

AMENDED IN ASSEMBLY APRIL 20, 2016

AMENDED IN ASSEMBLY APRIL 12, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2826

Introduced by Assembly Member Weber

February 19, 2016

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, add Section 44662.3 to the Education Code, relating to teachers.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2826, as amended, Weber. Teachers: ~~evaluation.~~ *evaluation and assessment.*

~~(1) Existing~~

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~~

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: the progress of pupils, as provided, instructional techniques and strategies, and adherence to curricular objectives.~~ 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: specifically authorize and encourage the evaluation and assessment of certificated employee performance as it reasonably relates to the progress of pupils, instructional techniques and strategies, and adherence to curricular objectives to include certain things, as provided. The bill would also provide that its provisions shall not be construed as to require the state board to revise its guidelines.~~

~~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 a specified rating 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~~-no.
State-mandated local program: ~~yes~~-no.

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

1 SECTION 1. Section 44662.3 is added to the Education Code,
2 to read:
3 44662.3. (a) For purposes of this article, the following phrases
4 may include, but shall not be limited to, the following:
5 (1) "Progress of pupils" may include the following multiple
6 measures:
7 (A) State-adopted formative and summative criterion referenced
8 assessments.
9 (B) School district, school, or department-developed
10 assessments.
11 (C) Curriculum-based and end-of-course assessments.
12 (D) Pretest and posttest data.
13 (E) Interim, periodic, benchmark, and formative assessments.
14 (F) English language proficiency assessments.
15 (G) Assessments measuring progress in an individualized
16 education program.
17 (H) Advanced placement, International Baccalaureate, and
18 college preparedness examinations.
19 (I) A-G coursework completion.
20 (J) Industry-recognized career technical education assessments
21 and program completion.
22 (K) Portfolios of pupils' work, projects, and performances
23 redacted of personally identifiable pupil information.
24 (L) Surveys from parents, if approved in advance by the
25 certificated employee.
26 (M) Surveys from pupils, if approved in advance by the
27 certificated employee.
28 (N) Written reports from classroom observations.

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

4 (2) “Instructional techniques and strategies” may include the
5 following:

6 (A) Engaging and supporting all pupils in learning.

7 (B) Planning instruction and designing learning experiences
8 for all pupils.

9 (C) Using pupil assessment information to inform instruction
10 and improve learning.

11 (3) “Adherence to curricular objectives” may include:

12 (A) Understanding and organizing subject matter for pupil
13 learning.

14 (B) Developing as a professional educator.

15 (b) The Legislature encourages school districts to utilize the
16 options specified in paragraphs (1) to (3), inclusive, of subdivision
17 (a) in carrying out the requirements of subdivision (b) of Section
18 44662.

19 (c) This section shall not be construed as to require the state
20 board to revise the guidelines developed pursuant to Section 33039.

21 ~~SECTION 1. Section 33039 of the Education Code is amended~~
22 ~~to read:~~

23 ~~33039. The state board shall develop guidelines that school~~
24 ~~districts may use in the development of teacher evaluation~~
25 ~~procedures pursuant to Article 11 (commencing with Section~~
26 ~~44660) of Chapter 1 of Part 25 of Division 3, and shall distribute~~
27 ~~the guidelines to every school district. The development of these~~
28 ~~guidelines shall comply with the Administrative Procedure Act~~
29 ~~(Chapter 3.5 (commencing with Section 11340) of Part 1 of~~
30 ~~Division 3 of Title 2 of the Government Code).~~

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

34
35 ~~Article 14. Common Evaluation System Provisions~~
36

37 ~~44673. If applicable, multiple measures of pupil progress, pupil~~
38 ~~academic growth, pupil achievement, and pupil outcomes as used~~
39 ~~in this chapter for purposes of evaluating and assessing certificated~~

1 ~~employee performance may include, but shall not necessarily be~~
2 ~~limited to, any of the following sources:~~

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

5 ~~(b) School—district, —school, —or —department-developed~~
6 ~~assessments.~~

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

8 ~~(d) Pretest and posttest data.~~

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

10 ~~(f) English language proficiency assessments.~~

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

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

15 ~~(i) A-G coursework completion.~~

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

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

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

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

24 ~~(n) Written reports from classroom observations.~~

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

28 ~~44673.5. (a) The employing authority shall use a minimum of~~
29 ~~three rating levels of professional achievement for evaluation and~~
30 ~~assessment of certificated employees pursuant to this chapter.~~

31 ~~(b) At least two rating levels shall identify certificated~~
32 ~~employees who meet either of the following:~~

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

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

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

38 ~~44674. (a) If a school district participates in the California~~
39 ~~Peer Assistance and Review Program for Teachers established~~
40 ~~pursuant to Article 4.5 (commencing with Section 44500), a~~

1 ~~certificated employee who receives the rating described by~~
2 ~~paragraph (2) of subdivision (b) of Section 44673.5 on an~~
3 ~~evaluation performed pursuant to Section 44664 shall participate~~
4 ~~in the California Peer Assistance and Review Program for~~
5 ~~Teachers.~~

6 ~~(b) Notwithstanding any other law, in endeavoring to assist the~~
7 ~~employee as mandated by Article 11 (commencing with Section~~
8 ~~44660) and Article 13 (commencing with Section 44670), the~~
9 ~~school district shall, at a minimum, consider the employee's~~
10 ~~eligibility for professional development identified in the school~~
11 ~~district and the school's applicable local control and accountability~~
12 ~~plan, and prioritize the employee's eligibility for any professional~~
13 ~~development supported by one-time or ongoing funds appropriated~~
14 ~~by the Legislature in the annual Budget Act, including professional~~
15 ~~development in the state academic content standards adopted by~~
16 ~~the state board, and training on services to English learners to~~
17 ~~access the common core academic content standards adopted~~
18 ~~pursuant to Section 60605.8 and the English language development~~
19 ~~standards adopted pursuant to former Section 60811.3, as that~~
20 ~~section read on June 30, 2013, or Section 60811.4.~~

21 ~~SEC. 3. If the Commission on State Mandates determines that~~
22 ~~this act contains costs mandated by the state, reimbursement to~~
23 ~~local agencies and school districts for those costs shall be made~~
24 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
25 ~~4 of Title 2 of the Government Code.~~