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Student Progress Ignored: An examination of California school districts' compliance with the Stull Act

At A Glance

Student progress is a common-sense component in evaluating the job performance of teachers and principals. And for over four decades, it has been required by law in California. Yet, this critical measure of how educators perform is being ignored by many of California's largest districts.

- The majority of districts do not formally assess whether or not a student is actually learning when considering the job performance of that student's teacher. **Pg. 4**
- The San Ramon Valley and Upland Unified School Districts are in violation of the law by explicitly prohibiting the use of mandatory measures of pupil progress. **Pg. 5**
- Overall, 86.5% of evaluations did not include a connection to pupil progress in their comments. Even in the best district, only 36% of district's teachers had an evaluation that included any mention of pupil progress. **Pg. 7**
- In one district, 100% of teachers received a rating of "meets standards"; however, the overwhelming majority of actual evaluations provided no evidence that students in the teacher's classroom made any progress in reaching grade level expectations. **Pg. 8**



Over the last several years, there has been extensive policy debate across the nation on how educator effectiveness is assessed. Since 2009, 26 states have adopted formal policies requiring some objective measure of student achievement be taken into account when evaluating teacher effectiveness.¹ These often volatile debates were prompted in part by research that showed both that effective teaching is the most important in-school factor in improving student achievement and that previous forms of teacher evaluation systems rated almost all teachers as satisfactory or “meets standards,” without providing useful feedback to improve performance.²

But while the dialogue on improving evaluations has largely moved from debate to implementation throughout the country, there has been no new state-level effort in California to include objective measures of student achievement in teacher and principal job performance evaluations. Why would that be? In part, the answer may surprise you. California has a law, called the Stull Act, which already requires measures of pupil progress, along with several other mandated elements, to be included in job performance evaluations of certificated staff. In fact, key elements of the Stull Act have been on the books for over 40 years.

The California Constitution establishes a fundamental right of every child to a basic education and equitable opportunity to learn. The California Education Code provides that, “...the purpose of the educational system of this state is to enable each child to develop all of his or her own potential.” The progress of student learning toward standards of expected pupil achievement at each grade level, in each area of study, is the primary gauge of how well the public education system is helping each child reach his or her full potential. Thus for over four decades, the Legislature has recognized the importance of pupil progress by placing it as the first element in a short list of required criteria to be included and assessed in the job performance evaluations of certificated school employees.

Even though it has been law for over 40 years, most school districts have ignored it. The Stull Act is straightforward – to be relevant and complete, evaluations of educators must include some information on how well the educator’s assigned students are actually learning toward grade level standards of expected achievement; and if a certificated staff member is identified as struggling, the district must endeavor to help the employee improve. This brief explores the extent to which California districts are currently complying with the pupil progress criteria already in California law.

Background

The Stull Act

Originally signed into law in 1971 by Governor Ronald Reagan, and fine-tuned over the years by bipartisan legislation signed by Governors Brown, Deukmejian, Wilson, Davis and Schwarzenegger, the Stull Act establishes minimum mandatory criteria and due process provisions to address human resource management of local school districts. This study looks at key provisions of the law that mandate how all certificated personnel should be evaluated in California public schools - specifically, districts adopt local standards of expected student achievement, at each grade level, in each area of study, and include four categories, at a minimum, for the multiple measures that must be included in the job performance evaluations of certificated staff. For the first mandated category, the law states:

“the governing board of each school district shall evaluate and assess certificated employee performance as it reasonably relates to: the progress of pupils toward the standards established pursuant to subdivision (a) [the districts grade level standards for every area of study at every grade level] and, if applicable, the state adopted academic content standards as measured by state adopted criterion referenced assessments.”^{3,4}

Simply put, student learning must be included in the evaluation of all certificated personnel. The law also makes clear that, “If an employee is not performing his or her duties in a satisfactory manner...the employing authority shall... endeavor to assist the employee in his or her performance.”⁵

