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Action

Professional Services Committee

Induction Program Review

AGENDA INSERT

Executive Summary: This agenda item presents the Fiscal and Program report from the California Department of Education on the review of the Fresno Unified School District Beginning Teacher Support and Assessment (BTSA) Program.

Recommended Action: To adopt the staff recommendation concerning the Fresno Unified School District BTSA Induction Program.

Presenter: Teri Clark, Administrator, Professional Services Division and Sarah Solari, Consultant, Professional Development Division, California Department of Education.

Strategic Plan Goal: 1

Promote educational excellence through the preparation and certification of professional educators.

- ◆ Sustain high quality standards for the performance of Professional educators

June 2007



CALIFORNIA
DEPARTMENT OF
EDUCATION

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JACK O'CONNELL

State Superintendent of
Public Instruction

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June 6, 2007

Michael E. Hanson, Superintendent
Fresno Unified School District
2309 Tulare St.
Fresno, CA 93721

Dear Superintendent Hanson,

This letter is to apprise you of the results of the visit by program staff from the California Department of Education (CDE) and the California Commission on Teacher Credentialing (CCTC) who reviewed the Fresno Unified School District's (FUSD) Beginning Teacher Support and Assessment (BTSA) Induction Program. The purpose of reviewing the Fresno Unified BTSA Induction Program was in response to concerns identified by state leadership with respect to the lack of implementation of program requirements. As you are aware, BTSA Induction programs apply and became approved as credentialing programs based on the *Standards of Quality and Effectiveness for Professional Teacher Induction Programs*. Both the CDE and the CCTC have issued funding and allowed Fresno Unified to recommend candidates for professional multiple and single subject credentials based on the understanding that Fresno Unified is implementing its approved Induction program.

The State BTSA Induction Program is overseen by both the CDE and the CCTC, by a joint agency task force. All members of this task force participated in the Fresno review.

Enclosed you will find the BTSA Induction Program Review Report and the BTSA Induction Fiscal and Program Accountability Report. These reports include the findings of the State BTSA Induction Interagency Task Force, based upon numerous interviews and review of documentation.

This report consists of two parts. The first part is the Induction Program Review report written by the CCTC with findings, required steps to meeting program requirements, and timelines from the task force. The second part is the Fiscal and Program Report written by the CDE with findings, required steps to meeting program requirements, and timelines from the task force.

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In consideration of the action being taken by the CDE and CCTC, it is imperative that Fresno Unified School District act accordingly and in parallel with stipulations and timelines to meet program requirements stated in the attached report. Please know that personnel from both agencies are available for technical assistance, as well as the BTSA Cluster Three Regional Director, to help ensure the success and continuance of Fresno Unified's BTSA Induction program.

Sincerely,

Phil Lafontaine, Director
Professional Development and Curriculum Division

PL:rt
Enclosures

cc: Anthony Monreal, Deputy Superintendent, California Department of Education

California Department of Education Fiscal and Program Report

Introduction

BTSA Induction Interagency Task Force, which includes CDE consultants, supported the CRD through the Fresno Plan to Remedy (2005 – 2007) and also participated as the actual members of the IPR team. As part of the IPR team, CDE and CCTC staff conducted group and individual interviews of all program stakeholder groups and reviewed district provided program documentation. The Task Force mutually agreed and concurred to all findings found in Part I of this report (CCTC Section).

While reviewing documentation and interviewing several stakeholders, serious concerns became apparent regarding the administration and the fiscal aspects of FUSD's BTSA Induction Program. Part II of the report outlines the fiscal and program accountability findings which were found to be out of compliance with California *EC*.

Fiscal Findings (Reviewed by CDE Staff)

Fiscal Finding #1: Documentation (budget printouts and expense reports) as well as interviews with the Director of Fiscal Services for FUSD confirmed that funds for the Teacher Credentialing Block Grant (BTSA funding) are being used to support Peer Assistance and Review (PAR) activities. In addition, the district could not provide evidence of a clear delineation of expenses for the PAR and BTSA programs. Although *EC* Section 44506(b)(1-5) allows PAR funds to be expended on BTSA and a district intern program, BTSA Induction funding may only be used for the purposes of the BTSA Induction System (*EC* 41520[3]).

