

AMENDED IN SENATE APRIL 9, 2015

SENATE BILL

No. 499

Introduced by Senators Liu and De León

February 26, 2015

An act to *amend Section 33050 of, to amend and repeal Section 44661.5 of, to amend, repeal, and add Sections 44660, 44661, 44662, and 44664 of, to add Sections 35161.5, 44662.1, 44662.5, 44662.6, and 44662.8 to, and to add and repeal Section 44662.7 of, and to repeal and add Article 13 (commencing with Section 44670) of Chapter 3 of Part 25 of Division 3 of Title 2 of, the Education Code, relating to teachers, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 499, as amended, Liu. Teachers: best practices teacher evaluation ~~system~~. *system: school administrator evaluation.*

(1) 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 the progress of pupils toward the established standards and, if applicable, the state adopted academic content standards as measured by state adopted criterion referenced assessments, 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, within the scope of the employee's responsibilities.

This bill would provide that the provisions described above would become inoperative on July 1, 2016. The bill would state findings and declarations of the Legislature regarding the nature of effective teachers and of the teaching profession. Commencing on July 1, 2016, the bill would require the governing board of each school district to adopt and implement a locally negotiated best practices teacher evaluation system, described as one in which each teacher is evaluated on a continuing basis on the degree to which he or she accomplishes specific objectives and multiple observations of instructional and other professional practices that are conducted by trained evaluators. The bill would authorize the ~~state board~~, *State Board of Education*, in consultation with the Superintendent of Public Instruction and appropriate education stakeholder groups, to adopt nonregulatory guidance to support the implementation of a best practices teacher evaluation system by school districts, as specified. The bill would also require the governing board of each school district to establish and define job responsibilities for certificated, noninstructional employees whose responsibilities cannot be evaluated appropriately under the best practices teacher evaluation system and to evaluate and assess their performance in relation to the fulfillment of those responsibilities. The bill would, on or before May 1, 2016, *or May 1 of the year that precedes the year in which an existing collective bargaining contract will expire, whichever is later*, require the governing board of each school district, at a regularly scheduled public hearing, to seek comment on the development and implementation of the best practices teacher evaluation system, and, on or before May 1 of each year ~~prior to~~ *before* local negotiations required by law, to seek comment on the best practices teacher evaluation system. *The bill would require if, by mutual agreement between the school district and the collective bargaining unit, an intermediate mid-year agreement is reached regarding a best practices teacher evaluation system, the negotiation timeline to allow time for the governing board of the school district to hold a public hearing to seek comment on the best practices teacher evaluation system.* The bill also would require the governing board of each school district to disclose the provisions of the best practices teacher evaluation system at a regularly scheduled public hearing. The bill would provide that these provisions do not apply to certificated personnel who are employed on an hourly basis in adult education classes. The bill would also provide that the provisions of the best practices teacher evaluation system do not supersede or invalidate a teacher evaluation system that is locally negotiated and that

is in effect at the time the best practices teacher evaluation system becomes operative. By imposing additional duties on school districts, this bill would impose a state-mandated local program. The bill would appropriate, for the 2016–17 fiscal year, an unspecified amount of money from the General Fund to the State Department of Education for allocation to school districts for the purpose of implementing the best practices teachers evaluation system, as specified, thereby making an appropriation.

(2) Existing law requires that an evaluation and assessment of the performance of a certificated employee be made on a continuing basis, as provided, including at least every 5 years for personnel with permanent status who have been employed at least 10 years with the school district, are highly qualified, as specified, and whose previous evaluation rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree.

This bill, commencing July 1, 2016, would require the evaluation and assessment of the above personnel at least every 3 years, except as locally negotiated and provided in the best practices teacher evaluation system. By requiring additional duties on school districts, this bill would impose a state-mandated local program.

(3) *Existing law authorizes a school district to evaluate a school principal annually for the principal's first and 2nd year of employment as a new principal and authorizes additional evaluations, as specified.*

This bill would repeal those provisions and would instead require the governing board of each school district to establish a system of evaluation for school administrators to guide their growth and performance with the purpose of supporting them as instructional leaders in order to raise pupil achievement. The bill would require the evaluation system to include certain attributes, including, but not limited to, promoting the success of all pupils, advocating and supporting a safe, nurturing school culture that sustains a quality instructional program conducive to pupil learning and staff professional growth, and ensuring the management, organization, and operation of a safe and successful learning environment as evidenced by the establishment of effective practices for personnel and resource management, campus safety, and school climate. The bill would require the governing board of a school district to identify who will conduct the evaluation of each school administrator. By imposing additional duties on school district officials, the bill would impose a state-mandated local program.

(4) Existing law authorizes the governing board of a school district or a county board of education, as specified, after a public hearing on the matter, to request the state board to waive all or part of any section of the Education Code or any regulation adopted by the state board that implements a provision of the Education Code that may be waived, except for specified provisions.

This bill would add the above-mentioned provisions relating to teacher and school administrator evaluation to the list of provisions that may not be waived.

