

AMENDED IN ASSEMBLY MAY 11, 2016

AMENDED IN ASSEMBLY APRIL 20, 2016

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**  
***(Coauthors: Assembly Members Cooper, Holden, and Olsen)***  
***(Coauthor: Senator Hall)***

February 19, 2016

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An act to add Section 44662.3 to the Education Code, relating to teachers.

LEGISLATIVE COUNSEL'S DIGEST

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

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.

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 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 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~~ *it shall not be construed as to require the state board to revise its guidelines; guidelines, to limit a school district governing board authority to adopt additional guidelines or criteria, or to limit the right of certificated employees or their exclusive representative to bargain concerning evaluation procedures.*

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

1 (L) Surveys from parents, if approved in advance by the  
2 certificated employee.

3 (M) Surveys from pupils, if approved in advance by the  
4 certificated employee.

5 (N) Written reports from classroom observations.

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

9 (2) “Instructional techniques and strategies” may include the  
10 following:

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

12 (B) Planning instruction and designing learning experiences for  
13 all pupils.

14 (C) Using pupil assessment information to inform instruction  
15 and improve learning.

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

17 (A) Understanding and organizing subject matter for pupil  
18 learning.

19 (B) Developing as a professional educator.

20 (b) The Legislature encourages school districts to utilize the  
21 options specified in paragraphs (1) to (3), inclusive, of subdivision  
22 (a) in carrying out the requirements of subdivision (b) of Section  
23 44662.

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

26 *(d) Nothing in this section shall be construed as in any way*  
27 *limiting the authority of school district governing boards to develop*  
28 *and adopt additional evaluation and assessment guidelines or*  
29 *criteria, nor shall it be construed to limit the rights of certificated*  
30 *employees or their exclusive representative to bargain procedures*  
31 *to be used for the evaluation of employees or other terms and*  
32 *conditions of employment pursuant to Chapter 10.7 (commencing*  
33 *with Section 3540) of Division 4 of Title 1 of the Government Code.*