Required Steps to Meeting Program Requirements:

1. FUSD ceases to use Teacher Credentialing Block Grant funds (BTSA funding) for the purpose of supporting their PAR and Intern Programs.
2. FUSD submits a district plan to separate funds to the CDE by **August 31, 2007**.
3. FUSD submits fiscal progress reports to CDE in **October 2007, December 2007, February 2008, and April 2008** that clearly delineates expenditures of PAR, Intern, and BTSA funds. Each report should include fiscal spreadsheets detailing BTSA, PAR, and Intern expenditures and a detailed explanation of all expenditures.
4. Should FUSD fail to provide the required documentation during the required timeline and as outlined in Recommendations 2 and 3, the CDE will have cause to cease funding FUSD's BTSA Induction program.

5. Should FUSD expend funds not in accordance with BTSA, PAR, and Intern program requirements, the CDE will have cause to cease funding FUSD's BTSA Induction program.

Program Findings (Reviewed by CDE Staff)

Program Finding #1: Documentation and interviews with leadership, principals, support providers (consulting teachers), participating teachers, PAR panel members, and Fresno's Teachers Union confirmed that all first year participating teachers in FUSD are placed in the PAR program.

1. *EC 44500(b)(1)* states that PAR is intended for permanent employees who receive negative evaluations.
2. In addition, *EC 44500(1)* states that in districts with ADA of 250 or more only permanent employees may participate in PAR. FUSD far exceeds ADA of 250 and therefore does not qualify to have probationary teachers participate in PAR.

Required Steps to Meeting Program Requirements:

1. FUSD submits a plan to the CDE by **August 1, 2007** that outlines and communicates each program's roles and responsibilities, specifically detailing the district's PAR program, BTSA Induction program, and Intern program and how they are separate and distinct. The plan should include the following:
 - o A three-part Memoranda of Understanding (MOU) between the district administration, the PAR Panel, and the FUSD Board of Education outlining the roles and responsibilities of each separate program, PAR, BTSA Induction, and Intern. The MOU should also specify that no probationary certificated employee shall be placed in PAR.
 - o Copies of this MOU are to be distributed to all stakeholders, including, school site administrators, PAR consulting teachers, BTSA consulting teachers, and all certificated staff. Evidence of this distribution should be included in the submitted plan.
2. This plan includes evidence that FUSD's BTSA Induction program is under the authority of the FUSD Superintendent of Schools.

Program Finding #2: Further interviews of support providers (consulting teachers), principals, participating teachers, PAR panel members, union officers, and district administrators revealed that all first year participating teachers in the FUSD BTSA Induction program are evaluated for employment purposes by support providers (consulting teachers). Site administrators are not authorized by the district or the PAR

panel to evaluate first year employees. In addition, documentation supporting this finding was reviewed, specifically support provider (consulting teacher) records, which clearly demonstrated the participating teacher's formative assessment materials were combined in the same folders with the employment evaluation materials and reports.

1. Title 5 statute 80054.5(a)(1)(2) states that, "(a) An individual must hold a Services Credential with a Specialization in Administrative Services to provide the services described below in grades twelve and below, including preschool, and in classes organized primarily for adults: (1) evaluating quality and effectiveness of instructional services at school site level, (2) evaluation of certificated personnel employed at the school site level, with the exception of the site administrator."
2. In addition, *EC 44279.1(g)* states, "Performance assessments developed under this article shall be designed to provide useful, helpful feedback to beginning teachers and their support providers. That information shall not be used for employment related evaluations, as a condition for employment, or as a basis for terminating employment."