(3)

(5) This bill would update cross-references and would make other nonsubstantive changes.

(4)

(6) 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.

(5)

(7) Funds appropriated by this bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 33050 of the Education Code is amended
2 to read:
3 33050. (a) The governing board of a school district or a county
4 board of education, on a districtwide or countywide basis or on
5 behalf of one or more of its schools or programs, after a public
6 hearing on the matter, may request the ~~State Board of Education~~
7 state board to waive all or part of any section of this code or any
8 regulation adopted by the ~~State Board of Education~~ state board
9 that implements a provision of this code that may be waived,
10 except:

(1) Article 1 (commencing with Section 15700) and Article 2 (commencing with Section 15780) of Chapter 4 of Part ~~10~~: *10 of Division 1 of Title 1.*

(2) Chapter 6 (commencing with Section 16000) of Part ~~10~~: *10 of Division 1 of Title 1.*

(3) Chapter 12 (commencing with Section 17000), Chapter 12.5 (commencing with Section 17070.10), and Chapter 14 (commencing with Section 17085) of Part ~~10~~: *10 of Division 1 of Title 1.*

(4) Part 13 (commencing with Section 22000), Part 13.5 (commencing with Section 25900), and Part 14 (commencing with Section ~~26000~~: 26000) *of Division 1 of Title 1.*

(5) Section 35735.1.

(6) Paragraph (8) of subdivision (a) of Section 37220.

(7) The following provisions of Part 10.5 (commencing with Section ~~17211~~: 17210) *of Division 1 of Title 1:*

(A) Chapter 1 (commencing with Section ~~17211~~: 17210).

(B) Article 1 (commencing with Section 17251) to Article 6 (commencing with Section 17365), inclusive, of Chapter 3.

(C) Sections 17416 to 17429, inclusive; Sections 17459 and ~~17462 and 17462~~; subdivision (a) of Section 17464; and Sections 17582 to ~~17592~~, 17591, inclusive.

(8) The following provisions of Part 24 (commencing with Section ~~41000~~: 41000) *of Division 3.*

(A) Sections 41000 to 41360, inclusive.

(B) Sections 41420 to 41423, inclusive.

(C) Sections 41600 to ~~41866~~, 41863, inclusive.

(D) Sections ~~41920 to 42911~~, 41930 to 42850, inclusive.

(9) Sections 44504 and 44505.

(10) Article 11 (commencing with Section 44660) of Chapter 3 of Part 25 of Division 3.

(11) Article 13 (commencing with Section 44670) of Chapter 3 of Part 25 of Division 3.

~~(10)~~

(12) Article 3 (commencing with Section 44930) of Chapter 4 of Part 25 of Division 3 and regulations in Title 5 of the California Code of Regulations adopted pursuant to Article 3 (commencing with Section 44930) of Chapter 4 of Part ~~25~~: *25 of Division 3.*

~~(11)~~

1 (13) Part 26 (commencing with Section ~~46000~~: 46000) of
2 Division 4.
3 ~~(12)~~
4 (14) Chapter 6 (commencing with Section 48900) and Chapter
5 6.5 (commencing with Section 49060) of Part ~~27~~: 27 of Division
6 4.
7 ~~(13)~~
8 (15) Section 51513.
9 ~~(14) Chapter 6.10 (commencing with Section 52120) of Part~~
10 ~~28, relating to class size reduction.~~
11 ~~(15)~~
12 (16) Section 52163.
13 ~~(16)~~
14 (17) The identification and assessment criteria relating to any
15 categorical aid program, including Sections 52164.1 and 52164.6.
16 ~~(17)~~
17 (18) Sections 52165, 52166, and 52178.
18 ~~(18)~~
19 (19) Article 3 (commencing with Section 52850) of Chapter 12
20 of Part ~~28~~: 28 of Division 4.
21 ~~(19)~~
22 (20) Section 56364.1, except that this restriction shall not
23 prohibit the ~~State Board of Education~~ *state board* from approving
24 any waiver of Section ~~56364~~ or ~~56364.2, as applicable~~, 56364.2,
25 relating to full inclusion.
26 ~~(20)~~
27 (21) Article 4 (commencing with Section 60640) of Chapter 5
28 of Part ~~33~~: 33 of Division 4, relating to the ~~STAR Program~~,
29 *California Assessment of Student Performance and Progress*
30 (CAASPP), and any other provisions of Chapter 5 (commencing
31 with Section 60600) of Part 33 of Division 4 that establish
32 requirements for the ~~STAR Program~~: CAASPP.
33 (b) Any waiver of provisions related to the programs identified
34 in Section 52851 shall be granted only pursuant to Article 3
35 (commencing with Section 52850) of Chapter 12 of Part ~~28~~: 28 of
36 Division 4.
37 (c) The waiver of an advisory committee required by law shall
38 be granted only pursuant to Article 4 (commencing with Section
39 52870) of Chapter 12 of Part ~~28~~: 28 of Division 4.

