

CLAIM THE FUTURE STRENGTHENING THE MIDDLE CLASS

**GREAT CLASSROOMS FOR KIDS TO LEARN IN.
GREAT SCHOOLS FOR TEACHERS TO WORK IN.**

**K-12 EDUCATION LEGISLATIVE PACKAGE
CALIFORNIA ASSEMBLY REPUBLICAN CAUCUS**

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THE GREAT EQUALIZER

EDUCATION IS “THE CIVIL RIGHTS STRUGGLE OF OUR DAY.”
– CONDOLEEZZA RICE¹

Education modernization is one of society’s most pressing challenges – a continually-moving target that must address evolving student needs, teacher trends, and workforce demands. On both the state and national level, parents, teachers, local leaders and elected officials struggle with how best to prepare our children for an increasingly challenging world and global economy. When the stakes are so high, demand for change so great, and advocacy so impassioned by all who strive to improve the education landscape, we cannot retreat into the relative security of policy paralysis or settle for the comfort of small legislative gains. Education complacency is not an option that we – as parents or society – can afford. Let’s work together to claim our children’s future.

* * *

EDUCATION WATERSHED. For years, adults have been constrained by the art of the possible, tweaking the state education system without achieving the bold modernization necessary to meet the rapidly changing currents of student or teacher needs. Now, through the benefit of policy-based research, good-faith dialogue, and an honest assessment of the state’s calcified education system, two recent developments have converged to create an education watershed with the opportunity to transform educational access and achievement for decades to come.

Local Control Funding Formula. In 2013, state leaders from both sides of the aisle came together, put children first, and passed the bipartisan Local Control Funding Formula (LCFF) – legislation that empowers parents, teachers, and the surrounding

¹ RNC 2012: Condoleezza Rice Delivers Speech To Republican National Convention In Tampa, [The Washington Post](#), 08/29/12.

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community to hand-craft local education priorities.² The LCFF is a major improvement in the way that schools are funded and draws decision-making power closer to the classroom.

Now, a separate education development – this time through the courts – presents a defining moment in ensuring access and opportunity for all children, blind to the color of their skin, the circumstances of their neighborhood, or the socio-economic background of their home.

Vergara v. California. Nearly three years ago, a diverse group of nine public school students – tired of waiting and paying the cost of adult inaction – sued the State and claimed their right to an equal and quality education. Evidence presented during the two-month *Vergara v. California* trial affirmed the unparalleled importance of having a good teacher in every classroom. In August 2014, Los Angeles Superior Court Judge Rolf Treu rendered his decision, laying bare the inequities of an education system where “state laws governing the hiring, firing and job security of teachers violate the California Constitution and disproportionately saddle poor and minority children with ineffective teachers.”³

In his ruling, Judge Treu was scathing in asserting that state laws have failed to put students first. Further, he emphasized the historic import of the case by invoking the legacy of *Brown v. Board of Education* – the seminal 1954 U.S. Supreme Court case that paved the way for desegregation by rejecting the principle of “separate but equal” in public schools.⁴ Leaving no room for interpretational ambiguity, Judge Treu resoundingly sided with kids and declared the challenged education laws unconstitutional: “The evidence is compelling. Indeed, it shocks the conscience.”⁵

² Mac Taylor, “An Overview Of The Local Control Funding Formula,” [Legislative Analyst's Office](#), December 2013.

³ Editorial, “A New Battle For Equal Education,” [The New York Times](#), 06/11/14.

⁴ History Of Brown v. Board Of Education, [United States Courts](#), Accessed 02/16/15.

⁵ Los Angeles Superior Court Judge Rolf M. Treu, pg. 7, [Vergara v. California](#) Judgment, 08/27/14.

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Judge Treu's ruling unsettled the education community. Though filed in Los Angeles County and centered on specific California education laws, *Vergara* soon became a national clarion call to bipartisan action.⁶ The case has become a blueprint by which other states are challenging the status quo in education.⁷ Now, California must offer both alternative legislation to replace the statutes struck down in *Vergara* and also pursue efforts that improve the health of the entire education ecosystem.