Doe v. Deasy

In 2011, a half-dozen families filed a lawsuit against the Los Angeles Unified School District (LAUSD). With the support of EdVoice, these families demanded that the district follow the law and include the minimum required measures of pupil progress in evaluations of teachers and administrators to ensure that every student in LAUSD have access to an effective teacher. The lawsuit alleged that LAUSD was in violation of California law, in regards to including pupil progress in educator evaluations and helping struggling staff. Whether LAUSD students were learning, and whether their teacher was fostering student growth toward grade level expectations, was swept under the rug. LAUSD and the bargaining units representing the teachers and administrators had known the district was out of compliance with the Stull Act. But instead of fixing it, they stalled out in contract disputes and decided to fight the case in court. In the final ruling, Los Angeles County Superior Court Judge James C. Chalfant issued a writ that directed LAUSD to include measures of student achievement in educator evaluations beginning with the 2012-13 school year, as required by the law. He also awarded the petitioners the attorney fees to be paid by the district, the teachers union, and the administrators union, who all fought the parents’ complaint in court.

While this court decision was a major victory for the students of LAUSD and their parents, it represents progress in only one out of the over 1,000 school districts in the state of California. If the largest school district in California was not following the Stull Act, then what about the other school districts?

Stull Act Compliance Review

EdVoice has undertaken an ongoing effort to answer that question. We wanted to see in the wake of *Doe v. Deasy*, which school districts were making sure to include the progress of pupils toward grade level standards in the evaluation of certificated personnel. To do so, EdVoice conducted a series of Public Records Act (PRA) requests to twenty-six school districts throughout California. The PRA requests asked for a range of documentation of district policy and procedures related to evaluations, including blank copies of formal certificated personnel evaluation forms, supplemental training and related materials, and collective bargaining agreements (CBA). Moreover, the PRA request included “copies of a randomly selected sample of the actual final

‘Stull Act’ evaluation and assessment of certificated employee performance completed during the school years 2009-10, 2010-11, and 2011-2012.” To date, eight out of the 26 school districts completely fulfilled their obligation and provided final teacher evaluations and certificated administrator evaluations, with names and identifiable information redacted.⁶

Sample

With over 1,000 school districts in California, this study focused on a sample of 26 school districts⁷, including most of the largest school districts in California. While primarily large urban and suburban districts, the sample reflects a student body whose demographic and economic diversity is reflective of California as a whole and represents over 1.25 million students, 20% of the total statewide student population in grades K-12, and the certificated instructional staff and school leaders responsible for these students. 60% of the students from the 26 districts qualify for Free or Reduced Price Meals (FRPM), as compared to California’s total of 58% of students being eligible for FRPM in 2013-14.⁸ As previously mentioned, this sample also reflects a similar ethnic make-up of California as seen in Figure 1. A full breakdown of the sample demographics is in Appendix B.

Are Districts Following the Law?

This study was designed to answer the simple question, “Are California districts complying with the pupil progress element of the Stull Act?” To answer that question, EdVoice reviewed extensive documentation from a sample of California school districts for clear indication of policies and actual evaluations that demonstrate compliance or conflict with the law.

Figure 1: 2013-2014 Demographics for students enrolled in California public schools and district sample⁹

Identified Ethnicity	Statewide Percentage	Percentage of Sample
African American/Black	6.2	8.6
American Indian/Alaska Native	0.6	0.5
Asian/Asian American	8.7	12.4
Filipino	2.4	2.8
Hispanic/Latino	53.3	48.9
Native Hawaiian/Pacific Islander	0.5	0.7
White	25.0	22.3
Multiracial	2.7	3.2

Findings

The purpose of this study is to determine whether districts are complying with the Stull Act by including at least some measure of pupil progress in certificated instructional staff evaluations. Although this report is from the analysis of data from teacher evaluations, further research will analyze administrator evaluations. This study collected and reviewed

The majority of districts do not address whether or not students are actually learning when considering the job performance of the teachers.

almost 100 key documents for evidence that the districts were following the law, including evaluation forms, directories, personnel handbooks, district-adopted student academic content standards, and collective bargaining agreements. It became clear that the most common reference to the Stull Act's requirements to mandated minimum evaluation criteria, including pupil progress, if it existed at all, could be found in an evaluation form/protocol or in a collective bargaining agreement (CBA). Review of evaluation forms and CBAs suggested that the majority of districts studied are not in full compliance with the law. The majority of districts do not formally address whether or not students are actually learning when considering the job performance of the student's teacher.