(d) ~~Any~~ A request for a waiver submitted by the governing board of a school district or a county board of education pursuant to subdivision (a) shall include a written statement as to both of the following:

(1) Whether the exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, participated in the development of the waiver.

(2) The exclusive representative's position regarding the waiver.

(e) ~~Any~~ A request for a waiver submitted pursuant to subdivision (a) relating to a regional occupational center or program established pursuant to Article 1 (commencing with Section 52300) of Chapter 9 of Part 28, ~~that 28 of Division 4, which~~ is operated by a joint powers entity established pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, shall be submitted as a joint waiver request for each participating school district and shall meet both of the following conditions:

(1) Each joint waiver request shall comply with all of the requirements of this article.

(2) The submission of a joint waiver request shall be approved by a unanimous vote of the governing board of the joint powers agency.

~~(f) The governing board of any school district requesting a waiver under this section of any provision of Article 5 (commencing with Section 39390) of Chapter 3 of Part 23 shall provide written notice of any public hearing it conducted pursuant to subdivision (a), at least 30 days prior to the hearing, to each public agency identified under Section 39394.~~

SEC. 2. *Section 35161.5 is added to the Education Code, to read:*

35161.5. (a) The governing board of each school district shall establish standards of expected pupil achievement at each grade level that it serves in each area of study.

(b) This section shall become operative on July 1, 2016.

SECTION 1.

SEC. 3. Section 44660 of the Education Code is amended to read:

44660. (a) It is the intent of the Legislature that governing boards establish a uniform system of evaluation and assessment of the performance of all certificated personnel within each school

1 district of the state, including schools conducted or maintained by
2 county superintendents of education. The system shall involve the
3 development and adoption by each school district of objective
4 evaluation and assessment guidelines that may, at the discretion
5 of the governing board of the school district, be uniform throughout
6 the school district or, for compelling reasons, be individually
7 developed for territories or schools within the school district,
8 provided that all certificated personnel of the school district shall
9 be subject to a system of evaluation and assessment adopted
10 pursuant to this article.

11 (b) This article does not apply to certificated personnel who are
12 employed on an hourly basis in adult education classes.

13 (c) This section shall become inoperative on July 1, 2016, and,
14 as of January 1, 2017, is repealed, unless a later enacted statute,
15 that becomes operative on or before January 1, 2017, deletes or
16 extends the dates on which it becomes inoperative and is repealed.

17 ~~SEC. 2.~~

18 *SEC. 4.* Section 44660 is added to the Education Code, to read:

19 44660. (a) The Legislature finds and declares all of the
20 following:

21 (1) Teaching is a professional endeavor, in which effective
22 practice is driven by an understanding of knowledge in the field
23 and a commitment to all pupils and their families.

24 (2) Excellent teaching requires knowledge, skills, artistry,
25 passion, and commitment.

26 (3) Effective teachers integrate ethical concern for children and
27 society, extensive subject matter competence, thoughtfully selected
28 pedagogical practices, and a depth of knowledge about their pupils,
29 including knowledge of child and adolescent development and
30 learning, an understanding of their individual strengths, interests,
31 and needs, and knowledge about their families and communities.

32 (4) Effective teachers share a common set of professional and
33 ethical obligations that includes a profound and fundamental
34 commitment to the growth and success of the individual pupils in
35 their care as well as to the strengthening and continual revitalization
36 of our democratic society.

37 (5) Certificated, noninstructional employees share the same
38 deep commitment to children, families, and communities, and they
39 provide essential support and administrative services to pupils and
40 teachers that enable pupils to succeed.

(b) The Legislature further finds and declares that because teachers are the most important school-related factor for influencing pupil academic success the primary purpose of an evaluation system is to ensure that teachers meet the highest professional standards of effective teaching, thereby resulting in high levels of pupil learning.

(c) The Legislature further finds and declares that the attributes of the best practices teacher evaluation system established pursuant to this article are based on the California Standards for the Teaching Profession adopted by the Commission on Teacher Credentialing in October of 2009, and the system of evaluation for school administrators established pursuant to Article 13 (commencing with Section 44670) is based on the California Professional Standards for Educational Leaders adopted by the Commission on Teacher Credentialing in February of 2014.

~~(e)~~

(d) This article does not apply to certificated personnel who are employed on an hourly basis in adult education classes.

~~(d)~~

(e) This section shall become operative on July 1, 2016.

~~SEC. 3.~~

SEC. 5. Section 44661 of the Education Code is amended to read:

44661. (a) In the development and adoption of guidelines and procedures pursuant to this article, the governing board of a school district shall avail itself of the advice of the certificated instructional personnel in the school district's organization of certificated personnel.

(b) This section shall become inoperative on July 1, 2016, and, as of January 1, 2017, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2017, deletes or extends the dates on which it becomes inoperative and is repealed.

~~SEC. 4.~~

SEC. 6. Section 44661 is added to the Education Code, to read:

44661. (a) The governing board of each school district shall adopt and implement a best practices teacher evaluation system as set forth in this article.

