

August 8, 2012

The Honorable Christine Kehoe
Chair, Senate Appropriations Committee
California State Senate
State Capitol, Room 5050
Sacramento, CA 94249-0039

RE: AB 5 (Fuentes) – OPPOSE UNLESS AMENDED

Dear Senator Kehoe,

On behalf of the more than 200,000 StudentsFirst members in California, we must respectfully oppose AB 5 (Fuentes) unless it is amended, because the legislation does not create aligned standards for districts across the state, does not stipulate a realistic operational timeframe, and does not implement objective metrics regarding student growth measurement.

StudentsFirst appreciates the author's efforts to implement a teacher evaluation system, and we agree with the author that a robust, consistent teacher evaluation system is much needed in California. A growing number of states around the country are working to put in place meaningful evaluation systems that provide teachers and administrators with the feedback and information they need to be effective, and we hope California will soon join them. If the policy concerns we detail are addressed, StudentsFirst would be proud to join in supporting AB 5.

Points of Concern:

- ***AB 5 creates lack of alignment among districts.*** Because AB 5 only loosely outlines evaluation criteria, each of California's 1,047 school districts could wind up having a unique evaluation system. This lack of alignment could have several negative consequences. First, if teachers across the state are not held to the same high standards, students may not have equitable access to truly effective teachers. Second, this inconsistency prevents California from accurately comparing districts' human capital practices and outcomes. Finally, the variability in evaluation systems creates confusion for teachers and administrators, who may struggle under differing sets of expectations.
 - ***Recommendation:*** StudentsFirst recommends fleshing out the evaluation criteria in more detail while preserving flexibility for districts to customize evaluation systems within certain parameters. In particular, legislation should require that at least 50% of a teacher's evaluation is based on an objective metric of student growth, and the remaining 50% of the evaluation is comprised of multiple measures, like classroom observations and student surveys.
- ***Student growth is not objectively measured.*** While AB 5 does call for some consideration of student growth, the legislation does not stipulate that student growth be measured through objective assessments. If an objective, rigorous assessment is not used to measure student growth, a teacher's evaluation could be entirely based on subjective appraisals of students' "classroom participation, presentations and performances, and projects and portfolios."
 - ***Recommendation:*** StudentsFirst recommends that at least 50% of a teacher's performance evaluation be based on an objective and rigorous assessment of student growth. Each district should have the flexibility to design and utilize any assessment tool that meets the criteria set out in legislation and is approved by California's state superintendent.
- ***AB 5 does not evaluate all teachers annually.*** AB 5 requires annual evaluations of only untenured teachers and tenured teachers who have received an unsatisfactory rating on the most recent evaluation. Most tenured teachers will be evaluated only once every two years. However, tenured teachers with at least 10 years of experience, who have met or exceeded expectations and are highly qualified, may be evaluated only once every three years.
 - ***Recommendation:*** StudentsFirst recommends that all teachers be evaluated annually – regardless of tenure or past performance. All teachers can benefit from regular and constructive feedback, and none should be denied the support of their administration.

- **New evaluation systems will not go into effect until California eliminates the deficit factor.** AB 5 prohibits implementation of the new evaluation system until the year after California achieves a zero deficit factor. Therefore, even if all the above aspects of AB 5 were improved, California students won't benefit from these policies for years or even decades while California grapples with its budget issues. California students simply cannot wait for the State to resolve its financial problems before implementing a strong teacher evaluation system that ensures every student has an effective teacher. The importance of this is reflected in districts across the state that are taking proactive steps to implement new evaluation systems, even in the midst of this difficult economic environment. It's just that important.
 - **Recommendation:** StudentsFirst recommends the State follow the lead of pioneer districts, like Los Angeles Unified School District, to implement a strong evaluation system now.
- **All aspects of the evaluation system must be negotiated.** Although AB 5 provides some guidance for districts, the bill would require that all parts of the evaluation system be collectively bargained. There is no doubt that teacher input in their evaluation and development strengthens both the process and the outcomes, but policy making should not be limited to contract negotiations, which include a wide range of other unrelated issues.
 - **Recommendation:** StudentsFirst recommends limiting the collectively bargained terms to the grievance procedure for a contested evaluation.

Additional Recommendations:

In addition to the improvements outlined above, StudentsFirst recommends the following components be adopted in any future teacher evaluation system.

- **Require a multi-tier rating system.** In order to differentiate between varying levels of performance and offer meaningful feedback for teachers, evaluation ratings must go beyond ambiguous, binary rating systems. A 2009 study reported that in districts utilizing binary rating systems, 99% of teachers received a satisfactory rating.¹ This does little to identify varying levels of performance, recognize excellence, or provide guidance for developing teachers. A four-tier rating system, rating teachers as “highly effective,” “effective,” “minimally effective,” or “needs improvement,” with clearly defined objectives for each rating, offers teachers relevant feedback on how to improve upon their practice.
- **Require personnel decisions to be based on performance evaluation rating.** Evaluations will mean little to both teachers and school leaders if they are not tied to important personnel decisions. With the clear data and information a strong evaluation system provides, school leaders would be empowered to make strategic personnel decisions around issues like compensation, tenure, development, promotions, dismissals, and retention.

By way of background, StudentsFirst is a bipartisan grassroots movement of more than 1 million members nationwide, working to transform America's schools so they work well for all of our kids. On behalf of our members, StudentsFirst urges you to vote “No” on AB 5 (Fuentes), unless amended to include the above outlined recommendations. We look forward to working with the California legislature to reform the teacher evaluation system so that all California students can have great teachers.

Sincerely,



Tim Melton
Vice President of Legislative Affairs
StudentsFirst

CC: Assembly Speaker John Pérez
Senator Mimi Walters, Vice Chair
Assemblymember Felipe Fuentes
Members of the Senate Committee on Appropriations

¹ Weisberg, Daniel, Susan Sexton, Jennifer Mulher, and David Keeling (2009). “Widget Effect.” Brooklyn, NY: The New Teacher Project.