

AMENDED IN ASSEMBLY APRIL 12, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2826**

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**Introduced by Assembly Member Weber**

February 19, 2016

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An act to amend Section 33039 of, and to add Article 14 (commencing with Section 44673) to Chapter 3 of Part 25 of Division 3 of Title 2 of, the Education Code, relating to teachers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2826, as amended, Weber. Teachers: evaluation.

(1) Existing law requires the State Board of Education to develop guidelines that school districts may use in the development of certain teacher evaluation procedures and to distribute those guidelines to every school district.

This bill would require the development of those guidelines to comply with the Administrative Procedure Act.

(2) Existing law states the intent of the Legislature that governing boards of school districts establish a uniform system of evaluation and assessment of the performance of all certificated personnel within each school district of the state. Existing law requires the governing board of each school district to establish standards of expected pupil achievement at each grade level in each area of study and to evaluate and assess certificated employee performance on a continuing basis as it reasonably relates to specified matters, including pupil progress, as provided. Existing law authorizes the governing board of a school district to develop and adopt additional evaluation and assessment guidelines or criteria.

This bill would provide, if applicable, that multiple measures of pupil progress, pupil academic growth, pupil achievement, and pupil outcomes as used for certain purposes of evaluating and assessing certificated employee performance may include specified sources.

The bill would require an employing authority to use a minimum of 3 rating levels of professional achievement for evaluation and assessment of certificated employees, as provided.

By imposing additional duties on school districts, this bill would impose a state-mandated local program.

(3) Existing law requires an evaluation to include recommendations, if necessary, as to areas of improvement in the performance of the employee. Existing law authorizes these evaluations to include a requirement that the employee participate in a specified program if a permanent certificated employee receives an unsatisfactory evaluation.

This bill would instead require a certificated employee, if that employee receives ~~one of the~~ a specified rating ~~levels~~ level of professional achievement for evaluation and assessment, to participate in the California Peer Assistance and Review Program for Teachers if the school district participates in that program. The bill would require, in order to endeavor to assist the employee in areas of improvement, the school district to, at minimum, consider the employee's eligibility for professional development identified in the school district and the school's applicable local control and accountability plan, and prioritize the employee's eligibility for professional development, as provided. By expanding the duties of a school district, the bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 33039 of the Education Code is amended  
2 to read:

33039. The state board shall develop guidelines that school districts may use in the development of teacher evaluation procedures pursuant to Article 11 (commencing with Section 44660) of Chapter 1 of Part 25 of Division 3, and shall distribute the guidelines to every school district. The development of these guidelines shall comply with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

SEC. 2. Article 14 (commencing with Section 44673) is added to Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code, to read:

Article 14. Common Evaluation System Provisions

44673. If applicable, multiple measures of pupil progress, pupil academic growth, pupil achievement, and pupil outcomes as used in this chapter for purposes of evaluating and assessing certificated employee performance may include, but shall not necessarily be limited to, any of the following sources:

(a) State-adopted formative and summative criterion referenced assessments.

(b) School district, school, or department-developed assessments.

(c) Curriculum-based and end-of-course assessments.

(d) Pretest and posttest data.

(e) Interim, periodic, benchmark, and formative assessments.

(f) English language proficiency assessments.

(g) Assessments measuring progress in an individualized education program.

(h) Advance placement, international baccalaureate, and college preparedness examinations.

(i) A-G coursework completion.

(j) Industry-recognized career technical education assessments and program completion.

(k) Portfolios of pupils' work, projects, and performances redacted of personally identifiable pupil information.

(l) Surveys from parents, if approved in advance by the certificated employee.

(m) Surveys from pupils, if approved in advance by the certificated employee.

1 (n) Written reports from classroom observations.

2 (o) Progress on outcomes described in the local control and  
3 accountability plan pursuant to paragraphs (4) and (8) of  
4 subdivision (d) of Section 52060.

5 44673.5. (a) The employing authority shall use a minimum of  
6 three rating levels of professional achievement for evaluation and  
7 assessment of certificated employees pursuant to this chapter.

8 (b) At least two rating levels shall identify certificated  
9 employees who meet either of the following:

10 ~~(1) Require more development and growth to achieve a rating~~  
11 ~~of satisfactory or meeting standards, and who are required to~~  
12 ~~participate and receive appropriate additional support, training,~~  
13 ~~and assistance.~~

14 ~~(2) Unsatisfactory performance.~~

15 ~~(1) Meeting or exceeding standards.~~

16 ~~(2) (A) Needing additional support, training, or assistance.~~

17 ~~(B) This rating level shall not be used as the basis for~~  
18 ~~“unsatisfactory performance” for purposes of subdivision (b) of~~  
19 ~~Section 44664 or for purposes of Section 44932.~~

20 44674. (a) If a school district participates in the California  
21 Peer Assistance and Review Program for Teachers established  
22 pursuant to Article 4.5 (commencing with Section 44500), a  
23 certificated employee who receives ~~a the~~ rating ~~in either of the~~  
24 ~~levels~~ described by *paragraph (2) of* subdivision (b) of Section  
25 44673.5 on an evaluation performed pursuant to Section 44664  
26 shall participate in the California Peer Assistance and Review  
27 Program for Teachers.

28 (b) Notwithstanding any other law, in endeavoring to assist the  
29 employee as mandated by Article 11 (commencing with Section  
30 44660) and Article 13 (commencing with Section 44670), the  
31 school district shall, at a minimum, consider the employee's  
32 eligibility for professional development identified in the school  
33 district and the school's applicable local control and accountability  
34 plan, and prioritize the employee's eligibility for any professional  
35 development supported by one-time or ongoing funds appropriated  
36 by the Legislature in the annual Budget Act, including professional  
37 development in the state academic content standards adopted by  
38 the state board, and training on services to English learners to  
39 access the common core academic content standards adopted  
40 pursuant to Section 60605.8 and the English language development

1 standards adopted pursuant to former Section 60811.3, as that  
2 section read on June 30, 2013, or Section 60811.4.

3 SEC. 3. If the Commission on State Mandates determines that  
4 this act contains costs mandated by the state, reimbursement to  
5 local agencies and school districts for those costs shall be made  
6 pursuant to Part 7 (commencing with Section 17500) of Division  
7 4 of Title 2 of the Government Code.

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