

**ITEM 3**  
**INCORRECT REDUCTION CLAIM**  
**PROPOSED DECISION**

Education Code Sections 44660-44665 (Former Ed. Code, §§ 13485-13490)

Statutes 1983, Chapter 498; Statutes 1999, Chapter 4

*The Stull Act*

Fiscal Years 2005-2006, 2006-2007, 2007-2008, 2010-2011, 2011-2012, 2012-2013<sup>1</sup>

19-9825-I-03

Fairfield-Suisun Unified School District, Claimant

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<sup>1</sup> According to the Audit Report, fiscal years 2008 through 2010 were not included in the audit because the statute of limitations to initiate the audit of these years had expired. Exhibit A, IRC, page 264 (Audit Report).

# Exhibit A

For CSM Use Only

Filing Date:



IRC #: 19-9825-I-03

## 1. INCORRECT REDUCTION CLAIM TITLE

STULL ACT - FAIRFIELD SUISUN USD

FY 2005-2008 & 2010-2013

## 2. CLAIMANT INFORMATION

FAIRFIELD-SUISUN UNIFIED SCHOOL DISTRICT

Name of Local Agency or School District

Kris Corey

Claimant Contact

Superintendent

Title

2490 Hilborn Road

Street Address

Fairfield, CA 94534

City, State, Zip

707-399-5123

Telephone Number

707-399-5158

Fax Number

krisc@fsusd.org

E-Mail Address

## 3. CLAIMANT REPRESENTATIVE INFORMATION

Claimant designates the following person to act as its sole representative in this incorrect reduction claim. All correspondence and communications regarding this claim shall be forwarded to this representative. Any change in representation must be authorized by the claimant in writing, and sent to the Commission on State Mandates.

Jolene Tollenaar

Claimant Representative Name

Senior Consultant

Title

MGT Consulting Group

Organization

2251 Harvard Street, Suite 134

Street Address

Sacramento, CA 95815

City, State, Zip

916 243-8913

Telephone Number

916 290-0121

Fax Number

jolenetollenaar@gmail.com

E-Mail Address

## 4. IDENTIFICATION OF STATUTES OR EXECUTIVE ORDERS

Please specify the subject statute or executive order that claimant alleges is not being fully reimbursed pursuant to the adopted parameters and guidelines.

Chapter 498, Statutes of 1983; and Chapter 4, Statutes of 1999

## 5. AMOUNT OF INCORRECT REDUCTION

Please specify the fiscal year and amount of reduction. More than one fiscal year may be claimed.

Fiscal Year	Amount of Reduction
2005-06	\$15,291.00
2006-07	\$64,292.00
2007-08	\$98,986.00
2010-11	\$62,325.00
2011-12	\$92,969.00
2012-13	\$93,455.00

**TOTAL:** \$427,318.00

## 6. NOTICE OF INTENT TO CONSOLIDATE

Please check the box below if there is intent to consolidate this claim.

**Yes, this claim is being filed with the intent to consolidate on behalf of other claimants.**

Sections 7 through 11 are attached as follows:

### 7. Written Detailed

Narrative: pages 1 to 2.

### 8. Documentary Evidence

and Declarations: Exhibit A-E.

### 9. Claiming Instructions:

Exhibit E.

### 10. Final State Audit Report or Other Written Notice

of Adjustment: Exhibit F.

### 11. Reimbursement Claims:

Exhibit G.

## 7. WRITTEN DETAILED NARRATIVE

The Fairfield-Suisun Unified School District is filing this incorrect reduction claim to officially contest finding #1 of the STULL Audit conducted by the State Controller's Office during 2017 and 2018.

The District is formally contesting the following:

Excerpt of the State Controller's final statement from Final Audit Report dated June 2018 page 13:

"we used the district's own collective bargaining agreement (CBA) to ascertain a time increment associated with the evaluation process. The district is required to spend at least 60 minutes providing observational activities for each evaluation, and that time increment was the basis for determining allowable costs for the audit period".

The District would like to draw attention to the fact that both the observations and the final evaluation write up are required by the CBAs and are reimbursable mandated costs. For the State Controller's Office (SCO) to allow time for one activity and not the other means one bullet within the Collective Bargaining Agreements has more relevance than the other which is arbitrary and inconsistent.

Specifically, the SCO is asserting that one sentence requiring an activity by the administrators supports reimbursement from the State while another sentence also requiring an activity by the administrators, does not support reimbursement. Exhibit D of this filing shows that in the 2005-2007 CBA Article 10, Section 3, paragraphs d & g, in the 2008-2010 CBA Article 10, Section 3, paragraphs d & g, and in the 2012-2014 CBA Article 10, Section 3, paragraphs d & g are in exactly the same section of the agreements and both contain required administrative activities. Thus the SCO's reasoning for disallowing all costs related to the final write ups is flawed. If the district's CBA for each year is the basis for the allowance of a mandated activity specifically observations by administrators, then the SCO should be allowing at least some time for the final write up by administrators, as the two activities are required by the same employees within the same section of all of the CBA's listed above.

In addition, because District was confident the SCO would allow time for the final write ups it took the initiative in the Spring of 2017 and ask all site administrators to track their time writing the mandated final evaluations. The District did this to determine the actual average amount of time spent on the final write up, and to expedite the SCO's audit process. Twenty-one school sites participated in the data collection. 188 individual records of time spent on final evaluation write ups, were obtained from the site administrators during that time. The District was able to determine the average amount of time spent by administrators completing each final write up was 1.55 hours - See Exhibit A.

Unfortunately, the data obtained by the District regarding the actual time spent by administrators on the final write up was completely rejected by the State Controller's Office because three of the administrators admitted the time they reported was not tracked to the minute, but instead was estimated to the nearest reasonable time increment.

## 7. WRITTEN DETAILED NARRATIVE - CONTINUED

The District respectfully requests the data from these three administrators time who estimated their time be excluded from the average time calculation but that all the time tracking done in the Spring of 2017 not be annulled only because three administrators may not have had a stop watch handy to record the exact time spent when preparing their final write ups.

The District is only requesting the 1.55 hours be reimbursed for each documented final write up when in reality this is substantially less than it actually took the administrators during the early years of the audit. The reason for this is during the early years of the audit period the District was still using paper forms for final write ups, which took much longer to complete than the electronic forms used during the time tracking period discussed above. - See Exhibit B

In conclusion by it's on admission on page 2 of the Final Audit Report the State Controller's office even states they:

"Requested and reviewed lists of employees evaluated for the entire audit period. Using a random number generator, we randomly selected a non-statistical sample and tested 655 evaluations (out of 2,613) for the audit period. During testing, we identified 39 errors in the sample that were not projected to the population"

Having reviewed 655 final write ups it is completely unreasonable for the SCO to not allow any time at all for this activity. The District pulled thousands of evaluations from its archives for this audit, spending hundreds of staff hours to support costs claimed. It was more than clear to the State Controller's Auditors when they were on site that each evaluation in the District's records had a WRITTEN FINAL EVALUATION included in the records. For the State Controller's office to conclude zero time is allowable for an activity that is clearly documented by the actual paper records is illogical and capricious.

The District respectfully requests the Commission on State Mandates require the SCO revisit Finding #1 from their STULL audit and allow some reasonable amount of time for each final write up.

Incorrect Reduction Claim Name: Stull Act FY 2005-2008 & 2010-2013  
Claimant: Fairfield-Suisun Unified School District

## SECTION 8: DOCUMENTARY EVIDENCE AND DECLARATION

### EXHIBIT A

#### FINAL EVALUATION WRITE UP TIME TRACKING RESULTS

FAIRFIELD-SUISUN FINAL EVALUATION WRITE UP

SPRING 2017 FINAL EVALUATIONS

SUMMARY

<b>Row Labels</b>	<b>Average of TIME</b>
SPED	1.47
Elementary	1.66
High School	1.42
Middle School	1.69
<b>Grand Total</b>	<b>1.55</b>

Average                      1.55 hours

FAIRFIELD-SUISUN FINAL EVALUATION WRITE UP

SUMMARY RAW DATA

RAW DAT	SITE	TIME	SCHOOL TYPE
2 hours	SUISUN VALLEY ELEMENTARY		Elementary
3 hours	SUISUN VALLEY ELEM	2	Elementary
3 hours	SUISUN VALLEY ELEM	3	Elementary
3 hours	SUISUN VALLEY ELEM	3	Elementary
3 hours	SUISUN VALLEY ELEM	3	Elementary
3 hours	SUISUN VALLEY ELEM	3	Elementary
3 hours	SUISUN VALLEY ELEM	3	Elementary
3 hours	SUISUN VALLEY ELEM	3	Elementary
5 hours	SUISUN VALLEY ELEM	3	Elementary
5 hours	SUISUN VALLEY ELEM	5	Elementary
1.5 hours	Special Ed	5	SPED
1.5 hours	Special Ed	1.5	SPED
1.5 hours	Special Ed	1.5	SPED
1.5 hours	Special Ed	1.5	SPED
1.5 hours	Special Ed	1.5	SPED
1.5 hours	Special Ed	1.5	SPED
1.5 hours	Special Ed	1.5	SPED
1.5 hours	Special Ed	1.5	SPED
1.5 hours	Special Ed	1.5	SPED
1 hour	Special Ed	1.5	SPED
1 hour	Special Ed	1	SPED
1 hour	Special Ed	1	SPED
1 hour	Special Ed	1	SPED
1 hour	Special Ed	1	SPED
1 hour	Special Ed	1	SPED
1 hour	Special Ed	1	SPED
1 hour	Special Ed	1	SPED
1 hour	Special Ed	1	SPED
4	Sem Yeto	1	High School
3	Sem Yeto	4	High School
3	Sem Yeto	3	High School
3.5. hours	Sem Yeto Cont	3	High School
3.5 hours	Sem Yeto Cont	3.5	High School
4.0 hours	Sem Yeto Cont	3.5	High School
3.0 hours	Sem Yeto Cont	4	High School
3.5 hours	Sem Yeto Cont	3	High School
1 hour	Rolling Hills	3.5	Elementary
1 hour	Rolling Hills	1	Elementary
1 hour	Rolling Hills	1	Elementary
1 hour	Rolling Hills	1	Elementary
1 hour	Rolling Hills	1	Elementary
1.5 hours	Rodriguez HS	1	High School
1.5 hours	Rodriguez HS	1.5	High School
1.5 hours	Rodriguez HS	1.5	High School
1.5 hours	Rodriguez HS	1.5	High School
1.5 hours	Rodriguez HS	1.5	High School
1.5 hours	Rodriguez HS	1.5	High School

FAIRFIELD-SUISUN FINAL EVALUATION WRITE UP

1.5 hours	Rodriguez HS	1.5	High Sch I
1.5 hours	Rodriguez HS	1.5	High School
2 hours	Rodriguez HS	1.5	High School
1.5 hours	Rodriguez HS	2	High School
1.5 hours	Rodriguez HS	1.5	High School
1.5 hours	Rodriguez HS	1.5	High School
1.5 hours	Rodriguez HS	1.5	High School
2 hours	Rodriguez HS	1.5	High School
1.5 hours	Rodriguez HS	2	High School
2 hours	Rodriguez HS	1.5	High School
2 hours	Rodriguez HS	2	High School
1.5 hours	Rodriguez HS	2	High School
1 hour	Oakbrook ES	1.5	Elementary
2.5 hours	Oakbrook ES	1	Elementary
2 hours	Oakbrook ES	2.5	Elementary
1.5 hours	Oakbrook ES	2	Elementary
1 hour	Oakbrook ES	1.5	Elementary
1 hour	Oakbrook ES	1	Elementary
1 hour	Oakbrook ES	1	Elementary
2 hours	Mary Bird ES	1	Elementary
2.5 hours	Mary Bird ES	2	Elementary
2 hours	Mary Bird ES	2.5	Elementary
2 hours	KI Jones ES	2	Elementary
2 hours	KI Jones ES	2	Elementary
2 hours	KI Jones ES	2	Elementary
2 hours	KI Jones ES	2	Elementary
2 hours	KI Jones ES	2	Elementary
2 hours	KI Jones ES	2	Elementary
2 hours	KI Jones ES	2	Elementary
2 hours	KI Jones ES	2	Elementary
2 hours	KI Jones ES	2	Elementary
2 hours	KI Jones ES	2	Elementary
90 min	Green Valley MS	2	Middle School
90 min	Green Valley MS	1.5	Middle School
90 min	Green Valley MS	1.5	Middle School
90 min	Green Valley MS	1.5	Middle School
90 min	Green Valley MS	1.5	Middle School
60 min	Green Valley MS	1.5	Middle School
90 min	Green Valley MS	1	Middle School
90 min	Green Valley MS	1.5	Middle School
90 min	Green Valley MS	1.5	Middle School
90 min	Green Valley MS	1.5	Middle School
90 min	Green Valley MS	1.5	Middle School
90 min	Green Valley MS	1.5	Middle School
90 min	Green Valley MS	1.5	Middle School
60 min	Green Valley MS	1.5	Middle School
90 min	Green Valley MS	1	Middle School
3 hours	Grange MS	1.5	Middle School
5 hours	Grange MS	3	Middle School
2 hours	Grange MS	5	Middle School
2 hours	Grange MS	2	Middle School
3 hours	Grange MS	2	Middle School
3 hours	Grange MS	3	Middle School
2 hours	Fairview ES	3	Elementary



FAIRFIELD-SUISUN FINAL EVALUATION WRITE UP

1 hour	Fairview ES	2	Elementary
1 hour	Fairview ES	1	Elementary
1 hour	Fairview ES	1	Elementary
1 hour	Fairview ES	1	Elementary
1 hour	Fairview ES	1	Elementary
1 hour	Fairview ES	1	Elementary
1 hour	Fairview ES	1	Elementary
45 minutes	Fairview HS	1	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
45 minutes	Fairview HS	0.75	High School
1.5 hours	Sheldon ES	0.75	Elementary
1.5 hours	Sheldon ES	1.5	Elementary
2 hours	Sheldon ES	1.5	Elementary
1.5 hours	Sheldon ES	2	Elementary
1.5 hours	Sheldon ES	1.5	Elementary
1.5 hours	Sheldon ES	1.5	Elementary
1.5 hours	Sheldon ES	1.5	Elementary
2.0 hours	Weir ES	1.5	Elementary
2.0 hours	Weir ES	2	Elementary
1.5 hours	Weir ES	2	Elementary
1.5 hours	Weir ES	1.5	Elementary
2.0 hours	Weir ES	1.5	Elementary
1.5 hours	Weir ES	2	Elementary
1.5 hours	Weir ES	1.5	Elementary

FAIRFIELD-SUISUN FINAL EVALUATION WRITE UP

1.5 hours	Weir ES	1.5	Elementary
1.5 hours	Weir ES	1.5	Elementary
1.5 hours	Weir ES	1.5	Elementary
1.5 hours	Weir ES	1.5	Elementary
2.0 hours	Weir ES	1.5	Elementary
1.5 hours	Weir ES	2	Elementary
1 hour	Root ES	1.5	Elementary
1 hour	Root ES	1	Elementary
1 hour	Root ES	1	Elementary
1 hour	Root ES	1	Elementary
1.5 hour	Root ES	1	Elementary
1.5 hour	Root ES	1.5	Elementary
60min	Crystal MS	1.5	Middle School
60min	Crystal MS	1	Middle School
45min	Crystal MS	1	Middle School
60min	Crystal MS	0.75	Middle School
45min	Crystal MS	1	Middle School
1 hour	Crescent es	0.75	Elementary
1 hour	Crescent es	1	Elementary
1 hour	Cleo Gordon es	1	Elementary
1 hour	Cleo Gordon es	1	Elementary
1 hour	Cleo Gordon es	1	Elementary
1 hour	Cleo Gordon es	1	Elementary
2 hours	Cleo Gordon es	1	Elementary
1 hour	Cleo Gordon es	2	Elementary
1 hour	Cleo Gordon es	1	Elementary
90 minutes	B. Gale Wilson ES	1	Elementary



## FAIRFIELD-SUISUN FINAL EVALUATION WRITE UP

### **DETAILED DATA**

Amount of Time spent to complete final F-3 Evaluation	Evaluator First Name	Evaluator Last Name	Employee ID	Employee status	Employee First Name	Employee Last Name	Job Title	Location	Date E-signed
1.5 hours									1/24/2017
1.5 hours									2/17/2017
1.5 hours									3/9/2017
1.5 hours									3/9/2017
1.5 hours									4/12/2017
1 hour									4/13/2017

Amount of Time spent to complete final F-3 Evaluation	Evaluator First Name	Evaluator Last Name	Employee ID	Employee status	Employee First Name	Employee Last Name	Job Title	Location	Date E-signed
90 min.									1/31/2017
90 min									1/31/2017
90 min									2/6/2017
90 min									2/6/2017
90 min									2/7/2017
90 min									2/7/2017
90 min									2/7/2017
90 min									2/7/2017
90 min									2/7/2017
90 min									2/7/2017
90 min									2/7/2017
90 min									2/8/2017
90 min									2/10/2017
90 min									2/10/2017
90 min									2/14/2017
90 min									2/14/2017
90 min									2/14/2017
90 min									2/14/2017
90 min									2/14/2017
90 min									2/14/2017
90 min									2/14/2017
90 min									2/15/2017
90 min									2/15/2017
90 min									2/15/2017
90 min									2/15/2017
90 min									2/16/2017
90 min									2/16/2017
90 min									2/16/2017
90 min									2/16/2017
90 min									2/17/2017
90 min									2/21/2017
90 min									2/21/2017
90 min									2/21/2017
90 min									2/28/2017
90 min									3/3/2017
90 min									4/10/2017
90 min									4/10/2017
90 min									4/11/2017
90 min									4/11/2017
90 min									4/12/2017
90 min									4/13/2017
90 min									4/13/2017

Amount of Time spent to complete final F-3 Evaluation	Evaluator First Name	Evaluator Last Name	Employee ID	Employee status	Employee First Name	Employee Last Name	Job Title	Location	Date E-signed
90 minutes									1/23/2017
90 minutes									1/25/2017
90 minutes									2/9/2017
90 minutes									2/17/2017
90 minutes									2/17/2017
90 minutes									2/17/2017

Amount of Time spent to complete final F-3 Evaluation	Evaluator First Name	Evaluator Last Name	Employee ID	Employee status	Employee First Name	Employee Last Name	Job Title	Location	Date E-signed
1 hour									2/14/2017
1 hour									2/14/2017
1 hour									2/14/2017
1 hour									2/16/2017
2 hours									2/16/2017
1 hour									2/22/2017
1 hour									4/5/2017



Amount of Time spent to complete final F-3 Evaluation	Evaluator First Name	Evaluator Last Name	Employee ID	Employee status	Employee First Name	Employee Last Name	Job Title	Location	Date E-signed
1 hour									2/22/2017
1 hour									2/23/2017
									2/2/2017
									2/2/2017
									2/2/2017
									2/3/2017
									2/8/2017
									2/22/2017
									2/23/2017

Amount of Time spent to complete final F-3 Evaluation	Evaluator First Name	Evaluator Last Name	Employee ID	Employee status	Employee First Name	Employee Last Name	Job Title	Location	Date E-signed
60min									3/9/2017
60min									3/10/2017
45min									3/10/2017
60min									3/15/2017
45min									3/17/2017

Amount of Time spent to complete final F-3 Evaluation	Evaluator First Name	Evaluator Last Name	Employee ID	Employee status	Employee First Name	Employee Last Name	Job Title	Location	Date E-signed
1 hour									1/17/2017
1 hour									1/25/2017
1 hour									2/17/2017
1 hour									2/1/2017
1.5 hour									2/9/2017
1.5 hour									2/10/2017

Amount of Time spent to complete final F-3 Evaluation	Evaluator First Name	Evaluator Last Name	Employee ID	Employee status	Employee First Name	Employee Last Name	Job Title	Location	Date E-signed
2.0 hours									2/9/2017
2.0 hours									2/9/2017
1.5 hours									2/9/2017
1.5 hours									2/9/2017
2.0 hours									2/10/2017
1.5 hours									2/10/2017
1.5 hours									2/10/2017
1.5 hours									2/10/2017
1.5 hours									2/10/2017
1.5 hours									2/10/2017
1.5 hours									2/10/2017
2.0 hours									2/10/2017
1.5 hours									2/14/2017

Amount of Time spent to complete final F-3 Evaluation	Evaluator First Name	Evaluator Last Name	Employee ID	Employee status	Employee First Name	Employee Last Name	Job Title	Location	Date E-signed
1.5 hours									3/8/2017
1.5 hours									3/15/2017
2 hours									3/16/2017
1.5 hours									3/16/2017
1.5 hours									3/16/2017
1.5 hours									3/30/2017
1.5 hours									4/11/2017



Amount of Time spent to complete final F-3 Evaluation	Evaluator First Name	Evaluator Last Name	Employee ID	Employee status	Employee First Name	Employee Last Name	Job Title	Location	Date E-signed
1 hour									3/3/2017
1 hour									3/3/2017
1 hour									3/3/2017
1 hour									3/3/2017
1 hour									3/3/2017
1 hour									3/17/2017

Amount of Time spent to complete final F-3 Evaluation	Evaluator First Name	Evaluator Last Name	Employee ID	Employee status	Employee First Name	Employee Last Name	Job Title	Location	Date E-signed
3 hours									2/22/2017
5 hours									2/27/2017
2 hours									2/28/2017
2 hours									2/28/2017
3 hours									3/1/2017
2 hours									3/2/2017
									3/7/2017
									3/29/2017
									3/30/2017
									3/31/2017
									3/31/2017
									4/7/2017
									4/7/2017
									4/12/2017



Amount of Time spent to complete final F-3 Evaluation	Evaluator First Name	Evaluator Last Name	Employee ID	Employee status	Employee First Name	Employee Last Name	Job Title	Location	Date E-signed
90 min									1/19/2017
90 min									1/23/2017
90 min									1/25/2017
90 min									1/31/2017
90 min									1/31/2017
60 min									2/3/2017
90 min									2/7/2017
90 min									2/9/2017
90 min									2/16/2017
90 min									2/17/2017
90 min									3/9/2017
90 min									3/15/2017
60 min									4/4/2017
90 min									4/6/2017

Amount of Time spent to complete final F-3 Evaluation	Evaluator First Name	Evaluator Last Name	Employee ID	Employee status	Employee First Name	Employee Last Name	Job Title	Location	Date E-signed
1.5 hours									2/8/2017
									2/16/2017

Amount of Time spent to complete final F-3 Evaluation	Evaluator First Name	Evaluator Last Name	Employee ID	Employee status	Employee First Name	Employee Last Name	Job Title	Location	Date E-signed
2 hours									1/20/2017
2 hours									2/8/2017
2 hours									2/8/2017
2 hours									2/10/2017
2 hours									2/15/2017
2 hours									2/15/2017
2 hours									4/3/2017
2 hours									4/4/2017
2 hours									4/5/2017
2 hours									4/5/2017
2 hours									4/11/2017
									4/11/2017
									4/14/2017

Amount of Time spent to complete final F-3 Evaluation	Evaluator First Name	Evaluator Last Name	Employee ID	Employee status	Employee First Name	Employee Last Name	Job Title	Location	Date E-signed
2 hours									2/6/2017
2.5 hours									2/6/2017
2 hours									2/7/2017

Amount of Time spent to complete final F-3 Evaluation	Evaluator First Name	Evaluator Last Name	Employee ID	Employee status	Employee First Name	Employee Last Name	Job Title	Location	Date E-signed
1 hour									11/17/2016
1 hour									2/21/2017

Amount of Time spent to complete final F-3 Evaluation	Evaluator First Name	Evaluator Last Name	Employee ID	Employee status	Employee First Name	Employee Last Name	Job Title	Location	Date E-signed
1 hour									3/27/2017
2.5 hours									3/7/2017
2 hours									3/7/2017
1.5 hours									3/27/2017
1 hour									4/10/2017
1 hour									4/10/2017
1 hour									4/12/2017

Amount of Time spent to complete final F-3 Evaluation	Evaluator First Name	Evaluator Last Name	Employee ID	Employee status	Employee First Name	Employee Last Name	Job Title	Location	Date E-signed
3.0 hours									2/9/2017
2.5 hours									2/15/2017
3.0 hours									2/15/2017
									2/17/2017
									2/17/2017
									2/17/2017

Amount of Time spent to complete final F-3 Evaluation	Evaluator First Name	Evaluator Last Name	Employee ID	Employee status	Employee First Name	Employee Last Name	Job Title	Location	Date E-signed
1.5 hours									2/15/2017
1.5 hours									2/15/2017
1.5 hours									2/16/2017
1.5 hours									2/16/2017
									2/16/2017
									2/16/2017
									2/16/2017
1.5 hours									2/16/2017
1.5 hours									2/16/2017
1.5 hours									2/16/2017
2 hours									2/16/2017
1.5 hours									2/16/2017
1.5 hours									2/16/2017
1.5 hours									2/16/2017
2 hours									2/17/2017
2 hours									2/21/2017
1.5 hours									2/21/2017
2 hours									2/21/2017
2 hours									2/21/2017
1.5 hours									4/18/2017



Amount of Time spent to complete final F-3 Evaluation	Evaluator First Name	Evaluator Last Name	Employee ID	Employee status	Employee First Name	Employee Last Name	Job Title	Location	Date E-signed
1 hour									2/21/2017
1 hour									2/21/2017
1 hour									2/21/2017
1 hour									2/21/2017
1 hour									4/11/2017
1 hour									4/11/2017

Amount of Time spent to complete final F-3 Evaluation	Evaluator First Name	Evaluator Last Name	Employee ID	Employee status	Employee First Name	Employee Last Name	Job Title	Location	Date E-signed
3.5. hours									2/17/2017
3.5 hours									2/17/2017
4.0 hours									2/21/2017
3.0 hours									2/21/2017
3.5 hours									2/21/2017

Amount of Time spent to complete final F-3 Evaluation	Evaluator First Name	Evaluator Last Name	Employee ID	Employee status	Employee First Name	Employee Last Name	Job Title	Location	Date E-signed
4									2/21/2017
3									2/23/2017
3									4/3/2017

Amount of Time spent to complete final F-3 Evaluation	Evaluator First Name	Evaluator Last Name	Employee ID	Employee status	Employee First Name	Employee Last Name	Job Title	Location	Date E-signed
1.5 hours									12/16/2016
1.5 hours									1/19/2017
1.5 hours									1/20/2017
1.5 hours									1/24/2017
1.5 hours									1/25/2017
1.5 hours									1/31/2017
1.5 hours									2/1/2017
1.5 hours									2/2/2017
1 hour									3/2/2017
1 hour									3/9/2017
1 hour									3/28/2017
1 hour									3/28/2017
1 hour									3/28/2017
1 hour									3/29/2017
1 hour									3/29/2017
1 hour									4/6/2017

Amount of Time spent to complete final F-3 Evaluation	Evaluator First Name	Evaluator Last Name	Employee ID	Employee status	Employee First Name	Employee Last Name	Job Title	Location	Date E-signed
2 hours									1/23/2017
3 hours									1/24/2017
3 hours									1/24/2017
3 hours									1/25/2017
3 hours									1/25/2017
3 hours									1/27/2017
3 hours									1/27/2017
5 hours									2/1/2017
5 hours									2/9/2017
5 hours									2/17/2017

SECTION 8: DOCUMENTARY EVIDENCE AND DECLARATION - CONTINUED

EXHIBIT B

SAMPLE EVALUATION WRITE UPS



# Fairfield-Suisun Unified School District

"Our Mission is to Provide a Quality Educational System that Assures Opportunities for Every Student to Learn and Meet the Challenges of the Future"

## Certificated Personnel Evaluation Form

(Reference: Collective Bargaining Agreement, Article 10)

Copy 1 – Personnel File  
Copy 2 – Evaluator  
Copy 3 – Employee

Employee:

Evaluator:

Grade/Subject Area(s)

Position:

School Year: 2012-13 Site/Location:

Date: ~~1/7/13~~ 3/19/13

\*Standard Selected by the Evaluator: 5

\*Standard Selected by the Unit Member: 2

Status:  Temporary  Probationary-Zero  First-Year Probationary  Second-Year Probationary

### Directions for Use:

- 1) During the first twenty (20) days of the unit member's work year, the administrator will convene an individual or School Site Staff meeting in order to discuss the evaluation process and standards, and distribute the **most recent version of the California Standards for the Teaching Profession: A Description of Professional Practice for California Teachers** to all certificated teachers. The standards and elements of the California Standards for the Teaching Profession will be discussed in relationship to the FSUSD Observation and Evaluation Rubric. Examples of evidence-based evaluations will be provided. Staff will discuss the process and an opportunity to ask questions will be provided. (Reference: Article 10.3, Section b)
- 2) The authorized components of data to validate the CSTP include not only formal observations, but may also include observations of less than thirty minutes, classroom walkthroughs, lesson plans as designed by the classroom teacher, observation of report cards and progress reports, and records of professional development activities as provided by the teacher. (Reference: Article 10.3, Section e)
- 3) The attached FSUSD Evaluation Rubric will be used to provide meaningful feedback and to serve as a source for discussion for the evaluation. Evidence based comments will be provided. In completing the final report, the evaluator will consider the overall performance in each of the selected standards when determining an evaluation rating. [Reference: Article 10.3, Sections (a.1, c, & d thru g)]
- 4) All unit members will receive a final evaluation report in writing, and an employee/evaluator conference will be held at least thirty (30) workdays prior to their last workday in the school year in which the evaluation took place. [Reference: Article 10.4, Sections (a or b)]

\* Applies to Permanent Unit Members ONLY

## Standard 1: Engaging and Supporting All Students In Learning

<i>Elements</i>	<b>Does Not Meet CSTP</b>	<b>Progressing Towards CSTP</b>	<b>Meets or Exceeds CSTP</b>			<b>Evidence-Based Rationale for Rating</b>
<p><i>Connecting students' prior knowledge, life experience, and interests with learning goals</i> <b>1.1</b></p>	Makes no connections between the learning goals and the students' prior knowledge, life experiences and interests. Does not elicit students' questions or comments during a lesson.	Attempts to open lesson to engage students' attention and interest. Asks some questions that elicit students' prior knowledge, life experiences and interest. Some connections are made to learning goals and objectives of the lesson.	Implements activities and elicits questions that help students make connections between what they already know and the learning goals and objectives.	Uses questions and activities to extend students' abilities to integrate what they know with the learning goals and objectives. Makes adjustments during lesson to ensure that all students meet the learning goals.	Creates a context for students to synthesize learning goals and objectives with what they know and develop their own complementary learning goals.	
<p><i>Uses a variety of instructional strategies and resources to respond to students' needs</i> <b>1.2</b></p>	Uses instructional strategies that lack variety, are poorly carried out, or are inappropriate to the students or to the instructional goals. No adjustments are made to respond to students' needs.	Uses a few instructional strategies. Delivers instruction with available resources and materials. Makes minimal adjustments to respond to students' needs.	Elicits student participation through a variety of instructional strategies intended to match students' academic and linguistic needs. Checks for student understanding.	Uses a repertoire of strategies and resources. Selects and differentiates learning to accommodate students' diverse learning styles.	Uses extensive repertoire of strategies to meet students' diverse academic and linguistic needs and ensure fullest participation and learning for all students.	
<p><i>Facilitating learning experiences that promote autonomy, interaction and choice</i> <b>1.3</b></p>	Directs learning experiences, permitting no student autonomy, interaction, or choice.	Directs learning experiences through whole group and individual work with limited possibilities for interaction and choice.	Provides learning experiences utilizing individual and group structures to develop autonomy and group participation skills. Students make choices about and within their work.	Uses a variety of learning experiences to assist students in developing independent working skills and group participation skill. Supports students in making appropriate choices for learning.	Integrates a variety of challenging learning experiences that develop students' independent learning, collaboration, and choice.	
<p><i>Engaging students in problem solving, critical thinking, and other activities that make subject matter meaningful</i> <b>1.4</b></p>	Provides no learning opportunities for students to engage in problems solving, analysis, or critical thinking activities.	Provides limited learning opportunities for students to engage in problem solving within subject matter areas. Asks some critical thinking questions to relate facts and key concepts of subject matter.	Engages students through activities and questioning strategies that develop skills in identification and understanding of key concepts and issues. Supports students in problem posing and problem solving.	Engages students in analysis of key concepts and facts through activities and questions that consider multiple perspectives. Supports students to initiate problem posing, problem solving, and inquiry.	Facilitates regular opportunities for students to design and implement inquiries and problem solving to analyze content and draw conclusions, considering multiple perspectives with and across subject matter.	



<p><b>Promoting self-directed, reflective learning for all students</b></p> <p>1.5</p>	<p>Provides no opportunities for students to initiate their own learning or to monitor their own work.</p>	<p>Provides limited opportunities for students to monitor their own work and to reflect on the process and their progress.</p>	<p>Supports students in developing skills needed to monitor their own learning. Students have opportunities to reflect on the process and their progress.</p>	<p>Structures learning activities that enable students to set goals and develop strategies for demonstrating, monitoring, and reflecting on the process and their progress.</p>	<p>Facilitates students to initiate learning goals and set criteria for demonstrating and evaluating work. Students reflect on the process and their progress as a regular part of learning experiences.</p>	<p><b>Rating (Check One):</b></p> <p><input type="checkbox"/> Does Not Meet CSTP    <input type="checkbox"/> Meets or Exceeds CSTP</p> <p><input type="checkbox"/> Progressing Towards CSTP</p>
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**Standard 2: Creating and Maintaining an Effective Environment for Student Learning**

<b>Elements</b>	<b>Does Not Meet CSTP</b>	<b>Progressing Towards CSTP</b>	<b>Meets or Exceeds CSTP</b>			<b>Evidence-Based Rationale for Rating</b>
<p><b>Creating a physical environment that engages all students</b></p> <p>2.1</p>	<p>The physical environment does not support student learning. Movement and access may be restricted by barriers. Materials are difficult to access when needed.</p>	<p>Arranges room for teacher accessibility or visibility of students. Manages room for easy movement and access to resources. Room displays relate to the curriculum.</p>	<p>Designs movement patterns and access to resources to promote individual and group engagement. Room displays are used in learning activities.</p>	<p>Designs and manages room and resources to accommodate students' needs and involvement in learning. Displays are integral to learning activities.</p>	<p>Uses total physical environment as a resource to promote individual and group learning. Students are able to contribute to the changing design of the environment.</p>	<p>The use of the cooperative learning groups (Edge) has enhanced an already positive classroom environment. The students reflect the respect given to each one of them in class. Students are generally on task and expected to participate. When they are off task different strategies have been observed to re-direct student actions. This sets up a positive use of instructional time. The room is neat and well organized.. Educational posters and board set-up around the room provide reminders to students. Transition time between one segment of class and the next is smooth. As you become more familiar with the material and age group I expect this will improve. This is partly possible because the students have responded to your expectations.</p> <div data-bbox="1400 1105 2053 1295" style="border: 1px solid black; height: 117px; width: 311px;"></div> <p>How can stronger connections be made during a unit between work being done and the standard and objective being addressed? This is an area that the department needs to work on.</p>
<p><b>Establishing a climate that promotes fairness and respect</b></p> <p>2.2</p>	<p>Does not model fairness, equity, caring, and respect in the classroom. Is unaware of impolite and disrespectful behavior. Allows inappropriate attitudes and behaviors among students. Response to inappropriate behavior is unfair or inequitable.</p>	<p>Builds caring, friendly rapport with most students. Models equitable and respectful relationships. Has some strategies to respond to unfairness and disrespect.</p>	<p>Promotes caring and respectful interactions. Responds to incidents of unfairness and disrespect equitably. Encourages students to respect differences.</p>	<p>Maintains caring, respectful, and equitable relationships with students. Supports students in developing skills to respond to inequity and disrespect.</p>	<p>Fosters a safe, inclusive, and equitable learning community. Students participate in maintaining a climate of equity, caring and respect and may initiate creative solutions to conflicts.</p>	
<p><b>Promoting social development and group responsibility</b></p> <p>2.3</p>	<p>Does not support students' social development, self-esteem, and diversity. Students have no sense of responsibility for each other.</p>	<p>Uses some strategies and activities to develop students' individual responsibility and recognition of others rights and needs. Students share in classroom responsibilities. Recognizes student diversity but does not promote acceptance or respect.</p>	<p>Promotes positive student interactions as members of large and small groups. Provides some opportunities for student leadership within the classroom. Promotes acceptance and respect for different experiences, ideas, backgrounds, feelings, and point of view.</p>	<p>Engages students in individual and group work that promotes responsibility to the classroom community. Supports students to take initiative in classroom leadership.</p>	<p>Facilitates an environment in which students take initiative socially and academically. Promotes and supports student leadership beyond the classroom.</p>	
<p><b>Establishing and maintaining standards for student behavior</b></p> <p>2.4</p>	<p>No standards for behavior appear to have been established, or students are confused about what the standards are.</p>	<p>Establishes basic standards for behavior. Response to student behavior is generally appropriate.</p>	<p>Uses strategies that prevent or lessen disruptive behavior and reinforce expectations for behavior. Monitors behavior while teaching and during student work time.</p>	<p>Equitably reinforces expectations and consequences and supports students to monitor their own behavior and each other's behavior in a respectful way.</p>	<p>Facilitates a positive environment in which students are guided to take a strong role in monitoring their own behavior and each other's behavior in a respectful way.</p>	

<p><i>Planning and implementing classroom procedures and routines that support student learning</i> 2.5</p>	<p>Has not established and/or enforced classroom procedures and routines.</p>	<p>Develops procedures and routines. Assists students to learn routines and procedures for most activities.</p>	<p>Establishes and maintains procedures and routines. Supports and monitors students in procedures and routines appropriate for learning activities.</p>	<p>Assists and encourages students in developing and maintaining equitable routines and procedures.</p>	<p>Assists and encourages all students in developing and internalizing equitable routines and procedures. Students show ownership of routines and procedures.</p>	
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**Using instructional time effectively**

2.6

Learning activities are not appropriately paced. Poor transitions result in lost instructional time.

Provides time for students to complete learning activities. Develops some routines for classroom business and most transitions are timely.

Provides adequate time for presentation and for completion of learning activities. Paces instruction and classroom business to maintain engagement. Uses transitions to support engagement of all students.

Paces instruction to include ongoing review and closure of lessons to connect them to future lessons. Classroom business and transitions are efficient and integrated into learning activities.

Presents, adjusts and facilitates instruction and daily activities so all students have time for learning, are continually engaged, and have opportunities for reflection and assessment. Supports students to self-monitor time on task.

Students truly like to be in your class. There is a positive atmosphere created for student learning.

the adjustment period from Middle School to High School played a part in this. [redacted] also volunteered to work in the Edge program and missed the trainings due to time frame of moving to the High School.

**Rating (Check One):**  
 Does Not Meet CSTP     Meets or Exceeds CSTP

### Standard 3: Understanding and Organizing Subject Matter for Student Learning

<i>Elements</i>	<b>Does Not Meet CSTP</b>	<b>Progressing Towards CSTP</b>	<b>Meets or Exceeds CSTP</b>			<b>Evidence-Based Rationale for Rating</b>
<i>Demonstrating knowledge of subject matter and student development</i>  3.1	Basic knowledge of subject matter and student development is not always evident or current. Does not adequately support students' learning of key concepts.	Has working knowledge of subject matter and student development. Promotes an understanding of key concepts.	Communicates key concepts, skills, and themes in an accurate, clear, and coherent manner. Plans and builds on instruction with students' cognitive and linguistic abilities in mind.	Uses expanded knowledge of subject matter to support student understanding of key concepts, themes, multiple perspectives, and relationships in subject area(s). Activities are suitable for students' cognitive development.	Flexibly uses comprehensive knowledge of subject matter and student development to ensure that all students understand key concepts, themes, multiple perspectives, and relationships in and among subject area(s).	
<i>Organizing curriculum to support student understanding of subject matter</i>  3.2	The curriculum is not organized and does not adequately demonstrate concepts, themes and skills. Rarely supports different perspectives or students' understanding of core concepts.	Uses knowledge of subject matter to promote students' understanding of key concepts, skills, and standards taught. May connect key concepts to standards and frameworks.	Identifies key concepts, skills, and units/themes to facilitate student understanding and reflect standards and frameworks.	Organizes and sequences subject matter clearly to coordinate core curriculum and content standards within and across subject matter as appropriate.	Designs and adapts subject matter to demonstrate a consistent in-depth student understanding of content and relationships among various concepts and themes. Content standards are fully integrated in the core curriculum.	
<i>Interrelating ideas and information within and across subject matter</i>  3.3	Presents curriculum without identifying or integrating key concepts and information, or does not relate content to previous learning in order to support students' understanding.	Focuses on core curriculum and skills. Attempts to relate content to prior lessons within the subject matter.	Connects key concepts, skills, and themes within subject matter to the standards. Builds on prior lessons and students' backgrounds.	Integrates key concepts, skills, and underlying themes within and across curriculum to support standards. Capitalizes on opportunities to make connections while teaching.	Connects key concepts and underlying themes within and across the curriculum to extend in-depth learning for all students. Supports students' application of cross-curr. learning.	
<i>Developing student understanding through instructional strategies that are appropriate to subject matter</i>  3.4	Does not appropriately match instructional strategies to subject matter content or concepts. Does not encourage students to think critically or to extend their knowledge.	Uses a few instructional strategies to make the content accessible to students. Makes some attempt to encourage students to think critically.	Matches strategies appropriate to subject matter to encourage student understanding and critical thinking. Strategies utilize students' interests and backgrounds.	Develops and uses multiple strategies that challenge all students. Assists students to individually construct their own knowledge and think critically.	Uses a repertoire of instructional strategies that are appropriate to subject matter. Utilizes strategies that challenge and support all students to independently apply and think critically about the subject matter.	

<p><b><i>Using materials, resources, and technologies to make subject matter accessible to students</i></b> 3.5</p>	<p>Instructional materials, resources and technologies are not used appropriately. Materials do not accurately reflect diverse perspectives.</p>	<p>Uses available instructional materials, resources, and technologies to present concepts and skills. Some materials and resources reflect students' diversity. Develops some systems to provide equitable access to resources.</p>	<p>Selects and utilizes appropriate relevant instructional materials, resources, and technologies to present concepts and skills. Materials reflect linguistic diversity of students. Resources are made available to all students.</p>	<p>Selects, adapts and creates a range of relevant materials, resources, and technologies to enrich learning, to reflect linguistic and cultural diversity of students, and to provide for equal access.</p>	<p>Analyzes, adapts, and creates a wide range of relevant instructional materials, resources, and technologies to extend students' understanding and provide equal access. Materials reflect diversity beyond the classroom.</p>	<p><b>Rating (Check One):</b>  <input type="checkbox"/> Does Not Meet CSTP    <input type="checkbox"/> Meets or Exceeds CSTP  <input type="checkbox"/> Progressing Towards CSTP</p>
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**Standard 4: Planning Instruction and Designing Learning Experiences for All Students**

<b><i>Elements</i></b>	<b>Does Not Meet CSTP</b>	<b>Progressing Towards CSTP</b>	<b>Meets or Exceeds CSTP</b>			<b>Evidence-Based Rationale for Rating</b>
<p><b><i>Drawing on and valuing students' backgrounds, interests, and developmental learning needs</i></b> 4.1</p>	<p>Instructional plans do not match or reflect students' backgrounds, experiences, interests, and developmental needs, and do not support students' learning.</p>	<p>Develops and gathers materials to supplement available resources. Most lessons acknowledge students' prior knowledge, interests and learning needs.</p>	<p>Develops lessons that incorporate students' prior knowledge, interests, instructional, and linguistic learning needs.</p>	<p>Uses a wide range of materials to access and build upon students' prior knowledge, interests, instructional and linguistic needs to extend student understanding.</p>	<p>Designs instruction to build on students' prior knowledge, instructional needs, linguistic needs, and diversity to challenge all students.</p>	
<p><b><i>Establishing and articulating goals for student learning</i></b> 4.2</p>	<p>Instructional goals are not established or do not address students' language, experiences or school expectations. Expectations for students are low or unrealistic.</p>	<p>Communicates expectations for student learning in most lessons. Has inconsistent expectations for students.</p>	<p>Articulates and links goals to instructional activities. Goals are appropriately challenging for most students and represent valuable learning. Expectations for students are generally high.</p>	<p>Ensures that students understand and reflect upon short-term and long-term learning goals. Goals reflect high expectations and challenge students at their level.</p>	<p>Articulates short-term and long-term goals with high expectations for learning. Designs activities so that students have opportunities to participate in setting, revising, and achieving personal goals.</p>	
<p><b><i>Developing and sequencing instructional activities and materials for student learning</i></b> 4.3</p>	<p>Instructional activities and materials are not appropriate to the students or the instructional goals do not engage students in meaningful learning. Activities are not logically sequenced.</p>	<p>Develops some concepts and skills through a series of lessons that are connected and consider student linguistic and instructional needs.</p>	<p>Plans appropriately sequenced instruction and use of materials to promote student understanding of basic concepts and skills. Considers student linguistic and instructional needs.</p>	<p>Develops and sequences lessons to make connections within and across subject matter areas.</p>	<p>Sequences instruction to help students synthesize and apply new knowledge.</p>	

<p><b>Designing short-term and long-term plans to foster student learning</b></p> <p>4.4</p>	<p>Individual lesson plans have little or no recognizable organization or connection to adopted curriculum. Demonstrates limited knowledge of subject matter and students to plan and pace instructional activities over time. Does not plan to ensure access to challenging, diverse, academic content for all students.</p>	<p>Ineffectively organizes curriculum to allow enough time for student learning, review and assessment. Neglects to provide opportunities for all students to learn at their own pace.</p>	<p>Organizes most of the curriculum to allow enough time for student learning, review, and assessment. Demonstrates knowledge of subject matter and students to plan and pace instructional activities over time. Plans to ensure access to challenging, diverse, academic content for most students to learn at their own pace.</p>	<p>Organizes curriculum to allow enough time for student learning, review, and assessment. Applies knowledge of subject matter and students to plan and pace instructional activities over time. Plans to ensure access to challenging, diverse, academic content for all students. Provides opportunities for all students to learn at their own pace.</p>	<p>Learning sequences are responsive to the needs of individual students and promotes understanding of complex concepts. Plans are comprehensive and cohesive across content areas.</p>	<p><b>Rating (Check One):</b></p> <p><input type="checkbox"/> Does Not Meet CSTP    <input type="checkbox"/> Meets or Exceeds CSTP</p> <p><input type="checkbox"/> Progressing Towards CSTP</p>
<p><b>Modifying instructional plans to adjust for student needs</b></p> <p>4.5</p>	<p>Instructional plans are not modified, in spite of evidence that modifications would improve student learning.</p>	<p>Inconsistently adjusts lessons based on informal assessment of student understanding and performance from previous lesson, having taken note of student confusion.</p>	<p>Adjusts plans in advance to accommodate levels of ability and interests of most students. Makes modifications during lessons to address confusions and individual student performance.</p>	<p>Uses assessments to modify lessons in advance. Throughout the learning activity, assessments of student understanding are used to influence changes in instruction.</p>	<p>Uses a wide range of assessments to modify lessons in advance. Makes appropriate modifications for students during lessons and supports students in monitoring and communicating their own understanding.</p>	

### Standard 5: Assessing Student Learning

<i>Elements</i>	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<p><b>Establishing and communicating learning goals for all students</b></p> <p>5.1</p>	<p>Does not use adopted curriculum materials to establish learning goals for students that reflect the key subject matter concepts, skills, and applications. Students are unaware of learning goals.</p>	<p>Inconsistently uses adopted material to establish learning goals for students that reflect the key subject matter concepts, skills, and applications. Some students are aware of learning goals.</p>	<p>Uses subject matter standards from district, state, and other sources to guide establishment of learning goals for all students that reflect the key subject matter concepts, skills, and applications. Clearly communicates learning goals to students and families.</p>	<p>Establishes clear and appropriate goals based on student content standards, with consideration of students' learning needs. Involves students and families in developing individual goals to support learning.</p>	<p>Integrates learning goals into all learning activities. Establishes, reviews and revises learning goals with students and families on an ongoing basis.</p>	<p>During a normal class you have begun to call on many different students to check for understanding. Students volunteering as well as those not are called on. Questioning techniques</p> <div data-bbox="1402 1117 2032 1221" style="border: 1px solid black; height: 64px; width: 299px;"></div> <p>The work done by the Edge team to record student data and how to get it into "School City" for disaggregation will improve the program. The scores currently are being looked at and disaggregated which helps to provide needed information</p> <div data-bbox="1402 1416 2032 1520" style="border: 1px solid black; height: 64px; width: 299px;"></div>
<p><b>Collecting and using multiple sources of information to assess student learning</b></p> <p>5.2</p>	<p>The teacher uses no consistent source of information to assess student learning and/or uses assessment strategies that are not appropriate.</p>	<p>The teacher uses limited sources of information to assess student learning and one or more assessment strategies to monitor student progress.</p>	<p>The teacher uses a variety of sources to collect information about student learning and multiple assessment strategies to monitor student progress and inform instruction.</p>	<p>Uses a variety of assessment tools. Collects, selects, and reflects upon evidence to guide short-term and long-term plans and support student learning.</p>	<p>Embeds a wide range of ongoing assessments in instructional activities to provide consistent guidance for planning and instruction.</p>	

<b><i>Involving and guiding all students in assessing their own learning</i></b> <b>5.3</b>	The teacher does not encourage students to reflect on or assess their own work.	Provides students with feedback on work in progress, as well as completed tasks. Some student involvement in assessing their own work.	Presents guidelines for assessment to students. Assists students in reflecting on and assessing their own work.	Integrates student self-assessment and reflection into the learning activities. Students engage in some peer assessment of work against criteria.	Engages all students in ongoing self and peer assessment and in monitoring their progress and goals over time.	<div style="border: 1px solid black; height: 142px; width: 100%;"></div>
<b><i>Using the results of assessment to guide instruction</i></b> <b>5.4</b>	Information about student learning is inappropriately or not used by the teacher to plan, guide, or adjust instruction.	Uses information from some assessments to plan learning activities. Checks for understanding with a few students while teaching and addresses confusions.	Uses formal and informal assessments to plan lessons. Regularly checks for understanding from a wide variety of students to identify student needs and modify instruction.	Includes assessments as a regular part of instruction to plan and revise lessons. Identifies student understanding during the lesson using a variety of methods and adjusts teaching to meet student needs.	Uses a wide range of assessments to guide planning and make adjustments to teaching. Embeds broad-based checking for understanding in instruction and is able to modify and redesign lessons as needed.	<p>The area of refining formative assessment is where I would like to see you as well as the department move.</p> <div style="border: 1px solid black; height: 265px; width: 100%;"></div>
<b><i>Communicating with students, families, and other audiences about student progress</i></b> <b>5.5</b>	The teacher provides some information about student learning to students, families, and support personnel, but the information is incomplete, unclear, or not timely.	Provides students with information about their current progress as they engage in learning activities. Families and support personnel are contacted as mandated.	Provides students with timely information about their current progress and how to improve their work. Establishes regular communication with families and support personnel.	Engages students, families, and support personnel in regular discussions regarding student progress and improvement plans. Ongoing information is collected from a variety of sources and shared with students, families and support personnel.	Involves students, families, and support personnel as partners in the assessment process. Provides comprehensive information about students' progress and improvement plans to students, families, and support personnel.	<p><b>Rating (Check One):</b></p> <p><input type="checkbox"/> Does Not Meet CSTP    <input checked="" type="checkbox"/> Meets or Exceeds CSTP</p> <p><input type="checkbox"/> Progressing Towards CSTP</p>

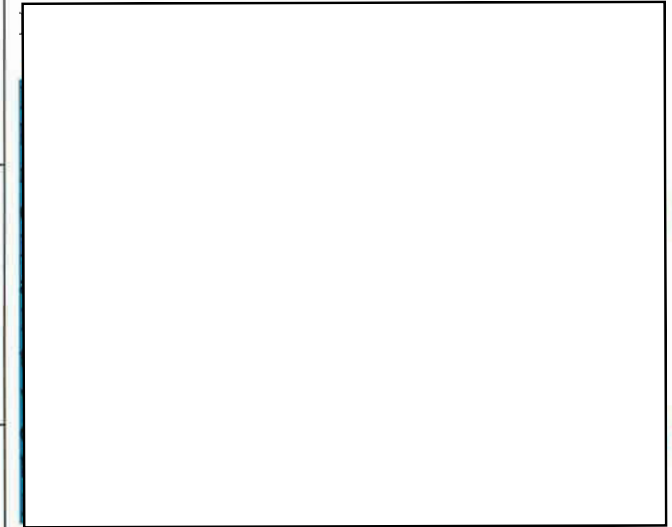
### Standard 6: Developing as a Professional Educator

<b>Elements</b>	<b>Does Not Meet CSTP</b>	<b>Progressing Towards CSTP</b>	<b>Meets or Exceeds CSTP</b>	<b>Evidence-Based Rationale for Rating</b>
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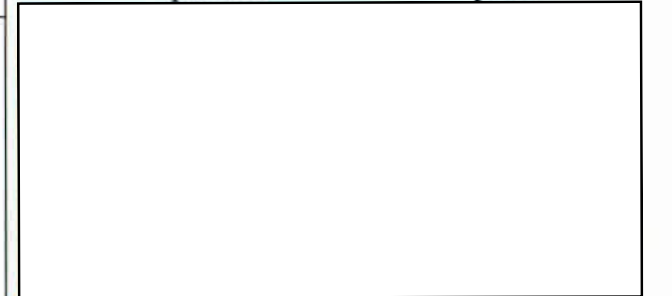
<p><b>Reflecting on teaching practice and planning professional development</b></p> <p>6.1</p>	<p>Reflects on specific problems or areas of concern in his/her teaching practice, but rarely uses reflection to assess growth over time or to plan professional development.</p>	<p>Reflects on areas of concern in his/her teaching practice, assesses growth in these areas, and may use reflection to plan professional development.</p>	<p>Reflects on the relationship of teaching practice to student learning. Plans professional development based on reflection.</p>	<p>Analyzes and reflects on teaching and learning based on evidence gathered. Plans professional development based on reflections and other resources.</p>	<p>Integrates analysis and reflection into daily practice based on a wide variety of evidence in relationship to professional growth and student learning. Plans draw on a wide variety of resources to expand knowledge.</p>
<p><b>Establishing professional goals and pursuing opportunities to grow professionally</b></p> <p>6.2</p>	<p>Rarely pursues opportunities to develop new knowledge or skills, or to participate in the professional community.</p>	<p>Sets goals considering self-assessment and other feedback. Pursues some opportunities to acquire new knowledge and skills, but infrequently participates in the professional community.</p>	<p>Pursues opportunities to acquire new knowledge and skills and participate in the professional community.</p>	<p>Purposefully pursues opportunities to expand knowledge and skills, and participates in and contributes to the professional community.</p>	<p>Contributes to professional organizations, literature, and development opportunities to extend own teaching practice and that of colleagues. Leads professional development.</p>
<p><b>Working with communities to improve professional practice</b></p> <p>6.3</p>	<p>Teacher has limited knowledge of students' communities or of how to access them to provide learning experiences for students or to promote collaboration with the school.</p>	<p>Teacher increases their own understanding of the roles of the communities in students' lives. May attend selected community events. Uses some district and community resources available through the school.</p>	<p>Identifies and uses appropriate district resources in support of families and student learning. Expands knowledge of, and connections with, the full range of community resources.</p>	<p>Uses knowledge of, and strengthens connections with, local communities' cultures, services, and resources to support student learning.</p>	<p>Promotes school and community collaborations. Provides students with a range of community experiences that benefit students and/or families.</p>
<p><b>Working with families to improve professional practice</b></p> <p>6.4</p>	<p>Teacher may demonstrate respect for students' families or their backgrounds, but has limited communication with families, and is not sure how to provide opportunities for participation in the classroom or school community.</p>	<p>Communicates with families at reporting periods and school events. Advises families of problems. Recognizes the role of the family in student learning. Invites families to contribute in the classroom.</p>	<p>Regularly communicates student progress in appropriate ways, taking into account the diversity of families. Encourages families to contribute to the classroom and school.</p>	<p>Maintains regular and responsive communication with all families. Provides opportunities for families to actively participate in the classroom and school.</p>	<p>Engages families in a variety of responsive, ongoing, two-way communications in support of student success. Structures a wide range of opportunities for families to contribute to the classroom and school community.</p>
<p><b>Working with colleagues to improve professional practice</b></p> <p>6.5</p>	<p>Rarely collaborates with colleagues, or seeks out other staff to discuss student needs. Rarely participates in school or district events or learning activities.</p>	<p>Establishes positive working relationship with a few colleagues. Interacts with colleagues to gather resources. Seeks out trusted colleagues to consider solutions to problems with students.</p>	<p>Works constructively with colleagues and support staff to improve student learning and reflect on practice. Collaborates with colleagues to plan curriculum, coordinate resources, and solve problems.</p>	<p>Engages staff in dialogue and reflection to support student learning and teacher growth in responsive and appropriate ways.</p>	<p>Provides opportunities to collaborate with staff to support learning for all students. Provides leadership for, and contributes to, the learning of other educators.</p>

[redacted] has been collaborating with the other Edge teachers. She has attended the second training provided by the district. More training is going to occur over the year.

It appears that most of the collaboration has occurred around the Edge program. This has taken much of the time allotted so the ELD and



[redacted] will has provided me with a list of PD attended or planned for this school year.





**Balancing professional responsibilities and maintaining motivation**

6.6

Does not fulfill professional responsibilities. Does not stay current about professional and legal responsibilities for students' learning, behavior and safety.

Possesses a positive attitude in the classroom. Develops an understanding of professional responsibilities.

Maintains positive attitude, demonstrates understanding of professional responsibilities, and seeks support to balance professional responsibilities with personal needs.

Maintains motivation and commitment to all students, demonstrates professional integrity, and challenges self intellectually and creatively.

Maintains motivation and commitment to all students and the professional community, demonstrates and models professional integrity, and challenges self intellectually and creatively throughout career.

\_\_\_\_\_ does need to be more attentive to the

**Rating (Check One):**

- Does Not Meet CSTP     Meets or Exceeds CSTP
- Progressing Towards CSTP

Employee \_\_\_\_\_

School Year \_\_\_\_\_

Additional Comments - Employee	Additional Comments - Evaluator
	<p>In the area of assessment: Currently assessments (outside of Edge) seem to be used primarily to grade students. There is some evidence of students getting helpful feedback as part of the grading process. Students generally are assessed on a regular basis.</p> <p>Assessment practices need to move towards the following:  Assessment needs to be primarily diagnostic, aimed at identifying what students need to learn. The teacher assesses student understanding before during and after the lesson or activity. Feedback is ongoing and timely. There is a clear emphasis on using assessments and assessment data to ensure that all students have a chance to succeed. teachers should adjust their teaching based upon information from classroom assessments.</p> <p>Emphasis on criterion-referenced (as opposed to norm-referenced) grading, that is, student work compared to an absolute standard, implying that all can ultimately succeed. The use of rubrics and exemplary work displays should be incorporated.</p>

**Recommendations**

**Probationary:**

- Continue Probationary Status
- Continue Probationary Status with Recommendation for Assistance
- Recommend for Permanent Status
- Recommend Non-Re-Employment

**Temporary:**

- Continue Temporary Status
- Continue Temporary Status with Recommendation for Assistance
- Recommend Release from Contract

**Permanent:**

- Continue Permanent Status
- Continue Permanent Status with Mandated Referral to PAR  
\*(2-3 "Does Not Meet CSTP" Ratings)  
The next evaluation of this Permanent Employee is deferred to the third school year following the school year of this evaluation<sup>1</sup>. \_\_\_\_\_ date \_\_\_\_\_

Administrator      Employee

*(Please initial and date above to indicate agreement for Deferral)*

<sup>1</sup> **Evaluator and Employee must mutually agree to the third year deferral.**

(Additional information may be attached)

**POSTED**  
RW 4/9/13

Employee's Signature \_\_\_\_\_ Date 3/19/13

Evaluator's Signature \_\_\_\_\_ Title Principal \_\_\_\_\_ Date 3/19/13

Reviewed by \_\_\_\_\_ Title \_\_\_\_\_ Date 3/28/13

Reviewed by \_\_\_\_\_ Title \_\_\_\_\_ Date 3/29/13





Fairfield-Suisun Unified School District

**POSTED**

"Our Mission is to Provide a Quality Educational System that Assures Opportunities for Every Student to Learn and Meet the Challenges of the Future"

RECEIVED

MAY 22 2012

HUMAN RESOURCES

**Certificated Personnel Evaluation Form**

(Reference: Collective Bargaining Agreement, Article 10)

Copy 1 – Personnel File  
Copy 2 – Evaluator  
Copy 3 – Employee

Employee:

Evaluator:

Grade/Subject Area(s):

Position:

School Year: 2011-2012 Site/Location:

Date: April 21, 2012

\*Standard Selected by the Evaluator:

\*Standard Selected by the Unit Member:

Status:

**Directions for Use:**

- 1) During the first twenty (20) days of the unit member's work year, the administrator will convene an individual or School Site Staff meeting in order to discuss the evaluation process and standards, and distribute the *most recent version of the California Standards for the Teaching Profession: A Description of Professional Practice for California Teachers* to all certificated teachers. The standards and elements of the California Standards for the Teaching Profession will be discussed in relationship to the FSUSD Observation and Evaluation Rubric. Examples of evidence-based evaluations will be provided. Staff will discuss the process and an opportunity to ask questions will be provided. (Reference: Article 10.3, Section b)
- 2) The authorized components of data to validate the CSTP include not only formal observations, but may also include observations of less than thirty minutes, classroom walkthroughs, lesson plans as designed by the classroom teacher, observation of report cards and progress reports, and records of professional development activities as provided by the teacher. (Reference: Article 10.3, Section e)
- 3) The attached FSUSD Evaluation Rubric will be used to provide meaningful feedback and to serve as a source for discussion for the evaluation. Evidence based comments will be provided. In completing the final report, the evaluator will consider the overall performance in each of the selected standards when determining an evaluation rating. [Reference: Article 10.3, Sections (a.1, c, & d thru g)]
- 4) All unit members will receive a final evaluation report in writing, and an employee/evaluator conference will be held at least thirty (30) workdays prior to their last workday in the school year in which the evaluation took place. [Reference: Article 10.4, Sections (a or b)]

\* Applies to Permanent Unit Members ONLY

## Standard 1: Engaging and Supporting All Students In Learning

<i>Elements</i>	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<p><i>Connecting students' prior knowledge, life experience, and interests with learning goals</i></p> <p style="text-align: right;">1.1</p>	Makes no connections between the learning goals and the students' prior knowledge, life experiences and interests. Does not elicit students' questions or comments during a lesson.	Attempts to open lesson to engage students' attention and interest. Asks some questions that elicit students' prior knowledge, life experiences and interest. Some connections are made to learning goals and objectives of the lesson.	<u>Implements activities and elicits questions that help students make connections between what they already know and the learning goals and objectives.</u>	Uses questions and activities to extend students' abilities to integrate what they know with the learning goals and objectives. Makes adjustments during lesson to ensure that all students meet the learning goals.	Creates a context for students to synthesize learning goals and objectives with what they know and develop their own complementary learning goals.	<ul style="list-style-type: none"> <li>• Reviewed objective/purpose of lesson</li> <li>• Short film clip on subject-predicate</li> <li>• Mandatory engagement techniques such as stand up, think-pair-share, talk time</li> <li>• Group sort activity</li> <li>• Do now activity</li> <li>• SMART board</li> <li>• All students engaged in activity</li> <li>• Use of highlighters to highlight the morphs.</li> <li>• Students track with their fingers while teacher reads aloud</li> <li>• Partner talk</li> <li>• Randomly chooses student to share partner discussions</li> <li>• Numbered heads together</li> <li>• Sentence stems</li> <li>• Discussion builders posted on each students' desk</li> <li>• Students have assigned roles and responsibilities within their table groups</li> <li>• Note taking</li> </ul>
<p><i>Uses a variety of instructional strategies and resources to respond to students' needs</i></p> <p style="text-align: right;">1.2</p>	Uses instructional strategies that lack variety, are poorly carried out, or are inappropriate to the students or to the instructional goals. No adjustments are made to respond to students' needs.	Uses a few instructional strategies. Delivers instruction with available resources and materials. Makes minimal adjustments to respond to students' needs.	<u>Elicits student participation through a variety of instructional strategies intended to match students' academic and linguistic needs. Checks for student understanding.</u>	Uses a repertoire of strategies and resources. Selects and differentiates learning to accommodate students' diverse learning styles.	Uses extensive repertoire of strategies to meet students' diverse academic and linguistic needs and ensure fullest participation and learning for all students.	
<p><i>Facilitating learning experiences that promote autonomy, interaction and choice</i></p> <p style="text-align: right;">1.3</p>	Directs learning experiences, permitting no student autonomy, interaction, or choice.	Directs learning experiences through whole group and individual work with limited possibilities for interaction and choice.	<u>Provides learning experiences utilizing individual and group structures to develop autonomy and group participation skills. Students make choices about and within their work.</u>	Uses a variety of learning experiences to developing independent working skills and group participation skill. Supports students in making appropriate choices for learning.	Integrates a variety of challenging learning experiences that develop students' independent learning, collaboration, and choice.	
<p><i>Engaging students in problem solving, critical thinking, and other activities that make subject matter meaningful</i></p> <p style="text-align: right;">1.4</p>	Provides no learning opportunities for students to engage in problems solving, analysis, or critical thinking activities.	Provides limited learning opportunities for students to engage in problem solving within subject matter areas. Asks some critical thinking questions to relate facts and key concepts of subject matter.	<u>Engages students through activities and questioning strategies that develop skills in identification and understanding of key concepts and issues. Supports students in problem posing and problem solving.</u>	Engages students in analysis of key concepts and facts through activities and questions that consider multiple perspectives. Supports students to initiate problem posing, problem solving, and inquiry.	Facilitates regular opportunities for students to design and implement inquiries and problem solving to analyze content and draw conclusions, considering multiple perspectives with and across subject matter.	
<p><i>Promoting self-directed, reflective learning for all students</i></p> <p style="text-align: right;">1.5</p>	Provides no opportunities for students to initiate their own learning or to monitor their own work.	Provides limited opportunities for students to monitor their own work and to reflect on the process and their progress.	<u>Supports students in developing skills needed to monitor their own learning. Students have opportunities to reflect on the process and their progress.</u>	Structures learning activities that enable students to set goals and develop strategies for demonstrating, monitoring, and reflecting on the process and their progress.	Facilitates students to initiate learning goals and set criteria for demonstrating and evaluating work. Students reflect on the process and their progress as a regular part of learning experiences.	

**Rating (Check One):**

- Does Not Meet CSTP   
  Meets or Exceeds CSTP  
 Progressing Towards CSTP

## Standard 2: Creating and Maintaining an Effective Environment for Student Learning

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<i>Creating a physical environment that engages all students</i> 2.1	The physical environment does not support student learning. Movement and access may be restricted by barriers. Materials are difficult to access when needed.	Arranges room for teacher accessibility or visibility of students. Manages room for easy movement and access to resources. Room displays relate to the curriculum.	Designs movement patterns and access to resources to promote individual and group engagement. Room displays are used in learning activities.	<u>Designs and manages room and resources to accommodate students' needs and involvement in learning. Displays are integral to learning activities.</u>	Uses total physical environment as a resource to promote individual and group learning. Students are able to contribute to the changing design of the environment.	<ul style="list-style-type: none"> <li>Classroom procedures clearly and explicitly outlined</li> <li>Agenda posted</li> <li>Timed activity- effective pacing</li> <li>Books displayed</li> <li>Key vocabulary posted</li> <li>All students have materials</li> <li>Writing process posted</li> <li>SLANT posted and reinforced</li> <li>Student writing posted</li> <li>Neat and organized room</li> <li>Students arranged in groups of 4</li> <li>Walls are used as teaching tools</li> <li>High levels of mutual respect between teacher and students</li> </ul>
<i>Establishing a climate that promotes fairness and respect</i> 2.2	Does not model fairness, equity, caring, and respect in the classroom. Is unaware of impolite and disrespectful behavior. Allows inappropriate attitudes and behaviors among students. Response to inappropriate behavior is unfair or inequitable.	Builds caring, friendly rapport with most students. Models equitable and respectful relationships. Has some strategies to respond to unfairness and disrespect.	Promotes caring and respectful interactions. Responds to incidents of unfairness and disrespect equitably. Encourages students to respect differences.	Maintains caring, respectful, and equitable relationships with students. Supports students in developing skills to respond to inequity and disrespect.	<u>Fosters a safe, inclusive, and equitable learning community. Students participate in maintaining a climate of equity, caring and respect and may initiate creative solutions to conflicts.</u>	
<i>Promoting social development and group responsibility</i> 2.3	Does not support students' social development, self-esteem, and diversity. Students have no sense of responsibility for each other.	Uses some strategies and activities to develop students' individual responsibility and recognition of others rights and needs. Students share in classroom responsibilities. Recognizes student diversity but does not promote acceptance or respect.	Promotes positive student interactions as members of large and small groups. Provides some opportunities for student leadership within the classroom. Promotes acceptance and respect for different experiences, ideas, backgrounds, feelings, and point of view.	<u>Engages students in individual and group work that promotes responsibility to the classroom community. Supports students to take initiative in classroom leadership.</u>	Facilitates an environment in which students take initiative socially and academically. Promotes and supports student leadership beyond the classroom.	
<i>Establishing and maintaining standards for student behavior</i> 2.4	No standards for behavior appear to have been established, or students are confused about what the standards are.	Establishes basic standards for behavior. Response to student behavior is generally appropriate.	Uses strategies that prevent or lessen disruptive behavior and reinforce expectations for behavior. Monitors behavior while teaching and during student work time.	Equitably reinforces expectations and consequences and supports students to monitor their own behavior and each other's behavior in a respectful way.	<u>Facilitates a positive environment in which students are guided to take a strong role in monitoring their own behavior and each other's behavior in a respectful way.</u>	
<i>Planning and implementing classroom procedures and routines that support student learning</i> 2.5	Has not established and/or enforced classroom procedures and routines.	Develops procedures and routines. Assists students to learn routines and procedures for most activities.	Establishes and maintains procedures and routines. Supports and monitors students in procedures and routines appropriate for learning activities.	Assists and encourages students in developing and maintaining equitable routines and procedures.	<u>Assists and encourages all students in developing and internalizing equitable routines and procedures. Students show ownership of routines and procedures.</u>	
<i>Using instructional time effectively</i> 2.6	Learning activities are not appropriately paced. Poor transitions result in lost instructional time.	Provides time for students to complete learning activities. Develops some routines for classroom business and most transitions are timely.	Provides adequate time for presentation and for completion of learning activities. Paces instruction and classroom business to maintain engagement. Uses transitions to support engagement of all students.	<u>Paces instruction to include ongoing review and closure of lessons to connect them to future lessons. Classroom business and transitions are efficient and integrated into learning activities.</u>	Presents, adjusts and facilitates instruction and daily activities so all students have time for learning, are continually engaged, and have opportunities for reflection and assessment. Supports students to self-monitor time on task.	