Required Steps to Meeting Program Requirements:

1. FUSD enforces Title 5 by **September 1, 2007** by requiring school site administrators be responsible for conducting certificated employee performance evaluations of all teachers, as required by law.
2. FUSD submits a plan to the CDE by **September 1, 2007** that outlines and communicates the school site administrators' evaluative roles and responsibilities of all certificated employees for the purpose of employment. The plan should include the following:
 - Evidence of direction from the FUSD Superintendent of Schools directing site administrators of their responsibility in the employment evaluation process. Evidence should also include information regarding the transfer of responsibility for employment evaluation regarding probationary teachers from the PAR consulting teachers to the site administrator.
 - Copies of this evidence should be provided to all consulting teachers, participating teachers, and site administrators. Evidence of this distribution should be included in the submitted plan.
 - A requirement that all prospective certificated employees will receive written notice of the District's evaluative process for the purpose of employment.
3. FUSD submits a plan to the CDE by **September 1, 2007**, that outlines and communicates the separate and distinct roles and responsibilities of BTSA

support providers and PAR consulting teachers. The plan should including the following:

- Evidence that clear and defined roles are outlined for BTSA support providers (consulting teachers) which roles are separate from those of PAR consulting teachers.
- Memoranda of Understanding (MOU) between the district administration and the PAR Panel defining the role of the PAR consulting teacher.
- Copies of said MOU to be distributed to all PAR consulting teachers, BTSA support providers, and site administrators. Evidence of this distribution should be included in the submitted plan.

Program Finding #3: Interviews with consulting teachers (support providers) and evidence provided via the application process revealed that not all PAR consulting teachers were observed as part of the selection process.

1. *EC 44502(c)(2)* states that the PAR panel's procedure for selecting consulting teachers, at a minimum, shall require "provisions for classroom observation of the candidates".

Required Steps to Meeting Program Requirements:

1. FUSD submits a plan no later than **September 1, 2007** detailing the selection process of PAR consulting teachers which clearly includes that the selection process is in accordance with *EC* and BTSA consulting teachers (support providers) in accordance with Induction Program Standard 8.

Conclusion

In consideration of the action being taken by the CDE and CCTC, it is imperative that Fresno Unified School District act accordingly and in parallel with the Steps to Meet Program Requirements and Timelines stated in this report. Please be aware that personnel from both agencies are available for technical assistance, as well as the BTSA Cluster Three Regional Director, to help ensure the success and continuance of Fresno Unified's BTSA Induction Program.

LEGAL OPINION

May 31, 2007

The urgency of the request results from an Induction Program Review (IPR) conducted on May 22-25, 2007 on the Beginning Teacher Support and Assessment (BTSA) Induction Program (IP) by the joint State Task Force representing the California Department of Education (CDE) and the California Commission on Teacher Credentialing (CCTC).

The BTSA Induction Program, by statute, is jointly administered by both agencies, with the CCTC having sole purview over credentialing, and the CDE identified as the fiscal agent. Both agencies approve the LEA's program application and perform periodic reviews to insure that the 20 Induction Standards are being met and that the program maintains fiscal accountability. Failure to maintain fidelity in both areas may result in a range of recommendations for implementation to revoking of "approved program status". All of these issues impact an approved Induction Program's ability to recommend a beginning teacher toward a professional clear credential.

The IPR team, as a result of interviews with site administrators, consulting teachers, program leadership, participating teachers, associate superintendent, and district superintendent and review of evidence and documents, determined that the Fresno Unified School District's BTSA Induction Program met only one standard out of the required twenty Induction Program Standards. The joint agency review has resulted in CCTC decision to place 'on hold' FUSD's ability to recommend teachers for a clear credential. Furthermore, on June 28, 2007, at the regularly scheduled meeting of the governing body of commissioners representing the CCTC, staff will present the findings report of the FUSD IP review and recommend placing the district's BTSA IP on 'Approval with Probationary Stipulations' status. These stipulations require specific corrective action and timelines.