* * *

The imperative to address education modernization cannot be ignored. At its best, an excellent K-12 system prepares today's youth to be future leaders in a robust economy with a strong middle class. Unfortunately, California has not reached that goal. The state currently ranks 46th⁸ in education and its 23.4% poverty rate is the highest in the nation⁹. The human toll of these statistics translates into 8.9 million of our friends and neighbors across the State struggling under the weight of poverty.¹⁰ Thus, the key to alleviating poverty, strengthening the middle class, and empowering youth to fully engage in the modern economy starts with providing a quality education.

Recognizing the current dynamics, the Assembly Republican Caucus K-12 Legislative Package is designed to seize this watershed moment by providing educational opportunity and access to all students while concurrently supporting every teacher. Classrooms are learning laboratories where discoveries and breakthroughs are made daily. To ensure that students and teachers are never limited by their surroundings, we also seek to identify appropriate funding sources to meet the long-term infrastructure needs of our 6 million students.

⁶ Stephanie Simon, "Obama Alums Join Anti Teachers Union Case," [Politico](#), 06/24/14.

⁷ Maggie Severns, "Judge Sets Up Battle Over Teacher Protections," [Politico](#), 08/28/14.

⁸ 4th Grade Math And Reading, 2013 NAEP State Comparisons, [National Center For Education Statistics](#), Accessed 02/15/15.

⁹ Dan Walters, "Census Bureau: California Still Has Highest U.S. Poverty Rate," [The Sacramento Bee's "Capitol Alert" Blog](#), 10/16/14.

¹⁰ *id.*

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California must chart a new frontier in education – one marked by honesty and transparency about both our current situation and the road that lies ahead. The guiding truth is simple: Education is the great equalizer. Growing poverty erodes the middle class and places the California Dream further and further out of reach. With good teachers and quality schools, there is no limit to what our children can achieve.

* * *

NEWSPAPERS AGREE

#GREATSCHOOLS4CA

THE LOS ANGELES TIMES: “It’s Time For The State To Stop Defending Laws That Are Indefensible.” “[T]he state’s tenure laws unconstitutionally deprive students of an adequate education ... It’s time for the state to stop defending laws that are indefensible, and to get to work on ones that are fairer to students.” (Editorial, “Vergara Ruling Offers California An Opportunity To Change A Broken System,” [The Los Angeles Times](#), 06/10/14)

- **District Reserve Cap Is “An Ill-Considered Mandate.”** “[S]ome things [in Sacramento] haven’t changed, most notably the maddening practice of inserting controversial policy changes at the last minute with little or no public debate. This year’s Exhibit A: an ill-considered mandate that could force local school districts to spend down most of their reserves in one fell swoop ... The Legislature should undo this mischief the first chance it gets.” (Editorial, “An Ill-Considered Mandate On School Funding,” [The Los Angeles Times](#), 07/14/14)

THE SAN FRANCISCO CHRONICLE: **Legislators May Finally Have An Excuse To Act On Behalf Of Low-Income And Minority Students.** “A Los Angeles judge has just put the interests of low-income and minority students above the teachers’ union dogma ... [Vergara] begs the case for better standards in judging teacher credentials, a task left by implication to state legislators. With a legal ruling staring at them, these legislators may finally have an excuse to act - and not follow the orders of union leaders.” (Editorial, “An Overdue Ruling On Teacher Tenure,” [The San Francisco Chronicle](#), 06/10/14)

THE SACRAMENTO BEE: **“The Legislature Must Craft New Rules That Give Students And Teachers Equal Consideration In State Law.”** “*Vergara v. State of California* has the potential to loosen the chokehold that teachers unions have on public education ... It was apt that the judge ended his ruling with a call to the Legislature. Regardless of the court outcome, the Legislature must craft new rules that give students and teachers equal consideration in state law.” (Editorial, “Vergara Ruling Could Loosen Union Chokehold On Schools,” [The Sacramento Bee](#), 06/10/14)