Final Teacher Evaluation Forms

The analysis of district compliance included an examination of whether the blank final teacher evaluation forms and evaluator prompts mention pupil progress. At face value, in order to meet all the requirements of the Stull Act, the blank final teacher evaluation form should provide a prompt for the evaluator specifically to include some reference to actual pupil progress/student achievement of the students being served by the individual teacher, both in terms of locally adopted standards and when applicable, state adopted standards of grade level expectations. Nineteen¹⁰ of the twenty-six districts have evaluation forms that, on their face, do not meet any requirements of the Stull Act in regards to the inclusion of pupil progress. Clovis and Sweetwater are the only two districts with evaluation forms that appear to meet all the pupil progress requirements of the Stull Act, including both progress of pupils toward district-adopted and, if applicable, state-adopted academic content standards as measured by

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Evaluations are explicitly prohibited from including pupil progress in some contracts.

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state-adopted criterion referenced tests. The remainder of districts included only references to the Stull Act pupil progress mandate in varying degrees.

Collective Bargaining Agreements

The majority of CBAs have articles detailing the “procedures to be used for the evaluation of employees,” including certificated staff. This derives from the authority to collectively bargain in Section 3543.2 of the California Government Code. Analysis of CBAs from all twenty-six districts shows that only ten (38%) mention pupil progress toward standards in their evaluation articles. Although the district and employees can negotiate how to conduct evaluations and how to include measures of pupil progress, they cannot negotiate the exclusion of any statutorily mandated elements of the Stull Act in the evaluation of certificated staff. In fact, the ruling in *Doe v. Deasy* made it clear that exclusion of any element mandated in the Education Code is not negotiable in CBAs. However, two school districts from the sample appear to have clearly

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Only 38% mention pupil progress toward standards in their evaluation articles.

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addressed the issue, albeit incorrectly. In evaluation articles nineteen¹¹ and eighteen¹² of the San Ramon Valley Unified School District and the Upland Unified School District CBAs, respectively, evaluations are explicitly prohibited from including specified measures of pupil progress. These districts are blatantly in violation of the law, as it relates to applicable state standardized assessments.

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Half of the school districts do not mention any form of pupil progress in either their CBA or evaluation forms.

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In order to determine districts’ compliance in regards to pupil progress, the analysis examined if either the evaluation documents or CBA explicitly mentions both progress of pupils toward locally determined standards and if applicable, the state adopted academic content standards as measured by state adopted criterion referenced assessments. Four¹³ school districts did appear to indicate full compliance with the Stull Act in the evaluation articles of their CBAs. But the majority of districts did not include any mention of the requirement for pupil progress in the evaluation of all certificated staff in their CBAs. These omissions would not necessarily prohibit the inclusion of pupil progress but did not demonstrate a clear agreement between district boards’ policy and leadership, and bargaining units about the mandatory inclusion of pupil progress in the assessment of the job performance of the certificated staff as part of the agreed upon final performance evaluations.

Figure 2: District Demonstration of Current Compliance with Stull Act Requirements
For a full breakdown of this analysis, refer to Appendix C.

Address All Pupil Progress Requirements in Forms	Address Partial Pupil Progress Requirements in CBA and Forms	Address Partial or All Pupil Progress Requirements in CBA only	Do Not Address Pupil Progress Requirements in CBA or Forms	Explicitly in Violation of Pupil Progress Requirements in CBA
Clovis Sweetwater	Clovis Garden Grove Kern Union High* Long Beach Moreno Valley San Diego Sweetwater	Elk Grove Fresno* Oakland* Riverside* San Ramon Valley	Capistrano Corona-Norco Fontana Fremont Mt. Diablo Poway Sacramento City San Bernardino City San Francisco San Jose San Juan Santa Ana Stockton Upland	San Ramon Valley Upland

*These districts address all pupil progress requirements in their CBAs

Combined Documentation Analysis

As shown in Figure 2, no district addressed all pupil progress requirements in their CBA and evaluation forms. Overall, half of the school districts in our sample do not mention any form of pupil progress in either their CBA or evaluation form. Accordingly, it is clear these districts have no systemic effort in place to fully comply with the Stull Act (as seen in column 4 of Figure 2), and two districts explicitly violate the law (column 5). A full breakdown of this analysis can be found in Appendix C.