### Rating (Check One):

Does Not Meet CSTP     Meets or Exceeds CSTP

Progressing Towards CSTP

### Standard 3: Understanding and Organizing Subject Matter for Student Learning

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<p><i>Demonstrating knowledge of subject matter and student development</i></p> <p>3.1</p>	<p>Basic knowledge of subject matter and student development is not always evident or current. Does not adequately support students' learning of key concepts.</p>	<p>Has working knowledge of subject matter and student development. Promotes an understanding of key concepts.</p>	<p><u>Communicates key concepts, skills, and themes in an accurate, clear, and coherent manner. Plans and builds on instruction with students' cognitive and linguistic abilities in mind.</u></p>	<p>Uses expanded knowledge of subject matter to support student understanding of key concepts, themes, multiple perspectives, and relationships in subject area(s). Activities are suitable for students' cognitive development.</p>	<p>Flexibly uses comprehensive knowledge of subject matter and student development to ensure that all students understand key concepts, themes, multiple perspectives, and relationships in and among subject area(s).</p>	<ul style="list-style-type: none"> <li>• Teacher and students actions are related to the standard/objective</li> <li>• Do now activity elicits their own opinion</li> <li>• Ties short article with a morphology lesson review</li> <li>• Sentence stems</li> <li>• A-B partner talk</li> <li>• Think-pair-share</li> <li>• Numbered heads together</li> <li>• Instructional scaffolding</li> <li>• Table group activity</li> <li>• SMART board use</li> <li>• Short film clip</li> </ul>
<p><i>Organizing curriculum to support student understanding of subject matter</i></p> <p>3.2</p>	<p>The curriculum is not organized and does not adequately demonstrate concepts, themes and skills. Rarely supports different perspectives or students' understanding of core concepts.</p>	<p>Uses knowledge of subject matter to promote students' understanding of key concepts, skills, and standards taught. May connect key concepts to standards and frameworks.</p>	<p><u>Identifies key concepts, skills, and units/themes to facilitate student understanding and reflect standards and frameworks.</u></p>	<p>Organizes and sequences subject matter clearly to coordinate core curriculum and content standards within and across subject matter as appropriate.</p>	<p>Designs and adapts subject matter to demonstrate a consistent in-depth student understanding of content and relationships among various concepts and themes. Content standards are fully integrated in the core curriculum.</p>	
<p><i>Interrelating ideas and information within and across subject matter</i></p> <p>3.3</p>	<p>Presents curriculum without identifying or integrating key concepts and information, or does not relate content to previous learning in order to support students' understanding.</p>	<p>Focuses on core curriculum and skills. Attempts to relate content to prior lessons within the subject matter.</p>	<p><u>Connects key concepts, skills, and themes within subject matter to the standards. Builds on prior lessons and students' backgrounds.</u></p>	<p>Integrates key concepts, skills, and underlying themes within and across curriculum to support standards. Capitalizes on opportunities to make connections while teaching.</p>	<p>Connects key concepts and underlying themes within and across the curriculum to extend in-depth learning for all students. Supports students' application of cross-curr. learning.</p>	
<p><i>Developing student understanding through instructional strategies that are appropriate to subject matter</i></p> <p>3.4</p>	<p>Does not appropriately match instructional strategies to subject matter content or concepts. Does not encourage students to think critically or to extend their knowledge.</p>	<p>Uses a few instructional strategies to make the content accessible to students. Makes some attempt to encourage students to think critically.</p>	<p><u>Matches strategies appropriate to subject matter to encourage student understanding and critical thinking. Strategies utilize students' interests and backgrounds.</u></p>	<p>Develops and uses multiple strategies that challenge all students. Assists students to individually construct their own knowledge and think critically.</p>	<p>Uses a repertoire of instructional strategies that are appropriate to subject matter. Utilizes strategies that challenge and support all students to independently apply and think critically about the subject matter.</p>	
<p><i>Using materials, resources, and technologies to make subject matter accessible to students</i></p> <p>3.5</p>	<p>Instructional materials, resources and technologies are not used appropriately. Materials do not accurately reflect diverse perspectives.</p>	<p>Uses available instructional materials, resources, and technologies to present concepts and skills. Some materials and resources reflect students' diversity. Develops some systems to provide equitable access to resources.</p>	<p><u>Selects and utilizes appropriate relevant instructional materials, resources, and technologies to present concepts and skills. Materials reflect linguistic diversity of students. Resources are made available to all students.</u></p>	<p>Selects, adapts and creates a range of relevant materials, resources, and technologies to enrich learning, to reflect linguistic and cultural diversity of students, and to provide for equal access.</p>	<p>Analyzes, adapts, and creates a wide range of relevant instructional materials, resources, and technologies to extend students' understanding and provide equal access. Materials reflect diversity beyond the classroom.</p>	

**Rating (Check One):**

- Does Not Meet CSTP     Meets or Exceeds CSTP  
 Progressing Towards CSTP

### Standard 4: Planning Instruction and Designing Learning Experiences for All Students

<i>Elements</i>	<b>Does Not Meet CSTP</b>	<b>Progressing Towards CSTP</b>	<b>Meets or Exceeds CSTP</b>			<b>Evidence-Based Rationale for Rating</b>
<i>Drawing on and valuing students' backgrounds, interests, and developmental learning needs</i> 4.1	Instructional plans do not match or reflect students' backgrounds, experiences, interests, and developmental needs, and do not support students' learning.	Develops and gathers materials to supplement available resources. Most lessons acknowledge students' prior knowledge, interests and learning needs.	<u>Develops lessons that incorporate students' prior knowledge, interests, instructional, and linguistic learning needs.</u>	Uses a wide range of materials to access and build upon students' prior knowledge, interests, instructional and linguistic needs to extend student understanding.	Designs instruction to build on students' prior knowledge, instructional needs, linguistic needs, and diversity to challenge all students.	<ul style="list-style-type: none"> <li>• Standard/objective posted</li> <li>• Non-fiction reading article</li> <li>• Students gave opinions and used sentence stems</li> <li>• Partner talk</li> <li>• Prior knowledge connected to lesson</li> <li>• Group activity</li> <li>• Instructional scaffolding- I do, We do, You do</li> <li>• Students able to do independent practice assignment due to effective modeling and guided practice</li> <li>• Clear lesson outcomes</li> </ul> <p><b>Rating (Check One):</b>  <input type="checkbox"/> Does Not Meet CSTP    <input checked="" type="checkbox"/> Meets or Exceeds CSTP  <input type="checkbox"/> Progressing Towards CSTP</p>
<i>Establishing and articulating goals for student learning</i> 4.2	Instructional goals are not established or do not address students' language, experiences or school expectations. Expectations for students are low or unrealistic.	Communicates expectations for student learning in most lessons. Has inconsistent expectations for students.	<u>Articulates and links goals to instructional activities. Goals are appropriately challenging for most students and represent valuable learning. Expectations for students are generally high.</u>	Ensures that students understand and reflect upon short-term and long-term learning goals. Goals reflect high expectations and challenge students at their level.	Articulates short-term and long-term goals with high expectations for learning. Designs activities so that students have opportunities to participate in setting, revising, and achieving personal goals.	
<i>Developing and sequencing instructional activities and materials for student learning</i> 4.3	Instructional activities and materials are not appropriate to the students or the instructional goals do not engage students in meaningful learning. Activities are not logically sequenced.	Develops some concepts and skills through a series of lessons that are connected and consider student linguistic and instructional needs.	<u>Plans appropriately sequenced instruction and use of materials to promote student understanding of basic concepts and skills. Considers student linguistic and instructional needs.</u>	Develops and sequences lessons to make connections within and across subject matter areas.	Sequences instruction to help students synthesize and apply new knowledge.	
<i>Designing short-term and long-term plans to foster student learning</i> 4.4	Individual lesson plans have little or no recognizable organization or connection to adopted curriculum. Demonstrates limited knowledge of subject matter and students to plan and pace instructional activities over time. Does not plan to ensure access to challenging, diverse, academic content for all students.	Ineffectively organizes curriculum to allow enough time for student learning, review and assessment. Neglects to provide opportunities for all students to learn at their own pace.	<u>Organizes most of the curriculum to allow enough time for student learning, review, and assessment. Demonstrates knowledge of subject matter and students to plan and pace instructional activities over time. Plans to ensure access to challenging, diverse, academic content for most students to learn at their own pace.</u>	Organizes curriculum to allow enough time for student learning, review, and assessment. Applies knowledge of subject matter and students to plan and pace instructional activities over time. Plans to ensure access to challenging, diverse, academic content for all students. Provides opportunities for all students to learn at their own pace.	Learning sequences are responsive to the needs of individual students and promotes understanding of complex concepts. Plans are comprehensive and cohesive across content areas.	
<i>Modifying instructional plans to adjust for student needs</i> 4.5	Instructional plans are not modified, in spite of evidence that modifications would improve student learning.	Inconsistently adjusts lessons based on informal assessment of student understanding and performance from previous lesson, having taken note of student confusion.	<u>Adjusts plans in advance to accommodate levels of ability and interests of most students. Makes modifications during lessons to address confusions and individual student performance.</u>	Uses assessments to modify lessons in advance. Throughout the learning activity, assessments of student understanding are used to influence changes in instruction.	Uses a wide range of assessments to modify lessons in advance. Makes appropriate modifications for students during lessons and supports students in monitoring and communicating their own understanding.	



## Standard 5: Assessing Student Learning

<i>Elements</i>	<b>Does Not Meet CSTP</b>	<b>Progressing Towards CSTP</b>	<b>Meets or Exceeds CSTP</b>			<b>Evidence-Based Rationale for Rating</b>
<p><i>Establishing and communicating learning goals for all students</i></p> <p style="text-align: right;">5.1</p>	Does not use adopted curriculum materials to establish learning goals for students that reflect the key subject matter concepts, skills, and applications. Students are unaware of learning goals.	Inconsistently uses adopted material to establish learning goals for students that reflect the key subject matter concepts, skills, and applications. Some students are aware of learning goals.	<u>Uses subject matter standards from district, state, and other sources to guide establishment of learning goals for all students that reflect the key subject matter concepts, skills, and applications. Clearly communicates learning goals to students and families.</u>	Establishes clear and appropriate goals based on student content standards, with consideration of students' learning needs. Involves students and families in developing individual goals to support learning.	Integrates learning goals into all learning activities. Establishes, reviews and revises learning goals with students and families on an ongoing basis.	<ul style="list-style-type: none"> <li>• Standard/objective posted and communicated to students</li> <li>• Informal student observations</li> <li>• Monitors students regularly</li> <li>• Checks for understanding- response cards</li> <li>• Individual student white boards</li> <li>• Reviews student formative assessment data</li> </ul>
<p><i>Collecting and using multiple sources of information to assess student learning</i></p> <p style="text-align: right;">5.2</p>	The teacher uses no consistent source of information to assess student learning and/or uses assessment strategies that are not appropriate.	The teacher uses limited sources of information to assess student learning and one or more assessment strategies to monitor student progress.	<u>The teacher uses a variety of sources to collect information about student learning and multiple assessment strategies to monitor student progress and inform instruction.</u>	Uses a variety of assessment tools. Collects, selects, and reflects upon evidence to guide short-term and long-term plans and support student learning.	Embeds a wide range of ongoing assessments in instructional activities to provide consistent guidance for planning and instruction.	
<p><i>Involving and guiding all students in assessing their own learning</i></p> <p style="text-align: right;">5.3</p>	The teacher does not encourage students to reflect on or assess their own work.	Provides students with feedback on work in progress, as well as completed tasks. Some student involvement in assessing their own work.	<u>Presents guidelines for assessment to students. Assists students in reflecting on and assessing their own work.</u>	Integrates student self-assessment and reflection into the learning activities. Students engage in some peer assessment of work against criteria.	Engages all students in ongoing self and peer assessment and in monitoring their progress and goals over time.	
<p><i>Using the results of assessment to guide instruction</i></p> <p style="text-align: right;">5.4</p>	Information about student learning is inappropriately or not used by the teacher to plan, guide, or adjust instruction.	Uses information from some assessments to plan learning activities. Checks for understanding with a few students while teaching and addresses confusions.	<u>Uses formal and informal assessments to plan lessons. Regularly checks for understanding from a wide variety of students to identify student needs and modify instruction.</u>	Includes assessments as a regular part of instruction to plan and revise lessons. Identifies student understanding during the lesson using a variety of methods and adjusts teaching to meet student needs.	Uses a wide range of assessments to guide planning and make adjustments to teaching. Embeds broad-based checking for understanding in instruction and is able to modify and redesign lessons as needed.	
<p><i>Communicating with students, families, and other audiences about student progress</i></p> <p style="text-align: right;">5.5</p>	The teacher provides some information about student learning to students, families, and support personnel, but the information is incomplete, unclear, or not timely.	Provides students with information about their current progress as they engage in learning activities. Families and support personnel are contacted as mandated.	<u>Provides students with timely information about their current progress and how to improve their work. Establishes regular communication with families and support personnel.</u>	Engages students, families, and support personnel in regular discussions regarding student progress and improvement plans. Ongoing information is collected from a variety of sources and shared with students, families and support personnel.	Involves students, families, and support personnel as partners in the assessment process. Provides comprehensive information about students' progress and improvement plans to students, families, and support personnel.	

**Rating (Check One):**

- Does Not Meet CSTP   
  Meets or Exceeds CSTP  
 Progressing Towards CSTP

## Standard 6: Developing as a Professional Educator

<i>Elements</i>	<b>Does Not Meet CSTP</b>	<b>Progressing Towards CSTP</b>	<b>Meets or Exceeds CSTP</b>			<b>Evidence-Based Rationale for Rating</b>
<i>Reflecting on teaching practice and planning professional development</i> <b>6.1</b>	Reflects on specific problems or areas of concern in his/her teaching practice, but rarely uses reflection to assess growth over time or to plan professional development.	Reflects on areas of concern in his/her teaching practice, assesses growth in these areas, and may use reflection to plan professional development.	Reflects on the relationship of teaching practice to student learning. Plans professional development based on reflection.	<u>Analyzes and reflects on teaching and learning based on evidence gathered. Plans professional development based on reflections and other resources.</u>	Integrates analysis and reflection into daily practice based on a wide variety of evidence in relationship to professional growth and student learning. Plans draw on a wide variety of resources to expand knowledge.	<ul style="list-style-type: none"> <li>• Attends site professional development</li> <li>• BTSA</li> <li>• Parent project teacher</li> <li>• School committees</li> <li>• Safe School Ambassadors</li> <li>• Book talks</li> <li>• ELLA</li> <li>• Collaborates with department and grade level</li> <li>• ELAC</li> <li>• LEGACY</li> <li>• Sport-O-Rama</li> <li>• Academic Olympics</li> </ul>
<i>Establishing professional goals and pursuing opportunities to grow professionally</i> <b>6.2</b>	Rarely pursues opportunities to develop new knowledge or skills, or to participate in the professional community.	Sets goals considering self-assessment and other feedback. Pursues some opportunities to acquire new knowledge and skills, but infrequently participates in the professional community.	Pursues opportunities to acquire new knowledge and skills and participate in the professional community.	<u>Purposefully pursues opportunities to expand knowledge and skills, and participates in and contributes to the professional community.</u>	Contributes to professional organizations, literature, and development opportunities to extend own teaching practice and that of colleagues. Leads professional development.	
<i>Working with communities to improve professional practice</i> <b>6.3</b>	Teacher has limited knowledge of students' communities or of how to access them to provide learning experiences for students or to promote collaboration with the school.	Teacher increases their own understanding of the roles of the communities in students' lives. May attend selected community events. Uses some district and community resources available through the school.	Identifies and uses appropriate district resources in support of families and student learning. Expands knowledge of, and connections with, the full range of community resources.	<u>Uses knowledge of, and strengthens connections with, local communities' cultures, services, and resources to support student learning.</u>	Promotes school and community collaborations. Provides students with a range of community experiences that benefit students and/or families.	
<i>Working with families to improve professional practice</i> <b>6.4</b>	Teacher may demonstrate respect for students' families or their backgrounds, but has limited communication with families, and is not sure how to provide opportunities for participation in the classroom or school community.	Communicates with families at reporting periods and school events. Advises families of problems. Recognizes the role of the family in student learning. Invites families to contribute in the classroom.	Regularly communicates student progress in appropriate ways, taking into account the diversity of families. Encourages families to contribute to the classroom and school.	Maintains regular and responsive communication with all families. Provides opportunities for families to actively participate in the classroom and school.	<u>Engages families in a variety of responsive, ongoing, two-way communications in support of student success. Structures a wide range of opportunities for families to contribute to the classroom and school community.</u>	
<i>Working with colleagues to improve professional practice</i> <b>6.5</b>	Rarely collaborates with colleagues, or seeks out other staff to discuss student needs. Rarely participates in school or district events or learning activities.	Establishes positive working relationship with a few colleagues. Interacts with colleagues to gather resources. Seeks out trusted colleagues to consider solutions to problems with students.	Works constructively with colleagues and support staff to improve student learning and reflect on practice. Collaborates with colleagues to plan curriculum, coordinate resources, and solve problems.	<u>Engages staff in dialogue and reflection to support student learning and teacher growth in responsive and appropriate ways.</u>	Provides opportunities to collaborate with staff to support learning for all students. Provides leadership for, and contributes to, the learning of other educators.	
<i>Balancing professional responsibilities and maintaining motivation</i> <b>6.6</b>	Does not fulfill professional responsibilities. Does not stay current about professional and legal responsibilities for students' learning, behavior and safety.	Possesses a positive attitude in the classroom. Develops an understanding of professional responsibilities.	Maintains positive attitude, demonstrates understanding of professional responsibilities, and seeks support to balance professional responsibilities with personal needs.	<u>Maintains motivation and commitment to all students, demonstrates professional integrity, and challenges self intellectually and creatively.</u>	Maintains motivation and commitment to all students and the professional community, demonstrates and models professional integrity, and challenges self intellectually and creatively throughout career.	

**Rating (Check One):**

- Does Not Meet CSTP     Meets or Exceeds CSTP  
 Progressing Towards CSTP

Employee

School Year 2011-2012

Additional Comments - Employee	Additional Comments - Evaluator
	<input type="checkbox"/> is only a 40% teacher, but she participates within the school community as a 100% teacher. She is always willing to help out and has such a positive outlook. I am most impressed with the positive relationships she develops with her students. They adore her because she adores them. <input type="checkbox"/> is an asset to our school!

Recommendations

Probationary:

- Continue Probationary Status
- Continue Probationary Status with Recommendation for Assistance
- Recommend for Permanent Status
- Recommend Non-Re-Employment

Temporary:

- Continue Temporary Status
- Continue Temporary Status with Recommendation for Assistance
- Recommend Release from Contract

Permanent:

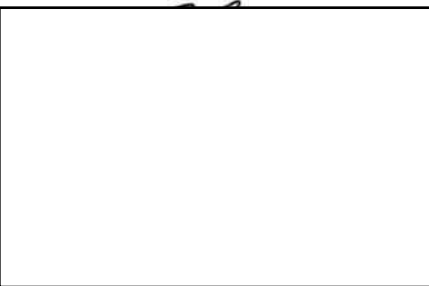
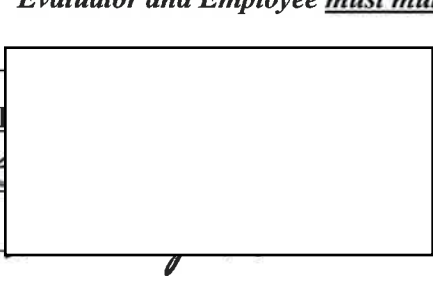
- Continue Permanent Status
- Continue Permanent Status with Mandated Referral to PAR
- \*(2-3 "**Does Not Meet CSTP**" Ratings)
- The next evaluation of this Permanent Employee is deferred to the third school year following the school year of this evaluation<sup>1</sup>. \_\_\_\_\_ date \_\_\_\_\_

Administrator      Employee

(Please initial and date above to indicate agreement for Deferral)

<sup>1</sup> **Evaluator and Employee must mutually agree to the third year deferral.**

(Additional information may be attached)

Employee's Sig		_____		Date <u>4-24-12</u>	
Evaluator's Sig		_____		_____	Date <u>4.24.12</u>
Reviewed by		_____		_____	Date <u>5.23.12</u>
Reviewed by		_____		_____	Date <u>5/20/12</u>
Distribution: Pers		_____		_____	Date _____

\* Article 10.5 (c)



# Fairfield-Suisun Unified School District

**POSTED**

"Our Mission is to Provide a Quality Educational System that Assures Opportunities for Every Student to Learn and Meet the Challenges of the Future"

**RECEIVED**

JUN 6 2011

## Certificated Personnel Evaluation Form

(Reference: Collective Bargaining Agreement, Article 10)

Copy 1 – Personnel File  
Copy 2 – Evaluator  
Copy 3 – Employee

### HUMAN RESOURCES

Employee:

Evaluator:

Grade/Subject Area(s):

Position:

School Year: 2010-2011 Site/Location:

Date: April 20, 2011

\*Standard Selected by the Evaluator:

\*Standard Selected by the Unit Member:

Status:

### Directions for Use:

- 1) During the first twenty (20) days of the unit member's work year, the administrator will convene an individual or School Site Staff meeting in order to discuss the evaluation process and standards, and distribute the **most recent version of the California Standards for the Teaching Profession: A Description of Professional Practice for California Teachers** to all certificated teachers. The standards and elements of the California Standards for the Teaching Profession will be discussed in relationship to the FSUSD Observation and Evaluation Rubric. Examples of evidence-based evaluations will be provided. Staff will discuss the process and an opportunity to ask questions will be provided. (Reference: Article 10.3, Section b)
- 2) The authorized components of data to validate the CSTP include not only formal observations, but may also include observations of less than thirty minutes, classroom walkthroughs, lesson plans as designed by the classroom teacher, observation of report cards and progress reports, and records of professional development activities as provided by the teacher. (Reference: Article 10.3, Section e)
- 3) The attached FSUSD Evaluation Rubric will be used to provide meaningful feedback and to serve as a source for discussion for the evaluation. Evidence based comments will be provided. In completing the final report, the evaluator will consider the overall performance in each of the selected standards when determining an evaluation rating. [Reference: Article 10.3, Sections (a.1, c, & d thru g)]
- 4) All unit members will receive a final evaluation report in writing, and an employee/evaluator conference will be held at least thirty (30) workdays prior to their last workday in the school year in which the evaluation took place. [Reference: Article 10.4, Sections (a or b)]

\* Applies to Permanent Unit Members ONLY

# Standard 1: Engaging and Supporting All Students In Learning

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<p><i>Connecting students' prior knowledge, life experience, and interests with learning goals</i></p> <p>1.1</p>	<p>Makes no connections between the learning goals and the students' prior knowledge, life experiences and interests. Does not elicit students' questions or comments during a lesson.</p>	<p>Attempts to open lesson to engage students' attention and interest. Asks some questions that elicit students' prior knowledge, life experiences and interest. Some connections are made to learning goals and objectives of the lesson.</p>	<p><u>Implements activities and elicits questions that help students make connections between what they already know and the learning goals and objectives.</u></p>	<p>Uses questions and activities to extend students' abilities to integrate what they know with the learning goals and objectives. Makes adjustments during lesson to ensure that all students meet the learning goals.</p>	<p>Creates a context for students to synthesize learning goals and objectives with what they know and develop their own complementary learning goals.</p>	<ul style="list-style-type: none"> <li>• Agenda posted</li> <li>• Objective posted</li> <li>• Choral response</li> <li>• Randomization</li> <li>• Hand signals</li> <li>• Learning goals are explicitly explained and reviewed</li> <li>• Ticket out the door</li> <li>• Cornell Notes</li> <li>• Student discussions within their groups</li> </ul>
<p><i>Uses a variety of instructional strategies and resources to respond to students' needs</i></p> <p>1.2</p>	<p>Uses instructional strategies that lack variety, are poorly carried out, or are inappropriate to the students or to the instructional goals. No adjustments are made to respond to students' needs.</p>	<p>Uses a few instructional strategies. Delivers instruction with available resources and materials. Makes minimal adjustments to respond to students' needs.</p>	<p><u>Elicits student participation through a variety of instructional strategies intended to match students' academic and linguistic needs. Checks for student understanding.</u></p>	<p>Uses a repertoire of strategies and resources. Selects and differentiates learning to accommodate students' diverse learning styles.</p>	<p>Uses extensive repertoire of strategies to meet students' diverse academic and linguistic needs and ensure fullest participation and learning for all students.</p>	<p><input type="checkbox"/> really grew in this area over the school year. She continuously uses more and more engagement strategies in her classroom each day.</p>
<p><i>Facilitating learning experiences that promote autonomy, interaction and choice</i></p> <p>1.3</p>	<p>Directs learning experiences, permitting no student autonomy, interaction, or choice.</p>	<p>Directs learning experiences through whole group and individual work with limited possibilities for interaction and choice.</p>	<p><u>Provides learning experiences utilizing individual and group structures to develop autonomy and group participation skills. Students make choices about and within their work.</u></p>	<p>Uses a variety of learning experiences to assist students in developing independent working skills and group participation skill. Supports students in making appropriate choices for learning.</p>	<p>Integrates a variety of challenging learning experiences that develop students' independent learning, collaboration, and choice.</p>	
<p><i>Engaging students in problem solving, critical thinking, and other activities that make subject matter meaningful</i></p> <p>1.4</p>	<p>Provides no learning opportunities for students to engage in problems solving, analysis, or critical thinking activities.</p>	<p>Provides limited learning opportunities for students to engage in problem solving within subject matter areas. Asks some critical thinking questions to relate facts and key concepts of subject matter.</p>	<p><u>Engages students through activities and questioning strategies that develop skills in identification and understanding of key concepts and issues. Supports students in problem posing and problem solving.</u></p>	<p>Engages students in analysis of key concepts and facts through activities and questions that consider multiple perspectives. Supports students to initiate problem posing, problem solving, and inquiry.</p>	<p>Facilitates regular opportunities for students to design and implement inquiries and problem solving to analyze content and draw conclusions, considering multiple perspectives with and across subject matter.</p>	
<p><i>Promoting self-directed, reflective learning for all students</i></p> <p>1.5</p>	<p>Provides no opportunities for students to initiate their own learning or to monitor their own work.</p>	<p>Provides limited opportunities for students to monitor their own work and to reflect on the process and their progress.</p>	<p><u>Supports students in developing skills needed to monitor their own learning. Students have opportunities to reflect on the process and their progress.</u></p>	<p>Structures learning activities that enable students to set goals and develop strategies for demonstrating, monitoring, and reflecting on the process and their progress.</p>	<p>Facilitates students to initiate learning goals and set criteria for demonstrating and evaluating work. Students reflect on the process and their progress as a regular part of learning experiences.</p>	<p><b>Rating (Check One):</b></p> <p><input type="checkbox"/> Does Not Meet CSTP    <input checked="" type="checkbox"/> Meets or Exceeds CSTP</p> <p><input type="checkbox"/> Progressing Towards CSTP</p>

## Standard 2: Creating and Maintaining an Effective Environment for Student Learning

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<i>Creating a physical environment that engages all students</i> 2.1	The physical environment does not support student learning. Movement and access may be restricted by barriers. Materials are difficult to access when needed.	Arranges room for teacher accessibility or visibility of students. Manages room for easy movement and access to resources. Room displays relate to the curriculum.	<u>Designs movement patterns and access to resources to promote individual and group engagement. Room displays are used in learning activities.</u>	Designs and manages room and resources to accommodate students' needs and involvement in learning. Displays are integral to learning activities.	Uses total physical environment as a resource to promote individual and group learning. Students are able to contribute to the changing design of the environment.	<ul style="list-style-type: none"> <li>• Routines/transitions are observed to being quick and follow up with student corrections done respectfully</li> <li>• Students arranged in groups of 4</li> <li>• Use of timer</li> <li>• PAT</li> <li>• Do now activity</li> <li>• Bell to bell instruction</li> </ul> <p>By far the area which [ ] had to concentrate all her time to when she arrived to Sullivan. She was hired mid year after 2 different teachers and [ ]ous substitutes. It was a tough beginning, however [ ] won them over with her warm personality and genuine concern for the students. She made numerous parent phone calls and conferences. [ ] is bilingual so she was able to make connections with parents quickly.</p>
<i>Establishing a climate that promotes fairness and respect</i> 2.2	Does not model fairness, equity, caring, and respect in the classroom. Is unaware of impolite and disrespectful behavior. Allows inappropriate attitudes and behaviors among students. Response to inappropriate behavior is unfair or inequitable.	Builds caring, friendly rapport with most students. Models equitable and respectful relationships. Has some strategies to respond to unfairness and disrespect.	Promotes caring and respectful interactions. Responds to incidents of unfairness and disrespect equitably. Encourages students to respect differences.	<u>Maintains caring, respectful, and equitable relationships with students. Supports students in developing skills to respond to inequity and disrespect.</u>	Fosters a safe, inclusive, and equitable learning community. Students participate in maintaining a climate of equity, caring and respect and may initiate creative solutions to conflicts.	
<i>Promoting social development and group responsibility</i> 2.3	Does not support students' social development, self-esteem, and diversity. Students have no sense of responsibility for each other.	Uses some strategies and activities to develop students' individual responsibility and recognition of others rights and needs. Students share in classroom responsibilities. Recognizes student diversity but does not promote acceptance or respect.	<u>Promotes positive student interactions as members of large and small groups. Provides some opportunities for student leadership within the classroom. Promotes acceptance and respect for different experiences, ideas, backgrounds, feelings, and point of view.</u>	Engages students in individual and group work that promotes responsibility to the classroom community. Supports students to take initiative in classroom leadership.	Facilitates an environment in which students take initiative socially and academically. Promotes and supports student leadership beyond the classroom.	
<i>Establishing and maintaining standards for student behavior</i> 2.4	No standards for behavior appear to have been established, or students are confused about what the standards are.	Establishes basic standards for behavior. Response to student behavior is generally appropriate.	Uses strategies that prevent or lessen disruptive behavior and reinforce expectations for behavior. Monitors behavior while teaching and during student work time.	<u>Equitably reinforces expectations and consequences and supports students to monitor their own behavior and each other's behavior in a respectful way.</u>	Facilitates a positive environment in which students are guided to take a strong role in monitoring their own behavior and each other's behavior in a respectful way.	
<i>Planning and implementing classroom procedures and routines that support student learning</i> 2.5	Has not established and/or enforced classroom procedures and routines.	Develops procedures and routines. Assists students to learn routines and procedures for most activities.	Establishes and maintains procedures and routines. Supports and monitors students in procedures and routines appropriate for learning activities.	<u>Assists and encourages students in developing and maintaining equitable routines and procedures.</u>	Assists and encourages all students in developing and internalizing equitable routines and procedures. Students show ownership of routines and procedures.	
<i>Using instructional time effectively</i> 2.6	Learning activities are not appropriately paced. Poor transitions result in lost instructional time.	Provides time for students to complete learning activities. Develops some routines for classroom business and most transitions are timely.	<u>Provides adequate time for presentation and for completion of learning activities. Paces instruction and classroom business to maintain engagement. Uses transitions to support engagement of all students.</u>	Paces instruction to include ongoing review and closure of lessons to connect them to future lessons. Classroom business and transitions are efficient and integrated into learning activities.	Presents, adjusts and facilitates instruction and daily activities so all students have time for learning, are continually engaged, and have opportunities for reflection and assessment. Supports students to self-monitor time on task.	

### Rating (Check One):

- Does Not Meet CSTP     Meets or Exceeds CSTP  
 Progressing Towards CSTP

### Standard 3: Understanding and Organizing Subject Matter for Student Learning

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<p><i>Demonstrating knowledge of subject matter and student development</i></p> <p>3.1</p>	<p>Basic knowledge of subject matter and student development is not always evident or current. Does not adequately support students' learning of key concepts.</p>	<p>Has working knowledge of subject matter and student development. Promotes an understanding of key concepts.</p>	<p><u>Communicates key concepts, skills, and themes in an accurate, clear, and coherent manner. Plans and builds on instruction with students' cognitive and linguistic abilities in mind.</u></p>	<p>Uses expanded knowledge of subject matter to support student understanding of key concepts, themes, multiple perspectives, and relationships in subject area(s). Activities are suitable for students' cognitive development.</p>	<p>Flexibly uses comprehensive knowledge of subject matter and student development to ensure that all students understand key concepts, themes, multiple perspectives, and relationships in and among subject area(s).</p>	<ul style="list-style-type: none"> <li>• Objectives/standards posted</li> <li>• Cornell notes</li> <li>• Whiteboard configuration</li> <li>• Do now activity</li> <li>• Goal setting</li> <li>• Use of sentence stems</li> <li>• Choral response</li> <li>• Students engage techniques</li> <li>• Good pacing</li> </ul>
<p><i>Organizing curriculum to support student understanding of subject matter</i></p> <p>3.2</p>	<p>The curriculum is not organized and does not adequately demonstrate concepts, themes and skills. Rarely supports different perspectives or students' understanding of core concepts.</p>	<p>Uses knowledge of subject matter to promote students' understanding of key concepts, skills, and standards taught. May connect key concepts to standards and frameworks.</p>	<p><u>Identifies key concepts, skills, and units/themes to facilitate student understanding and reflect standards and frameworks.</u></p>	<p>Organizes and sequences subject matter clearly to coordinate core curriculum and content standards within and across subject matter as appropriate.</p>	<p>Designs and adapts subject matter to demonstrate a consistent in-depth student understanding of content and relationships among various concepts and themes. Content standards are fully integrated in the core curriculum.</p>	
<p><i>Interrelating ideas and information within and across subject matter</i></p> <p>3.3</p>	<p>Presents curriculum without identifying or integrating key concepts and information, or does not relate content to previous learning in order to support students' understanding.</p>	<p>Focuses on core curriculum and skills. Attempts to relate content to prior lessons within the subject matter.</p>	<p><u>Connects key concepts, skills, and themes within subject matter to the standards. Builds on prior lessons and students' backgrounds.</u></p>	<p>Integrates key concepts, skills, and underlying themes within and across curriculum to support standards. Capitalizes on opportunities to make connections while teaching.</p>	<p>Connects key concepts and underlying themes within and across the curriculum to extend in-depth learning for all students. Supports students' application of cross-curr. learning.</p>	
<p><i>Developing student understanding through instructional strategies that are appropriate to subject matter</i></p> <p>3.4</p>	<p>Does not appropriately match instructional strategies to subject matter content or concepts. Does not encourage students to think critically or to extend their knowledge.</p>	<p>Uses a few instructional strategies to make the content accessible to students. Makes some attempt to encourage students to think critically.</p>	<p><u>Matches strategies appropriate to subject matter to encourage student understanding and critical thinking. Strategies utilize students' interests and backgrounds.</u></p>	<p>Develops and uses multiple strategies that challenge all students. Assists students to individually construct their own knowledge and think critically.</p>	<p>Uses a repertoire of instructional strategies that are appropriate to subject matter. Utilizes strategies that challenge and support all students to independently apply and think critically about the subject matter.</p>	
<p><i>Using materials, resources, and technologies to make subject matter accessible to students</i></p> <p>3.5</p>	<p>Instructional materials, resources and technologies are not used appropriately. Materials do not accurately reflect diverse perspectives.</p>	<p>Uses available instructional materials, resources, and technologies to present concepts and skills. Some materials and resources reflect students' diversity. Develops some systems to provide equitable access to resources.</p>	<p><u>Selects and utilizes appropriate relevant instructional materials, resources, and technologies to present concepts and skills. Materials reflect linguistic diversity of students. Resources are made available to all students.</u></p>	<p>Selects, adapts and creates a range of relevant materials, resources, and technologies to enrich learning, to reflect linguistic and cultural diversity of students, and to provide for equal access.</p>	<p>Analyzes, adapts, and creates a wide range of relevant instructional materials, resources, and technologies to extend students' understanding and provide equal access. Materials reflect diversity beyond the classroom.</p>	<p><b>Rating (Check One):</b></p> <p><input type="checkbox"/> Does Not Meet CSTP    <input checked="" type="checkbox"/> Meets or Exceeds CSTP</p> <p><input type="checkbox"/> Progressing Towards CSTP</p>

## Standard 4: Planning Instruction and Designing Learning Experiences for All Students

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<i>Drawing on and valuing students' backgrounds, interests, and developmental learning needs</i> 4.1	Instructional plans do not match or reflect students' backgrounds, experiences, interests, and developmental needs, and do not support students' learning.	Develops and gathers materials to supplement available resources. Most lessons acknowledge students' prior knowledge, interests and learning needs.	<u>Develops lessons that incorporate students' prior knowledge, interests, instructional, and linguistic learning needs.</u>	Uses a wide range of materials to access and build upon students' prior knowledge, interests, instructional and linguistic needs to extend student understanding.	Designs instruction to build on students' prior knowledge, instructional needs, linguistic needs, and diversity to challenge all students.	<ul style="list-style-type: none"> <li>• Uses pacing guide for core replacement instruction</li> <li>• Do now activity- Bell work</li> <li>• Learning goals reviewed</li> <li>• Vocabulary posted</li> <li>• Compound words lesson</li> <li>• Think-pair-share</li> <li>• Cornell notes</li> <li>• Randomization</li> <li>• Checks for understanding</li> </ul>
<i>Establishing and articulating goals for student learning</i> 4.2	Instructional goals are not established or do not address students' language, experiences or school expectations. Expectations for students are low or unrealistic.	Communicates expectations for student learning in most lessons. Has inconsistent expectations for students.	<u>Articulates and links goals to instructional activities. Goals are appropriately challenging for most students and represent valuable learning. Expectations for students are generally high.</u>	Ensures that students understand and reflect upon short-term and long-term learning goals. Goals reflect high expectations and challenge students at their level.	Articulates short-term and long-term goals with high expectations for learning. Designs activities so that students have opportunities to participate in setting, revising, and achieving personal goals.	
<i>Developing and sequencing instructional activities and materials for student learning</i> 4.3	Instructional activities and materials are not appropriate to the students or the instructional goals do not engage students in meaningful learning. Activities are not logically sequenced.	Develops some concepts and skills through a series of lessons that are connected and consider student linguistic and instructional needs.	<u>Plans appropriately sequenced instruction and use of materials to promote student understanding of basic concepts and skills. Considers student linguistic and instructional needs.</u>	Develops and sequences lessons to make connections within and across subject matter areas.	Sequences instruction to help students synthesize and apply new knowledge.	
<i>Designing short-term and long-term plans to foster student learning</i> 4.4	Individual lesson plans have little or no recognizable organization or connection to adopted curriculum. Demonstrates limited knowledge of subject matter and students to plan and pace instructional activities over time. Does not plan to ensure access to challenging, diverse, academic content for all students.	Ineffectively organizes curriculum to allow enough time for student learning, review and assessment. Neglects to provide opportunities for all students to learn at their own pace.	<u>Organizes most of the curriculum to allow enough time for student learning, review, and assessment. Demonstrates knowledge of subject matter and students to plan and pace instructional activities over time. Plans to ensure access to challenging, diverse, academic content for most students to learn at their own pace.</u>	Organizes curriculum to allow enough time for student learning, review, and assessment. Applies knowledge of subject matter and students to plan and pace instructional activities over time. Plans to ensure access to challenging, diverse, academic content for all students. Provides opportunities for all students to learn at their own pace.	Learning sequences are responsive to the needs of individual students and promotes understanding of complex concepts. Plans are comprehensive and cohesive across content areas.	
<i>Modifying instructional plans to adjust for student needs</i> 4.5	Instructional plans are not modified, in spite of evidence that modifications would improve student learning.	Inconsistently adjusts lessons based on informal assessment of student understanding and performance from previous lesson, having taken note of student confusion.	<u>Adjusts plans in advance to accommodate levels of ability and interests of most students. Makes modifications during lessons to address confusions and individual student performance.</u>	Uses assessments to modify lessons in advance. Throughout the learning activity, assessments of student understanding are used to influence changes in instruction.	Uses a wide range of assessments to modify lessons in advance. Makes appropriate modifications for students during lessons and supports students in monitoring and communicating their own understanding.	

### Rating (Check One):

- Does Not Meet CSTP     Meets or Exceeds CSTP  
 Progressing Towards CSTP



## Standard 5: Assessing Student Learning

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<i>Establishing and communicating learning goals for all students</i>  <i>5.1</i>	Does not use adopted curriculum materials to establish learning goals for students that reflect the key subject matter concepts, skills, and applications. Students are unaware of learning goals.	Inconsistently uses adopted material to establish learning goals for students that reflect the key subject matter concepts, skills, and applications. Some students are aware of learning goals.	<u>Uses subject matter standards from district, state, and other sources to guide establishment of learning goals for all students that reflect the key subject matter concepts, skills, and applications. Clearly communicates learning goals to students and families.</u>	Establishes clear and appropriate goals based on student content standards, with consideration of students' learning needs. Involves students and families in developing individual goals to support learning.	Integrates learning goals into all learning activities. Establishes, reviews and revises learning goals with students and families on an ongoing basis.	<ul style="list-style-type: none"> <li>Standard/objective posted</li> <li>Randomization</li> <li>Reviews student benchmark data</li> <li>Teacher observations</li> <li>Communicates with parents frequently</li> <li>Parent conferences</li> <li>Progress reports/report cards</li> <li>Specific student feedback</li> <li>Informal observations</li> <li>Student goal setting</li> </ul> <p><b>Rating (Check One):</b></p> <p><input type="checkbox"/> Does Not Meet CSTP    <input checked="" type="checkbox"/> Meets or Exceeds CSTP</p> <p><input type="checkbox"/> Progressing Towards CSTP</p>
<i>Collecting and using multiple sources of information to assess student learning</i>  <i>5.2</i>	The teacher uses no consistent source of information to assess student learning and/or uses assessment strategies that are not appropriate.	The teacher uses limited sources of information to assess student learning and one or more assessment strategies to monitor student progress.	<u>The teacher uses a variety of sources to collect information about student learning and multiple assessment strategies to monitor student progress and inform instruction.</u>	Uses a variety of assessment tools. Collects, selects, and reflects upon evidence to guide short-term and long-term plans and support student learning.	Embeds a wide range of ongoing assessments in instructional activities to provide consistent guidance for planning and instruction.	
<i>Involving and guiding all students in assessing their own learning</i>  <i>5.3</i>	The teacher does not encourage students to reflect on or assess their own work.	Provides students with feedback on work in progress, as well as completed tasks. Some student involvement in assessing their own work.	<u>Presents guidelines for assessment to students. Assists students in reflecting on and assessing their own work.</u>	Integrates student self-assessment and reflection into the learning activities. Students engage in some peer assessment of work against criteria.	Engages all students in ongoing self and peer assessment and in monitoring their progress and goals over time.	
<i>Using the results of assessment to guide instruction</i>  <i>5.4</i>	Information about student learning is inappropriately or not used by the teacher to plan, guide, or adjust instruction.	Uses information from some assessments to plan learning activities. Checks for understanding with a few students while teaching and addresses confusions.	<u>Uses formal and informal assessments to plan lessons. Regularly checks for understanding from a wide variety of students to identify student needs and modify instruction.</u>	Includes assessments as a regular part of instruction to plan and revise lessons. Identifies student understanding during the lesson using a variety of methods and adjusts teaching to meet student needs.	Uses a wide range of assessments to guide planning and make adjustments to teaching. Embeds broad-based checking for understanding in instruction and is able to modify and redesign lessons as needed.	
<i>Communicating with students, families, and other audiences about student progress</i>  <i>5.5</i>	The teacher provides some information about student learning to students, families, and support personnel, but the information is incomplete, unclear, or not timely.	Provides students with information about their current progress as they engage in learning activities. Families and support personnel are contacted as mandated.	<u>Provides students with timely information about their current progress and how to improve their work. Establishes regular communication with families and support personnel.</u>	Engages students, families, and support personnel in regular discussions regarding student progress and improvement plans. Ongoing information is collected from a variety of sources and shared with students, families and support personnel.	Involves students, families, and support personnel as partners in the assessment process. Provides comprehensive information about students' progress and improvement plans to students, families, and support personnel.	

## Standard 6: Developing as a Professional Educator

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<p><i>Reflecting on teaching practice and planning professional development</i> 6.1</p>	Reflects on specific problems or areas of concern in his/her teaching practice, but rarely uses reflection to assess growth over time or to plan professional development.	Reflects on areas of concern in his/her teaching practice, assesses growth in these areas, and may use reflection to plan professional development.	<u>Reflects on the relationship of teaching practice to student learning. Plans professional development based on reflection.</u>	Analyzes and reflects on teaching and learning based on evidence gathered. Plans professional development based on reflections and other resources.	Integrates analysis and reflection into daily practice based on a wide variety of evidence in relationship to professional growth and student learning. Plans draw on a wide variety of resources to expand knowledge.	<ul style="list-style-type: none"> <li>• BTSA</li> <li>• School committees</li> <li>• ELAC</li> <li>• Setting Limits in the Classroom</li> <li>• Site professional development</li> <li>• Pearson's training</li> <li>• Department meetings</li> </ul> <p><input type="checkbox"/> is a dedicated teacher who seeks as many opportunities as possible to develop professionally. She collaborates well with all teachers and is always willing to translate for her teacher peers. I have seen so much growth this year as evident in watching her classroom evolve into what it is today.</p> <p><b>Rating (Check One):</b>  <input type="checkbox"/> Does Not Meet CSTP    <input checked="" type="checkbox"/> Meets or Exceeds CSTP  <input type="checkbox"/> Progressing Towards CSTP</p>
<p><i>Establishing professional goals and pursuing opportunities to grow professionally</i> 6.2</p>	Rarely pursues opportunities to develop new knowledge or skills, or to participate in the professional community.	Sets goals considering self-assessment and other feedback. Pursues some opportunities to acquire new knowledge and skills, but infrequently participates in the professional community.	<u>Pursues opportunities to acquire new knowledge and skills and participate in the professional community.</u>	Purposefully pursues opportunities to expand knowledge and skills, and participates in and contributes to the professional community.	Contributes to professional organizations, literature, and development opportunities to extend own teaching practice and that of colleagues. Leads professional development.	
<p><i>Working with communities to improve professional practice</i> 6.3</p>	Teacher has limited knowledge of students' communities or of how to access them to provide learning experiences for students or to promote collaboration with the school.	Teacher increases their own understanding of the roles of the communities in students' lives. May attend selected community events. Uses some district and community resources available through the school.	<u>Identifies and uses appropriate district resources in support of families and student learning. Expands knowledge of, and connections with, the full range of community resources.</u>	Uses knowledge of, and strengthens connections with, local communities' cultures, services, and resources to support student learning.	Promotes school and community collaborations. Provides students with a range of community experiences that benefit students and/or families.	
<p><i>Working with families to improve professional practice</i> 6.4</p>	Teacher may demonstrate respect for students' families or their backgrounds, but has limited communication with families, and is not sure how to provide opportunities for participation in the classroom or school community.	Communicates with families at reporting periods and school events. Advises families of problems. Recognizes the role of the family in student learning. Invites families to contribute in the classroom.	<u>Regularly communicates student progress in appropriate ways, taking into account the diversity of families. Encourages families to contribute to the classroom and school.</u>	Maintains regular and responsive communication with all families. Provides opportunities for families to actively participate in the classroom and school.	Engages families in a variety of responsive, ongoing, two-way communications in support of student success. Structures a wide range of opportunities for families to contribute to the classroom and school community.	
<p><i>Working with colleagues to improve professional practice</i> 6.5</p>	Rarely collaborates with colleagues, or seeks out other staff to discuss student needs. Rarely participates in school or district events or learning activities.	Establishes positive working relationship with a few colleagues. Interacts with colleagues to gather resources. Seeks out trusted colleagues to consider solutions to problems with students.	<u>Works constructively with colleagues and support staff to improve student learning and reflect on practice. Collaborates with colleagues to plan curriculum, coordinate resources, and solve problems.</u>	Engages staff in dialogue and reflection to support student learning and teacher growth in responsive and appropriate ways.	Provides opportunities to collaborate with staff to support learning for all students. Provides leadership for, and contributes to, the learning of other educators.	
<p><i>Balancing professional responsibilities and maintaining motivation</i> 6.6</p>	Does not fulfill professional responsibilities. Does not stay current about professional and legal responsibilities for students' learning, behavior and safety.	Possesses a positive attitude in the classroom. Develops an understanding of professional responsibilities.	Maintains positive attitude, demonstrates understanding of professional responsibilities, and seeks support to balance professional responsibilities with personal needs.	<u>Maintains motivation and commitment to all students, demonstrates professional integrity, and challenges self intellectually and creatively.</u>	Maintains motivation and commitment to all students and the professional community, demonstrates and models professional integrity, and challenges self intellectually and creatively throughout career.	

Empl

School Year 2010-2011

Additional Comments - Employee	Additional Comments - Evaluator
	<p>[Redacted] took on a tough assignment as a first year teacher when she was hired mid-year. I am impressed in all that she has accomplished this year in regards to building student, staff and parent relationships so quickly. She takes constructive criticism well and implements suggested strategies immediately.</p>

**Recommendations**

**Probationary:**

- Continue Probationary Status
- Continue Probationary Status with Recommendation for Assistance
- Recommend for Permanent Status
- Recommend Non-Re-Employment

**Temporary:**

- Continue Temporary Status
- Continue Temporary Status with Recommendation for Assistance
- Recommend Release from Contract

**Permanent:**

- Continue Permanent Status
- Continue Permanent Status with Mandated Referral to PAR  
\*(2-3 "Does Not Meet CSTP" Ratings)
- The next evaluation of this Permanent Employee is deferred to the third school year following the school year of this evaluation<sup>1</sup>. \_\_\_\_\_ date \_\_\_\_\_  
*Administrator Employee*

*(Please initial and date above to indicate agreement for Deferral)*

<sup>1</sup> ***Evaluator and Employee must mutually agree to the third year deferral.***

(Additional information may be attached)

Employee's Signature \_\_\_\_\_

Evaluator's Signature \_\_\_\_\_

Reviewed by \_\_\_\_\_

Reviewed by \_\_\_\_\_

Distribution: Personnel File \_\_\_\_\_

[Handwritten Signature]

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\_\_\_\_\_ Title **P**

\_\_\_\_\_ Title \_\_\_\_\_

\_\_\_\_\_ Title \_\_\_\_\_

[Redacted Signature]

[Redacted Signature]

[Redacted Signature]

Date 4-22-11

Date Apr. 22, 2011

Date 6/6/11

Date 6/10/11

\*Article 10.5 (c)



# FAIRFIELD-SUISUN UNIFIED SCHOOL DISTRICT

## F3 - Certificated Personnel Evaluation Form

2013 - 2014 School Year

Employee :

Evaluator :

Grade/Subject Areas :

Position :

School Year : 2013 - 2014

Date : Apr 3, 2014

Status :

Standard Selected by the Evaluator : Standard 3

Standard Selected by the Unit Member : Standard 1

### Directions for use:

- 1) *During the first thirty (30) days of the unit member's work year, the administrator will convene an individual or School Site Staff meeting in order to discuss the evaluation process and standards. All unit members will be provided electronic copies of the California Standards for the Teaching Profession: A Description of Professional Practice for California Teachers. Upon request, a unit member may be provided with a hard copy of the CSTP. The standards and elements of the California Standards for the Teaching Profession will be discussed in relationship to the FSUSD Observation and Evaluation Rubric. Examples of evidence-based evaluations will be provided. Staff will discuss the process and will have opportunities to ask questions. (Reference: Article 10.6, Section e)*
- 2) *The authorized components of data to validate the CSTP include not only formal observations, but may also include observations of less than thirty minutes, classroom walkthroughs, lesson plans as designed by the classroom teacher, observation of report cards and progress reports, and records of professional development activities as provided by the teacher. (Reference: Article 10.3, Section e)*
- 3) *The FSUSD Evaluation Rubric will be used to provide meaningful feedback and to serve as a source for discussion for the evaluation. Evidence based comments will be provided. In completing the final report, the evaluator will consider the overall performance in each of the selected standards when determining an evaluation rating. (Reference: Article 10.3, Sections a.1, c, & d thru g)*
- 4) *All unit members will receive a final written evaluation report, and an employee/evaluator conference will be held at least thirty (30) workdays prior to their last workday in the school year in which the evaluation took place. (Reference: Article 10.4, Sections a or b)*



# FAIRFIELD-SUISUN UNIFIED SCHOOL DISTRICT

## F3 - Certificated Personnel Evaluation Form

2013 - 2014 School Year

Standard 1 : Engaging and Supporting All Students in Learning					
Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP		
<b>1.1 Using knowledge of students to engage them in learning</b>	Does not use knowledge of students to engage them in learning	Learns about students through data provided in classroom, school, and/or district assessments.	Uses data from a variety of formal and informal sources to learn about students and guide selection of instructional strategies to meet diverse learning needs.	Uses data from multiple measures to make adjustments to instruction and meet individual identified learning needs. Uses a variety of instructional strategies that ensure equitable access to the curriculum.  ✓	Uses comprehensive knowledge of students to make adjustments and accommodations in instruction. Provides opportunities for students to choose from a wide range of methods to further their learning that are responsive to their diverse learning needs.
<b>1.2 Connecting learning to students' prior knowledge, backgrounds, life experiences, and interests</b>	Makes no connections between learning and the students' prior knowledge, life experiences and interests. Does not elicit students' questions or comments during a lesson.	Attempts to open lesson to engage students' attention and interest. Asks some questions that elicit students' prior knowledge, life experiences and interest.	Implements activities and elicits questions that help students make connections between what they already know and what they are learning.	Uses questions and activities to extend students' abilities to integrate what they know with the learning goals and objectives. Makes adjustments during lesson to ensure that all students meet the learning goals.  ✓	Develops and systematically uses extensive information regarding students' cultural backgrounds, prior knowledge, life experiences, and interests. Provides opportunities and support for students to articulate the relevance and impact of lessons on their lives and/or on society.
<b>1.3 Connecting subject</b>	Makes no real-life connections during instruction as identified in	Occasionally connects real-life contexts with subject matter to	Regularly utilizes meaningful, real-life connections to develop	Provides opportunities for students to routinely make	Integrates connections to meaningful, real-life contexts in



# FAIRFIELD-SUISUN UNIFIED SCHOOL DISTRICT

## F3 - Certificated Personnel Evaluation Form

2013 - 2014 School Year

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP
<b>matter to meaningful, real-life contexts</b>	subject matter.	support student understanding.	students' understandings of subject matter.	connections to relevant, meaningful, and real-life contexts throughout subject matter instruction and for students to provide feedback regarding relevance of subject matter to their lives.	planning subject matter instruction and is responsive during instruction to actively engage students to make their own connections and to extend their understanding. ✓
<b>1.4 Using a variety of instructional strategies, resources, and technologies to meet students' diverse learning needs</b>	Uses instructional strategies that lack variety, are poorly carried out, or are inappropriate to the students or to the instructional goals. No adjustments are made to respond to students' needs.	Uses minimal instructional strategies including technology. Delivers instruction with available resources and materials. Makes minimal adjustments to respond to students' needs.	Elicits student participation through a variety of instructional strategies including technology intended to match students' academic and linguistic needs. Checks for student understanding.	Uses a repertoire of strategies to meet students' diverse academic and linguistic needs to ensure fullest participation and learning for all students. ✓	Creates, adapts, and utilizes a repertoire of strategies, culturally responsive pedagogy, technology, and resources during ongoing instruction. Selects and differentiates learning to accommodate students' diverse learning styles.
<b>1.5 Promoting critical thinking through inquiry, problem solving, and reflection</b>	Limits questions to recall of factual knowledge. Provides no opportunities for students to engage in critical thinking through inquiry, problem solving, or reflection.	Asks questions that focus on factual knowledge and comprehension and provides some opportunities for students to think critically.	Guides students to think critically through the use of questioning strategies, posing/solving problems, and reflecting on issues in content.	Supports students to initiate critical thinking through independently developing questions, posing problems, and reflecting on multiple perspectives. ✓	Facilitates systematic opportunities for students to pose and answer a wide range of complex questions and problems, reflect, and communicate understandings based on in-depth analysis of content learning.



# FAIRFIELD-SUISUN UNIFIED SCHOOL DISTRICT

## F3 - Certificated Personnel Evaluation Form

2013 - 2014 School Year

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP
<b>1.6</b> <b>Monitoring student learning and adjusting instruction while teaching</b>	Instruction is not modified, in spite of evidence that modifications would improve student learning.	Seeks to clarify instructions and learning activities to support student understanding.	Makes ongoing adjustments to instruction based on observation of student engagement and regular checks for understanding	Adjusts strategies during instruction based on the ongoing monitoring of individual student needs for assistance, support, or challenge.	Makes adjustments to extend learning opportunities and provide assistance to students in mastering the content flexibly and effectively.



**Evidence :**

Evidence (please refer to second observation notes):



1. bags of beans (black and white), upside down whiteboard

going to get a feel for the concept of ratio

we did some proportions and learned to cross multiply; algorithms didn't always stick- new ides with common core I'm trying to provide you with a hook you can hang an idea on

2. Asked? Who will be each group's bean counter?

3. Provided students with an organizer comprised of 2 columns

Comments: (please refer to second observation notes):The students could garner even more knowledge of the subject matter if you model the relationships between quantities and build related number relationships utilizing the document imager at the onset of the lesson. For example, you choose a certain number of black and white beans, place them in their respective columns, and demonstrate the processes you use to model the aforementioned relationships. Model it, while you talk it! I commend you for "lying in wait," you were doing your absolute best to allow the students to explore and investigate the content. Now, feel free to reintegrate the "we do" strategy until the point and time the students can perform the task on their own (scouring the beans and the numbers in their respective columns looking for relationships between quantities). Utilizing the document imager technology to allow the students the opportunity to watch you perform the task during the initial "I do" and "we do" segments, then a third or fourth time as necessary if the students demonstrate that they cannot perform the task is necessary and therefore completely understood. Perhaps, you're greatest attributes are your abilities to articulate and engage. For the aforementioned reasons, the "monitoring segment" or sub-standard 1.6 should arguably be your greatest strength. Your ability to ask targeted clarifying questions that help the students understand, or, enrich their understanding of the concept is the key to eventually extending their learning.



# FAIRFIELD-SUISUN UNIFIED SCHOOL DISTRICT

## F3 - Certificated Personnel Evaluation Form

2013 - 2014 School Year

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP
Rating : ✓ Meets or Exceeds CSTP					

Standard 2 : Creating and Maintaining Effective Environments for Student Learning					
Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP		
<b>2.1 Creating a physical environment that engages all students</b>	The physical environment does not support student learning. Movement and access may be restricted by barriers. Materials are difficult to access when needed.	Arranges room for teacher accessibility or visibility of students. Manages room for easy movement and access to resources. Room displays relate to the curriculum.	Designs movement patterns and access to resources to promote individual and group engagement. Room displays are used in learning activities.	Designs and manages room and resources to accommodate students' needs and involvement in learning. Displays are integral to learning activities.	Uses total physical environment as a resource to promote individual and group learning. Students are able to contribute to the changing design of the environment.
<b>2.2 Creating physical or virtual learning environments that promote student learning, reflect diversity, and encourage constructive and productive interactions among students</b>	The physical /virtual environment does not support student learning. Movement and access may be restricted by barriers. Materials/resources are difficult to access when needed.	Experiments with adapting the physical and/or virtual learning environment for teacher accessibility or visibility of students, easy movement and access to resources. Room displays relate to the curriculum.	Develops physical and/or virtual learning environments that support student learning. Utilizes a variety of structures for interaction for learning activities that ensure a focus on and completion of learning tasks. Room displays are sometimes used in learning activities.	Maintains physical and/or virtual learning environments that reflect student diversity. Integrates a variety of structures for interaction that engage students constructively and productively in learning. Provides a broad range of resources, displays, and artifacts that are current and integral to	Adapts physical and/or virtual learning environments flexibly. The environment is used a resource to promote individual and group learning. Students are able to contribute to the changing design of the environment to reflect the student diversity.