- **District Reserve Cap Is Evidence That Democratic Legislative Leaders Are “Doing The Bidding Of The Powerful California Teachers Association.”** “This year’s poster child for budgetary sneakiness is a brief passage in a lengthy trailer bill dealing with education finance. Last week, at the last possible moment, language putting a cap on financial reserves that local school districts can maintain popped to the surface. Superficially, the local reserve cap was tied to a

pending ballot measure to create a state ‘rainy-day fund.’ But it quickly became evident that Gov. Jerry Brown and Democratic legislative leaders were doing the bidding of the powerful California Teachers Association and other school unions. (Dan Walters, “Capitol Continues Practice Of Attaching Big Policy Measures To Budget,” [The Sacramento Bee](#), 06/15/14)

THE ORANGE COUNTY REGISTER: Lawmakers Should “Seek To Make California A Leader In The Movement To Put Children First In The Educational System.” “It is time for Sacramento to acknowledge that it has created a system designed more to benefit teachers unions, who are major contributors to Democratic campaigns and causes, than students ... lawmakers should look beyond the scope of the *Vergara* decision and seek to make California a leader in the movement to put children first in the educational system.” (Editorial, “Landmark Win For California Students,” [The Orange County Register](#), 06/10/14)

U-T SAN DIEGO: The *Vergara* Ruling Should Trigger A “Profound Debate” Among Democrats About The Detrimental Influence Of Unions On Minorities. “[Judge Treu’s] ruling shouldn’t just trigger a broad public debate over whether our public education system values adult employees’ interests more than students’ interests. It should also trigger a profound debate among California’s Democrats. ... Perhaps now more Democrats will finally grasp that their core belief in social justice simply cannot be reconciled with a state education system in which the CTA and CFT hold sway — to the mass detriment of minority students.” (Editorial, “Judge’s Ruling A Landmark For California Schools,” [U-T San Diego](#), 06/10/14)

- **District Reserve Cap Is A “Union-Backed Poison Pill.”** “Local school officials seek repeal of union-backed poison pill ... Whether the reserve cap is a big problem or a small one, it still reinforces the interest-group-driven nature of Capitol politics. I hate to be too cynical on the first day of a new session, but the sooner we face reality, the better.” (Steven Greenhut, “Local Reserve Cap Dampens Rainy Day Fund,” [U-T San Diego](#), 12/01/14)

THE VENTURA COUNTY STAR: “The Highest Priority...Should Be Protecting Students’ Right To Equal Access To A Good Public Education.” (Editorial, “Court Calls For Equal Access To A Good Education,” [The Ventura County Star](#), 06/12/14)

THE NATIONAL JOURNAL: “The California Rules That Vergara Swept Away Show How Public Education, At Its Worst, Prioritizes The Needs Of Adults Over Children.” (Ronald Brownstein, “Why The Vergara Decision Isn’t Enough,” [National Journal](#), 06/21/14)

EXECUTIVE SUMMARY

Pro-Student: Ensure A Quality Education For Students From All Neighborhoods

1. **Concurrent Enrollment - STEM (AB 889, Chang):** Grant high school STEM students with full access to local educational expertise by allowing them to enroll in Community College courses.
 - Current law limits the number of students allowed to concurrently attend a CA Community College while also being enrolled in public high school.
 - This bill will allow school districts to confer with their local CCC to permit as many students who qualify to concurrently enroll in STEM courses at the local community college.
2. **Repeal LIFO (AB 1044, Baker):** Allow schools to manage their professional staff so that only effective teachers are paired with students in the classroom.
 - Last In First Out (LIFO) currently forces school districts to lay off their most recent hires first – without regard to professional skill.
 - This bill will eliminate LIFO so that seniority is no longer the sole factor when professional staffs are reduced.