(b) The best practices teacher evaluation system required to be adopted pursuant to this article shall be locally negotiated pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of

1 Title 1 of the Government Code. If the certificated employees of
2 the school district do not have an exclusive bargaining
3 representative, the governing board of the school district shall
4 adopt objective evaluation and support components, as applicable,
5 that are consistent with this article.

6 (c) This section shall become operative on July 1, 2016.

7 ~~SEC. 5.~~

8 *SEC. 7.* Section 44661.5 of the Education Code is amended to
9 read:

10 44661.5. (a) When developing and adopting objective
11 evaluation and assessment guidelines pursuant to Section 44660,
12 a school district may, by mutual agreement between the exclusive
13 representative of the certificated employees of the school district
14 and the governing board of the school district, include any objective
15 standards from the National Board for Professional Teaching
16 Standards or any objective standards from the California Standards
17 for the Teaching Profession if the standards to be included are
18 consistent with this article. If the certificated employees of the
19 school district do not have an exclusive representative, the school
20 district may adopt objective evaluation and assessment guidelines
21 consistent with this section.

22 (b) This section shall become inoperative on July 1, 2016, and,
23 as of January 1, 2017, is repealed, unless a later enacted statute,
24 that becomes operative on or before January 1, 2017, deletes or
25 extends the dates on which it becomes inoperative and is repealed.

26 ~~SEC. 6.~~

27 *SEC. 8.* Section 44662 of the Education Code is amended to
28 read:

29 44662. (a) The governing board of each school district shall
30 establish standards of expected pupil achievement at each grade
31 level in each area of study.

32 (b) The governing board of each school district shall evaluate
33 and assess certificated employee performance as it reasonably
34 relates to:

35 (1) The progress of pupils toward the standards established
36 pursuant to subdivision (a) and, if applicable, the state adopted
37 academic content standards as measured by state adopted criterion
38 referenced assessments.

39 (2) The instructional techniques and strategies used by the
40 employee.

1 (3) The employee's adherence to curricular objectives.

2 (4) The establishment and maintenance of a suitable learning
3 environment, within the scope of the employee's responsibilities.

4 (c) The governing board of each school district shall establish
5 and define job responsibilities for certificated noninstructional
6 personnel, including, but not limited to, supervisory and
7 administrative personnel, whose responsibilities cannot be
8 evaluated appropriately under the provisions of subdivision (b)
9 and shall evaluate and assess the performance of those
10 noninstructional certificated employees as it reasonably relates to
11 the fulfillment of those responsibilities.

12 (d) Results of an employee's participation in the California Peer
13 Assistance and Review Program for Teachers established by Article
14 4.5 (commencing with Section 44500) shall be made available as
15 part of the evaluation conducted pursuant to this section.

16 (e) The evaluation and assessment of certificated employee
17 performance pursuant to this section shall not include the use of
18 publishers' norms established by standardized tests.

19 (f) Nothing in this section shall be construed as in any way
20 limiting the authority of the governing board of a school district
21 to develop and adopt additional evaluation and assessment
22 guidelines or criteria.

23 (g) This section shall become inoperative on July 1, 2016, and,
24 as of January 1, 2017, is repealed, unless a later enacted statute,
25 that becomes operative on or before January 1, 2017, deletes or
26 extends the dates on which it becomes inoperative and is repealed.

27 ~~SEC. 7.~~

28 *SEC. 9.* Section 44662 is added to the Education Code, to read:
29 44662. (a) A best practices teacher evaluation system shall
30 include, but not be limited to, the following attributes:

31 (1) An evaluation of each teacher based on the degree to which
32 he or she accomplishes the following objectives:

33 (A) Engages and supports all pupils in learning, evidence of
34 which may include, but is not limited to, evidence of high
35 expectations and active pupil engagement for each pupil.

36 (B) Creates and maintains effective environments for pupil
37 learning, to the extent that those environments are within the
38 teacher's control.

1 (C) Understands and organizes subject matter for pupil learning,
2 evidence of which may include, but is not limited to, extensive
3 subject matter, content standards, and curriculum competence.

4 (D) Plans instruction and designs learning experiences for all
5 pupils, evidence of which may include, but is not limited to, use
6 of differentiated instruction and practices based upon pupil progress
7 and use of culturally responsive instruction, including, but not
8 limited to, incorporation of multicultural information and content
9 into the delivery of curriculum, to eliminate the achievement gap.

10 (E) Uses pupil assessment information to inform instruction
11 and to improve learning, evidence of which shall include, but is
12 not limited to, use of formative and summative assessments to
13 adjust instructional practices to meet the needs of individual pupils.
14 ~~For-certified~~ *certificated* employees who directly instruct English
15 learner pupils in acquiring English language fluency, the
16 assessment information shall include the results of assessments
17 adopted pursuant to Chapter 7 (commencing with Section 60810)
18 of Part 33 of Division 4.

19 (F) Develops, as a professional educator, evidence of which
20 may include, but is not limited to, consistent and positive
21 relationships with pupils, parents, staff, and administrators, use of
22 collaborative professional practices for improving instructional
23 strategies, participation in identified professional growth
24 opportunities, and use of meaningful self-assessment to improve
25 as a professional educator.