# FAIRFIELD-SUISUN UNIFIED SCHOOL DISTRICT

## F3 - Certificated Personnel Evaluation Form 2013 - 2014 School Year

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP
<b>2.3 Establishing and maintaining learning environments that are physically, intellectually, and emotionally safe</b>	Does not model fairness, equity, caring, and respect in the classroom. Is unaware of impolite and disrespectful behavior. Allows inappropriate attitudes and behavior among students. Response to inappropriate behavior is unfair or inequitable.	Adheres to policies and laws regarding safety that are required by the site, district, and state. Responds to behaviors that impact student safety as they arise. Explores strategies to establish intellectual and emotional safety in the classroom.	Anticipates and reduces risks to physical, intellectual, and emotional safety using multiple strategies that promote acceptance and respect for different experiences, ideas, backgrounds, feelings, and points of view. Models and provides instruction on skills that support safety.	Engages students in individual and group work that promotes responsibility to the classroom community. Supports students to take initiative in classroom leadership.	Shares responsibility with the students for the establishment and maintenance of a safe physical, intellectual, and emotional environment focused on high quality and rigorous learning.
<b>2.4 Creating a rigorous learning environment with high expectations and appropriate support for all students</b>	High expectations for student learning is not evident. Appropriate scaffolds to address achievement gaps are not implemented. Instruction is not developed for appropriate levels of challenge.	Focuses the rigor of the learning environment on the accuracy of answers and completion of learning tasks. Works to maintain high expectations for students while becoming aware of achievement patterns for individuals and groups of students.	Strives for a rigorous learning environment that includes accuracy, understanding, and the importance of meeting targeted learning goals. Holds high expectations for students. Has an understanding of achievement patterns and uses scaffolds to address achievement gaps.	Integrates rigor throughout the learning environment that values accuracy, analysis, and critical reading, writing, and thinking. Integrates strategic scaffolds and technologies throughout instruction that support the full range of learners in meeting high expectations for achievement.	Facilitates a rigorous learning environment in which students take leadership in learning. Fosters extended studies, research, analysis, and purposeful use of learning. Scaffolds instruction to support students in utilizing a variety of strategies to meet high expectations.
<b>2.5 Developing,</b>	No standards for behavior appear to have been established, or	Basic standards for behavior have been established. Reviews	Develops expectations with some student involvement.	Equitably reinforces expectations and consequences and supports	Facilitates a positive environment using systems that ensure



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2013 - 2014 School Year

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP
<b>communicating, and maintaining high standards for individual and group behavior</b>	students are confused about what the standards are.	standards for behavior with students in anticipation of need for reinforcement. Refers to standards for behavior and applies consequences as needed.	Communicates, models, and explains expectations for individual and group behavior. Monitors student behavior during individual and group work.	students to monitor their own behavior and each others' behavior in a respectful way.	students take an active role in monitoring and maintaining high standards for individual and group behaviors.
<b>2.6 Employing classroom routines, procedures, norms, and supports for positive behavior to ensure a climate in which all students can learn</b>	Has not established routines, procedures, norms, and supports for positive behavior.	Develops procedures and routines. Assists students to learn routines and procedures. Seeks to promote positive behaviors and responds to disruptive behavior	Establishes and maintains procedure, routines, and norms. Provides positive behavior supports. Responds appropriately to behaviors in ways that lessen disruptions to the learning environment.	Engages students in monitoring and reflecting on routines, procedures, and norms. Promotes positive behaviors and consistently prevents or refocuses behaviors disruptive to the learning environment.	Facilitates students in monitoring and adjusting routines. Classroom climate integrates school standards, promotes positive behaviors, and eliminates most disruptive behavior.
<b>2.7 Using instructional time to optimize learning</b>	Learning activities are not appropriately paced. Poor transitions result in lost instructional time.	Provides time for students to complete learning activities. Develops some routines for classroom business and most transitions are timely.	Provides adequate time for instruction, checking for understanding, and completion of learning activities. Paces instruction and classroom business and uses transitions to support and maintain engagement of all students.	Paces instruction to include ongoing assessment of student learning. Supports students in the monitoring of instructional time.	Presents, adjusts, and facilitates instruction and daily activities so all students have time for learning, are continually engaged, and have opportunities for reflection and assessment. Supports students to self-monitor time on task.
<b>Evidence :</b>					



# FAIRFIELD-SUISUN UNIFIED SCHOOL DISTRICT

## F3 - Certificated Personnel Evaluation Form

2013 - 2014 School Year

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP
Rating : ✓					

Standard 3 : Understanding and Organizing Subject Matter for Student Learning					
Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP		
<b>3.1 Demonstrating knowledge of subject matter, academic content standards, and curriculum frameworks</b>	Basic knowledge of subject matter is not always evident or current. Does not adequately support students' learning of key concepts.	Has working knowledge of subject matter, related academic language and academic content standards.	Utilizes concepts in subject matter and academic language, to identify connections between academic content standards and instruction.	Identifies and integrates key concepts, themes, relationships, and connections across subject matter areas.	Uses extensive knowledge of subject matter concepts, current issues, academic language, and research to make relevant connections to standards during instruction and extend student learning. ✓
<b>3.2 Applying knowledge of student development and proficiencies to ensure student understanding of subject matter</b>	Does not apply knowledge of student development and proficiencies to meet students' diverse learning needs.	Demonstrates basic knowledge of stages of student development while becoming aware of differences in students' understanding of subject matter.	Connects content being taught to students' prior knowledge and experiences at the appropriate developmental level.	Integrates knowledge of the range of student development into instructional decisions to ensure student understanding of subject matter, including related academic language. ✓	Utilizes comprehensive knowledge to guide all students to develop proficiencies in self-directed goal setting, monitoring, and improvement.
<b>3.3</b>	Does not organize curriculum to	Follows organization of curriculum	Applies knowledge of the subject	Utilizes knowledge of student	Integrates knowledge of



# FAIRFIELD-SUISUN UNIFIED SCHOOL DISTRICT

## F3 - Certificated Personnel Evaluation Form

2013 - 2014 School Year

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP
<b>Organizing curriculum to facilitate student understanding of the subject matter</b>	facilitate student understanding of the subject matter.	as provided by site and district to support student understanding of subject matter.	matter to organize curriculum, plan lessons and units, and select instructional strategies that demonstrate key concepts.	readiness to learn to organize, sequence, and enhance the curriculum. ✓	curriculum and resources to organize and adjust instruction within and across subject matter to extend student understanding.
<b>3.4 Utilizing instructional strategies that are appropriate to the subject matter</b>	Does not appropriately match instructional strategies to subject matter content or concepts.	Uses limited instructional strategies to make the content accessible to students.	Selects and adapts a variety of instructional strategies to ensure student understanding of academic language appropriate to subject matter and that address students' diverse learning needs.	Integrates instructional strategies appropriate to subject matter that challenge all students. Assists students to individually construct their own knowledge, think critically, understand and use academic language, and make connections within and across subject matter.	Uses a repertoire of instructional strategies that are appropriate to subject matter to support and challenge the full range of students toward a deep understanding of subject matter. Utilizes strategies that challenge and support all students to independently apply and think critically about the subject matter. ✓
<b>3.5 Using and adapting resources, technologies, and standards-aligned instructional materials, including adopted materials, to make</b>	Instructional materials, resources and technologies are not used appropriately.	Uses available instructional materials, resources, and technologies to present concepts and skills.	Selects and utilizes appropriate relevant instructional materials, resources and technologies to make subject matter accessible to students. Resources reflect the diversity of the classroom and support differentiated learning of	Integrates a wide range of relevant materials, resources, and technologies to enrich learning, to reflect linguistic and cultural diversity of students, and to provide equal access for all students.	Engages students in identifying and adapting resources, technologies and standards-aligned instructional materials to extend student understanding and critical thinking about subject matter



# FAIRFIELD-SUISUN UNIFIED SCHOOL DISTRICT

## F3 - Certificated Personnel Evaluation Form

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Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP
<b>subject matter accessible to all students</b>			subject matter.	✓	
<b>3.6 Addressing the needs of English learners and students with special needs to provide equitable access to the content</b>	Is unaware of the range of students' needs as identified by school data. Does not cooperate with support personnel and families to support learning plans and goals.	Is aware of the full range of students' needs as identified through data provided by the school. Seeks additional information on the full range of students to address challenges and required additional supports. Cooperates with support personnel and families in establishing learning plans and goals.	Uses data on the full range of students identified with special needs and/or English Learners to provide appropriate challenges and accommodations in instruction. Communicates with support personnel and families to ensure that appropriate student services are provided and progress is made in accessing content.	Integrates accommodations, adaptations, or extensions to instruction for the full range of students with special needs and English Learners to ensure adequate support and challenge. Maintains regular communication with support personnel and families to ensure that appropriate student services are provided and progress is made in accessing content.  style="text-align: center;">✓	Guides and supports the full range of students with special needs and English Learners to actively engage in assessment and to monitor their own strengths, learning needs, and achievement. Communicates and collaborates with support personnel and families in creating a coordinated program to optimize success of the full range of students with special needs and English Learners.
<p><b>Evidence :</b></p> <p>Evidence (please refer to 2nd observation notes): ratio - a relationship between numbers</p> <p>terms - numbers in a ratio</p> <p>equivalent rations - left blank because I want you to come to a conclusion</p> <p>3. Directed: put any number less than 5 on the whiteboard</p> <p>Everyone record the number of white beans that were pout on the board in the appropriate column</p>					



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<p>Directed: Everyone record the number of black beans that were put on the board in the appropriate column (must be less than 10)</p> <p>Teacher directed each group to recite the # of beans they placed on the board and number they recorded in each column</p> <p>Stated: the number you have in both columns makes a ratio, then directed students to add the same number of white and black beans they initially placed on the board a second time (double each amount, then record the new findings- in other words, count the beans)</p> <p>4. Directed students to add the same amount of white and black beans as they initially had 4X - [redacted] called for a clarification and did so verbally -</p> <p>5. [redacted] asked a question projected (prepared) what was the progression of white beans related to black beans</p> <p>3,6,9,12,15/ 9,18,27, 13, 36</p> <p>6. Big question #2</p> <p>Did the relationship between the numbers of white and black beans change as you repeatedly added the original #'s? Come to a group census and justify your answer?</p> <p>Comments (please refer to 2nd observation notes): I was immediately excited about the chance you were taking when you had the manipulatives out on the tables and the students immediately began to work in their respective groups. You did an excellent job walking the students through the progressions 3,6,9,.../6,12,18. Continue to make a concerted effort to let the students work through the content (i.e., Student "L" from the second observation) He was confused and you were attempting to scaffold for and he wanted to give up- at this point press on and say "L," were going to walk through this until we get it buddy, because I bet other people might be a little confused." Pre-prepared sentence frames would have aided all of the students in this particular segment- structure the academic discussions so that the students are utilizing the academic vocabulary you have introduced (you clearly shared all of the vocabulary at the onset of the lesson and directed all of the students to repeat the words back).</p> <p><b>Rating :</b> ✓ Meets or Exceeds CSTP</p>					

### Standard 4 : Planning Instruction and Designing Learning Experiences for All Students

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP		
4.1	Instructional plans do not match	Plans instruction using available	Plans and implements instruction	Uses differentiated instruction	Implements differentiated



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Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP
<b>Using knowledge of students' academic readiness, language proficiency, cultural background, and individual development to plan instruction</b>	or reflect students' backgrounds, experiences, interests, and developmental needs, and do not support students' learning.	standardized test data.	using data from a variety of assessments, as well as information on student academic readiness, language, cultural background, and individual development.	that supports student learning based on the knowledge of the students' diverse learning needs and cultural background.	instruction that promotes access to academic content standards, taking into account students' academic, cultural, and linguistic diversity.
<b>4.2 Establishing and articulating goals for student learning</b>	Instructional goals are not established or do not address students' language, experiences or school expectations. Expectations for students are low or unrealistic.	Establishes expectations for student learning in most lessons. Has inconsistent expectations for students.	Articulates and links goals to instructional activities. Goals are appropriately challenging for most students and represent valuable learning. Expectations for students are generally high.	Ensures that students understand and reflect upon short-term and long-term learning goals. Goals reflect high expectations and challenge students at their level.	Articulates short-term and long-term goals with high expectations for learning. Designs activities so that students have opportunities to participate in setting, revising, and achieving personal goals.
<b>4.3 Developing and sequencing long-term and short-term instructional plans to support student learning</b>	Individual lesson plans have little or no recognizable organization or connection to adopted curriculum. Does not plan to ensure access to challenging, diverse, academic content for all students.	Uses available curriculum guidelines for daily, short-term and long-term plans.	Develops and sequences short and long term instructional plans to support student learning.	Refines sequence of long-term plans with colleagues to reflect integration of curriculum guidelines, frameworks, and content standards with assessed instructional needs to ensure student learning.	Utilizes extensive knowledge of the curriculum, content standards, and assessed learning needs to design cohesive and comprehensive long-term and short-term instructional plans that ensure high levels of learning.
<b>4.4</b>	Instructional strategies do not	Plans instruction that incorporates	Uses knowledge of subject	Integrates instruction to address	Plans instruction incorporating a



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Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP
<b>Planning instruction that incorporates appropriate strategies to meet the learning needs of all students</b>	address students' diverse learning needs.	strategies suggested by curriculum guidelines.	matter, culturally responsive pedagogy, and students' diverse learning needs to plan and implement appropriately paced instructional activities.	learning styles and meets students' assessed language and learning needs. Provides appropriate support and challenge for students.	repertoire of strategies to specifically meet students' diverse language and learning needs and styles to advance learning for all.
<b>4.5 Adapting instructional plans and curricular materials to meet the assessed learning needs of all students</b>	Instructional plans are not modified, in spite of evidence that modifications would improve student learning.	Implements lessons and uses materials from curriculum provided.	Makes adjustments and adaptations to differentiate instructional plans based on the assessed learning needs of all students.	Makes ongoing adjustments to instructional plans and uses a variety of materials as the instructional need arises to support student learning.	Based on assessed student needs and past lessons taught, anticipates and plans for a wide range of adaptations to instruction.
<b>Evidence :</b>					
<b>Rating :</b> ✓					

Standard 5 : Assessing Students for Learning					
Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP		
<b>5.1 Applying knowledge of the purposes, characteristics, and uses</b>	Does not demonstrate an awareness of the purposes, characteristics, and uses of different types of assessments.	Explores the use of different types of assessments. Begins to identify specific characteristics of assessments that yield different	Selects and uses assessments based on a clear understanding of the purposes and characteristics of assessments to support student	Develops and adapts a range of appropriate assessments to address questions about students' learning needs and progress.	Demonstrates purposeful use of a wide range of assessments to support differentiated student learning needs and reflect





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Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP
<b>of different types of assessments.</b>		types of information about student preparedness, progress, and proficiency.	learning.	Integrates a variety of characteristics into assessments to allow students with a range of learning needs to demonstrate what they know.	progress. Draws flexibly from a repertoire of appropriate assessment options and characteristics to maximize student demonstration of knowledge.
<b>5.2 Collecting and analyzing assessment data from a variety of sources to inform instruction</b>	Uses no sources of information to inform instruction and/or does not use assessments that are appropriate.	Uses data from required assessments to assess student learning. Follows required processes for data analysis and draws conclusions about student learning.	Explores collecting additional data using supplemental assessments. Makes adjustments in planning for single lessons or sequence of lessons based on analysis of assessment data.	Collects a variety of formal and informal assessment data on student learning. Uses analysis of a variety of data to inform planning and differentiation of instruction.	Designs and integrates an assessment plan that provides formal and informal assessment data on student learning. Uses data analysis of a broad range of assessments to provide comprehensive information to guide planning and differentiation of instruction.
<b>5.3 Reviewing data, both individually and with colleagues, to monitor student learning</b>	Does not review data, individually or with colleagues, to monitor student learning.	Reviews and monitors assessment data as required by site and/or district.	Reviews and monitors a variety of data, individually and with colleagues, to identify the learning needs of individual students.	Reviews and monitors a wide variety of data, individually and with colleagues, to identify trends and patterns among students.	Works collaboratively with colleagues to identify and address underlying causes for assessment data trends.
<b>5.4 Using assessment data to</b>	Assessment data is not appropriately used by the teacher	Uses data from available assessments to establish learning	Uses a variety of formal and informal assessment data to	Uses a wide variety of data to establish goals for content and	Reflects on data to make refinements to learning goals for



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Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP
<b>establish learning goals and to plan, differentiate, and modify instruction</b>	to establish learning goals or to plan, differentiate, and modify instruction.	goals.	establish learning goals for content and academic language.. Regularly plans differentiated lessons and modifications to instruction to meet students' diverse learning needs.	academic language that are integrated across content standards for individuals and groups. Plans differentiated instruction targeted to meet individual and group learning needs and modifies lessons during instruction based on informal assessment.	content and academic language for the full range of students. Uses data systematically to refine planning, differentiate instruction, and makes ongoing adjustments to match the evolving learning needs of individuals and groups.
<b>5.5 Involving all students in self-assessment, goal setting, and monitoring progress</b>	Does not involve students in self-assessment, goal setting, and monitoring of their progress.	Begins to encourage students to establish learning goals through single lessons or sequence of lessons that include goal setting exercises. Provides students with opportunities in single lessons or sequence of lessons to monitor their own progress towards class and/or individual goals.	Models and scaffolds student self-assessment and goal setting processes for learning content and academic language development. Guides students to monitor and reflect on progress on a regular basis.	Implements opportunities for students to self-assess and set learning goals related to content, academic language and individual skills. Integrates student self-assessment, goal setting, and monitoring progress across the curriculum.	Provides ongoing opportunities for student self-assessment, goal setting, and monitoring progress. Develops students' meta-cognitive skills for analyzing progress and refining goals to advance their academic achievement.
<b>5.6 Using available technologies to assist in assessment, analysis, and</b>	Does not use available technologies to assist in assessment, analysis, and communication of student	Uses technologies to implement individual assessments, record results and communicate with administration, colleagues and	Uses technology to design and implement assessments, record and analyze results and communicate student learning	Integrates a variety of technologies into the development, implementation, analysis of assessments, and	Uses a wide range of technologies to design, implement and analyze assessments and provides for in depth and ongoing



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Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP
<b>communication of student learning</b>	learning.	families about student learning.	with administration, colleagues, families and students. Ensures that communications are received by those who lack the access to technologies	communication of student learning to all audiences.	communication regarding student learning for all audiences.
<b>5.7 Using assessment information to share timely and comprehensible feedback with students and their families</b>	Does not provide students with feedback through assessment of work. Poor communication of student proficiency and behavior issues to family.	Provides students with feedback through assessment of work and required summative assessments. Notifies families of student proficiencies, challenges, and behavior issues.	Provides students with clear and timely information about strengths, needs, and strategies for improving academic achievement. Communicates regularly to share communication assessment information that is responsive to individual student and family needs.	Integrates feedback to students from formal and informal assessments in ways that support increased learning. Provides opportunities for two-way communications with families to share student assessments and progress, and to raise issues or concerns	Develops student skills in analyzing assessments of their progress to facilitate and accelerate their learning. Engages families in a variety of ongoing comprehensible communications about individual student progress and ways to provide and monitor.
<b>Evidence :</b>					
<b>Rating : ✓</b>					

Standard 6 : Developing as a Professional Educator

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP		
		CSTP			
<b>6.1</b>	Rarely uses reflection to assess	Reflects on areas of concern in	Engages in reflection individually	Analyzes and reflects individually	Integrates analysis and reflection



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Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP	Meets or Exceeds CSTP
<b>Reflecting on teaching practice in support of student learning</b>	professional growth to support student learning over time or to plan professional development.	his/her teaching practice, assesses growth in these areas, and begins to focus professional development on immediate student learning needs	and with colleagues on the relationship between making adjustments in teaching practice and the impact on the full range of learners	and with colleagues on teaching and learning based on evidence gathered. Plans professional development based on teaching practices that support the full range of learners	individually and with colleagues into teaching practice in relationship to professional growth that supports the full-range of student learning. ✓
<b>6.2 Establishing professional goals and engaging in continuous and purposeful professional growth and development</b>	Rarely establishes professional goals, seeks opportunities to develop new knowledge or skills, or participates in the professional community.	Sets goals that take into account self-assessment of teaching practice	Sets goals and pursues opportunities to acquire new knowledge and skills and participate in the professional community.	Purposefully pursues opportunities to expand knowledge and skills, and participates in and contributes to the professional community. ✓	Sets and modifies a range of professional goals to extend own teaching practice and that of colleagues. Contributes to professional organizations, literature, and development opportunities and leads professional development.
<b>6.3 Collaborating with colleagues and the broader professional community to support teacher and student learning</b>	Rarely collaborates with colleagues, or seeks out other staff to discuss student learning. Rarely participates in school or district events or learning activities.	Establishes positive working relationship with a few colleagues. Interacts with colleagues to gather resources. Seeks out trusted colleagues to consider solutions to problems with students.	Works constructively with colleagues and support staff to improve student learning and reflect on practice. Collaborates with colleagues to plan curriculum, coordinate resources, and solve problems.	Engages staff in dialogue and reflection to support student learning and teacher growth in responsive and appropriate ways.	Provides opportunities to collaborate with staff to support learning for all students. Provides leadership for, and contributes to, the learning of other educators. ✓
<b>6.4</b>	Teacher may demonstrate respect	Communicates with families at	Regularly communicates student	Communicates to families in ways	Engages families in a variety of



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<b>Working with families to support student learning</b>	for students' families or their backgrounds, but has limited communication with families, and is not sure how to provide opportunities for participation in the classroom or school community.	reporting periods and school events. Advises families of problems. Recognizes the role of the family in student learning. Invites families to contribute in the classroom /school events	progress in appropriate ways, taking into account the diversity of families. Encourages families to contribute to the support of their children's learning.	which show understanding of and respect for cultural norms. Provides opportunities and support for families to actively participate in support of their children's learning.	responsive, ongoing, two-way communications in support of student success. Structures a wide range of opportunities for families to contribute to the support of their children's learning.  ✓
<b>6.5 Engaging local communities in support of the instructional program</b>	Lacks awareness of local neighborhoods and communities around school and does not make use of available local resources.	Develops an awareness of neighborhood and community resources.	Uses a variety of neighborhood and community resources to support the curriculum.	Draws from understanding of community to improve and enrich the instructional program.	Collaborates with community members to increase instructional and learning opportunities and to support students and families.  ✓
<b>6.6 Managing professional responsibilities to maintain motivation and commitment to all students</b>	Does not fulfill professional responsibilities. Does not stay current with professional and legal responsibilities for students' learning, behavior and safety.	Possesses a positive attitude in the classroom. Develops an understanding of professional responsibilities.	Maintains positive attitude, demonstrates understanding of professional responsibilities and a commitment to all students, and seeks to balance professional responsibilities with personal needs.	Maintains motivation and commitment to all students, demonstrates professional integrity, and challenges self intellectually and creatively.	Demonstrates and models professional integrity, and challenges self intellectually and creatively throughout career to maintain motivation and commitment to all students and the professional community.  ✓



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<b>Evidence :</b>					
8/6/13 becoming tech savvy training.					
8/7/13 tech and common core training.					
9/11/13 tech and common core training.					
9/25/13 tech and common core training.					
10/16/13 tech and common core training.					
11/13/13 tech and common core training.					
Enrolled in Fresno Pacific University course Math 929--facilitating math discussion					
<b>Rating :</b> ✓ Meets or Exceeds CSTP					



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### Evaluator Comments :

[Redacted] has been a pleasure working with you this year. Your willingness to share your thoughts relating our transition to the Common Core was refreshing. I respect the fact that you will stand up for what you believe in. I also respect your willingness to step out of your comfort zone when I asked you to do so. As an administrator, it's really all we can ask for. To that end, I recommend that you continue to "Organize the Subject Matter" so that structured student-to-student and teacher-to-student interaction take place during all phases of each lesson. For example, during the "I do" segment of the lesson, consider incorporating the Think-Pair-Share strategy supplemented with DOK (Depth of Knowledge) Level 2 Skill/Concept related questions. As you progress into the "We Do" segment of the lesson, continue to model relevant concepts or tasks with the understanding that the the questions need to get progressively more challenging (level 2 and Level 3) while you facilitate the learning process. During this segment it's important that you afford the students the opportunity to attempt to apply their knowledge. It's important to note, however, that checking for understanding during this stage (Stage 2) is of utmost importance. The more frequently you check for understanding at DOK Levels 2 or above, the more accurately you will be able to gauge when and where the students are unable to make connections. As you move into the third or final stage of the lesson, I encourage you to further increase your Level of Questioning as challenge the students further with one caveat; as you continue to ask Level 2 or 3 questions and challenge the students do not hesitate to draw a small group of students together, or, the entire class if necessary, to differentiate or scaffold as necessary. The key is to continually assess so that were cognizant of when to let the students work through content in pairs or individuals, and when we need to reel them in because they're clearly not understanding the content.

### Employee Comments :

Permanent :  Continue Permanent Status

[Redacted Signature Box]  
Evaluator Signature - Apr 3, 2014 @ 02:13:20 PM

[Redacted Signature Box]  
Evaluatee Signature - Apr 3, 2014 @ 02:13:20 PM

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HUMAN RESOURCES

Fairfield-Suisun Unified School District

"Our Mission is to Provide a Quality Educational System that Assures Opportunities for Every Student to Learn and Meet the Challenges of the Future"

Certificated Personnel Evaluation Form

(Reference: Collective Bargaining Agreement, Article 10)

Copy 1 - Personnel File
Copy 2 - Evaluator
Copy 3 - Employee

Employee: [ ]

Evaluator: [ ]

Grade/Subject Area(s): [ ] grade

Position: [ ]

School Year: 11-12 Site/Location [ ]

Date: 3/15/12

\*Standard Selected by the Evaluator #4 Planning Instruction

\*Standard Selected by the Unit Member #3 Organizing Subject Matter

Status: [ ] Permanent

Directions for Use:

- 1) During the first twenty (20) days of the unit member's work year, the administrator will convene an individual or School Site Staff meeting in order to discuss the evaluation process and standards, and distribute the most recent version of the California Standards for the Teaching Profession: A Description of Professional Practice for California Teachers to all certificated teachers.
2) The authorized components of data to validate the CSTP include not only formal observations, but may also include observations of less than thirty minutes, classroom walkthroughs, lesson plans as designed by the classroom teacher, observation of report cards and progress reports, and records of professional development activities as provided by the teacher.
3) The attached FSUSD Evaluation Rubric will be used to provide meaningful feedback and to serve as a source for discussion for the evaluation. Evidence based comments will be provided. In completing the final report, the evaluator will consider the overall performance in each of the selected standards when determining an evaluation rating.
4) All unit members will receive a final evaluation report in writing, and an employee/evaluator conference will be held at least thirty (30) workdays prior to their last workday in the school year in which the evaluation took place.

\* Applies to Permanent Unit Members ONLY



## Standard 1: Engaging and Supporting All Students In Learning

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<p><i>Connecting students' prior knowledge, life experience, and interests with learning goals</i></p> <p style="text-align: right;"><b>1.1</b></p>	<p>Makes no connections between the learning goals and the students' prior knowledge, life experiences and interests. Does not elicit students' questions or comments during a lesson.</p>	<p>Attempts to open lesson to engage students' attention and interest. Asks some questions that elicit students' prior knowledge, life experiences and interest. Some connections are made to learning goals and objectives of the lesson.</p>	<p>Implements activities and elicits questions that help students make connections between what they already know and the learning goals and objectives.</p>	<p>Uses questions and activities to extend students' abilities to integrate what they know with the learning goals and objectives. Makes adjustments during lesson to ensure that all students meet the learning goals.</p>	<p>Creates a context for students to synthesize learning goals and objectives with what they know and develop their own complementary learning goals.</p>	<p>This evaluation is based on formal observations, informal classroom visits and "walk-throughs", written lesson plans and other teacher-provided information.</p> <p>Standard #1 not selected for the current evaluation cycle.</p> <p><b>Rating (Check One):</b></p> <p><input type="checkbox"/> Does Not Meet CSTP      <input type="checkbox"/> Meets or Exceeds CSTP</p> <p><input type="checkbox"/> Progressing Towards CSTP</p>
<p><i>Uses a variety of instructional strategies and resources to respond to students' needs</i></p> <p style="text-align: right;"><b>1.2</b></p>	<p>Uses instructional strategies that lack variety, are poorly carried out, or are inappropriate to the students or to the instructional goals. No adjustments are made to respond to students' needs.</p>	<p>Uses a few instructional strategies. Delivers instruction with available resources and materials. Makes minimal adjustments to respond to students' needs.</p>	<p>Elicits student participation through a variety of instructional strategies intended to match students' academic and linguistic needs. Checks for student understanding.</p>	<p>Uses a repertoire of strategies and resources. Selects and differentiates learning to accommodate students' diverse learning styles.</p>	<p>Uses extensive repertoire of strategies to meet students' diverse academic and linguistic needs and ensure fullest participation and learning for all students.</p>	
<p><i>Facilitating learning experiences that promote autonomy, interaction and choice</i></p> <p style="text-align: right;"><b>1.3</b></p>	<p>Directs learning experiences, permitting no student autonomy, interaction, or choice.</p>	<p>Directs learning experiences through whole group and individual work with limited possibilities for interaction and choice.</p>	<p>Provides learning experiences utilizing individual and group structures to develop autonomy and group participation skills. Students make choices about and within their work.</p>	<p>Uses a variety of learning experiences to assist students in developing independent working skills and group participation skill. Supports students in making appropriate choices for learning.</p>	<p>Integrates a variety of challenging learning experiences that develop students' independent learning, collaboration, and choice.</p>	
<p><i>Engaging students in problem solving, critical thinking, and other activities that make subject matter meaningful</i></p> <p style="text-align: right;"><b>1.4</b></p>	<p>Provides no learning opportunities for students to engage in problems solving, analysis, or critical thinking activities.</p>	<p>Provides limited learning opportunities for students to engage in problem solving within subject matter areas. Asks some critical thinking questions to relate facts and key concepts of subject matter.</p>	<p>Engages students through activities and questioning strategies that <u>develop skills in identification and understanding of key concepts and issues.</u> Supports students in problem posing and problem solving.</p>	<p>Engages students in analysis of key concepts and facts through activities and questions that consider multiple perspectives. Supports students to initiate problem posing, problem solving, and inquiry.</p>	<p>Facilitates regular opportunities for students to design and implement inquiries and problem solving to analyze content and draw conclusions, considering multiple perspectives with and across subject matter.</p>	
<p><i>Promoting self-directed, reflective learning for all students</i></p> <p style="text-align: right;"><b>1.5</b></p>	<p>Provides no opportunities for students to initiate their own learning or to monitor their own work.</p>	<p>Provides limited opportunities for students to monitor their own work and to reflect on the process and their progress.</p>	<p>Supports students in developing skills needed to monitor their own learning. Students have opportunities to reflect on the process and their progress.</p>	<p>Structures learning activities that enable students to set goals and develop strategies for demonstrating, monitoring, and reflecting on the process and their progress.</p>	<p>Facilitates students to initiate learning goals and set criteria for demonstrating and evaluating work. Students reflect on the process and their progress as a regular part of learning experiences.</p>	

## Standard 2: Creating and Maintaining an Effective Environment for Student Learning

<i>Elements</i>	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<b><i>Creating a physical environment that engages all students</i></b> 2.1	The physical environment does not support student learning. Movement and access may be restricted by barriers. Materials are difficult to access when needed.	Arranges room for teacher accessibility or visibility of students. Manages room for easy movement and access to resources. Room displays relate to the curriculum.	Designs movement patterns and access to resources to promote individual and group engagement. Room displays are used in learning activities.	Designs and manages room and resources to accommodate students' needs and involvement in learning. Displays are integral to learning activities.	Uses total physical environment as a resource to promote individual and group learning. Students are able to contribute to the changing design of the environment.	<p>Standard #2 not selected for the current evaluation cycle.</p> <p><b>Rating (Check One):</b></p> <p><input type="checkbox"/> Does Not Meet CSTP      <input type="checkbox"/> Meets or Exceeds CSTP</p> <p><input type="checkbox"/> Progressing Towards CSTP</p>
<b><i>Establishing a climate that promotes fairness and respect</i></b> 2.2	Does not model fairness, equity, caring, and respect in the classroom. Is unaware of impolite and disrespectful behavior. Allows inappropriate attitudes and behaviors among students. Response to inappropriate behavior is unfair or inequitable.	Builds caring, friendly rapport with most students. Models equitable and respectful relationships. Has some strategies to respond to unfairness and disrespect.	Promotes caring and respectful interactions. Responds to incidents of unfairness and disrespect equitably. Encourages students to respect differences.	Maintains caring, respectful, and equitable relationships with students. Supports students in developing skills to respond to inequity and disrespect.	Fosters a safe, inclusive, and equitable learning community. Students participate in maintaining a climate of equity, caring and respect and may initiate creative solutions to conflicts.	
<b><i>Promoting social development and group responsibility</i></b> 2.3	Does not support students' social development, self-esteem, and diversity. Students have no sense of responsibility for each other.	Uses some strategies and activities to develop students' individual responsibility and recognition of others rights and needs. Students share in classroom responsibilities. Recognizes student diversity but does not promote acceptance or respect.	Promotes positive student interactions as members of large and small groups. Provides some opportunities for student leadership within the classroom. Promotes acceptance and respect for different experiences, ideas, backgrounds, feelings, and point of view.	Engages students in individual and group work that promotes responsibility to the classroom community. Supports students to take initiative in classroom leadership.	Facilitates an environment in which students take initiative socially and academically. Promotes and supports student leadership beyond the classroom.	
<b><i>Establishing and maintaining standards for student behavior</i></b> 2.4	No standards for behavior appear to have been established, or students are confused about what the standards are.	Establishes basic standards for behavior. Response to student behavior is generally appropriate.	Uses strategies that prevent or lessen disruptive behavior and reinforce expectations for behavior. Monitors behavior while teaching and during student work time.	Equitably reinforces expectations and consequences and supports students to monitor their own behavior and each other's behavior in a respectful way.	Facilitates a positive environment in which students are guided to take a strong role in monitoring their own behavior and each other's behavior in a respectful way.	
<b><i>Planning and implementing classroom procedures and routines that support student learning</i></b> 2.5	Has not established and/or enforced classroom procedures and routines.	Develops procedures and routines. Assists students to learn routines and procedures for most activities.	Establishes and maintains procedures and routines. Supports and monitors students in procedures and routines appropriate for learning activities.	Assists and encourages students in developing and maintaining equitable routines and procedures.	Assists and encourages all students in developing and internalizing equitable routines and procedures. Students show ownership of routines and procedures.	
<b><i>Using instructional time effectively</i></b> 2.6	Learning activities are not appropriately paced. Poor transitions result in lost instructional time.	Provides time for students to complete learning activities. Develops some routines for classroom business and most transitions are timely.	Provides adequate time for presentation and for completion of learning activities. Paces instruction and classroom business to maintain engagement. Uses transitions to support engagement of all students.	Paces instruction to include ongoing review and closure of lessons to connect them to future lessons. Classroom business and transitions are efficient and integrated into learning activities.	Presents, adjusts and facilitates instruction and daily activities so all students have time for learning, are continually engaged, and have opportunities for reflection and assessment. Supports students to self-monitor time on task.	

### Standard 3: Understanding and Organizing Subject Matter for Student Learning

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<b>Demonstrating knowledge of subject matter and student development</b> 3.1	Basic knowledge of subject matter and student development is not always evident or current. Does not adequately support students' learning of key concepts.	Has working knowledge of subject matter and student development. Promotes an understanding of key concepts.	<u>Communicates key concepts, skills, and themes in an accurate, clear, and coherent manner. Plans and builds on instruction with students' cognitive and linguistic abilities in mind.</u>	Uses expanded knowledge of subject matter to support student understanding of key concepts, themes, multiple perspectives, and relationships in subject area(s). Activities are suitable for students' cognitive development.	Flexibly uses comprehensive knowledge of subject matter and student development to ensure that all students understand key concepts, themes, multiple perspectives, and relationships in and among subject area(s).	<p>_____ goals in the area of this standard included developing additional instructional strategies that motivate and engage students in their learning. Strategies observed include:</p> <ul style="list-style-type: none"> <li>• Use of choral response for key terms like Venn Diagram and Prime Factorization and signals with fingers for student responses/ thumbs up-down.</li> <li>• Use of whiteboards to increase student accountability and provide a check for understanding.</li> <li>• Increased use of Pair Share and student interactions, and some use of Numbered Heads Together (groups of 4)</li> </ul>
<b>Organizing curriculum to support student understanding of subject matter</b> 3.2	The curriculum is not organized and does not adequately demonstrate concepts, themes and skills. Rarely supports different perspectives or students' understanding of core concepts.	Uses knowledge of subject matter to promote students' understanding of key concepts, skills, and standards taught. May connect key concepts to standards and frameworks.	<u>Identifies key concepts, skills, and units/themes to facilitate student understanding and reflect standards and frameworks.</u>	Organizes and sequences subject matter clearly to coordinate core curriculum and content standards within and across subject matter as appropriate.	Designs and adapts subject matter to demonstrate a consistent in-depth student understanding of content and relationships among various concepts and themes. Content standards are fully integrated in the core curriculum.	<p>_____ has worked on crafting objectives that communicate clearly the key concepts and understanding he plans to convey to students, and should consistently post and reference them during instruction time. His learning goals for students are generally robust and rigorous, and have included calculating the area of triangles and parallelograms, converting decimals to fractions and percents, and explaining the causes and properties of ocean currents. Students are exposed to Tier 3 content vocabulary, and in the second half of the year _____ has begun to utilize ELLA strategies to teach Tier 2 academic vocabulary.</p>
<b>Interrelating ideas and information within and across subject matter</b> 3.3	Presents curriculum without identifying or integrating key concepts and information, or does not relate content to previous learning in order to support students' understanding.	Focuses on core curriculum and skills. Attempts to relate content to prior lessons within the subject matter.	Connects key concepts, skills, and themes within subject matter to the standards. Builds on prior lessons and students' backgrounds.	<u>Integrates key concepts, skills, and underlying themes within and across curriculum to support standards. Capitalizes on opportunities to make connections while teaching.</u>	Connects key concepts and underlying themes within and across the curriculum to extend in-depth learning for all students. Supports students' application of cross-curricular learning.	<p>_____ aware of the need to provide visual supports and scaffolds for students that promote understanding of concepts. One thing he tried was incorporating examples of "Google Earth" type maps on the SmartBoard that showed examples of volcanoes in Italy and Hawaii. A method of using a venn diagram to determine common factors and the least common multiple of two numbers helped students see the relationship between the two numbers _____. Also intentionally designed math lessons utilizing the number line to illustrate the relationship of fractions and decimals. In these lessons, he modeled how to locate the non-whole numbers on the line and students individually practiced on their own copies. Increasing the frequency and variety of these visual supports is a strategy we discussed with regard to posted vocabulary on the word wall, conceptual pictures and models, and color-coded information used on SmartBoard slides. Examples from other classrooms were shared and this should continue to be a goal for increasing the effectiveness of presentations (I Do) and support of students in the guided practice phase (We Do) of lessons in the coming year.</p>
<b>Developing student understanding through instructional strategies that are appropriate to subject matter</b> 3.4	Does not appropriately match instructional strategies to subject matter content or concepts. Does not encourage students to think critically or to extend their knowledge.	Uses a few instructional strategies to make the content accessible to students. Makes some attempt to encourage students to think critically.	<u>Matches strategies appropriate to subject matter to encourage student understanding and critical thinking. Strategies utilize students' interests and backgrounds.</u>	Develops and uses multiple strategies that challenge all students. Assists students to individually construct their own knowledge and think critically.	Uses a repertoire of instructional strategies that are appropriate to subject matter. Utilizes strategies that challenge and support all students to independently apply and think critically about the subject matter.	<p><b>Rating (Check One):</b></p> <p><input type="checkbox"/> Does Not Meet CSTP      <input checked="" type="checkbox"/> Meets or Exceeds CSTP</p> <p><input type="checkbox"/> Progressing Towards CSTP</p>
<b>Using materials, resources, and technologies to make subject matter accessible to students</b> 3.5	Instructional materials, resources and technologies are not used appropriately. Materials do not accurately reflect diverse perspectives.	Uses available instructional materials, resources, and technologies to present concepts and skills. Some materials and resources reflect students' diversity. Develops some systems to provide equitable access to resources.	<u>Selects and utilizes appropriate relevant instructional materials, resources, and technologies to present concepts and skills. Materials reflect linguistic diversity of students. Resources are made available to all students.</u>	Selects, adapts and creates a range of relevant materials, resources, and technologies to enrich learning, to reflect linguistic and cultural diversity of students, and to provide for equal access.	Analyzes, adapts, and creates a wide range of relevant instructional materials, resources, and technologies to extend students' understanding and provide equal access. Materials reflect diversity beyond the classroom.	

## Standard 4: Planning Instruction and Designing Learning Experiences for All Students

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<p><b>Drawing on and valuing students' backgrounds, interests, and developmental learning needs</b> 4.1</p>	<p>Instructional plans do not match or reflect students' backgrounds, experiences, interests, and developmental needs, and do not support students' learning.</p>	<p>Develops and gathers materials to supplement available resources. Most lessons acknowledge students' prior knowledge, interests and learning needs.</p>	<p><u>Develops lessons that incorporate students' prior knowledge, interests, instructional, and linguistic learning needs.</u></p>	<p>Uses a wide range of materials to access and build upon students' prior knowledge, interests, instructional and linguistic needs to extend student understanding.</p>	<p>Designs instruction to build on students' prior knowledge, instructional needs, linguistic needs, and diversity to challenge all students.</p>	<p><input type="checkbox"/> goals for his practices in relation to planning instruction include improving long-term planning with the use of a curriculum map, improving the level and degree of planning in daily lessons, incorporating formative assessments in a more seamless way, and intentionally planning moments within the lessons to increase the use of signals, choral response, and "think time." He reported that his typical planning practices include identifying the standards coming up in the pacing plan, prioritizing the most important skills and ideas for students to master, and asking what will be the best learning activity for students with consideration of student learning styles. He verbally communicates the connections between prior lessons and future skills and activities to his students.</p> <p><input type="checkbox"/> has provided several examples of unit level lesson plans this year as a part of observation and debrief conversations which show attention to and concern for vocabulary development and logical progression of skills and concepts. Students take notes, use graphic organizers such as a budget vocabulary matrix, and answer questions such as "What properties of magma help to determine the type of eruption?" Daily lessons include plans for assessment in broad strokes such as "Students show understanding of mid-ocean ridges by doing the 'Writing in Science' activity p. 155," and "Students show mastery by sequencing the steps of sea-floor spreading." In math, his plans indicate a goal of 80% accuracy for all students.</p> <p>A summary of the steps and progression of one observed lesson was:                      1) reference standard/objective, 2) utilize Venn diagrams to find least common multiples, 3) emphasize vocabulary of "multiple", 4) use numbered heads together, 5) use whiteboards to review factoring, 6) provide teacher instruction on factoring and finding least common multiple of two numbers, 7) use signals such as thumbs up/down and number of fingers to demonstrate understanding, 8) independent practice of LCM.</p> <p><b>Rating (Check One):</b>  <input type="checkbox"/> Does Not Meet CSTP      <input checked="" type="checkbox"/> Meets or Exceeds CSTP  <input type="checkbox"/> Progressing Towards CSTP</p>
<p><b>Establishing and articulating goals for student learning</b> 4.2</p>	<p>Instructional goals are not established or do not address students' language, experiences or school expectations. Expectations for students are low or unrealistic.</p>	<p>Communicates expectations for student learning in most lessons. Has inconsistent expectations for students.</p>	<p><u>Articulates and links goals to instructional activities. Goals are appropriately challenging for most students and represent valuable learning. Expectations for students are generally high.</u></p>	<p>Ensures that students understand and reflect upon short-term and long-term learning goals. <u>Goals reflect high expectations and challenge students at their level.</u></p>	<p>Articulates short-term and long-term goals with high expectations for learning. Designs activities so that students have opportunities to participate in setting, revising, and achieving personal goals.</p>	
<p><b>Developing and sequencing instructional activities and materials for student learning</b> 4.3</p>	<p>Instructional activities and materials are not appropriate to the students or the instructional goals do not engage students in meaningful learning. Activities are not logically sequenced.</p>	<p>Develops some concepts and skills through a series of lessons that are connected and consider student linguistic and instructional needs.</p>	<p><u>Plans appropriately sequenced instruction and use of materials to promote student understanding of basic concepts and skills. Considers student linguistic and instructional needs.</u></p>	<p>Develops and sequences lessons to make connections within and across subject matter areas.</p>	<p>Sequences instruction to help students synthesize and apply new knowledge.</p>	
<p><b>Designing short-term and long-term plans to foster student learning</b> 4.4</p>	<p>Individual lesson plans have little or no recognizable organization or connection to adopted curriculum. Demonstrates limited knowledge of subject matter and students to plan and pace instructional activities over time. Does not plan to ensure access to challenging, diverse, academic content for all students.</p>	<p>Ineffectively organizes the curriculum to allow enough time for student learning, review and assessment. Neglects to provide opportunities for all students to learn at their own pace.</p>	<p><u>Organizes most of the curriculum to allow enough time for student learning, review, and assessment. Demonstrates knowledge of subject matter and students to plan and pace instructional activities over time. Plans to ensure access to challenging, diverse, academic content for most students to learn at their own pace.</u></p>	<p>Organizes curriculum to allow enough time for student learning, review, and assessment. Applies knowledge of subject matter and students to plan and pace instructional activities over time. Plans to ensure access to challenging, diverse, academic content for all students. Provides opportunities for all students to learn at their own pace.</p>	<p>Learning sequences are responsive to the needs of individual students and promotes understanding of complex concepts. Plans are comprehensive and cohesive across content areas.</p>	
<p><b>Modifying instructional plans to adjust for student needs</b> 4.5</p>	<p>Instructional plans are not modified, in spite of evidence that modifications would improve student learning.</p>	<p>Inconsistently adjusts lessons based on informal assessment of student understanding and performance from previous lesson, having taken note of student confusion.</p>	<p><u>Adjusts plans in advance to accommodate levels of ability and interests of most students. Makes modifications during lessons to address confusions and individual student performance.</u></p>	<p>Uses assessments to modify lessons in advance. Throughout the learning activity, assessments of student understanding are used to influence changes in instruction.</p>	<p>Uses a wide range of assessments to modify lessons in advance. Makes appropriate modifications for students during lessons and supports students in monitoring and communicating their own understanding.</p>	

### Standard 5: Assessing Student Learning

<i>Elements</i>	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<p><b><i>Establishing and communicating learning goals for all students</i></b></p> <p style="text-align: right;">5.1</p>	Does not use adopted curriculum materials to establish learning goals for students that reflect the key subject matter concepts, skills, and applications. Students are unaware of learning goals.	Inconsistently uses adopted material to establish learning goals for students that reflect the key subject matter concepts, skills, and applications. Some students are aware of learning goals.	Uses subject matter standards from district, state, and other sources to guide establishment of learning goals for all students that reflect the key subject matter concepts, skills, and applications. Clearly communicates learning goals to students and families.	Establishes clear and appropriate goals based on student content standards, with consideration of students' learning needs. Involves students and families in developing individual goals to support learning.	Integrates learning goals into all learning activities. Establishes, reviews and revises learning goals with students and families on an ongoing basis.	<p>Standard #5 not selected for the current evaluation cycle.</p> <p><b>Rating (Check One):</b></p> <p><input type="checkbox"/> Does Not Meet CSTP      <input type="checkbox"/> Meets or Exceeds CSTP</p> <p><input type="checkbox"/> Progressing Towards CSTP</p>
<p><b><i>Collecting and using multiple sources of information to assess student learning</i></b></p> <p style="text-align: right;">5.2</p>	The teacher uses no consistent source of information to assess student learning and/or uses assessment strategies that are not appropriate.	The teacher uses limited sources of information to assess student learning and one or more assessment strategies to monitor student progress.	The teacher uses a variety of sources to collect information about student learning and multiple assessment strategies to monitor student progress and inform instruction.	Uses a variety of assessment tools. Collects, selects, and reflects upon evidence to guide short-term and long-term plans and support student learning.	Embeds a wide range of ongoing assessments in instructional activities to provide consistent guidance for planning and instruction.	
<p><b><i>Involving and guiding all students in assessing their own learning</i></b></p> <p style="text-align: right;">5.3</p>	The teacher does not encourage students to reflect on or assess their own work.	Provides students with feedback on work in progress, as well as completed tasks. Some student involvement in assessing their own work.	Presents guidelines for assessment to students. Assists students in reflecting on and assessing their own work.	Integrates student self-assessment and reflection into the learning activities. Students engage in some peer assessment of work against criteria.	Engages all students in ongoing self and peer assessment and in monitoring their progress and goals over time.	
<p><b><i>Using the results of assessment to guide instruction</i></b></p> <p style="text-align: right;">5.4</p>	Information about student learning is inappropriately or not used by the teacher to plan, guide, or adjust instruction.	Uses information from some assessments to plan learning activities. Checks for understanding with a few students while teaching and addresses confusions.	Uses formal and informal assessments to plan lessons. Regularly checks for understanding from a wide variety of students to identify student needs and modify instruction.	Includes assessments as a regular part of instruction to plan and revise lessons. Identifies student understanding during the lesson using a variety of methods and adjusts teaching to meet student needs.	Uses a wide range of assessments to guide planning and make adjustments to teaching. Embeds broad-based checking for understanding in instruction and is able to modify and redesign lessons as needed.	
<p><b><i>Communicating with students, families, and other audiences about student progress</i></b></p> <p style="text-align: right;">5.5</p>	The teacher provides some information about student learning to students, families, and support personnel, but the information is incomplete, unclear, or not timely.	Provides students with information about their current progress as they engage in learning activities. Families and support personnel are contacted as mandated.	Provides students with timely information about their current progress and how to improve their work. Establishes regular communication with families and support personnel.	Engages students, families, and support personnel in regular discussions regarding student progress and improvement plans. Ongoing information is collected from a variety of sources and shared with students, families and support personnel.	Involves students, families, and support personnel as partners in the assessment process. Provides comprehensive information about students' progress and improvement plans to students, families, and support personnel.	

## Standard 6: Developing as a Professional Educator

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<p><i>Reflecting on teaching practice and planning professional development</i></p> <p style="text-align: right;"><b>6.1</b></p>	Reflects on specific problems or areas of concern in his/her teaching practice, but rarely uses reflection to assess growth over time or to plan professional development.	Reflects on areas of concern in his/her teaching practice, assesses growth in these areas, and may use reflection to plan professional development.	Reflects on the relationship of teaching practice to student learning. Plans professional development based on reflection.	<u>Analyzes and reflects on teaching and learning based on evidence gathered.</u> Plans professional development based on reflections and other resources.	Integrates analysis and reflection into daily practice based on a wide variety of evidence in relationship to professional growth and student learning. Plans draw on a wide variety of resources to expand knowledge.	<p>participated in the Grange community in a variety of ways:</p> <ul style="list-style-type: none"> <li>• Attended ELLA Workshops and participated in a cohort group for demonstration lessons. He served as a group "host" and taught a demonstration lesson of Numbered Heads Together for colleagues to observe and collaboratively discuss in order to develop expertise with this strategy.</li> <li>• Attended Gibson &amp; Associates site training sessions.</li> <li>• Organized field trips for Rush Ranch environmental science experiences for 6<sup>th</sup> grade students. Engaged parents to serve as chaperones.</li> <li>• Attended district-provided Math training throughout year.</li> <li>• Used video recording of authentic classroom instruction to study and reflect upon his professional practice.</li> <li>• Served as Co-Treasurer for P.T.O. and collaborated with parent volunteer in this position.</li> <li>• Organized students to participate in the Grange Clean-up Corp on Friday mornings before school.</li> <li>• Made positive phone calls to parents and families.</li> <li>• Attended concerts and award ceremonies to support Grange students.</li> <li>• Taught math in Wintersession intervention program.</li> <li>• Worked in conjunction with science department to increase personal knowledge and expertise in this content area.</li> </ul> <p>Recommendations for continued development in this standard include:</p> <ul style="list-style-type: none"> <li>• Pursuing additional skills and proficiency with tech tools, and specifically with SmartBoard capabilities and "clickers" as a formative assessment tool.</li> <li>• Continued work on language scaffolding through ELLA vocabulary lessons and ELLA "year 2" development of reading and writing supports.</li> <li>• Continuing and increasing the level of collaboration with 6<sup>th</sup> grade team at the lesson planning level.</li> </ul> <p><b>Rating (Check One):</b></p> <p><input type="checkbox"/> Does Not Meet CSTP      <input checked="" type="checkbox"/> Meets or Exceeds CSTP</p> <p><input type="checkbox"/> Progressing Towards CSTP</p>
<p><i>Establishing professional goals and pursuing opportunities to grow professionally</i></p> <p style="text-align: right;"><b>6.2</b></p>	Rarely pursues opportunities to develop new knowledge or skills, or to participate in the professional community.	Sets goals considering self-assessment and other feedback. Pursues some opportunities to acquire new knowledge and skills, but infrequently participates in the professional community.	<u>Pursues opportunities to acquire new knowledge and skills and participate in the professional community.</u>	Purposefully pursues opportunities to expand knowledge and skills, and participates in and contributes to the professional community.	Contributes to professional organizations, literature, and development opportunities to extend own teaching practice and that of colleagues. Leads professional development.	
<p><i>Working with communities to improve professional practice</i></p> <p style="text-align: right;"><b>6.3</b></p>	Teacher has limited knowledge of students' communities or of how to access them to provide learning experiences for students or to promote collaboration with the school.	Teacher increases their own understanding of the roles of the communities in students' lives. May attend selected community events. Uses some district resources and community resources available through the school.	Identifies and uses appropriate district resources in support of families and student learning. Expands knowledge of, and connections with, the full range of community resources.	<u>Uses knowledge of, and strengthens connections with, local communities' cultures, services, and resources to support student learning.</u>	Promotes school and community collaborations. Provides students with a range of community experiences that benefit students and/or families.	
<p><i>Working with families to improve professional practice</i></p> <p style="text-align: right;"><b>6.4</b></p>	The teacher may demonstrate respect for students' families or their backgrounds, but has limited communication with families, and is not sure how to provide opportunities for participation in the classroom or school community.	Communicates with families at reporting periods and school events. Advises families of problems. Recognizes the role of the family in student learning. Invites families to contribute in the classroom.	<u>Regularly communicates student progress in appropriate ways, taking into account the diversity of families. Encourages families to contribute to the classroom and school.</u>	Maintains regular and responsive communication with all families. Provides opportunities for families to actively participate in the classroom and school.	Engages families in a variety of responsive, ongoing, two-way communications in support of student success. Structures a wide range of opportunities for families to contribute to the classroom and school community.	
<p><i>Working with colleagues to improve professional practice</i></p> <p style="text-align: right;"><b>6.5</b></p>	Rarely collaborates with colleagues, or seeks out other staff to discuss student needs. Rarely participates in school or district events or learning activities.	Establishes positive working relationship with a few colleagues. Interacts with colleagues to gather resources. Seeks out trusted colleagues to consider solutions to problems with students.	<u>Works constructively with colleagues and support staff to improve student learning and reflect on practice. Collaborates with colleagues to plan curriculum, coordinate resources, and solve problems.</u>	Engages staff in dialogue and reflection to support student learning and teacher growth in responsive and appropriate ways.	Provides opportunities to collaborate with staff to support learning for all students. Provides leadership for, and contributes to, the learning of other educators.	
<p><i>Balancing professional responsibilities and maintaining motivation</i></p> <p style="text-align: right;"><b>6.6</b></p>	Does not fulfill professional responsibilities. Does not stay current about professional and legal responsibilities for students' learning, behavior and safety.	Possesses a positive attitude in the classroom. Develops an understanding of professional responsibilities.	<u>Maintains positive attitude, demonstrates understanding of professional responsibilities, and seeks support to balance professional responsibilities with personal needs.</u>	<u>Maintains motivation and commitment to all students, demonstrates professional integrity, and challenges self intellectually and creatively.</u>	Maintains motivation and commitment to all students and the professional community, demonstrates and models professional integrity, and challenges self intellectually and creatively throughout career.	

Employee \_\_\_\_\_

School Year 2011-2012

**Additional Comments - Employee**

**Additional Comments - Evaluator**

you are a passionate supporter of education! It has been an enjoyable process to discuss issues surrounding instruction and professional practice with you this year. Although you haven't always agreed with feedback items initially, you have been willing to consider and reflect upon conversation points beyond our meetings.

Some final thoughts for this evaluation cycle:

1. Your efforts to increase the levels of observable student engagement in your classroom are appreciated and evident in both formal visits and various informal moments when I've been present in your room. Remember that engagement is created whenever the teacher asks the students to do something. This can be accomplished through special techniques and structures like Numbered Heads Together and Choral Response, but it can also be simple like asking students to track as you read a sentence together, to write a word or sentence, to signal their response to your question, or to point to a specific spot in an illustration or text. A minimal goal should be to have an average of more than one observable engagement incident per each minute of instruction, and more is better still. To continue to improve student learning, continue to plan for the engagement strategies you've been experimenting with this year and increase the frequency of observable student actions even more. You already have good classroom management skills, but I'm certain that increased engagement levels will continue to result in more efficient operations as well as increased levels of student achievement.
2. Another adage to remember is that the person doing the talking is the person doing the learning. The implication for our classrooms is that the students need to participate in the talking at increased levels through directed and specific interactions. I have observed you making more frequent use of Think-Pair-Share opportunities this year with much tighter time frames allowed, and combining that strategy with sentence frames and directions for students to talk together in a more targeted, more structured manner (A's tell B's \_\_\_\_\_. Then B's tell A's \_\_\_\_\_). Changes this year are a good start, AND, our students need even more of this! Please plan to increase the frequency and specifically plan what students will discuss and how/when you will direct them to interact verbally with each other.
3. Capitalizing on whiteboard responses from every student would serve you well in your desire to incorporate formative assessment into the natural flow and sequence of your lessons. I have seen you use the boards in several instances, but it would be worth the effort to develop efficient classroom procedures around whiteboards that make it possible to utilize them recurrently and habitually. Whiteboards are best used in the "We Do" guided practice portion of your lesson after you have taught students something ("I Do"). Teach students to wait to display their response until your signal and then to display it at chest level simultaneously. Check every student! This is the point in which you should use your litmus test of an 80% success rate- if the boards show at least 80% correct answers, have your students pair-share together to reinforce the correct/accurate learning, and if there are fewer than 80% correct answers, re-teach the point of confusion that you see from the responses.
4. You have developed a great deal of content knowledge and experience over the years. Notwithstanding,

the diligence of your planning habits can have a deep effect on the effectiveness of your lesson delivery. We want to give students the G.I.F.T. of great initial first teaching. It would serve you well to plan each day's specific objective and discrete steps, examples, questions, and assessment in addition to the broad overarching plans you typically use. Staying focused on the goal or objective of the lesson, by consistently posting it and communicating it to students, can help you better differentiate between ideas that are appropriate to pursue with the class and those that are likely to take you off-target of the learning goal (which happened in the first formal observation lesson) or even take you down the path of making unproductive comments to the class.

I am pleased that you share a common dedication and commitment with other staff members that our students deserve more from us than simply being satisfied with status quo learning levels. Your enthusiasm for our school and various contributions to its smooth functioning are valued and appreciated, and I look forward to working with you in the future.

**Recommendations**

**Probationary:**

- Continue Probationary Status
- Continue Probationary Status with Recommendation for Assistance
- Recommend for Permanent Status
- Recommend Non-Re-Employment

**Temporary:**

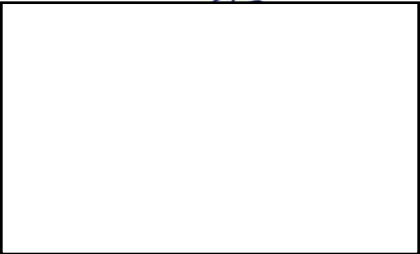
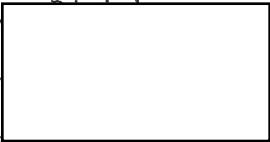
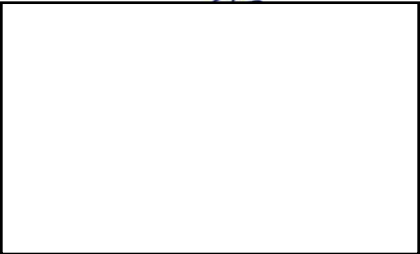
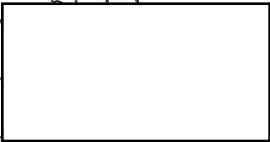
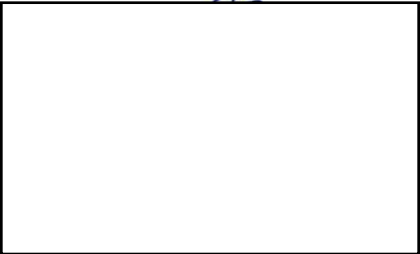
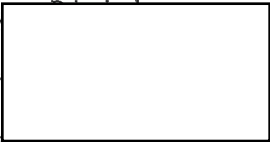
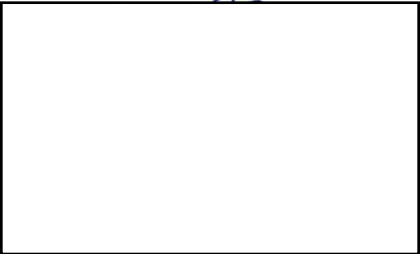
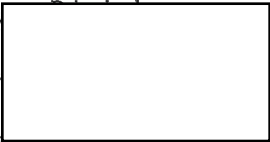
- Continue Temporary Status
- Continue Temporary Status with Recommendation for Assistance
- Recommend Release from Contract

**Permanent:**

- Continue Permanent Status
- Continue Permanent Status with Mandated Referral to PAR  
\*(2-3 "Does Not Meet CSTP" Ratings)
- The next evaluation of this Permanent Employee is deferred to the third school year following the school year of this evaluation<sup>1</sup> \_\_\_\_\_ date \_\_\_\_\_

(Please initial and date above to indicate agreement for Deferral: Administrator & Employee Date )  
<sup>1</sup> **Evaluator and Employee must mutually agree to the third year deferral.**

(Additional information may be attached)

Employee's Signature		Title		Date	3/23/12
Evaluator's Signature		Title		Date	3/23/12
Reviewed by		Title		Date	4/23/12
Reviewed by		Title		Date	4/26/12

Distribution: Personnel File, Evaluator, Employee

\*Article 10.5 (c)





RECEIVED

"Our Mission is to Provide a Quality Educational System that Assures Opportunities for Every Student to Learn and Meet the Challenges of the Future"  
MAY 24 2010

Fairfield-Suisun Unified School District

POSTED

HUMAN RESOURCES

### Certificated Personnel Evaluation Form

(Reference: Collective Bargaining Agreement, Article 10)

Copy 1 – Personnel File  
Copy 2 – Evaluator  
Copy 3 – Employee

Employee:

Evaluator:

Grade/Subject Area(s):

Position:

School Year: 2009-10  Site/Location

Date: 4-1-10

\*Standard Selected by the Evaluator: 1

\*Standard Selected by the Unit Member: 2

Status:

**Directions for Use:**

- 1) During the first twenty (20) days of the unit member's work year, the administrator will convene an individual or School Site Staff meeting in order to discuss the evaluation process and standards, and distribute the **most recent version of the California Standards for the Teaching Profession: A Description of Professional Practice for California Teachers** to all certificated teachers. The standards and elements of the California Standards for the Teaching Profession will be discussed in relationship to the FSUSD Observation and Evaluation Rubric. Examples of evidence-based evaluations will be provided. Staff will discuss the process and an opportunity to ask questions will be provided. (Reference: Article 10.3, Section b)
- 2) The authorized components of data to validate the CSTP include not only formal observations, but may also include observations of less than thirty minutes, classroom walkthroughs, lesson plans as designed by the classroom teacher, observation of report cards and progress reports, and records of professional development activities as provided by the teacher. (Reference: Article 10.3, Section e)
- 3) The attached FSUSD Evaluation Rubric will be used to provide meaningful feedback and to serve as a source for discussion for the evaluation. Evidence based comments will be provided. In completing the final report, the evaluator will consider the overall performance in each of the selected standards when determining an evaluation rating. [Reference: Article 10.3, Sections (a.1, c, & d thru g)]
- 4) All unit members will receive a final evaluation report in writing, and an employee/evaluator conference will be held at least thirty (30) workdays prior to their last workday in the school year in which the evaluation took place. [Reference: Article 10.4, Sections (a or b)]

\* Applies to Permanent Unit Members ONLY

# Standard 1: Engaging and Supporting All Students In Learning

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<p><i>Connecting students' prior knowledge, life experience, and interests with learning goals</i></p> <p>1.1</p>	<p>Makes no connections between the learning goals and the students' prior knowledge, life experiences and interests. Does not elicit students' questions or comments during a lesson.</p>	<p>Attempts to open lesson to engage students' attention and interest. Asks some questions that elicit students' prior knowledge, life experiences and interest. Some connections are made to learning goals and objectives of the lesson.</p>	<p>Implements activities and elicits questions that help students make connections between what they already know and the learning goals and objectives.</p>	<p>Uses questions and activities to extend students' abilities to integrate what they know with the learning goals and objectives. Makes adjustments during lesson to ensure that all students meet the learning goals.</p>	<p>Creates a context for students to synthesize learning goals and objectives with what they know and develop their own complementary learning goals.</p>	<p>-During the Nov. observation [redacted] explained "goesinta" numbers as division numbers or factors. The number 60 put on board and factored." This skill is used in the STAR test".</p> <p>-The standard is posted daily on the white board and the class reads chorally.</p> <p>-During an observation [redacted]aid, "I want you to take 1 minute and talk with your partner about how to use the GCD (CGF). "Now that you have talked you will work on this". This partner share supports students putting miles on their tongues and helps them reinforce ideas that they are learning.</p> <p>-He regularly checks in with RSP teacher who is providing support to several students in a push-in model. [redacted]was observed patiently working with his RSP students who were visibly upset. His patience allowed them to regain their composure and continue working productively in class.</p>
<p><i>Uses a variety of instructional strategies and resources to respond to students' needs</i></p> <p>1.2</p>	<p>Uses instructional strategies that lack variety, are poorly carried out, or are inappropriate to the students or to the instructional goals. No adjustments are made to respond to students' needs.</p>	<p>Uses a few instructional strategies. Delivers instruction with available resources and materials. Makes minimal adjustments to respond to students' needs.</p>	<p>Elicits student participation through a variety of instructional strategies intended to match students' academic and linguistic needs. Checks for student understanding.</p>	<p>Uses a repertoire of strategies and resources. Selects and differentiates learning to accommodate students' diverse learning styles.</p>	<p>Uses extensive repertoire of strategies to meet students' diverse academic and linguistic needs and ensure fullest participation and learning for all students.</p>	<p>[redacted]n shared with me the format he was implementing to allow students to self-assess their progress toward mastery of STAR related standards. The format allowed students to make choices in the weekly review of math concepts.</p>
<p><i>Facilitating learning experiences that promote autonomy, interaction and choice</i></p> <p>1.3</p>	<p>Directs learning experiences, permitting no student autonomy, interaction, or choice.</p>	<p>Directs learning experiences through whole group and individual work with limited possibilities for interaction and choice.</p>	<p>Provides learning experiences utilizing individual and group structures to develop autonomy and group participation skills. Students make choices about and within their work.</p>	<p>Uses a variety of learning experiences to assist students in independent working skills and group participation skill. Supports students in making appropriate choices for learning.</p>	<p>Integrates a variety of challenging learning experiences that develop students' independent learning, collaboration, and choice.</p>	<p>-During the Feb. observation the vocabulary was explicitly reviewed and defined in "kid friendly" terms, and then related to the objective of the day posted on the white board. The objective was referenced multiple times during the lesson supporting student learning.</p>
<p><i>Engaging students in problem solving, critical thinking, and other activities that make subject matter meaningful</i></p> <p>1.4</p>	<p>Provides no learning opportunities for students to engage in problems solving, analysis, or critical thinking activities.</p>	<p>Provides limited learning opportunities for students to engage in problem solving within subject matter areas. Asks some critical thinking questions to relate facts and key concepts of subject matter.</p>	<p>Engages students through activities and questioning strategies that develop skills in identification and understanding of key concepts and issues. Supports students in problem posing and problem solving.</p>	<p>Engages students in analysis of key concepts and facts through activities and questions that consider multiple perspectives. Supports students to initiate problem posing, problem solving, and inquiry.</p>	<p>Facilitates regular opportunities for students to design and implement inquiries and problem solving to analyze content and draw conclusions, considering multiple perspectives with and across subject matter.</p>	<p>-I observed [redacted] during formal observations an multiple times during informal walkthroughs. He was always respectful to students and provided a clear set of guidelines, procedures, and expectations for students.</p>
<p><i>Promoting self-directed, reflective learning for all students</i></p> <p>1.5</p>	<p>Provides no opportunities for students to initiate their own learning or to monitor their own work.</p>	<p>Provides limited opportunities for students to monitor their own work and to reflect on the process and their progress.</p>	<p>Supports students in developing skills needed to monitor their own learning. Students have opportunities to reflect on the process and their progress.</p>	<p>Structures learning activities that enable students to set goals and develop strategies for demonstrating, monitoring, and reflecting on the process and their progress.</p>	<p>Facilitates students to initiate learning goals and set criteria for demonstrating and evaluating work. Students reflect on the process and their progress as a regular part of learning experiences.</p>	<p><b>Rating (Check One):</b></p> <p><input type="checkbox"/> Does Not Meet CSTP</p> <p><input checked="" type="checkbox"/> Meets or Exceeds CSTP</p> <p><input type="checkbox"/> Progressing Towards CSTP</p> <p>Page 2 of 8</p>

## Standard 2: Creating and Maintaining an Effective Environment for Student Learning

<i>Elements</i>	<b>Does Not Meet CSTP</b>	<b>Progressing Towards CSTP</b>	<b>Meets or Exceeds CSTP</b>			<b>Evidence-Based Rationale for Rating</b>
<i>Creating a physical environment that engages all students</i> 2.1	The physical environment does not support student learning. Movement and access may be restricted by barriers. Materials are difficult to access when needed.	Arranges room for teacher accessibility or visibility of students. Manages room for easy movement and access to resources. Room displays relate to the curriculum.	Designs movement patterns and access to resources to promote individual and group engagement. Room displays are used in learning activities.	<b>Designs and manages room and resources to accommodate students' needs and involvement in learning. Displays are integral to learning activities.</b>	Uses total physical environment as a resource to promote individual and group learning. Students are able to contribute to the changing design of the environment.	-In the movement/seating chart used in the Nov. observation there were some patterns to your movement. I observed through the year that you implemented ideas from our conference to make sure you reach all students frequently during lessons. -You have a very positive rapport with your class. There were no disrespectful comments made by either students or you in any observation. The one time you redirected the class about blurting it was polite and gave clear feedback about expectations.
<i>Establishing a climate that promotes fairness and respect</i> 2.2	Does not model fairness, equity, caring, and respect in the classroom. Is unaware of impolite and disrespectful behavior. Allows inappropriate attitudes and behaviors among students. Response to inappropriate behavior is unfair or inequitable.	Builds caring, friendly rapport with most students. Models equitable and respectful relationships. Has some strategies to respond to unfairness and disrespect.	Promotes caring and respectful interactions. Responds to incidents of unfairness and disrespect equitably. Encourages students to respect differences.	<b>Maintains caring, respectful, and equitable relationships with students. Supports students in developing skills to respond to inequity and disrespect.</b>	Fosters a safe, inclusive, and equitable learning community. Students participate in maintaining a climate of equity, caring and respect and may initiate creative solutions to conflicts.	-The objective was posted daily and you naturally referred to it twice more during the lesson in Nov. and it is apparent it is part of your regular teaching strategy. Students were made aware of the validity of the concepts and how it would apply to their life (STAR). -You connected several times with one of your students (RSP push-in) who was frustrated. He was able to continue working and did not disrupt the class.
<i>Promoting social development and group responsibility</i> 2.3	Does not support students' social development, self-esteem, and diversity. Students have no sense of responsibility for each other.	Uses some strategies and activities to develop students' individual responsibility and recognition of others rights and needs. Students share in classroom responsibilities. Recognizes student diversity but does not promote acceptance or respect.	Promotes positive student interactions as members of large and small groups. Provides some opportunities for student leadership within the classroom. Promotes acceptance and respect for different experiences, ideas, backgrounds, feelings, and point of view.	<b>Engages students in individual and group work that promotes responsibility to the classroom community. Supports students to take initiative in classroom leadership.</b>	Facilitates an environment in which students take initiative socially and academically. Promotes and supports student leadership beyond the classroom.	-I observed opportunities during lessons for students to share ideas thorough pair/share, white boards, hand signals, including a 1-5 for providing immediate feedback using self-assessment. -Classroom procedures ore posted and in place. Expectations for student behavior was reviewed numerous times during observations in a positive manner.
<i>Establishing and maintaining standards for student behavior</i> 2.4	No standards for behavior appear to have been established, or students are confused about what the standards are.	Establishes basic standards for behavior. Response to student behavior is generally appropriate.	Uses strategies that prevent or lessen disruptive behavior and reinforce expectations for behavior. Monitors behavior while teaching and during student work time.	<b>Equitably reinforces expectations and consequences and supports students to monitor their own behavior and each other's behavior in a respectful way.</b>	Facilitates a positive environment in which students are guided to take a strong role in monitoring their own behavior and each other's behavior in a respectful way.	-Students in the class were seated in rows, pairs, and small groups. Students were frequently asked to share ideas with neighbors and to work in teams to solve and discuss problems. Student engagement in both formal observations was well over 85% and there were no instances of disruption by students that interrupted instruction [redacted] dealt politely and firmly with the few minor instances of off task behavior.
<i>Planning and implementing classroom procedures and routines that support student learning</i> 2.5	Has not established and/or enforced classroom procedures and routines.	Develops procedures and routines. Assists students to learn routines and procedures for most activities.	Establishes and maintains procedures and routines. Supports and monitors students in procedures and routines appropriate for learning activities.	<b>Assists and encourages students in developing and maintaining equitable routines and procedures.</b>	Assists and encourages all students in develop-ing and internalizing equitable routines and procedures. Students show ownership of routines and procedures.	
<i>Using instructional time effectively</i> 2.6	Learning activities are not appropriately paced. Poor transitions result in lost instructional time.	Provides time for students to complete learning activities. Develops some routines for classroom business and most transitions are timely.	Provides adequate time for presentation and for completion of learning activities. Paces instruction and classroom business to maintain engagement. Uses transitions to support engagement of all students.	<b>Paces instruction to include ongoing review and closure of lessons to connect them to future lessons. Classroom business and transitions are efficient and integrated into learning activities.</b>	Presents, adjusts and facilitates instruction and daily activities so all students have time for learning, are continually engaged, and have opportunities for reflection and assessment. Supports students to self-monitor time on task.	<b>Rating (Check One):</b> <input type="checkbox"/> Does Not Meet CSTP <input checked="" type="checkbox"/> Meets or Exceeds CSTP <input type="checkbox"/> Progressing Towards CSTP

### Standard 3: Understanding and Organizing Subject Matter for Student Learning

<i>Elements</i>	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<p><i>Demonstrating knowledge of subject matter and student development</i></p> <p>3.1</p>	<p>Basic knowledge of subject matter and student development is not always evident or current. Does not adequately support students' learning of key concepts.</p>	<p>Has working knowledge of subject matter and student development. Promotes an understanding of key concepts.</p>	<p>Communicates key concepts, skills, and themes in an accurate, clear, and coherent manner. Plans and builds on instruction with students' cognitive and linguistic abilities in mind.</p>	<p>Uses expanded knowledge of subject matter to support student understanding of key concepts, themes, multiple perspectives, and relationships in subject area(s). Activities are suitable for students' cognitive development.</p>	<p>Flexibly uses comprehensive knowledge of subject matter and student development to ensure that all students understand key concepts, themes, multiple perspectives, and relationships in and among subject area(s).</p>	<p><b>Rating (Check One):</b></p> <p><input type="checkbox"/> Does Not Meet CSTP    <input type="checkbox"/> Meets or Exceeds CSTP</p> <p><input type="checkbox"/> Progressing Towards CSTP</p>
<p><i>Organizing curriculum to support student understanding of subject matter</i></p> <p>3.2</p>	<p>The curriculum is not organized and does not adequately demonstrate concepts, themes and skills. Rarely supports different perspectives or students' understanding of core concepts.</p>	<p>Uses knowledge of subject matter to promote students' understanding of key concepts, skills, and standards taught. May connect key concepts to standards and frameworks.</p>	<p>Identifies key concepts, skills, and units/themes to facilitate student understanding and reflect standards and frameworks.</p>	<p>Organizes and sequences subject matter clearly to coordinate core curriculum and content standards within and across subject matter as appropriate.</p>	<p>Designs and adapts subject matter to demonstrate a consistent in-depth student understanding of content and relationships among various concepts and themes. Content standards are fully integrated in the core curriculum.</p>	
<p><i>Interrelating ideas and information within and across subject matter</i></p> <p>3.3</p>	<p>Presents curriculum without identifying or integrating key concepts and information, or does not relate content to previous learning in order to support students' understanding.</p>	<p>Focuses on core curriculum and skills. Attempts to relate content to prior lessons within the subject matter.</p>	<p>Connects key concepts, skills, and themes within subject matter to the standards. Builds on prior lessons and students' backgrounds.</p>	<p>Integrates key concepts, skills, and underlying themes within and across curriculum to support standards. Capitalizes on opportunities to make connections while teaching.</p>	<p>Connects key concepts and underlying themes within and across the curriculum to extend in-depth learning for all students. Supports students' application of cross-curricular learning.</p>	
<p><i>Developing student understanding through instructional strategies that are appropriate to subject matter</i></p> <p>3.4</p>	<p>Does not appropriately match instructional strategies to subject matter content or concepts. Does not encourage students to think critically or to extend their knowledge.</p>	<p>Uses a few instructional strategies to make the content accessible to students. Makes some attempt to encourage students to think critically.</p>	<p>Matches strategies appropriate to subject matter to encourage student understanding and critical thinking. Strategies utilize students' interests and backgrounds.</p>	<p>Develops and uses multiple strategies that challenge all students. Assists students to individually construct their own knowledge and think critically.</p>	<p>Uses a repertoire of instructional strategies that are appropriate to subject matter. Utilizes strategies that challenge and support all students to independently apply and think critically about the subject matter.</p>	
<p><i>Using materials, resources, and technologies to make subject matter accessible to students</i></p> <p>3.5</p>	<p>Instructional materials, resources and technologies are not used appropriately. Materials do not accurately reflect diverse perspectives.</p>	<p>Uses available instructional materials, resources, and technologies to present concepts and skills. Some materials and resources reflect students' diversity. Develops some systems to provide equitable access to resources.</p>	<p>Selects and utilizes appropriate relevant instructional materials, resources, and technologies to present concepts and skills. Materials reflect linguistic diversity of students. Resources are made available to all students.</p>	<p>Selects, adapts and creates a range of relevant materials, resources, and technologies to enrich learning, to reflect linguistic and cultural diversity of students, and to provide for equal access.</p>	<p>Analyzes, adapts, and creates a wide range of relevant instructional materials, resources, and technologies to extend students' understanding and provide equal access. Materials reflect diversity beyond the classroom.</p>	

## Standard 4: Planning Instruction and Designing Learning Experiences for All Students

<i>Elements</i>	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<i>Drawing on and valuing students' backgrounds, interests, and developmental learning needs</i> 4.1	Instructional plans do not match or reflect students' backgrounds, experiences, interests, and developmental needs, and do not support students' learning.	Develops and gathers materials to supplement available resources. Most lessons acknowledge students' prior knowledge, interests and learning needs.	Develops lessons that incorporate students' prior knowledge, interests, instructional, and linguistic learning needs.	Uses a wide range of materials to access and build upon students' prior knowledge, interests, instructional and linguistic needs to extend student understanding.	Designs instruction to build on students' prior knowledge, instructional needs, linguistic needs, and diversity to challenge all students.	<p><b>Rating (Check One):</b></p> <p><input type="checkbox"/> Does Not Meet CSTP    <input type="checkbox"/> Meets or Exceeds CSTP</p> <p><input type="checkbox"/> Progressing Towards CSTP</p>
<i>Establishing and articulating goals for student learning</i> 4.2	Instructional goals are not established or do not address students' language, experiences or school expectations. Expectations for students are low or unrealistic.	Communicates expectations for student learning in most lessons. Has inconsistent expectations for students.	Articulates and links goals to instructional activities. Goals are appropriately challenging for most students and represent valuable learning. Expectations for students are generally high.	Ensures that students understand and reflect upon short-term and long-term learning goals. Goals reflect high expectations and challenge students at their level.	Articulates short-term and long-term goals with high expectations for learning. Designs activities so that students have opportunities to participate in setting, revising, and achieving personal goals.	
<i>Developing and sequencing instructional activities and materials for student learning</i> 4.3	Instructional activities and materials are not appropriate to the students or the instructional goals do not engage students in meaningful learning. Activities are not logically sequenced.	Develops some concepts and skills through a series of lessons that are connected and consider student linguistic and instructional needs.	Plans appropriately sequenced instruction and use of materials to promote student understanding of basic concepts and skills. Considers student linguistic and instructional needs.	Develops and sequences lessons to make connections within and across subject matter areas.	Sequences instruction to help students synthesize and apply new knowledge.	
<i>Designing short-term and long-term plans to foster student learning</i> 4.4	Individual lesson plans have little or no recognizable organization or connection to adopted curriculum. Demonstrates limited knowledge of subject matter and students to plan and pace instructional activities over time. Does not plan to ensure access to challenging, diverse, academic content for all students.	Ineffectively organizes curriculum to allow enough time for student learning, review and assessment. Neglects to provide opportunities for all students to learn at their own pace.	Organizes most of the curriculum to allow enough time for student learning, review, and assessment. Demonstrates knowledge of subject matter and students to plan and pace instructional activities over time. Plans to ensure access to challenging, diverse, academic content for most students to learn at their own pace.	Organizes curriculum to allow enough time for student learning, review, and assessment. Applies knowledge of subject matter and students to plan and pace instructional activities over time. Plans to ensure access to challenging, diverse, academic content for all students. Provides opportunities for all students to learn at their own pace.	Learning sequences are responsive to the needs of individual students and promotes understanding of complex concepts. Plans are comprehensive and cohesive across content areas.	
<i>Modifying instructional plans to adjust for student needs</i> 4.5	Instructional plans are not modified, in spite of evidence that modifications would improve student learning.	Inconsistently adjusts lessons based on informal assessment of student understanding and performance from previous lesson, having taken note of student confusion.	Adjusts plans in advance to accommodate levels of ability and interests of most students. Makes modifications during lessons to address confusions and individual student performance.	Uses assessments to modify lessons in advance. Throughout the learning activity, assessments of student understanding are used to influence changes in instruction.	Uses a wide range of assessments to modify lessons in advance. Makes appropriate modifications for students during lessons and supports students in monitoring and communicating their own understanding.	

