
2A

Information

Legislative Committee

Bill Analysis

Executive Summary: Staff will present an analysis of Assembly Bill 5 (Fuentes) for information and discussion.

Recommended Action: For information only

Presenter: Marilyn Errett, Administrator, Office of Governmental Relations

Strategic Plan Goal: 2

Support policy development related to educator preparation, conduct and professional growth

- ◆ Inform key legislators and policy makers on issues and ideas relevant to the Commission's scope of action

December 2011

Bill Analysis

Assembly Bill 5 (Fuentes) Best Practices Teacher Evaluation

Sponsor: *Assembly Member Fuentes*

Bill Version: *As Amended June 22, 2011*

Analysis of Bill Provisions

[Assembly Bill 5 \(Fuentes\)](#) would amend current Education Code provisions that establish requirements and legislative intent for school district certificated employee evaluations. The measure establishes a budget “trigger” that would sunset current provisions and would introduce a revised evaluation system. The “trigger” would make the current provisions inoperative and new provisions operative on *July 1 of the first fiscal year following the fiscal year in which the deficit factor set forth in [Education Code] Section 42238.146 is reduced to zero.* For the 2010-2011 fiscal year, the deficit factor was established at 17.963 percent.

Upon implementation of the new, or “triggered”, provisions of Assembly Bill (AB) 5, the bill would state legislative findings and declarations that include the following statements:

- Effective teachers integrate ethical concern for children and society, extensive subject matter competence, thoughtfully selected pedagogical practices, and depth of knowledge about their pupils, including knowledge of child and adolescent development and learning, an understanding of their individual strengths, interests, and needs, and knowledge about their families and communities.
- Effective teachers share a common set of professional and ethical obligations that includes a profound and fundamental commitment to the growth and success of the individual pupils in their care as well as to the strengthening and continual revitalization of our democratic society.
- Certificated, noninstructional employees share the same deep commitment to children, families, and communities, and they provide essential support and administrative services to pupils and teachers that enable pupils to succeed.

The new provisions of the bill would require the governing board of each school district to adopt and implement a locally negotiated *best practices teacher evaluation system*. Specifically, AB 5 defines the evaluation system specifying that each teacher would be evaluated on the degree to which he or she accomplishes the following objectives:

- Engages and supports all pupils in learning
- Creates and maintains effective environments for pupil learning, to the extent that those environments are within the teacher’s control
- Understands and organizes subject matter for pupil learning
- Plans instruction and designs learning experiences for all pupils

- Uses pupil assessment information to inform instruction and to improve learning
- Develops as a professional educator
- Contributes to pupil academic growth based upon multiple measures, which may include, but are not limited to classroom work, local and state academic assessments, and pupil grades, classroom participation, presentations and performances, and projects and portfolios

While the bill enumerates objectives for the best practices teacher evaluation system, it does not assign a percentage value or weighting criteria to those objectives. Additionally, AB 5 specifies that measures used for assessing pupil academic growth shall be valid and reliable for the purpose of teacher evaluation and that pupil data used for purposes of teacher evaluation shall be confidential in the same manner as all other elements of a teacher's personnel file.

Pertaining to the implementation of the *best practices teacher evaluation system*, the bill specifies that multiple observations of instructional and other professional practices are conducted by evaluators who have been appropriately trained and calibrated to ensure consistency and who have demonstrated competence in teacher evaluation, as determined by the school district. The multiple observation model could include, but not be limited to:

- Classroom observations
- One-on-one discussions
- Review of classroom materials and course of study

The bill further details that observations should be conducted using a uniform evaluation tool that is appropriate to the teacher's assignment and that meetings between the observer and the teacher should take place prior to and after each observation.

Additionally, the new provisions of AB 5 outline the schedule for evaluating all certificated employees on a continuing basis as follows:

- Probationary employees – at least once each school year
- Permanent employees – at least every other year
- Permanent employees with at least 10 years of experience – at least every three years if they meet the definition of a highly qualified teacher and their previous evaluation met or exceeded standards

Evaluations would also include provisions for detailing needed areas of improvement and support for employees who receive unsatisfactory evaluation determinations.

Current Education Code language pertaining to criteria for the evaluation of certificated, noninstructional employees, including, but not limited to, supervisory and administrative personnel is re-stated in the new provisions of AB 5.

Last, the bill maintains the current exemption for hourly certificated employees, other than those employed in adult education classes and clarifies that substitute teachers may be excluded from the provisions of the bill at the discretion of the governing board.

Current Law

Education Code section 44660 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. Governing boards of each school district are required 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.

Education Code section 44661 requires that governing boards shall adhere to collective bargaining procedures and shall avail themselves of the advice of the certificated instructional personnel in the district's organization of certificated personnel.

Education Code section 44661.5 determines that governing boards may, by mutual agreement with the exclusive representative of the certificated employees of the school district, include any objective standards from the National Board for Professional Teaching Standards or from the California Standards for the Teaching Profession.

Education Code section 44662 requires school district governing boards to establish standards of expected pupil achievement at each grade level in each area of study and to evaluate and assess certificated employee performance as it reasonably relates to pupil performance on criterion-referenced tests, teacher technique and strategies, curricular objectives, and the maintenance of a suitable learning environment.

Education Code section 44664 defines the schedule for evaluating all certificated employees on a continuing basis as follows:

- Probationary employees – at least once each school year
- Permanent employees – at least every other year
- Permanent employees with at least 10 years of experience – at least every five years if they meet the definition of a highly qualified teacher and their previous evaluation met or exceeded standards

Evaluations would also include provisions for detailing needed areas of improvement and support for employees who receive unsatisfactory evaluation determinations.