Completed Final Teacher Evaluation Forms

Although analysis of guiding documents, like teacher evaluation forms and CBAs, can provide information about

district policies as they relate to evaluation, it does not provide a complete picture. Specifically, teacher evaluation forms often have comment sections in which evaluators can give a detailed description of teacher performance. Accordingly, to explore deeper into actual evidence of the districts’ training, culture, and practice on evaluations and gauge the inclusion of pupil progress accordingly, EdVoice analyzed redacted completed final teacher evaluation forms. Analysis of redacted completed final teacher evaluation forms could help demonstrate if there is any systematic (policy, training, or culture) inclusion of pupil progress in the additional comments component regardless if the rest of the evaluation form does not comply with the Stull Act at face value with a prompt or even a check box regarding assessment of actual pupil progress toward standards. That is, a blank evaluation form alone may not capture a final evaluation procedure or additional training provided to evaluators, and although the blank form may not appear to meet the full Stull Act mandate, data may still be added into the final form that references actual pupil progress toward district or state grade

level standards of expected student achievement.

Of the eight districts that provided redacted completed final teacher evaluation forms, half¹⁴ utilized an evaluation form that included a prompt regarding pupil progress. Analysis of the redacted completed final teacher evaluation forms found that only 263 of 1,947 forms (13.5%) included comments (see Figure 3) referencing pupil progress and no district included them consistently. That means 86.5% of evaluation forms did not include comments referencing pupil progress. The results of each of the eight districts can be found in Figure 4. Poway Unified had the highest percentage for pupil progress comments at 36%. Fontana Unified came in second with 23.5% of evaluations containing comments on pupil progress. While those are not high percentages, Upland Unified and Kern High School district, had the lowest percentage with only 4% of forms with any mention of pupil progress.¹⁵ Upland Unified violated the law for 96% of evaluations provided by not including required pupil progress. And for the 4% of evaluations that incorporate pupil progress, Upland Unified evaluators would appear to have followed the law but violated the district collective bargaining agreement. It is clear that overall, detailed information about student achievement and pupil progress toward standards is not included in the majority of districts reviewed. And although four of these districts do include a check box in their form that appears to minimally comply with the pupil progress requirements of the Stull Act, the four that do not include a prompt for pupil progress are not complying in any consistent or systemic way.

While it was clear from this initial analysis that the answer to the research question, “are districts complying with the pupil progress components of the Stull Act,” is “no,” the question remained whether we could see the impact of not including any detailed information about how students are actually doing in these teacher evaluations. Consistent with what was demonstrated with LAUSD in *Doe v. Deasy*, almost all of the

“Continue with satisfactory pupil achievement towards academic curriculum standards.”

“Use of technology and differentiated instruction has developed student understanding of reading and math.”

“Has worked tirelessly this year to ensure maximum academic growth for her students, the majority of whom have demonstrated remarkable growth in language arts and mathematics.”

“As a result, my winter MAP scores went up in all areas and I continue to implement reading plus and symphony math with my students.”

Figure 3: Examples of Comments
Mentioning Pupil Progress

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86.5% of evaluation forms did not include comments referencing pupil progress.

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1,947 randomly selected redacted evaluation forms designate that the evaluated teacher meets or exceeds standards. Only 37 evaluations noted that the teacher did not overall meet the standards. This means that out of 1,947 teachers, 98% were rated as meets standards. While this would typically be a very encouraging finding, the lack of any reference to how students are actually progressing toward grade level expectations in the overwhelming majority of the final completed evaluations calls the strength of the evaluation outcomes into question in terms of meeting minimum job performance teacher effectiveness standards as defined in California law. Looking at a district like Upland Unified School District, if 100% of teachers are effective but local management and policymakers do not document anything about how students are actually performing for 96% of those, how can there be any confidence in that performance assessment as it relates to whether or not children have actually learned when assigned to a specific teacher? Figure 4 shows data on both the mention of pupil progress and how it aligns with teachers' final job performance ratings in districts.