Pro-Teacher: Support The Teaching Profession By Providing Consistent Feedback And Support

3. **Teacher Tenure (AB 1248, Chávez):** Provide teachers with the opportunity to master their craft before evaluating them for professional tenure and ensure that students are taught by effective teachers.
 - Current law requires teacher tenure to be conferred after two consecutive school years.
 - This bill will require new teachers to earn three consecutive years of positive professional evaluations before receiving tenure, and allows for tenure to be rescinded if a teacher receives consecutive evaluations of poor performance.

4. **Teacher Evaluation (AB 1078, Olsen):** Support teachers by providing them with annual, meaningful feedback that helps fine-tune their professional skills, thereby improving both job satisfaction and student academic performance.
- Current law requires teacher evaluations, but does not provide strong guidance on what those evaluations should be based upon.
 - This bill encourages school districts to include student performance, peer evaluations, and student and parent surveys in assigning teachers with the professional ratings of highly effective, effective, minimally effective, or ineffective.
5. **Professional Development (AB 1226, Chávez & Linder):** Evaluate school districts based upon how well they provide professional development so that the needs of teachers are prioritized.
- Current law requires school districts to adopt their own Local Control and Accountability Plan (LCAP) that addresses eight areas identified as state priorities: (1) student achievement, (2) school climate, (3) basic services, (4) implementation of Common Core State Standards, (5) course access, (6) parental involvement, (7) other student outcomes, and (8) student engagement.
 - This bill would add professional development as a ninth area upon which District LCAPs are evaluated.

Pro-Parent: Help Parents Be Active Participants In Their Child's Education

6. **School Accountability & Transparency (AB 1099, Olsen):** Empower parents to more actively engage with schools and teachers by disclosing anonymous and high-level teacher quality metrics, and school funding priorities.
- Current law under the LCFF pushes school finance decisions down to the district-level, but there is no way to track how the money is apportioned between schools or priorities.
 - This bill will require school districts to post online a listing and description of both district and school-level expenditures, and provide anonymous, aggregate data on the number of teachers who earn satisfactory/unsatisfactory professional evaluations.

Pro-District: Stop The State From Raiding District Coffers

7. **Repeal District Reserve Cap (AB 1048, Baker & Hadley):** Allow Districts to manage their own finances and to save for local education priorities.
- Current law imposes a maximum level of financial reserves upon school districts.
 - This bill would eliminate the District Reserve Cap.

Support Long-Term Investment In Education Infrastructure

The Assembly Republican Caucus places a priority on identifying long-term funding arrangements to provide future students and teachers with a safe, effective and modern learning environment.

* * *

CONCURRENT ENROLLMENT - STEM

AB 889 (CHANG)

PURPOSE:

Grant high school STEM students with full access to local educational expertise by allowing them to enroll in Community College courses.

CURRENT LAW:

Current California law places a limit on the number of students allowed to concurrently attend a California Community College (CCC) while also being enrolled in public high school. This creates obstacles for students who would otherwise be able to create an opportunity for a smooth transition from high school to college while simultaneously fulfilling requirements for their undergraduate degree.

LEGISLATIVE SOLUTION:

AB 889 will allow the governing board of a school district in agreement with their local CCC to permit as many students who qualify to concurrently enroll in STEM courses at the community college level. Students who qualify must meet the following requirements:

- Earn the recommendation of the principal at their school of attendance.
- Acquire parental consent.
- Exhaust all opportunities to enroll in an equivalent course at their high school of attendance, at an adult education program, continuation regional occupational center or program, or any other program offered by the school district.

REPEAL LIFO

AB 1044 (BAKER)

PURPOSE:

Allow schools to manage their professional staff so that only effective teachers are paired with students in the classroom.

CURRENT LAW:

California Education Code §44955, the “Last-In, First-Out” (LIFO) Layoff Statute, forces school districts to base reduction in force (RIF) layoffs, with rare exceptions, on seniority alone, with no consideration of teachers’ effectiveness in the classroom or other needs of the children or schools.