In addition, our review of the program verified various activities violating use of funds and specific statutes. CDE staff is in the process of meeting with Deputy Superintendent Dr. Anthony Monreal to determine corrective action, timelines, and sanctions to be addressed in our report to FUSD. The assistance required from your office is a legal opinion on a section of the Peer Assistance and Review Program for teachers, Section 44500 (b)(1):

(1) A teacher participant shall be a permanent employee in a school district with 250 or greater units of average daily attendance or permanent or probationary employee in a school district with fewer than 250 units of average daily attendance and volunteer to participate in the program or be referred for participation in the program as a result of an evaluation performed pursuant to subdivision (c) of Section 44664. In addition, teachers receiving assistance may be referred pursuant to a collectively bargained agreement.

Our first concern is that the district and bargaining unit have interpreted the last sentence in this section to mean that the ADA requirement and the permanent/probationary status attached to the ADA issue is negotiable.

Fresno Unified School District currently places all of their first year teachers under the PAR process regardless of their probationary status and ignores both the ADA issue

and the statutory requirement for a prior negative evaluation for program participation. Our second concern is that beginning teachers are also being formally evaluated for employment and tenure purposes by certificated teachers. This is a clear violation of Title V statute 80054.5 (a)(1)(2) which states:

(a) An individual must hold a Services Credential with a Specialization in Administrative Services to provide the services described below in grades twelve and below, including preschool, and in classes organized primarily for adults: (1) evaluating quality and effectiveness of instructional services at school site level, (2) evaluation of certificated personnel employed at the school site level, with the exception of the site administrator.”

EdCode 44279.1(g) states:

Performance assessments developed under this article shall be designed to provide useful, helpful feedback to beginning teachers and their support providers. That information shall not be used for employment related evaluations, as a condition for employment, or as a basis for terminating employment.

In consideration of the action being taken by the CCTC, it is imperative that we act accordingly and in parallel with their action. Your support on this issue is greatly appreciated.

Please contact Tom Lugo, Manager, Professional Development Unit at 323-6257 if you need additional information.

**Fresno Unified School District Site Visit Report
Calendar of Items due as a result of May 2007 IPR**

Date	Document/Activity
Monthly (last day of each month)	Information on new hires and support provider match (<i>CTC 3</i>)
August 1, 2007	FUSD submits plan to CDE outlining program roles and responsibilities for PAR, BTSA, and Intern programs. Plan specifies that no probationary teacher may be included in PAR. Plan also includes FUSD BTSA Program is under the authority of the FUSD Superintendent of Schools. (<i>CDE Program Finding #1</i>)
August 15, 2007	Notice to all prospective participants of FUSD BTSA Induction Program Approval with Probationary Status (<i>CTC1</i>)
August 31, 2007	District submits plan to, and evidence of, separate funds (PAR/BTSA/Intern) to CDE (<i>CDE Fiscal Finding #1</i>)
September 1, 2007	Evidence of clear and effective leadership in place for FUSD BTSA Induction Program (<i>CTC 2</i>)
September 1, 2007	FUSD submits plan outlining evaluation role of administrators in accordance with <i>Title 5</i> and <i>EC</i> . The plan also includes separate responsibilities outlined for BTSA support providers and PAR consulting teachers. (<i>CDE Program Finding #2</i>)
September 1, 2007	Submits plan detailing selection process of PAR consulting teachers. (<i>CDE Program Finding #3</i>)
October 31, 2007	Fiscal Progress Report to the CDE (<i>CDE Fiscal Finding #1</i>)
December 31, 2007	Fiscal Progress Report to the CDE (<i>CDE Fiscal Finding #1</i>)
January 1, 2008	Evidence of accurate and comprehensive monitoring system in place for participants and program activities (<i>CTC 4</i>)
February 28, 2008	Fiscal Progress Report to the CDE (<i>CDE Fiscal Finding #1</i>)
April 30, 2008	Fiscal Progress Report to the CDE (<i>CDE Fiscal Finding #1</i>)
Spring 2008	Evidence of each participant's completion (<i>CTC 5</i>)
Spring 2008	Induction Program Review - meeting (<i>CTC 6</i>)