporting Program, also known as the STAR Program, and requires the State Department of Education to ensure that school districts administer the California Standards Test to their pupils, as specified. Existing law requires the publisher of the California Standards Tests to make individual pupil, grade, school, school district, and state results available to the department, and requires the department to make the grade, school, school district, and state results available on the Internet.

This bill would additionally require the publisher to provide the test results for each class, and the name of the teacher who provided instruction for that class, to the department. The bill would require the department to post this information on the Internet.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 44662 of the Education Code is amended  
2 to read:  
3 44662. (a) The governing board of each school district shall  
4 establish standards of expected pupil achievement at each grade  
5 level in each area of study.  
6 (b) The governing board of each school district shall evaluate  
7 and assess certificated employee performance as it reasonably  
8 relates to:  
9 (1) The progress of pupils toward the standards established  
10 pursuant to subdivision (a) and, if applicable, the state adopted  
11 academic content standards as measured by state adopted criterion  
12 referenced assessments.  
13 (2) The instructional techniques and strategies used by the  
14 employee.  
15 (3) The employee’s adherence to curricular objectives.  
16 (4) The establishment and maintenance of a suitable learning  
17 environment, within the scope of the employee’s responsibilities.  
18 (c) The governing board of each school district shall establish  
19 and define job responsibilities for certificated noninstructional  
20 personnel, including, but not limited to, supervisory and  
21 administrative personnel, whose responsibilities cannot be  
22 evaluated appropriately under the provisions of subdivision (b)  
23 and shall evaluate and assess the performance of those  
24 noninstructional certificated employees as it reasonably relates to  
25 the fulfillment of those responsibilities.  
26 (d) Results of an employee’s participation in the Peer Assistance  
27 and Review Program for Teachers established by Article 4.5  
28 (commencing with Section 44500) shall be made available as part  
29 of the evaluation conducted pursuant to this section.

1 (e) The evaluation and assessment of certificated employee  
2 performance pursuant to this section ~~shall not~~ *may* include the use  
3 of publishers' norms established by standardized tests.

4 (f) Nothing in this section shall be construed as in any way  
5 limiting the authority of school district governing boards to develop  
6 and adopt additional evaluation and assessment guidelines or  
7 criteria.

8 SEC. 2. Section 60641 of the Education Code is amended to  
9 read:

10 60641. (a) The department shall ensure that school districts  
11 comply with each of the following requirements:

12 (1) The standards-based achievement test provided for in Section  
13 60642.5 is scheduled to be administered to all pupils during the  
14 period prescribed in subdivision (b) of Section 60640.

15 (2) The individual results of each pupil test administered  
16 pursuant to Section 60640 shall be reported, in writing, to the  
17 parent or guardian of the pupil. The written report shall include a  
18 clear explanation of the purpose of the test, the score of the pupil,  
19 and the intended use by the school district of the test score. This  
20 subdivision does not require teachers or other school district  
21 personnel to prepare individualized explanations of the test score  
22 of each pupil.

23 (3) (A) The individual results of each pupil test administered  
24 pursuant to Section 60640 also shall be reported to the school and  
25 teachers of a pupil. The school district shall include the test results  
26 of a pupil in his or her pupil records. However, except as provided  
27 in this section, individual pupil test results only may be released  
28 with the permission of either the pupil's parent or guardian if the  
29 pupil is a minor, or the pupil if the pupil has reached the age of  
30 majority or is emancipated.

31 (B) Notwithstanding subparagraph (A), a pupil or his or her  
32 parent or guardian may authorize the release of individual pupil  
33 results to a postsecondary educational institution for the purpose  
34 of credit, placement, determination of readiness for college-level  
35 coursework, or admission.

36 (4) The districtwide, school-level, and grade-level results of the  
37 STAR Program in each of the grades designated pursuant to Section  
38 60640, but not the score or relative position of any individually  
39 ascertainable pupil, shall be reported to the governing board of the  
40 school district at a regularly scheduled meeting, and the

1 countywide, school-level, and grade-level results for classes and  
2 programs under the jurisdiction of the county office of education  
3 shall be similarly reported to the county board of education at a  
4 regularly scheduled meeting.

5 (b) (1) The publisher of the standards-based achievement tests  
6 provided for in Section 60642.5 shall make the individual  
7 pupil, *class, teacher*, grade, school, school district, and state results  
8 available to the department pursuant to paragraph (9) of subdivision  
9 (a) of Section 60643 by August 8 of each year in which the  
10 achievement test is administered for those schools for which the  
11 last day of test administration, including makeup days, is on or  
12 before June 25. ~~The~~

13 (2) *The* department shall make the *class, teacher*, grade, school,  
14 school district, and state results available on the Internet by August  
15 15 of each year in which the achievement test is administered for  
16 those schools for which the last day of test administration,  
17 including makeup days, is on or before June 25. *For purposes of*  
18 *this paragraph, when posting the results for each class, the*  
19 *department shall post the name of the teacher who provided*  
20 *instruction for that class.*

21 (c) The department shall take all reasonable steps to ensure that  
22 the results of the test for all pupils who take the test by June 25  
23 are made available on the Internet by August 15, as set forth in  
24 subdivision (b).

25 (d) The department shall ensure that a California Standards Test  
26 that is augmented for the purpose of determining credit, placement,  
27 or readiness for college-level coursework of a pupil in a  
28 postsecondary educational institution inform a pupil in grade 11  
29 that he or she may request that the results from that assessment be  
30 released to a postsecondary educational institution.