Currently, 20 other states provide that seniority may be considered among other factors if a RIF is required and 19 other states leave layoff criteria to district discretion.

LEGISLATIVE SOLUTION:

AB 1044 promotes local control and the retention of effective teaching staff by repealing the statutory LIFO requirements. By repealing LIFO and allowing school districts to consider more than just seniority, teachers, administrators, and community leaders have the opportunity to design a system that’s good for both teachers and students.

The bill empowers local governing boards, in consultation with the exclusive representative of the certified staff, where applicable, to adopt policies regarding the dismissal of permanent and temporary employees when a reduction in force (RIF) is required due to declining enrollment or insufficient funding.

This allows schools to consider teaching performance, school needs and student needs, not just seniority in making RIF decisions. Additionally, this bill honors existing collective bargaining agreements, in place before January 1, 2016, until those agreements expire.

TEACHER TENURE

AB 1248 (CHAVEZ)

PURPOSE:

Provide teachers with the opportunity to master their craft before evaluating them for professional tenure and ensure that students are taught by effective teachers.

CURRENT LAW:

Current law allows new teachers to receive permanent employment status (tenure) after just two years of professional experience.

LEGISLATIVE SOLUTION:

Under AB 1248:

- Certified teaching staff shall be granted permanent status (tenure) after being employed for three years and achieving three consecutive evaluations of effective or highly effective.
- Tenure status may be withdrawn if a teacher receives two consecutive “ineffective” evaluations; or four consecutive years of “minimally effective” or “ineffective” evaluations. It is important to note that losing tenure is not tantamount to being fired, but does remove certain procedural hurdles that make it difficult to terminate an ineffective teacher.
- If a teacher does receive an evaluation rating of “ineffective” or has received two consecutive evaluations of “minimally effective,” a teacher must be offered a professional growth or remediation plan.

TEACHER EVALUATION

AB 1078 (OLSEN)

PURPOSE:

Ensure students benefit from effective, quality instruction. Support teachers by providing them with annual, meaningful feedback that helps fine-tune their professional skills, thereby improving both job satisfaction and student academic performance.

CURRENT LAW:

The Stull Act was passed in 1971 to provide school districts with a timeline for teacher evaluations, and to designate the importance of peer review and student academic performance in such evaluations. However, the Act lacks definition and guidelines, and school districts have largely ignored its provisions. The majority of districts do not formally assess whether a student is actually learning when considering the job performance of that student's teacher, and 86.5% of teacher evaluations do not include a connection to pupil progress.

LEGISLATIVE SOLUTION:

AB 1078 would improve teacher evaluations by modernizing the Stull Act to develop meaningful teacher evaluations that will help both teachers and students continue on the path to success. Specifically, AB 1078 would:

1. Amend Education Code 33039; update teacher evaluation guidelines:
 - Require the State Board of Education (SBE) to update teacher evaluation guidelines by July 1, 2016. After the adoption of the Stull Act, the SBE established guidelines that have not been updated since 1972.
 - Require the SBE, when updating the teacher evaluation guidelines to include, at least, a determination that a teacher's overall performance is highly effective, effective, minimally effective, or ineffective.
2. Amend Education Code 33050; enforcement of student achievement and teacher assistance:
 - Prohibit the SBE from granting any waiver request by a school district if the SBE finds the district to be out of compliance with the requirement in the Stull Act to

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include student achievement in teacher evaluations or out of compliance with the requirement to provide teachers assistance in improving their performance.

3. Amend Education Code 44662; peer observation and parent / student surveys:
 - Encourage school districts to use peer evaluation and surveys of parents and students as part of the evaluation and assessment guidelines.
4. Amends Education Code 44664; annual evaluation, meaningful review:
 - Require annual evaluation of all certificated teaching staff, except hourly and temporary employees (who are exempt under current law).
 - Require evaluation to result in a determination of four levels: highly effective, effective, minimally effective, or ineffective, in accordance with the guidelines adopted by the SBE.
 - Honor existing collective bargaining agreements that were entered into prior to the enactment of this bill.