26 (G) Contributes to pupil academic growth based on multiple
27 measures, as follows:

28 (i) Multiple measures shall include state and local formative
29 and summative assessments in the grade levels and subjects that
30 these assessments are administered.

31 (ii) Multiple measures may include, but are not limited to,
32 classroom work, local and state academic assessments, and pupil
33 grades, classroom participation, presentations and performances,
34 and projects and portfolios.

35 ~~(iii) Measures used for assessing pupil academic growth shall~~
36 ~~be valid and reliable for the curriculum and the pupil being taught~~
37 ~~and for the purpose of teacher evaluation, provided that the~~
38 ~~evaluation and assessment of certificated employee performance~~
39 ~~pursuant to this section shall not include the use of publishers'~~
40 ~~norms established by standardized tests. For certificated employees~~

1 who directly instruct English learner pupils in acquiring English,
2 measures shall include the degree to which pupils acquire the
3 English language development standards adopted pursuant to
4 former Section 60811.3, as that section read on June 30, 2013, or
5 Section 60811.4, for the purpose of improving a pupil's English
6 proficiency. Pupil data used for purposes of teacher evaluation
7 shall be confidential in the same manner as all other elements of
8 a teacher's personnel file. It is the intent of the Legislature that
9 any assessments developed by a national consortium and adopted
10 by the state board and used for purposes of this section meet
11 statistical and psychometric standards appropriate for this use.

12 (2) Multiple observations of instructional and other professional
13 practices that are conducted by evaluators who have been
14 appropriately trained and calibrated to ensure consistency and who
15 have demonstrated competence in teacher evaluation, as determined
16 by the school district.

17 (A) Multiple observations may include, but are not limited to,
18 classroom observations, one-on-one discussions, and review of
19 classroom materials and course of study.

20 (B) Observations shall be conducted using a uniform evaluation
21 tool that is appropriate to the teacher's assignment.

22 (C) Before each formal observation, the observer shall meet
23 with the teacher to discuss the purpose of the observation.

24 (D) After each formal observation, the observer shall meet with
25 the teacher to discuss recommendations, as necessary, with regard
26 to areas of improvement in the performance of the teacher.

27 (E) *Nothing in this subdivision shall prohibit evaluators from*
28 *conducting unscheduled classroom visits.*

29 (3) A minimum of three performance levels for the evaluation
30 of teacher performance for purposes of Section 44664.

31 (b) This section shall not be interpreted to prohibit a locally
32 negotiated evaluation process from designating certificated
33 employees to conduct, or participate in, evaluations of other
34 certificated employees for purposes of determining the need for
35 professional development or providing corrective advice for the
36 certificated employee being evaluated. A nonsupervisory
37 certificated employee who conducts, or participates in, an
38 evaluation pursuant to this article shall not be deemed to be
39 exercising a management or supervisory function as defined by
40 subdivision (g) or (m) of Section 3540.1 of the Government Code.

1 (c) *This section shall not apply to certificated employees who*
2 *hold an administrative services credential, as defined in Section*
3 *44270.*

4 (d) *Notwithstanding any other law, a best practices teacher*
5 *evaluation system adopted pursuant to this article shall not omit*
6 *any of the attributes specified in this section.*

7 ~~(e)~~

8 (e) This section shall become operative on July 1, 2016.

9 ~~SEC. 8.~~

10 SEC. 10. Section 44662.1 is added to the Education Code, to
11 read:

12 44662.1. The state board, in consultation with the
13 Superintendent and appropriate education stakeholder groups, may
14 adopt nonregulatory guidance to support the implementation of a
15 best practices teacher evaluation system by school districts that
16 may include all of the following:

17 (a) Model evaluation systems that may be used by school
18 districts to implement the best practices teacher evaluation system
19 pursuant to Sections 44661 and 44662, as added by Sections ~~4 and~~
20 ~~7 6 and 9~~ of the act adding this section.

21 (b) Model processes for implementing observations of
22 instructional and other professional practices pursuant to paragraph
23 (2) of subdivision (a) of Section 44662, as added by Section ~~7 9~~
24 of the act adding this section.

25 (c) Model processes for defining calibration for purposes of
26 training evaluators pursuant to paragraph (2) of subdivision (a) of
27 Section 44662, as added by Section ~~7 9~~ of the act adding this
28 section.

29 (d) Model processes for developing the observation tool that
30 may be used for observations of instructional and other professional
31 practices pursuant to paragraph (2) of subdivision (a) of Section
32 44662, as added by Section ~~7 9~~ of the act adding this section.

33 (e) Model processes for determining and defining the
34 performance levels for the evaluation of teacher performance
35 pursuant to paragraph (3) of subdivision (a) of Section 44662, as
36 added by Section ~~7 9~~ of the act adding this section.