## Standard 5: Assessing Student Learning

<i>Elements</i>	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<p><i>Establishing and communicating learning goals for all students</i></p> <p style="text-align: right;">5.1</p>	Does not use adopted curriculum materials to establish learning goals for students that reflect the key subject matter concepts, skills, and applications. Students are unaware of learning goals.	Inconsistently uses adopted material to establish learning goals for students that reflect the key subject matter concepts, skills, and applications. Some students are aware of learning goals.	Uses subject matter standards from district, state, and other sources to guide establishment of learning goals for all students that reflect the key subject matter concepts, skills, and applications. Clearly communicates learning goals to students and families.	Establishes clear and appropriate goals based on student content standards, with consideration of students' learning needs. Involves students and families in developing individual goals to support learning.	Integrates learning goals into all learning activities. Establishes, reviews and revises learning goals with students and families on an ongoing basis.	<p><b>Rating (Check One):</b></p> <p><input type="checkbox"/> Does Not Meet CSTP    <input type="checkbox"/> Meets or Exceeds CSTP</p> <p style="text-align: center;"><input type="checkbox"/> Progressing Towards CSTP</p>
<p><i>Collecting and using multiple sources of information to assess student learning</i></p> <p style="text-align: right;">5.2</p>	The teacher uses no consistent source of information to assess student learning and/or uses assessment strategies that are not appropriate.	The teacher uses limited sources of information to assess student learning and one or more assessment strategies to monitor student progress.	The teacher uses a variety of sources to collect information about student learning and multiple assessment strategies to monitor student progress and inform instruction.	Uses a variety of assessment tools. Collects, selects, and reflects upon evidence to guide short-term and long-term plans and support student learning.	Embeds a wide range of ongoing assessments in instructional activities to provide consistent guidance for planning and instruction.	
<p><i>Involving and guiding all students in assessing their own learning</i></p> <p style="text-align: right;">5.3</p>	The teacher does not encourage students to reflect on or assess their own work.	Provides students with feedback on work in progress, as well as completed tasks. Some student involvement in assessing their own work.	Presents guidelines for assessment to students. Assists students in reflecting on and assessing their own work.	Integrates student self-assessment and reflection into the learning activities. Students engage in some peer assessment of work against criteria.	Engages all students in ongoing self and peer assessment and in monitoring their progress and goals over time.	
<p><i>Using the results of assessment to guide instruction</i></p> <p style="text-align: right;">5.4</p>	Information about student learning is inappropriately or not used by the teacher to plan, guide, or adjust instruction.	Uses information from some assessments to plan learning activities. Checks for understanding with a few students while teaching and addresses confusions.	Uses formal and informal assessments to plan lessons. Regularly checks for understanding from a wide variety of students to identify student needs and modify instruction.	Includes assessments as a regular part of instruction to plan and revise lessons. Identifies student understanding during the lesson using a variety of methods and adjusts teaching to meet student needs.	Uses a wide range of assessments to guide planning and make adjustments to teaching. Embeds broad-based checking for understanding in instruction and is able to modify and redesign lessons as needed.	
<p><i>Communicating with students, families, and other audiences about student progress</i></p> <p style="text-align: right;">5.5</p>	The teacher provides some information about student learning to students, families, and support personnel, but the information is incomplete, unclear, or not timely.	Provides students with information about their current progress as they engage in learning activities. Families and support personnel are contacted as mandated.	Provides students with timely information about their current progress and how to improve their work. Establishes regular communication with families and support personnel.	Engages students, families, and support personnel in regular discussions regarding student progress and improvement plans. Ongoing information is collected from a variety of sources and shared with students, families and support personnel.	Involves students, families, and support personnel as partners in the assessment process. Provides comprehensive information about students' progress and improvement plans to students, families, and support personnel.	

## Standard 6: Developing as a Professional Educator

<i>Elements</i>	<b>Does Not Meet CSTP</b>	<b>Progressing Towards CSTP</b>	<b>Meets or Exceeds CSTP</b>			<b>Evidence-Based Rationale for Rating</b>
<b>Reflecting on teaching practice and planning professional development</b> 6.1	Reflects on specific problems or areas of concern in his/her teaching practice, but rarely uses reflection to assess growth over time or to plan professional development.	Reflects on areas of concern in his/her teaching practice, assesses growth in these areas, and may use reflection to plan professional development.	Reflects on the relationship of teaching practice to student learning. Plans professional development based on reflection.	<b>Analyzes and reflects on teaching and learning based on evidence gathered. Plans professional development based on reflections and other resources.</b>	Integrates analysis and reflection into daily practice based on a wide variety of evidence in relationship to professional growth and student learning. Plans draw on a wide variety of resources to expand knowledge.	<p>_____ volunteered to be a department representative for _____ addition of sixth grade to middle school. His role was to bring information from the department meetings back to the sixth grade team and then share the ideas and facilitate implementation of the tasks. He has attended the department meetings and shared ideas and concerns from his department with the rest of the department heads. He has been professional and passionate in undertaking this task.</p> <p>_____ also had attended every school function including _____ Night, and the 6<sup>th</sup> grade evening introducing family life to the families of students. He regularly attends sporting events and encourages his, and other, students.</p> <p>He communicates with families through e-mails, telephone calls, and letters home. He has attended PTC's and SST's, and has shown that he has a strong concern for his students' success. He works with families to share ideas for helping his students complete, return, and succeed in their work.</p> <p>In conferences following observations _____ has shared his self-reflections on his teaching techniques and who implementation of new ideas (such as getting feedback from students using a 1-5 system) has improved engagement. It is evident that he cares deeply about his students and is willing to change his practice and implement new ideas to support his students.</p>
<b>Establishing professional goals and pursuing opportunities to grow professionally</b> 6.2	Rarely pursues opportunities to develop new knowledge or skills, or to participate in the professional community.	Sets goals considering self-assessment and other feedback. Pursues some opportunities to acquire new knowledge and skills, but infrequently participates in the professional community.	<b>Pursues opportunities to acquire new knowledge and skills and participate in the professional community.</b>	Purposefully pursues opportunities to expand knowledge and skills, and participates in and contributes to the professional community.	Contributes to professional organizations, literature, and development opportunities to extend own teaching practice and that of colleagues. Leads professional development.	
<b>Working with communities to improve professional practice</b> 6.3	Teacher has limited knowledge of students' communities or of how to access them to provide learning experiences for students or to promote collaboration with the school.	Teacher increases their own understanding of the roles of the communities in students' lives. May attend selected community events. Uses some district and community resources available through the school.	<b>Identifies and uses appropriate district resources in support of families and student learning. Expands knowledge of, and connections with, the full range of community resources.</b>	Uses knowledge of, and strengthens connections with, local communities' cultures, services, and resources to support student learning.	Promotes school and community collaborations. Provides students with a range of community experiences that benefit students and/or families.	
<b>Working with families to improve professional practice</b> 6.4	Teacher may demonstrate respect for students' families or their backgrounds, but has limited communication with families, and is not sure how to provide opportunities for participation in the classroom or school community.	Communicates with families at reporting periods and school events. Advises families of problems. Recognizes the role of the family in student learning. Invites families to contribute in the classroom.	Regularly communicates student progress in appropriate ways, taking into account the diversity of families. Encourages families to contribute to the classroom and school.	<b>Maintains regular and responsive communication with all families. Provides opportunities for families to actively participate in the classroom and school.</b>	Engages families in a variety of responsive, ongoing, two-way communications in support of student success. Structures a wide range of opportunities for families to contribute to the classroom and school community.	
<b>Working with colleagues to improve professional practice</b> 6.5	Rarely collaborates with colleagues, or seeks out other staff to discuss student needs. Rarely participates in school or district events or learning activities.	Establishes positive working relationship with a few colleagues. Interacts with colleagues to gather resources. Seeks out trusted colleagues to consider solutions to problems with students.	Works constructively with colleagues and support staff to improve student learning and reflect on practice. Collaborates with colleagues to plan curriculum, coordinate resources, and solve problems.	Engages staff in dialogue and reflection to support student learning and teacher growth in responsive and appropriate ways.	<b>Provides opportunities to collaborate with staff to support learning for all students. Provides leadership for, and contributes to, the learning of other educators.</b>	
<b>Balancing professional responsibilities and maintaining motivation</b> 6.6	Does not fulfill professional responsibilities. Does not stay current about professional and legal responsibilities for students' learning, behavior and safety.	Possesses a positive attitude in the classroom. Develops an understanding of professional responsibilities.	Maintains positive attitude, demonstrates understanding of professional responsibilities, and seeks support to balance professional responsibilities with personal needs.	<b>Maintains motivation and commitment to all students, demonstrates professional integrity, and challenges self intellectually and creatively.</b>	Maintains motivation and commitment to all students and the professional community, demonstrates and models professional integrity, and challenges self intellectually and creatively throughout career.	

Employee:   
 School Year 2009-10

Additional Comments - Employee	Additional Comments - Evaluator
During the school year I frequently, almost daily, speak with <span style="border: 1px solid black; display: inline-block; width: 20px; height: 15px; vertical-align: middle;"></span> He is always upbeat and positive and it reflects in the attitude of his students who demonstrate a willingness to learn in the classroom. He is extremely dedicated to improving his teaching practice and willingly implements new ideas and reflects on the outcome of that implementation. He fervently supports his students and has high expectations that he shares with families. He has worked very hard to assist his sixth grade team transition to the MS environment and share ideas and concerns both ways between his department and administration. Please continue to develop leadership skills and continue to be a vocal supporter of students.	

Recommendations

Probationary:

- 
- Continue Probationary Status
  - Continue Probationary Status with Recommendation for Assistance
  - Recommend for Permanent Status
  - Recommend Non-Re-Employment

Temporary:

- 
- Continue Temporary Status
  - Continue Temporary Status with Recommendation for Assistance
  - Recommend Release from Contract

Permanent:

- 
- Continue Permanent Status
  - Continue Permanent Status with Mandated Referral to PAR
  - “Does Not Meet CSTP” Ratings)
  - Next evaluation of this Permanent Employee is deferred
  - third school year following the school year of this

evaluation<sup>1</sup>. \_\_\_\_\_ date \_\_\_\_\_

Administrator      Employee

(Please Initial and date above to indicate agreement for Deferral)

<sup>1</sup>. Evaluator and Employee must mutually agree to the third year deferral.

(Additional information may be attached)

Employee's Signature \_\_\_\_\_

Evaluator's Signature \_\_\_\_\_

Reviewed by \_\_\_\_\_

Reviewed by \_\_\_\_\_

Distribution: Personnel File / Evaluator / Employee

July 2007 (Revised 7/1/07)

Title \_\_\_\_\_

Title \_\_\_\_\_

Title \_\_\_\_\_

Date 4/15/10

Date 4-15-10

Date 4/15/10

Date 5.21.21

\*Article 10.5 (c)



**POSTED**

Employee  Position

School  Social Security #

Evaluator  Position  School Year 2006-07

Status: Temporary

Rating: U=Unsatisfactory

STANDARD I – Engaging and Supporting All Students in Learning	Rating <input type="text"/>	EVIDENCE / COMMENDATIONS / RECOMMENDATIONS
<p>Connecting students' prior knowledge, life experience, and interest with learning goals.</p> <p>Using a variety of instructional strategies and resources to respond to students' diverse needs.</p> <p>Facilitating learning experiences that promote autonomy, interaction, and choice.</p> <p>Engaging students in problem solving, critical thinking, and other activities that make subject matter meaningful.</p> <p>Promoting self-directed, reflective learning for all students.</p>	<input type="text"/>	<p>students are fully engaged as he moves between problem solving and critical thinking activities. He enthusiastically presents learning activities, which facilitate students to student and student to teacher interaction. An example is using the students' prior knowledge of mixed numbers, improper fractions, and decimals to show the relationship of these numbers through a game format. This interaction leads to students gaining a higher level of understanding. skillfully uses questioning techniques to help his students come to terms with new concepts.</p>

Employee

School Year 2006/07

<p><b>STANDARD II –Creating and Maintaining Effective Environments for Student Learning</b></p>	<p>Rating <input type="text"/></p>	<p><b>EVIDENCE / COMMENDATIONS / RECOMMENDATIONS</b></p>
<p>Creating a physical environment that engages all students</p> <p>Establishing a climate that promotes fairness and respect.</p> <p>Promoting social development and group responsibility.</p> <p>Establishing and maintaining standards for student behavior.</p> <p>Planning and implementing classroom procedures and routines that support student learning.</p> <p>Using instructional time effectively.</p>		<p><input type="text"/> is highly skilled at using positive reinforcement with his students to help them feel successful. This is a classroom where all students are valued and mutual respect between the students and the teacher is apparent. Group responsibility is put to the test as students are asked to find equivalent number cards that other students are holding without speaking or motioning. The students are fully engaged and work hard to find answers as the teacher aides them with positive feedback. <input type="text"/> does an excellent job of teaching the standards in a fun exciting manner.</p>
<p><b>STANDARD III –Creating Understanding and Organizing Subject Matter for Student Learning</b></p>	<p>Rating <input type="text"/></p>	<p><b>EVIDENCE / COMMENDATIONS / RECOMMENDATIONS</b></p>
<p>Demonstrating knowledge of subject matter content and student development.</p> <p>Organizing curriculum to support student understanding of subject matter.</p> <p>Interrelating ideas and information within and across subject matter areas.</p> <p>Developing student understanding through instructional strategies that are appropriate to the subject matter.</p> <p>Using materials, resources, and technologies to make subject matter accessible to students.</p>		<p><input type="text"/> lessons are organized and follow a logical sequence. He develops openings that foster student interest. He models expected behavior and uses positive reinforcement to move students toward an understanding of new concepts. <input type="text"/> often uses a game format to help make subject matter accessible to all students. He follows lessons with an assessment to know which students need to have further help in the small group format.</p>

**CERTIFICATED PERSONNEL EVALUATION**

Employee

School Year 2006/07

<p><b>STANDARD IV –Planning Instruction and Designing Learning Experiences for All Students</b></p>	<p>Rating <input type="text"/></p>	<p><b>EVIDENCE / COMMENDATIONS / RECOMMENDATIONS</b></p>
<p>Drawing on and valuing students’ backgrounds, interests, and developmental learning needs.</p> <p>Establishing and articulating goals for student learning.</p> <p>Developing and sequencing instructional activities and materials for student learning.</p> <p>Designing short-term and long term plans to foster student learning.</p> <p>Modifying instructional plans to adjust for student needs.</p>		<p><input type="text"/> shows an interest in his students as he moves about the classroom generating enthusiasm. He talks to the students and those who need extra help are quickly accommodated. <input type="text"/> expectations are clear and when students answer his questions he responds with words such as, “beautiful”, “excellent”, or he asked students to explain their answers. <input type="text"/> directions are clear and his lessons are well sequenced and move students toward understanding.</p>
<p><b>STANDARD V – Assessing Student Learning</b></p>	<p>Rating <input type="text"/></p>	<p><b>EVIDENCE / COMMENDATIONS / RECOMMENDATIONS</b></p>
<p>Establishing and communicating learning goals for students.</p> <p>Collecting and using multiple sources of information to assess student learning.</p> <p>Involving and guiding students in assessing their own learning.</p> <p>Using the results of assessment to guide instruction.</p> <p>Communicating with students/families/others about student progress.</p>		<p>As <input type="text"/> moves about the classroom he visibly assesses his students and speaks to individuals questioning them to lead them to a greater understanding. <input type="text"/> also uses tests and daily assignments to check for comprehension. He communicates with students and parents through progress reports, journals, and personal contact.</p>

Employee

School Year 2006/07

<p><b>STANDARD VI – Developing as a Professional Educator</b></p>	<p>Rating</p> <input type="text"/>	<p><b>EVIDENCE / COMMENDATIONS / RECOMMENDATIONS</b></p>
<p>Reflecting on teaching practice and planning professional development.</p> <p>Establishing professional goals and pursuing opportunities to grow professionally.</p> <p>Working with communities to improve professional practice.</p> <p>Working with families to improve professional practice.</p> <p>Working with colleagues to improve professional practice.</p>		<p><input type="text"/> has signed up to attend several workshops this year to hone his skills in technology, conflict resolution, and teaching number sense. <input type="text"/> is also taking correspondence courses through <input type="text"/> College. <input type="text"/> attends Professional Learning Community meetings at both the 4<sup>th</sup> and 5<sup>th</sup> grade levels. He continues to work with students whose skill levels are low in the small group setting and he believes in consistently reassessing previously taught skills.</p>

<p><b>ADDITIONAL COMMENTS - EMPLOYEE</b></p>	<p><b>ADDITIONAL COMMENTS – EVALUATOR</b></p>
	<p>Additional Comments/Evaluator</p> <p><input type="text"/> is a solid member of the <input type="text"/> teaching staff. He works hard to develop positive relationships with students, staff, and parents. He makes learning fun for his students as he can be highly animated during the delivery of his lessons. He is gifted in working with troubled students helping them build positive self-esteem. He is an asset to <input type="text"/>.</p>

**CERTIFICATED PERSONNEL EVALUATION**

Employee

**School Year 2006/07**

**Recommendations**

**Probationary:**

**Temporary:**

\_\_\_\_\_ Continue Temporary Status

\_\_\_\_\_ Continue Probationary Status with Recommendation for Assistance \_\_\_\_\_ Continue Temporary Status with Recommendation for Assistance

\_\_\_\_\_ Recommend for Permanent Status

Assistance

\_\_\_\_\_ Recommend Non-Re-Employment

\_\_\_\_\_ Continue Permanent Status with Mandated Referral to Voluntary PAR

\_\_\_\_\_ Continue Permanent Status with Mandated Referral to PAR

Additional information may be attached.

Employee's  
Signature \_\_\_\_\_

Date 4/17/07

Evaluator's  
Signature \_\_\_\_\_

Title \_\_\_\_\_

Date 4/17/07

Reviewed  
by \_\_\_\_\_

Title \_\_\_\_\_

Date 5/7/07

Reviewed  
by \_\_\_\_\_

Title \_\_\_\_\_

Date 5/9/07

Distribution: Personnel File, Evaluator, Employee

SECTION 8: DOCUMENTARY EVIDENCE AND DECLARATION - CONTINUED

EXHIBIT C

COLLECTIVE BARGAINING AGREEMENTS

**F-SUTA  
CONTRACT**

**July 1, 2005 - June 30, 2007**

**FAIRFIELD-SUISUN UNIFIED TEACHERS ASSOCIATION**

**4735 Central Way, Suite C  
Fairfield, California 94534  
(707) 864-6193**

**Fairfield-Suisun Unified School District  
2490 Hilborn Road  
Fairfield, California 94534  
(707) 399-5000**

- c. All documents, communications, and records dealing with the process of a grievance will be filed in a separate file and will not be kept in the personnel file of any of the participants.
- d. The limits for appeal provided in each level shall begin the day following receipt of written decision by the parties. These limits may be extended with the agreement of the parties.
- e. If a grievance arises from action or inaction on the part of a member of the administration at a level above the principal or immediate supervisor, the grievant shall submit such grievance in writing to the Superintendent directly, and the processing of such grievance shall be initiated at Level III. Such Level III grievances must be filed within thirty (30) days after knowledge of the occurrence of the act or omission giving rise to the grievance.
- f. Subject to the appeal of the Association, implementation of any proposed resolution of a grievance at any formal level will take place within five (5) days. If such implementation has not resolved the alleged violation, misapplication or misrepresentation of the contract, the Association will proceed to higher levels of the grievance procedure.

### ARTICLE 10 - EVALUATION

- 10.1 It is understood and agreed by the parties that the principal objective is to maintain and improve the quality of education in the District. It is further understood and agreed that this objective can be more readily achieved by a manifest willingness on the part of the District to assist all certificated unit members, but especially less experienced unit members in improving their professional skills. The District accepts as a fundamental premise for a successful evaluation program, the necessity for mutual respect and confidence to exist between the evaluator and those evaluated. The evaluation process and forms shall not be used as retaliation or as a substitute for discipline.
- 10.2 The evaluation of certificated unit members is based on the California Standards for the Teaching Profession (CSTP). These Standards are also part of the District's Beginning Teacher Support and Assessment Induction Program and the Peer Assistance and Review Program (PAR). An important component of each of these is the understanding that all professionals grow and develop. It is, therefore, expected that all final evaluations will contain individual and personalized suggestions for continued professional development.
- 10.3 Certificated Evaluation Process using CSTP
  - a. This process will be used to evaluate all certificated unit members:
    - 1. Permanent unit members will be evaluated once every two (2) years. Permanent unit members who receive a "Does Not Meet CSTP" or at least



two "Progressing Towards CSTP" ratings on their evaluation may be evaluated in the subsequent year. The formal evaluation of a permanent unit member may be deferred to a third year by mutual agreement with their site administrator. If so, the "once-every-two-year cycle" specified in this paragraph will start over.

2. Probationary unit members will be evaluated at least once a year.
  3. Temporary unit members will be evaluated at least once a year.
  4. At the request of the Association, the timeline for a grievance dealing with a unit member's evaluation will continue from the end of the period of service in which the evaluation was received, until the beginning of the following period of service.
  5. "Evidence" shall be the measure supporting a rating by an evaluator of a unit member on the approved observation and evaluation forms. Evidence shall be a unit member's Observation Forms, the items listed in 10.4.e and other objective measures of assessment that relate to the CSTP Standard being observed or evaluated.
  6. Consulting Teachers (PAR Program, Article 14) shall be evaluated according to the guidelines in Article 14.6.c.
- b. Individual or school site unit member trainings to include all unit members will begin within the first twenty (20) days of the unit member's work year and total 120 minutes of training by March 10. Unit members will be evaluated upon the Standards on the form "Certificated Personnel Evaluation Form, Appendix X." All certificated unit members will be provided with copies of the CSTP: California Standards for the Teaching Profession (most recent edition), which provides detailed information regarding the components of each Standard.
- c. Probationary and temporary unit members will be evaluated on all six (6) CSTP Standards. Documentation provided by the unit member (Probationary, Temporary or Permanent) to include, but not be limited to, that mentioned in 10.3(e)(5) shall be a part of the evaluation of Standard Six (6).
- d. At least two (2) formal observations, one scheduled, and the other may be scheduled or unscheduled, will be held during a unit member's evaluation year to observe unit members using only the District's Certificated Personnel Observation Form (Appendix W). These formal observations will be at least thirty (30) minutes in length. These formal observations may take place any time a certificated unit member is performing within the scope of his/her classroom duties. The number, frequency and duration of observations may vary with the requirements imposed by the type of class, the needs of the teacher, and individual

situation. Formal observations may be preceded by a pre-conference and must be followed with a post-conference between the unit member and the evaluator.

- e. The authorized components of data to validate the CSTP include formal classroom observations and:
  - 1. Observations of less than 30 minutes
  - 2. Classroom walk-throughs
  - 3. Lesson plans as designed by the classroom teacher
  - 4. Observation of report cards and progress reports
  - 5. Records of professional development activities as provided by the teacher (Such documentation shall be a part of the evaluation of Standard 6).

Standardized test scores shall not be used as evaluation data.

- f. Following each formal observation, the unit member will receive written feedback from the evaluator no less than three (3) workdays prior to the post-observation conference. In addition, post observation conferences must be held no later than ten (10) workdays following the formal observation. The unit member shall have the right to comment and have those comments affixed to the said observation report. Additionally, the administrator and the unit member may mutually agree to add or modify comments to the observation form at the time of the post-observation conference.
- g. The unit member will receive written final evaluation report from the evaluator no less than five (5) workdays prior to the unit member/evaluator conference. A final evaluation report in writing and unit member/evaluator conference will be held at least thirty (30) workdays prior to the last workday of the unit member in the school year in which the evaluation took place. In completing the final report, the evaluator will consider the overall performance in the Standards selected in the initial conference when determining an evaluation rating.
- h. The principal will have the primary responsibility for observations and filing of observation reports. The principal may assign another on-site administrator these duties.
  - 1. If another onsite administrator is assigned as the primary evaluator, his/her signature shall appear on both the observation report(s) and evaluation. The unit member shall be notified of this assignment change in writing.
  - 2. If a designated evaluator is used by the primary evaluator, both signatures shall appear on the observation report(s) and evaluation. The primary evaluator shall use no more than two (2) designated evaluators during the course of the school year.

### Additional Observation(s)

3. A unit member may request other observations to be conducted by members of the administration (requested to be either on-site or off-site) other than the designated primary administrator. The additional observation(s) shall be evidence used to determine a unit member's final evaluation.
  - i. For each required observation conducted pursuant to section 10.3.d, a permanent unit member may request and shall receive one (1) additional observation. The permanent unit member may request that such observation(s) be conducted by members of the administration other than the designated primary administrator, including administrators not assigned to the unit member's work location. Such request must be in writing, and made within seven (7) work days of the date of the post-observation conference. The additional observation shall be conducted within twenty (20) work days of the request. The time lines specified in section 10.4.a.2 and 10.4.a.3 shall not apply to any such additional observation(s). The additional observation(s) shall be evidence used to determine a unit member's final evaluation.
4. No unit member shall evaluate another unit member.

## 10.4 Conference/Evaluation Timeline

### a. Permanent Unit Member

1. Initial conferences for permanent unit members to select the Standards for evaluation shall be held within the first twenty-five work (25) days of the school year. No formal observation shall be conducted in the two (2) weeks after the initial conference.
  - i. Permanent unit members will be evaluated on only three (3) CSTP Standards according to the following: Within the first twenty-five (25) work days of the unit member's work year, the evaluator selects one (1) Standard; the unit member selects one (1) Standard. Additionally, all unit members will be evaluated on Standard 6, "Developing as a Professional Educator."
  - ii. The selection of Standards by the evaluator and the unit member shall be made on the Evaluation Standards Selection form, Appendix V. A copy shall be provided to the unit member and the original copy of this form shall become a part of the Permanent unit member's evaluation form.

2. There must be no less than four (4) weeks between an observation post-conference and the next formal observation.
3. There must be no less than four (4) weeks between the last post observation conference and the final evaluation conference. The final written evaluation shall be received no less than five (5) work days before the evaluation conference.
4. The final evaluation conference must be held no later than thirty (30) days prior to end of the unit member's work year.

b. Probationary/Temporary Unit Members

1. A probationary/temporary unit member's first formal observation must be held within the first six (6) weeks of the unit member's work year.
2. There must be no less than four (4) weeks between a post observation conference and the next formal evaluation conference.
3. There must be no less than four (4) weeks between the last post observation conference and the final evaluation conference. The final written evaluation shall be received no less than five (5) work days before the evaluation conference.
4. The final evaluation conference must be held no later than thirty (30) days prior to the end of the work year.

Referrals to the PEER Assistance and Review Program (PAR)

10.5 Using the CSTP Standards, unit members of permanent status shall be referred to the Peer Assistance and Review Program (PAR) as follows:

- a. Zero (0) or one (1) "Does Not Meet CSTP" ratings on the three identified Standards shall result in no referral to PAR.
- b. Two (2) "Does Not Meet CSTP" ratings on both the unit member chosen Standard and the administrator chosen Standard of the three identified Standards shall result in a referral to PAR as a "Voluntary Participating" teacher. The unit member must complete the process, but no records are kept and no legal provisions of the California PAR provisions have effect. If in the next consecutive evaluation, the unit member receives fewer than two (2) "Does Not Meet CSTP" ratings there shall be no referral to PAR.
- c. Three (3) "Does Not Meet CSTP" ratings on the three identified Standards shall result in mandatory referral to and participation in PAR. If in the next consecutive

evaluation, the unit member receives fewer than two (2) "Does Not Meet CSTP" ratings there shall be no referral to PAR.

d. "Does Not Meet CSTP" Evaluation Rating

1. For a unit member to receive a "Does Not Meet CSTP" rating on a Standard, at least three (3) of the elements in that Standard must be marked "Does Not Meet CSTP" based on validating evidence.

10.6 Bilateral Joint Committee

- a. The success and effectiveness of the evaluation process is dependent upon appropriate, joint bilateral training provided by the Association and the District. The District and the Association agree to establish and operate jointly a bilateral Evaluation Committee. This committee's purpose is to design and implement a training program relating to the evaluation program; process, form and language. The Evaluation Committee (outlined in 10.6.b) shall set up a schedule of training.
- b. The Evaluation Committee will consist of three (3) unit members, two (2) site principals, and one (1) district office administrator and will monitor and determine the content of the training and needs to support the Evaluation Program. Unit members of the Evaluation Committee shall be selected by F-SUTA. Management members of the Evaluation Committee shall be selected by F-SUSD.
- c. The Association shall identify one (1) unit member for each elementary school, two (2) for middle school and three (3) for high school, at each school site, to work in conjunction with the site principal to train and provide assistance to unit members during the work day regarding program, process, forms and contract language.
- d. The administrators and unit members identified in section 10.6.c. shall attend four (4) hours of joint training regarding the evaluation program process, forms and contract language, to be conducted jointly by the Association and the District. This training will be provided within the contracted workday of the unit members.
- e. Administration and unit members identified in section 10.6.c. shall provide a total of two (2) hours of training at their individual school site regarding the evaluation program process, forms and contract language. This training will be provided within the contracted workday of the unit members as per Article 19. The two (2) hours of training need not be consecutive. The bilateral Evaluation Committee will determine the content of the training. Training must begin within the first twenty (20) days of the unit member's work year and total one hundred and twenty (120) minutes prior to March 10 of the same work year.

- f. The District shall provide an additional three (3) hours of training to Administrators regarding the evaluation program process, forms and contract.
- g. The committee can make no changes in the evaluation process as outlined in this Agreement. The committee may make recommendations to the Association and the District regarding the evaluation process.

### ARTICLE 11 - PERSONNEL FILES

- 11.1 There shall be a single personnel file for each unit member. Personnel files shall be kept in the central administrative office of the District.
- 11.2 Materials in the personnel file of a unit member, except as noted below, shall be made available for inspection by the unit member involved. Upon authorization by the unit member, an Association representative may review the unit member's file or accompany the unit member in his/her review of the file. Material which may be excluded from inspection shall be limited to ratings, reports or records which:
  - a. Were obtained prior to the employment of the unit member involved.
  - b. Were prepared by identifiable examination committee members.
  - c. Were obtained in connection with a promotional examination.

Unit members shall have the right to inspect and obtain a copy of personnel file materials upon request.

- 11.3 Information of a derogatory nature, except material excluded in accordance with Section 11.2 above, shall not be entered or filed unless and until the unit member is given notice and an opportunity to review and comment thereon. A unit member shall have the right to enter, and have attached to any such derogatory statement, his/her own comments thereon. Such review, and any reasonable preparation of comments in response to the material and/or statement, shall take place during normal business hours. The unit member shall be released from duty for a maximum of one-half (1/2) day per review without salary reduction. If the unit member alleges that the material is false or based on unsubstantiated information or rumor from any unidentified source, a grievance may be initiated to determine the validity of such material. If such material is determined to be false or based on unsubstantiated information or rumor from an unidentified source, it shall be removed.

In the event the District fails to comply with the provisions of this section, such material shall not be allowed as evidence in any disciplinary action against the unit member or used by the District in any grievance filed by the unit member.

- 11.4 All material placed in a unit member's personnel file shall be dated and signed by the person who caused the material to be prepared.



Fairfield-Suisun Unified School District

"Our Mission is to Provide a Quality Educational System that Assures Opportunities for Every Student to Learn and Meet the Challenges of the Future"

Copy 1 – Personnel File  
Copy 2 – Evaluator  
Copy 3 – Employee

Permanent Certificated Personnel *Evaluation Standards Selection Form*

(Reference: Collective Bargaining Agreement, Article 10)

Employee: \_\_\_\_\_

Evaluator: \_\_\_\_\_

Grade/Subject Area(s): \_\_\_\_\_

Position: \_\_\_\_\_

School Year: \_\_\_\_\_ Site/Location \_\_\_\_\_

Date: \_\_\_\_\_

**Directions for Use:**

- 1) Permanent unit members will be evaluated on only three (3) CSTP Standards according to the following: Within the first twenty-five (25) work days of the unit member's work year, the evaluator selects one (1) Standard; the unit member selects one (1) Standard. Additionally, all unit members will be evaluated on Standard 6, "Developing as a Professional Educator." The selection of Standards by the evaluator and the unit member shall be made on this form. A copy shall be provided to the unit member and this original copy of this form shall become a part of the Permanent unit member's evaluation form. [Reference: Article 10.4.a, Section 1(i) thru 1(ii)]
- 2) The evaluator and the permanent unit member in accordance with Direction 1 above must each select on the line below, a CSTP Standard upon which the unit member will be evaluated in the year cited on this form and then each must date and sign the form. A copy of the form shall be given to the unit member and this original shall become a part of the final evaluation document.

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**CSTP Standard Selected By Permanent Employee:**

**CSTP Standard Selected By Evaluator:**

**Standard** \_\_\_\_\_

**Standard** \_\_\_\_\_

**Permanent Employee's Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Evaluator's Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

July 2007 (Created 7/1/07)

APPENDIX V



Fairfield-Suisun Unified School District

"Our Mission is to Provide a Quality Educational System that Assures Opportunities for Every Student to Learn and Meet the Challenges of the Future"

Certificated Personnel Observation Form

(Reference: Collective Bargaining Agreement, Article 10)

Employee: \_\_\_\_\_

Evaluator: \_\_\_\_\_

Grade/Subject Area(s): \_\_\_\_\_

Position: \_\_\_\_\_

School Year: \_\_\_\_\_ Site/Location \_\_\_\_\_

Date: \_\_\_\_\_

\*Standard Selected by the Evaluator \_\_\_\_\_

\*Standard Selected by the Unit Member \_\_\_\_\_

Status:  Temporary  Probationary-Zero  First-Year Probationary  Second-Year Probationary  Permanent

Directions for Use:

- 1) During the first twenty (20) days of the unit member's work year, the administrator will convene an individual or School Site Staff meeting in order to discuss the evaluation process and standards, and distribute the *most recent version of the California Standards for the Teaching Profession: A Description of Professional Practice for California Teachers* to all certificated teachers. The Standards and elements of the California Standards for the Teaching Profession will be discussed in relationship to the FSUSD Observation and Evaluation Rubric. Examples of evidence-based evaluations will be provided. Staff will discuss the process and an opportunity to ask questions will be provided. (Reference: Article 10.3, Section b)
- 2) The authorized components of data to validate the CSTP include not only formal observations, but may also include observations of less than thirty minutes, classroom walkthroughs, lesson plans as designed by the classroom teacher, observation of report cards and progress reports, and records of professional development activities as provided by the teacher. (Reference: Article 10.3, Section e)
- 3) The attached FSUSD Observation and Evaluation Rubric will be used to provide meaningful feedback and to serve as a source for discussion. Evidence based comments will be provided. Following each formal observation, the unit member will receive written feedback no less than three (3) workdays prior to the post observation conference. A post observation conference will be held no later than ten (10) workdays following the formal observation. (Reference: Article 10.3, Section f)
- 4) **Permanent**, Probationary and Temporary unit members will be observed using this form at least *two* times throughout the course of the school year. (Reference: Article 10.3, Section d)

\*Applies to Permanent Unit Members ONLY



## Standard 1: Engaging and Supporting All Students In Learning

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence	Conference Notes
<p><i>Connecting students' prior knowledge, life experience, and interests with learning goals</i></p> <p style="text-align: right;">1.1</p>	Makes no connections between the learning goals and the students' prior knowledge, life experiences and interests. Does not elicit students' questions or comments during a lesson.	Attempts to open lesson to engage students' attention and interest. Asks some questions that elicit students' prior knowledge, life experiences and interest. Some connections are made to learning goals and objectives of the lesson.	Implements activities and elicits questions that help students make connections between what they already know and the learning goals and objectives.	Uses questions and activities to extend students' abilities to integrate what they know with the learning goals and objectives. Makes adjustments during lesson to ensure that all students meet the learning goals.	Creates a context for students to synthesize learning goals and objectives with what they know and develop their own complementary learning goals.		
<p><i>Uses a variety of instructional strategies and resources to respond to students' needs</i></p> <p style="text-align: right;">1.2</p>	Uses instructional strategies that lack variety, are poorly carried out, or are inappropriate to the students or to the instructional goals. No adjustments are made to respond to students' needs.	Uses a few instructional strategies. Delivers instruction with available resources and materials. Makes minimal adjustments to respond to students' needs.	Elicits student participation through a variety of instructional strategies intended to match students' academic and linguistic needs. Checks for student understanding.	Uses a repertoire of strategies and resources. Selects and differentiates learning to accommodate students' diverse learning styles.	Uses extensive repertoire of strategies to meet students' diverse academic and linguistic needs and ensure fullest participation and learning for all students.		
<p><i>Facilitating learning experiences that promote autonomy, interaction and choice</i></p> <p style="text-align: right;">1.3</p>	Directs learning experiences, permitting no student autonomy, interaction, or choice.	Directs learning experiences through whole group and individual work with limited possibilities for interaction and choice.	Provides learning experiences utilizing individual and group structures to develop autonomy and group participation skills. Students make choices about and within their work.	Uses a variety of learning experiences to assist students in developing independent working skills and group participation skill. Supports students in making appropriate choices for learning.	Integrates a variety of challenging learning experiences that develop students' independent learning, collaboration, and choice.		
<p><i>Engaging students in problem solving, critical thinking, and other activities that make subject matter meaningful</i></p> <p style="text-align: right;">1.4</p>	Provides no learning opportunities for students to engage in problems solving, analysis, or critical thinking activities.	Provides limited learning opportunities for students to engage in problem solving within subject matter areas. Asks some critical thinking questions to relate facts and key concepts of subject matter.	Engages students through activities and questioning strategies that develop skills in identification and understanding of key concepts and issues. Supports students in problem posing and problem solving.	Engages students in analysis of key concepts and facts through activities and questions that consider multiple perspectives. Supports students to initiate problem posing, problem solving, and inquiry.	Facilitates regular opportunities for students to design and implement inquiries and problem solving to analyze content and draw conclusions, considering multiple perspectives with and across subject matter.		
<p><i>Promoting self-directed, reflective learning for all students</i></p> <p style="text-align: right;">1.5</p>	Provides no opportunities for students to initiate their own learning or to monitor their own work.	Provides limited opportunities for students to monitor their own work and to reflect on the process and their progress.	Supports students in developing skills needed to monitor their own learning. Students have opportunities to reflect on the process and their progress.	Structures learning activities that enable students to set goals and develop strategies for demonstrating, monitoring, and reflecting on the process and their progress.	Facilitates students to initiate learning goals and set criteria for demonstrating and evaluating work. Students reflect on the process and their progress as a regular part of learning experiences.		

**Standard 2: Creating and Maintaining an Effective Environment for Student Learning**

<i>Elements</i>	<b>Does Not Meet CSTP</b>	<b>Progressing Towards CSTP</b>	<b>Meets or Exceeds CSTP</b>			<b>Evidence</b>	<b>Conference Notes</b>
<i>Creating a physical environment that engages all students</i> 2.1	The physical environment does not support student learning. Movement and access may be restricted by barriers. Materials are difficult to access when needed.	Arranges room for teacher accessibility or visibility of students. Manages room for easy movement and access to resources. Room displays relate to the curriculum.	Designs movement patterns and access to resources to promote individual and group engagement. Room displays are used in learning activities.	Designs and manages room and resources to accommodate students' needs and involvement in learning. Displays are integral to learning activities.	Uses total physical environment as a resource to promote individual and group learning. Students are able to contribute to the changing design of the environment.		
<i>Establishing a climate that promotes fairness and respect</i> 2.2	Does not model fairness, equity, caring, and respect in the classroom. Is unaware of impolite and disrespectful behavior. Allows inappropriate attitudes and behaviors among students. Response to inappropriate behavior is unfair or inequitable.	Builds caring, friendly rapport with most students. Models equitable and respectful relationships. Has some strategies to respond to unfairness and disrespect.	Promotes caring and respectful interactions. Responds to incidents of unfairness and disrespect equitably. Encourages students to respect differences.	Maintains caring, respectful, and equitable relationships with students. Supports students in developing skills to respond to inequity and disrespect.	Fosters a safe, inclusive, and equitable learning community. Students participate in maintaining a climate of equity, caring and respect and may initiate creative solutions to conflicts.		
<i>Promoting social development and group responsibility</i> 2.3	Does not support students' social development, self-esteem, and diversity. Students have no sense of responsibility for each other.	Uses some strategies and activities to develop students' individual responsibility and recognition of others rights and needs. Students share in classroom responsibilities. Recognizes student diversity but does not promote acceptance or respect.	Promotes positive student interactions as members of large and small groups. Provides some opportunities for student leadership within the classroom. Promotes acceptance and respect for different experiences, ideas, backgrounds, feelings, and point of view.	Engages students in individual and group work that promotes responsibility to the classroom community. Supports students to take initiative in classroom leadership.	Facilitates an environment in which students take initiative socially and academically. Promotes and supports student leadership beyond the classroom.		
<i>Establishing and maintaining standards for student behavior</i> 2.4	No standards for behavior appear to have been established, or students are confused about what the standards are.	Establishes basic standards for behavior. Response to student behavior is generally appropriate.	Uses strategies that prevent or lessen disruptive behavior and reinforce expectations for behavior. Monitors behavior while teaching and during student work time.	Equitably reinforces expectations and consequences and supports students to monitor their own behavior and each other's behavior in a respectful way.	Facilitates a positive environment in which students are guided to take a strong role in monitoring their own behavior and each other's behavior in a respectful way.		
<i>Planning and implementing classroom procedures and routines that support student learning</i> 2.5	Has not established and/or enforced classroom procedures and routines.	Develops procedures and routines. Assists students to learn routines and procedures for most activities.	Establishes and maintains procedures and routines. Supports and monitors students in procedures and routines appropriate for learning activities.	Assists and encourages students in developing and maintaining equitable routines and procedures.	Assists and encourages all students in developing and internalizing equitable routines and procedures. Students show ownership of routines and procedures.		
<i>Using instructional time effectively</i> 2.6	Learning activities are not appropriately paced. Poor transitions result in lost instructional time.	Provides time for students to complete learning activities. Develops some routines for classroom business and most transitions are timely.	Provides adequate time for presentation and for completion of learning activities. Paces instruction and classroom business to maintain engagement. Uses transitions to support engagement of all students.	Paces instruction to include ongoing review and closure of lessons to connect them to future lessons. Classroom business and transitions are efficient and integrated into learning activities.	Presents, adjusts and facilitates instruction and daily activities so all students have time for learning, are continually engaged, and have opportunities for reflection and assessment. Supports students to self-monitor time on task.		

### Standard 3: Understanding and Organizing Subject Matter for Student Learning

<i>Elements</i>	<b>Does Not Meet CSTP</b>	<b>Progressing Towards CSTP</b>	<b>Meets or Exceeds CSTP</b>			<b>Evidence</b>	<b>Conference Notes</b>
<b><i>Demonstrating knowledge of subject matter and student development</i></b> 3.1	Basic knowledge of subject matter and student development is not always evident or current. Does not adequately support students' learning of key concepts.	Has working knowledge of subject matter and student development. Promotes an understanding of key concepts.	Communicates key concepts, skills, and themes in an accurate, clear, and coherent manner. Plans and builds on instruction with students' cognitive and linguistic abilities in mind.	Uses expanded knowledge of subject matter to support student understanding of key concepts, themes, multiple perspectives, and relationships in subject area(s). Activities are suitable for students' cognitive development.	Flexibly uses comprehensive knowledge of subject matter and student development to ensure that all students understand key concepts, themes, multiple perspectives, and relationships in and among subject area(s).		
<b><i>Organizing curriculum to support student understanding of subject matter</i></b> 3.2	The curriculum is not organized and does not adequately demonstrate concepts, themes and skills. Rarely supports different perspectives or students' understanding of core concepts.	Uses knowledge of subject matter to promote students' understanding of key concepts, skills, and standards taught. May connect key concepts to standards and frameworks.	Identifies key concepts, skills, and units/themes to facilitate student understanding and reflect standards and frameworks.	Organizes and sequences subject matter clearly to coordinate core curriculum and content standards within and across subject matter as appropriate.	Designs and adapts subject matter to demonstrate a consistent in-depth student understanding of content and relationships among various concepts and themes. Content standards are fully integrated in the core curriculum.		
<b><i>Interrelating ideas and information within and across subject matter</i></b> 3.3	Presents curriculum without identifying or integrating key concepts and information, or does not relate content to previous learning in order to support students' understanding.	Focuses on core curriculum and skills. Attempts to relate content to prior lessons within the subject matter.	Connects key concepts, skills, and themes within subject matter to the standards. Builds on prior lessons and students' backgrounds.	Integrates key concepts, skills, and underlying themes within and across curriculum to support standards. Capitalizes on opportunities to make connections while teaching.	Connects key concepts and underlying themes within and across the curriculum to extend in-depth learning for all students. Supports students' application of cross-curricular learning.		
<b><i>Developing student understanding through instructional strategies that are appropriate to subject matter</i></b> 3.4	Does not appropriately match instructional strategies to subject matter content or concepts. Does not encourage students to think critically or to extend their knowledge.	Uses a few instructional strategies to make the content accessible to students. Makes some attempt to encourage students to think critically.	Matches strategies appropriate to subject matter to encourage student understanding and critical thinking. Strategies utilize students' interests and backgrounds.	Develops and uses multiple strategies that challenge all students. Assists students to individually construct their own knowledge and think critically.	Uses a repertoire of instructional strategies that are appropriate to subject matter. Utilizes strategies that challenge and support all students to independently apply and think critically about the subject matter.		
<b><i>Using materials, resources, and technologies to make subject matter accessible to students</i></b> 3.5	Instructional materials, resources and technologies are not used appropriately. Materials do not accurately reflect diverse perspectives.	Uses available instructional materials, resources, and technologies to present concepts and skills. Some materials and resources reflect students' diversity. Develops some systems to provide equitable access to resources.	Selects and utilizes appropriate relevant instructional materials, resources, and technologies to present concepts and skills. Materials reflect linguistic diversity of students. Resources are made available to all students.	Selects, adapts and creates a range of relevant materials, resources, and technologies to enrich learning, to reflect linguistic and cultural diversity of students, and to provide for equal access.	Analyzes, adapts, and creates a wide range of relevant instructional materials, resources, and technologies to extend students' understanding and provide equal access. Materials reflect diversity beyond the classroom.		

## Standard 6: Developing as a Professional Educator

<i>Elements</i>	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence	Conference Notes
<b><i>Reflecting on teaching practice and planning professional development</i></b> 6.1	Reflects on specific problems or areas of concern in his/her teaching practice, but rarely uses reflection to assess growth over time or to plan professional development.	Reflects on areas of concern in his/her teaching practice, assesses growth in these areas, and may use reflection to plan professional development.	<b>Reflects on the relationship of teaching practice to student learning.</b> Plans professional development based on reflection.	Analyzes and reflects on teaching and learning based on evidence gathered. Plans professional development based on reflections and other resources.	Integrates analysis and reflection into daily practice based on a wide variety of evidence in relationship to professional growth and student learning. Plans draw on a wide variety of resources to expand knowledge.		
<b><i>Establishing professional goals and pursuing opportunities to grow professionally</i></b> 6.2	Rarely pursues opportunities to develop new knowledge or skills, or to participate in the professional community.	Sets goals considering self-assessment and other feedback. Pursues some opportunities to acquire new knowledge and skills, but infrequently participates in the professional community.	Pursues opportunities to acquire new knowledge and skills and participate in the professional community.	Purposefully pursues opportunities to expand knowledge and skills, and participates in and contributes to the professional community.	Contributes to professional organizations, literature, and development opportunities to extend own teaching practice and that of colleagues. Leads professional development.		
<b><i>Working with communities to improve professional practice</i></b> 6.3	Teacher has limited knowledge of students' communities or of how to access them to provide learning experiences for students or to promote collaboration with the school.	Teacher increases their own understanding of the roles of the communities in students' lives. May attend selected community events. Uses some district resources and community resources available through the school.	Identifies and uses appropriate district resources in support of families and student learning. Expands knowledge of, and connections with, the full range of community resources.	Uses knowledge of, and strengthens connections with, local communities' cultures, services, and resources to support student learning.	Promotes school and community collaborations. Provides students with a range of community experiences that benefit students and/or families.		
<b><i>Working with families to improve professional practice</i></b> 6.4	The teacher may demonstrate respect for students' families or their backgrounds, but has limited communication with families, and is not sure how to provide opportunities for participation in the classroom or school community.	Communicates with families at reporting periods and school events. Advises families of problems. Recognizes the role of the family in student learning. Invites families to contribute in the classroom.	Regularly communicates student progress in appropriate ways, taking into account the diversity of families. Encourages families to contribute to the classroom and school.	Maintains regular and responsive communication with all families. Provides opportunities for families to actively participate in the classroom and school.	Engages families in a variety of responsive, ongoing, two-way communications in support of student success. Structures a wide range of opportunities for families to contribute to the classroom and school community.		
<b><i>Working with colleagues to improve professional practice</i></b> 6.5	Rarely collaborates with colleagues, or seeks out other staff to discuss student needs. Rarely participates in school or district events or learning activities.	Establishes positive working relationship with a few colleagues. Interacts with colleagues to gather resources. Seeks out trusted colleagues to consider solutions to problems with students.	Works constructively with colleagues and support staff to improve student learning and reflect on practice. Collaborates with colleagues to plan curriculum, coordinate resources, and solve problems.	Engages staff in dialogue and reflection to support student learning and teacher growth in responsive and appropriate ways.	Provides opportunities to collaborate with staff to support learning for all students. Provides leadership for, and contributes to, the learning of other educators.		
<b><i>Balancing professional responsibilities and maintaining motivation</i></b> 6.6	Does not fulfill professional responsibilities. Does not stay current about professional and legal responsibilities for students' learning, behavior and safety.	Possesses a positive attitude in the classroom. Develops an understanding of professional responsibilities.	Maintains positive attitude, demonstrates understanding of professional responsibilities, and seeks support to balance professional responsibilities with personal needs.	Maintains motivation and commitment to all students, demonstrates professional integrity, and challenges self intellectually and creatively.	Maintains motivation and commitment to all students and the professional community, demonstrates and models professional integrity, and challenges self intellectually and creatively throughout career.		

Comments/Commendations/Suggestions

Evaluator	Employee

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Administrator's direct actions, involvement and support that will be provided to assist the unit member (Add pages if necessary):

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Employee's Signature \_\_\_\_\_

Date \_\_\_\_\_

Evaluator's Signature \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_



Fairfield-Suisun Unified School District

"Our Mission is to Provide a Quality Educational System that Assures Opportunities for Every Student to Learn and Meet the Challenges of the Future"

Certificated Personnel Evaluation Form

(Reference: Collective Bargaining Agreement, Article 10)

Copy 1 - Personnel File
Copy 2 - Evaluator
Copy 3 - Employee

Employee: \_\_\_\_\_

Evaluator: \_\_\_\_\_

Grade/Subject Area(s): \_\_\_\_\_

Position: \_\_\_\_\_

School Year: \_\_\_\_\_ Site/Location \_\_\_\_\_

Date: \_\_\_\_\_

\*Standard Selected by the Evaluator \_\_\_\_\_

\*Standard Selected by the Unit Member \_\_\_\_\_

Status: \_\_\_\_\_ Temporary \_\_\_\_\_ Probationary-Zero \_\_\_\_\_ First-Year Probationary \_\_\_\_\_ Second-Year Probationary \_\_\_\_\_ Permanent

Directions for Use:

- 1) During the first twenty (20) days of the unit member's work year, the administrator will convene an individual or School Site Staff meeting in order to discuss the evaluation process and standards, and distribute the most recent version of the California Standards for the Teaching Profession: A Description of Professional Practice for California Teachers to all certificated teachers.
2) The authorized components of data to validate the CSTP include not only formal observations, but may also include observations of less than thirty minutes, classroom walkthroughs, lesson plans as designed by the classroom teacher, observation of report cards and progress reports, and records of professional development activities as provided by the teacher.
3) The attached FSUSD Evaluation Rubric will be used to provide meaningful feedback and to serve as a source for discussion for the evaluation. Evidence based comments will be provided. In completing the final report, the evaluator will consider the overall performance in each of the selected standards when determining an evaluation rating.
4) All unit members will receive a final evaluation report in writing, and an employee/evaluator conference will be held at least thirty (30) workdays prior to their last workday in the school year in which the evaluation took place.

\* Applies to Permanent Unit Members ONLY

## Standard 1: Engaging and Supporting All Students In Learning

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<p><i>Connecting students' prior knowledge, life experience, and interests with learning goals</i></p> <p style="text-align: right;">1.1</p>	Makes no connections between the learning goals and the students' prior knowledge, life experiences and interests. Does not elicit students' questions or comments during a lesson.	Attempts to open lesson to engage students' attention and interest. Asks some questions that elicit students' prior knowledge, life experiences and interest. Some connections are made to learning goals and objectives of the lesson.	Implements activities and elicits questions that help students make connections between what they already know and the learning goals and objectives.	Uses questions and activities to extend students' abilities to integrate what they know with the learning goals and objectives. Makes adjustments during lesson to ensure that all students meet the learning goals.	Creates a context for students to synthesize learning goals and objectives with what they know and develop their own complementary learning goals.	<p><b>Rating (Check One):</b></p> <p><input type="checkbox"/> Does Not Meet CSTP      <input type="checkbox"/> Meets or Exceeds CSTP</p> <p><input type="checkbox"/> Progressing Towards CSTP</p>
<p><i>Uses a variety of instructional strategies and resources to respond to students' needs</i></p> <p style="text-align: right;">1.2</p>	Uses instructional strategies that lack variety, are poorly carried out, or are inappropriate to the students or to the instructional goals. No adjustments are made to respond to students' needs.	Uses a few instructional strategies. Delivers instruction with available resources and materials. Makes minimal adjustments to respond to students' needs.	Elicits student participation through a variety of instructional strategies intended to match students' academic and linguistic needs. Checks for student understanding.	Uses a repertoire of strategies and resources. Selects and differentiates learning to accommodate students' diverse learning styles.	Uses extensive repertoire of strategies to meet students' diverse academic and linguistic needs and ensure fullest participation and learning for all students.	
<p><i>Facilitating learning experiences that promote autonomy, interaction and choice</i></p> <p style="text-align: right;">1.3</p>	Directs learning experiences, permitting no student autonomy, interaction, or choice.	Directs learning experiences through whole group and individual work with limited possibilities for interaction and choice.	Provides learning experiences utilizing individual and group structures to develop autonomy and group participation skills. Students make choices about and within their work.	Uses a variety of learning experiences to assist students in developing independent working skills and group participation skill. Supports students in making appropriate choices for learning.	Integrates a variety of challenging learning experiences that develop students' independent learning, collaboration, and choice.	
<p><i>Engaging students in problem solving, critical thinking, and other activities that make subject matter meaningful</i></p> <p style="text-align: right;">1.4</p>	Provides no learning opportunities for students to engage in problem solving, analysis, or critical thinking activities.	Provides limited learning opportunities for students to engage in problem solving within subject matter areas. Asks some critical thinking questions to relate facts and key concepts of subject matter.	Engages students through activities and questioning strategies that develop skills in identification and understanding of key concepts and issues. Supports students in problem posing and problem solving.	Engages students in analysis of key concepts and facts through activities and questions that consider multiple perspectives. Supports students to initiate problem posing, problem solving, and inquiry.	Facilitates regular opportunities for students to design and implement inquiries and problem solving to analyze content and draw conclusions, considering multiple perspectives with and across subject matter.	
<p><i>Promoting self-directed, reflective learning for all students</i></p> <p style="text-align: right;">1.5</p>	Provides no opportunities for students to initiate their own learning or to monitor their own work.	Provides limited opportunities for students to monitor their own work and to reflect on the process and their progress.	Supports students in developing skills needed to monitor their own learning. Students have opportunities to reflect on the process and their progress.	Structures learning activities that enable students to set goals and develop strategies for demonstrating, monitoring, and reflecting on the process and their progress.	Facilitates students to initiate learning goals and set criteria for demonstrating and evaluating work. Students reflect on the process and their progress as a regular part of learning experiences.	

## Standard 2: Creating and Maintaining an Effective Environment for Student Learning

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<i>Creating a physical environment that engages all students</i> 2.1	The physical environment does not support student learning. Movement and access may be restricted by barriers. Materials are difficult to access when needed.	Arranges room for teacher accessibility or visibility of students. Manages room for easy movement and access to resources. Room displays relate to the curriculum.	Designs movement patterns and access to resources to promote individual and group engagement. Room displays are used in learning activities.	Designs and manages room and resources to accommodate students' needs and involvement in learning. Displays are integral to learning activities.	Uses total physical environment as a resource to promote individual and group learning. Students are able to contribute to the changing design of the environment.	<p><b>Rating (Check One):</b></p> <p><input type="checkbox"/> Does Not Meet CSTP      <input type="checkbox"/> Meets or Exceeds CSTP</p> <p><input type="checkbox"/> Progressing Towards CSTP</p>
<i>Establishing a climate that promotes fairness and respect</i> 2.2	Does not model fairness, equity, caring, and respect in the classroom. Is unaware of impolite and disrespectful behavior. Allows inappropriate attitudes and behaviors among students. Response to inappropriate behavior is unfair or inequitable.	Builds caring, friendly rapport with most students. Models equitable and respectful relationships. Has some strategies to respond to unfairness and disrespect.	Promotes caring and respectful interactions. Responds to incidents of unfairness and disrespect equitably. Encourages students to respect differences.	Maintains caring, respectful, and equitable relationships with students. Supports students in developing skills to respond to inequity and disrespect.	Fosters a safe, inclusive, and equitable learning community. Students participate in maintaining a climate of equity, caring and respect and may initiate creative solutions to conflicts.	
<i>Promoting social development and group responsibility</i> 2.3	Does not support students' social development, self-esteem, and diversity. Students have no sense of responsibility for each other.	Uses some strategies and activities to develop students' individual responsibility and recognition of others rights and needs. Students share in classroom responsibilities. Recognizes student diversity but does not promote acceptance or respect.	Promotes positive student interactions as members of large and small groups. Provides some opportunities for student leadership within the classroom. Promotes acceptance and respect for different experiences, ideas, backgrounds, feelings, and point of view.	Engages students in individual and group work that promotes responsibility to the classroom community. Supports students to take initiative in classroom leadership.	Facilitates an environment in which students take initiative socially and academically. Promotes and supports student leadership beyond the classroom.	
<i>Establishing and maintaining standards for student behavior</i> 2.4	No standards for behavior appear to have been established, or students are confused about what the standards are.	Establishes basic standards for behavior. Response to student behavior is generally appropriate.	Uses strategies that prevent or lessen disruptive behavior and reinforce expectations for behavior. Monitors behavior while teaching and during student work time.	Equitably reinforces expectations and consequences and supports students to monitor their own behavior and each other's behavior in a respectful way.	Facilitates a positive environment in which students are guided to take a strong role in monitoring their own behavior and each other's behavior in a respectful way.	
<i>Planning and implementing classroom procedures and routines that support student learning</i> 2.5	Has not established and/or enforced classroom procedures and routines.	Develops procedures and routines. Assists students to learn routines and procedures for most activities.	Establishes and maintains procedures and routines. Supports and monitors students in procedures and routines appropriate for learning activities.	Assists and encourages students in developing and maintaining equitable routines and procedures.	Assists and encourages all students in developing and internalizing equitable routines and procedures. Students show ownership of routines and procedures.	
<i>Using instructional time effectively</i> 2.6	Learning activities are not appropriately paced. Poor transitions result in lost instructional time.	Provides time for students to complete learning activities. Develops some routines for classroom business and most transitions are timely.	Provides adequate time for presentation and for completion of learning activities. Paces instruction and classroom business to maintain engagement. Uses transitions to support engagement of all students.	Paces instruction to include ongoing review and closure of lessons to connect them to future lessons. Classroom business and transitions are efficient and integrated into learning activities.	Presents, adjusts and facilitates instruction and daily activities so all students have time for learning, are continually engaged, and have opportunities for reflection and assessment. Supports students to self-monitor time on task.	



### Standard 3: Understanding and Organizing Subject Matter for Student Learning

<i>Elements</i>	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<b>Demonstrating knowledge of subject matter and student development</b> <i>3.1</i>	Basic knowledge of subject matter and student development is not always evident or current. Does not adequately support students' learning of key concepts.	Has working knowledge of subject matter and student development. Promotes an understanding of key concepts.	Communicates key concepts, skills, and themes in an accurate, clear, and coherent manner. Plans and builds on instruction with students' cognitive and linguistic abilities in mind.	Uses expanded knowledge of subject matter to support student understanding of key concepts, themes, multiple perspectives, and relationships in subject area(s). Activities are suitable for students' cognitive development.	Flexibly uses comprehensive knowledge of subject matter and student development to ensure that all students understand key concepts, themes, multiple perspectives, and relationships in and among subject area(s).	
<b>Organizing curriculum to support student understanding of subject matter</b> <i>3.2</i>	The curriculum is not organized and does not adequately demonstrate concepts, themes and skills. Rarely supports different perspectives or students' understanding of core concepts.	Uses knowledge of subject matter to promote students' understanding of key concepts, skills, and standards taught. May connect key concepts to standards and frameworks.	Identifies key concepts, skills, and units/themes to facilitate student understanding and reflect standards and frameworks.	Organizes and sequences subject matter clearly to coordinate core curriculum and content standards within and across subject matter as appropriate.	Designs and adapts subject matter to demonstrate a consistent in-depth student understanding of content and relationships among various concepts and themes. Content standards are fully integrated in the core curriculum.	
<b>Interrelating ideas and information within and across subject matter</b> <i>3.3</i>	Presents curriculum without identifying or integrating key concepts and information, or does not relate content to previous learning in order to support students' understanding.	Focuses on core curriculum and skills. Attempts to relate content to prior lessons within the subject matter.	Connects key concepts, skills, and themes within subject matter to the standards. Builds on prior lessons and students' backgrounds.	Integrates key concepts, skills, and underlying themes within and across curriculum to support standards. Capitalizes on opportunities to make connections while teaching.	Connects key concepts and underlying themes within and across the curriculum to extend in-depth learning for all students. Supports students' application of cross-curricular learning.	
<b>Developing student understanding through instructional strategies that are appropriate to subject matter</b> <i>3.4</i>	Does not appropriately match instructional strategies to subject matter content or concepts. Does not encourage students to think critically or to extend their knowledge.	Uses a few instructional strategies to make the content accessible to students. Makes some attempt to encourage students to think critically.	Matches strategies appropriate to subject matter to encourage student understanding and critical thinking. Strategies utilize students' interests and backgrounds.	Develops and uses multiple strategies that challenge all students. Assists students to individually construct their own knowledge and think critically.	Uses a repertoire of instructional strategies that are appropriate to subject matter. Utilizes strategies that challenge and support all students to independently apply and think critically about the subject matter.	
<b>Using materials, resources, and technologies to make subject matter accessible to students</b> <i>3.5</i>	Instructional materials, resources and technologies are not used appropriately. Materials do not accurately reflect diverse perspectives.	Uses available instructional materials, resources, and technologies to present concepts and skills. Some materials and resources reflect students' diversity. Develops some systems to provide equitable access to resources.	Selects and utilizes appropriate relevant instructional materials, resources, and technologies to present concepts and skills. Materials reflect linguistic diversity of students. Resources are made available to all students.	Selects, adapts and creates a range of relevant materials, resources, and technologies to enrich learning, to reflect linguistic and cultural diversity of students, and to provide for equal access.	Analyzes, adapts, and creates a wide range of relevant instructional materials, resources, and technologies to extend students' understanding and provide equal access. Materials reflect diversity beyond the classroom.	

**Rating (Check One):**

- Does Not Meet CSTP       Meets or Exceeds CSTP  
 Progressing Towards CSTP

**Standard 4: Planning Instruction and Designing Learning Experiences for All Students**

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<i>Drawing on and valuing students' backgrounds, interests, and developmental learning needs</i> 4.1	Instructional plans do not match or reflect students' backgrounds, experiences, interests, and developmental needs, and do not support students' learning.	Develops and gathers materials to supplement available resources. Most lessons acknowledge students' prior knowledge, interests and learning needs.	Develops lessons that incorporate students' prior knowledge, interests, instructional, and linguistic learning needs.	Uses a wide range of materials to access and build upon students' prior knowledge, interests, instructional and linguistic needs to extend student understanding.	Designs instruction to build on students' prior knowledge, instructional needs, linguistic needs, and diversity to challenge all students.	<p><b>Rating (Check One):</b></p> <p><input type="checkbox"/> Does Not Meet CSTP      <input type="checkbox"/> Meets or Exceeds CSTP</p> <p><input type="checkbox"/> Progressing Towards CSTP</p>
<i>Establishing and articulating goals for student learning</i> 4.2	Instructional goals are not established or do not address students' language, experiences or school expectations. Expectations for students are low or unrealistic.	Communicates expectations for student learning in most lessons. Has inconsistent expectations for students.	Articulates and links goals to instructional activities. Goals are appropriately challenging for most students and represent valuable learning. Expectations for students are generally high.	Ensures that students understand and reflect upon short-term and long-term learning goals. Goals reflect high expectations and challenge students at their level.	Articulates short-term and long-term goals with high expectations for learning. Designs activities so that students have opportunities to participate in setting, revising, and achieving personal goals.	
<i>Developing and sequencing instructional activities and materials for student learning</i> 4.3	Instructional activities and materials are not appropriate to the students or the instructional goals do not engage students in meaningful learning. Activities are not logically sequenced.	Develops some concepts and skills through a series of lessons that are connected and consider student linguistic and instructional needs.	Plans appropriately sequenced instruction and use of materials to promote student understanding of basic concepts and skills. Considers student linguistic and instructional needs.	Develops and sequences lessons to make connections within and across subject matter areas.	Sequences instruction to help students synthesize and apply new knowledge.	
<i>Designing short-term and long-term plans to foster student learning</i> 4.4	Individual lesson plans have little or no recognizable organization or connection to adopted curriculum. Demonstrates limited knowledge of subject matter and students to plan and pace instructional activities over time. Does not plan to ensure access to challenging, diverse, academic content for all students.	Ineffectively organizes curriculum to allow enough time for student learning, review and assessment. Neglects to provide opportunities for all students to learn at their own pace.	Organizes most of the curriculum to allow enough time for student learning, review, and assessment. Demonstrates knowledge of subject matter and students to plan and pace instructional activities over time. Plans to ensure access to challenging, diverse, academic content for most students to learn at their own pace.	Organizes curriculum to allow enough time for student learning, review, and assessment. Applies knowledge of subject matter and students to plan and pace instructional activities over time. Plans to ensure access to challenging, diverse, academic content for all students. Provides opportunities for all students to learn at their own pace.	Learning sequences are responsive to the needs of individual students and promotes understanding of complex concepts. Plans are comprehensive and cohesive across content areas.	
<i>Modifying instructional plans to adjust for student needs</i> 4.5	Instructional plans are not modified, in spite of evidence that modifications would improve student learning.	Inconsistently adjusts lessons based on informal assessment of student understanding and performance from previous lesson, having taken note of student confusion.	Adjusts plans in advance to accommodate levels of ability and interests of most students. Makes modifications during lessons to address confusions and individual student performance.	Uses assessments to modify lessons in advance. Throughout the learning activity, assessments of student understanding are used to influence changes in instruction.	Uses a wide range of assessments to modify lessons in advance. Makes appropriate modifications for students during lessons and supports students in monitoring and communicating their own understanding.	