Recent Progress

In the wake of this study and the EdVoice PRAs, it is noteworthy that several districts, including boards, district leadership, and bargaining units, have indicated that they are prioritizing re-working teacher evaluation forms, policy training and contractual agreements to come in to compliance with the Stull Act. The waters become murkier as school districts provide promises of compliance and innovation. For example, the San Jose Unified School District has received much attention for its historic teacher contract, which included innovative evaluation procedures and proposed modifications to salary and probationary status, including unsuccessfully requesting a waiver from the State Board of Education to extend the probationary period to three years. As promising as it may sound, it is still unclear how the district will comply with the critical pupil progress provision of the Stull Act under the new contract. To ensure that San Jose realizes the full potential for students and adults it will be essential to

Figure 4: Compliance data and final rating for the eight responsive districts

District	Form Meets Stull Act at Face Value	% of Evaluations With Comments on Pupil Progress	% of Teachers Meeting Standards
Clovis Unified	Yes	17	100
Fontana Unified	No	24	99
Kern High School District	Yes	4	100
Moreno Valley Unified	Yes	10	100
Mt. Diablo Unified	No	13	92
Poway Unified	No	36	94
San Diego Unified	Yes	16	99
Upland Unified	No	4	100

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There is still no actual evidence from the districts showing evaluations in 2014-15 will include any evidence of whether or not children are learning.

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include consideration of actual pupil progress toward grade level expectations as one of multiple measures informing the evaluator’s rating of the job performance of certificated staff. Indeed, the district has taken pride in taking groundbreaking steps forward, but the journey is just beginning.

Similarly, in the early stages of document review, the Fresno Unified School District was identified as being non-

compliant. During the course of this analysis the district negotiated new language into their CBA, which was newly compliant with the Stull Act in its entirety. However, the actual forms, policies, and training are not yet in place. During this analysis, parents in the Stockton Unified School District were frustrated with the lack of leadership and outright neglect of the Stull Act and threatened litigation in order to make compliance with the Stull Act a priority. In response, the Stockton Unified School District unanimously adopted a resolution stating that they are clearly out of compliance and directed management to rectify that. Nonetheless, despite inclusion of Stull Act elements in Board resolutions, contracts, and initial drafts of planning documents, there is still no actual evidence from these districts showing evaluations in the 2014-15 school year will include any evidence of whether or not children are learning in the classroom with an effective teacher.

Conclusion

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California law requires that the performance evaluations of instructional staff and school leaders should hinge at least in part on measures of actual pupil progress. Yet, too often, adults in charge of schools sustain a culture of ignoring the progress of students when assessing the job performance of educators. This analysis exposes a disturbing pattern of ineffective personnel management and reveals several other key findings:

- Despite the successful result in *Doe v. Deasy*, there has been little voluntary action toward full compliance with the pupil progress elements of the Stull Act in many large school districts, which from our sample educate 1.25 million students or 20% of California’s enrollment.
- Evidence from many large districts suggests little movement from their elected leaders, senior management or staff unit representatives to change non-compliant district practice and culture, except when legal violations are brought directly to their attention.
- Several districts provided incomplete responses and no supportable documentation to demonstrate the inclusion of the primary purpose of education—the progress of pupils—as a necessary criterion in the job performance evaluations of adults responsible for increasing student achievement toward local or state adopted standards.
- A small number of districts have ratified contracts with elements in direct violation of the law.

- A few large districts already have policies for including pupil progress or have demonstrated tangible progress toward implementing new policies, procedures and training.
- Those districts making progress, absent litigation or fiscal incentives, demonstrate a mission-driven focus on achievement growth for all student groups as a key lever to make performance evaluations a priority and useful professional growth tools; and they have elected policy makers working in harmony with supportive management, and key employee stakeholders to commit to funding relevant teacher and evaluator training.