PROFESSIONAL DEVELOPMENT

AB 1226 (CHAVEZ & LINDER)

PURPOSE:

Evaluate school districts based upon how well they provide professional development so that the needs of teachers are prioritized.

CURRENT LAW:

Current law requires school districts to adopt their own Local Control and Accountability Plan (LCAP) that addresses eight areas identified as state priorities: (1) student achievement, (2) school climate, (3) basic services, (4) implementation of Common Core State Standards, (5) course access, (6) parental involvement, (7) other student outcomes, and (8) student engagement.

LEGISLATIVE PROPOSAL:

AB 1226 would add a new state priority to the LCAP that promotes professional development for all teachers, but especially for any teacher that is struggling with her or his effectiveness.

SCHOOL ACCOUNTABILITY & TRANSPARENCY

AB 1099 (OLSEN)

PURPOSE:

Empower parents to more actively engage with schools and teachers by disclosing anonymous and high-level teacher quality metrics, and school funding priorities.

CURRENT LAW:

School districts are currently required to submit Local Control Accountability Plans (LCAPs) that identify annual goals, specific actions, and measure progress for student subgroups across multiple performance indicators, including student academic achievement, school climate, student access to a broad curriculum, and parent engagement. School districts and charter schools are required to obtain parent and public input in developing, revising and updating LCAPs.

School districts, however, are not required to demonstrate the evaluation method of its teachers or principals (if they have one), the level of investment they make in the continuing education of teachers, or how their resources are divided between schools.

LEGISLATIVE PROPOSAL:

AB 1099 will require school districts and county offices of education to make available to the public, and post on their website, if they have one:

- An easily understandable explanation of the evaluation process for certificated teaching staff.
- Aggregate data on the number of certificated teachers at each school site that receive satisfactory or unsatisfactory evaluations.
- Whether or not the district has adopted an evaluation system for school principals.
- A listing and description of the expenditures at the district level and by school site for the implementation of the specific goals included in the LCAP.

REPEAL DISTRICT RESERVE CAP

AB 1048 (BAKER & HADLEY)

PURPOSE:

Allow Districts to manage their own finances and to save for local education priorities.

CURRENT LAW:

SB 858 (Chapter 32, Statutes of 2014) includes statutory language that would impose a maximum level on the amount of fiscal reserves that school districts are allowed to maintain. For school districts with fewer than 400,000 Average Daily Attendance (ADA), the maximum level would be two times the minimum recommended reserve adopted by the State Board of Education. For school districts with more than 400,000 ADA, the maximum level would be three times that amount. These provisions went into effect when Proposition 2 (Rainy Day Fund) was approved by voters in November 2014.

Imposing a statutory maximum on school districts is fiscally irresponsible and fails to recognize the critical role that prudent budget reserves play in the ability of school districts to maintain fiscal solvency, especially during challenging economic conditions.

LEGISLATIVE SOLUTION:

AB 1048 repeals Education Code Section 42127.01, which would require school districts to spend their fiscal reserves (assigned and unassigned account balances) down to no more than two to three times the minimum recommended reserve for economic uncertainties in any fiscal year following a fiscal year in which the State of California makes a payment of any amount to the Public School System Stabilization Account.

SCHOOL INFRASTRUCTURE FUNDING

PURPOSE:

The Assembly Republican Caucus places a priority on identifying long-term funding arrangements to provide future students and teachers with a safe, effective and modern learning environment.

CURRENT LAW:

Since 1998, California voters have approved about \$35 billion in school-construction and modernization bonds. The most recent effort occurred in 2006 when voter approved \$10.4 billion through Proposition 1D. However, funds available for K-12 schools were exhausted about three years ago.

According to an estimate by the State Allocation Board, which oversees the State's school construction and modernization programs, California may need as much as \$12 billion in new school-building money and up to another \$5 billion in modernization funding.