37 ~~SEC. 9.~~

38 SEC. 11. Section 44662.5 is added to the Education Code, to
39 read:

1 44662.5. (a) The governing board of each school district shall
2 establish and define job responsibilities for certificated,
3 noninstructional employees, including, but not limited to,
4 supervisory and administrative personnel, whose responsibilities
5 cannot be evaluated appropriately under the provisions of
6 subdivision (a) of Section 44662. The governing board of each
7 school district shall ~~evaluate and assess~~ *provide for the evaluation*
8 *and assessment of* the performance of certificated, noninstructional
9 employees as it reasonably relates to the fulfillment of those
10 responsibilities.

11 (b) This section shall become operative on July 1, 2016.

12 ~~SEC. 10.~~

13 *SEC. 12.* Section 44662.6 is added to the Education Code, to
14 read:

15 44662.6. (a) (1) On or before May 1, 2016, *or May 1 of the*
16 *year that precedes the year in which an existing collective*
17 *bargaining contract will expire, whichever is later,* the governing
18 board of each school district, at a regularly scheduled public
19 hearing, shall seek comment on the development and
20 implementation of the best practices teacher evaluation system.
21 The governing board of a school district shall use the comments
22 received at the hearing to guide the development and
23 implementation of the best practices teacher evaluation system.

24 (2) On or before May 1 of each year ~~prior to~~ *before* local
25 negotiations required pursuant to Chapter 10.7 (commencing with
26 Section 3540) of Division 4 of Title 1 of the Government Code,
27 the governing board of each school district shall seek comment on
28 the best practices teacher evaluation system. *The governing board*
29 *of each school district shall also seek public comment on the best*
30 *practices teacher evaluation system both during local negotiations*
31 *and before the final agreement of local negotiations.*

32 (3) *If, by mutual agreement between a school district and the*
33 *collective bargaining unit, an intermediate mid-year agreement*
34 *is reached regarding a best practices teacher evaluation system,*
35 *the negotiation timeline shall allow time for the governing board*
36 *of the school district to hold a public hearing to seek comment on*
37 *the best practices teacher evaluation system.*

38 (b) Consistent with Section 3547 of the Government Code and
39 no more than 30 days after the local negotiations required pursuant
40 to Chapter 10.7 (commencing with Section 3540) of Division 4 of

1 Title 1 of the Government Code, the governing board of each
2 school district shall disclose the provisions of the best practices
3 teacher evaluation system at a regularly scheduled public hearing.

4 ~~SEC. 11.~~

5 *SEC. 13.* Section 44662.7 is added to the Education Code, to
6 read:

7 44662.7. (a) Notwithstanding any other law, for the 2016–17
8 fiscal year, _____ dollars (\$_____) shall be appropriated from the
9 General Fund to the department for allocation to school districts
10 for the purpose of implementing the best practices teacher
11 evaluation system established pursuant to Sections 44661 and
12 44662, as added by Sections 4 and 7 of the act adding this section.
13 The amount appropriated by this section shall be allocated based
14 on the number of certificated staff employed at the eligible
15 schoolsites by a recipient school district. School districts shall use
16 the funds to plan for the implementation of the best practices
17 teacher evaluation system, including, but not limited to, *doing* both
18 of the following:

19 (1) ~~Train~~—*Training* evaluators to ensure calibration and
20 consistency in conducting observations pursuant to subparagraph
21 (A) of paragraph (2) of subdivision (a) of Section 44662, as added
22 by Section 7 of the act adding this section.

23 (2) ~~Develop~~—*Developing* the uniform observation tool used in
24 observations pursuant to subparagraph (B) of paragraph (2) of
25 subdivision (a) of Section 44662, as added by Section 7 of the act
26 adding this section.

27 (b) Funds provided to a school district pursuant to this section
28 shall support activities related to implementation of the best
29 practices teacher evaluation system developed pursuant to
30 subdivision (b) of Section 44661, as added by Section 4 of the act
31 adding this section.

32 (c) This section shall remain in effect only until January 1, 2019,
33 and as of that date is repealed, unless a later enacted statute, that
34 is enacted before January 1, 2019, deletes or extends that date.

35 ~~SEC. 12.~~

36 *SEC. 14.* Section 44662.8 is added to the Education Code, to
37 read:

38 44662.8. (a) This article does not supersede or invalidate a
39 teacher evaluation system that is locally negotiated pursuant to
40 Chapter 10.7 (commencing with Section 3540) of Division 4 of

1 Title 1 of the Government Code and that is in effect at the time
2 this section becomes operative. If a locally negotiated teacher
3 evaluation system is in effect at the time this section becomes
4 operative, the teacher evaluation system shall remain in effect until
5 the parties to the agreement negotiate a successor agreement. *A*
6 *memorandum of understanding shall not extend the adoption of a*
7 *locally negotiated teacher evaluation system that is in effect at the*
8 *time this section becomes operative.*

9 (b) This section shall become operative on July 1, 2016.