Without being able to identify educators whose efforts are not adequately contributing to student progress, the state and districts cannot identify or efficiently provide the mandated, extra supports necessary to help struggling staff improve. The prevalence of educator evaluations with no meaningful information about actual student progress also raises serious questions about key state and local personnel management laws and policies, including earning permanent status, assigning teachers to schools and classrooms, modified salary schedules, relevance of earmarks for mandatory all-faculty staff development, or fairness in the administration of due process for adverse actions based on competency.

This analysis has shown too many districts with little or no demonstration in official district documents of complying with critical common-sense and mandatory provisions of the Stull Act. In 2015 and beyond, the Legislature and the State Board of Education have an obligation to ensure the State of California protects the fundamental right of every child to have an equitable opportunity to learn and receive a basic education from an effective teacher, each school year of his or her academic career. In the coming year, there are several opportunities and levers for the State to meet this obligation, including:

- Budget control language with compliance provisos tied to the Local Control Funding Formula (LCFF) and adopting strong standards for evaluation of Local Control and Accountability Plans (LCAPs);
- State Board of Education policy requiring that LEAs demonstrate compliance with all pupil progress elements of the Stull Act when requesting consent waivers from any requirements of the Education Code, and indicate status of implementation of compliant evaluations when considering waivers for discussion;
- The Controller, Department of Education and Department of Finance revising the Audit Guide to include review of compliance with pupil progress requirements of the Stull Act to hold local education agencies accountable for meeting this legal obligation, particularly when considering any audit appeals; and
- Parents, students, teachers, and school and community leaders coming together to demand that student learning no longer be ignored in evaluations during local budget discussions and annual LCAP stakeholder updates.

These are some immediate practical steps that the State can take to break the disturbing pattern of blatant violation of the law. These common-sense actions can ensure that there is an effective and supportive teacher for every child in every classroom.

Notes

- 1 2013 State Teacher Policy Yearbook: National Summary (National Council on Teacher Quality, 2014)
- 2 Daniel Weisberg, Susan Sexton, Jennifer Mulhern, and David Keeling, THE WIDGET EFFECT: Our National Failure to Acknowledge and Act on Differences in Teacher Effectiveness (The New Teacher Project, 2009)
Steven G. Rivkin, Eric A. Hanushek, and John F. Kain, Teachers, Schools, and Academic Achievement (Econometrica, 2005)
Raj Chetty, John N. Friedman, and Jonah E. Rockoff, The Long-Term Impacts Of Teachers: Teacher Value-Added And Student Outcomes In Adulthood (National Bureau of Economic Research, 2011)
- 3 Education Code §44662(b)
- 4 See Appendix A for full text of California Education Code §44662
- 5 Education Code §44664(b)
- 6 Under Cal. Govt. Code §6254(c), personal or identifying information must be redacted (e.g., names, address, birthdays, social security number, etc.) from the evaluation forms and any appended comments and notations or responses.
- 7 The 26 school districts selected for this sample are: Capistrano, Clovis, Corona-Norco, Elk Grove, Fontana, Fremont, Fresno, Garden Grove, Kern High School District, Long Beach, Moreno Valley, Mt. Diablo, Oakland, Poway, Riverside, Sacramento City, San Bernardino City, San Diego, San Francisco, San Jose, San Juan, San Ramon Valley, Santa Ana, Stockton, Sweetwater Union High, and Upland.
- 8 California Department of Education, Dataquest, 2013-2014, available at <http://data1.cde.ca.gov/dataquest/page2.asp?level=District&subject=Profile&submit1=Submit>
- 9 California Department of Education, Dataquest, 2013-2014, "Fingertip Facts on Education in California", available at <http://www.cde.ca.gov/ds/sd/cb/ceffingertipfacts.asp>
- 10 Capistrano, Corona-Norco, Elk Grove, Fontana, Fremont, Fresno, Mt. Diablo, Oakland, Poway, Riverside, Sacramento, San Bernardino, San Francisco, San Jose, San Juan, San Ramon Valley, Santa Ana, Stockton, and Upland
- 11 "The evaluation and assessment of employee competency shall not include the use of results from any tests." (Contractual agreement by and between the Board of Education of the San Ramon Valley Unified School District and San Ramon Valley Education Association, Article 19 §C.1.b.3)
- 12 "The evaluation of unit members, pursuant to this Article, shall not include or be based upon the following: 1. Standardized achievement test results" (Upland Teachers Association Contract Agreement with Upland Unified School District, Article 18 §18.2.20)
- 13 Kern High School District, Oakland Unified School District, Riverside Unified School District, and Fresno Unified School District
- 14 San Diego Unified School District, Clovis Unified School District, Kern High School District, and Moreno Valley Unified School District
- 15 Percentages are derived from proportion of comments made on the total number of forms provided by each district, respectively.

