



education insights

legal update

Legal Update Webcast

May 28, 2014

- **Plaintiffs** - Nine children between the ages of 7 to 16 attending schools in five school districts. The lawsuit is being funded by Students Matter
- **Defendants** - State of California, Governor Brown, SPI Tom Torlakson, CDE, and SBE
 - LAUSD, Oakland USD and Alum Rock Union ESD settled with plaintiffs and were dismissed
- **Interveners** - CTA and the California Federation of Teachers intervened as defendants

*High Minority/Low
Wealth Schools/Classes*



*Low Minority/Mid-High
Wealth Schools/Classes*



■ Effective Teachers

■ Ineffective Teachers

SJUSD and SJTA developed a landmark new evaluation system that offers a model of collaboration between teachers and a district. Under the new teacher peer review evaluation system:

- Teachers will participate with principals in evaluating probationary teachers
- A Teacher Quality Panel, made up of equal parts teachers and administrators, will review decisions and make recommendations to the school board

- Teachers whose evaluations are deemed unsatisfactory will lose an automatic yearly raise
- Model and master teachers will be selected for three-year assignments, paying in the range of \$15,000 to \$25,000 more per year, after a rigorous application process
- The Teacher Quality Panel could recommend a third year to consider tenure when they determine a teacher has potential but needs more time to develop

44929.21

- (b) Every employee of a school district of any type or class having an average daily attendance of 250 or more who, after having been employed by the district for two complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year...shall, at the commencement of the succeeding school year...become a permanent employee of the district.

The governing board shall notify the employee, on or before March 15 of the employee's second complete consecutive school year of employment by the district in a position or positions requiring certification qualifications, of the decision to reelect or not reelect the employee for the next succeeding school year to the position.

44662

- (a) The governing board of each school district shall establish standards of expected pupil achievement at each grade level in each area of study.
- (b) The governing board of each school district shall evaluate and assess certificated employee performance as it reasonably relates to:
 - (1) The progress of pupils toward the standards established pursuant to subdivision (a) and, if applicable, the state adopted academic content standards as measured by state adopted criterion referenced assessments.

- (2) The instructional techniques and strategies used by the employee.
- (3) The employee's adherence to curricular objectives.
- (4) The establishment and maintenance of a suitable learning environment, within the scope of the employee's responsibilities.

44955

(b) Except as otherwise provided by statute, the services of no permanent employee may be terminated under the provisions of this section while any probationary employee, or any other employee with less seniority, is retained to render a service which said permanent employee is certificated and competent to render.

As between employees who first rendered paid service to the district on the same date, the governing board shall determine the order of termination solely on the basis of needs of the district and the students thereof.

44955

- (d) Notwithstanding subdivision (b), a school district may deviate from terminating a certificated employee in order of seniority for:
- (1) The district demonstrates a specific need for personnel to teach a specific course or course of study,...and that the certificated employee has special training and experience necessary to teach that course or course of study...which others with more seniority do not possess.
 - (2) For purposes of maintaining or achieving compliance with constitutional requirements related to equal protection of the laws.

44932

(a) No permanent employee shall be dismissed except for one or more of the following causes:

(4) Unsatisfactory performance.

44938

(b) The governing board of any school district shall not act upon any charges of unsatisfactory performance unless it acts in accordance with the provisions of paragraph (1)...

- (1) At least 90 calendar days prior to the date of the filing, the board...has given the employee...written notice of the unsatisfactory performance, specifying...with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct his or her faults and overcome the grounds for the charge. The written notice shall include the evaluation...

44936

- (a) The notice of dismissal or suspension...may be given at any time of year. Notwithstanding subdivision (a), the notice of dismissal or suspension in a proceeding involving only charges of unsatisfactory performance...shall only be given during the instructional year of the schoolsite where the employee is physically employed.*

Questions and Answers

Please submit your questions in the Q&A area to the right of your viewing screen.

CSBA Resources

- Download these presentation slides at www.csba.org/edinsights
- Recorded webcast will be available Friday at www.csba.org/edinsights or on the homepage, www.csba.org

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