Commission Activity

During the course of the development of this two-year bill, Commission staff has been asked for information about Commission-developed or approved assessments for teacher candidates and for beginning teachers as a part of their approved induction support and assessment program. While the area of employment evaluation is outside of the Commission's purview, the nexus between the valid and reliable assessment instruments used for credentialing purposes may provide valuable information for possible future development of evaluation instruments for teacher evaluation. Specifically, both the Teaching Performance Assessment (TPA) and the Formative Assessment for California

Teachers (FACT) tie directly to the *California Standards for the Teaching Profession* (CSTP.) The CSTP were jointly developed by the Commission and the California Department of Education. These standards, which set forth the expectations for current classroom teachers, were most recently adopted by the Commission and approved by the Superintendent of Public Instruction in October 2009. Originally developed in 1997, the CSTP provide the “hub” that connects teacher preparation, beginning teacher induction, and continuing expectations for current classroom teachers. While the themes within the CSTP can be applied at varying levels of teacher development depending on the experience of the teacher, the overall content remains constant throughout the teacher’s career span from novice to seasoned professional and forms the basis for a system to improve professional practice.

The CSTP are divided into six areas covering skills, knowledge and everyday practice that are essential to effective teaching:

- Engaging All Students
- Creating and Maintaining Effective Environments for Student Learning
- Understanding and Organizing Subject Matter for Student Learning
- Planning Instruction and Designed Learning Experiences for All Students
- Assessing Students for learning
- Developing as a Professional

The new provisions of AB 5, as outlined on pages 1 and 2 of this analysis, include the six areas of the CSTP.

The Commission’s experience in assessing teacher performance also includes the calibration of scorers, also a provision of AB 5, and includes the development of tools that guide teacher candidates and beginning teachers to analyze and improve their teaching performance – another provision of AB 5.

[Teaching Performance Assessment](#)

All candidates for a preliminary Multiple and Single Subject Teaching Credential are required to pass a Teaching Performance Assessment (TPA) as part of earning a teaching credential. The TPA is designed to measure the candidate’s knowledge, skills and ability with relation to *California’s Teaching Performance Expectations* (TPEs) based on the CSTP, including demonstrating (in a public school classroom) his/her ability to appropriately instruct all K-12 students in the Student Academic Content Standards. Each of the three approved teaching performance assessment models requires a candidate to complete defined tasks relating to subject-specific pedagogy, designing and implementing instruction and student assessment, and a culminating teaching experience or event. When taken as a whole, teaching performance assessment tasks/activities multiply measure the TPEs. Candidate performances are scored by trained assessors against one or more rubrics that describe levels of performance relative to each task/activity. Each model must also meet and maintain specified standards of assessment reliability, validity, and fairness to candidates. All candidates who began a Commission-approved multiple and single subject teacher preparation program as of July 1, 2008 must meet the teaching performance assessment requirement.

The TPA requires candidates to demonstrate knowledge about the students in the class, the students' academic achievement levels, and their specific learning needs. The teacher candidate uses this information to:

- plan lessons based on California standards and adapt lessons for English learners and other students with identified learning challenges
- teach the standards-based lessons to the K-12 students in public school classrooms
- plan and administer student assessments based on the lessons
- reflect on the effectiveness of their own instruction
- examine student work and assessment results as evidence of the effectiveness of their instruction

[Formative Assessment for California Teachers](#)

The Formative Assessment for California Teachers (FACT) System focuses on the development of a teacher's practice, combining reflective assessment and support, to help them improve their skills throughout Induction. Through a structured series of critical thinking tasks completed with the assistance of a trained support provider, participating teachers deepen their understanding and application of: Induction Program Standards (IPS); the California Standards for the Teaching Profession (CSTP); the state-adopted academic content standards for students; and, the curriculum frameworks. The primary focus of the FACT System is the application of these standards through the ongoing process of planning and teaching lessons, reflecting on the results, and making informed changes to future practice, based on evidence.

Fiscal Impact

Because AB 5 is not directly related to activities within the purview of the Commission, there is no fiscal impact to the Commission.

The following fiscal information is taken from the Assembly Appropriations Committee analysis of the June 9 version of AB 5:

- The General Fund/Proposition 98 state mandated reimbursable costs for the current evaluation system (the Stull Act) is approximately \$19 million.
- Upon the activation of the AB 5 "trigger" first year costs would likely be between \$25 million and \$30 million, to school districts to conduct evaluations. In the second year, the cost would likely be between \$42 million and \$84 million, to provide teachers deemed "unsatisfactory" pursuant to an evaluation, with support in a district developed program, as specified. Additional General Fund/Proposition 98 state reimbursable mandated costs would likely be between \$2 million and \$4 million, to school districts to provide training to personnel to conduct evaluations.

This estimate does not include the continued scoring calibration of the evaluators.

Conclusion

The purpose of this analysis is to provide information to members of the Commission on one of the most discussed topics in this Legislative session and to recognize the expertise that members of the Commission can lend to the conversation. Staff understands that discussions regarding the content of the bill have continued during the Legislative interim and expects further amendments. As the Legislature begins year two of the session, it is likely that the dialogue about certificated employee evaluation, within the state and national context, will continue.

As a two-year bill, AB 5 must meet a strict deadline and complete its Legislative cycle by the end of January, 2012. Because of the tight timeline, the Commission's Executive Director, requested that staff bring an analysis to the December meeting for Commission discussion.

Analyst: *Marilyn Errett*

Date of Analysis: *November 17, 2011*