Appendix A: Pupil Progress Elements in "The Stull Act"

California Education Code §44662

- 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.
- (c)** The governing board of each school district shall establish and define job responsibilities for certificated non-instructional personnel, including, but not limited to, supervisory and administrative personnel, whose responsibilities cannot be evaluated appropriately under the provisions of subdivision (b) and shall evaluate and assess the performance of those non-instructional certificated employees as it reasonably relates to the fulfillment of those responsibilities.
- (d)** Results of an employee's participation in the Peer Assistance and Review Program for Teachers established by Article 4.5 (commencing with Section 44500) shall be made available as part of the evaluation conducted pursuant to this section.
- (e)** The evaluation and assessment of certificated employee performance pursuant to this section shall not include the use of publishers' norms established by standardized tests.
- (f)** Nothing in this section shall be construed as in any way limiting the authority of school district governing boards to develop and adopt additional evaluation and assessment guidelines or criteria.

Appendix B: 2013-2014 Student Demographics of Sample Districts

District	Enrollment	% Free or Reduced Priced Meal	% African American not Hispanic	% American Indian or Alaska Native	% Asian	% Filipino	% Hispanic or Latino	% Pacific Islander	% White Not Hispanic	% Two or More Races	% Not Reported	% English Learners	% of Students w/ Disabilities
Capistrano Unified	53,833	22.3	1.3	0.3	5.5	1.6	25.5	0.1	59.2	6	0.4	10	9
Clovis Unified	40,783	42	3.2	0.7	12.7	1.9	33.6	0.3	44.4	3.1	0.2	6.2	7.8
Corona-Norco Unified	53,782	42.8	6.1	0.3	8.1	2.8	51.7	0.4	29	1	0.6	13.1	11.4
Elk Grove Unified	62,499	50.6	14.7	0.6	21.8	5.2	26	1.7	22.6	7.4	0.1	16.8	10.7
Fontana Unified	39,982	85.2	6.1	0.1	1	1.1	85.9	0.3	4.7	0.7	0	35.5	12.5
Fremont Unified	33,887	18.2	3.2	0.4	55.4	5.7	15.9	0.6	15.3	3.4	0.1	19.8	9.5
Fresno Unified	73,353	83.8	8.9	0.6	11.4	0.4	65.6	0.3	11.5	1.2	0	24	9.9
Garden Grove Unified	46,936	77.2	0.7	0.1	33.1	1.2	53.9	0.7	9.6	0.3	0.3	40.9	11
Kern High	37,100	63	6.3	0.7	2.7	1.1	62.8	0.2	24.8	1.4	0.1	9	9
Long Beach Unified	81,155	67.9	14.8	0.2	7.5	3.3	54.9	1.7	14.3	1.5	1.9	23.8	11
Moreno Valley Unified	34,468	83.4	16.5	0.3	2.1	1.5	67.6	0.7	9.1	2.1	0	24	12.3
Mt. Diablo Unified	31,955	46.2	4.4	0.4	7.3	4.6	40.1	0.9	37.1	4	1.2	23.1	11.5
Oakland Unified	47,194	75.3	28	0.3	13.2	0.8	42.7	1.1	9.8	2.6	1.5	30.7	10.8
Poway Unified	35,498	16.2	2.5	0.2	19.3	6.3	14.1	0.4	51	6	0.1	12.1	11.2
Riverside Unified	42,587	64.7	7.2	0.4	3.3	1.2	59.9	0.5	24.6	1.7	1.2	17.3	11
Sacramento City Unified	47,031	73.2	17.4	0.7	17.3	1.1	37.7	1.7	18.5	5.3	0.1	21.7	12.8
San Bernardino City Unified	53,785	93.6	13.7	0.5	1.6	0.4	73.75	0.4	7.5	1.2	1.1	27.6	10.4
San Diego Unified	130,303	59	9.7	0.3	8.5	5.1	46.7	0.6	23.1	5.6	0.5	26	11.1
San Francisco Unified	57,620	61.1	9.7	0.5	36.2	4.7	27.2	1.6	12.9	3	4.3	28	12
San Jose Unified	33,152	44.6	2.9	0.4	12.6	1.7	53	0.4	25.2	3.1	0.6	24.6	9.7
San Juan Unified	49,035	50.4	7.9	1.1	4.8	1.3	21.1	0.9	59.6	3.2	0.2	10.7	11.5
San Ramon Valley Unified	31,398	4.2	1.8	0.2	30.3	3	8.5	0.2	48.6	7.5	0	5.4	7.6
Santa Ana Unified	57,499	88.1	0.3	0.2	2.6	0.3	92.5	0.1	2.7	0.6	0.7	47.8	11.3
Stockton Unified	39,486	85.6	11	2.7	9.6	4.4	62.6	0.5	7.1	1.9	0.1	28.4	10
Sweetwater Union High	40,901	57.7	2.8	0.3	1.4	8.2	75.9	0.4	6.4	4.5	0.1	20.4	11.9
Upland Unified	11,665	57.4	8.5	0.4	5.1	1.7	53	0.4	28.5	2.4	0.1	12.8	12