10 ~~SEC. 13.~~

11 *SEC. 15.* Section 44664 of the Education Code is amended to
12 read:

13 44664. (a) Evaluation and assessment of the performance of
14 each certificated employee shall be made on a continuing basis as
15 follows:

16 (1) At least once each school year for probationary personnel.

17 (2) At least every other year for personnel with permanent status.

18 (3) At least every five years for personnel with permanent status
19 who have been employed at least 10 years with the school district,
20 are highly qualified, if those personnel occupy positions that are
21 required to be filled by a highly qualified professional by the
22 federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301
23 et seq.), as defined in Section 7801 of Title 20 of the United States
24 Code, and whose previous evaluation rated the employee as
25 meeting or exceeding standards, if the evaluator and certificated
26 employee being evaluated agree. The certificated employee or the
27 evaluator may withdraw consent at any time.

28 (b) The evaluation shall include recommendations, if necessary,
29 as to areas of improvement in the performance of the certificated
30 employee.

31 (1) If an employee is not performing his or her duties in a
32 satisfactory manner according to the standards prescribed by the
33 governing board of the school district, the employing authority
34 shall notify the certificated employee in writing of that fact and
35 describe the unsatisfactory performance.

36 (2) The employing authority shall thereafter confer with the
37 certificated employee making specific recommendations as to areas
38 of improvement in the certificated employee's performance and
39 endeavor to assist the employee in his or her performance.

(3) If a permanent certificated employee has received an unsatisfactory evaluation, the employing authority shall annually evaluate the certificated employee until the certificated employee achieves a positive evaluation or is separated from the school district.

(c) (1) An evaluation performed pursuant to this article that contains an unsatisfactory rating of a certificated employee's performance in the area of teaching methods or instruction may include the requirement that the certificated employee shall, as determined necessary by the employing authority, participate in a program designed to improve appropriate areas of the certificated employee's performance and to further pupil achievement and the instructional objectives of the employing authority.

(2) If a school district participates in the California Peer Assistance and Review Program for Teachers established pursuant to Article 4.5 (commencing with Section 44500), a certificated employee who receives an unsatisfactory rating on an evaluation performed pursuant to this section shall participate in the California Peer Assistance and Review Program for Teachers.

(d) Hourly and temporary hourly certificated employees, other than those employed in adult education classes who are excluded by the provisions of Section 44660, and substitute teachers may be excluded from the provisions of this section at the discretion of the governing board of the school district.

(e) This section shall become inoperative on July 1, 2016, and, as of January 1, 2017, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2017, deletes or extends the dates on which it becomes inoperative and is repealed.

~~SEC. 14.~~

SEC. 16. Section 44664 is added to the Education Code, to read:

44664. (a) Evaluation and assessment of the performance of each certificated employee shall be made on a continuing basis as follows:

(1) At least once each school year for probationary personnel.

(2) At least every other year for personnel with permanent status.

(3) Except as may be provided in the best practices teacher evaluation system locally negotiated pursuant to subdivision (b) of Section 44661, at least every three years for personnel with permanent status who have been employed at least 10 years with

1 the school district, are highly qualified, if those personnel occupy
2 positions that are required to be filled by a highly qualified
3 professional by the federal No Child Left Behind Act of 2001 (20
4 U.S.C. Sec. 6301 et seq.), as defined in Section 7801 of Title 20
5 of the United States Code, and whose previous evaluation rated
6 the employee as meeting or exceeding standards, if the evaluator
7 and certificated employee being evaluated agree. The certificated
8 employee or the evaluator may withdraw consent at any time.

9 (b) The evaluation shall include recommendations, if necessary,
10 as to areas of improvement in the performance of the certificated
11 employee.

12 (1) If a certificated employee is not performing his or her duties
13 in a satisfactory manner according to the standards prescribed by
14 the governing board, the employing authority shall notify the
15 certificated employee in writing of that fact and describe the
16 unsatisfactory performance.

17 (2) The employing authority shall thereafter confer with the
18 certificated employee making specific recommendations as to areas
19 of improvement in the certificated employee's performance and
20 endeavor to assist the certificated employee in his or her
21 performance.

22 (3) If a permanent certificated employee has received an
23 unsatisfactory evaluation, the employing authority shall do both
24 of the following:

25 (A) Provide professional development based on the specific
26 recommendations as to areas of improvement in the certificated
27 employee's performance.

28 (B) Annually evaluate the certificated employee until the
29 certificated employee achieves a positive evaluation or is separated
30 from the school district.

31 (c) (1) An evaluation performed pursuant to this article that
32 contains an unsatisfactory rating of a certificated employee's
33 performance in the area of teaching methods or instruction may
34 include the requirement that the certificated employee shall, as
35 determined necessary by the employing authority, participate in a
36 program designed to improve appropriate areas of the certificated
37 employee's performance and to further pupil achievement and the
38 instructional objectives of the employing authority.

39 (2) If a school district participates in the California Peer
40 Assistance and Review Program for Teachers established pursuant

1 to Article 4.5 (commencing with Section 44500), a certificated
2 employee who receives an unsatisfactory rating on an evaluation
3 performed pursuant to this section shall participate in the California
4 Peer Assistance and Review Program for Teachers.