### Standard 5: Assessing Student Learning

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<p><i>Establishing and communicating learning goals for all students</i></p> <p style="text-align: right;">5.1</p>	Does not use adopted curriculum materials to establish learning goals for students that reflect the key subject matter concepts, skills, and applications. Students are unaware of learning goals.	Inconsistently uses adopted material to establish learning goals for students that reflect the key subject matter concepts, skills, and applications. Some students are aware of learning goals.	Uses subject matter standards from district, state, and other sources to guide establishment of learning goals for all students that reflect the key subject matter concepts, skills, and applications. Clearly communicates learning goals to students and families.	Establishes clear and appropriate goals based on student content standards, with consideration of students' learning needs. Involves students and families in developing individual goals to support learning.	Integrates learning goals into all learning activities. Establishes, reviews and revises learning goals with students and families on an ongoing basis.	
<p><i>Collecting and using multiple sources of information to assess student learning</i></p> <p style="text-align: right;">5.2</p>	The teacher uses no consistent source of information to assess student learning and/or uses assessment strategies that are not appropriate.	The teacher uses limited sources of information to assess student learning and one or more assessment strategies to monitor student progress.	The teacher uses a variety of sources to collect information about student learning and multiple assessment strategies to monitor student progress and inform instruction.	Uses a variety of assessment tools. Collects, selects, and reflects upon evidence to guide short-term and long-term plans and support student learning.	Embeds a wide range of ongoing assessments in instructional activities to provide consistent guidance for planning and instruction.	
<p><i>Involving and guiding all students in assessing their own learning</i></p> <p style="text-align: right;">5.3</p>	The teacher does not encourage students to reflect on or assess their own work.	Provides students with feedback on work in progress, as well as completed tasks. Some student involvement in assessing their own work.	Presents guidelines for assessment to students. Assists students in reflecting on and assessing their own work.	Integrates student self-assessment and reflection into the learning activities. Students engage in some peer assessment of work against criteria.	Engages all students in ongoing self and peer assessment and in monitoring their progress and goals over time.	
<p><i>Using the results of assessment to guide instruction</i></p> <p style="text-align: right;">5.4</p>	Information about student learning is inappropriately or not used by the teacher to plan, guide, or adjust instruction.	Uses information from some assessments to plan learning activities. Checks for understanding with a few students while teaching and addresses confusions.	Uses formal and informal assessments to plan lessons. Regularly checks for understanding from a wide variety of students to identify student needs and modify instruction.	Includes assessments as a regular part of instruction to plan and revise lessons. Identifies student understanding during the lesson using a variety of methods and adjusts teaching to meet student needs.	Uses a wide range of assessments to guide planning and make adjustments to teaching. Embeds broad-based checking for understanding in instruction and is able to modify and redesign lessons as needed.	
<p><i>Communicating with students, families, and other audiences about student progress</i></p> <p style="text-align: right;">5.5</p>	The teacher provides some information about student learning to students, families, and support personnel, but the information is incomplete, unclear, or not timely.	Provides students with information about their current progress as they engage in learning activities. Families and support personnel are contacted as mandated.	Provides students with timely information about their current progress and how to improve their work. Establishes regular communication with families and support personnel.	Engages students, families, and support personnel in regular discussions regarding student progress and improvement plans. Ongoing information is collected from a variety of sources and shared with students, families and support personnel.	Involves students, families, and support personnel as partners in the assessment process. Provides comprehensive information about students' progress and improvement plans to students, families, and support personnel.	

**Rating (Check One):**

- Does Not Meet CSTP       Meets or Exceeds CSTP  
 Progressing Towards CSTP

**Standard 6: Developing as a Professional Educator**

<i>Elements</i>	<b>Does Not Meet CSTP</b>	<b>Progressing Towards CSTP</b>	<b>Meets or Exceeds CSTP</b>			<b>Evidence-Based Rationale for Rating</b>
<i>Reflecting on teaching practice and planning professional development</i> 6.1	Reflects on specific problems or areas of concern in his/her teaching practice, but rarely uses reflection to assess growth over time or to plan professional development.	Reflects on areas of concern in his/her teaching practice, assesses growth in these areas, and may use reflection to plan professional development.	Reflects on the relationship of teaching practice to student learning. Plans professional development based on reflection.	Analyzes and reflects on teaching and learning based on evidence gathered. Plans professional development based on reflections and other resources.	Integrates analysis and reflection into daily practice based on a wide variety of evidence in relationship to professional growth and student learning. Plans draw on a wide variety of resources to expand knowledge.	
<i>Establishing professional goals and pursuing opportunities to grow professionally</i> 6.2	Rarely pursues opportunities to develop new knowledge or skills, or to participate in the professional community.	Sets goals considering self-assessment and other feedback. Pursues some opportunities to acquire new knowledge and skills, but infrequently participates in the professional community.	Pursues opportunities to acquire new knowledge and skills and participate in the professional community.	Purposefully pursues opportunities to expand knowledge and skills, and participates in and contributes to the professional community.	Contributes to professional organizations, literature, and development opportunities to extend own teaching practice and that of colleagues. Leads professional development.	
<i>Working with communities to improve professional practice</i> 6.3	Teacher has limited knowledge of students' communities or of how to access them to provide learning experiences for students or to promote collaboration with the school.	Teacher increases their own understanding of the roles of the communities in students' lives. May attend selected community events. Uses some district resources and community resources available through the school.	Identifies and uses appropriate district resources in support of families and student learning. Expands knowledge of, and connections with, the full range of community resources.	Uses knowledge of, and strengthens connections with, local communities' cultures, services, and resources to support student learning.	Promotes school and community collaborations. Provides students with a range of community experiences that benefit students and/or families.	
<i>Working with families to improve professional practice</i> 6.4	The teacher may demonstrate respect for students' families or their backgrounds, but has limited communication with families, and is not sure how to provide opportunities for participation in the classroom or school community.	Communicates with families at reporting periods and school events. Advises families of problems. Recognizes the role of the family in student learning. Invites families to contribute in the classroom.	Regularly communicates student progress in appropriate ways, taking into account the diversity of families. Encourages families to contribute to the classroom and school.	Maintains regular and responsive communication with all families. Provides opportunities for families to actively participate in the classroom and school.	Engages families in a variety of responsive, ongoing, two-way communications in support of student success. Structures a wide range of opportunities for families to contribute to the classroom and school community.	
<i>Working with colleagues to improve professional practice</i> 6.5	Rarely collaborates with colleagues, or seeks out other staff to discuss student needs. Rarely participates in school or district events or learning activities.	Establishes positive working relationship with a few colleagues. Interacts with colleagues to gather resources. Seeks out trusted colleagues to consider solutions to problems with students.	Works constructively with colleagues and support staff to improve student learning and reflect on practice. Collaborates with colleagues to plan curriculum, coordinate resources, and solve problems.	Engages staff in dialogue and reflection to support student learning and teacher growth in responsive and appropriate ways.	Provides opportunities to collaborate with staff to support learning for all students. Provides leadership for, and contributes to, the learning of other educators.	
<i>Balancing professional responsibilities and maintaining motivation</i> 6.6	Does not fulfill professional responsibilities. Does not stay current about professional and legal responsibilities for students' learning, behavior and safety.	Possesses a positive attitude in the classroom. Develops an understanding of professional responsibilities.	Maintains positive attitude, demonstrates understanding of professional responsibilities, and seeks support to balance professional responsibilities with personal needs.	Maintains motivation and commitment to all students, demonstrates professional integrity, and challenges self intellectually and creatively.	Maintains motivation and commitment to all students and the professional community, demonstrates and models professional integrity, and challenges self intellectually and creatively throughout career.	<p><b>Rating (Check One):</b></p> <p><input type="checkbox"/> Does Not Meet CSTP      <input type="checkbox"/> Meets or Exceeds CSTP</p> <p><input type="checkbox"/> Progressing Towards CSTP</p>

Employee \_\_\_\_\_

School Year \_\_\_\_\_

Additional Comments - Employee	Additional Comments - Evaluator

**Recommendations**

**Probationary:**

- \_\_\_\_\_ Continue Probationary Status
- \_\_\_\_\_ Continue Probationary Status with Recommendation for Assistance
- \_\_\_\_\_ Recommend for Permanent Status
- \_\_\_\_\_ Recommend Non-Re-Employment

**Temporary:**

- \_\_\_\_\_ Continue Temporary Status
- \_\_\_\_\_ Continue Temporary Status with Recommendation for Assistance
- \_\_\_\_\_ Recommend Release from Contract

**Permanent:**

- \_\_\_\_\_ Continue Permanent Status
- \_\_\_\_\_ Continue Permanent Status with Mandated Referral to PAR  
\*(2-3 "Does Not Meet CSTP" Ratings)
- \_\_\_\_\_ The next evaluation of this Permanent Employee is deferred to the third school year following the school year of this evaluation<sup>1</sup> \_\_\_\_\_ date \_\_\_\_\_

(Please initial and date above to indicate agreement for Deferral: Administrator & Employee Date )

<sup>1</sup> **Evaluator and Employee must mutually agree to the third year deferral.**

(Additional information may be attached)

Employee's Signature \_\_\_\_\_ Date \_\_\_\_\_

Evaluator's Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Reviewed by \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Reviewed by \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Distribution: Personnel File / Evaluator / Employee

\*Article 10.5 (c)

**F-SUTA  
CONTRACT**

**July 1, 2008 - June 30, 2010**

**FAIRFIELD-SUISUN UNIFIED TEACHERS ASSOCIATION**

**4735 Central Way, Suite C  
Fairfield, California 94534  
(707) 864-6193**

**Fairfield-Suisun Unified School District  
2490 Hilborn Road  
Fairfield, California 94534  
(707) 399-5000**

- c. All documents, communications, and records dealing with the process of a grievance will be filed in a separate file and will not be kept in the personnel file of any of the participants.
- d. The limits for appeal provided in each level shall begin the day following receipt of written decision by the parties. These limits may be extended with the agreement of the parties.
- e. If a grievance arises from action or inaction on the part of a member of the administration at a level above the principal or immediate supervisor, the grievant shall submit such grievance in writing to the Superintendent directly, and the processing of such grievance shall be initiated at Level III. Such Level III grievances must be filed within thirty (30) days after knowledge of the occurrence of the act or omission giving rise to the grievance.
- f. Subject to the appeal of the Association, implementation of any proposed resolution of a grievance at any formal level will take place within five (5) days. If such implementation has not resolved the alleged violation, misapplication or misrepresentation of the contract, the Association will proceed to higher levels of the grievance procedure.

#### **ARTICLE 10 - EVALUATION**

- 10.1 It is understood and agreed by the parties that the principal objective is to maintain and improve the quality of education in the District. It is further understood and agreed that this objective can be more readily achieved by a manifest willingness on the part of the District to assist all certificated unit members, but especially less experienced unit members in improving their professional skills. The District accepts as a fundamental premise for a successful evaluation program, the necessity for mutual respect and confidence to exist between the evaluator and those evaluated. The evaluation process and forms shall not be used as retaliation or as a substitute for discipline.
- 10.2 The evaluation of certificated unit members is based on the California Standards for the Teaching Profession (CSTP). These Standards are also part of the District's Beginning Teacher Support and Assessment Induction Program and the Peer Assistance and Review Program (PAR). An important component of each of these is the understanding that all professionals grow and develop. It is, therefore, expected that all final evaluations will contain individual and personalized suggestions for continued professional development.
- 10.3 Certificated Evaluation Process using CSTP
  - a. This process will be used to evaluate all certificated unit members:
    - 1. Permanent unit members will be evaluated once every two (2) years. Permanent unit members who receive a "Does Not Meet CSTP" or at least

two "Progressing Towards CSTP" ratings on their evaluation may be evaluated in the subsequent year. The formal evaluation of a permanent unit member may be deferred to a third year by mutual agreement with their site administrator. If so, the "once-every-two-year cycle" specified in this paragraph will start over.

2. Probationary unit members will be evaluated at least once a year.
3. Temporary unit members will be evaluated at least once a year.

This section is designed to implement provisions in the Collective Agreement regarding evaluation deferment for Permanent Unit Members and specifies evaluation cycles of all Unit Members. All contract language and timelines concerning the evaluation must be adhered to. In order to agree about the timeline on evaluation and to mitigate potential grievances concerning deferment due to the new evaluation tool and procedures, unit members will be placed on the following evaluation cycle.

Beginning in the 2007-2008 school year:

1. Permanent Unit Members last evaluated **prior to 2005/2006** school year **and** having met with their administrator in accordance with the timeline provisions of Article 10 shall be evaluated this year, 2007/2008. If both of the foregoing provisions have not been met, these unit members shall be evaluated in 2008/2009.
2. Unit Members last evaluated in the 2005/2006 school year shall be evaluated in the 2008/2009 school year.
3. Unit Members last evaluated in the 2006/2007 school year shall be evaluated in the 2009/2010 school year.
4. All Probationary Unit members, Temporary Unit members, and Unit members in the PAR Program shall be evaluated this school year, 2007/2008.

The foregoing provisions then determine the evaluation cycle for all unit members to be implemented according to the Collective Agreement. For Permanent Unit Members, at the conclusion of each successive evaluation, the administrator and the unit members may agree to mutually defer the next evaluation to the third year cycle as stated in Article 10. 3.a.1.

This subsection sunsets on June 30, 2010.

4. At the request of the Association, the timeline for a grievance dealing with a unit member's evaluation will continue from the end of the period of service in which the evaluation was received, until the beginning of the following period of service.



5. "Evidence" shall be the measure supporting a rating by an evaluator of a unit member on the approved observation and evaluation forms. Evidence shall be a unit member's Observation Forms, the items listed in 10.4.e and other objective measures of assessment that relate to the CSTP Standard being observed or evaluated.
  6. Consulting Teachers (PAR Program, Article 14) shall be evaluated according to the guidelines in Article 14.6.c.
  7. For modifications to the evaluation cycle, see Appendix Z.
- b. Individual or school site unit member trainings to include all unit members will begin within the first twenty (20) days of the unit member's work year and total 120 minutes of training by March 10. Unit members will be evaluated upon the Standards on the form "Certificated Personnel Evaluation Form, Appendix P." All certificated unit members will be provided with copies of the CSTP: California Standards for the Teaching Profession (most recent edition), which provides detailed information regarding the components of each Standard.
  - c. Probationary and temporary unit members will be evaluated on all six (6) CSTP Standards. Documentation provided by the unit member (Probationary, Temporary or Permanent) to include, but not be limited to, that mentioned in 10.3(e)(5) shall be a part of the evaluation of Standard Six (6).
  - d. At least two (2) formal observations, one scheduled, and the other may be scheduled or unscheduled, will be held during a unit member's evaluation year to observe unit members using only the District's Certificated Personnel Observation Form (Appendix O). These formal observations will be at least thirty (30) minutes in length. These formal observations may take place any time a certificated unit member is performing within the scope of his/her classroom duties. The number, frequency and duration of observations may vary with the requirements imposed by the type of class, the needs of the teacher, and individual situation. Formal observations may be preceded by a pre-conference and must be followed with a post-conference between the unit member and the evaluator.
  - e. The authorized components of data to validate the CSTP include formal classroom observations and:
    1. Observations of less than 30 minutes
    2. Classroom walk-throughs
    3. Lesson plans as designed by the classroom teacher
    4. Observation of report cards and progress reports
    5. Records of professional development activities as provided by the teacher (Such documentation shall be a part of the evaluation of Standard 6).

Standardized test scores shall not be used as evaluation data.

- f. Following each formal observation, the unit member will receive written feedback from the evaluator no less than three (3) workdays prior to the post-observation conference. In addition, post observation conferences must be held no later than ten (10) workdays following the formal observation. The unit member shall have the right to comment and have those comments affixed to the said observation report. Additionally, the administrator and the unit member may mutually agree to add or modify comments to the observation form at the time of the post-observation conference.
- g. The unit member will receive written final evaluation report from the evaluator no less than five (5) workdays prior to the unit member/evaluator conference. A final evaluation report in writing and unit member/evaluator conference will be held at least thirty (30) workdays prior to the last workday of the unit member in the school year in which the evaluation took place. In completing the final report, the evaluator will consider the overall performance in the Standards selected in the initial conference when determining an evaluation rating.
- h. The principal will have the primary responsibility for observations and filing of observation reports. The principal may assign another on-site administrator these duties.
  - 1. If another onsite administrator is assigned as the primary evaluator, his/her signature shall appear on both the observation report(s) and evaluation. The unit member shall be notified of this assignment change in writing.
  - 2. If a designated evaluator is used by the primary evaluator, both signatures shall appear on the observation report(s) and evaluation. The primary evaluator shall use no more than two (2) designated evaluators during the course of the school year.

Additional Observation(s)

- 3. A unit member may request other observations to be conducted by members of the administration (requested to be either on-site or off-site) other than the designated primary administrator. The additional observation(s) shall be evidence used to determine a unit member's final evaluation.
  - i. For each required observation conducted pursuant to section 10.3.d, a permanent unit member may request and shall receive one (1) additional observation. The permanent unit member may request that such observation(s) be conducted by members of the administration other than the designated primary administrator, including administrators not assigned to the unit member's work location. Such request must be in writing, and made within seven (7) work days of the date of the post-observation conference. The additional observation

shall be conducted within twenty (20) work days of the request. The time lines specified in section 10.4.a.2 and 10.4.a.3 shall not apply to any such additional observation(s). The additional observation(s) shall be evidence used to determine a unit member's final evaluation.

4. No unit member shall evaluate another unit member.

#### 10.4 Conference/Evaluation Timeline

##### a. Permanent Unit Member

1. Initial conferences for permanent unit members to select the Standards for evaluation shall be held within the first twenty-five work (25) days of the school year. No formal observation shall be conducted in the two (2) weeks after the initial conference.
  - i. Permanent unit members will be evaluated on only three (3) CSTP Standards according to the following: Within the first twenty-five (25) work days of the unit member's work year, the evaluator selects one (1) Standard; the unit member selects one (1) Standard. Additionally, all unit members will be evaluated on Standard 6, "Developing as a Professional Educator."
  - ii. The selection of Standards by the evaluator and the unit member shall be made on the Evaluation Standards Selection form, Appendix N. A copy shall be provided to the unit member and the original copy of this form shall become a part of the Permanent unit member's evaluation form.
2. There must be no less than four (4) weeks between an observation post-conference and the next formal observation.
3. There must be no less than four (4) weeks between the last post observation conference and the final evaluation conference. The final written evaluation shall be received no less than five (5) work days before the evaluation conference.
4. The final evaluation conference must be held no later than thirty (30) days prior to end of the unit member's work year.

##### b. Probationary/Temporary Unit Members

1. A probationary/temporary unit member's first formal observation must be held within the first six (6) weeks of the unit member's work year.

2. There must be no less than four (4) weeks between a post observation conference and the next formal evaluation conference.
3. There must be no less than four (4) weeks between the last post observation conference and the final evaluation conference. The final written evaluation shall be received no less than five (5) work days before the evaluation conference.
4. The final evaluation conference must be held no later than thirty (30) days prior to the end of the work year.

Referrals to the PEER Assistance and Review Program (PAR)

10.5 Using the CSTP Standards, unit members of permanent status shall be referred to the Peer Assistance and Review Program (PAR) as follows:

- a. Zero (0) or one (1) “Does Not Meet CSTP” ratings on the three identified Standards shall result in no referral to PAR.
- b. Two (2) “Does Not Meet CSTP” ratings on both the unit member chosen Standard and the administrator chosen Standard of the three identified Standards shall result in a referral to PAR as a “Voluntary Participating” teacher. The unit member must complete the process, but no records are kept and no legal provisions of the California PAR provisions have effect. If in the next consecutive evaluation, the unit member receives fewer than two (2) “Does Not Meet CSTP” ratings there shall be no referral to PAR.
- c. Three (3) “Does Not Meet CSTP” ratings on the three identified Standards shall result in mandatory referral to and participation in PAR. If in the next consecutive evaluation, the unit member receives fewer than two (2) “Does Not Meet CSTP” ratings there shall be no referral to PAR.
- d. “Does Not Meet CSTP” Evaluation Rating
  1. For a unit member to receive a “Does Not Meet CSTP” rating on a Standard, at least three (3) of the elements in that Standard must be marked “Does Not Meet CSTP” based on validating evidence.

10.6 Bilateral Joint Committee

- a. The success and effectiveness of the evaluation process is dependent upon appropriate, joint bilateral training provided by the Association and the District. The District and the Association agree to establish and operate jointly a bilateral Evaluation Committee. This committee’s purpose is to design and implement a training program relating to the evaluation program; process, form and language. The Evaluation Committee (outlined in 10.6.b) shall set up a schedule of training.

- b. The Evaluation Committee will consist of three (3) unit members, two (2) site principals, and one (1) district office administrator and will monitor and determine the content of the training and needs to support the Evaluation Program. Unit members of the Evaluation Committee shall be selected by F-SUTA. Management members of the Evaluation Committee shall be selected by F-SUSD.
- c. The Association shall identify one (1) unit member for each elementary school, two (2) for middle school and three (3) for high school, at each school site, to work in conjunction with the site principal to train and provide assistance to unit members during the work day regarding program, process, forms and contract language.
- d. The administrators and unit members identified in section 10.6.c. shall attend four (4) hours of joint training regarding the evaluation program process, forms and contract language, to be conducted jointly by the Association and the District. This training will be provided within the contracted workday of the unit members.
- e. Administration and unit members identified in section 10.6.c. shall provide a total of two (2) hours of training at their individual school site regarding the evaluation program process, forms and contract language. This training will be provided within the contracted workday of the unit members as per Article 19. The two (2) hours of training need not be consecutive. The bilateral Evaluation Committee will determine the content of the training. Training must begin within the first twenty (20) days of the unit member's work year and total one hundred and twenty (120) minutes prior to March 10 of the same work year.
- f. The District shall provide an additional three (3) hours of training to Administrators regarding the evaluation program process, forms and contract.
- g. The committee can make no changes in the evaluation process as outlined in this Agreement. The committee may make recommendations to the Association and the District regarding the evaluation process.

#### **ARTICLE 11 - PERSONNEL FILES**

- 11.1 There shall be a single personnel file for each unit member. Personnel files shall be kept in the central administrative office of the District.
- 11.2 Materials in the personnel file of a unit member, except as noted below, shall be made available for inspection by the unit member involved. Upon written authorization signed by the unit member, an Association representative may review the unit member's file or accompany the unit member in his/her review of the file. Material which may be excluded from inspection shall be limited to ratings, reports or records which:

- a. Were obtained prior to the employment of the unit member involved.
- b. Were prepared by identifiable examination committee members.
- c. Were obtained in connection with a promotional examination.

Unit members shall have the right to inspect and obtain a copy of personnel file materials upon request.

- 11.3 Information of a derogatory nature, except material excluded in accordance with Section 11.2 above, shall not be entered or filed unless and until the unit member is given notice and an opportunity to review and comment thereon. A unit member shall have the right to enter, and have attached to any such derogatory statement, his/her own comments thereon. Such review, and any reasonable preparation of comments in response to the material and/or statement, shall take place during normal business hours. The unit member shall be released from duty for a maximum of one-half (1/2) day per review without salary reduction. If the unit member alleges that the material is false or based on unsubstantiated information or rumor from any unidentified source, a grievance may be initiated to determine the validity of such material. If such material is determined to be false or based on unsubstantiated information or rumor from an unidentified source, it shall be removed.

In the event the District fails to comply with the provisions of this section, such material shall not be allowed as evidence in any disciplinary action against the unit member or used by the District in any grievance filed by the unit member.

- 11.4 All material placed in a unit member's personnel file shall be dated and signed by the person who caused the material to be prepared.
- 11.5 Access to a unit member's personnel file shall be limited to a "need to know" basis. Access authorization must be obtained from either the Superintendent or Assistant Superintendent/Human Resources. The contents of all personnel files shall be kept in strictest confidence. The District shall keep a log indicating the persons who have requested a personnel file. Such log shall be available for examination by the unit member or their authorized Association representative.

## **ARTICLE 12 - PARENT COMPLAINTS**

A parent complaint is defined as the parent or guardian's expression of dissatisfaction or concern over the actions of a unit member which is related to the welfare of the parent's or guardian's child or children enrolled in said unit member's class or under his/her supervision. Parent complaints shall not address the unit member's instruction of the District-adopted curriculum within the unit member's assignment. The individual charging the complaint shall hereafter be referred to as the individual complainant. The complaint shall only be considered if the event that initiated the complaint took place within the preceding twenty five (25) workdays. The resolution of complaints made during the last twenty five (25) workdays prior to the unit member's vacation may, at the option of the unit member, be suspended for the period of



Fairfield-Suisun Unified School District

"Our Mission is to Provide a Quality Educational System that Assures Opportunities for Every Student to Learn and Meet the Challenges of the Future"

Copy 1 - Personnel File
Copy 2 - Evaluator
Copy 3 - Employee

Permanent Certificated Personnel Evaluation Standards Selection Form

(Reference: Collective Bargaining Agreement, Article 10)

Employee: \_\_\_\_\_

Evaluator: \_\_\_\_\_

Grade/Subject Area(s): \_\_\_\_\_

Position: \_\_\_\_\_

School Year: \_\_\_\_\_ Site/Location \_\_\_\_\_

Date: \_\_\_\_\_

Directions for Use:

- 1) Permanent unit members will be evaluated on only three (3) CSTP Standards according to the following: Within the first twenty-five (25) work days of the unit member's work year, the evaluator selects one (1) Standard; the unit member selects one (1) Standard. Additionally, all unit members will be evaluated on Standard 6, "Developing as a Professional Educator." The selection of Standards by the evaluator and the unit member shall be made on this form. A copy shall be provided to the unit member and this original copy of this form shall become a part of the Permanent unit member's evaluation form. [Reference: Article 10.4.a, Section 1(i) thru 1(ii)]
2) The evaluator and the permanent unit member in accordance with Direction 1 above must each select on the line below, a CSTP Standard upon which the unit member will be evaluated in the year cited on this form and then each must date and sign the form. A copy of the form shall be given to the unit member and this original shall become a part of the final evaluation document.

CSTP Standard Selected By Permanent Employee:

CSTP Standard Selected By Evaluator:

Standard \_\_\_\_\_

Standard \_\_\_\_\_

Permanent Employee's Signature \_\_\_\_\_

Date \_\_\_\_\_

Evaluator's Signature \_\_\_\_\_

Date \_\_\_\_\_

July 2007 (Created 7/1/07)



Fairfield-Suisun Unified School District

"Our Mission is to Provide a Quality Educational System that Assures Opportunities for Every Student to Learn and Meet the Challenges of the Future"

Certificated Personnel Observation Form

(Reference: Collective Bargaining Agreement, Article 10)

Employee: \_\_\_\_\_

Evaluator: \_\_\_\_\_

Grade/Subject Area(s): \_\_\_\_\_

Position: \_\_\_\_\_

School Year: \_\_\_\_\_ Site/Location \_\_\_\_\_

Date: \_\_\_\_\_

\*Standard Selected by the Evaluator \_\_\_\_\_

\*Standard Selected by the Unit Member \_\_\_\_\_

Status:     \_\_\_ Temporary     \_\_\_ Probationary-Zero     \_\_\_ First-Year Probationary     \_\_\_ Second-Year Probationary     \_\_\_ Permanent

Directions for Use:

- 1) During the first twenty (20) days of the unit member's work year, the administrator will convene an individual or School Site Staff meeting in order to discuss the evaluation process and standards, and distribute the *most recent version of the California Standards for the Teaching Profession: A Description of Professional Practice for California Teachers* to all certificated teachers. The Standards and elements of the California Standards for the Teaching Profession will be discussed in relationship to the FSUSD Observation and Evaluation Rubric. Examples of evidence-based evaluations will be provided. Staff will discuss the process and an opportunity to ask questions will be provided. (Reference: Article 10.3, Section b)
- 2) The authorized components of data to validate the CSTP include not only formal observations, but may also include observations of less than thirty minutes, classroom walkthroughs, lesson plans as designed by the classroom teacher, observation of report cards and progress reports, and records of professional development activities as provided by the teacher. (Reference: Article 10.3, Section e)
- 3) The attached FSUSD Observation and Evaluation Rubric will be used to provide meaningful feedback and to serve as a source for discussion. Evidence based comments will be provided. Following each formal observation, the unit member will receive written feedback no less than three (3) workdays prior to the post observation conference. A post observation conference will be held no later than ten (10) workdays following the formal observation. (Reference: Article 10.3, Section f)
- 4) *Permanent*, Probationary and Temporary unit members will be observed using this form at least *two* times throughout the course of the school year. (Reference: Article 10.3, Section d)

\*Applies to Permanent Unit Members ONLY



**Standard 1: Engaging and Supporting All Students In Learning**

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence	Conference Notes
<p><i>Connecting students' prior knowledge, life experience, and interests with learning goals</i></p> <p>1.1</p>	<p>Makes no connections between the learning goals and the students' prior knowledge, life experiences and interests. Does not elicit students' questions or comments during a lesson.</p>	<p>Attempts to open lesson to engage students' attention and interest. Asks some questions that elicit students' prior knowledge, life experiences and interest. Some connections are made to learning goals and objectives of the lesson.</p>	<p>Implements activities and elicits questions that help students make connections between what they already know and the learning goals and objectives.</p>	<p>Uses questions and activities to extend students' abilities to integrate what they know with the learning goals and objectives. Makes adjustments during lesson to ensure that all students meet the learning goals.</p>	<p>Creates a context for students to synthesize learning goals and objectives with what they know and develop their own complementary learning goals.</p>		
<p><i>Uses a variety of instructional strategies and resources to respond to students' needs</i></p> <p>1.2</p>	<p>Uses instructional strategies that lack variety, are poorly carried out, or are inappropriate to the students or to the instructional goals. No adjustments are made to respond to students' needs.</p>	<p>Uses a few instructional strategies. Delivers instruction with available resources and materials. Makes minimal adjustments to respond to students' needs.</p>	<p>Elicits student participation through a variety of instructional strategies intended to match students' academic and linguistic needs. Checks for student understanding.</p>	<p>Uses a repertoire of strategies and resources. Selects and differentiates learning to accommodate students' diverse learning styles.</p>	<p>Uses extensive repertoire of strategies to meet students' diverse academic and linguistic needs and ensure fullest participation and learning for all students.</p>		
<p><i>Facilitating learning experiences that promote autonomy, interaction and choice</i></p> <p>1.3</p>	<p>Directs learning experiences, permitting no student autonomy, interaction, or choice.</p>	<p>Directs learning experiences through whole group and individual work with limited possibilities for interaction and choice.</p>	<p>Provides learning experiences utilizing individual and group structures to develop autonomy and group participation skills. Students make choices about and within their work.</p>	<p>Uses a variety of learning experiences to assist students in developing independent working skills and group participation skill. Supports students in making appropriate choices for learning.</p>	<p>Integrates a variety of challenging learning experiences that develop students' independent learning, collaboration, and choice.</p>		
<p><i>Engaging students in problem solving, critical thinking, and other activities that make subject matter meaningful</i></p> <p>1.4</p>	<p>Provides no learning opportunities for students to engage in problems solving, analysis, or critical thinking activities.</p>	<p>Provides limited learning opportunities for students to engage in problem solving within subject matter areas. Asks some critical thinking questions to relate facts and key concepts of subject matter.</p>	<p>Engages students through activities and questioning strategies that develop skills in identification and understanding of key concepts and issues. Supports students in problem posing and problem solving.</p>	<p>Engages students in analysis of key concepts and facts through activities and questions that consider multiple perspectives. Supports students to initiate problem posing, problem solving, and inquiry.</p>	<p>Facilitates regular opportunities for students to design and implement inquiries and problem solving to analyze content and draw conclusions, considering multiple perspectives with and across subject matter.</p>		
<p><i>Promoting self-directed, reflective learning for all students</i></p> <p>1.5</p>	<p>Provides no opportunities for students to initiate their own learning or to monitor their own work.</p>	<p>Provides limited opportunities for students to monitor their own work and to reflect on the process and their progress.</p>	<p>Supports students in developing skills needed to monitor their own learning. Students have opportunities to reflect on the process and their progress.</p>	<p>Structures learning activities that enable students to set goals and develop strategies for demonstrating, monitoring, and reflecting on the process and their progress.</p>	<p>Facilitates students to initiate learning goals and set criteria for demonstrating and evaluating work. Students reflect on the process and their progress as a regular part of learning experiences.</p>		

## Standard 2: Creating and Maintaining an Effective Environment for Student Learning

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence	Conference Notes
<i>Creating a physical environment that engages all students</i> 2.1	The physical environment does not support student learning. Movement and access may be restricted by barriers. Materials are difficult to access when needed.	Arranges room for teacher accessibility or visibility of students. Manages room for easy movement and access to resources. Room displays relate to the curriculum.	Designs movement patterns and access to resources to promote individual and group engagement. Room displays are used in learning activities.	Designs and manages room and resources to accommodate students' needs and involvement in learning. Displays are integral to learning activities.	Uses total physical environment as a resource to promote individual and group learning. Students are able to contribute to the changing design of the environment.		
<i>Establishing a climate that promotes fairness and respect</i> 2.2	Does not model fairness, equity, caring, and respect in the classroom. Is unaware of impolite and disrespectful behavior. Allows inappropriate attitudes and behaviors among students. Response to inappropriate behavior is unfair or inequitable.	Builds caring, friendly rapport with most students. Models equitable and respectful relationships. Has some strategies to respond to unfairness and disrespect.	Promotes caring and respectful interactions. Responds to incidents of unfairness and disrespect equitably. Encourages students to respect differences.	Maintains caring, respectful, and equitable relationships with students. Supports students in developing skills to respond to inequity and disrespect.	Fosters a safe, inclusive, and equitable learning community. Students participate in maintaining a climate of equity, caring and respect and may initiate creative solutions to conflicts.		
<i>Promoting social development and group responsibility</i> 2.3	Does not support students' social development, self-esteem, and diversity. Students have no sense of responsibility for each other.	Uses some strategies and activities to develop students' individual responsibility and recognition of others rights and needs. Students share in classroom responsibilities. Recognizes student diversity but does not promote acceptance or respect.	Promotes positive student interactions as members of large and small groups. Provides some opportunities for student leadership within the classroom. Promotes acceptance and respect for different experiences, ideas, backgrounds, feelings, and point of view.	Engages students in individual and group work that promotes responsibility to the classroom community. Supports students to take initiative in classroom leadership.	Facilitates an environment in which students take initiative socially and academically. Promotes and supports student leadership beyond the classroom.		
<i>Establishing and maintaining standards for student behavior</i> 2.4	No standards for behavior appear to have been established, or students are confused about what the standards are.	Establishes basic standards for behavior. Response to student behavior is generally appropriate.	Uses strategies that prevent or lessen disruptive behavior and reinforce expectations for behavior. Monitors behavior while teaching and during student work time.	Equitably reinforces expectations and consequences and supports students to monitor their own behavior and each other's behavior in a respectful way.	Facilitates a positive environment in which students are guided to take a strong role in monitoring their own behavior and each other's behavior in a respectful way.		
<i>Planning and implementing classroom procedures and routines that support student learning</i> 2.5	Has not established and/or enforced classroom procedures and routines.	Develops procedures and routines. Assists students to learn routines and procedures for most activities.	Establishes and maintains procedures and routines. Supports and monitors students in procedures and routines appropriate for learning activities.	Assists and encourages students in developing and maintaining equitable routines and procedures.	Assists and encourages all students in developing and internalizing equitable routines and procedures. Students show ownership of routines and procedures.		
<i>Using instructional time effectively</i> 2.6	Learning activities are not appropriately paced. Poor transitions result in lost instructional time.	Provides time for students to complete learning activities. Develops some routines for classroom business and most transitions are timely.	Provides adequate time for presentation and for completion of learning activities. Paces instruction and classroom business to maintain engagement. Uses transitions to support engagement of all students.	Paces instruction to include ongoing review and closure of lessons to connect them to future lessons. Classroom business and transitions are efficient and integrated into learning activities.	Presents, adjusts and facilitates instruction and daily activities so all students have time for learning, are continually engaged, and have opportunities for reflection and assessment. Supports students to self-monitor time on task.		

### Standard 3: Understanding and Organizing Subject Matter for Student Learning

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence	Conference Notes
<i>Demonstrating knowledge of subject matter and student development</i> 3.1	Basic knowledge of subject matter and student development is not always evident or current. Does not adequately support students' learning of key concepts.	Has working knowledge of subject matter and student development. Promotes an understanding of key concepts.	Communicates key concepts, skills, and themes in an accurate, clear, and coherent manner. Plans and builds on instruction with students' cognitive and linguistic abilities in mind.	Uses expanded knowledge of subject matter to support student understanding of key concepts, themes, multiple perspectives, and relationships in subject area(s). Activities are suitable for students' cognitive development.	Flexibly uses comprehensive knowledge of subject matter and student development to ensure that all students understand key concepts, themes, multiple perspectives, and relationships in and among subject area(s).		
<i>Organizing curriculum to support student understanding of subject matter</i> 3.2	The curriculum is not organized and does not adequately demonstrate concepts, themes and skills. Rarely supports different perspectives or students' understanding of core concepts.	Uses knowledge of subject matter to promote students' understanding of key concepts, skills, and standards taught. May connect key concepts to standards and frameworks.	Identifies key concepts, skills, and units/themes to facilitate student understanding and reflect standards and frameworks.	Organizes and sequences subject matter clearly to coordinate core curriculum and content standards within and across subject matter as appropriate.	Designs and adapts subject matter to demonstrate a consistent in-depth student understanding of content and relationships among various concepts and themes. Content standards are fully integrated in the core curriculum.		
<i>Interrelating ideas and information within and across subject matter</i> 3.3	Presents curriculum without identifying or integrating key concepts and information, or does not relate content to previous learning in order to support students' understanding.	Focuses on core curriculum and skills. Attempts to relate content to prior lessons within the subject matter.	Connects key concepts, skills, and themes within subject matter to the standards. Builds on prior lessons and students' backgrounds.	Integrates key concepts, skills, and underlying themes within and across curriculum to support standards. Capitalizes on opportunities to make connections while teaching.	Connects key concepts and underlying themes within and across the curriculum to extend in-depth learning for all students. Supports students' application of cross-curricular learning.		
<i>Developing student understanding through instructional strategies that are appropriate to subject matter</i> 3.4	Does not appropriately match instructional strategies to subject matter content or concepts. Does not encourage students to think critically or to extend their knowledge.	Uses a few instructional strategies to make the content accessible to students. Makes some attempt to encourage students to think critically.	Matches strategies appropriate to subject matter to encourage student understanding and critical thinking. Strategies utilize students' interests and backgrounds.	Develops and uses multiple strategies that challenge all students. Assists students to individually construct their own knowledge and think critically.	Uses a repertoire of instructional strategies that are appropriate to subject matter. Utilizes strategies that challenge and support all students to independently apply and think critically about the subject matter.		
<i>Using materials, resources, and technologies to make subject matter accessible to students</i> 3.5	Instructional materials, resources and technologies are not used appropriately. Materials do not accurately reflect diverse perspectives.	Uses available instructional materials, resources, and technologies to present concepts and skills. Some materials and resources reflect students' diversity. Develops some systems to provide equitable access to resources.	Selects and utilizes appropriate relevant instructional materials, resources, and technologies to present concepts and skills. Materials reflect linguistic diversity of students. Resources are made available to all students.	Selects, adapts and creates a range of relevant materials, resources, and technologies to enrich learning, to reflect linguistic and cultural diversity of students, and to provide for equal access.	Analyzes, adapts, and creates a wide range of relevant instructional materials, resources, and technologies to extend students' understanding and provide equal access. Materials reflect diversity beyond the classroom.		

### Standard 4: Planning Instruction and Designing Learning Experiences for All Students

<i>Elements</i>	<b>Does Not Meet CSTP</b>	<b>Progressing Towards CSTP</b>	<b>Meets or Exceeds CSTP</b>			<b>Evidence</b>	<b>Conference Notes</b>
<i>Drawing on and valuing students' backgrounds, interests, and developmental learning needs</i> 4.1	Instructional plans do not match or reflect students' backgrounds, experiences, interests, and developmental needs, and do not support students' learning.	Develops and gathers materials to supplement available resources. Most lessons acknowledge students' prior knowledge, interests and learning needs.	Develops lessons that incorporate students' prior knowledge, interests, instructional, and linguistic learning needs.	Uses a wide range of materials to access and build upon students' prior knowledge, interests, instructional and linguistic needs to extend student understanding.	Designs instruction to build on students' prior knowledge, instructional needs, linguistic needs, and diversity to challenge all students.		
<i>Establishing and articulating goals for student learning</i> 4.2	Instructional goals are not established or do not address students' language, experiences or school expectations. Expectations for students are low or unrealistic.	Communicates expectations for student learning in most lessons. Has inconsistent expectations for students.	Articulates and links goals to instructional activities. Goals are appropriately challenging for most students and represent valuable learning. Expectations for students are generally high.	Ensures that students understand and reflect upon short-term and long-term learning goals. Goals reflect high expectations and challenge students at their level.	Articulates short-term and long-term goals with high expectations for learning. Designs activities so that students have opportunities to participate in setting, revising, and achieving personal goals.		
<i>Developing and sequencing instructional activities and materials for student learning</i> 4.3	Instructional activities and materials are not appropriate to the students or the instructional goals do not engage students in meaningful learning. Activities are not logically sequenced.	Develops some concepts and skills through a series of lessons that are connected and consider student linguistic and instructional needs.	Plans appropriately sequenced instruction and use of materials to promote student understanding of basic concepts and skills. Considers student linguistic and instructional needs.	Develops and sequences lessons to make connections within and across subject matter areas.	Sequences instruction to help students synthesize and apply new knowledge.		
<i>Designing short-term and long-term plans to foster student learning</i> 4.4	Individual lesson plans have little or no recognizable organization or connection to adopted curriculum. Demonstrates limited knowledge of subject matter and students to plan and pace instructional activities over time. Does not plan to ensure access to challenging, diverse, academic content for all students.	Ineffectively organizes curriculum to allow enough time for student learning, review and assessment. Neglects to provide opportunities for all students to learn at their own pace.	Organizes most of the curriculum to allow enough time for student learning, review, and assessment. Demonstrates knowledge of subject matter and students to plan and pace instructional activities over time. Plans to ensure access to challenging, diverse, academic content for most students to learn at their own pace.	Organizes curriculum to allow enough time for student learning, review, and assessment. Applies knowledge of subject matter and students to plan and pace instructional activities over time. Plans to ensure access to challenging, diverse, academic content for all students. Provides opportunities for all students to learn at their own pace.	Learning sequences are responsive to the needs of individual students and promotes understanding of complex concepts. Plans are comprehensive and cohesive across content areas.		
<i>Modifying instructional plans to adjust for student needs</i> 4.5	Instructional plans are not modified, in spite of evidence that modifications would improve student learning.	Inconsistently adjusts lessons based on informal assessment of student understanding and performance from previous lesson, having taken note of student confusion.	Adjusts plans in advance to accommodate levels of ability and interests of most students. Makes modifications during lessons to address confusions and individual student performance.	Uses assessments to modify lessons in advance. Throughout the learning activity, assessments of student understanding are used to influence changes in instruction.	Uses a wide range of assessments to modify lessons in advance. Makes appropriate modifications for students during lessons and supports students in monitoring and communicating their own understanding.		

### Standard 5: Assessing Student Learning

<i>Elements</i>	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence	Conference Notes
<i>Establishing and communicating learning goals for all students</i>  5.1	Does not use adopted curriculum materials to establish learning goals for students that reflect the key subject matter concepts, skills, and applications. Students are unaware of learning goals.	Inconsistently uses adopted material to establish learning goals for students that reflect the key subject matter concepts, skills, and applications. Some students are aware of learning goals.	Uses subject matter standards from district, state, and other sources to guide establishment of learning goals for all students that reflect the key subject matter concepts, skills, and applications. Clearly communicates learning goals to students and families.	Establishes clear and appropriate goals based on student content standards, with consideration of students' learning needs. Involves students and families in developing individual goals to support learning.	Integrates learning goals into all learning activities. Establishes, reviews and revises learning goals with students and families on an ongoing basis.		
<i>Collecting and using multiple sources of information to assess student learning</i>  5.2	The teacher uses no consistent source of information to assess student learning and/or uses assessment strategies that are not appropriate.	The teacher uses limited sources of information to assess student learning and one or more assessment strategies to monitor student progress.	The teacher uses a variety of sources to collect information about student learning and multiple assessment strategies to monitor student progress and inform instruction.	Uses a variety of assessment tools. Collects, selects, and reflects upon evidence to guide short-term and long-term plans and support student learning.	Embeds a wide range of ongoing assessments in instructional activities to provide consistent guidance for planning and instruction.		
<i>Involving and guiding all students in assessing their own learning</i>  5.3	The teacher does not encourage students to reflect on or assess their own work.	Provides students with feedback on work in progress, as well as completed tasks. Some student involvement in assessing their own work.	Presents guidelines for assessment to students. Assists students in reflecting on and assessing their own work.	Integrates student self-assessment and reflection into the learning activities. Students engage in some peer assessment of work against criteria.	Engages all students in ongoing self and peer assessment and in monitoring their progress and goals over time.		
<i>Using the results of assessment to guide instruction</i>  5.4	Information about student learning is inappropriately or not used by the teacher to plan, guide, or adjust instruction.	Uses information from some assessments to plan learning activities. Checks for understanding with a few students while teaching and addresses confusions.	Uses formal and informal assessments to plan lessons. Regularly checks for understanding from a wide variety of students to identify student needs and modify instruction.	Includes assessments as a regular part of instruction to plan and revise lessons. Identifies student understanding during the lesson using a variety of methods and adjusts teaching to meet student needs.	Uses a wide range of assessments to guide planning and make adjustments to teaching. Embeds broad-based checking for understanding in instruction and is able to modify and redesign lessons as needed.		
<i>Communicating with students, families, and other audiences about student progress</i>  5.5	The teacher provides some information about student learning to students, families, and support personnel, but the information is incomplete, unclear, or not timely.	Provides students with information about their current progress as they engage in learning activities. Families and support personnel are contacted as mandated.	Provides students with timely information about their current progress and how to improve their work. Establishes regular communication with families and support personnel.	Engages students, families, and support personnel in regular discussions regarding student progress and improvement plans. Ongoing information is collected from a variety of sources and shared with students, families and support personnel.	Involves students, families, and support personnel as partners in the assessment process. Provides comprehensive information about students' progress and improvement plans to students, families, and support personnel.		

## Standard 6: Developing as a Professional Educator

<i>Elements</i>	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence	Conference Notes
<i>Reflecting on teaching practice and planning professional development</i> 6.1	Reflects on specific problems or areas of concern in his/her teaching practice, but rarely uses reflection to assess growth over time or to plan professional development.	Reflects on areas of concern in his/her teaching practice, assesses growth in these areas, and may use reflection to plan professional development.	Reflects on the relationship of teaching practice to student learning. Plans professional development based on reflection.	Analyzes and reflects on teaching and learning based on evidence gathered. Plans professional development based on reflections and other resources.	Integrates analysis and reflection into daily practice based on a wide variety of evidence in relationship to professional growth and student learning. Plans draw on a wide variety of resources to expand knowledge.		
<i>Establishing professional goals and pursuing opportunities to grow professionally</i> 6.2	Rarely pursues opportunities to develop new knowledge or skills, or to participate in the professional community.	Sets goals considering self-assessment and other feedback. Pursues some opportunities to acquire new knowledge and skills, but infrequently participates in the professional community.	Pursues opportunities to acquire new knowledge and skills and participate in the professional community.	Purposefully pursues opportunities to expand knowledge and skills, and participates in and contributes to the professional community.	Contributes to professional organizations, literature, and development opportunities to extend own teaching practice and that of colleagues. Leads professional development.		
<i>Working with communities to improve professional practice</i> 6.3	Teacher has limited knowledge of students' communities or of how to access them to provide learning experiences for students or to promote collaboration with the school.	Teacher increases their own understanding of the roles of the communities in students' lives. May attend selected community events. Uses some district resources and community resources available through the school.	Identifies and uses appropriate district resources in support of families and student learning. Expands knowledge of, and connections with, the full range of community resources.	Uses knowledge of, and strengthens connections with, local communities' cultures, services, and resources to support student learning.	Promotes school and community collaborations. Provides students with a range of community experiences that benefit students and/or families.		
<i>Working with families to improve professional practice</i> 6.4	The teacher may demonstrate respect for students' families or their backgrounds, but has limited communication with families, and is not sure how to provide opportunities for participation in the classroom or school community.	Communicates with families at reporting periods and school events. Advises families of problems. Recognizes the role of the family in student learning. Invites families to contribute in the classroom.	Regularly communicates student progress in appropriate ways, taking into account the diversity of families. Encourages families to contribute to the classroom and school.	Maintains regular and responsive communication with all families. Provides opportunities for families to actively participate in the classroom and school.	Engages families in a variety of responsive, ongoing, two-way communications in support of student success. Structures a wide range of opportunities for families to contribute to the classroom and school community.		
<i>Working with colleagues to improve professional practice</i> 6.5	Rarely collaborates with colleagues, or seeks out other staff to discuss student needs. Rarely participates in school or district events or learning activities.	Establishes positive working relationship with a few colleagues. Interacts with colleagues to gather resources. Seeks out trusted colleagues to consider solutions to problems with students.	Works constructively with colleagues and support staff to improve student learning and reflect on practice. Collaborates with colleagues to plan curriculum, coordinate resources, and solve problems.	Engages staff in dialogue and reflection to support student learning and teacher growth in responsive and appropriate ways.	Provides opportunities to collaborate with staff to support learning for all students. Provides leadership for, and contributes to, the learning of other educators.		
<i>Balancing professional responsibilities and maintaining motivation</i> 6.6	Does not fulfill professional responsibilities. Does not stay current about professional and legal responsibilities for students' learning, behavior and safety.	Possesses a positive attitude in the classroom. Develops an understanding of professional responsibilities.	Maintains positive attitude, demonstrates understanding of professional responsibilities, and seeks support to balance professional responsibilities with personal needs.	Maintains motivation and commitment to all students, demonstrates professional integrity, and challenges self intellectually and creatively.	Maintains motivation and commitment to all students and the professional community, demonstrates and models professional integrity, and challenges self intellectually and creatively throughout career.		

Comments/Commendations/Suggestions

Evaluator	Employee

Administrator's direct actions, involvement and support that will be provided to assist the unit member (Add pages if necessary):

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Employee's Signature \_\_\_\_\_

Date \_\_\_\_\_

Evaluator's Signature \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_



Fairfield-Suisun Unified School District

"Our Mission is to Provide a Quality Educational System that Assures Opportunities for Every Student to Learn and Meet the Challenges of the Future"

Certificated Personnel Evaluation Form

(Reference: Collective Bargaining Agreement, Article 10)

Copy 1 - Personnel File
Copy 2 - Evaluator
Copy 3 - Employee

Employee: \_\_\_\_\_

Evaluator: \_\_\_\_\_

Grade/Subject Area(s): \_\_\_\_\_

Position: \_\_\_\_\_

School Year: \_\_\_\_\_ Site/Location \_\_\_\_\_

Date: \_\_\_\_\_

\*Standard Selected by the Evaluator \_\_\_\_\_

\*Standard Selected by the Unit Member \_\_\_\_\_

Status: \_\_\_ Temporary \_\_\_ Probationary-Zero \_\_\_ First-Year Probationary \_\_\_ Second-Year Probationary \_\_\_ Permanent

Directions for Use:

- 1) During the first twenty (20) days of the unit member's work year, the administrator will convene an individual or School Site Staff meeting in order to discuss the evaluation process and standards, and distribute the most recent version of the California Standards for the Teaching Profession: A Description of Professional Practice for California Teachers to all certificated teachers.
2) The authorized components of data to validate the CSTP include not only formal observations, but may also include observations of less than thirty minutes, classroom walkthroughs, lesson plans as designed by the classroom teacher, observation of report cards and progress reports, and records of professional development activities as provided by the teacher.
3) The attached FSUSD Evaluation Rubric will be used to provide meaningful feedback and to serve as a source for discussion for the evaluation. Evidence based comments will be provided. In completing the final report, the evaluator will consider the overall performance in each of the selected standards when determining an evaluation rating.
4) All unit members will receive a final evaluation report in writing, and an employee/evaluator conference will be held at least thirty (30) workdays prior to their last workday in the school year in which the evaluation took place.

\* Applies to Permanent Unit Members ONLY



## Standard 1: Engaging and Supporting All Students In Learning

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<p><i>Connecting students' prior knowledge, life experience, and interests with learning goals</i></p> <p style="text-align: right;">1.1</p>	Makes no connections between the learning goals and the students' prior knowledge, life experiences and interests. Does not elicit students' questions or comments during a lesson.	Attempts to open lesson to engage students' attention and interest. Asks some questions that elicit students' prior knowledge, life experiences and interest. Some connections are made to learning goals and objectives of the lesson.	Implements activities and elicits questions that help students make connections between what they already know and the learning goals and objectives.	Uses questions and activities to extend students' abilities to integrate what they know with the learning goals and objectives. Makes adjustments during lesson to ensure that all students meet the learning goals.	Creates a context for students to synthesize learning goals and objectives with what they know and develop their own complementary learning goals.	
<p><i>Uses a variety of instructional strategies and resources to respond to students' needs</i></p> <p style="text-align: right;">1.2</p>	Uses instructional strategies that lack variety, are poorly carried out, or are inappropriate to the students or to the instructional goals. No adjustments are made to respond to students' needs.	Uses a few instructional strategies. Delivers instruction with available resources and materials. Makes minimal adjustments to respond to students' needs.	Elicits student participation through a variety of instructional strategies intended to match students' academic and linguistic needs. Checks for student understanding.	Uses a repertoire of strategies and resources. Selects and differentiates learning to accommodate students' diverse learning styles.	Uses extensive repertoire of strategies to meet students' diverse academic and linguistic needs and ensure fullest participation and learning for all students.	
<p><i>Facilitating learning experiences that promote autonomy, interaction and choice</i></p> <p style="text-align: right;">1.3</p>	Directs learning experiences, permitting no student autonomy, interaction, or choice.	Directs learning experiences through whole group and individual work with limited possibilities for interaction and choice.	Provides learning experiences utilizing individual and group structures to develop autonomy and group participation skills. Students make choices about and within their work.	Uses a variety of learning experiences to assist students in developing independent working skills and group participation skill. Supports students in making appropriate choices for learning.	Integrates a variety of challenging learning experiences that develop students' independent learning, collaboration, and choice.	
<p><i>Engaging students in problem solving, critical thinking, and other activities that make subject matter meaningful</i></p> <p style="text-align: right;">1.4</p>	Provides no learning opportunities for students to engage in problem solving, analysis, or critical thinking activities.	Provides limited learning opportunities for students to engage in problem solving within subject matter areas. Asks some critical thinking questions to relate facts and key concepts of subject matter.	Engages students through activities and questioning strategies that develop skills in identification and understanding of key concepts and issues. Supports students in problem posing and problem solving.	Engages students in analysis of key concepts and facts through activities and questions that consider multiple perspectives. Supports students to initiate problem posing, problem solving, and inquiry.	Facilitates regular opportunities for students to design and implement inquiries and problem solving to analyze content and draw conclusions, considering multiple perspectives with and across subject matter.	
<p><i>Promoting self-directed, reflective learning for all students</i></p> <p style="text-align: right;">1.5</p>	Provides no opportunities for students to initiate their own learning or to monitor their own work.	Provides limited opportunities for students to monitor their own work and to reflect on the process and their progress.	Supports students in developing skills needed to monitor their own learning. Students have opportunities to reflect on the process and their progress.	Structures learning activities that enable students to set goals and develop strategies for demonstrating, monitoring, and reflecting on the process and their progress.	Facilitates students to initiate learning goals and set criteria for demonstrating and evaluating work. Students reflect on the process and their progress as a regular part of learning experiences.	<p><b>Rating (Check One):</b></p> <p><input type="checkbox"/> Does Not Meet CSTP      <input type="checkbox"/> Meets or Exceeds CSTP</p> <p><input type="checkbox"/> Progressing Towards CSTP</p>

## Standard 2: Creating and Maintaining an Effective Environment for Student Learning

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<i>Creating a physical environment that engages all students</i> 2.1	The physical environment does not support student learning. Movement and access may be restricted by barriers. Materials are difficult to access when needed.	Arranges room for teacher accessibility or visibility of students. Manages room for easy movement and access to resources. Room displays relate to the curriculum.	Designs movement patterns and access to resources to promote individual and group engagement. Room displays are used in learning activities.	Designs and manages room and resources to accommodate students' needs and involvement in learning. Displays are integral to learning activities.	Uses total physical environment as a resource to promote individual and group learning. Students are able to contribute to the changing design of the environment.	<p><b>Rating (Check One):</b></p> <input type="checkbox"/> Does Not Meet CSTP <input type="checkbox"/> Meets or Exceeds CSTP <input type="checkbox"/> Progressing Towards CSTP
<i>Establishing a climate that promotes fairness and respect</i> 2.2	Does not model fairness, equity, caring, and respect in the classroom. Is unaware of impolite and disrespectful behavior. Allows inappropriate attitudes and behaviors among students. Response to inappropriate behavior is unfair or inequitable.	Builds caring, friendly rapport with most students. Models equitable and respectful relationships. Has some strategies to respond to unfairness and disrespect.	Promotes caring and respectful interactions. Responds to incidents of unfairness and disrespect equitably. Encourages students to respect differences.	Maintains caring, respectful, and equitable relationships with students. Supports students in developing skills to respond to inequity and disrespect.	Fosters a safe, inclusive, and equitable learning community. Students participate in maintaining a climate of equity, caring and respect and may initiate creative solutions to conflicts.	
<i>Promoting social development and group responsibility</i> 2.3	Does not support students' social development, self-esteem, and diversity. Students have no sense of responsibility for each other.	Uses some strategies and activities to develop students' individual responsibility and recognition of others rights and needs. Students share in classroom responsibilities. Recognizes student diversity but does not promote acceptance or respect.	Promotes positive student interactions as members of large and small groups. Provides some opportunities for student leadership within the classroom. Promotes acceptance and respect for different experiences, ideas, backgrounds, feelings, and point of view.	Engages students in individual and group work that promotes responsibility to the classroom community. Supports students to take initiative in classroom leadership.	Facilitates an environment in which students take initiative socially and academically. Promotes and supports student leadership beyond the classroom.	
<i>Establishing and maintaining standards for student behavior</i> 2.4	No standards for behavior appear to have been established, or students are confused about what the standards are.	Establishes basic standards for behavior. Response to student behavior is generally appropriate.	Uses strategies that prevent or lessen disruptive behavior and reinforce expectations for behavior. Monitors behavior while teaching and during student work time.	Equitably reinforces expectations and consequences and supports students to monitor their own behavior and each other's behavior in a respectful way.	Facilitates a positive environment in which students are guided to take a strong role in monitoring their own behavior and each other's behavior in a respectful way.	
<i>Planning and implementing classroom procedures and routines that support student learning</i> 2.5	Has not established and/or enforced classroom procedures and routines.	Develops procedures and routines. Assists students to learn routines and procedures for most activities.	Establishes and maintains procedures and routines. Supports and monitors students in procedures and routines appropriate for learning activities.	Assists and encourages all students in developing and maintaining equitable routines and procedures.	Assists and encourages all students in developing and internalizing equitable routines and procedures. Students show ownership of routines and procedures.	
<i>Using instructional time effectively</i> 2.6	Learning activities are not appropriately paced. Poor transitions result in lost instructional time.	Provides time for students to complete learning activities. Develops some routines for classroom business and most transitions are timely.	Provides adequate time for presentation and for completion of learning activities. Paces instruction and classroom business to maintain engagement. Uses transitions to support engagement of all students.	Paces instruction to include ongoing review and closure of lessons to connect them to future lessons. Classroom business and transitions are efficient and integrated into learning activities.	Presents, adjusts and facilitates instruction and daily activities so all students have time for learning, are continually engaged, and have opportunities for reflection and assessment. Supports students to self-monitor time on task.	

### Standard 3: Understanding and Organizing Subject Matter for Student Learning

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<i>Demonstrating knowledge of subject matter and student development</i> 3.1	Basic knowledge of subject matter and student development is not always evident or current. Does not adequately support students' learning of key concepts.	Has working knowledge of subject matter and student development. Promotes an understanding of key concepts.	Communicates key concepts, skills, and themes in an accurate, clear, and coherent manner. Plans and builds on instruction with students' cognitive and linguistic abilities in mind.	Uses expanded knowledge of subject matter to support student understanding of key concepts, themes, multiple perspectives, and relationships in subject area(s). Activities are suitable for students' cognitive development.	Flexibly uses comprehensive knowledge of subject matter and student development to ensure that all students understand key concepts, themes, multiple perspectives, and relationships in and among subject area(s).	
<i>Organizing curriculum to support student understanding of subject matter</i> 3.2	The curriculum is not organized and does not adequately demonstrate concepts, themes and skills. Rarely supports different perspectives or students' understanding of core concepts.	Uses knowledge of subject matter to promote students' understanding of key concepts, skills, and standards taught. May connect key concepts to standards and frameworks.	Identifies key concepts, skills, and units/themes to facilitate student understanding and reflect standards and frameworks.	Organizes and sequences subject matter clearly to coordinate core curriculum and content standards within and across subject matter as appropriate.	Designs and adapts subject matter to demonstrate a consistent in-depth student understanding of content and relationships among various concepts and themes. Content standards are fully integrated in the core curriculum.	
<i>Interrelating ideas and information within and across subject matter</i> 3.3	Presents curriculum without identifying or integrating key concepts and information, or does not relate content to previous learning in order to support students' understanding.	Focuses on core curriculum and skills. Attempts to relate content to prior lessons within the subject matter.	Connects key concepts, skills, and themes within subject matter to the standards. Builds on prior lessons and students' backgrounds.	Integrates key concepts, skills, and underlying themes within and across curriculum to support standards. Capitalizes on opportunities to make connections while teaching.	Connects key concepts and underlying themes within and across the curriculum to extend in-depth learning for all students. Supports students' application of cross-curricular learning.	
<i>Developing student understanding through instructional strategies that are appropriate to subject matter</i> 3.4	Does not appropriately match instructional strategies to subject matter content or concepts. Does not encourage students to think critically or to extend their knowledge.	Uses a few instructional strategies to make the content accessible to students. Makes some attempt to encourage students to think critically.	Matches strategies appropriate to subject matter to encourage student understanding and critical thinking. Strategies utilize students' interests and backgrounds.	Develops and uses multiple strategies that challenge all students. Assists students to individually construct their own knowledge and think critically.	Uses a repertoire of instructional strategies that are appropriate to subject matter. Utilizes strategies that challenge and support all students to independently apply and think critically about the subject matter.	
<i>Using materials, resources, and technologies to make subject matter accessible to students</i> 3.5	Instructional materials, resources and technologies are not used appropriately. Materials do not accurately reflect diverse perspectives.	Uses available instructional materials, resources, and technologies to present concepts and skills. Some materials and resources reflect students' diversity. Develops some systems to provide equitable access to resources.	Selects and utilizes appropriate relevant instructional materials, resources, and technologies to present concepts and skills. Materials reflect linguistic diversity of students. Resources are made available to all students.	Selects, adapts and creates a range of relevant materials, resources, and technologies to enrich learning, to reflect linguistic and cultural diversity of students, and to provide for equal access.	Analyzes, adapts, and creates a wide range of relevant instructional materials, resources, and technologies to extend students' understanding and provide equal access. Materials reflect diversity beyond the classroom.	

**Rating (Check One):**

- Does Not Meet CSTP       Meets or Exceeds CSTP  
 Progressing Towards CSTP

### Standard 4: Planning Instruction and Designing Learning Experiences for All Students

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<i>Drawing on and valuing students' backgrounds, interests, and developmental learning needs</i> 4.1	Instructional plans do not match or reflect students' backgrounds, experiences, interests, and developmental needs, and do not support students' learning.	Develops and gathers materials to supplement available resources. Most lessons acknowledge students' prior knowledge, interests and learning needs.	Develops lessons that incorporate students' prior knowledge, interests, instructional, and linguistic learning needs.	Uses a wide range of materials to access and build upon students' prior knowledge, interests, instructional and linguistic needs to extend student understanding.	Designs instruction to build on students' prior knowledge, instructional needs, linguistic needs, and diversity to challenge all students.	
<i>Establishing and articulating goals for student learning</i> 4.2	Instructional goals are not established or do not address students' language, experiences or school expectations. Expectations for students are low or unrealistic.	Communicates expectations for student learning in most lessons. Has inconsistent expectations for students.	Articulates and links goals to instructional activities. Goals are appropriately challenging for most students and represent valuable learning. Expectations for students are generally high.	Ensures that students understand and reflect upon short-term and long-term learning goals. Goals reflect high expectations and challenge students at their level.	Articulates short-term and long-term goals with high expectations for learning. Designs activities so that students have opportunities to participate in setting, revising, and achieving personal goals.	
<i>Developing and sequencing instructional activities and materials for student learning</i> 4.3	Instructional activities and materials are not appropriate to the students or the instructional goals do not engage students in meaningful learning. Activities are not logically sequenced.	Develops some concepts and skills through a series of lessons that are connected and consider student linguistic and instructional needs.	Plans appropriately sequenced instruction and use of materials to promote student understanding of basic concepts and skills. Considers student linguistic and instructional needs.	Develops and sequences lessons to make connections within and across subject matter areas.	Sequences instruction to help students synthesize and apply new knowledge.	
<i>Designing short-term and long-term plans to foster student learning</i> 4.4	Individual lesson plans have little or no recognizable organization or connection to adopted curriculum. Demonstrates limited knowledge of subject matter and students to plan and pace instructional activities over time. Does not plan to ensure access to challenging, diverse, academic content for all students.	Ineffectively organizes curriculum to allow enough time for student learning, review and assessment. Neglects to provide opportunities for all students to learn at their own pace.	Organizes most of the curriculum to allow enough time for student learning, review, and assessment. Demonstrates knowledge of subject matter and students to plan and pace instructional activities over time. Plans to ensure access to challenging, diverse, academic content for most students to learn at their own pace.	Organizes curriculum to allow enough time for student learning, review, and assessment. Applies knowledge of subject matter and students to plan and pace instructional activities over time. Plans to ensure access to challenging, diverse, academic content for all students. Provides opportunities for all students to learn at their own pace.	Learning sequences are responsive to the needs of individual students and promotes understanding of complex concepts. Plans are comprehensive and cohesive across content areas.	
<i>Modifying instructional plans to adjust for student needs</i> 4.5	Instructional plans are not modified, in spite of evidence that modifications would improve student learning.	Inconsistently adjusts lessons based on informal assessment of student understanding and performance from previous lesson, having taken note of student confusion.	Adjusts plans in advance to accommodate levels of ability and interests of most students. Makes modifications during lessons to address confusions and individual student performance.	Uses assessments to modify lessons in advance. Throughout the learning activity, assessments of student understanding are used to influence changes in instruction.	Uses a wide range of assessments to modify lessons in advance. Makes appropriate modifications for students during lessons and supports students in monitoring and communicating their own understanding.	

**Rating (Check One):**

- Does Not Meet CSTP       Meets or Exceeds CSTP  
 Progressing Towards CSTP

### Standard 5: Assessing Student Learning

<i>Elements</i>	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<p><i>Establishing and communicating learning goals for all students</i></p> <p style="text-align: right;">5.1</p>	Does not use adopted curriculum materials to establish learning goals for students that reflect the key subject matter concepts, skills, and applications. Students are unaware of learning goals.	Inconsistently uses adopted material to establish learning goals for students that reflect the key subject matter concepts, skills, and applications. Some students are aware of learning goals.	Uses subject matter standards from district, state, and other sources to guide establishment of learning goals for all students that reflect the key subject matter concepts, skills, and applications. Clearly communicates learning goals to students and families.	Establishes clear and appropriate goals based on student content standards, with consideration of students' learning needs. Involves students and families in developing individual goals to support learning.	Integrates learning goals into all learning activities. Establishes, reviews and revises learning goals with students and families on an ongoing basis.	
<p><i>Collecting and using multiple sources of information to assess student learning</i></p> <p style="text-align: right;">5.2</p>	The teacher uses no consistent source of information to assess student learning and/or uses assessment strategies that are not appropriate.	The teacher uses limited sources of information to assess student learning and one or more assessment strategies to monitor student progress.	The teacher uses a variety of sources to collect information about student learning and multiple assessment strategies to monitor student progress and inform instruction.	Uses a variety of assessment tools. Collects, selects, and reflects upon evidence to guide short-term and long-term plans and support student learning.	Embeds a wide range of ongoing assessments in instructional activities to provide consistent guidance for planning and instruction.	
<p><i>Involving and guiding all students in assessing their own learning</i></p> <p style="text-align: right;">5.3</p>	The teacher does not encourage students to reflect on or assess their own work.	Provides students with feedback on work in progress, as well as completed tasks. Some student involvement in assessing their own work.	Presents guidelines for assessment to students. Assists students in reflecting on and assessing their own work.	Integrates student self-assessment and reflection into the learning activities. Students engage in some peer assessment of work against criteria.	Engages all students in ongoing self and peer assessment and in monitoring their progress and goals over time.	
<p><i>Using the results of assessment to guide instruction</i></p> <p style="text-align: right;">5.4</p>	Information about student learning is inappropriately or not used by the teacher to plan, guide, or adjust instruction.	Uses information from some assessments to plan learning activities. Checks for understanding with a few students while teaching and addresses confusions.	Uses formal and informal assessments to plan lessons. Regularly checks for understanding from a wide variety of students to identify student needs and modify instruction.	Includes assessments as a regular part of instruction to plan and revise lessons. Identifies student understanding during the lesson using a variety of methods and adjusts teaching to meet student needs.	Uses a wide range of assessments to guide planning and make adjustments to teaching. Embeds broad-based checking for understanding in instruction and is able to modify and redesign lessons as needed.	
<p><i>Communicating with students, families, and other audiences about student progress</i></p> <p style="text-align: right;">5.5</p>	The teacher provides some information about student learning to students, families, and support personnel, but the information is incomplete, unclear, or not timely.	Provides students with information about their current progress as they engage in learning activities. Families and support personnel are contacted as mandated.	Provides students with timely information about their current progress and how to improve their work. Establishes regular communication with families and support personnel.	Engages students, families, and support personnel in regular discussions regarding student progress and improvement plans. Ongoing information is collected from a variety of sources and shared with students, families and support personnel.	Involves students, families, and support personnel as partners in the assessment process. Provides comprehensive information about students' progress and improvement plans to students, families, and support personnel.	