As of March 24, 2014 at <http://dq.cde.ca.gov/dataquest/>

Appendix C:

Analysis of Indicators of Stull Act Compliance in Evaluation Forms and CBAs of Sample Districts



District	County	Evaluation Form			Collective Bargaining Agreements		# of Indicators of Compliance
		Pupil Progress Toward District Standards	Pupil Progress Toward State Standards	Pupil Progress Toward District Standards	Pupil Progress Toward State Standards		
Capistrano Unified	Orange						0
Clovis Unified	Fresno	✓	✓	✓			3
Corona-Norco Unified	Riverside						0
Elk Grove Unified	Sacramento			✓			1
Fontana Unified	San Bernardino						0
Fremont Unified	Alameda						0
Fresno Unified	Fresno			✓	✓		2
Garden Grove Unified	Orange	✓		✓			2
Kern Union High	Kern	✓		✓	✓		3
Long Beach Unified	Los Angeles	✓					1
Moreno Valley Unified	Riverside	✓		✓			2
Mt. Diablo Unified	Contra Costa						0
Oakland Unified	Alameda			✓	✓		2
Poway Unified	San Diego						0
Riverside Unified	Riverside			✓	✓		2
Sacramento City Unified	Sacramento						0
San Bernardino City Unified	San Bernardino						0
San Diego Unified	San Diego	✓		✓			2
San Francisco Unified	San Francisco						0
San Jose Unified	Santa Clara						0
San Juan Unified	Sacramento						0
San Ramon Valley Unified	Contra Costa			Unclear	Prohibited		*
Santa Ana Unified	Orange						0
Stockton Unified	San Joaquin						0
Sweet Water Union High	San Diego	✓		✓			3
Upland Unified	San Bernardino				Prohibited		**

* Although the San Ramon Valley Unified School District CBA references mandate language from the Stull Act, it also explicitly prohibits use of any tests for evaluation of certificated staff. As a result, it is clear that the district prohibits the use of state adopted criterion-referenced assessments, as required by the Stull Act.

** The Upland Unified School District prohibits the use of any standardized achievement test results.