5 (d) Hourly and temporary hourly certificated employees, other
6 than those employed in adult education classes who are excluded
7 by the provisions of Section 44660, and substitute teachers may
8 be excluded from the provisions of this section at the discretion
9 of the governing board.

10 (e) This section shall become operative on July 1, 2016.

11 *SEC. 17. Article 13 (commencing with Section 44670) of*
12 *Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code*
13 *is repealed.*

14 *SEC. 18. Article 13 (commencing with Section 44670) is added*
15 *to Chapter 3 of Part 25 of Division 3 of Title 2 of the Education*
16 *Code, to read:*

17
18 *Article 13. Administrator Evaluations*
19

20 *44670. (a) The governing board of each school district shall*
21 *establish a system of evaluation for school administrators to guide*
22 *their growth and performance with the purpose of supporting them*
23 *as instructional leaders in order to raise pupil achievement. The*
24 *evaluation system shall include, but not be limited to, all of the*
25 *following attributes:*

26 *(1) Promoting the success of all pupils by facilitating the*
27 *development and implementation of a vision of pupil learning,*
28 *including, but not limited to, communicating with parents, pupils,*
29 *and the community regarding the importance of a standards-based*
30 *education and high expectations for all pupils.*

31 *(2) Advocating and supporting a safe, nurturing school culture*
32 *that sustains a quality instructional program conducive to pupil*
33 *learning and staff professional growth, including, but not limited*
34 *to, all of the following:*

35 *(A) Promoting equity, fairness, and respect among staff, pupils,*
36 *and members of the school community with acknowledgment of*
37 *the role cultural attributes have in pupil learning.*

38 *(B) Supporting professional development opportunities for staff*
39 *that encourage collaboration and effective instructional practice*
40 *with the goal of improving outcomes for all pupils.*

1 (3) *Ensuring the management, organization, and operation of*
2 *a safe and successful learning environment, as evidenced by the*
3 *establishment of effective practices for personnel and resource*
4 *management, campus safety, and school climate, including, but*
5 *not limited to, supporting curricular and management leadership*
6 *in all of these areas and successfully implementing a best practices*
7 *teacher evaluation system established pursuant to Sections 44661*
8 *and 44662, as added by Sections 6 and 9 of the act adding this*
9 *section.*

10 (4) *Collaborating with parents and the community to establish*
11 *an inclusive school environment, including, but not limited to,*
12 *embracing and recognizing that diversity strengthens a learning*
13 *environment and promotes meaningful parent and community*
14 *engagement, as required by Section 52062 for the development of*
15 *the local control and accountability plan established pursuant to*
16 *Section 52060.*

17 (5) (A) *Providing ethical and professional leadership that*
18 *fosters effective instructional practice as evidenced by promoting*
19 *quality teaching and instructional strategies and provides relevant,*
20 *effective feedback that leads to pupil learning. School*
21 *administrators shall be held accountable for the academic growth*
22 *of pupils over time and academic growth shall be based on multiple*
23 *measures that may include pupil work as well as pupil and school*
24 *longitudinal data.*

25 (B) *Multiple measures shall include state and local formative*
26 *and summative assessments. For school administrators who*
27 *supervise certificated staff that directly instruct English learner*
28 *pupils acquiring English, assessment information shall include*
29 *the results of assessments adopted pursuant to Chapter 7*
30 *(commencing with Section 60810) of Part 33 of Division 4.*

31 (C) *Multiple measures may include, but are not limited to,*
32 *benchmark, end-of-chapter, end-of-course, advanced placement,*
33 *international baccalaureate, college entrance, or performance*
34 *assessments.*

35 (D) *Pupil data used for purposes of an administrator evaluation*
36 *shall be confidential in the same manner as all other elements of*
37 *an administrator's personnel file.*

38 (6) *Providing professional leadership by understanding,*
39 *responding, and influencing the larger social, political, cultural*
40 *and legal context with the goal of ensuring pupil success, as*

1 *evidenced by working in collaboration with the governing board*
2 *of the school district, bargaining units, and local school, school*
3 *district, and community leaders.*

4 *(b) The governing board of a school district shall identify who*
5 *will conduct the evaluation of each school administrator.*

6 *(1) A school administrator shall be evaluated annually for the*
7 *first and second year of employment as a new administrator in a*
8 *school district. The governing board of the school district may*
9 *determine the frequency at regular intervals of evaluations after*
10 *this period.*

11 *(2) Additional evaluations that occur outside of the regular*
12 *intervals determined by the governing board of the school district*
13 *shall be agreed upon between the evaluator and the administrator.*

14 *(3) Evaluators and administrators shall review school success*
15 *and progress throughout the year. This review should include*
16 *goals that are defined by the school district, including, but not*
17 *limited to, the goals specified in the local control and*
18 *accountability plan approved by the governing board of the school*
19 *district pursuant to Section 52060.*

20 ~~SEC. 15.~~

21 *SEC. 19.* 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.