**Rating (Check One):**

- Does Not Meet CSTP       Meets or Exceeds CSTP  
 Progressing Towards CSTP

## Standard 6: Developing as a Professional Educator

<i>Elements</i>	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<i>Reflecting on teaching practice and planning professional development</i> 6.1	Reflects on specific problems or areas of concern in his/her teaching practice, but rarely uses reflection to assess growth over time or to plan professional development.	Reflects on areas of concern in his/her teaching practice, assesses growth in these areas, and may use reflection to plan professional development.	Reflects on the relationship of teaching practice to student learning. Plans professional development based on reflection.	Analyzes and reflects on teaching and learning based on evidence gathered. Plans professional development based on reflections and other resources.	Integrates analysis and reflection into daily practice based on a wide variety of evidence in relationship to professional growth and student learning. Plans draw on a wide variety of resources to expand knowledge.	
<i>Establishing professional goals and pursuing opportunities to grow professionally</i> 6.2	Rarely pursues opportunities to develop new knowledge or skills, or to participate in the professional community.	Sets goals considering self-assessment and other feedback. Pursues some opportunities to acquire new knowledge and skills, but infrequently participates in the professional community.	Pursues opportunities to acquire new knowledge and skills and participate in the professional community.	Purposefully pursues opportunities to expand knowledge and skills, and participates in and contributes to the professional community.	Contributes to professional organizations, literature, and development opportunities to extend own teaching practice and that of colleagues. Leads professional development.	
<i>Working with communities to improve professional practice</i> 6.3	Teacher has limited knowledge of students' communities or of how to access them to provide learning experiences for students or to promote collaboration with the school.	Teacher increases their own understanding of the roles of the communities in students' lives. May attend selected community events. Uses some district resources and community resources available through the school.	Identifies and uses appropriate district resources in support of families and student learning. Expands knowledge of, and connections with, the full range of community resources.	Uses knowledge of, and strengthens connections with, local communities' cultures, services, and resources to support student learning.	Promotes school and community collaborations. Provides students with a range of community experiences that benefit students and/or families.	
<i>Working with families to improve professional practice</i> 6.4	The teacher may demonstrate respect for students' families or their backgrounds, but has limited communication with families, and is not sure how to provide opportunities for participation in the classroom or school community.	Communicates with families at reporting periods and school events. Advises families of problems. Recognizes the role of the family in student learning. Invites families to contribute in the classroom.	Regularly communicates student progress in appropriate ways, taking into account the diversity of families. Encourages families to contribute to the classroom and school.	Maintains regular and responsive communication with all families. Provides opportunities for families to actively participate in the classroom and school.	Engages families in a variety of responsive, ongoing, two-way communications in support of student success. Structures a wide range of opportunities for families to contribute to the classroom and school community.	
<i>Working with colleagues to improve professional practice</i> 6.5	Rarely collaborates with colleagues, or seeks out other staff to discuss student needs. Rarely participates in school or district events or learning activities.	Establishes positive working relationship with a few colleagues. Interacts with colleagues to gather resources. Seeks out trusted colleagues to consider solutions to problems with students.	Works constructively with colleagues and support staff to improve student learning and reflect on practice. Collaborates with colleagues to plan curriculum, coordinate resources, and solve problems.	Engages staff in dialogue and reflection to support student learning and teacher growth in responsive and appropriate ways.	Provides opportunities to collaborate with staff to support learning for all students. Provides leadership for, and contributes to, the learning of other educators.	
<i>Balancing professional responsibilities and maintaining motivation</i> 6.6	Does not fulfill professional responsibilities. Does not stay current about professional and legal responsibilities for students' learning, behavior and safety.	Possesses a positive attitude in the classroom. Develops an understanding of professional responsibilities.	Maintains positive attitude, demonstrates understanding of professional responsibilities, and seeks support to balance professional responsibilities with personal needs.	Maintains motivation and commitment to all students, demonstrates professional integrity, and challenges self intellectually and creatively.	Maintains motivation and commitment to all students and the professional community, demonstrates and models professional integrity, and challenges self intellectually and creatively throughout career.	<p><b>Rating (Check One):</b></p> <p><input type="checkbox"/> Does Not Meet CSTP      <input type="checkbox"/> Meets or Exceeds CSTP</p> <p><input type="checkbox"/> Progressing Towards CSTP</p>

Employee \_\_\_\_\_

School Year \_\_\_\_\_

Additional Comments - Employee	Additional Comments - Evaluator

**Recommendations**

**Probationary:**

- \_\_\_\_\_ Continue Probationary Status
- \_\_\_\_\_ Continue Probationary Status with Recommendation for Assistance
- \_\_\_\_\_ Recommend for Permanent Status
- \_\_\_\_\_ Recommend Non-Re-Employment

**Temporary:**

- \_\_\_\_\_ Continue Temporary Status
- \_\_\_\_\_ Continue Temporary Status with Recommendation for Assistance
- \_\_\_\_\_ Recommend Release from Contract

**Permanent:**

- \_\_\_\_\_ Continue Permanent Status
- \_\_\_\_\_ Continue Permanent Status with Mandated Referral to PAR
- \_\_\_\_\_ \*(2-3 "Does Not Meet CSTP" Ratings)
- \_\_\_\_\_ The next evaluation of this Permanent Employee is deferred to the third school year following the school year of this evaluation<sup>1</sup>. \_\_\_\_\_ date \_\_\_\_\_

(Please initial and date above to indicate agreement for Deferral: Administrator & Employee Date )

<sup>1</sup>. ***Evaluator and Employee must mutually agree to the third year deferral.***

(Additional information may be attached)

Employee's Signature \_\_\_\_\_ Date \_\_\_\_\_

Evaluator's Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Reviewed by \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Reviewed by \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Distribution: Personnel File / Evaluator / Employee

\*Article 10.5 (c)

**F-SUTA**  
***CONTRACT***

**July 1, 2012 – June 30, 2014**

**FAIRFIELD-SUISUN UNIFIED TEACHERS ASSOCIATION**

**4735 Central Way, Suite C  
Fairfield, California 94534  
(707) 864-6193**

**Fairfield-Suisun Unified School District  
2490 Hilborn Road  
Fairfield, California 94534  
(707) 399-5000**



of whom shall be the grievant, shall receive release time to process a grievance prior to arbitration.

- c. All documents, communications, and records dealing with the process of a grievance will be filed in a separate file and will not be kept in the personnel file of any of the participants.
- d. The limits for appeal provided in each level shall begin the day following receipt of written decision by the parties. These limits may be extended with the agreement of the parties.
- e. If a grievance arises from action or inaction on the part of a member of the administration at a level above the principal or immediate supervisor, the grievant shall submit such grievance in writing to the Superintendent directly, and the processing of such grievance shall be initiated at Level III. Such Level III grievances must be filed within thirty (30) days after knowledge of the occurrence of the act or omission giving rise to the grievance.
- f. Subject to the appeal of the Association, implementation of any proposed resolution of a grievance at any formal level will take place within five (5) days. If such implementation has not resolved the alleged violation, misapplication or misrepresentation of the contract, the Association will proceed to higher levels of the grievance procedure.

#### ARTICLE 10 - EVALUATION

- 10.1 It is understood and agreed by the parties that the principal objective is to maintain and improve the quality of education in the District. It is further understood and agreed that this objective can be more readily achieved by a manifest willingness on the part of the District to assist all certificated unit members, but especially less experienced unit members in improving their professional skills. The District accepts as a fundamental premise for a successful evaluation program, the necessity for mutual respect and confidence to exist between the evaluator and those evaluated. The evaluation process and forms shall not be used as retaliation or as a substitute for discipline.
- 10.2 The evaluation of certificated unit members is based on the California Standards for the Teaching Profession (CTSP). These Standards are also part of the District's Beginning Teacher Support and Assessment Induction Program and the Peer Assistance and Review Program (PAR). An important component of each of these is the understanding that all professionals grow and develop. It is, therefore, expected that all final evaluations will contain individual and personalized suggestions for continued professional development.
- 10.3 Certificated Evaluation Process using CSTP
  - a. This process will be used to evaluate all certificated unit members:

1. Permanent unit members will be evaluated once every two (2) years. Permanent unit members who receive a “Does Not Meet CSTP” or at least two “Progressing Towards CSTP” ratings on their evaluation may be evaluated in the subsequent year. The formal evaluation of a permanent unit member may be deferred to a third year by mutual agreement with their site administrator. If so, the “once-every-two-year cycle” specified in this paragraph will start over.
  2. Probationary unit members will be evaluated at least once a year.
  3. Temporary unit members will be evaluated at least once a year.
  4. At the request of the Association, the timeline for a grievance dealing with a unit member's evaluation will continue from the end of the period of service in which the evaluation was received, until the beginning of the following period of service.
  5. “Evidence” shall be the measure supporting a rating by an evaluator of a unit member on the approved observation and evaluation forms. Evidence shall be a unit member’s Observation Forms, the items listed in 10.3.e and other objective measures of assessment that relate to the CSTP Standard being observed or evaluated.
  6. Consulting Teachers (PAR Program, Article 14) shall be evaluated according to the guidelines in Article 14.6.c.
  7. All teachers shall receive training as indicated in Article 10.6.
- b. Individual or school site unit member trainings to include all unit members will begin within the first thirty (30) days of the unit member’s work year 60 minutes for the first year (2013-14) for all teachers and an additional 60 minutes for probationary and temporary teachers; for all subsequent years 30 minutes for all teachers and an additional 60 minutes for probationary and temporary teachers by March 10. Unit members will be evaluated upon the Standards on the form “Certificated Personnel Evaluation Form, (Appendix K).” All certificated unit members will be provided with electronic copies of the CSTP: California Standards for the Teaching Profession (most recent edition), which provides detailed information regarding the components of each Standard. Upon request, a unit member may be provided with a hard copy of the CSTP.
- c. Probationary and temporary unit members will be evaluated on all six (6) CSTP Standards. Documentation provided by the unit member (Probationary, Temporary or Permanent) to include, but not be limited to, that mentioned in 10.3(e)(5) shall be a part of the evaluation of Standard Six (6).

- d. At least two (2) formal observations, one scheduled, and the other may be scheduled or unscheduled, will be held during a unit member's evaluation year to observe unit members using only the District's Certificated Personnel Observation Form (Appendix J). These formal observations will be at least thirty (30) minutes in length. These formal observations may take place any time a certificated unit member is performing within the scope of his/her classroom duties. The number, frequency and duration of the observations may vary with the requirements imposed by the type of class, the needs of the teacher, and individual situation. Formal observations may be preceded by a pre-conference and must be followed with a post-conference between the unit member and the evaluator.
- e. The authorized components of data to validate the CSTP include formal classroom observations and:
  - 1. Observations of less than 30 minutes
  - 2. Classroom walk-throughs
  - 3. Lesson plans as designed by the classroom teacher
  - 4. Observation of report cards and progress reports
  - 5. Records of professional development activities as provided by the teacher (Such documentation shall be a part of the evaluation of Standard 6).

Standardized test scores shall not be used as evaluation data.

- f. Following each formal observation, the unit member will receive written feedback from the evaluator no less than three (3) workdays prior to the post-observation conference. In addition, post observation conferences must be held no later than ten (10) workdays following the formal observation. The unit member shall have the right to comment and have those comments affixed to the said observation report. Additionally, the administrator and the unit member may mutually agree to added or modify comments to the observation form at the time of the post-observation conference.
- g. The unit member will receive a written final evaluation report from the evaluator no less than five (5) workdays prior to the unit member/evaluator conference. A final evaluation report in writing and unit member/evaluator conference will be held at least thirty (30) workdays prior to the last workday of the unit member in the school year in which the evaluation took place. In completing the final report, the evaluator will consider the overall performance in the Standards selected in the initial conference when determining an evaluation rating.
- h. The principal will have the primary responsibility for observations and filing of observation reports. The principal may assign another on-site administrator these duties. For Special Education preschool teachers, the primary responsibility for observations and the evaluation shall be assigned to the Coordinator responsible for the Special Education preschool programs.

1. If another onsite administrator is assigned as the primary evaluator, his/her signature shall appear on both the observation report(s) and evaluation. The unit member shall be notified of this assignment change in writing.
2. If a designated evaluator is used by the primary evaluator, both signatures shall appear on the observation report(s) and evaluation. The primary evaluator shall use no more than two (2) designated evaluators during the course of the school year.

#### Additional Observation(s)

3. A unit member may request other observations to be conducted by members of the administration (requested to be either on-site or off-site) other than the designated primary administrator. The additional observation(s) shall be evidence used to determine a unit member's final evaluation.
  - i. For each required observation conducted pursuant to section 10.3.d, a permanent unit member may request and shall receive one (1) additional observation. The permanent unit member may request that such observation(s) be conducted by members of the administration other than the designated primary administrator, including administrators not assigned to the unit member's work location. Such request must be in writing, and made within seven (7) workdays of the date of the post-observation conference. The additional observation shall be conducted within twenty (20) workdays of the request. The time lines specified in section 10.4.a.2 and 10.4.a.3 shall not apply to any such additional observation(s). The additional observation(s) shall be evidence used to determine a unit member's final evaluation.
4. No unit member shall evaluate another unit member.

### 10.4 Conference/Evaluation Timeline

#### a. Permanent Unit Member

1. Initial conferences for permanent unit members to select the Standards for evaluation shall be held within the first twenty-five (25) workdays of the school year. No formal observation shall be conducted in the two (2) weeks after the initial conference unless otherwise agreed upon between teacher and administrator.
  - i. Permanent unit members will be evaluated on only three (3) CSTP Standards according to the following: Within the first twenty-five (25) workdays of the unit member's work year, the evaluator selects one (1) Standard; the unit member selects one (1) Standard. Additionally, all

unit members will be evaluated on Standard 6, Developing as a Professional Educator.”

ii. The selection of Standards by the evaluator and the unit member shall be made on the Evaluation Standards Selection form, (Appendix I). A copy shall be provided to the unit member and the original copy of this form shall become a part of the Permanent unit member’s evaluation form.

2. There must be no less than four (4) weeks between an observation post-conference and the next formal observation.
3. There must be no less than four (4) weeks between the last post observation conference and the final evaluation conference. The final written evaluation shall be received no less than five (5) work days before the evaluation conference.
4. The final evaluation conference must be held no later than thirty (30) days prior to end of the unit member’s work year.

b. Probationary/Temporary Unit Members

1. A probationary/temporary unit member’s first formal observation must be held within the first six (6) weeks of the unit member’s work year.
2. There must be no less than four (4) weeks between a post observation conference and the next formal observation.
3. There must be no less than three (3) weeks between the last post observation conference and the final evaluation conference. The final written evaluation shall be received no less than five (5) workdays before the evaluation conference.
4. The final evaluation conference must be held no later than thirty (30) days prior to the end of the work year.

Referrals to the PEER Assistance and Review Program (PAR)

10.5 Using the CSTP Standards, unit members of permanent status shall be referred to the Peer Assistance and Review Program (PAR) as follows:

- a. Zero (0) or one (1) “Does Not Meet CSTP” ratings on the three identified Standards shall result in no referral to PAR.
- b. Two (2) “Does Not Meet CSTP” ratings on both the unit member chosen Standard and the administrator chosen Standard of the three identified Standards shall result

in a referral to PAR as a “Voluntary Participating” teacher. The unit member must complete the process, but no records are kept and no legal provisions of the California PAR provisions have effect. If in the next consecutive evaluation, the unit member receives fewer than two (2) “Does Not Meet CSTP” ratings there shall be no referral to PAR.

- c. Three (3) “Does Not Meet CSTP” ratings on the three identified Standards shall result in mandatory referral to and participation in PAR. If in the next consecutive evaluation, the unit member receives fewer than two (2) “Does Not Meet CSTP” ratings there shall be no referral to PAR.
- d. “Does Not Meet CSTP” Evaluation Rating
  - 1. For a unit member to receive a “Does Not Meet CSTP” rating on a Standard, at least three (3) of the elements in that Standard must be marked “Does Not Meet CSTP” based on validating evidence.

#### 10.6 Bilateral Joint Committee

- a. The success and effectiveness of the evaluation process is dependent upon appropriate, joint bilateral training provided by the Association and the District. The District and the Association agree to establish and operate jointly a bilateral Evaluation Committee. This committee’s purpose is to design and implement a training program relating to the evaluation program; process, form and language. The Evaluation Committee (outlined in 10.6.b) shall set up a schedule of training.
- b. The Evaluation Committee will consist of three (3) unit members, two (2) site administrators, and one (1) district office administrator and will monitor and determine the content of the training and needs to support the Evaluation Program. Unit members of the Evaluation Committee shall be selected by F-SUTA. Management members of the Evaluation Committee shall be selected by FSUSD.
- c. The Association shall identify one (1) unit member for each elementary school, two (2) for middle school and three (3) for high school, at each school site, to work in conjunction with the site principal to train and provide assistance to unit members during the work day regarding program, process, forms and contract language.
- d. The administrators and unit members identified in section 10.6.c. shall attend two (2) hours of joint training regarding the evaluation program process, forms and contract language, to be conducted jointly by the Association and the District. This training will be provided within the contracted workday of the unit members, or if outside the workday, members shall be compensated at their per diem rate.

- e. Administration and unit members identified in section 10.6.c shall provide training at their individual school site regarding the evaluation program process, forms and contract language as noted in 10.3.b. This training will be provided within the contracted workday of the unit members as per Article 10. The training need not be consecutive. The Bilateral Evaluation Committee will determine the content of the training.
- f. The District shall provide an additional two (2) hours of training to Administrators regarding the evaluation program process, forms and contract. An additional one hour shall be provided for all new administrators.
- g. The committee can make no changes in the evaluation process as outlined in this Agreement. The committee may make recommendations to the Association and the District regarding the evaluation process.

### ARTICLE 11 - PERSONNEL FILES

- 11.1 There shall be a single personnel file for each unit member. Personnel files shall be kept in the central administrative office of the District.
- 11.2 Materials in the personnel file of a unit member, except as noted below, shall be made available for inspection by the unit member involved. Upon written authorization signed by the unit member, an Association representative may review the unit member's file or accompany the unit member in his/her review of the file. Material which may be excluded from inspection shall be limited to ratings, reports or records which:
  - a. Were obtained prior to the employment of the unit member involved.
  - b. Were prepared by identifiable examination committee members.
  - c. Were obtained in connection with a promotional examination.

Unit members shall have the right to inspect and obtain a copy of personnel file materials upon request.

- 11.3 Information of a derogatory nature, except material excluded in accordance with Section 11.2 above, shall not be entered or filed unless and until the unit member is given notice and an opportunity to review and comment thereon. A unit member shall have the right to enter, and have attached to any such derogatory statement, his/her own comments thereon. Such review, and any reasonable preparation of comments in response to the material and/or statement, shall take place during normal business hours. The unit member shall be released from duty for a maximum of one-half (1/2) day per review without salary reduction. If the unit member alleges that the material is false or based on unsubstantiated information or rumor from any unidentified source, a grievance may be initiated to determine the validity of such material. If such material is determined to be false or based on unsubstantiated information or rumor from an unidentified source, it shall be removed.



Fairfield-Suisun Unified School District

"Our Mission is to Provide a Quality Educational System that Assures Opportunities for Every Student to Learn and Meet the Challenges of the Future"

Permanent Certificated Personnel *Evaluation Standards Selection Form*

(Reference: Collective Bargaining Agreement, Article 10)

Employee: \_\_\_\_\_ Evaluator: \_\_\_\_\_

Grade/Subject Area(s): \_\_\_\_\_ Position: \_\_\_\_\_

School Year: \_\_\_\_\_ Site/Location: \_\_\_\_\_ Date: \_\_\_\_\_

**Directions for Use:**

- 1) Permanent unit members will be evaluated on only three (3) CSTP Standards according to the following: Within the first twenty-five (25) work days of the unit member's work year, the evaluator selects one (1) Standard; the unit member selects one (1) Standard. Additionally, all unit members will be evaluated on Standard 6, "Developing as a Professional Educator." The selection of Standards by the evaluator and the unit member shall be made on this form. All forms shall be available to unit members on the electronic evaluation system. This form shall become a part of Permanent unit member's evaluation. [Reference: Article 10.4.a, Section 1(i) thru 1 (ii)]
- 2) The evaluator and the permanent unit member in accordance with Direction 1 above must each select on the line below, a CSTP Standard upon which the unit member will be evaluated in the year cited on this form and then each must date and sign the form. All forms shall be available to unit members on the electronic evaluation system. This form shall become a part of Permanent unit member's evaluation. [Reference: Article 10.4.a, Section 1(i) thru 1 (ii)]
- 3) Upon mutual agreement, the employee and the evaluator may elect to defer the evaluation one year only.

CSTP Standard Selected By Permanent Employee: \_\_\_\_\_

CSTP Standard Selected By Evaluator: \_\_\_\_\_

Standard \_\_\_\_\_

Standard \_\_\_\_\_

Permanent Employee's Signature \_\_\_\_\_

Date \_\_\_\_\_

Evaluator's Signature \_\_\_\_\_

Date \_\_\_\_\_



**Evaluation Deferral Signatures**

The next evaluation of this permanent is deferred one school year only.

Permanent Employee's Signature \_\_\_\_\_

Date \_\_\_\_\_

Evaluator's Signature \_\_\_\_\_

Date \_\_\_\_\_

July 2007 (Created 7/1/07)  
Revised (MOU-5/30/13)



## Fairfield-Suisun Unified School District

"Our Mission is to Provide a Quality Educational System that Assures Opportunities for Every Student to Learn and Meet the Challenges of the Future"

### Certificated Personnel Observation Form

(Reference: Collective Bargaining Agreement, Article 10)

Employee:

Evaluator:

Grade/Subject Area(s):

Position:

School Year: \_\_\_\_\_ Site/Location: \_\_\_\_\_

Date:

\*Standard Selected by the Evaluator:

\*Standard Selected by the Unit Member:

Status:  Temporary  Probationary-Zero  First-Year Probationary  Second-Year Probationary  Permanent

#### Directions for Use:

- 1) During the first thirty (30) days of the unit member's work year, the administrator will convene an individual or School Site Staff meeting in order to discuss the evaluation process and standards. All unit members will be provided electronic copies of the California Standards for the Teaching Profession: A Description of Professional Practice for California Teachers. Upon request, a unit member may be provided with a hard copy of the CSTP. The standards and elements of the California Standards for the Teaching Profession will be discussed in relationship to the FSUSD Observation and Evaluation Rubric. Examples of evidence-based evaluations will be provided. Staff will discuss the process and an opportunity to ask questions will be provided. (Reference: Article 10.6, Section e)
- 2) The authorized components of data to validate the CSTP include not only formal observations, but may also include observations of less than thirty minutes, classroom walkthroughs, lesson plans as designed by the classroom teacher, observation of report cards and progress reports, and records of professional development activities as provided by the teacher. (Reference: Article 10.3, Section e)
- 3) The FSUSD Observation and Evaluation Rubric will be used to provide meaningful feedback and to serve as a source for discussion. Evidence based comments will be provided. Following each formal observation, the unit member will receive written feedback no less than three (3) workdays prior to the post observation conference. A post observation conference will be held no later than ten (10) workdays following the formal observation. (Reference: Article 10.3, Section f)
- 4) **Permanent**, Probationary and Temporary unit members will be observed using this form at least *two* times throughout the course of the school year. (Reference: Article 10.3, Section d)

\*A: to Permanent Unit Members ONLY

## Standard 1: Engaging and Supporting All Students In Learning

<i>Elements</i>	<b>Does Not Meet CSTP</b>	<b>Progressing Towards CSTP</b>	<b>Meets or Exceeds CSTP</b>			<b>Evidence</b>	<b>Conference Notes</b>
<i>Using knowledge of students to engage them in learning.</i> 1.1	Does not use knowledge of students to engage them in learning	Learns about students through data provided in classroom, school, and/or district assessments.	Uses data from a variety of formal and informal sources to learn about students and guide selection of instructional strategies to meet diverse learning needs.	Uses data from multiple measures to make adjustments to instruction and meet individual identified learning needs. Uses a variety of instructional strategies that ensure equitable access to the curriculum.	Uses comprehensive knowledge of students to make adjustments and accommodations in instruction. Provides opportunities for students to choose from a wide range of methods to further their learning that are responsive to their diverse learning needs.		
<i>Connecting learning to students' prior knowledge, backgrounds, life experiences, and interests.</i> 1.2	Makes no connections between learning and the students' prior knowledge, life experiences and interests. Does not elicit students' questions or comments during a lesson.	Attempts to open lesson to engage students' attention and interest. Asks some questions that elicit students' prior knowledge, life experiences and interest.	Implements activities and elicits questions that help students make connections between what they already know and what they are learning.	Uses questions and activities to extend students' abilities to integrate what they know with the learning goals and objectives. Makes adjustments during lesson to ensure that all students meet the learning goals.	Develops and systematically uses extensive information regarding students' cultural backgrounds, prior knowledge, life experiences, and interests. Provides opportunities and support for students to articulate the relevance and impact of lessons on their lives and/or on society.		
<i>Connecting subject matter to meaningful, real-life contexts.</i> 1.3	Makes no real-life connections during instruction as identified in subject matter.	Occasionally connects real-life contexts with subject matter to support student understanding.	Regularly utilizes meaningful, real-life connections to develop students' understandings of subject matter.	Provides opportunities for students to routinely make connections to relevant, meaningful, and real-life contexts throughout subject matter instruction and for students to provide feedback regarding relevance of subject matter to their lives.	Integrates connections to meaningful, real-life contexts in planning subject matter instruction and is responsive during instruction to actively engage students to make their own connections and to extend their understanding.		

<p><i>Using a variety of instructional strategies, resources, and technologies to meet students' diverse learning needs.</i></p> <p>1.4</p>	<p>Uses instructional strategies that lack variety, are poorly carried out, or are inappropriate to the students or to the instructional goals. No adjustments are made to respond to students' needs.</p>	<p>Uses minimal instructional strategies including technology. Delivers instruction with available resources and materials. Makes minimal adjustments to respond to students' needs.</p>	<p>Elicits student participation through a variety of instructional strategies including technology intended to match students' academic and linguistic needs. Checks for student understanding.</p>	<p>Uses a repertoire of strategies to meet students' diverse academic and linguistic needs to ensure fullest participation and learning for all students.</p>	<p>Creates, adapts, and utilizes a repertoire of strategies, culturally responsive pedagogy, technology, and resources during ongoing instruction. Selects and differentiates learning to accommodate students' diverse learning styles.</p>
<p><i>Promoting critical thinking through inquiry, problem solving, and reflection.</i></p> <p>1.5</p>	<p>Limits questions to recall of factual knowledge. Provides no opportunities for students to engage in critical thinking through inquiry, problem solving, or reflection.</p>	<p>Asks questions that focus on factual knowledge and comprehension and provides some opportunities for students to think critically.</p>	<p>Guides students to think critically through the use of questioning strategies, posing and solving problems, and reflecting on issues in content.</p>	<p>Supports students to initiate critical thinking through independently developing questions, posing problems, and reflecting on multiple perspectives.</p>	<p>Facilitates systematic opportunities for students to pose and answer a wide range of complex questions and problems, reflect, and communicate understandings based on in-depth analysis of content learning.</p>
<p><i>Monitoring student learning and adjusting instruction while teaching.</i></p> <p>1.6</p>	<p>Instruction is not modified, in spite of evidence that modifications would improve student learning.</p>	<p>Seeks to clarify instructions and learning activities to support student understanding.</p>	<p>Makes ongoing adjustments to instruction based on observation of student engagement and regular checks for understanding.</p>	<p>Adjusts strategies during instruction based on the ongoing monitoring of individual student needs for assistance, support, or challenge.</p>	<p>Makes adjustments to extend learning opportunities and provide assistance to students in mastering the content flexibly and effectively.</p>

## Standard 2: Creating and Maintaining an Effective Environment for Student Learning

<i>Elements</i>	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence	Conference Notes
<i>Promoting social development and responsibility within a caring community where each student is treated fairly and respectfully.</i> 2.1	Does not model fairness, equity, caring, and respect in the classroom. Does not support students' social development diversity or self-esteem. Does not provide opportunities for students to share in the responsibility in the classroom community.	Builds caring, friendly rapport with most students. Models fair and respectful behavior. Demonstrates commitment to fairness and respect in communications with students.	Reinforces positive, responsible, and respectful student interactions. Assists students to resolve conflicts. Demonstrates cultural awareness in developing a positive classroom climate.	Maintains caring and respectful relationships with students. Supports students in taking leadership in developing a caring community that is responsive to the cultural diversity of all students.	Fosters a safe, inclusive, and equitable learning community. Facilitates student participation in maintaining a climate of equity, caring, and respect and development of creative solutions to conflicts.		
<i>Creating physical or virtual learning environments that promote student learning, reflect diversity, and encourage constructive and productive interactions among students.</i> 2.2	The physical /virtual environment does not support student learning. Movement and access may be restricted by barriers. Materials/resources are difficult to access when needed.	<i>Experiments with adapting the physical and/or virtual learning environment for teacher accessibility or visibility of students, easy movement and access to resources. Room displays relate to the curriculum.</i>	Develops physical and/or virtual learning environments that support student learning. Utilizes a variety of structures for interaction for learning activities that ensure a focus on and completion of learning tasks. Room displays are sometimes used in learning activities.	Maintains physical and/or virtual learning environments that reflect student diversity. Integrates a variety of structures for interaction that engage students constructively and productively in learning. Provides a broad range of resources, displays, and artifacts that are current and integral to instruction.	Adapts physical and/or virtual learning environments flexibly. The environment is used a resource to promote individual and group learning. Students are able to contribute to the changing design of the environment to reflect the student diversity.		
<i>Establishing and maintaining learning environments that are physically, intellectually, and emotionally safe.</i> 2.3	Does not model fairness, equity, caring, and respect in the classroom. Is unaware of impolite and disrespectful behavior. Allows inappropriate attitudes and behavior among students. Response to inappropriate behavior is unfair or inequitable.	Adheres to policies and laws regarding safety that are required by the site, district, and state. Responds to behaviors that impact student safety as they arise. Explores strategies to establish intellectual and emotional safety in the classroom.	Anticipates and reduces risks to physical, intellectual, and emotional safety using multiple strategies that promote acceptance and respect for different experiences, ideas, backgrounds, feelings, and points of view. Models and provides instruction on skills that support safety.	Engages students in individual and group work that promotes responsibility to the classroom community. Supports students to take initiative in classroom leadership.	Shares responsibility with the students for the establishment and maintenance of a safe physical, intellectual, and emotional environment focused on high quality and rigorous learning.		

<p><i>Creating a rigorous learning environment with high expectations and appropriate support for all students</i></p> <p>2.4</p>	<p>High expectations for student learning is not evident. Appropriate scaffolds to address achievement gaps are not implemented. Instruction is not developed for appropriate levels of challenge.</p>	<p>Focuses the rigor of the learning environment on the accuracy of answers and completion of learning tasks. Works to maintain high expectations for students while becoming aware of achievement patterns for individuals and groups of students.</p>	<p>Strives for a rigorous learning environment that includes accuracy, understanding, and the importance of meeting targeted learning goals. Holds high expectations for students. Has an understanding of achievement patterns and uses scaffolds to address achievement gaps.</p>	<p>Integrates rigor throughout the learning environment that values accuracy, analysis, and critical reading, writing, and thinking. Integrates strategic scaffolds and technologies throughout instruction that support the full range of learners in meeting high expectations for achievement.</p>	<p>Facilitates a rigorous learning environment in which students take leadership in learning. Fosters extended studies, research, analysis, and purposeful use of learning. Scaffolds instruction to support students in utilizing a variety of strategies to meet high expectations.</p>
<p><i>Developing, communicating, and maintaining high standards for individual and group behavior</i></p> <p>2.5</p>	<p>No standards for behavior appear to have been established, or students are confused about what the standards are.</p>	<p>Basic standards for behavior have been established. Reviews standards for behavior with students in anticipation of need for reinforcement. Refers to standards for behavior and applies consequences as needed.</p>	<p>Develops expectations with some student involvement. Communicates, models, and explains expectations for individual and group behavior. Monitors student behavior during individual and group work.</p>	<p>Equitably reinforces expectations and consequences and supports students to monitor their own behavior and each others' behavior in a respectful way.</p>	<p>Facilitates a positive environment using systems that ensure students take an active role in monitoring and maintaining high standards for individual and group behaviors.</p>
<p><i>Employing classroom routines, procedures, norms, and supports for positive behavior to ensure a climate in which all students can learn</i></p> <p>2.6</p>	<p>Has not established routines, procedures, norms, and supports for positive behavior.</p>	<p>Develops procedures and routines. Assists students to learn routines and procedures. Seeks to promote positive behaviors and responds to disruptive behavior.</p>	<p>Establishes and maintains procedures routines, and norms. Provides positive behavior supports. Responds appropriately to behaviors in ways that lessen disruptions to the learning environment.</p>	<p>Engages students in monitoring and reflecting on routines, procedures, and norms. Promotes positive behaviors and consistently prevents or refocuses behaviors disruptive to the learning environment.</p>	<p>Facilitates students in monitoring and adjusting routines. Classroom climate integrates school standards, promotes positive behaviors, and eliminates most disruptive behavior.</p>
<p><i>Using instructional time to optimize learning</i></p> <p>2.7</p>	<p>Learning activities are not appropriately paced. Poor transitions result in lost instructional time.</p>	<p>Provides time for students to complete learning activities. Develops some routines for classroom business and most transitions are timely.</p>	<p>Provides adequate time for instruction, checking for understanding, and completion of learning activities. Paces instruction and classroom business and uses transitions to support and maintain engagement of all students.</p>	<p>Paces instruction to include ongoing assessment of student learning. Supports students in the monitoring of instructional time.</p>	<p>Presents, adjusts, and facilitates instruction and daily activities so all students have time for learning, are continually engaged, and have opportunities for reflection and assessment. Supports students to self-monitor time on task.</p>

### Standard 3: Understanding and Organizing Subject Matter for Student Learning

<i>Elements</i>	<b>Does Not Meet CSTP</b>	<b>Progressing Towards CSTP</b>	<b>Meets or Exceeds CSTP</b>			<b>Evidence</b>	<b>Conference Notes</b>
<i>Demonstrating knowledge of subject matter, academic content standards, and curriculum frameworks.</i> 3.1	Basic knowledge of subject matter is not always evident or current. Does not adequately support students' learning of key concepts.	Has working knowledge of subject matter, related academic language and academic content standards.	Utilizes concepts in subject matter and academic language, to identify connections between academic content standards and instruction.	Identifies and integrates key concepts, themes, relationships, and connections across subject matter areas.	Uses extensive knowledge of subject matter concepts, current issues, academic language, and research to make relevant connections to standards during instruction and extend student learning.		
<i>Applying knowledge of student development and proficiencies to ensure student understanding of subject matter.</i> 3.2	Does not apply knowledge of student development and proficiencies to meet students' diverse learning needs.	Demonstrates basic knowledge of stages of student development while becoming aware of differences in students' understanding of subject matter.	Connects content being taught to students' prior knowledge and experiences at the appropriate developmental level.	Integrates knowledge of the range of student development into instructional decisions to ensure student understanding of subject matter, including related academic language.	Utilizes comprehensive knowledge to guide all students to develop proficiencies in self-directed goal setting, monitoring, and improvement.		
<i>Organizing curriculum to facilitate student understanding of the subject matter.</i> 3.3	Does not organize curriculum to facilitate student understanding of the subject matter.	Follows organization of curriculum as provided by site and district to support student understanding of subject matter.	Applies knowledge of the subject matter to organize curriculum, plan lessons and units, and select instructional strategies that demonstrate key concepts.	Utilizes knowledge of student readiness to learn to organize, sequence, and enhance the curriculum.	Integrates knowledge of curriculum and resources to organize and adjust instruction within and across subject matter to extend student understanding.		
<i>Utilizing instructional strategies that are appropriate to the subject matter.</i> 3.4	Does not appropriately match instructional strategies to subject matter content or concepts.	Uses limited instructional strategies to make the content accessible to students.	Selects and adapts a variety of instructional strategies to ensure student understanding of academic language appropriate to subject matter and that address students' diverse learning needs.	Integrates instructional strategies appropriate to subject matter that challenge all students. Assists students to individually construct their own knowledge, think critically, understand and use academic language, and make connections within and across subject matter.	Uses a repertoire of instructional strategies that are appropriate to subject matter to support and challenge the full range of students toward a deep understanding of subject matter. Utilizes strategies that challenge and support all students to independently apply and think critically about the subject matter.		

<p><i>Using and adapting resources, technologies and standards aligned instructional materials, including adopted materials to make subject matter accessible to all students</i></p> <p>3.5</p>	<p>Instructional materials, resources and technologies are not used appropriately.</p>	<p>Uses available instructional materials, resources, and technologies to present concepts and skills.</p>	<p>Selects and utilizes appropriate relevant instructional materials, resources and technologies to make subject matter accessible to students. Resources reflect the diversity of the classroom and support differentiated learning of subject matter.</p>	<p>Integrates a wide range of relevant materials, resources, and technologies to enrich learning, to reflect linguistic and cultural diversity of students, and to provide equal access for all students.</p>	<p>Engages students in identifying and adapting resources, technologies and standards-aligned instructional materials to extend student understanding and critical thinking about subject matter.</p>		
<p><i>Addressing the needs of English Learners and students with special needs to provide equitable access to the content.</i></p> <p>3.6</p>	<p>Is unaware of the range of students' needs as identified by school data. Does not cooperate with support personnel and families to support learning plans and goals.</p>	<p>Is aware of the full range of students' needs as identified through data provided by the school. Seeks additional information on the full range of students to address challenges and required additional supports. Cooperates with support personnel and families in establishing learning plans and goals.</p>	<p>Uses data on the full range of students identified with special needs and/or English Learners to provide appropriate challenges and accommodations in instruction. Communicates with support personnel and families to ensure that appropriate student services are provided and progress is made in accessing content.</p>	<p>Integrates accommodations, adaptations, or extensions to instruction for the full range of students with special needs and English Learners to ensure adequate support and challenge. Maintains regular communication with support personnel and families to ensure that appropriate student services are provided and progress is made in accessing content.</p>	<p>Guides and supports the full range of students with special needs and English Learners to actively engage in assessment and to monitor their own strengths, learning needs, and achievement. Communicates and collaborates with support personnel and families in creating a coordinated program to optimize success of the full range of students with special needs and English Learners.</p>		



## Standard 4: Planning Instruction and Designing Learning Experiences for All Students

<i>Elements</i>	<b>Does Not Meet CSTP</b>	<b>Progressing Towards CSTP</b>	<b>Meets or Exceeds CSTP</b>			<b>Evidence</b>	<b>Conference Notes</b>
<i>Using knowledge of students' academic readiness, language proficiency, cultural background, and individual development to plan instruction.</i> 4.1	Instructional plans do not match or reflect students' backgrounds, experiences, interests, and developmental needs, and do not support students' learning.	Plans instruction using available standardized test data.	Plans and implements instruction using data from a variety of assessments, as well as information on student academic readiness, language, cultural background, and individual development.	Uses differentiated instruction that supports student learning based on the knowledge of the students' diverse learning needs and cultural background.	Implements differentiated instruction that promotes access to academic content standards, taking into account students' academic, cultural, and linguistic diversity.		
<i>Establishing and articulating goals for student learning.</i> 4.2	Instructional goals are not established or do not address students' language, experiences or school expectations. Expectations for students are low or unrealistic.	Establishes expectations for student learning in most lessons. Has inconsistent expectations for students.	Articulates and links goals to instructional activities. Goals are appropriately challenging for most students and represent valuable learning. Expectations for students are generally high.	Ensures that students understand and reflect upon short-term and long-term learning goals. Goals reflect high expectations and challenge students at their level.	Articulates short-term and long-term goals with high expectations for learning. Designs activities so that students have opportunities to participate in setting, revising, and achieving personal goals.		
<i>Developing and sequencing long-term and short-term instructional plans to support student learning.</i> 4.3	Individual lesson plans have little or no recognizable organization or connection to adopted curriculum. Does not plan to ensure access to challenging, diverse, academic content for all students.	Uses available curriculum guidelines for daily, short-term and long-term plans.	Develops and sequences short and long term instructional plans to support student learning.	Refines sequence of long-term plans with colleagues to reflect integration of curriculum guidelines, frameworks, and content standards with assessed instructional needs to ensure student learning.	Utilizes extensive knowledge of the curriculum, content standards, and assessed learning needs to design cohesive and comprehensive long-term and short-term instructional plans that ensure high levels of learning.		
<i>Planning instruction that incorporates appropriate strategies to meet the learning needs of all students.</i> 4.4	Instructional strategies do not address students' diverse learning needs.	Plans instruction that incorporates strategies suggested by curriculum guidelines.	Uses knowledge of subject matter, culturally responsive pedagogy, and students' diverse learning needs to plan and implement appropriately paced instructional activities.	Integrates instruction to address learning styles and meets students' assessed language and learning needs. Provides appropriate support and challenge for students.	Plans instruction incorporating a repertoire of strategies to specifically meet students' diverse language and learning needs and styles to advance learning for all.		

<p><i>Adapting instructional plans and curricular materials to meet the assessed learning needs of all students.</i></p> <p>4.5</p>	<p>Instructional plans are not modified, in spite of evidence that modifications would improve student learning.</p>	<p>Implements lessons and uses materials from curriculum provided.</p>	<p>Makes adjustments and adaptations to differentiate instructional plans based on the assessed learning needs of all students.</p>	<p>Makes ongoing adjustments to instructional plans and uses a variety of materials as the instructional need arises to support student learning.</p>	<p>Based on assessed student needs and past lessons taught, anticipates and plans for a wide range of adaptations to instruction.</p>		
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## Standard 5: Assessing Student Learning

<i>Elements</i>	<b>Does Not Meet CSTP</b>	<b>Progressing Towards CSTP</b>	<b>Meets or Exceeds CSTP</b>			<b>Evidence</b>	<b>Conference Notes</b>
<i>Applying knowledge of the purposes, characteristics, and uses of different types of assessments.</i> 5.1	Does not demonstrate an awareness of the purposes, characteristics, and uses of different types of assessments.	Explores the use of different types of assessments. Begins to identify specific characteristics of assessments that yield different types of information about student preparedness, progress, and proficiency.	Selects and uses assessments based on a clear understanding of the purposes and characteristics of assessments to support student learning.	Develops and adapts a range of appropriate assessments to address questions about students' learning needs and progress. Integrates a variety of characteristics into assessments to allow students with a range of learning needs to demonstrate what they know.	Demonstrates purposeful use of a wide range of assessments to support differentiated student learning needs and reflect progress. Draws flexibly from a repertoire of appropriate assessment options and characteristics to maximize student demonstration of knowledge.		
<i>Collecting and analyzing assessment data from a variety of sources to inform instruction.</i> 5.2	Uses no sources of information to inform instruction and/or does not use assessments that are appropriate.	Uses data from required assessments to assess student learning. Follow required processes for data analysis and draws conclusions about student learning.	Explores collecting additional data using supplemental assessments. Makes adjustments in planning for single lessons or sequence of lessons based on analysis of assessment data.	Collects a variety of formal and informal assessment data on student learning. Uses analysis of a variety of data to inform planning and differentiation of instruction.	<b><u>BTSA Integrating</u></b> Strategically and systematically integrates assessments throughout instruction to collect ongoing data appropriate for the range of learning needs. Uses the results of ongoing data analysis for maximum academic student success.		
<i>Reviewing data, both individually and with colleagues, to monitor student learning.</i> 5.3	Does not review data, individually or with colleagues, to monitor student learning.	Reviews and monitors assessment data as required by site and/or district.	Reviews and monitors a variety of data, individually and with colleagues, to identify the learning needs of individual students.	Reviews and monitors a wide variety of data, individually and with colleagues, to identify trends and patterns among students.	Works collaboratively with colleagues to identify and address underlying causes for assessment data trends.		

<p><i>Using assessment data to establish learning goals and to plan, differentiate, and modify instruction.</i></p> <p>5.4</p>	<p>Assessment data is not appropriately used by the teacher to establish learning goals or to plan, differentiate, and modify instruction.</p>	<p>Uses data from available assessments to establish learning goals.</p>	<p>Uses a variety of formal and informal assessment data to establish learning goals for content and academic language. Regularly plans differentiated lessons and modifications to instruction to meet students' diverse learning needs.</p>	<p>Uses a wide variety of data to establish goals for content and academic language that are integrated across content standards for individuals and groups. Plans differentiated instruction targeted to meet individual and group learning needs and modifies lessons during instruction based on informal assessment.</p>	<p>Reflects on data to make refinements to learning goals for content and academic language for the full range of students. Uses data systematically to refine planning, differentiate instruction, and makes ongoing adjustments to match the evolving learning needs of individuals and groups.</p>
<p><i>Involving all students in self-assessment, goal setting, and monitoring progress.</i></p> <p>5.5</p>	<p>Does not involve students in self-assessment, goal setting, and monitoring of their progress.</p>	<p>Begins to encourage students to establish learning goals through single lessons or sequence of lessons that include goal setting exercises. Provides students with opportunities in single lessons or sequence of lessons to monitor their own progress towards class and/or individual goals.</p>	<p>Models and scaffolds student self-assessment and goal setting processes for learning content and academic language development. Guides students to monitor and reflect on progress on a regular basis.</p>	<p>Implements opportunities for students to self-assess and set learning goals related to content, academic language and individual skills. Integrates student self-assessment, goal setting, and monitoring progress across the curriculum.</p>	<p>Provides ongoing opportunities for student self-assessment, goal setting, and monitoring progress. Develops students' meta-cognitive skills for analyzing progress and refining goals to advance their academic achievement.</p>
<p><i>Using available technologies to assist in assessment, analysis, and communication of student learning.</i></p> <p>5.6</p>	<p>Does not use available technologies to assist in assessment, analysis, and communication of student learning.</p>	<p>Uses technologies to implement individual assessments, record results and communicate with administration, colleagues and families about student learning.</p>	<p>Uses technology to design and implement assessments, record and analyze results and communicate student learning with administration, colleagues, families and students. Ensures that communications are received by those who lack the access to technologies</p>	<p>Integrates a variety of technologies into the development, implementation, analysis of assessments, and communication of student learning to all audiences.</p>	<p>Uses a wide range of technologies to design, implement and analyze assessments and provides for in depth and ongoing communication regarding student learning for all audiences.</p>

<p><i>Using assessment information to share timely and comprehensible feedback with students and their families</i></p> <p>5.7</p>	<p>Does not provide students with feedback through assessment of work. Poor communication of student proficiency and behavior issues to family.</p>	<p>Provides students with feedback through assessment of work and required summative assessments. Notifies families of student proficiencies, challenges, and behavior issues.</p>	<p>Provides students with clear and timely information about strengths, needs, and strategies for improving academic achievement. Communicates regularly to share communication assessment information that is responsive to individual student and family needs.</p>	<p>Integrates feedback to students from formal and informal assessments in ways that support increased learning. Provides opportunities for two-way communications with families to share student assessments and progress, and to raise issues or concerns</p>	<p>Develops student skills in analyzing assessments of their progress to facilitate and accelerate their learning. Engages families in a variety of ongoing comprehensible communications about individual student progress and ways to provide and monitor.</p>	
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### Standard 6: Developing as a Professional Educator

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence	Conference Notes
<i>Reflecting on teaching practice in support of student learning.</i> 6.1	Rarely uses reflection to assess professional growth to support student learning over time or to plan professional development.	Reflects on areas of concern in his/her teaching practice, assesses growth in these areas, and begins to focus professional development on immediate student learning needs	Engages in reflection individually and with colleagues on the relationship between making adjustments in teaching practice and the impact on the full range of learners	Analyzes and reflects individually and with colleagues on teaching and learning based on evidence gathered. Plans professional development based on teaching practices that support the full range of learners	Integrates analysis and reflection individually and with colleagues into teaching practice in relationship to professional growth that supports the full-range of student learning.		
<i>Establishing professional goals and engaging in continuous and purposeful professional growth and development.</i> 6.2	Rarely establishes professional goals, seeks opportunities to develop new knowledge or skills, or participates in the professional community.	Sets goals that take into account self-assessment of teaching practice.	Sets goals and pursues opportunities to acquire new knowledge and skills and participate in the professional community.	Purposefully pursues opportunities to expand knowledge and skills, and participates in and contributes to the professional community.	Sets and modifies a range of professional goals to extend own teaching practice and that of colleagues. Contributes to professional organizations, literature, and development opportunities and leads professional development.		
<i>Collaborating with colleagues and the broader professional community to support teacher and student learning.</i> 6.3	Rarely collaborates with colleagues, or seeks out other staff to discuss student learning. Rarely participates in school or district events or learning activities.	Establishes positive working relationship with a few colleagues. Interacts with colleagues to gather resources. Seeks out trusted colleagues to consider solutions to problems with students.	Works constructively with colleagues and support staff to improve student learning and reflect on practice. Collaborates with colleagues to plan curriculum, coordinate resources, and solve problems.	Engages staff in dialogue and reflection to support student learning and teacher growth in responsive and appropriate ways.	Provides opportunities to collaborate with staff to support learning for all students. Provides leadership for, and contributes to, the learning of other educators.		
<i>Working with families to support student learning.</i> 6.4	Teacher may demonstrate respect for students' families or their backgrounds, but has limited communication with families, and is not sure how to provide opportunities for participation in the classroom or school community.	Communicates with families at reporting periods and school events. Advises families of problems. Recognizes the role of the family in student learning. Invites families to contribute in the classroom and school events	Regularly communicates student progress in appropriate ways, taking into account the diversity of families. Encourages families to contribute to the support of their children's learning.	Communicates to families in ways which show understanding of and respect for cultural norms. Provides opportunities and support for families to actively participate in support of their children's learning.	Engages families in a variety of responsive, ongoing, two-way communications in support of student success. Structures a wide range of opportunities for families to contribute to the support of their children's learning.		

<p><i>Engaging local communities in support of the instructional program</i></p> <p>6.5</p>	<p>Lacks awareness of local neighborhoods and communities around school and does not make use of available local resources.</p>	<p>Develops an awareness of neighborhood and community resources.</p>	<p>Uses a variety of neighborhood and community resources to support the curriculum.</p>	<p>Draws from understanding of community to improve and enrich the instructional program.</p>	<p>Collaborates with community members to increase instructional and learning opportunities and to support students and families.</p>
<p><i>Managing professional responsibilities to maintain motivation and commitment to all students</i></p> <p>6.6</p>	<p>Does not fulfill professional responsibilities. Does not stay current with professional and legal responsibilities for students' learning, behavior and safety.</p>	<p>Possesses a positive attitude in the classroom. Develops an understanding of professional responsibilities.</p>	<p>Maintains positive attitude, demonstrates understanding of professional responsibilities and a commitment to all students, and seeks to balance professional responsibilities with personal needs.</p>	<p>Maintains motivation and commitment to all students, demonstrates professional integrity, and challenges self intellectually and creatively.</p>	<p>Demonstrates and models professional integrity, and challenges self intellectually and creatively throughout career to maintain motivation and commitment to all students and the professional community.</p>

Comments/Commendations/Suggestions

Evaluator	Employee

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Administrator's direct actions, involvement and support that will be provided to assist the unit member (add pages if necessary):

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- 
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Employee's Signature

Date

Evaluator's Signature

Title

Date

July 2007 (Revised 7/1/07)  
Revised (MOU-5/30/13)





## Fairfield-Suisun Unified School District

"Our Mission is to Provide a Quality Educational System that Assures Opportunities for Every Student to Learn and Meet the Challenges of the Future"

### Certificated Personnel Evaluation Form

(Reference: Collective Bargaining Agreement, Article 10)

Employee:

Evaluator:

Grade/Subject Area(s):

Position:

School Year: \_\_\_\_\_ Site/Location: \_\_\_\_\_

Date:

\*Standard Selected by the Evaluator:

\*Standard Selected by the Unit Member:

Status:  Temporary  Probationary-Zero  First-Year Probationary  Second-Year Probationary  Permanent

#### Directions for Use:

- 1) During the first thirty (30) days of the unit member's work year, the administrator will convene an individual or School Site Staff meeting in order to discuss the evaluation process and standards. All unit members will be provided electronic copies of the California Standards for the Teaching Profession: A Description of Professional Practice for California Teachers. Upon request, a unit member may be provided with a hard copy of the CSTP. The standards and elements of the California Standards for the Teaching Profession will be discussed in relationship to the FSUSD Observation and Evaluation Rubric. Examples of evidence-based evaluations will be provided. Staff will discuss the process and an opportunity to ask questions will be provided. (Reference: Article 10.6, Section e)
- 2) The authorized components of data to validate the CSTP include not only formal observations, but may also include observations of less than thirty minutes, classroom walkthroughs, lesson plans as designed by the classroom teacher, observation of report cards and progress reports, and records of professional development activities as provided by the teacher. (Reference: Article 10.3, Section e)
- 3) The FSUSD Evaluation Rubric will be used to provide meaningful feedback and to serve as a source for discussion for the evaluation. Evidence based comments will be provided. In completing the final report, the evaluator will consider the overall performance in each of the selected standards when determining an evaluation rating. [Reference: Article 10.3, Sections (a.1, c, & d thru g)]
- 4) All unit members will receive a final written evaluation report, and an employee/evaluator conference will be held at least thirty (30) workdays prior to their last workday in the school year in which the evaluation took place. [Reference: Article 10.4, Sections (a or b)]

\* Applies to Permanent Unit Members ONLY

## Standard 1: Engaging and Supporting All Students In Learning

<i>Elements</i>	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<i>Using knowledge of students to engage them in learning.</i> 1.1	Does not use knowledge of students to engage them in learning	Learns about students through data provided in classroom, school, and/or district assessments.	Uses data from a variety of formal and informal sources to learn about students and guide selection of instructional strategies to meet diverse learning needs.	Uses data from multiple measures to make adjustments to instruction and meet individual identified learning needs. Uses a variety of instructional strategies that ensure equitable access to the curriculum.	Uses comprehensive knowledge of students to make adjustments and accommodations in instruction. Provides opportunities for students to choose from a wide range of methods to further their learning that are responsive to their diverse learning needs.	
<i>Connecting learning to students' prior knowledge, backgrounds, life experiences, and interests</i> 1.2	Makes no connections between learning and the students' prior knowledge, life experiences and interests. Does not elicit students' questions or comments during a lesson.	Attempts to open lesson to engage students' attention and interest. Asks some questions that elicit students' prior knowledge, life experiences and interest.	Implements activities and elicits questions that help students make connections between what they already know and what they are learning.	Uses questions and activities to extend students' abilities to integrate what they know with the learning goals and objectives. Makes adjustments during lesson to ensure that all students meet the learning goals.	Develops and systematically uses extensive information regarding students' cultural backgrounds, prior knowledge, life experiences, and interests. Provides opportunities and support for students to articulate the relevance and impact of lessons on their lives and/or on society.	
<i>Connecting subject matter to meaningful, real-life contexts.</i> 1.3	Makes no real-life connections during instruction as identified in subject matter.	Occasionally connects real-life contexts with subject matter to support student understanding.	Regularly utilizes meaningful, real-life connections to develop students' understandings of subject matter.	Provides opportunities for students to routinely make connections to relevant, meaningful, and real-life contexts throughout subject matter instruction and for students to provide feedback regarding relevance of subject matter to their lives.	Integrates connections to meaningful, real-life contexts in planning subject matter instruction and is responsive during instruction to actively engage students to make their own connections and to extend their understanding.	

<p><i>Using a variety of instructional strategies, resources, and technologies to meet students' diverse learning needs.</i></p> <p>1.4</p>	<p>Uses instructional strategies that lack variety, are poorly carried out, or are inappropriate to the students or to the instructional goals. No adjustments are made to respond to students' needs.</p>	<p>Uses minimal instructional strategies including technology. Delivers instruction with available resources and materials. Makes minimal adjustments to respond to students' needs.</p>	<p>Elicits student participation through a variety of instructional strategies including technology intended to match students' academic and linguistic needs. Checks for student understanding.</p>	<p>Uses a repertoire of strategies to meet students' diverse academic and linguistic needs to ensure fullest participation and learning for all students.</p>	<p>Creates, adapts, and utilizes a repertoire of strategies, culturally responsive pedagogy, technology, and resources during ongoing instruction. Selects and differentiates learning to accommodate students' diverse learning styles.</p>
<p><i>Promoting critical thinking through inquiry, problem solving, and reflection.</i></p> <p>1.5</p>	<p>Limits questions to recall of factual knowledge. Provides no opportunities for students to engage in critical thinking through inquiry, problem solving, or reflection.</p>	<p>Asks questions that focus on factual knowledge and comprehension and provides some opportunities for students to think critically.</p>	<p>Guides students to think critically through the use of questioning strategies, posing and solving problems, and reflecting on issues in content.</p>	<p>Supports students to initiate critical thinking through independently developing questions, posing problems, and reflecting on multiple perspectives.</p>	<p>Facilitates systematic opportunities for students to pose and answer a wide range of complex questions and problems, reflect, and communicate understandings based on in-depth analysis of content learning.</p>
<p><i>Monitoring student learning and adjusting instruction while teaching.</i></p> <p>1.6</p>	<p>Instruction is not modified, in spite of evidence that modifications would improve student learning.</p>	<p>Seeks to clarify instructions and learning activities to support student understanding.</p>	<p>Makes ongoing adjustments to instruction based on observation of student engagement and regular checks for understanding.</p>	<p>Adjusts strategies during instruction based on the ongoing monitoring of individual student needs for assistance, support, or challenge.</p>	<p>Makes adjustments to extend learning opportunities and provide assistance to students in mastering the content flexibly and effectively.</p>

## Standard 2: Creating and Maintaining an Effective Environment for Student Learning

<i>Elements</i>	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<i>Promoting social development and responsibility within a caring community where each student is treated fairly and respectfully</i> 2:1	Does not model fairness, equity, caring, and respect in the classroom. Does not support students' social development diversity or self-esteem. Does not provide opportunities for students to share in the responsibility in the classroom community.	Builds caring, friendly rapport with most students. Models fair and respectful behavior. Demonstrates commitment to fairness and respect in communications with students.	Reinforces positive, responsible, and respectful student interactions. Assists students to resolve conflicts. Demonstrates cultural awareness in developing a positive classroom climate.	Maintains caring and respectful relationships with students. Supports students in taking leadership in developing a caring community that is responsive to the cultural diversity of all students.	Fosters a safe, inclusive, and equitable learning community. Facilitates student participation in maintaining a climate of equity, caring, and respect and development of creative solutions to conflicts.	
<i>Creating physical or virtual learning environments that promote student learning, reflect diversity and encourage constructive and productive interactions among students</i> 2:2	The physical /virtual environment does not support student learning. Movement and access may be restricted by barriers. Materials/resources are difficult to access when needed.	<i>Experiments with adapting the physical and/or virtual learning environment</i> for teacher accessibility or visibility of students, easy movement and access to resources. Room displays relate to the curriculum.	Develops physical and/or virtual learning environments that support student learning. Utilizes a variety of structures for interaction for learning activities that ensure a focus on and completion of learning tasks. Room displays are sometimes used in learning activities.	Maintains physical and/or virtual learning environments that reflect student diversity. Integrates a variety of structures for interaction that engage students constructively and productively in learning. Provides a broad range of resources, displays, and artifacts that are current and integral to instruction.	Adapts physical and/or virtual learning environments flexibly. The environment is used a resource to promote individual and group learning. Students are able to contribute to the changing design of the environment to reflect the student diversity.	
<i>Establishing and maintaining learning environments that are physically, intellectually, and emotionally safe</i> 2:3	Does not model fairness, equity, caring, and respect in the classroom. Is unaware of impolite and disrespectful behavior. Allows inappropriate attitudes and behavior among students. Response to inappropriate behavior is unfair or inequitable.	Adheres to policies and laws regarding safety that are required by the site, district, and state. Responds to behaviors that impact student safety as they arise. Explores strategies to establish intellectual and emotional safety in the classroom.	Anticipates and reduces risks to physical, intellectual, and emotional safety using multiple strategies that promote acceptance and respect for different experiences, ideas, backgrounds, feelings, and points of view. Models and provides instruction on skills that support safety.	Engages students in individual and group work that promotes responsibility to the classroom community. Supports students to take initiative in classroom leadership.	Shares responsibility with the students for the establishment and maintenance of a safe physical, intellectual, and emotional environment focused on high quality and rigorous learning.	

<p><i>Creating a rigorous learning environment with high expectations and appropriate support for all students</i></p> <p>2.4</p>	<p>High expectations for student learning is not evident. Appropriate scaffolds to address achievement gaps are not implemented. Instruction is not developed for appropriate levels of challenge.</p>	<p>Focuses the rigor of the learning environment on the accuracy of answers and completion of learning tasks. Works to maintain high expectations for students while becoming aware of achievement patterns for individuals and groups of students.</p>	<p>Strives for a rigorous learning environment that includes accuracy, understanding, and the importance of meeting targeted learning goals. Holds high expectations for students. Has an understanding of achievement patterns and uses scaffolds to address achievement gaps.</p>	<p>Integrates rigor throughout the learning environment that values accuracy, analysis, and critical reading, writing, and thinking. Integrates strategic scaffolds and technologies throughout instruction that support the full range of learners in meeting high expectations for achievement.</p>	<p>Facilitates a rigorous learning environment in which students take leadership in learning. Fosters extended studies, research, analysis, and purposeful use of learning. Scaffolds instruction to support students in utilizing a variety of strategies to meet high expectations.</p>
<p><i>Developing, communicating, and maintaining high standards for individual and group behavior</i></p> <p>2.5</p>	<p>No standards for behavior appear to have been established, or students are confused about what the standards are.</p>	<p>Basic standards for behavior have been established. Reviews standards for behavior with students in anticipation of need for reinforcement. Refers to standards for behavior and applies consequences as needed.</p>	<p>Develops expectations with some student involvement. Communicates, models, and explains expectations for individual and group behavior. Monitors student behavior during individual and group work.</p>	<p>Equitably reinforces expectations and consequences and supports students to monitor their own behavior and each others' behavior in a respectful way.</p>	<p>Facilitates a positive environment using systems that ensure students take an active role in monitoring and maintaining high standards for individual and group behaviors.</p>
<p><i>Employing classroom routines, procedures, norms, and supports for positive behavior to ensure a climate in which all students can learn</i></p> <p>2.6</p>	<p>Has not established routines, procedures, norms, and supports for positive behavior.</p>	<p>Develops procedures and routines. Assists students to learn routines and procedures. Seeks to promote positive behaviors and responds to disruptive behavior.</p>	<p>Establishes and maintains procedures routines, and norms. Provides positive behavior supports. Responds appropriately to behaviors in ways that lessen disruptions to the learning environment.</p>	<p>Engages students in monitoring and reflecting on routines, procedures, and norms. Promotes positive behaviors and consistently prevents or refocuses behaviors disruptive to the learning environment.</p>	<p>Facilitates students in monitoring and adjusting routines. Classroom climate integrates school standards, promotes positive behaviors, and eliminates most disruptive behavior.</p>
<p><i>Using instructional time to optimize learning</i></p> <p>2.7</p>	<p>Learning activities are not appropriately paced. Poor transitions result in lost instructional time.</p>	<p>Provides time for students to complete learning activities. Develops some routines for classroom business and most transitions are timely.</p>	<p>Provides adequate time for instruction, checking for understanding, and completion of learning activities. Paces instruction and classroom business and uses transitions to support and maintain engagement of all students.</p>	<p>Paces instruction to include ongoing assessment of student learning. Supports students in the monitoring of instructional time.</p>	<p>Presents, adjusts, and facilitates instruction and daily activities so all students have time for learning, are continually engaged, and have opportunities for reflection and assessment. Supports students to self-monitor time on task.</p>

### Standard 3: Understanding and Organizing Subject Matter for Student Learning

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<i>Demonstrating knowledge of subject matter, academic content standards, and curriculum frameworks.</i> 3.1	Basic knowledge of subject matter is not always evident or current. Does not adequately support students' learning of key concepts.	Has working knowledge of subject matter, related academic language and academic content standards.	Utilizes concepts in subject matter and academic language, to identify connections between academic content standards and instruction.	Identifies and integrates key concepts, themes, relationships, and connections across subject matter areas.	Uses extensive knowledge of subject matter concepts, current issues, academic language, and research to make relevant connections to standards during instruction and extend student learning.	
<i>Applying knowledge of student development and proficiencies to ensure student understanding of subject matter.</i> 3.2	Does not apply knowledge of student development and proficiencies to meet students' diverse learning needs.	Demonstrates basic knowledge of stages of student development while becoming aware of differences in students' understanding of subject matter.	Connects content being taught to students' prior knowledge and experiences at the appropriate developmental level.	Integrates knowledge of the range of student development into instructional decisions to ensure student understanding of subject matter, including related academic language.	Utilizes comprehensive knowledge to guide all students to develop proficiencies in self-directed goal setting, monitoring, and improvement.	
<i>Organizing curriculum to facilitate student understanding of the subject matter.</i> 3.3	Does not organize curriculum to facilitate student understanding of the subject matter.	Follows organization of curriculum as provided by site and district to support student understanding of subject matter.	Applies knowledge of the subject matter to organize curriculum, plan lessons and units, and select instructional strategies that demonstrate key concepts.	Utilizes knowledge of student readiness to learn to organize, sequence, and enhance the curriculum.	Integrates knowledge of curriculum and resources to organize and adjust instruction within and across subject matter to extend student understanding.	
<i>Utilizing instructional strategies that are appropriate to the subject matter.</i> 3.4	Does not appropriately match instructional strategies to subject matter content or concepts.	Uses limited instructional strategies to make the content accessible to students.	Selects and adapts a variety of instructional strategies to ensure student understanding of academic language appropriate to subject matter and that address students' diverse learning needs.	Integrates instructional strategies appropriate to subject matter that challenge all students. Assists students to individually construct their own knowledge, think critically, understand and use academic language, and make connections within and across subject matter.	Uses a repertoire of instructional strategies that are appropriate to subject matter to support and challenge the full range of students toward a deep understanding of subject matter. Utilizes strategies that challenge and support all students to independently apply and think critically about the subject matter.	

