

August 15, 2012

The Honorable Felipe Fuentes
California State Assembly
California State Capitol
Sacramento, CA 94814

CHILDREN NOW



Educators  Excellence
An Independent Voice for Teachers



RE: AB 5 (Teacher Evaluation) - Oppose Unless Amended

Dear Assemblymember Fuentes,

As a coalition of organizations committed to the goal of ensuring that all of California's students have equitable access to effective teachers, we are writing to express our deep concerns with AB 5. Without amendments to address the concerns detailed below, AB 5 will not result in the reforms to California's teacher evaluation system necessary to achieve this goal. Nor will it allow federal officials to meaningfully consider California's request for a waiver of No Child Left Behind. Instead, in its current form, AB 5 will likely prevent California from developing a robust waiver application that complies with federal requirements. And, it may prevent California districts from receiving tens of millions of dollars of potential federal funding flexibility that could be used to support district efforts to build and implement high-quality teacher and principal evaluation systems.

Given the benefits of a federal ESEA waiver and your expressed interest in using the bill as a vehicle for submitting a successful waiver application, we must oppose the bill unless it is amended and, at the very least, aligned with federal waiver requirements. Below, we will detail where the bill does not meet Requirement 3.A of the ESEA Flexibility Request (Develop and Adopt Guidelines for Local Teacher and Principal Evaluation and Support Systems) and note the necessary changes.

1. **A successful ESEA waiver requires that a statewide teacher evaluation system meaningfully differentiate performance using at least three performance levels:** AB 5 makes no mention of differentiated performance levels. AB 5 should incorporate language requiring districts to rate teachers on at least three performance levels rather than maintaining the current model of satisfactory and unsatisfactory. States that have received ESEA waivers typically use at least four categories (e.g. highly effective, effective, needs improvement/developing, unsatisfactory/ineffective) to better respond to teachers' varying professional development needs.
2. **An ESEA waiver requires that an evaluation system use multiple valid measures in determining performance levels, including as a significant factor data on student growth for all students:** "Student growth" is defined by the U.S. Department of Education as the change in student achievement for an individual student between two or more points of time. Student growth is

based on a student's score on state standardized assessments, as well as other reliable measures of student achievement. According to the waiver guidelines, teacher evaluations must also include other valid measures of professional practice, which may be gathered through multiple formats and sources, such as observations based on rigorous teacher performance standards, teacher portfolios, and student and parent surveys.

AB 5 does not define a set of measures to be used to evaluate teacher contribution to student growth over time, and instead allows districts to select from a long list of potential elements. Because AB 5 does not require the use of state academic assessments to measure student growth, does not set a threshold level for the use of student achievement data, and forces districts to collectively bargain all elements of an evaluation system, it is likely that this critical measure of a teacher's impact on student outcomes may be minimized or eliminated. In order to qualify for an ESEA waiver, AB 5 should require that districts include certain essential components in their teacher evaluation system, including utilizing state assessment data on student growth as a significant factor, teacher observations, and student and parent surveys.

3. **An ESEA waiver requires that districts evaluate teachers and principals on a regular basis:** AB 5 does not require the annual evaluations necessary for professional development and instructional improvement. AB 5 should require annual evaluations of both probationary and permanent teachers.
4. **An ESEA waiver requires that states allow districts to use teacher evaluations to inform personnel decisions:** AB 5 does not contain any language allowing for the use of evaluation data in personnel decisions, retaining current prohibitions in state law against using teacher evaluation results to inform personnel decisions, such as teacher layoffs. AB 5 should remove these prohibitions and allow districts to use teacher evaluation results to inform staffing decisions.

The California legislature must pass legislation that will allow the state to meet the ESEA waiver requirements for teacher and principal evaluations. Currently, AB 5 includes language that runs counter to best practices in teacher evaluation systems established in other states, innovative work being done locally in California districts and charters, and the federal ESEA waiver requirements. Most importantly, AB 5 will not benefit the California educators who deserve a rigorous evaluation system that helps them to better serve their students. As a result, we must register our opposition to AB 5 and strongly urge you to amend the bill as detailed above to provide California with a real chance of receiving a federal waiver from ESEA.

Sincerely,



Oscar E. Cruz
President & CEO
Families In Schools



Jonathan Klein
Executive Director
Great Oakland Public Schools



Ted Lempert
President
Children Now



Bill Lucia
President & CEO
EdVoice



Tim Melton
Vice President, Legislative Affairs
StudentsFirst



Ama Nyamekye
Executive Director
Educators 4 Excellence – L.A.



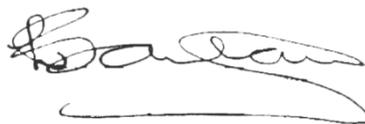
Arun Ramanathan
Executive Director
The Education Trust—West



Sen. Gloria Romero (Ret.)
California State Director
Democrats for Education Reform



Angelica Solis
Executive Director
Alliance for a Better Community



Luis Santana
Executive Director
Reading and Beyond

CC: Senate Pro Tempore Darrell Steinberg
Senator Christine Kehoe, Senate Appropriations Committee
Senator Alan Lowenthal, Senate Education Committee
Assembly Speaker John Perez
President Michael Kirst, State Board of Education
Ms. Sue Burr, Executive Director, State Board of Education
Mr. Nick Schweizer, Deputy Director, Department of Finance