<p><i>Using and adapting resources, technologies and standards aligned instructional materials, including adopted materials to make subject matter accessible to all students</i></p> <p>3.5</p>	<p>Instructional materials, resources and technologies are not used appropriately.</p>	<p>Uses available instructional materials, resources, and technologies to present concepts and skills.</p>	<p>Selects and utilizes appropriate relevant instructional materials, resources and technologies to make subject matter accessible to students. Resources reflect the diversity of the classroom and support differentiated learning of subject matter.</p>	<p>Integrates a wide range of relevant materials, resources, and technologies to enrich learning, to reflect linguistic and cultural diversity of students, and to provide equal access for all students.</p>	<p>Engages students in identifying and adapting resources, technologies and standards-aligned instructional materials to extend student understanding and critical thinking about subject matter.</p>		
<p><i>Addressing the needs of English Learners and students with special needs to provide equitable access to the content.</i></p> <p>3.6</p>	<p>Is unaware of the range of students' needs as identified by school data. Does not cooperate with support personnel and families to support learning plans and goals.</p>	<p>Is aware of the full range of students' needs as identified through data provided by the school. Seeks additional information on the full range of students to address challenges and required additional supports. Cooperates with support personnel and families in establishing learning plans and goals.</p>	<p>Uses data on the full range of students identified with special needs and/or English Learners to provide appropriate challenges and accommodations in instruction. Communicates with support personnel and families to ensure that appropriate student services are provided and progress is made in accessing content.</p>	<p>Integrates accommodations, adaptations, or extensions to instruction for the full range of students with special needs and English Learners to ensure adequate support and challenge. Maintains regular communication with support personnel and families to ensure that appropriate student services are provided and progress is made in accessing content.</p>	<p>Guides and supports the full range of students with special needs and English Learners to actively engage in assessment and to monitor their own strengths, learning needs, and achievement. Communicates and collaborates with support personnel and families in creating a coordinated program to optimize success of the full range of students with special needs and English Learners.</p>		

### Standard 4: Planning Instruction and Designing Learning Experiences for All Students

<i>Elements</i>	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<p><i>Using knowledge of students' academic readiness, language proficiency, cultural background, and individual development to plan instruction.</i></p> <p>4.1</p>	<p>Instructional plans do not match or reflect students' backgrounds, experiences, interests, and developmental needs, and do not support students' learning.</p>	<p>Plans instruction using available standardized test data.</p>	<p>Plans and implements instruction using data from a variety of assessments, as well as information on student academic readiness, language, cultural background, and individual development.</p>	<p>Uses differentiated instruction that supports student learning based on the knowledge of the students' diverse learning needs and cultural background.</p>	<p>Implements differentiated instruction that promotes access to academic content standards, taking into account students' academic, cultural, and linguistic diversity.</p>	
<p><i>Establishing and articulating goals for student learning.</i></p> <p>4.2</p>	<p>Instructional goals are not established or do not address students' language, experiences or school expectations. Expectations for students are low or unrealistic.</p>	<p>Establishes expectations for student learning in most lessons. Has inconsistent expectations for students.</p>	<p>Articulates and links goals to instructional activities. Goals are appropriately challenging for most students and represent valuable learning. Expectations for students are generally high.</p>	<p>Ensures that students understand and reflect upon short-term and long-term learning goals. Goals reflect high expectations and challenge students at their level.</p>	<p>Articulates short-term and long-term goals with high expectations for learning. Designs activities so that students have opportunities to participate in setting, revising, and achieving personal goals.</p>	
<p><i>Developing and sequencing long-term and short-term instructional plans to support student learning.</i></p> <p>4.3</p>	<p>Individual lesson plans have little or no recognizable organization or connection to adopted curriculum. Does not plan to ensure access to challenging, diverse, academic content for all students.</p>	<p>Uses available curriculum guidelines for daily, short-term and long-term plans.</p>	<p>Develops and sequences short and long term instructional plans to support student learning.</p>	<p>Refines sequence of long-term plans with colleagues to reflect integration of curriculum guidelines, frameworks, and content standards with assessed instructional needs to ensure student learning.</p>	<p>Utilizes extensive knowledge of the curriculum, content standards, and assessed learning needs to design cohesive and comprehensive long-term and short-term instructional plans that ensure high levels of learning.</p>	
<p><i>Planning instruction that incorporates appropriate strategies to meet the learning needs of all students.</i></p> <p>4.4</p>	<p>Instructional strategies do not address students' diverse learning needs.</p>	<p>Plans instruction that incorporates strategies suggested by curriculum guidelines.</p>	<p>Uses knowledge of subject matter, culturally responsive pedagogy, and students' diverse learning needs to plan and implement appropriately paced instructional activities.</p>	<p>Integrates instruction to address learning styles and meets students' assessed language and learning needs. Provides appropriate support and challenge for students.</p>	<p>Plans instruction incorporating a repertoire of strategies to specifically meet students' diverse language and learning needs and styles to advance learning for all.</p>	



<p><i>Adapting instructional plans and curricular materials to meet the assessed learning needs of all students.</i></p> <p>4.5</p>	<p>Instructional plans are not modified, in spite of evidence that modifications would improve student learning.</p>	<p>Implements lessons and uses materials from curriculum provided.</p>	<p>Makes adjustments and adaptations to differentiate instructional plans based on the assessed learning needs of all students.</p>	<p>Makes ongoing adjustments to instructional plans and uses a variety of materials as the instructional need arises to support student learning.</p>	<p>Based on assessed student needs and past lessons taught, anticipates and plans for a wide range of adaptations to instruction.</p>
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### Standard 5: Assessing Student Learning

<i>Elements</i>	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<p><i>Applying knowledge of the purposes, characteristics, and uses of different types of assessments.</i></p> <p>5.1</p>	<p>Does not demonstrate an awareness of the purposes, characteristics, and uses of different types of assessments.</p>	<p>Explores the use of different types of assessments. Begins to identify specific characteristics of assessments that yield different types of information about student preparedness, progress, and proficiency.</p>	<p>Selects and uses assessments based on a clear understanding of the purposes and characteristics of assessments to support student learning.</p>	<p>Develops and adapts a range of appropriate assessments to address questions about students' learning needs and progress. Integrates a variety of characteristics into assessments to allow students with a range of learning needs to demonstrate what they know.</p>	<p>Demonstrates purposeful use of a wide range of assessments to support differentiated student learning needs and reflect progress. Draws flexibly from a repertoire of appropriate assessment options and characteristics to maximize student demonstration of knowledge.</p>	
<p><i>Collecting and analyzing assessment data from a variety of sources to inform instruction.</i></p> <p>5.2</p>	<p>Uses no sources of information to inform instruction and/or does not use assessments that are appropriate.</p>	<p>Uses data from required assessments to assess student learning. Follow required processes for data analysis and draws conclusions about student learning</p>	<p>Explores collecting additional data using supplemental assessments. Makes adjustments in planning for single lessons or sequence of lessons based on analysis of assessment data.</p>	<p>Collects a variety of formal and informal assessment data on student learning. Uses analysis of a variety of data to inform planning and differentiation of instruction.</p>	<p><b><u>BTSA Integrating</u></b> Strategically and systematically integrates assessments throughout instruction to collect ongoing data appropriate for the range of learning needs. Uses the results of ongoing data analysis for maximum academic student success.</p>	
<p><i>Reviewing data, both individually and with colleagues, to monitor student learning.</i></p> <p>5.3</p>	<p>Does not review data, individually or with colleagues, to monitor student learning.</p>	<p>Reviews and monitors assessment data as required by site and/or district.</p>	<p>Reviews and monitors a variety of data, individually and with colleagues, to identify the learning needs of individual students.</p>	<p>Reviews and monitors a wide variety of data, individually and with colleagues, to identify trends and patterns among students.</p>	<p>Works collaboratively with colleagues to identify and address underlying causes for assessment data trends.</p>	

<p><i>Using assessment data to establish learning goals and to plan, differentiate, and modify instruction.</i></p> <p>5.4</p>	<p>Assessment data is not appropriately used by the teacher to establish learning goals or to plan, differentiate, and modify instruction.</p>	<p>Uses data from available assessments to establish learning goals.</p>	<p>Uses a variety of formal and informal assessment data to establish learning goals for content and academic language. Regularly plans differentiated lessons and modifications to instruction to meet students' diverse learning needs.</p>	<p>Uses a wide variety of data to establish goals for content and academic language that are integrated across content standards for individuals and groups. Plans differentiated instruction targeted to meet individual and group learning needs and modifies lessons during instruction based on informal assessment.</p>	<p>Reflects on data to make refinements to learning goals for content and academic language for the full range of students. Uses data systematically to refine planning, differentiate instruction, and makes ongoing adjustments to match the evolving learning needs of individuals and groups.</p>
<p><i>Involving all students in self-assessment, goal setting, and monitoring progress.</i></p> <p>5.5</p>	<p>Does not involve students in self-assessment, goal setting, and monitoring of their progress.</p>	<p>Begins to encourage students to establish learning goals through single lessons or sequence of lessons that include goal setting exercises. Provides students with opportunities in single lessons or sequence of lessons to monitor their own progress towards class and/or individual goals.</p>	<p>Models and scaffolds student self-assessment and goal setting processes for learning content and academic language development. Guides students to monitor and reflect on progress on a regular basis.</p>	<p>Implements opportunities for students to self-assess and set learning goals related to content, academic language and individual skills. Integrates student self-assessment, goal setting, and monitoring progress across the curriculum.</p>	<p>Provides ongoing opportunities for student self-assessment, goal setting, and monitoring progress. Develops students' meta-cognitive skills for analyzing progress and refining goals to advance their academic achievement.</p>
<p><i>Using available technologies to assist in assessment, analysis, and communication of student learning.</i></p> <p>5.6</p>	<p>Does not use available technologies to assist in assessment, analysis, and communication of student learning.</p>	<p>Uses technologies to implement individual assessments, record results and communicate with administration, colleagues and families about student learning.</p>	<p>Uses technology to design and implement assessments, record and analyze results and communicate student learning with administration, colleagues, families and students. Ensures that communications are received by those who lack the access to technologies.</p>	<p>Integrates a variety of technologies into the development, implementation, analysis of assessments, and communication of student learning to all audiences.</p>	<p>Uses a wide range of technologies to design, implement and analyze assessments and provides for in depth and ongoing communication regarding student learning for all audiences.</p>

<p><i>Using assessment information to share timely and comprehensible feedback with students and their families</i></p>	<p>Does not provide students with feedback through assessment of work. Poor communication of student proficiency and behavior issues to family.</p>	<p>Provides students with feedback through assessment of work and required summative assessments. Notifies families of student proficiencies, challenges, and behavior issues.</p>	<p>Provides students with clear and timely information about strengths, needs, and strategies for improving academic achievement. Communicates regularly to share communication assessment information that is responsive to individual student and family needs.</p>	<p>Integrates feedback to students from formal and informal assessments in ways that support increased learning. Provides opportunities for two-way communications with families to share student assessments and progress, and to raise issues or concerns</p>	<p>Develops student skills in analyzing assessments of their progress to facilitate and accelerate their learning. Engages families in a variety of ongoing comprehensible communications about individual student progress and ways to provide and monitor.</p>
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## Standard 6: Developing as a Professional Educator

<i>Elements</i>	<b>Does Not Meet CSTP</b>	<b>Progressing Towards CSTP</b>	<b>Meets or Exceeds CSTP</b>			<b>Evidence-Based Rationale for Rating</b>
<i>Reflecting on teaching practice in support of student learning</i> 6.1	Rarely uses reflection to assess professional growth to support student learning over time or to plan professional development.	Reflects on areas of concern in his/her teaching practice, assesses growth in these areas, and begins to focus professional development on immediate student learning needs	Engages in reflection individually and with colleagues on the relationship between making adjustments in teaching practice and the impact on the full range of learners	Analyzes and reflects individually and with colleagues on teaching and learning based on evidence gathered. Plans professional development based on teaching practices that support the full range of learners	Integrates analysis and reflection individually and with colleagues into teaching practice in relationship to professional growth that supports the full-range of student learning.	
<i>Establishing professional goals and engaging in continuous and purposeful professional growth and development</i> 6.2	Rarely establishes professional goals, seeks opportunities to develop new knowledge or skills, or participates in the professional community.	Sets goals that take into account self-assessment of teaching practice.	Sets goals and pursues opportunities to acquire new knowledge and skills and participate in the professional community.	Purposefully pursues opportunities to expand knowledge and skills, and participates in and contributes to the professional community.	Sets and modifies a range of professional goals to extend own teaching practice and that of colleagues. Contributes to professional organizations, literature, and development opportunities and leads professional development.	
<i>Collaborating with colleagues and the broader professional community to support teacher and student learning</i> 6.3	Rarely collaborates with colleagues, or seeks out other staff to discuss student learning. Rarely participates in school or district events or learning activities.	Establishes positive working relationship with a few colleagues. Interacts with colleagues to gather resources. Seeks out trusted colleagues to consider solutions to problems with students.	Works constructively with colleagues and support staff to improve student learning and reflect on practice. Collaborates with colleagues to plan curriculum, coordinate resources, and solve problems.	Engages staff in dialogue and reflection to support student learning and teacher growth in responsive and appropriate ways.	Provides opportunities to collaborate with staff to support learning for all students. Provides leadership for, and contributes to, the learning of other educators.	
<i>Working with families to support student learning</i> 6.4	Teacher may demonstrate respect for students' families or their backgrounds, but has limited communication with families, and is not sure how to provide opportunities for participation in the classroom or school community.	Communicates with families at reporting periods and school events. Advises families of problems. Recognizes the role of the family in student learning. Invites families to contribute in the classroom and school events	Regularly communicates student progress in appropriate ways, taking into account the diversity of families. Encourages families to contribute to the support of their children's learning.	Communicates to families in ways which show understanding of and respect for cultural norms. Provides opportunities and support for families to actively participate in support of their children's learning.	Engages families in a variety of responsive, ongoing, two-way communications in support of student success. Structures a wide range of opportunities for families to contribute to the support of their children's learning.	

<p><i>Engaging local communities in support of the instructional program</i></p> <p>6.5</p>	<p>Lacks awareness of local neighborhoods and communities around school and does not make use of available local resources.</p>	<p>Develops an awareness of neighborhood and community resources.</p>	<p>Uses a variety of neighborhood and community resources to support the curriculum.</p>	<p>Draws from understanding of community to improve and enrich the instructional program.</p>	<p>Collaborates with community members to increase instructional and learning opportunities and to support students and families.</p>
<p><i>Managing professional responsibilities to maintain motivation and commitment to all students</i></p> <p>6.6</p>	<p>Does not fulfill professional responsibilities. Does not stay current with professional and legal responsibilities for students' learning, behavior and safety.</p>	<p>Possesses a positive attitude in the classroom. Develops an understanding of professional responsibilities.</p>	<p>Maintains positive attitude, demonstrates understanding of professional responsibilities and a commitment to all students, and seeks to balance professional responsibilities with personal needs.</p>	<p>Maintains motivation and commitment to all students, demonstrates professional integrity, and challenges self intellectually and creatively.</p>	<p>Demonstrates and models professional integrity, and challenges self intellectually and creatively throughout career to maintain motivation and commitment to all students and the professional community.</p>

Employee

School Year

Additional Comments - Employee	Additional Comments - Evaluator

**Recommendations**

**Probationary:**

- Continue Probationary Status
- Continue Probationary Status with Recommendation for Assistance
- Recommend for Permanent Status
- Recommend Non-Re-Employment

**Temporary:**

- Continue Temporary Status
- Continue Temporary Status with Recommendation for Assistance
- Recommend Release from Contract

**Permanent:**

- Continue Permanent Status
- Continue Permanent Status with Mandated Referral to PAR  
\*(2-3 "Does Not Meet CSTP" Ratings)
- The next evaluation of this Permanent Employee is deferred to the third school year following the school year of this evaluation<sup>1</sup> \_\_\_\_\_ date

Administrator      Employee

*(Please initial and date above to indicate agreement for Deferral)*

<sup>1</sup> ***Evaluator and Employee must mutually agree to the third year deferral.***

(Additional information may be attached)

Employee's Signature

Evaluator's Signature

Reviewed by

Reviewed by

Title

Title

Title

Date

Date

Date

Date

# **F-SUTA CONTRACT**

**July 1, 2012 - June 30, 2014**

## **ADDENDUM**

**FAIRFIELD-SUISUN UNIFIED TEACHERS ASSOCIATION**

**4735 Central Way, Suite C  
Fairfield, California 94534  
(707) 864-6193**



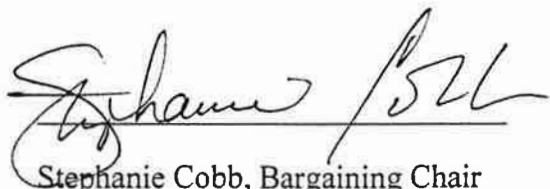
**Fairfield-Suisun Unified School District  
2490 Hilborn Road  
Fairfield, California 94534  
(707) 399-5000**



Memorandum of Understanding  
Between  
Fairfield-Suisun Unified Teachers Association  
And  
Fairfield-Suisun Unified School District

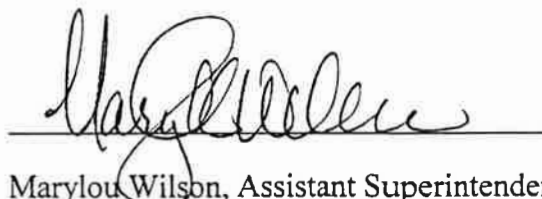
November 12, 2013

Although the contract addendum has signed MOU's that change contract language, Article 10 and Article 22.2.c do not have an expiration date, and have not been ratified. The parties agree that F-SUTA membership and the Governing Board need to go through the ratification process at the close of the current negotiation session.



Stephanie Cobb, Bargaining Chair  
Fairfield-Suisun Unified Teachers Association

Date: 11/12/13



Marylou Wilson, Assistant Superintendent  
Fairfield-Suisun Unified School District

Date: 11/12/13

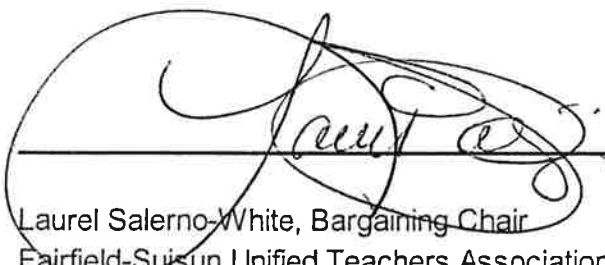
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Memorandum of Understanding  
Between  
Fairfield-Suisun Unified Teachers Association (F-SUTA)  
And  
Fairfield-Suisun Unified School District (FSUSD)

May 30, 2013

This Memorandum of Understanding between the parties shall acknowledge and accept language changes to Article 10, Appendices L, M, and N as revised.

  
\_\_\_\_\_  
Laurel Salerno-White, Bargaining Chair  
Fairfield-Suisun Unified Teachers Association

5/30/13  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Marylou Wilson, Ed.D., Assistant Superintendent, HR  
Fairfield-Suisun Unified School District

5/30/13  
\_\_\_\_\_  
Date

## ARTICLE 10 - EVALUATION

- 10.1 It is understood and agreed by the parties that the principal objective is to maintain and improve the quality of education in the District. It is further understood and agreed that this objective can be more readily achieved by a manifest willingness on the part of the District to assist all certificated unit members, but especially less experienced unit members in improving their professional skills. The District accepts as a fundamental premise for a successful evaluation program, the necessity for mutual respect and confidence to exist between the evaluator and those evaluated. The evaluation process and forms shall not be used as retaliation or as a substitute for discipline.
- 10.2 The evaluation of certificated unit members is based on the California Standards for the Teaching Profession (CSTP). These Standards are also part of the District's Beginning Teacher Support and Assessment Induction Program and the Peer Assistance and Review Program (PAR). An important component of each of these is the understanding that all professionals grow and develop. It is, therefore, expected that all final evaluations will contain individual and personalized suggestions for continued professional development.
- 10.3 Certificated Evaluation Process using CSTP
- a. This process will be used to evaluate all certificated unit members:
1. Permanent unit members will be evaluated once every two (2) years. Permanent unit members who receive a "Does Not Meet CSTP" or at least two "Progressing Towards CSTP" ratings on their evaluation may be evaluated in the subsequent year. The formal evaluation of a permanent unit member may be deferred to a third year by mutual agreement with their site administrator. If so, the "once-every-two-year cycle" specified in this paragraph will start over.
  2. Probationary unit members will be evaluated at least once a year.
  3. Temporary unit members will be evaluated at least once a year.
  4. At the request of the Association, the timeline for a grievance dealing with a unit member's evaluation will continue from the end of the period of service in which the evaluation was received, until the beginning of the following period of service.
  5. "Evidence" shall be the measure supporting a rating by an evaluator of a unit member on the approved observation and evaluation forms. Evidence shall be a unit member's Observation Forms, the items listed in 10.3.e and other objective measures of assessment that relate to the CSTP Standard being observed or evaluated.
  6. Consulting Teachers (PAR Program, Article 14) shall be evaluated according to the guidelines in Article 14.6.c.
  7. All teachers shall receive training as indicated in Article 10.6.

- b. Individual or school site unit member trainings to include all unit members will begin within the first thirty (30) days of the unit member's work year 60 minutes for the first year (2013-14) for all teachers and an additional 60 minutes for probationary and temporary teachers; for all subsequent years 30 minutes for all teachers and an additional 60 minutes for probationary and temporary teachers by March 10. Unit members will be evaluated upon the Standards on the form "Certificated Personnel Evaluation Form, Appendix P." All certificated unit members will be provided with electronic copies of the CSTP: California Standards for the Teaching Profession (most recent edition), which provides detailed information regarding the components of each Standard. Upon request, a unit member may be provided with a hard copy of the CSTP.
- c. Probationary and temporary unit members will be evaluated on all six (6) CSTP Standards. Documentation provided by the unit member (Probationary, Temporary or Permanent) to include, but not be limited to, that mentioned in 10.3(e)(5) shall be a part of the evaluation of Standard Six (6).
- d. At least two (2) formal observations, one scheduled, and the other may be scheduled or unscheduled, will be held during a unit member's evaluation year to observe unit members using only the District's Certificated Personnel Observation Form (Appendix O). These formal observations will be at least thirty (30) minutes in length. These formal observations may take place any time a certificated unit member is performing within the scope of his/her classroom duties. The number, frequency and duration of observations may vary with the requirements imposed by the type of class, the needs of the teacher, and individual situation. Formal observations may be preceded by a pre-conference and must be followed with a post-conference between the unit member and the evaluator.
- e. The authorized components of data to validate the CSTP include formal classroom observations and:
  - 1. Observations of less than 30 minutes
  - 2. Classroom walk-throughs
  - 3. Lesson plans as designed by the classroom teacher
  - 4. Observation of report cards and progress reports
  - 5. Records of professional development activities as provided by the teacher (Such documentation shall be a part of the evaluation of Standard 6).

Standardized test scores shall not be used as evaluation data.

- f. Following each formal observation, the unit member will receive written feedback from the evaluator no less than three (3) workdays prior to the post-observation conference. In addition, post observation conferences must be held no later than ten (10) workdays following the formal observation. The unit member shall have the right to comment and have those comments affixed to the said observation report. Additionally, the administrator and the unit member may mutually agree to add or modify comments to the observation form at the time of the post-observation conference.

- g. The unit member will receive written final evaluation report from the evaluator no less than five (5) workdays prior to the unit member/evaluator conference. A final evaluation report in writing and unit member/evaluator conference will be held at least thirty (30) workdays prior to the last workday of the unit member in the school year in which the evaluation took place. In completing the final report, the evaluator will consider the overall performance in the Standards selected in the initial conference when determining an evaluation rating.
- h. The principal will have the primary responsibility for observations and filing of observation reports. The principal may assign another on-site administrator these duties. For Special Education preschool teachers, the primary responsibility for observations and the evaluation shall be assigned to the Coordinator responsible for the Special Education preschool programs.
  - 1. If another onsite administrator is assigned as the primary evaluator, his/her signature shall appear on both the observation report(s) and evaluation. The unit member shall be notified of this assignment change in writing.
  - 2. If a designated evaluator is used by the primary evaluator, both signatures shall appear on the observation report(s) and evaluation. The primary evaluator shall use no more than two (2) designated evaluators during the course of the school year.

Additional Observation(s)

- 3. A unit member may request other observations to be conducted by members of the administration (requested to be either on-site or off-site) other than the designated primary administrator. The additional observation(s) shall be evidence used to determine a unit member's final evaluation.
  - i. For each required observation conducted pursuant to section 10.3.d, a permanent unit member may request and shall receive one (1) additional observation. The permanent unit member may request that such observation(s) be conducted by members of the administration other than the designated primary administrator, including administrators not assigned to the unit member's work location. Such request must be in writing, and made within seven (7) work days of the date of the post-observation conference. The additional observation shall be conducted within twenty (20) work days of the request. The time lines specified in section 10.4.a.2 and 10.4.a.3 shall not apply to any such additional observation(s). The additional observation(s) shall be evidence used to determine a unit member's final evaluation.
- 4. No unit member shall evaluate another unit member.

## 10.4 Conference/Evaluation Timeline

### a. Permanent Unit Member

1. Initial conferences for permanent unit members to select the Standards for evaluation shall be held within the first twenty five (25) days of the school year. No formal observation shall be conducted in the two (2) weeks after the initial conference unless otherwise agreed upon between teacher and administrator.
  - i. Permanent unit members will be evaluated on only three (3) CSTP Standards according to the following: Within the first twenty-five (25) work days of the unit member's work year, the evaluator selects one (1) Standard; the unit member selects one (1) Standard. Additionally, all unit members will be evaluated on Standard 6, "Developing as a Professional Educator."
  - ii. The selection of Standards by the evaluator and the unit member shall be made on the Evaluation Standards Selection form, Appendix N. A copy shall be provided to the unit member and the original copy of this form shall become a part of the Permanent unit member's evaluation form.
2. There must be no less than four (4) weeks between an observation post-conference and the next formal observation.
3. There must be no less than three (3) weeks between the last post observation conference and the final evaluation conference. The final written evaluation shall be received no less than five (5) work days before the evaluation conference.
4. The final evaluation conference must be held no later than thirty (30) days prior to end of the unit member's work year.

### b. Probationary/Temporary Unit Members

1. A probationary/temporary unit member's first formal observation must be held within the first six (6) weeks of the unit member's work year.
2. There must be no less than four (4) weeks between a post observation conference and the next formal observation.
3. There must be no less than three (3) weeks between the last post observation conference and the final evaluation conference. The final written evaluation shall be received no less than five (5) work days before the evaluation conference.
4. The final evaluation conference must be held no later than thirty (30) days prior to the end of the work year.

## Referrals to the PEER Assistance and Review Program (PAR)

10.5 Using the CSTP Standards, unit members of permanent status shall be referred to the Peer Assistance and Review Program (PAR) as follows:

- a. Zero (0) or one (1) “Does Not Meet CSTP” ratings on the three identified Standards shall result in no referral to PAR.
- b. Two (2) “Does Not Meet CSTP” ratings on both the unit member chosen Standard and the administrator chosen Standard of the three identified Standards shall result in a referral to PAR as a “Voluntary Participating” teacher. The unit member must complete the process, but no records are kept and no legal provisions of the California PAR provisions have effect. If in the next consecutive evaluation, the unit member receives fewer than two (2) “Does Not Meet CSTP” ratings there shall be no referral to PAR.
- c. Three (3) “Does Not Meet CSTP” ratings on the three identified Standards shall result in mandatory referral to and participation in PAR. If in the next consecutive evaluation, the unit member receives fewer than two (2) “Does Not Meet CSTP” ratings there shall be no referral to PAR.
- d. “Does Not Meet CSTP” Evaluation Rating
  1. For a unit member to receive a “Does Not Meet CSTP” rating on a Standard, at least three (3) of the elements in that Standard must be marked “Does Not Meet CSTP” based on validating evidence.

10.6 Bilateral Joint Committee

- a. The success and effectiveness of the evaluation process is dependent upon appropriate, joint bilateral training provided by the Association and the District. The District and the Association agree to establish and operate jointly a bilateral Evaluation Committee. This committee’s purpose is to design and implement a training program relating to the evaluation program; process, form and language. The Evaluation Committee (outlined in 10.6.b) shall set up a schedule of training.
- b. The Evaluation Committee will consist of three (3) unit members, two (2) site administrators, and one (1) district office administrator and will monitor and determine the content of the training and needs to support the Evaluation Program. Unit members of the Evaluation Committee shall be selected by F-SUTA. Management members of the Evaluation Committee shall be selected by F-SUSD.
- c. The Association shall identify one (1) unit member for each elementary school, two (2) for middle school and three (3) for high school, at each school site, to work in conjunction with the site principal to train and provide assistance to unit members during the work day regarding program, process, forms and contract language.



- d. The administrators and unit members identified in section 10.6.c. shall attend two (2) hours of joint training regarding the evaluation program process, forms and contract language, to be conducted jointly by the Association and the District. This training will be provided within the contracted workday of the unit members, or if outside the workday, members shall be compensated at their per diem rate.
- e. Administration and unit members identified in section 10.6.c. shall provide training at their individual school site regarding the evaluation program process, forms and contract language as noted in 10.3.b. This training will be provided within the contracted workday of the unit members as per Article 19. The training need not be consecutive. The Bilateral Evaluation Committee will determine the content of the training.
- f. The District shall provide an additional two (2) hours of training to Administrators regarding the evaluation program process, forms and contract. An additional one hour shall be provided for all new administrators.
- g. The committee can make no changes in the evaluation process as outlined in this Agreement. The committee may make recommendations to the Association and the District regarding the evaluation process.



# Fairfield-Suisun Unified School District

"Our Mission is to Provide a Quality Educational System that Assures Opportunities for Every Student to Learn and Meet the Challenges of the Future"

## Permanent Certificated Personnel *Evaluation Standards Selection Form*

(Reference: Collective Bargaining Agreement, Article 10)

Employee: \_\_\_\_\_

Evaluator: \_\_\_\_\_

Grade/Subject Area(s): \_\_\_\_\_

Position: \_\_\_\_\_

School Year: \_\_\_\_\_

Site/Location: \_\_\_\_\_

Date: \_\_\_\_\_

### **Directions for Use:**

- 1) Permanent unit members will be evaluated on only three (3) CSTP Standards according to the following: Within the first twenty-five (25) work days of the unit member's work year, the evaluator selects one (1) Standard; the unit member selects one (1) Standard. Additionally, all unit members will be evaluated on Standard 6, "Developing as a Professional Educator." The selection of Standards by the evaluator and the unit member shall be made on this form. All forms shall be available to unit members on the electronic evaluation system. This form shall become a part of Permanent unit member's evaluation. [Reference: Article 10.4.a, Section 1(i) thru 1 (ii)]
- 2) The evaluator and the permanent unit member in accordance with Direction 1 above must each select on the line below, a CSTP Standard upon which the unit member will be evaluated in the year cited on this form and then each must date and sign the form. All forms shall be available to unit members on the electronic evaluation system. This form shall become a part of Permanent unit member's evaluation. [Reference: Article 10.4.a, Section 1(i) thru 1 (ii)]
- 3) Upon mutual agreement, the employee and the evaluator may elect to defer the evaluation one year only.

**CSTP Standard Selected By Permanent Employee:**

**CSTP Standard Selected By Evaluator:**

Standard \_\_\_\_\_

Standard \_\_\_\_\_

Permanent Employee's Signature \_\_\_\_\_

Date \_\_\_\_\_

Evaluator's Signature \_\_\_\_\_

Date \_\_\_\_\_

**Evaluation Deferral Signatures**

The next evaluation of this permanent is deferred one school year only.

Permanent Employee's Signature \_\_\_\_\_

Date \_\_\_\_\_

Evaluator's Signature \_\_\_\_\_

Date \_\_\_\_\_

July 2007 (Created 7/1/07)  
Revised (MOU-5/30/13)



# Fairfield-Suisun Unified School District

"Our Mission is to Provide a Quality Educational System that Assures Opportunities for Every Student to Learn and Meet the Challenges of the Future"

## Certificated Personnel Observation Form

(Reference: Collective Bargaining Agreement, Article 10)

Employee: \_\_\_\_\_

Evaluator: \_\_\_\_\_

Grade/Subject Area(s): \_\_\_\_\_

Position: \_\_\_\_\_

School Year: \_\_\_\_\_ Site/Location: \_\_\_\_\_

Date: \_\_\_\_\_

\*Standard Selected by the Evaluator: \_\_\_\_\_

\*Standard Selected by the Unit Member: \_\_\_\_\_

Status:  Temporary  Probationary-Zero  First-Year Probationary  Second-Year Probationary  Permanent

### Directions for Use:

- 1) During the first thirty (30) days of the unit member's work year, the administrator will convene an individual or School Site Staff meeting in order to discuss the evaluation process and standards. All unit members will be provided electronic copies of the California Standards for the Teaching Profession: A Description of Professional Practice for California Teachers. Upon request, a unit member may be provided with a hard copy of the CSTP. The standards and elements of the California Standards for the Teaching Profession will be discussed in relationship to the FSUSD Observation and Evaluation Rubric. Examples of evidence-based evaluations will be provided. Staff will discuss the process and an opportunity to ask questions will be provided. (Reference: Article 10.3, Section b)
- 2) The authorized components of data to validate the CSTP include not only formal observations, but may also include observations of less than thirty minutes, classroom walkthroughs, lesson plans as designed by the classroom teacher, observation of report cards and progress reports, and records of professional development activities as provided by the teacher. (Reference: Article 10.3, Section e)
- 3) The FSUSD Observation and Evaluation Rubric will be used to provide meaningful feedback and to serve as a source for discussion. Evidence based comments will be provided. Following each formal observation, the unit member will receive written feedback no less than three (3) workdays prior to the post observation conference. A post observation conference will be held no later than ten (10) workdays following the formal observation. (Reference: Article 10.3, Section f)
- 4) **Permanent**, Probationary and Temporary unit members will be observed using this form at least *two* times throughout the course of the school year. (Reference: Article 10.3, Section d)

# Standard 1: Engaging and Supporting All Students In Learning

<i>Elements</i>	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence	Conference Notes
<p><i>Using knowledge of students to engage them in learning.</i></p> <p>1.1</p>	<p>Does not use knowledge of students to engage them in learning</p>	<p>Learns about students through data provided in classroom, school, and/or district assessments.</p>	<p>Uses data from a variety of formal and informal sources to learn about students and guide selection of instructional strategies to meet diverse learning needs.</p>	<p>Uses data from multiple measures to make adjustments to instruction and meet individual identified learning needs. Uses a variety of instructional strategies that ensure equitable access to the curriculum.</p>	<p>Uses comprehensive knowledge of students to make adjustments and accommodations in instruction. Provides opportunities for students to choose from a wide range of methods to further their learning that are responsive to their diverse learning needs.</p>		
<p><i>Connecting learning to students' prior knowledge, backgrounds, life experiences, and interests.</i></p> <p>1.2</p>	<p>Makes no connections between learning and the students' prior knowledge, life experiences and interests. Does not elicit students' questions or comments during a lesson.</p>	<p>Attempts to open lesson to engage students' attention and interest. Asks some questions that elicit students' prior knowledge, life experiences and interest.</p>	<p>Implements activities and elicits questions that help students make connections between what they already know and what they are learning.</p>	<p>Uses questions and activities to extend students' abilities to integrate what they know with the learning goals and objectives. Makes adjustments during lesson to ensure that all students meet the learning goals.</p>	<p>Develops and systematically uses extensive information regarding students' cultural backgrounds, prior knowledge, life experiences, and interests. Provides opportunities and support for students to articulate the relevance and impact of lessons on their lives and/or on society.</p>		
<p><i>Connecting subject matter to meaningful, real-life contexts.</i></p> <p>1.3</p>	<p>Makes no real-life connections during instruction as identified in subject matter.</p>	<p>Occasionally connects real-life contexts with subject matter to support student understanding.</p>	<p>Regularly utilizes meaningful, real-life connections to develop students' understandings of subject matter.</p>	<p>Provides opportunities for students to routinely make connections to relevant, meaningful, and real-life contexts throughout subject matter instruction and for students to provide feedback regarding relevance of subject matter to their lives.</p>	<p>Integrates connections to meaningful, real-life contexts in planning subject matter instruction and is responsive during instruction to actively engage students to make their own connections and to extend their understanding.</p>		

<p><i>Using a variety of instructional strategies, resources, and technologies to meet students' diverse learning needs.</i></p> <p>1.4</p>	<p>Uses instructional strategies that lack variety, are poorly carried out, or are inappropriate to the students or to the instructional goals. No adjustments are made to respond to students' needs.</p>	<p>Uses minimal instructional strategies including technology. Delivers instruction with available resources and materials. Makes minimal adjustments to respond to students' needs.</p>	<p>Elicits student participation through a variety of instructional strategies including technology intended to match students' academic and linguistic needs. Checks for student understanding.</p>	<p>Uses a repertoire of strategies to meet students' diverse academic and linguistic needs to ensure fullest participation and learning for all students.</p>	<p>Creates, adapts, and utilizes a repertoire of strategies, culturally responsive pedagogy, technology, and resources during ongoing instruction. Selects and differentiates learning to accommodate students' diverse learning styles.</p>		
<p><i>Promoting critical thinking through inquiry, problem solving, and reflection.</i></p> <p>1.5</p>	<p>Limits questions to recall of factual knowledge. Provides no opportunities for students to engage in critical thinking through inquiry, problem solving, or reflection.</p>	<p>Asks questions that focus on factual knowledge and comprehension and provides some opportunities for students to think critically.</p>	<p>Guides students to think critically through the use of questioning strategies, posing/solving problems, and reflecting on issues in content.</p>	<p>Supports students to initiate critical thinking through independently developing questions, posing problems, and reflecting on multiple perspectives.</p>	<p>Facilitates systematic opportunities for students to pose and answer a wide range of complex questions and problems, reflect, and communicate understandings based on in-depth analysis of content learning.</p>		
<p><i>Monitoring student learning and adjusting instruction while teaching.</i></p> <p>1.6</p>	<p>Instruction is not modified, in spite of evidence that modifications would improve student learning.</p>	<p>Seeks to clarify instructions and learning activities to support student understanding.</p>	<p>Makes ongoing adjustments to instruction based on observation of student engagement and regular checks for understanding.</p>	<p>Adjusts strategies during instruction based on the ongoing monitoring of individual student needs for assistance, support, or challenge.</p>	<p>Makes adjustments to extend learning opportunities and provide assistance to students in mastering the content flexibly and effectively.</p>		

**Standard 2: Creating and Maintaining an Effective Environment for Student Learning**

<i>Elements</i>	<b>Does Not Meet CSSTP</b>	<b>Progressing Towards CSSTP</b>	<b>Meets or Exceeds CSSTP</b>			<b>Evidence</b>	<b>Conference Notes</b>
<i>Creating a physical environment that engages all students.</i> 2.1	The physical environment does not support student learning. Movement and access may be restricted by barriers. Materials are difficult to access when needed.	Arranges room for teacher accessibility or visibility of students. Manages room for easy movement and access to resources. Room displays relate to the curriculum.	Designs movement patterns and access to resources to promote individual and group engagement. Room displays are used in learning activities.	Designs and manages room and resources to accommodate students' needs and involvement in learning. Displays are integral to learning activities.	Uses total physical environment as a resource to promote individual and group learning. Students are able to contribute to the changing design of the environment.		
<i>Creating physical or virtual learning environments that promote student learning, reflect diversity, and encourage constructive and productive interactions among students.</i> 2.2	The physical /virtual environment does not support student learning. Movement and access may be restricted by barriers. Materials/resources are difficult to access when needed.	Experiments with adapting the physical and/or virtual learning environment for teacher accessibility or visibility of students, easy movement and access to resources. Room displays relate to the curriculum.	Develops physical and/or virtual learning environments that support student learning. Utilizes a variety of structures for interaction for learning activities that ensure a focus on and completion of learning tasks. Room displays are sometimes used in learning activities.	Maintains physical and/or virtual learning environments that reflect student diversity. Integrates a variety of structures for interaction that engage students constructively and productively in learning. Provides a broad range of resources, displays, and artifacts that are current and integral to instruction.	Adapts physical and/or virtual learning environments flexibly. The environment is used a resource to promote individual and group learning. Students are able to contribute to the changing design of the environment to reflect the student diversity.		
<i>Establishing and maintaining learning environments that are physically, intellectually, and emotionally safe.</i> 2.3	Does not model fairness, equity, caring, and respect in the classroom. Is unaware of impolite and disrespectful behavior. Allows inappropriate attitudes and behavior among students. Response to inappropriate behavior is unfair or inequitable.	Adheres to policies and laws regarding safety that are required by the site, district, and state. Responds to behaviors that impact student safety as they arise. Explores strategies to establish intellectual and emotional safety in the classroom.	Anticipates and reduces risks to physical, intellectual, and emotional safety using multiple strategies that promote acceptance and respect for different experiences, ideas, backgrounds, feelings, and points of view. Models and provides instruction on skills that support safety.	Engages students in individual and group work that promotes responsibility to the classroom community. Supports students to take initiative in classroom leadership.	Shares responsibility with the students for the establishment and maintenance of a safe physical, intellectual, and emotional environment focused on high quality and rigorous learning.		

<p><i>Creating a rigorous learning environment with high expectations and appropriate support for all students.</i></p> <p>2.4</p>	<p>High expectations for student learning is not evident. Appropriate scaffolds to address achievement gaps are not implemented. Instruction is not developed for appropriate levels of challenge.</p>	<p>Focuses the rigor of the learning environment on the accuracy of answers and completion of learning tasks. Works to maintain high expectations for students while becoming aware of achievement patterns for individuals and groups of students.</p>	<p>Strives for a rigorous learning environment that includes accuracy, understanding, and the importance of meeting targeted learning goals. Holds high expectations for students. Has an understanding of achievement patterns and uses scaffolds to address achievement gaps.</p>	<p>Integrates rigor throughout the learning environment that values accuracy, analysis, and critical reading, writing, and thinking. Integrates strategic scaffolds and technologies throughout instruction that support the full range of learners in meeting high expectations for achievement.</p>	<p>Facilitates a rigorous learning environment in which students take leadership in learning. Fosters extended studies, research, analysis, and purposeful use of learning. Scaffolds instruction to support students in utilizing a variety of strategies to meet high expectations.</p>		
<p><i>Developing, communicating, and maintaining high standards for individual and group behavior.</i></p> <p>2.5</p>	<p>No standards for behavior appear to have been established, or students are confused about what the standards are.</p>	<p>Basic standards for behavior have been established. Reviews standards for behavior with students in anticipation of need for reinforcement. Refers to standards for behavior and applies consequences as needed.</p>	<p>Develops expectations with some student involvement. Communicates, models, and explains expectations for individual and group behavior. Monitors student behavior during individual and group work.</p>	<p>Equitably reinforces expectations and consequences and supports students to monitor their own behavior and each others' behavior in a respectful way.</p>	<p>Facilitates a positive environment using systems that ensure students take an active role in monitoring and maintaining high standards for individual and group behaviors.</p>		
<p><i>Employing classroom routines, procedures, norms, and supports for positive behavior to ensure a climate in which all students can learn.</i></p> <p>2.6</p>	<p>Has not established routines, procedures, norms, and supports for positive behavior.</p>	<p>Develops procedures and routines. Assists students to learn routines and procedures. Seeks to promote positive behaviors and responds to disruptive behavior.</p>	<p>Establishes and maintains procedure, routines, and norms. Provides positive behavior supports. Responds appropriately to behaviors in ways that lessen disruptions to the learning environment.</p>	<p>Engages students in monitoring and reflecting on routines, procedures, and norms. Promotes positive behaviors and consistently prevents or refocuses behaviors disruptive to the learning environment.</p>	<p>Facilitates students in monitoring and adjusting routines. Classroom climate integrates school standards, promotes positive behaviors, and eliminates most disruptive behavior.</p>		
<p><i>Using instructional time to optimize learning.</i></p> <p>2.7</p>	<p>Learning activities are not appropriately paced. Poor transitions result in lost instructional time.</p>	<p>Provides time for students to complete learning activities. Develops some routines for classroom business and most transitions are timely.</p>	<p>Provides adequate time for instruction, checking for understanding, and completion of learning activities. Paces instruction and classroom business and uses transitions to support and maintain engagement of all students.</p>	<p>Paces instruction to include ongoing assessment of student learning. Supports students in the monitoring of instructional time.</p>	<p>Presents, adjusts, and facilitates instruction and daily activities so all students have time for learning, are continually engaged, and have opportunities for reflection and assessment. Supports students to self-monitor time on task.</p>		



**Standard 3: Understanding and Organizing Subject Matter for Student Learning**

<i>Elements</i>	<b>Does Not Meet CSTP</b>	<b>Progressing Towards CSTP</b>	<b>Meets or Exceeds CSTP</b>			<b>Evidence</b>	<b>Conference Notes</b>
<p><i>Demonstrating knowledge of subject matter, academic content standards, and curriculum frameworks.</i> 3.1</p>	<p>Basic knowledge of subject matter is not always evident or current. Does not adequately support students' learning of key concepts.</p>	<p>Has working knowledge of subject matter, related academic language and academic content standards.</p>	<p>Utilizes concepts in subject matter and academic language, to identify connections between academic content standards and instruction.</p>	<p>Identifies and integrates key concepts, themes, relationships, and connections across subject matter areas.</p>	<p>Uses extensive knowledge of subject matter concepts, current issues, academic language, and research to make relevant connections to standards during instruction and extend student learning.</p>		
<p><i>Applying knowledge of student development and proficiencies to ensure student understanding of subject matter.</i> 3.2</p>	<p>Does not apply knowledge of student development and proficiencies to meet students' diverse learning needs.</p>	<p>Demonstrates basic knowledge of stages of student development while becoming aware of differences in students' understanding of subject matter.</p>	<p>Connects content being taught to students' prior knowledge and experiences at the appropriate developmental level.</p>	<p>Integrates knowledge of the range of student development into instructional decisions to ensure student understanding of subject matter, including related academic language.</p>	<p>Utilizes comprehensive knowledge to guide all students to develop proficiencies in self-directed goal setting, monitoring, and improvement.</p>		
<p><i>Organizing curriculum to facilitate student understanding of the subject matter.</i> 3.3</p>	<p>Does not organize curriculum to facilitate student understanding of the subject matter.</p>	<p>Follows organization of curriculum as provided by site and district to support student understanding of subject matter.</p>	<p>Applies knowledge of the subject matter to organize curriculum, plan lessons and units, and select instructional strategies that demonstrate key concepts.</p>	<p>Utilizes knowledge of student readiness to learn to organize, sequence, and enhance the curriculum.</p>	<p>Integrates knowledge of curriculum and resources to organize and adjust instruction within and across subject matter to extend student understanding.</p>		
<p><i>Utilizing instructional strategies that are appropriate to the subject matter.</i> 3.4</p>	<p>Does not appropriately match instructional strategies to subject matter content or concepts.</p>	<p>Uses limited instructional strategies to make the content accessible to students.</p>	<p>Selects and adapts a variety of instructional strategies to ensure student understanding of academic language appropriate to subject matter and that address students' diverse learning needs.</p>	<p>Integrates instructional strategies appropriate to subject matter that challenge all students. Assists students to individually construct their own knowledge, think critically, understand and use academic language, and make connections within and across subject matter.</p>	<p>Uses a repertoire of instructional strategies that are appropriate to subject matter to support and challenge the full range of students toward a deep understanding of subject matter. Utilizes strategies that challenge and support all students to independently apply and think critically about the subject matter.</p>		

<p><i>Using and adapting resources, technologies, and standards-aligned instructional materials, including adopted materials, to make subject matter accessible to all students.</i></p> <p>3.5</p>	<p>Instructional materials, resources and technologies are not used appropriately.</p>	<p>Uses available instructional materials, resources, and technologies to present concepts and skills.</p>	<p>Selects and utilizes appropriate relevant instructional materials, resources and technologies to make subject matter accessible to students. Resources reflect the diversity of the classroom and support differentiated learning of subject matter.</p>	<p>Integrates a wide range of relevant materials, resources, and technologies to enrich learning, to reflect linguistic and cultural diversity of students, and to provide equal access for all students.</p>	<p>Engages students in identifying and adapting resources, technologies and standards-aligned instructional materials to extend student understanding and critical thinking about subject matter</p>		
<p><i>Addressing the needs of English Learners and students with special needs to provide equitable access to the content.</i></p> <p>3.6</p>	<p>Is unaware of the range of students' needs as identified by school data. Does not cooperate with support personnel and families to support learning plans and goals.</p>	<p>Is aware of the full range of students' needs as identified through data provided by the school. Seeks additional information on the full range of students to address challenges and required additional supports. Cooperates with support personnel and families in establishing learning plans and goals.</p>	<p>Uses data on the full range of students identified with special needs and/or English Learners to provide appropriate challenges and accommodations in instruction. Communicates with support personnel and families to ensure that appropriate student services are provided and progress is made in accessing content.</p>	<p>Integrates accommodations, adaptations, or extensions to instruction for the full range of students with special needs and English Learners to ensure adequate support and challenge. Maintains regular communication with support personnel and families to ensure that appropriate student services are provided and progress is made in accessing content.</p>	<p>Guides and supports the full range of students with special needs and English Learners to actively engage in assessment and to monitor their own strengths, learning needs, and achievement. Communicates and collaborates with support personnel and families in creating a coordinated program to optimize success of the full range of students with special needs and English Learners.</p>		

**Standard 4: Planning Instruction and Designing Learning Experiences for All Students**

<i>Elements</i>	<b>Does Not Meet CSTP</b>	<b>Progressing Towards CSTP</b>	<b>Meets or Exceeds CSTP</b>			<b>Evidence</b>	<b>Conference Notes</b>
<p><i>Using knowledge of students' academic readiness, language proficiency, cultural background, and individual development to plan instruction.</i> 4.1</p>	<p>Instructional plans do not match or reflect students' backgrounds, experiences, interests, and developmental needs, and do not support students' learning.</p>	<p>Plans instruction using available standardized test data.</p>	<p>Plans and implements instruction using data from a variety of assessments, as well as information on student academic readiness, language, cultural background, and individual development.</p>	<p>Uses differentiated instruction that supports student learning based on the knowledge of the students' diverse learning needs and cultural background.</p>	<p>Implements differentiated instruction that promotes access to academic content standards, taking into account students' academic, cultural, and linguistic diversity.</p>		
<p><i>Establishing and articulating goals for student learning.</i> 4.2</p>	<p>Instructional goals are not established or do not address students' language, experiences or school expectations. Expectations for students are low or unrealistic.</p>	<p><i>Establishes</i> expectations for student learning in most lessons. Has inconsistent expectations for students.</p>	<p>Articulates and links goals to instructional activities. Goals are appropriately challenging for most students and represent valuable learning. Expectations for students are generally high.</p>	<p>Ensures that students understand and reflect upon short-term and long-term learning goals. Goals reflect high expectations and challenge students at their level.</p>	<p>Articulates short-term and long-term goals with high expectations for learning. Designs activities so that students have opportunities to participate in setting, revising, and achieving personal goals.</p>		
<p><i>Developing and sequencing long-term and short term instructional plans to support student learning.</i> 4.3</p>	<p>Individual lesson plans have little or no recognizable organization or connection to adopted curriculum. Does not plan to ensure access to challenging, diverse, academic content for all students.</p>	<p>Uses available curriculum guidelines for daily, short-term and long-term plans.</p>	<p>Develops and sequences short and long term instructional plans to support student learning.</p>	<p>Refines sequence of long-term plans with colleagues to reflect integration of curriculum guidelines, frameworks, and content standards with assessed instructional needs to ensure student learning.</p>	<p>Utilizes extensive knowledge of the curriculum, content standards, and assessed learning needs to design cohesive and comprehensive long-term and short-term instructional plans that ensure high levels of learning.</p>		
<p><i>Planning instruction that incorporates appropriate strategies to meet the learning needs of all students.</i> 4.4</p>	<p>Instructional strategies do not address students' diverse learning needs.</p>	<p>Plans instruction that incorporates strategies suggested by curriculum guidelines.</p>	<p>Uses knowledge of subject matter, culturally responsive pedagogy, and students' diverse learning needs to plan and implement appropriately paced instructional activities.</p>	<p>Integrates instruction to address learning styles and meets students' assessed language and learning needs. Provides appropriate support and challenge for students.</p>	<p>Plans instruction incorporating a repertoire of strategies to specifically meet students' diverse language and learning needs and styles to advance learning for all.</p>		

<p><i>Adapting instructional plans and curricular materials to meet the assessed learning needs of all students.</i></p> <p>4.5</p>	<p>Instructional plans are not modified, in spite of evidence that modifications would improve student learning.</p>	<p>Implements lessons and uses materials from curriculum provided.</p>	<p>Makes adjustments and adaptations to differentiate instructional plans based on the assessed learning needs of all students.</p>	<p>Makes ongoing adjustments to instructional plans and uses a variety of materials as the instructional need arises to support student learning.</p>	<p>Based on assessed student needs and past lessons taught, anticipates and plans for a wide range of adaptations to instruction.</p>		
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**Standard 5: Assessing Student Learning**

<i>Elements</i>	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence	Conference Notes
<p><i>Applying knowledge of the purposes, characteristics, and uses of different types of assessments.</i></p> <p>5.1</p>	<p>Does not demonstrate an awareness of the purposes, characteristics, and uses of different types of assessments.</p>	<p>Explores the use of different types of assessments. Begins to identify specific characteristics of assessments that yield different types of information about student preparedness, progress, and proficiency.</p>	<p>Selects and uses assessments based on a clear understanding of the purposes and characteristics of assessments to support student learning.</p>	<p>Develops and adapts a range of appropriate assessments to address questions about students' learning needs and progress. Integrates a variety of characteristics into assessments to allow students with a range of learning needs to demonstrate what they know.</p>	<p>Demonstrates purposeful use of a wide range of assessments to support differentiated student learning needs and reflect progress. Draws flexibly from a repertoire of appropriate assessment options and characteristics to maximize student demonstration of knowledge.</p>		
<p><i>Collecting and analyzing assessment data from a variety of sources to inform instruction.</i></p> <p>5.2</p>	<p>Uses no sources of information to inform instruction and/or does not use assessments that are appropriate.</p>	<p>Uses data from required assessments to assess student learning. Follows required processes for data analysis and draws conclusions about student learning.</p>	<p>Explores collecting additional data using supplemental assessments. Makes adjustments in planning for single lessons or sequence of lessons based on analysis of assessment data.</p>	<p>Collects a variety of formal and informal assessment data on student learning. Uses analysis of a variety of data to inform planning and differentiation of instruction.</p>	<p>Designs and integrates an assessment plan that provides formal and informal assessment data on student learning. Uses data analysis of a broad range of assessments to provide comprehensive information to guide planning and differentiation of instruction.</p>		
<p><i>Reviewing data, both individually and with colleagues, to monitor student learning.</i></p> <p>5.3</p>	<p>Does not review data, individually or with colleagues, to monitor student learning.</p>	<p>Reviews and monitors assessment data as required by site and/or district.</p>	<p>Reviews and monitors a variety of data, individually and with colleagues, to identify the learning needs of individual students.</p>	<p>Reviews and monitors a wide variety of data, individually and with colleagues, to identify trends and patterns among students.</p>	<p>Works collaboratively with colleagues to identify and address underlying causes for assessment data trends.</p>		

<p><i>Using assessment data to establish learning goals and to plan, differentiate, and modify instruction.</i></p> <p>5.4</p>	<p>Assessment data is not appropriately used by the teacher to establish learning goals or to plan, differentiate, and modify instruction.</p>	<p>Uses data from available assessments to establish learning goals.</p>	<p>Uses a variety of formal and informal assessment data to establish learning goals for content and academic language. Regularly plans differentiated lessons and modifications to instruction to meet students' diverse learning needs.</p>	<p>Uses a wide variety of data to establish goals for content and academic language that are integrated across content standards for individuals and groups. Plans differentiated instruction targeted to meet individual and group learning needs and modifies lessons during instruction based on informal assessment.</p>	<p>Reflects on data to make refinements to learning goals for content and academic language for the full range of students. Uses data systematically to refine planning, differentiate instruction, and makes ongoing adjustments to match the evolving learning needs of individuals and groups.</p>		
<p><i>Involving all students in self-assessment, goal setting, and monitoring progress.</i></p> <p>5.5</p>	<p>Does not involve students in self-assessment, goal setting, and monitoring of their progress.</p>	<p>Begins to encourage students to establish learning goals through single lessons or sequence of lessons that include goal setting exercises. Provides students with opportunities in single lessons or sequence of lessons to monitor their own progress towards class and/or individual goals.</p>	<p>Models and scaffolds student self-assessment and goal setting processes for learning content and academic language development. Guides students to monitor and reflect on progress on a regular basis.</p>	<p>Implements opportunities for students to self-assess and set learning goals related to content, academic language and individual skills. Integrates student self-assessment, goal setting, and monitoring progress across the curriculum.</p>	<p>Provides ongoing opportunities for student self-assessment, goal setting, and monitoring progress. Develops students' meta-cognitive skills for analyzing progress and refining goals to advance their academic achievement.</p>		
<p><i>Using available technologies to assist in assessment, analysis, and communication of student learning.</i></p> <p>5.6</p>	<p>Does not use available technologies to assist in assessment, analysis, and communication of student learning.</p>	<p>Uses technologies to implement individual assessments, record results and communicate with administration, colleagues and families about student learning.</p>	<p>Uses technology to design and implement assessments, record and analyze results and communicate student learning with administration, colleagues, families and students. Ensures that communications are received by those who lack the access to technologies</p>	<p>Integrates a variety of technologies into the development, implementation, analysis of assessments, and communication of student learning to all audiences.</p>	<p>Uses a wide range of technologies to design, implement and analyze assessments and provides for in depth and ongoing communication regarding student learning for all audiences.</p>		

<p><i>Using assessment information to share timely and comprehensible feedback with students and their families.</i></p> <p>5.7</p>	<p>Does not provide students with feedback through assessment of work. Poor communication of student proficiency and behavior issues to family.</p>	<p>Provides students with feedback through assessment of work and required summative assessments. Notifies families of student proficiencies, challenges, and behavior issues.</p>	<p>Provides students with clear and timely information about strengths, needs, and strategies for improving academic achievement. Communicates regularly to share communication assessment information that is responsive to individual student and family needs.</p>	<p>Integrates feedback to students from formal and informal assessments in ways that support increased learning. Provides opportunities for two-way communications with families to share student assessments and progress, and to raise issues or concerns</p>	<p>Develops student skills in analyzing assessments of their progress to facilitate and accelerate their learning. Engages families in a variety of ongoing comprehensible communications about individual student progress and ways to provide and monitor.</p>		
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## Standard 6: Developing as a Professional Educator

<i>Elements</i>	<b>Does Not Meet CSTP</b>	<b>Progressing Towards CSTP</b>	<b>Meets or Exceeds CSTP</b>			<b>Evidence</b>	<b>Conference Notes</b>
<i>Reflecting on teaching practice in support of student learning.</i> 6.1	Rarely uses reflection to assess professional growth to support student learning over time or to plan professional development.	Reflects on areas of concern in his/her teaching practice, assesses growth in these areas, and begins to focus professional development on immediate student learning needs	Engages in reflection individually and with colleagues on the relationship between making adjustments in teaching practice and the impact on the full range of learners	Analyzes and reflects individually and with colleagues on teaching and learning based on evidence gathered. Plans professional development based on teaching practices that support the full range of learners	Integrates analysis and reflection individually and with colleagues into teaching practice in relationship to professional growth that supports the full-range of student learning.		
<i>Establishing professional goals and engaging in continuous and purposeful professional growth and development.</i> 6.2	Rarely establishes professional goals, seeks opportunities to develop new knowledge or skills, or participates in the professional community.	Sets goals that take into account self-assessment of teaching practice	Sets goals and pursues opportunities to acquire new knowledge and skills and participate in the professional community.	Purposefully pursues opportunities to expand knowledge and skills, and participates in and contributes to the professional community.	Sets and modifies a range of professional goals to extend own teaching practice and that of colleagues. Contributes to professional organizations, literature, and development opportunities and leads professional development.		
<i>Collaborating with colleagues and the broader professional community to support teacher and student learning.</i> 6.3	Rarely collaborates with colleagues, or seeks out other staff to discuss student learning. Rarely participates in school or district events or learning activities.	Establishes positive working relationship with a few colleagues. Interacts with colleagues to gather resources. Seeks out trusted colleagues to consider solutions to problems with students.	Works constructively with colleagues and support staff to improve student learning and reflect on practice. Collaborates with colleagues to plan curriculum, coordinate resources, and solve problems.	Engages staff in dialogue and reflection to support student learning and teacher growth in responsive and appropriate ways.	Provides opportunities to collaborate with staff to support learning for all students. Provides leadership for, and contributes to, the learning of other educators.		
<i>Working with families to support student learning.</i> 6.4	Teacher may demonstrate respect for students' families or their backgrounds, but has limited communication with families, and is not sure how to provide opportunities for participation in the classroom or school community.	Communicates with families at reporting periods and school events. Advises families of problems. Recognizes the role of the family in student learning. Invites families to contribute in the classroom /school events	Regularly communicates student progress in appropriate ways, taking into account the diversity of families. Encourages families to contribute to the support of their children's learning.	Communicates to families in ways which show understanding of and respect for cultural norms. Provides opportunities and support for families to actively participate in support of their children's learning.	Engages families in a variety of responsive, ongoing, two-way communications in support of student success. Structures a wide range of opportunities for families to contribute to the support of their children's learning.		
<i>Engaging local communities in support of the instructional program.</i> 6.5	Lacks awareness of local neighborhoods and communities around school and does not make use of available local resources.	Develops an awareness of neighborhood and community resources.	Uses a variety of neighborhood and community resources to support the curriculum.	Draws from understanding of community to improve and enrich the instructional program.	Collaborates with community members to increase instructional and learning opportunities and to support students and families.		



<p><b>Managing professional responsibilities to maintain motivation and commitment to all students.</b></p> <p>6.6</p>	<p>Does not fulfill professional responsibilities. Does not stay current with professional and legal responsibilities for students' learning, behavior and safety.</p>	<p>Possesses a positive attitude in the classroom. Develops an understanding of professional responsibilities.</p>	<p>Maintains positive attitude, demonstrates understanding of professional responsibilities and a commitment to all students, and seeks to balance professional responsibilities with personal needs.</p>	<p>Maintains motivation and commitment to all students, demonstrates professional integrity, and challenges self intellectually and creatively.</p>	<p>Demonstrates and models professional integrity, and challenges self intellectually and creatively throughout career to maintain motivation and commitment to all students and the professional community.</p>		
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**Comments/Commendations/Suggestions**

<b>Evaluator</b>	<b>Employee</b>

Administrator's direct actions, involvement and support that will be provided to assist the unit member (add pages if necessary):

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Employee's Signature \_\_\_\_\_

Date \_\_\_\_\_

Evaluator's Signature \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_



# Fairfield-Suisun Unified School District

"Our Mission is to Provide a Quality Educational System that Assures Opportunities for Every Student to Learn and Meet the Challenges of the Future"

## Certificated Personnel Evaluation Form

(Reference: Collective Bargaining Agreement, Article 10)

Employee: \_\_\_\_\_

Evaluator: \_\_\_\_\_

Grade/Subject Area(s): \_\_\_\_\_

Position: \_\_\_\_\_

School Year: \_\_\_\_\_ Site/Location: \_\_\_\_\_

Date: \_\_\_\_\_

\*Standard Selected by the Evaluator: \_\_\_\_\_

\*Standard Selected by the Unit Member: \_\_\_\_\_

Status:  Temporary  Probationary-Zero  First-Year Probationary  Second-Year Probationary  Permanent

### Directions for Use:

- 1) During the first thirty (30) days of the unit member's work year, the administrator will convene an individual or School Site Staff meeting in order to discuss the evaluation process and standards. All unit members will be provided electronic copies of the California Standards for the Teaching Profession: A Description of Professional Practice for California Teachers. Upon request, a unit member may be provided with a hard copy of the CSTP. The standards and elements of the California Standards for the Teaching Profession will be discussed in relationship to the FSUSD Observation and Evaluation Rubric. Examples of evidence-based evaluations will be provided. Staff will discuss the process and an opportunity to ask questions will be provided. (Reference: Article 10.3, Section b)
- 2) The authorized components of data to validate the CSTP include not only formal observations, but may also include observations of less than thirty minutes, classroom walkthroughs, lesson plans as designed by the classroom teacher, observation of report cards and progress reports, and records of professional development activities as provided by the teacher. (Reference: Article 10.3, Section e)
- 3) The FSUSD Evaluation Rubric will be used to provide meaningful feedback and to serve as a source for discussion for the evaluation. Evidence based comments will be provided. In completing the final report, the evaluator will consider the overall performance in each of the selected standards when determining an evaluation rating. [Reference: Article 10.3, Sections (a.1, c, & d thru g)]
- 4) All unit members will receive a final written evaluation report, and an employee/evaluator conference will be held at least thirty (30) workdays prior to their last workday in the school year in which the evaluation took place. [Reference: Article 10.4, Sections (a or b)]

## Standard 1: Engaging and Supporting All Students In Learning

<b>Elements</b>	<b>Does Not Meet CSTP</b>	<b>Progressing Towards CSTP</b>	<b>Meets or Exceeds CSTP</b>			<b>Evidence-Based Rationale for Rating</b>
<p><i>Using knowledge of students to engage them in learning.</i></p> <p>1.1</p>	<p>Does not use knowledge of students to engage them in learning</p>	<p>Learns about students through data provided in classroom, school, and/or district assessments.</p>	<p>Uses data from a variety of formal and informal sources to learn about students and guide selection of instructional strategies to meet diverse learning needs.</p>	<p>Uses data from multiple measures to make adjustments to instruction and meet individual identified learning needs. Uses a variety of instructional strategies that ensure equitable access to the curriculum.</p>	<p>Uses comprehensive knowledge of students to make adjustments and accommodations in instruction. Provides opportunities for students to choose from a wide range of methods to further their learning that are responsive to their diverse learning needs.</p>	
<p><i>Connecting learning to students' prior knowledge, backgrounds, life experiences, and interests</i></p> <p>1.2</p>	<p>Makes no connections between learning and the students' prior knowledge, life experiences and interests. Does not elicit students' questions or comments during a lesson.</p>	<p>Attempts to open lesson to engage students' attention and interest. Asks some questions that elicit students' prior knowledge, life experiences and interest.</p>	<p>Implements activities and elicits questions that help students make connections between what they already know and what they are learning.</p>	<p>Uses questions and activities to extend students' abilities to integrate what they know with the learning goals and objectives. Makes adjustments during lesson to ensure that all students meet the learning goals.</p>	<p>Develops and systematically uses extensive information regarding students' cultural backgrounds, prior knowledge, life experiences, and interests. Provides opportunities and support for students to articulate the relevance and impact of lessons on their lives and/or on society.</p>	
<p><i>Connecting subject matter to meaningful, real-life contexts</i></p> <p>1.3</p>	<p>Makes no real-life connections during instruction as identified in subject matter.</p>	<p>Occasionally connects real-life contexts with subject matter to support student understanding.</p>	<p>Regularly utilizes meaningful, real-life connections to develop students' understandings of subject matter.</p>	<p>Provides opportunities for students to routinely make connections to relevant, meaningful, and real-life contexts throughout subject matter instruction and for students to provide feedback regarding relevance of subject matter to their lives.</p>	<p>Integrates connections to meaningful, real-life contexts in planning subject matter instruction and is responsive during instruction to actively engage students to make their own connections and to extend their understanding.</p>	

<p><i>Using a variety of instructional strategies, resources, and technologies to meet students' diverse learning needs.</i></p> <p>1.4</p>	<p>Uses instructional strategies that lack variety, are poorly carried out, or are inappropriate to the students or to the instructional goals. No adjustments are made to respond to students' needs.</p>	<p>Uses minimal instructional strategies including technology. Delivers instruction with available resources and materials. Makes minimal adjustments to respond to students' needs.</p>	<p>Elicits student participation through a variety of instructional strategies including technology intended to match students' academic and linguistic needs. Checks for student understanding;</p>	<p>Uses a repertoire of strategies to meet students' diverse academic and linguistic needs to ensure fullest participation and learning for all students.</p>	<p>Creates, adapts, and utilizes a repertoire of strategies, culturally responsive pedagogy, technology, and resources during ongoing instruction. Selects and differentiates learning to accommodate students' diverse learning styles.</p>	<p><b>Rating (Check One):</b></p> <p><input type="checkbox"/> Does Not Meet CSTP    <input type="checkbox"/> Meets or Exceeds CSTP</p> <p><input type="checkbox"/> Progressing Towards CSTP</p>
<p><i>Promoting critical thinking through inquiry, problem solving, and reflection.</i></p> <p>1.5</p>	<p>Limits questions to recall of factual knowledge. Provides no opportunities for students to engage in critical thinking through inquiry, problem solving, or reflection.</p>	<p>Asks questions that focus on factual knowledge and comprehension and provides some opportunities for students to think critically.</p>	<p>Guides students to think critically through the use of questioning strategies, posing/solving problems, and reflecting on issues in content.</p>	<p>Supports students to initiate critical thinking through independently developing questions, posing problems, and reflecting on multiple perspectives.</p>	<p>Facilitates systematic opportunities for students to pose and answer a wide range of complex questions and problems, reflect, and communicate understandings based on in-depth analysis of content learning.</p>	
<p><i>Monitoring student learning and adjusting instruction while teaching.</i></p> <p>1.6</p>	<p>Instruction is not modified, in spite of evidence that modifications would improve student learning.</p>	<p>Seeks to clarify instructions and learning activities to support student understanding.</p>	<p>Makes ongoing adjustments to instruction based on observation of student engagement and regular checks for understanding.</p>	<p>Adjusts strategies during instruction based on the ongoing monitoring of individual student needs for assistance, support, or challenge.</p>	<p>Makes adjustments to extend learning opportunities and provide assistance to students in mastering the content flexibly and effectively.</p>	

## Standard 2: Creating and Maintaining an Effective Environment for Student Learning

<i>Elements</i>	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<i>Creating a physical environment that engages all students.</i> 2.1	The physical environment does not support student learning. Movement and access may be restricted by barriers. Materials are difficult to access when needed.	Arranges room for teacher accessibility or visibility of students. Manages room for easy movement and access to resources. Room displays relate to the curriculum.	Designs movement patterns and access to resources to promote individual and group engagement. Room displays are used in learning activities.	Designs and manages room and resources to accommodate students' needs and involvement in learning. Displays are integral to learning activities.	Uses total physical environment as a resource to promote individual and group learning. Students are able to contribute to the changing design of the environment.	
<i>Creating physical or virtual learning environments that promote student learning, reflect diversity, and encourage constructive and productive interactions among students.</i> 2.2	The physical /virtual environment does not support student learning. Movement and access may be restricted by barriers. Materials/resources are difficult to access when needed.	Experiments with adapting the physical and/or virtual learning environment for teacher accessibility or visibility of students, easy movement and access to resources. Room displays relate to the curriculum.	Develops physical and/or virtual learning environments that support student learning. Utilizes a variety of structures for interaction for learning activities that ensure a focus on and completion of learning tasks. Room displays are sometimes used in learning activities.	Maintains physical and/or virtual learning environments that reflect student diversity. Integrates a variety of structures for interaction that engage students constructively and productively in learning. Provides a broad range of resources, displays, and artifacts that are current and integral to instruction.	Adapts physical and/or virtual learning environments flexibly. The environment is used a resource to promote individual and group learning. Students are able to contribute to the changing design of the environment to reflect the student diversity.	
<i>Establishing and maintaining learning environments that are physically, intellectually, and emotionally safe.</i> 2.3	Does not model fairness, equity, caring, and respect in the classroom. Is unaware of impolite and disrespectful behavior. Allows inappropriate attitudes and behavior among students. Response to inappropriate behavior is unfair or inequitable.	Adheres to policies and laws regarding safety that are required by the site, district, and state. Responds to behaviors that impact student safety as they arise. Explores strategies to establish intellectual and emotional safety in the classroom.	Anticipates and reduces risks to physical, intellectual, and emotional safety using multiple strategies that promote acceptance and respect for different experiences, ideas, backgrounds, feelings, and points of view. Models and provides instruction on skills that support safety.	Engages students in individual and group work that promotes responsibility to the classroom community. Supports students to take initiative in classroom leadership.	Shares responsibility with the students for the establishment and maintenance of a safe physical, intellectual, and emotional environment focused on high quality and rigorous learning.	

<p><i>Creating a rigorous learning environment with high expectations and appropriate support for all students.</i></p>	<p>High expectations for student learning is not evident. Appropriate scaffolds to address achievement gaps are not implemented. Instruction is not developed for appropriate levels of challenge.</p>	<p>Focuses the rigor of the learning environment on the accuracy of answers and completion of learning tasks. Works to maintain high expectations for students while becoming aware of achievement patterns for individuals and groups of students.</p>	<p>Strives for a rigorous learning environment that includes accuracy, understanding, and the importance of meeting targeted learning goals. Holds high expectations for students. Has an understanding of achievement patterns and uses scaffolds to address achievement gaps.</p>	<p>Integrates rigor throughout the learning environment that values accuracy, analysis, and critical reading, writing, and thinking. Integrates strategic scaffolds and technologies throughout instruction that support the full range of learners in meeting high expectations for achievement.</p>	<p>Facilitates a rigorous learning environment in which students take leadership in learning. Fosters extended studies, research, analysis, and purposeful use of learning. Scaffolds instruction to support students in utilizing a variety of strategies to meet high expectations.</p>
<p><i>Developing, communicating, and maintaining high standards for individual and group behavior.</i></p>	<p>No standards for behavior appear to have been established, or students are confused about what the standards are.</p>	<p>Basic standards for behavior have been established. Reviews standards for behavior with students in anticipation of need for reinforcement. Refers to standards for behavior and applies consequences as needed.</p>	<p>Develops expectations with some student involvement. Communicates, models, and explains expectations for individual and group behavior. Monitors student behavior during individual and group work.</p>	<p>Equitably reinforces expectations and consequences and supports students to monitor their own behavior and each others' behavior in a respectful way.</p>	<p>Facilitates a positive environment using systems that ensure students take an active role in monitoring and maintaining high standards for individual and group behaviors.</p>
<p><i>Employing classroom routines, procedures, norms, and supports for positive behavior to ensure a climate in which all students can learn.</i></p>	<p>Has not established routines, procedures, norms, and supports for positive behavior.</p>	<p>Develops procedures and routines. Assists students to learn routines and procedures. Seeks to promote positive behaviors and responds to disruptive behavior.</p>	<p>Establishes and maintains procedure, routines, and norms. Provides positive behavior supports. Responds appropriately to behaviors in ways that lessen disruptions to the learning environment.</p>	<p>Engages students in monitoring and reflecting on routines, procedures, and norms. Promotes positive behaviors and consistently prevents or refocuses behaviors disruptive to the learning environment.</p>	<p>Facilitates students in monitoring and adjusting routines. Classroom climate integrates school standards, promotes positive behaviors, and eliminates most disruptive behavior.</p>
<p><i>Using instructional time to optimize learning.</i></p>	<p>Learning activities are not appropriately paced. Poor transitions result in lost instructional time.</p>	<p>Provides time for students to complete learning activities. Develops some routines for classroom business and most transitions are timely.</p>	<p>Provides adequate time for instruction, checking for understanding, and completion of learning activities. Paces instruction and classroom business and uses transitions to support and maintain engagement of all students.</p>	<p>Paces instruction to include ongoing assessment of student learning. Supports students in the monitoring of instructional time.</p>	<p>Presents, adjusts, and facilitates instruction and daily activities so all students have time for learning, are continually engaged, and have opportunities for reflection and assessment. Supports students to self-monitor time on task.</p>

**Rating (Check One):**

- Does Not Meet CSTP   
 Meets or Exceeds CSTP  
 Progressing Towards CSTP

### Standard 3: Understanding and Organizing Subject Matter for Student Learning

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<p><i>Demonstrating knowledge of subject matter, academic content standards, and curriculum frameworks.</i></p> <p>3.1</p>	<p>Basic knowledge of subject matter is not always evident or current. Does not adequately support students' learning of key concepts.</p>	<p>Has working knowledge of subject matter, related academic language and academic content standards.</p>	<p>Utilizes concepts in subject matter and academic language, to identify connections between academic content standards and instruction.</p>	<p>Identifies and integrates key concepts, themes, relationships, and connections across subject matter areas.</p>	<p>Uses extensive knowledge of subject matter concepts, current issues, academic language, and research to make relevant connections to standards during instruction and extend student learning.</p>	
<p><i>Applying knowledge of student development and proficiencies to ensure student understanding of subject matter.</i></p> <p>3.2</p>	<p>Does not apply knowledge of student development and proficiencies to meet students' diverse learning needs.</p>	<p>Demonstrates basic knowledge of stages of student development while becoming aware of differences in students' understanding of subject matter.</p>	<p>Connects content being taught to students' prior knowledge and experiences at the appropriate developmental level.</p>	<p>Integrates knowledge of the range of student development into instructional decisions to ensure student understanding of subject matter, including related academic language.</p>	<p>Utilizes comprehensive knowledge to guide all students to develop proficiencies in self-directed goal setting, monitoring, and improvement.</p>	
<p><i>Organizing curriculum to facilitate student understanding of the subject matter.</i></p> <p>3.3</p>	<p>Does not organize curriculum to facilitate student understanding of the subject matter.</p>	<p>Follows organization of curriculum as provided by site and district to support student understanding of subject matter.</p>	<p>Applies knowledge of the subject matter to organize curriculum, plan lessons and units, and select instructional strategies that demonstrate key concepts.</p>	<p>Utilizes knowledge of student readiness to learn to organize, sequence, and enhance the curriculum.</p>	<p>Integrates knowledge of curriculum and resources to organize and adjust instruction within and across subject matter to extend student understanding.</p>	
<p><i>Utilizing instructional strategies that are appropriate to the subject matter.</i></p> <p>3.4</p>	<p>Does not appropriately match instructional strategies to subject matter content or concepts.</p>	<p>Uses limited instructional strategies to make the content accessible to students.</p>	<p>Selects and adapts a variety of instructional strategies to ensure student understanding of academic language appropriate to subject matter and that address students' diverse learning needs.</p>	<p>Integrates instructional strategies appropriate to subject matter that challenge all students. Assists students to individually construct their own knowledge, think critically, understand and use academic language, and make connections within and across subject matter.</p>	<p>Uses a repertoire of instructional strategies that are appropriate to subject matter to support and challenge the full range of students toward a deep understanding of subject matter. Utilizes strategies that challenge and support all students to independently apply and think critically about the subject matter.</p>	



<p><i>Using and adapting resources, technologies, and standards-aligned instructional materials, including adopted materials, to make subject matter accessible to all students.</i></p> <p>3.5</p>	<p>Instructional materials, resources and technologies are not used appropriately.</p>	<p>Uses available instructional materials, resources, and technologies to present concepts and skills.</p>	<p>Selects and utilizes appropriate relevant instructional materials, resources and technologies to make subject matter accessible to students. Resources reflect the diversity of the classroom and support differentiated learning of subject matter.</p>	<p>Integrates a wide range of relevant materials, resources, and technologies to enrich learning, to reflect linguistic and cultural diversity of students, and to provide equal access for all students.</p>	<p>Engages students in identifying and adapting resources, technologies and standards-aligned instructional materials to extend student understanding and critical thinking about subject matter</p>	
<p><i>Addressing the needs of English Learners and students with special needs to provide equitable access to the content.</i></p> <p>3.6</p>	<p>Is unaware of the range of students' needs as identified by school data. Does not cooperate with support personnel and families to support learning plans and goals.</p>	<p>Is aware of the full range of students' needs as identified through data provided by the school. Seeks additional information on the full range of students to address challenges and required additional supports. Cooperates with support personnel and families in establishing learning plans and goals.</p>	<p>Uses data on the full range of students identified with special needs and/or English Learners to provide appropriate challenges and accommodations in instruction. Communicates with support personnel and families to ensure that appropriate student services are provided and progress is made in accessing content.</p>	<p>Integrates accommodations, adaptations, or extensions to instruction for the full range of students with special needs and English Learners to ensure adequate support and challenge. Maintains regular communication with support personnel and families to ensure that appropriate student services are provided and progress is made in accessing content.</p>	<p>Guides and supports the full range of students with special needs and English Learners to actively engage in assessment and to monitor their own strengths, learning needs, and achievement. Communicates and collaborates with support personnel and families in creating a coordinated program to optimize success of the full range of students with special needs and English Learners.</p>	<p><b>Rating (Check One):</b></p> <p><input type="checkbox"/> Does Not Meet CSTP    <input type="checkbox"/> Meets or Exceeds CSTP</p> <p><input type="checkbox"/> Progressing Towards CSTP</p>

## Standard 4: Planning Instruction and Designing Learning Experiences for All Students

<b>Elements</b>	<b>Does Not Meet CSTP</b>	<b>Progressing Towards CSTP</b>	<b>Meets or Exceeds CSTP</b>			<b>Evidence-Based Rationale for Rating</b>
<p><i>Using knowledge of students' academic readiness, language proficiency, cultural background, and individual development to plan instruction.</i> 4.1</p>	<p>Instructional plans do not match or reflect students' backgrounds, experiences, interests, and developmental needs, and do not support students' learning.</p>	<p>Plans instruction using available standardized test data.</p>	<p>Plans and implements instruction using data from a variety of assessments, as well as information on student academic readiness, language, cultural background, and individual development.</p>	<p>Uses differentiated instruction that supports student learning based on the knowledge of the students' diverse learning needs and cultural background.</p>	<p>Implements differentiated instruction that promotes access to academic content standards, taking into account students' academic, cultural, and linguistic diversity.</p>	
<p><i>Establishing and articulating goals for student learning.</i> 4.2</p>	<p>Instructional goals are not established or do not address students' language, experiences or school expectations. Expectations for students are low or unrealistic.</p>	<p><i>Establishes</i> expectations for student learning in most lessons. Has inconsistent expectations for students.</p>	<p>Articulates and links goals to instructional activities. Goals are appropriately challenging for most students and represent valuable learning. Expectations for students are generally high.</p>	<p>Ensures that students understand and reflect upon short-term and long-term learning goals. Goals reflect high expectations and challenge students at their level.</p>	<p>Articulates short-term and long-term goals with high expectations for learning. Designs activities so that students have opportunities to participate in setting, revising, and achieving personal goals.</p>	
<p><i>Developing and sequencing long-term and short term instructional plans to support student learning.</i> 4.3</p>	<p>Individual lesson plans have little or no recognizable organization or connection to adopted curriculum. Does not plan to ensure access to challenging, diverse, academic content for all students.</p>	<p>Uses available curriculum guidelines for daily, short-term and long-term plans.</p>	<p>Develops and sequences short and long term instructional plans to support student learning.</p>	<p>Refines sequence of long-term plans with colleagues to reflect integration of curriculum guidelines, frameworks, and content standards with assessed instructional needs to ensure student learning.</p>	<p>Utilizes extensive knowledge of the curriculum, content standards, and assessed learning needs to design cohesive and comprehensive long-term and short-term instructional plans that ensure high levels of learning.</p>	
<p><i>Planning instruction that incorporates appropriate strategies to meet the learning needs of all students.</i> 4.4</p>	<p>Instructional strategies do not address students' diverse learning needs.</p>	<p>Plans instruction that incorporates strategies suggested by curriculum guidelines.</p>	<p>Uses knowledge of subject matter, culturally responsive pedagogy, and students' diverse learning needs to plan and implement appropriately paced instructional activities.</p>	<p>Integrates instruction to address learning styles and meets students' assessed language and learning needs. Provides appropriate support and challenge for students.</p>	<p>Plans instruction incorporating a repertoire of strategies to specifically meet students' diverse language and learning needs and styles to advance learning for all.</p>	

<p><i>Adapting instructional plans and curricular materials to meet the assessed learning needs of all students.</i></p> <p>4.5</p>	<p>Instructional plans are not modified, in spite of evidence that modifications would improve student learning.</p>	<p>Implements lessons and uses materials from curriculum provided.</p>	<p>Makes adjustments and adaptations to differentiate instructional plans based on the assessed learning needs of all students.</p>	<p>Makes ongoing adjustments to instructional plans and uses a variety of materials as the instructional need arises to support student learning.</p>	<p>Based on assessed student needs and past lessons taught, anticipates and plans for a wide range of adaptations to instruction.</p>	<p><b>Rating (Check One):</b></p> <p><input type="checkbox"/> Does Not Meet CSTP    <input type="checkbox"/> Meets or Exceeds CSTP</p> <p><input type="checkbox"/> Progressing Towards CSTP</p>
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### Standard 5: Assessing Student Learning

<i>Elements</i>	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<p><i>Applying knowledge of the purposes, characteristics, and uses of different types of assessments.</i></p> <p>5.1</p>	<p>Does not demonstrate an awareness of the purposes, characteristics, and uses of different types of assessments.</p>	<p>Explores the use of different types of assessments. Begins to identify specific characteristics of assessments that yield different types of information about student preparedness, progress, and proficiency.</p>	<p>Selects and uses assessments based on a clear understanding of the purposes and characteristics of assessments to support student learning.</p>	<p>Develops and adapts a range of appropriate assessments to address questions about students' learning needs and progress. Integrates a variety of characteristics into assessments to allow students with a range of learning needs to demonstrate what they know.</p>	<p>Demonstrates purposeful use of a wide range of assessments to support differentiated student learning needs and reflect progress. Draws flexibly from a repertoire of appropriate assessment options and characteristics to maximize student demonstration of knowledge.</p>	
<p><i>Collecting and analyzing assessment data from a variety of sources to inform instruction.</i></p> <p>5.2</p>	<p>Uses no sources of information to inform instruction and/or does not use assessments that are appropriate.</p>	<p>Uses data from required assessments to assess student learning. Follows required processes for data analysis and draws conclusions about student learning.</p>	<p>Explores collecting additional data using supplemental assessments. Makes adjustments in planning for single lessons or sequence of lessons based on analysis of assessment data.</p>	<p>Collects a variety of formal and informal assessment data on student learning. Uses analysis of a variety of data to inform planning and differentiation of instruction.</p>	<p>Designs and integrates an assessment plan that provides formal and informal assessment data on student learning. Uses data analysis of a broad range of assessments to provide comprehensive information to guide planning and differentiation of instruction.</p>	
<p><i>Reviewing data, both individually and with colleagues, to monitor student learning.</i></p> <p>5.3</p>	<p>Does not review data, individually or with colleagues, to monitor student learning.</p>	<p>Reviews and monitors assessment data as required by site and/or district.</p>	<p>Reviews and monitors a variety of data, individually and with colleagues, to identify the learning needs of individual students.</p>	<p>Reviews and monitors a wide variety of data, individually and with colleagues, to identify trends and patterns among students.</p>	<p>Works collaboratively with colleagues to identify and address underlying causes for assessment data trends.</p>	

<p><i>Using assessment data to establish learning goals and to plan, differentiate, and modify instruction.</i></p> <p>5.4</p>	<p>Assessment data is not appropriately used by the teacher to establish learning goals or to plan, differentiate, and modify instruction.</p>	<p>Uses data from available assessments to establish learning goals.</p>	<p>Uses a variety of formal and informal assessment data to establish learning goals for content and academic language. Regularly plans differentiated lessons and modifications to instruction to meet students' diverse learning needs.</p>	<p>Uses a wide variety of data to establish goals for content and academic language that are integrated across content standards for individuals and groups. Plans differentiated instruction targeted to meet individual and group learning needs and modifies lessons during instruction based on informal assessment.</p>	<p>Reflects on data to make refinements to learning goals for content and academic language for the full range of students. Uses data systematically to refine planning, differentiate instruction, and makes ongoing adjustments to match the evolving learning needs of individuals and groups.</p>	
<p><i>Involving all students in self-assessment, goal setting, and monitoring progress.</i></p> <p>5.5</p>	<p>Does not involve students in self-assessment, goal setting, and monitoring of their progress.</p>	<p>Begins to encourage students to establish learning goals through single lessons or sequence of lessons that include goal setting exercises. Provides students with opportunities in single lessons or sequence of lessons to monitor their own progress towards class and/or individual goals.</p>	<p>Models and scaffolds student self-assessment and goal setting processes for learning content and academic language development. Guides students to monitor and reflect on progress on a regular basis.</p>	<p>Implements opportunities for students to self-assess and set learning goals related to content, academic language and individual skills. Integrates student self-assessment, goal setting, and monitoring progress across the curriculum.</p>	<p>Provides ongoing opportunities for student self-assessment, goal setting, and monitoring progress. Develops students' meta-cognitive skills for analyzing progress and refining goals to advance their academic achievement.</p>	
<p><i>Using available technologies to assist in assessment, analysis, and communication of student learning.</i></p> <p>5.6</p>	<p>Does not use available technologies to assist in assessment, analysis, and communication of student learning.</p>	<p>Uses technologies to implement individual assessments, record results and communicate with administration, colleagues and families about student learning.</p>	<p>Uses technology to design and implement assessments, record and analyze results and communicate student learning with administration, colleagues, families and students. Ensures that communications are received by those who lack the access to technologies</p>	<p>Integrates a variety of technologies into the development, implementation, analysis of assessments, and communication of student learning to all audiences.</p>	<p>Uses a wide range of technologies to design, implement and analyze assessments and provides for in depth and ongoing communication regarding student learning for all audiences.</p>	

*Using assessment information to share timely and comprehensible feedback with students and their families.*

5.7

Does not provide students with feedback through assessment of work. Poor communication of student proficiency and behavior issues to family.

Provides students with feedback through assessment of work and required summative assessments. Notifies families of student proficiencies, challenges, and behavior issues.

Provides students with clear and timely information about strengths, needs, and strategies for improving academic achievement. Communicates regularly to share communication assessment information that is responsive to individual student and family needs.

Integrates feedback to students from formal and informal assessments in ways that support increased learning. Provides opportunities for two-way communications with families to share student assessments and progress, and to raise issues or concerns

Develops student skills in analyzing assessments of their progress to facilitate and accelerate their learning. Engages families in a variety of ongoing comprehensible communications about individual student progress and ways to provide and monitor.

**Rating (Check One):**

- Does Not Meet CSTP     Meets or Exceeds CSTP  
 Progressing Towards CSTP

# Standard 6: Developing as a Professional Educator

Elements	Does Not Meet CSTP	Progressing Towards CSTP	Meets or Exceeds CSTP			Evidence-Based Rationale for Rating
<p><i>Reflecting on teaching practice in support of student learning.</i> 6.1</p>	<p>Rarely uses reflection to assess professional growth to support student learning over time or to plan professional development.</p>	<p>Reflects on areas of concern in his/her teaching practice, assesses growth in these areas, and begins to focus professional development on immediate student learning needs</p>	<p>Engages in reflection individually and with colleagues on the relationship between making adjustments in teaching practice and the impact on the full range of learners</p>	<p>Analyzes and reflects individually and with colleagues on teaching and learning based on evidence gathered. Plans professional development based on teaching practices that support the full range of learners</p>	<p>Integrates analysis and reflection individually and with colleagues into teaching practice in relationship to professional growth that supports the full-range of student learning.</p>	
<p><i>Establishing professional goals and engaging in continuous and purposeful professional growth and development.</i> 6.2</p>	<p>Rarely establishes professional goals, seeks opportunities to develop new knowledge or skills, or participates in the professional community.</p>	<p>Sets goals that take into account self-assessment of teaching practice</p>	<p>Sets goals and pursues opportunities to acquire new knowledge and skills and participate in the professional community.</p>	<p>Purposefully pursues opportunities to expand knowledge and skills, and participates in and contributes to the professional community.</p>	<p>Sets and modifies a range of professional goals to extend own teaching practice and that of colleagues. Contributes to professional organizations, literature, and development opportunities and leads professional development.</p>	
<p><i>Collaborating with colleagues and the broader professional community to support teacher and student learning.</i> 6.3</p>	<p>Rarely collaborates with colleagues, or seeks out other staff to discuss student learning. Rarely participates in school or district events or learning activities.</p>	<p>Establishes positive working relationship with a few colleagues. Interacts with colleagues to gather resources. Seeks out trusted colleagues to consider solutions to problems with students.</p>	<p>Works constructively with colleagues and support staff to improve student learning and reflect on practice. Collaborates with colleagues to plan curriculum, coordinate resources, and solve problems.</p>	<p>Engages staff in dialogue and reflection to support student learning and teacher growth in responsive and appropriate ways.</p>	<p>Provides opportunities to collaborate with staff to support learning for all students. Provides leadership for, and contributes to, the learning of other educators.</p>	
<p><i>Working with families to support student learning.</i> 6.4</p>	<p>Teacher may demonstrate respect for students' families or their backgrounds, but has limited communication with families, and is not sure how to provide opportunities for participation in the classroom or school community.</p>	<p>Communicates with families at reporting periods and school events. Advises families of problems. Recognizes the role of the family in student learning. Invites families to contribute in the classroom /school events</p>	<p>Regularly communicates student progress in appropriate ways, taking into account the diversity of families. Encourages families to contribute to the support of their children's learning.</p>	<p>Communicates to families in ways which show understanding of and respect for cultural norms. Provides opportunities and support for families to actively participate in support of their children's learning.</p>	<p>Engages families in a variety of responsive, ongoing, two-way communications in support of student success. Structures a wide range of opportunities for families to contribute to the support of their children's learning.</p>	
<p><i>Engaging local communities in support of the instructional program.</i> 6.5</p>	<p>Lacks awareness of local neighborhoods and communities around school and does not make use of available local resources.</p>	<p>Develops an awareness of neighborhood and community resources.</p>	<p>Uses a variety of neighborhood and community resources to support the curriculum.</p>	<p>Draws from understanding of community to improve and enrich the instructional program.</p>	<p>Collaborates with community members to increase instructional and learning opportunities and to support students and families.</p>	

<p><i>Managing professional responsibilities to maintain motivation and commitment to all students.</i></p> <p>6.6</p>	<p>Does not fulfill professional responsibilities. Does not stay current with professional and legal responsibilities for students' learning, behavior and safety.</p>	<p>Possesses a positive attitude in the classroom. Develops an understanding of professional responsibilities.</p>	<p>Maintains positive attitude, demonstrates understanding of professional responsibilities and a commitment to all students, and seeks to balance professional responsibilities with personal needs.</p>	<p>Maintains motivation and commitment to all students, demonstrates professional integrity, and challenges self intellectually and creatively.</p>	<p>Demonstrates and models professional integrity, and challenges self intellectually and creatively throughout career to maintain motivation and commitment to all students and the professional community.</p>	<p><b>Rating (Check One):</b></p> <p><input type="checkbox"/> Does Not Meet CSTP    <input type="checkbox"/> Meets or Exceeds CSTP</p> <p><input type="checkbox"/> Progressing Towards CSTP</p>
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Employee \_\_\_\_\_

School Year \_\_\_\_\_

**Additional Comments - Employee**

**Additional Comments - Evaluator**

**Recommendations**

**Probationary:**

- \_\_\_\_\_ Continue Probationary Status
- \_\_\_\_\_ Continue Probationary Status with Recommendation for Assistance
- \_\_\_\_\_ Recommend for Permanent Status
- \_\_\_\_\_ Recommend Non-Re-Employment

**Temporary:**

- \_\_\_\_\_ Continue Temporary Status
- \_\_\_\_\_ Continue Temporary Status with Recommendation for Assistance
- \_\_\_\_\_ Recommend Release from Contract

**Permanent:**

- \_\_\_\_\_ Continue Permanent Status
- \_\_\_\_\_ Continue Permanent Status with Mandated Referral to PAR  
\*(2-3 "Does Not Meet CSTP" Ratings)
- \_\_\_\_\_ The next evaluation of this Permanent Employee is deferred  
to the third school year following the school year of this  
evaluation<sup>1</sup>. \_\_\_\_\_ date \_\_\_\_\_

Administrator      Employee

*(Please Initial and date above to indicate agreement for Deferral)*

<sup>1</sup>. **Evaluator and Employee must mutually agree to the third year deferral.**

(Additional information may be attached)

Employee's Signature \_\_\_\_\_ Date \_\_\_\_\_

Evaluator's Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Reviewed by \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Reviewed by \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

SECTION 8: DOCUMENTARY EVIDENCE AND DECLARATION - CONTINUED

EXHIBIT D

DECLARATIONS

I Michelle Henson, Assistant Superintendent, Business Services for the Fairfield-Suisun Unified School District, declare and certify by my signature below, under penalty of perjury, and that I am competent to do so, do hereby declare that the documents included here as the time study herein submitted as (Exhibit A). The documents included here in as the sample evaluations (Exhibit B) and the Collective Bargaining Agreements (Exhibit C) are 100% true and correct based on information pursuant to section 187.5 of the Commission's regulations.

Dated: 1/22/2020



Michelle Henson  
Asst. Supt. Business Services

SECTION 8: DOCUMENTARY EVIDENCE AND DECLARATION - CONTINUED

EXHIBIT D

DECLARATIONS

I Michelle Henson, Assistant Superintendent, Business Services for the Fairfield-Suisun Unified School District, declare and certify by my signature below, under penalty of perjury, and that I am competent to do so, do hereby declare that the claims submitted for the following costs are true and correct based on information pursuant to section 187.5 of the Commission's regulations:

FY 2005-06 \$51,106

FY 2006-07 \$104,845

FY 2007-08 \$114,106

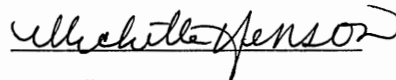
FY 2010-11 \$87,906

FY 2011-12 \$115,983

FY 2012-13 \$ 114,397

This declaration to the incorrect reduction claim for Fairfield-Suisun Unified School District's STULL Act claims for 2005-06, 2006-07, 2007-08, 2010-11, 2011-12 and 2012-13, and is based on information pursuant to section 187.5 of the Commission's regulations.

Dated: 1/22/2020



Michelle Henson  
Asst. Supt. Business Services

Incorrect Reduction Claim Name: Stull Act FY 2005-2008 & 2010-2013  
Claimant: Fairfield-Suisun Unified School District

## SECTION 9: CLAIMING INSTRUCTIONS

### EXHIBIT E

OFFICE OF THE STATE CONTROLLER

STATE MANDATED COSTS CLAIMING INSTRUCTIONS NO. 2005-12

THE STULL ACT

December 12, 2005

In accordance with Government Code Section (GC §) 17561, eligible claimants may submit claims to the State Controller's Office (SCO) for reimbursement of costs incurred for state mandated cost programs. The following are claiming instructions and forms that eligible claimants will use for the filing of claims for the Stull Act program. These claiming instructions are issued subsequent to adoption of the program's Parameters and Guidelines (P's & G's) by the Commission on State Mandates (COSM).

On May 27, 2004, the COSM determined that Education Code Sections 44660 to 44665 (formerly Ed. Code §§ 13485 to 13490) established costs mandated by the State according to the provisions listed in the P's & G's. For your reference, the P's & G's are included as an integral part of the claiming instructions.

**Eligible Claimants**

Any "school district," as defined in GC§ 17519, except for community colleges, which incurs increased costs as a result of this mandate, is eligible to claim reimbursement. Charter schools are not eligible claimants.

**Filing Deadlines**

**A. Reimbursement Claims**

Initial reimbursement claims must be filed within 120 days from the issuance date of claiming instructions. Costs incurred for compliance with Chapter 498, Statutes of 1983, are eligible for reimbursement for fiscal year 1997-98 through 2004-05. Costs incurred for compliance with Chapter 4, Statutes of 1999, are eligible for reimbursement for the period March 15, 1999, to June 30, 1999, and fiscal years 1999-00 through 2004-05. Claims must be filed with the SCO and be delivered or postmarked on or before **April 11, 2006**. Estimated claims for fiscal year 2005-06 must be filed on or before **April 11, 2006**.

In order for a claim to be considered properly filed, it must include any specific supporting documentation requested in the instructions. **Claims filed more than one year after the deadline or without the requested supporting documentation will not be accepted.**

**B. Late Penalty**

**1. Initial Claims**

AB 3000 enacted into law on September 30, 2002, amended the late penalty assessments on initial claims. Late initial claims submitted **on or after September 30, 2002**, are assessed a late penalty of 10% of the total amount of the initial claims **without limitation**.

## **2. Annual Reimbursement Claims**

All late annual reimbursement claims are assessed a late penalty of 10% subject to the \$1,000 limitation regardless of when the claims were filed.

### **C. Estimated Claims**

Unless otherwise specified in the claiming instructions, school districts, are not required to provide cost schedules and supporting documents with an estimated claim if the estimated amount does not exceed the previous fiscal year's actual costs by more than 10%. Claimants can simply enter the estimated amount on form FAM-27, line (07).

However, if the estimated claim exceeds the previous fiscal year's actual costs by more than 10%, claimants must complete supplemental claim forms to support their estimated costs as specified for the program to explain the reason for the increased costs. If no explanation supporting the higher estimate is provided with the claim, it will automatically be adjusted to 110% of the previous fiscal year's actual costs. Future estimated claims filed with the SCO must be postmarked by January 15 of the fiscal year in which costs will be incurred. Claims filed timely will be paid before late claims.

### **Minimum Claim Cost**

GC section 17564(a) provides that no claim shall be filed pursuant to Sections 17551 and 17561, unless such a claim exceeds one thousand dollars (\$1,000).

### **Reimbursement of Claims**

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question.

Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts. Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, training packets, and declarations. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

### **Certification of Claim**

In accordance with the provisions of GC§ 17561, an authorized representative of the claimant shall be required to provide a certification of claim stating: "I certify, (or declare), under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of the Code of Civil Procedure Section 2015.5, for those costs mandated by the State and contained herein.

## **Audit of Costs**

All claims submitted to the SCO are reviewed to determine if costs are related to the mandate, are reasonable and not excessive, and the claim was prepared in accordance with the SCO's claiming instructions and the P's & G's adopted by the COSM. If any adjustments are made to a claim, a "Notice of Claim Adjustment" specifying the claim component adjusted, the amount adjusted, and the reason for the adjustment, will be mailed within 30 days after payment of the claim.

Pursuant to GC§ 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a school district pursuant to this chapter is subject to the initiation of an audit by the SCO no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the SCO to initiate an audit shall commence to run from the date of initial payment of the claim.

In any case, an audit shall be completed not later than two years after the date that the audit is commenced. All documents used to support the reimbursable activities must be retained during the period subject to audit. If an audit has been initiated by the SCO during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings. On-site audits will be conducted by the SCO as deemed necessary.

## **Retention of Claiming Instructions**

The claiming instructions and forms in this package should be retained permanently in your Mandated Cost Manual for future reference and use in filing claims. These forms should be duplicated to meet your filing requirements. You will be notified of updated forms or changes to claiming instructions as necessary.

Questions or requests for hard copies of these instructions should be faxed to Ginny Brummels at (916) 323-6527, or e-mailed to [LRSDAR@sco.ca.gov](mailto:LRSDAR@sco.ca.gov). Or, if you wish, you may call the Local Reimbursements Section at (916) 324-5729.

For your reference, these and future mandated costs claiming instructions and forms can be found on the Internet at [www.sco.ca.gov/ard/local/locreim/index.shtml](http://www.sco.ca.gov/ard/local/locreim/index.shtml).

## **Address for Filing Claims**

Claims should be rounded to the nearest dollar. Submit a signed original and a copy of form FAM-27, Claim for Payment, and all other forms and supporting documents. **(To expedite the payment process, please sign the form in blue ink, and attach a copy of the form FAM-27 to the top of the claim package.)**

Use the following mailing addresses:

If delivered by  
U.S. Postal Service:

Office of the State Controller  
Attn: Local Reimbursements Section  
Division of Accounting and Reporting  
P.O. Box 942850  
Sacramento, CA 94250

If delivered by  
other delivery services:

Office of the State Controller  
Attn: Local Reimbursements Section  
Division of Accounting and Reporting  
3301 C Street, Suite 500  
Sacramento, CA 95816



## PARAMETERS AND GUIDELINES

Education Code Sections 44660-44665  
(Former Ed. Code, §§ 13485-13490)

Statutes 1983, Chapter 498  
Statutes 1999, Chapter 4

*The Stull Act* (98-TC-25)

Denair Unified School District and Grant Joint Union High School District, Claimants

### I. SUMMARY OF THE MANDATE

On May 27, 2004, the Commission on State Mandates (Commission) adopted the Statement of Decision for *The Stull Act* test claim. The Commission found that Education Code sections 44660-44665 (formerly Ed. Code, §§ 13485-13490) constitute a new program or higher level of service and impose a state-mandated program upon school districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.

Accordingly, the Commission approved this test claim for the following reimbursable activities:

- Evaluate and assess the performance of certificated instructional employees that perform the requirements of educational programs mandated by state or federal law as it reasonably relates to the instructional techniques and strategies used by the employee and the employee's adherence to curricular objectives. (Ed. Code, § 44662, subd. (b), as amended by Stats. 1983, ch. 498.)

Reimbursement for this activity is limited to the review of the employee's instructional techniques and strategies and adherence to curricular objectives, and to include in the written evaluation of the certificated instructional employees the assessment of these factors during the following evaluation periods:

- Once each year for probationary certificated employees;
  - Every other year for permanent certificated employees; and
  - Beginning January 1, 2004, every five years for certificated employees with permanent status who have been employed at least ten years with the school district, are highly qualified (as defined in 20 U.S.C. § 7801), and whose previous evaluation rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree.
- Evaluate and assess the performance of certificated instructional employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11 as it reasonably relates to the progress of pupils towards the state adopted academic content standards as measured by state adopted assessment tests. (Ed. Code, § 44662, subd. (b), as amended by Stats. 1999, ch. 4.)

Reimbursement for this activity is limited to the review of the results of the STAR test as it reasonably relates to the performance of those certificated employees that

teach reading, writing, mathematics, history/social science, and science in grades 2 to 11, and to include in the written evaluation of those certificated employees the assessment of the employee's performance based on the STAR results for the pupils they teach during the evaluation periods specified in Education Code section 44664, and described below:

- Once each year for probationary certificated employees;
  - Every other year for permanent certificated employees; and
  - Beginning January 1, 2004, every five years for certificated employees with permanent status who have been employed at least ten years with the school district, are highly qualified (as defined in 20 U.S.C. § 7801), and whose previous evaluation rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree.
- Assess and evaluate permanent certificated, instructional and non-instructional, employees that perform the requirements of educational programs mandated by state or federal law and receive an unsatisfactory evaluation in the years in which the permanent certificated employee would not have otherwise been evaluated pursuant to Education Code section 44664 (i.e., every other year). The additional evaluations shall last until the employee achieves a positive evaluation, or is separated from the school district. (Ed. Code, § 44664, as amended by Stats. 1983, ch. 498.) This additional evaluation and assessment of the permanent certificated employee requires the school district to perform the following activities:
    - Evaluate and assess the certificated employee performance as it reasonably relates to the following criteria: (1) the progress of pupils toward the standards established by the school district of expected pupil achievement at each grade level in each area of study, and, if applicable, the state adopted 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; and, if applicable, (5) the fulfillment of other job responsibilities established by the school district for certificated non-instructional personnel (Ed. Code, § 44662, subds. (b) and (c));
    - The evaluation and assessment shall be reduced to writing. (Ed. Code, § 44663, subd. (a).) The evaluation shall include recommendations, if necessary, as to areas of improvement in the performance of the employee. If the employee is not performing his or her duties in a satisfactory manner according to the standards prescribed by the governing board, the school district shall notify the employee in writing of that fact and describe the unsatisfactory performance (Ed. Code, § 44664, subd. (b));
    - Transmit a copy of the written evaluation to the certificated employee (Ed. Code, § 44663, subd. (a));
    - Attach any written reaction or response to the evaluation by the certificated employee to the employee's personnel file (Ed. Code, § 44663, subd. (a)); and

- Conduct a meeting with the certificated employee to discuss the evaluation (Ed. Code, § 44553, subd. (a).)

The Commission further found that the activities listed above do not constitute reimbursable state-mandated programs with respect to certificated personnel employed in local, discretionary educational programs.

Finally, the Commission found that all other statutes in the test claim not mentioned above are not reimbursable state-mandated programs within the meaning of article XIII B, section 6 and Government Code section 17514.

## **II. ELIGIBLE CLAIMANTS**

Any "school district" as defined in Government Code section 17519, except for community colleges, which incurs increased costs as a result of this mandate is eligible to claim reimbursement. Charter schools are not eligible claimants.

## **III. PERIOD OF REIMBURSEMENT**

Government Code section 17557 states that a test claim must be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was filed on June 30, 1999. Therefore, the costs incurred for compliance with Statutes 1983, chapter 498 are eligible for reimbursement on or after July 1, 1997. Statutes 1999, chapter 4 was an urgency statute operative March 15, 1999; therefore, costs incurred for compliance with Statutes 1999, chapter 4 are eligible for reimbursement on or after March 15, 1999.

Actual costs for one fiscal year should be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to Government Code section 17561, subdivision (d)(1)(A), all claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller within 120 days of the issuance date for the claiming instructions.

If the total costs for a given fiscal year do not exceed \$1,000, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.

## **IV. REIMBURSABLE ACTIVITIES**

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, and declarations. Declarations must include a certification or declaration stating, "I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable

activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

The claimant is only allowed to claim and be reimbursed for increased costs for the reimbursable activities identified below. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate.

For each eligible claimant, the following activities are reimbursable:

A. Certificated Instructional Employees

1. Evaluate and assess the performance of certificated instructional employees that perform the requirements of educational programs mandated by state or federal law as it reasonably relates to the instructional techniques and strategies used by the employee and the employee's adherence to curricular objectives (Ed. Code, § 44662, subd. (b), as amended by Stats. 1983, ch. 498.). (*Reimbursement period begins July 1, 1997.*)

Reimbursement for this activity is limited to:

- a. reviewing the employee's instructional techniques and strategies and adherence to curricular objectives, and
- b. including in the written evaluation of the certificated instructional employees the assessment of these factors during the following evaluation periods:
  - once each year for probationary certificated employees;
  - every other year for permanent certificated employees; and
  - beginning January 1, 2004, every five years for certificated employees with permanent status who have been employed at least ten years with the school district, are highly qualified (as defined in 20 U.S.C. § 7801), and whose previous evaluation rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree.

*Note: For purposes of claiming reimbursement, eligible claimants must identify the state or federal law mandating the educational program being performed by the certificated instructional employees.*

2. Evaluate and assess the performance of certificated instructional employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11 as it reasonably relates to the progress of pupils towards the state adopted academic content standards as measured by state adopted assessment tests (Ed. Code, § 44662, subd. (b), as amended by Stats. 1999, ch. 4.). (*Reimbursement period begins March 15, 1999.*)

Reimbursement for this activity is limited to:

- a. reviewing the results of the Standardized Testing and Reporting test as it reasonably relates to the performance of those certificated employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11, and
- b. including in the written evaluation of those certificated employees the assessment of the employee's performance based on the Standardized Testing and Reporting

results for the pupils they teach during the evaluation periods specified in Education Code section 44664, and described below:

- once each year for probationary certificated employees;
- every other year for permanent certificated employees; and
- beginning January 1, 2004, every five years for certificated employees with permanent status who have been employed at least ten years with the school district, are highly qualified (as defined in 20 U.S.C. § 7801), and whose previous evaluation rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree.

B. Certificated (Instructional and Non-Instructional) Employees

1. Evaluate and assess permanent certificated, instructional and non-instructional, employees that perform the requirements of educational programs mandated by state or federal law and receive an unsatisfactory evaluation in the years in which the permanent certificated employee would not have otherwise been evaluated pursuant to Education Code section 44664 (i.e., every other year). The additional evaluations shall last until the employee achieves a positive evaluation, or is separated from the school district (Ed. Code, § 44664, as amended by Stats. 1983, ch. 498). (*Reimbursement period begins July 1, 1997.*)

This additional evaluation and assessment of the permanent certificated employee requires the school district to perform the following activities:

- a. evaluating and assessing the certificated employee performance as it reasonably relates to the following criteria: (1) the progress of pupils toward the standards established by the school district of expected pupil achievement at each grade level in each area of study, and, if applicable, the state adopted 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; and, if applicable, (5) the fulfillment of other job responsibilities established by the school district for certificated non-instructional personnel (Ed. Code, § 44662, subds. (b) and (c));
- b. reducing the evaluation and assessment to writing (Ed. Code, § 44663, subd. (a)). The evaluation shall include recommendations, if necessary, as to areas of improvement in the performance of the employee. If the employee is not performing his or her duties in a satisfactory manner according to the standards prescribed by the governing board, the school district shall notify the employee in writing of that fact and describe the unsatisfactory performance (Ed. Code, § 44664, subd. (b));
- c. transmitting a copy of the written evaluation to the certificated employee (Ed. Code, § 44663, subd. (a));
- d. attaching any written reaction or response to the evaluation by the certificated employee to the employee's personnel file (Ed. Code, § 44663, subd. (a)); and

- e. conducting a meeting with the certificated employee to discuss the evaluation (Ed. Code, § 44553, subd. (a)).

*Note: For purposes of claiming reimbursement, eligible claimants must identify the state or federal law mandating the educational program being performed by the certificated, instructional and non-instructional, employees.*

### C. Training

1. Train staff on implementing the reimbursable activities listed in Section IV of these parameters and guidelines. (One-time activity for each employee.) (*Reimbursement period begins July 1, 1997.*)

## V. CLAIM PREPARATION AND SUBMISSION

Each of the following cost elements must be identified for each reimbursable activity identified in Section IV, Reimbursable Activities, of this document. Each claimed reimbursable cost must be supported by source documentation as described in Section IV. Additionally, each reimbursable claim must be filed in a timely manner.

### A. Direct Cost Reporting

Direct costs are those costs incurred specifically for the reimbursable activities. The following direct costs are eligible for reimbursement.

#### 1. Salaries and Benefits

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

#### 2. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.

#### 3. Contracted Services

Report the name of the contractor and services performed to implement the reimbursable activities. Attach a copy of the contract to the claim. If the contractor bills for time and materials, report the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the dates when services were performed and itemize all costs for those services.

#### 4. Fixed Assets and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment is also used for purposes other than the reimbursable activities, only the pro-rata portion of the purchase price used to implement the reimbursable activities can be claimed.

## 5. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination point, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of cost element A.1. Salaries and Benefits, for each applicable reimbursable activity.

## 6. Training

Report the cost of training an employee to perform the reimbursable activities, as specified in Section IV of this document. Report the name and job classification of each employee preparing for, attending, and/or conducting training necessary to implement the reimbursable activities. Provide the title, subject, and purpose (related to the mandate of the training session), dates attended, and location. If the training encompasses subjects broader than the reimbursable activities, only the pro-rata portion can be claimed. Report employee training time for each applicable reimbursable activity according to the rules of cost element A. 1, Salaries and Benefits, and A.2, Materials and Supplies. Report the cost of consultants who conduct the training according to the rules of cost element A.3, Contracted Services.

### B. Indirect Cost Rates

Indirect costs are costs that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. After direct costs have been determined and assigned to other activities, as appropriate, indirect costs are those remaining to be allocated to benefited cost objectives. A cost may not be allocated as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been claimed as a direct cost.

Indirect costs include: (a) the indirect costs originating in each department or agency of the governmental unit carrying out state mandated programs, and (b) the costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs.

School districts must use the J-380 (or subsequent replacement) nonrestrictive indirect cost rate provisionally approved by the California Department of Education.

County offices of education must use the J-580 (or subsequent replacement) nonrestrictive indirect cost rate provisionally approved by the California Department of Education.

## **VI. RECORD RETENTION**

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter<sup>1</sup> is subject to the initiation of an audit by the State Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. All documentation used to support the reimbursable

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<sup>1</sup> This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

activities, as described in Section IV, must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

#### **VII. OFFSETTING SAVINGS AND REIMBURSEMENTS**

Any offsetting savings the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandates shall be deducted from the costs claimed. In addition, reimbursement for this mandate from any source, including, but not limited to, service fees collected, federal funds, and other state funds shall be identified and deducted from this claim.

#### **VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS**

Pursuant to Government Code section 17558, subdivision (b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement no later than 60 days after receiving the adopted parameters and guidelines from the Commission, to assist local agencies and school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the statute, regulations, or executive order creating the mandate and the parameters and guidelines adopted by the Commission.

Pursuant to Government Code section 17561, subdivision (d)(1), issuance of the claiming instructions shall constitute notice of the right of local agencies and schools districts to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

#### **IX. REMEDIES BEFORE THE COMMISSION**

Upon request of a local agency or school district, the Commission shall review the claiming instructions issued by the State Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the Commission determines that the claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the Controller to modify the claiming instructions and the Controller shall modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557, subdivision (d), and California Code of Regulations, title 2, section 1183.2.

#### **X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES**

The Statement of Decision is legally binding on all parties and provides the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record for the test claim. The administrative record, including the Statement of Decision, is on file with the Commission.



<b>CLAIM FOR PAYMENT</b> Pursuant to Government Code Section 17561  <b>THE STULL ACT</b>	For State Controller Use Only (19) Program Number 00260 (20) Date Filed ____/____/____ (21) LRS Input ____/____/____	Program <b>260</b>
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L A B E L  H E R E	(01) Claimant Identification Number		<b>Reimbursement Claim Data</b>	
	(02) Claimant Name		(22) SA -1, (03)(A)(f)	
	County of Location		(23) SA -1, (03)(B)(f)	
	Street Address or P.O. Box <span style="float: right;">Suite</span>		(24) SA -1, (03)(A)(1)(a)(f)	
	City <span style="float: right;">State</span> <span style="float: right;">Zip Code</span>		(25) SA -1, (03)(A)(1)(b)(f)	
	<b>Type of Claim</b>	<b>Estimated Claim</b>	<b>Reimbursement Claim</b>	(26) SA -1, (03)(A)(2)(a)(f)
	(03) Estimated <input type="checkbox"/>	(09) Reimbursement <input type="checkbox"/>	(27) SA -1, (03)(A)(2)(b)(f)	
	(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>	(28) SA -1, (03)(B)(1)(a)(f)	
	(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>	(29) SA -1, (03)(B)(1)(b)(f)	
<b>Fiscal Year of Cost</b>	(06) ____/____	(12) ____/____	(30) SA -1, (03)(B)(1)(c)(f)	
<b>Total Claimed Amount</b>	(07)	(13)	(31) SA -1, (03)(B)(1)(d)(f)	
<b>Less: 10% Late Penalty</b>		(14)	(32) SA -1, (03)(B)(1)(e)(f)	
<b>Less: Prior Claim Payment Received</b>		(15)	(33) SA -1, (05)	
<b>Net Claimed Amount</b>		(16)	(34) SA -1, (06)	
<b>Due from State</b>	(08)	(17)	(35) SA -1, (08)	
<b>Due to State</b>		(18)	(36) SA -1, (09)	

**(37) CERTIFICATION OF CLAIM**

In accordance with the provisions of Government Code Section 17561, I certify that I am the officer authorized by the school district to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1098, inclusive.

I further certify that there was no application other than from the claimant, nor any grant or payment received, for reimbursement of costs claimed herein, and such costs are for a new program or increased level of services of an existing program. All offsetting savings and reimbursements set forth in the Parameters and Guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.

The amounts for this Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs set forth on the attached statements. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Authorized Officer \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
 Type or Print Name \_\_\_\_\_ Title \_\_\_\_\_

(38) Name of Contact Person for Claim Telephone Number ( ) - Ext. \_\_\_\_\_  
 E-Mail Address \_\_\_\_\_

<b>Program 260</b>	<b>THE STULL ACT Certification Claim Form Instructions</b>	<b>FORM FAM-27</b>
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- (01) Enter the payee number assigned by the State Controller's Office.
- (02) Enter your Official Name, County of Location, Street or P. O. Box address, City, State, and Zip Code.
- (03) If filing an estimated claim, enter an "X" in the box on line (03) Estimated.
- (04) If filing a combined estimated claim on behalf of districts within the county, enter an "X" in the box on line (04) Combined.
- (05) If filing an amended estimated claim, enter an "X" in the box on line (05) Amended.
- (06) Enter the fiscal year in which costs are to be incurred.
- (07) Enter the amount of the estimated claim. If the estimate exceeds the previous year's actual costs by more than 10%, complete form SA-1 and enter the amount from line (11).
- (08) Enter the same amount as shown on line (07).
- (09) If filing a reimbursement claim, enter an "X" in the box on line (09) Reimbursement.
- (10) If filing a combined reimbursement claim on behalf of districts within the county, enter an " X " in the box on line (10) Combined.
- (11) If filing an amended reimbursement claim, enter an "X " in the box on line (11) Amended.
- (12) Enter the fiscal year for which actual costs are being claimed. If actual costs for more than one fiscal year are being claimed, complete a separate form FAM-27 for each fiscal year.
- (13) Enter the amount of the reimbursement claim from form SA-1, line (11). The total claimed amount must exceed \$1,000.
- (14) Reimbursement claims must be filed by April 11, 2006, for the fiscal year in which costs were incurred or the claims shall be reduced by a late penalty. Enter zero if the claim was timely filed, otherwise, enter the product of multiplying line (13) by the factor 0.10 (10% penalty).
- (15) If filing a reimbursement claim and a claim was previously filed for the same fiscal year, enter the amount received for the claim. Otherwise, enter a zero.
- (16) Enter the result of subtracting line (14) and line (15) from line (13).
- (17) If line (16), Net Claimed Amount, is positive, enter that amount on line (17), Due from State.
- (18) If line (16), Net Claimed Amount, is negative, enter that amount on line (18), Due to State.
- (19) to (21) Leave blank.
- (22) to (36) Reimbursement Claim Data. Bring forward the cost information as specified on the left-hand column of lines (22) through (36) for the reimbursement claim, e.g., SA-1, (03)(A)(1)(a)(f), means the information is located on form SA-1, block (03)(A)(1), line (a), column (f). Enter the information on the same line but in the right-hand column. Cost information should be rounded to the nearest dollar, i.e., no cents. Indirect costs percentage should be shown as a whole number and without the percent symbol, i.e., 7.548% should be shown as 8. **Completion of this data block will expedite the payment process.**
- (37) Read the statement "Certification of Claim." If it is true, the claim must be dated, signed by the agency's authorized officer, and must include the person's name and title, typed or printed. **Claims cannot be paid unless accompanied by an original signed certification. (To expedite the payment process, please sign the form FAM-27 with blue ink, and attach a copy of the form FAM-27 to the top of the claim package.)**
- (38) Enter the name, telephone number, and e-mail address of the person to contact if additional information is required.

**SUBMIT A SIGNED ORIGINAL, AND A COPY OF FORM FAM-27, WITH ALL OTHER FORMS AND SUPPORTING DOCUMENTS TO:**

*Address, if delivered by U.S. Postal Service:*

*Address, if delivered by other delivery service:*

**OFFICE OF THE STATE CONTROLLER  
ATTN: Local Reimbursements Section  
Division of Accounting and Reporting  
P.O. Box 942850  
Sacramento, CA 94250**

**OFFICE OF THE STATE CONTROLLER  
ATTN: Local Reimbursements Section  
Division of Accounting and Reporting  
3301 C Street, Suite 500  
Sacramento, CA 95816**

<b>Program 260</b>	<b>MANDATED COSTS THE STULL ACT CLAIM SUMMARY</b>	<b>FORM SA-1</b>
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(01) Claimant	(02) Type of Claim Reimbursement <input type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year  ___ / ___
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<b>Direct Costs</b>	<b>Object Accounts</b>
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(03) Reimbursable Components	(a) Salaries and Benefits	(b) Materials and Supplies	(c) Contract Services	(d) Fixed Assets	(e) Travel and Training	(f) Total
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<b>A. Certificated Instructional Employees (CIE)</b>	<b>Claim Statistics:</b> Number of CIE's evaluated per (03)(A)(1) and (03)(A)(2)
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1. Evaluate and assess performance	<b>Ed. Code §44662, subd. (b), as amended by Ch. 498/83; Reimbursement period begins fy 1997-98</b>
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a. Review employee's techniques and strategies						
b. Evaluation to include assessment of techniques and strategies						

2. Evaluate and assess CIE who teach certain subjects	<b>Ed. Code §44662, subd. (b), as amended by Ch. 4/99; Reimbursement period begins 03/15/99</b>
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a. Review STAR results						
b. Assessment based on STAR results						

<b>B. CIE and NIE Employees</b>	<b>Claim Statistics:</b> Number of CIE's and NIE's evaluated per (03)(B)(1)
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1. Evaluate and assess CIE and NIE employees	<b>Ed. Code §44664, subd. (b), as amended by Ch. 498/83; Reimbursement period begins fy 1997-98</b>
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a. Evaluating and assessing CIE according to certain criteria						
b. Reducing evaluation to writing						
c. Transmitting evaluation to CIE						
d. Attaching response to personnel file						
e. Discussing evaluation with CIE						

(04) Total Direct Costs						
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<b>Indirect Costs</b>
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(05) Indirect Cost Rate	[From J-380 or J-580]	%
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(06) Total Indirect Costs	[Line (05) x line (04)(a)]	
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(07) Total Direct and Indirect Costs	[Line (04)(f) + line (06)]	
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<b>Cost Reduction</b>
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(08) Less: Offsetting Savings		
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(09) Less: Other Reimbursements		
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(10) Total Claimed Amount	[Line (07) - {line (08) + line (09)}]	
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<b>Program</b> <b>260</b>	<b>THE STULL ACT</b> <b>CLAIM SUMMARY</b> <b>Instructions</b>	<b>FORM</b> <b>SA-1</b>
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- (01) Enter the name of the claimant.
- (02) Type of Claim. Check a box, Reimbursement or Estimated, to identify the type of claim being filed. Enter the fiscal year of costs.
- Form SA-1 must be filed for a reimbursement claim. Do not complete form SA-1 if you are filing an estimated claim and the estimate does not exceed the previous fiscal year's actual costs by more than 10%. Simply enter the amount of the estimated claim on form FAM-27, line (07). However, if the estimated claim exceeds the previous fiscal year's actual costs by more than 10%, form SA-1 must be completed and a statement attached explaining the increased costs. Without this information the estimated claim will automatically be reduced to 110% of the previous fiscal year's actual costs.
- (03) Reimbursable Components. For each reimbursable component, enter the total from form SA-2, line (04), columns (d) through (h) to form SA-1, block (03), columns (a) through (e) in the appropriate row. Total each row.
- A. Certificated Instructional Employees(CIE's). Claim Statistics:** Enter the number of CIE's who were evaluated and assessed pursuant to (03)(A)(1) and (2).
- B. CIE and NIE Employees. Claim Statistics:** Enter the number of CIE's and NIE's who were evaluated pursuant to (03)(B)(1).
- (04) Total Direct Costs. Total columns (a) through (f).
- (05) Indirect Cost Rate. Enter the indirect cost rate from the Department of Education form J-380 or J-580 as applicable for the fiscal year of costs.
- (06) Total Indirect Costs. Enter the result of multiplying the Indirect Cost Rate, line (05), by the Total Salaries and Benefits, line (04)(a).
- (07) Total Direct and Indirect Costs. Enter the sum of Total Direct Costs, line (04)(f), and Total Indirect Costs, line (06).
- (08) Less: Offsetting Savings. If applicable, enter the total savings experienced by the claimant as a direct result of this mandate. Submit a detailed schedule of savings with the claim.
- (09) Less: Other Reimbursements. If applicable, enter the amount of other reimbursements received from any source including, but not limited to, service fees collected, federal funds, and other state funds, that reimbursed any portion of the mandated cost program. Submit a schedule detailing the reimbursement sources and amounts.
- (10) Total Claimed Amount. From Total Direct and Indirect Costs, line (07), subtract the sum of Offsetting Savings, line (08), and Other Reimbursements, line (09). Enter the remainder on this line and carry the amount forward to form FAM-27, line (07) for the Estimated Claim or line (13) for the Reimbursement Claim.

<b>Program 260</b>	<b>MANDATED COSTS THE STULL ACT COMPONENT/ACTIVITY COST DETAIL</b>	<b>FORM SA-2</b>
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(01) Claimant	(02) Fiscal Year
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(03) Reimbursable Components: Check only one box per form to identify the component being claimed.

**A. CIE**

<input type="checkbox"/> Review employee's techniques and strategies	<input type="checkbox"/> Evaluation to include assessment of techniques and strategies
<input type="checkbox"/> Review STR Results	<input type="checkbox"/> Assessment based on STR results

**B. CIE & NIE**

<input type="checkbox"/> Evaluating and assessing CIE according to certain criteria	<input type="checkbox"/> Reducing evaluation to writing	<input type="checkbox"/> Transmitting evaluation to CIE
<input type="checkbox"/> Attaching response to personnel file	<input type="checkbox"/> Discussing evaluation with CIE	

(04) Description of Expenses			Object Accounts				
(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training

(05) Total <input type="checkbox"/> Subtotal <input type="checkbox"/> Page: ___ of ___	
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<b>Program 260</b>	<b>THE STULL ACT COMPONENT/ACTIVITY COST DETAIL Instructions</b>	<b>FORM SA-2</b>
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- (01) Claimant. Enter the name of the claimant.
- (02) Fiscal Year. Enter the fiscal year for which costs were incurred.
- (03) Reimbursable Components. Check the box which indicates the cost component being claimed. Check only one box per form. A separate form SA-2 shall be prepared for each applicable component.
- (04) Description of Expenses. The following table identifies the type of information required to support reimbursable costs. To detail costs for the component activity box "checked" in block (03), enter the employee names, position titles, a brief description of the activities performed, actual time spent by each employee, productive hourly rates, fringe benefits, supplies used, contract services, and travel and training expenses. **The descriptions required in column (4)(a) must be of sufficient detail to explain the cost of activities or items being claimed.** For audit purposes, all supporting documents must be retained by the claimant for a period of not less than three years after the date the claim was filed or last amended, whichever is later. If no funds were appropriated and no payment was made at the time the claim was filed, the time for the Controller to initiate an audit shall be from the date of initial payment of the claim. Such documents shall be made available to the State Controller's Office on request.

Object/ Sub object Accounts	Columns								Submit supporting documents with the claim
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	
<b>Salaries and Benefits</b>	Employee Name/Title	Hourly Rate	Hours Worked	Salaries = Hourly Rate x Hours Worked					
Salaries									
Benefits	Activities Performed	Benefit Rate		Benefits = Benefit Rate x Salaries					
<b>Materials and Supplies</b>	Description of Supplies Used	Unit Cost	Quantity Used		Cost = Unit Cost x Quantity Used				
<b>Contract Services</b>	Name of Contractor Specific Tasks Performed	Hourly Rate	Hours Worked Inclusive Dates of Service			Cost=Hourly Rate x Hours Worked or Total Contract Cost			Copy of Contract and Invoices
<b>Fixed Assets</b>	Description of Equipment Purchased	Unit Cost	Usage				Cost= Unit Cost x Usage		
<b>Travel and Training</b>	Purpose of Trip Name and Title Departure and Return Date	Per Diem Rate Mileage Rate Travel Cost	Days Miles Travel Mode			Total Travel Cost = Rate x Days or Miles		Total Travel Cost = Rate x Days or Miles	
Travel									
Training	Employee Name/Title Name of Class		Dates Attended			Registration Fee		Registration Fee	

- (05) Total line (04), columns (d) through (h) and enter the sum on this line. Check the appropriate box to indicate if the amount is a total or subtotal. If more than one form is needed to detail the component/activity costs, number each page. Enter totals from line (05), columns (d) through (h) to form SA-1, block (04), columns (a) through (e) in the appropriate row.

Incorrect Reduction Claim Name: Stull Act FY 2005-2008 & 2010-2013  
Claimant: Fairfield-Suisun Unified School District

## SECTION 10: FINAL AUDIT REPORT

### EXHIBIT F

# Fairfield-Suisun Unified School District

Audit Report

## THE STULL ACT PROGRAM

Chapter 498, Statutes of 1983;  
and Chapter 4, Statutes of 1999

*July 1, 2005, through June 30, 2008;  
and July 1, 2010, through June 30, 2013*



**BETTY T. YEE**  
California State Controller

June 2018





**BETTY T. YEE**  
California State Controller

June 22, 2018

Kris Corey, Superintendent  
Fairfield-Suisun Unified School District  
2490 Hilborn Road  
Fairfield, CA 94534

Dear Ms. Corey:

The State Controller's Office (SCO) audited the costs claimed by Fairfield-Suisun Unified School District for the legislatively mandated Stull Act Program for the period of July 1, 2005, through June 30, 2008; and July 1, 2010, through June 30, 2013. We did not include the costs claimed for the period of July 1, 2008, through June 30, 2010, in the audit period because the statute of limitations to initiate the audit of these years had expired.

The district claimed \$624,988 for the mandated program. Our audit found that \$197,670 is allowable and \$427,318 is unallowable. The costs are unallowable primarily because the district claimed reimbursement for unsupported costs. The State paid the district \$286,812. Following the issuance of this report, the SCO's Local Government Programs and Services Division will notify the district of the adjustments via a system-generated letter for each fiscal year in the audit period.

This final audit report contains an adjustment to costs claimed by the district. If you disagree with the audit finding, you may file an Incorrect Reduction Claim (IRC) with the Commission on the State Mandates (Commission). Pursuant to Section 1185, subdivision (c), of the Commission's regulations (*California Code of Regulations*, Title 3), an IRC challenging this adjustment must be filed with the Commission no later than three years following the date of this report, regardless of whether this report is subsequently supplemented, superseded, or otherwise amended. You may obtain IRC information on the Commission's website at [www.csm.ca.gov/forms/IRCForm.pdf](http://www.csm.ca.gov/forms/IRCForm.pdf).

If you have any questions, please contact Lisa Kurokawa, Chief, Compliance Audits Bureau, by telephone at (916) 327-3138.

Sincerely,

*Original signed by*

JEFFREY V. BROWNFIELD, CPA  
Chief, Division of Audits

JVB/rg

cc: David C. Isom, Board President

Fairfield-Suisun Unified School District  
Robert A. Martinez, Ed.D., Assistant Superintendent of Human Resources  
Fairfield-Suisun Unified School District  
Michelle Henson, Assistant Superintendent of Business Services  
Fairfield-Suisun Unified School District  
Michael Minahen, Director of Human Resources  
Fairfield-Suisun Unified School District  
Sherry Beatty, Director  
District Business Services  
Solano County Office of Education  
Caryn Moore, Director  
School Fiscal Services Division  
California Department of Education  
Amy Tang-Paterno, Education Fiscal Services Consultant  
Government Affairs Division  
California Department of Education  
Thomas Todd, Assistant Program Budget Manager  
Education Systems Unit  
California Department of Finance  
Anita Dagan, Manager  
Local Government Programs and Services Division  
California State Controller's Office

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# Audit Report

## Summary

The State Controller's Office (SCO) audited the costs claimed by Fairfield-Suisun Unified School District for the legislatively mandated Stull Act Program for the period of July 1, 2005, through June 30, 2008; and July 1, 2010, through June 30, 2013. We did not include the costs claimed for the period of July 1, 2008, through June 30, 2010, in the audit period because the statute of limitations to initiate the audit of these years had expired.

The district claimed \$624,988 for the mandated program. Our audit found that \$197,670 is allowable and \$427,318 is unallowable. The costs are unallowable primarily because the district claimed reimbursement for unsupported costs. The State paid the district \$286,812.

## Background

Chapter 498, Statutes of 1983; and Chapter 4, Statutes of 1999, added Education Code sections 44660 through 44665. The legislation provided reimbursement for specific activities related to evaluation and assessment of the performance of "certificated personnel" within each school district, except for those employed in local, discretionary educational programs.

On May 27, 2004, the Commission on State Mandates (Commission) determined that the legislation imposed a State mandate reimbursable under Government Code (GC) section 17514.

The program's parameters and guidelines establish the State mandate and define the reimbursement criteria. The Commission adopted the parameters and guidelines on September 27, 2005. In compliance with GC section 17558, the SCO issues claiming instructions to assist school districts in claiming mandated program reimbursable costs.

The Commission-approved reimbursable activities are as follows:

- Evaluating and assessing the performance of certificated instructional employees related to the instructional techniques and strategies used by the employee and the employee's adherence to curricular objectives (Education Code section 44662(b) as amended by Chapter 498, Statutes of 1983);
- Evaluating and assessing the performance of certificated instructional employees who teach reading, writing, mathematics, history/social science, and science in grades 2 to 11 related to the progress of pupils toward the state-adopted academic content standards as measured by state-adopted assessment tests (Education Code section 44662(b) as amended by Chapter 4, Statutes of 1999); and
- Assessing and evaluating permanent certificated, instructional, and non-instructional employees who perform the requirements of educational programs mandated by state or federal law and receive an unsatisfactory evaluation in the years in which the permanent certificated employee would not have otherwise been evaluated pursuant to Education Code section 44664. The additional evaluations shall last until the employee achieves a positive evaluation, or is

separated from the school district (Education Code section 44664 as amended by Chapter 498, Statutes of 1983).

## **Objective, Scope, and Methodology**

The objective of our audit was to determine whether costs claimed represent increased costs resulting from the Stull Act Program. Specifically, we conducted this audit to determine whether costs claimed were supported by appropriate source documents, were not funded by another source, and were not unreasonable and/or excessive.

The audit period was from July 1, 2005, through June 30, 2008; and July 1, 2010, through June 30, 2013.

To achieve our audit objective, we:

- Reviewed the annual mandated cost claims filed by the district for the audit period to identify the material cost components of each claim and to determine whether there were any errors or any unusual or unexpected variances from year to year. We also reviewed the activities claimed to determine whether they adhered to the SCO's claiming instructions and the program's parameters and guidelines;
- Completed an internal control questionnaire by interviewing key district staff, and discussed the claim preparation process to determine what information was obtained, who obtained it, and how it was used;
- Requested supporting time documentation for the entire audit period. The district was unable to provide contemporaneous time records for the audit period. In lieu of contemporaneous time records, we reviewed the district's collective bargaining agreements and found that certificated instructional evaluations are to be based on at least two observations of at least 30 minutes in length. We allowed 60 minutes as the time allotment for each allowable certificated instructional evaluation for the audit period;
- Requested and reviewed lists of employees evaluated for the entire audit period. Using a random number generator, we randomly selected a non-statistical sample and tested 655 evaluations (out of 2,613) for the audit period. During testing, we identified 39 errors in the sample that were not projected to the population;
- Traced a judgmentally selected sample of employee's claimed productive hourly rates to supporting documentation from the district's payroll system. For fiscal year (FY) 2010-11 through FY 2012-13, we sampled and tested the same six employees across a three-year timespan. We noted only minor, immaterial variances; therefore, we accepted the rates as claimed; and
- Compared all claimed indirect cost rates to the rates allowed by the California Department of Education. We noted no errors; therefore, we accepted the rates as claimed.

The legal authority to conduct this audit is provided by GC sections 12410, 17558.5, and 17561. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

We limited our review of the district's internal controls to gaining an understanding of the transaction flow and claim preparation process as necessary to develop appropriate auditing procedures. Our audit scope did not assess the efficiency or effectiveness of program operations. We did not audit the district's financial statements.

## **Conclusion**

Our audit found an instance of noncompliance with the requirements outlined in the Objective section. This instance is quantified in the accompanying Schedule (Summary of Program Costs) and described in the Finding and Recommendation section of this report.

For the audit period, Fairfield-Suisun Unified School District claimed \$624,988 for costs of the Stull Act Program. Our audit found that \$197,670 is allowable and \$427,318 is unallowable.

- For the FY 2005-06 through FY 2007-08 claims, we found that \$108,243 is allowable. The State paid the district \$286,812.
- For the FY 2010-11 through FY 2012-13 claims, we found that \$89,427 is allowable. The State made no payments to the district. The State will pay \$89,427, contingent upon available appropriations.

Following the issuance of this report, the SCO's LGPSD will notify the district of the adjustments via a system-generated letter for each fiscal year in the audit period.

## **Follow-up on Prior Audit Findings**

We have not previously conducted an audit of the district's legislatively mandated Stull Act Program.

## **Views of Responsible Officials**

We issued a draft audit report on April 13, 2018. Michelle Henson, Assistant Superintendent of Business Services, responded by letter dated April 19, 2018, disagreeing with the audit results. This final audit report includes the district's response.

**Restricted Use**

This report is solely for the information and use of Fairfield-Suisun Unified School District, the Solano County Office of Education, the California Department of Education, the California Department of Finance, and the SCO; it is not intended to be and should not be used by anyone other than these specified parties. This restriction is not intended to limit distribution of this report, which is a matter of public record.

*Original signed by*

JEFFREY V. BROWNFIELD, CPA  
Chief, Division of Audits

June 22, 2018

**Schedule—**  
**Summary of Program Costs**  
**July 1, 2005, through June 30, 2008;**  
**and July 1, 2010, through June 30, 2013**

Cost Elements	Actual Costs Claimed	Allowable per Audit	Audit Adjustment <sup>1</sup>
<u>July 1, 2005, through June 30, 2006</u>			
Direct costs:			
Salaries and benefits			
Evaluation activities	\$ 51,106	\$ 36,730	\$ (14,376)
Total direct costs	51,106	36,730	(14,376)
Indirect costs	3,255	2,340	(915)
Total program costs	<u>\$ 54,361</u>	39,070	<u>\$ (15,291)</u>
Less amount paid by the State <sup>2</sup>		(54,361)	
Amount paid in excess of allowable costs claimed		<u>\$ (15,291)</u>	
<u>July 1, 2006, through June 30, 2007</u>			
Direct costs:			
Salaries and benefits			
Evaluation activities	\$ 104,845	\$ 44,623	\$ (60,222)
Total direct costs	104,845	44,623	(60,222)
Indirect costs	7,087	3,017	(4,070)
Total program costs	<u>\$ 111,932</u>	47,640	<u>\$ (64,292)</u>
Less amount paid by the State <sup>2</sup>		(111,932)	
Amount paid in excess of allowable costs claimed		<u>\$ (64,292)</u>	
<u>July 1, 2007, through June 30, 2008</u>			
Direct costs:			
Salaries and benefits			
Evaluation activities	\$ 114,106	\$ 20,387	\$ (93,719)
Total direct costs	114,106	20,387	(93,719)
Indirect costs	6,413	1,146	(5,267)
Total program costs	<u>\$ 120,519</u>	21,533	<u>\$ (98,986)</u>
Less amount paid by the State <sup>2</sup>		(120,519)	
Amount paid in excess of allowable costs claimed		<u>\$ (98,986)</u>	



## Schedule (continued)

Cost Elements	Actual Costs Claimed	Allowable per Audit	Audit Adjustment <sup>1</sup>
<u>July 1, 2010, through June 30, 2011</u>			
Direct costs:			
Salaries and benefits			
Evaluation activities	\$ 87,906	\$ 29,003	\$ (58,903)
Total direct costs	87,906	29,003	(58,903)
Indirect costs	5,107	1,685	(3,422)
Total program costs	<u>\$ 93,013</u>	30,688	<u>\$ (62,325)</u>
Less amount paid by the State <sup>2</sup>		-	
Allowable costs claimed in excess of amount paid		<u>\$ 30,688</u>	
<u>July 1, 2011, through June 30, 2012</u>			
Direct costs:			
Salaries and benefits			
Evaluation activities	\$ 115,983	\$ 28,843	\$ (87,140)
Total direct costs	115,983	28,843	(87,140)
Indirect costs	7,759	1,930	(5,829)
Total program costs	<u>\$ 123,742</u>	30,773	<u>\$ (92,969)</u>
Less amount paid by the State <sup>2</sup>		-	
Allowable costs claimed in excess of amount paid		<u>\$ 30,773</u>	
<u>July 1, 2012, through June 30, 2013</u>			
Direct costs:			
Salaries and benefits			
Evaluation activities	\$ 114,397	\$ 26,348	\$ (88,049)
Total direct costs	114,397	26,348	(88,049)
Indirect costs	7,024	1,618	(5,406)
Total program costs	<u>\$ 121,421</u>	27,966	<u>\$ (93,455)</u>
Less amount paid by the State <sup>2</sup>		-	
Allowable costs claimed in excess of amount paid		<u>\$ 27,966</u>	
<u>Summary: July 1, 2005, through June 30, 2008; and July 1, 2010, through June 30, 2013</u>			
Direct costs:			
Salaries and benefits			
Evaluation activities	\$ 588,343	\$ 185,934	\$ (402,409)
Total direct costs	588,343	185,934	(402,409)
Indirect costs	36,645	11,736	(24,909)
Total program costs	<u>\$ 624,988</u>	197,670	<u>\$ (427,318)</u>
Less amount paid by the State <sup>2</sup>		(286,812)	
Amount paid in excess of allowable costs claimed		<u>\$ (89,142)</u>	

<sup>1</sup> See the Finding and Recommendation section.

<sup>2</sup> Payment information current as of April 25, 2018.

# Finding and Recommendation

## **FINDING— Overstated salaries and benefits and related indirect costs**

The district claimed \$588,343 in salaries and benefits for the audit period. We found that \$402,409 in salaries and benefits is unallowable. The costs are unallowable primarily because the district claimed reimbursement for costs not supported by source documentation.

Salaries and benefits were determined by multiplying the number of allowable evaluations by the allowable hours per evaluation (60 minutes), and the average of all claimed productive hourly rates, by fiscal year.

The district overstated salaries and benefits because it misinterpreted the program's parameters and guidelines requirement that it maintain contemporaneous source documentation to support claimed costs. Unallowable related indirect costs total \$24,909.

The following table summarizes the unallowable salaries and benefits and related indirect costs by fiscal year:

Fiscal Year	Salaries and Benefits			Claimed Indirect Cost Rate	Related Indirect Cost Adjustment <sup>1</sup>	Total Audit Adjustment
	Amount Claimed	Amount Allowable	Audit Adjustment			
2005-06	\$ 51,106	\$ 36,730	\$ (14,376)	6.37%	\$ (915)	\$ (15,291)
2006-07	104,845	44,623	(60,222)	6.76%	(4,070)	(64,292)
2007-08	114,106	20,387	(93,719)	5.62%	(5,267)	(98,986)
2010-11	87,906	29,003	(58,903)	5.81%	(3,422)	(62,325)
2011-12	115,983	28,843	(87,140)	6.69%	(5,829)	(92,969)
2012-13	114,397	26,348	(88,049)	6.14%	(5,406)	(93,455)
	<u>\$ 588,343</u>	<u>\$ 185,934</u>	<u>\$ (402,409)</u>		<u>\$ (24,909)</u>	<u>\$ (427,318)</u>

<sup>1</sup> Immaterial differences due to rounding.

## **Supporting Time Documents**

For the audit period, the district did not provide contemporaneous time documentation to support reimbursable evaluation activities. In lieu of contemporaneous time documentation, the district provided collective bargaining agreements for the audit period that stated that at least two formal observations would be held during an employee's evaluation year, and those formal observations would each be at least 30 minutes in length. Therefore, each evaluation would be based on a minimum of 60 minutes of observational time for the evaluation period. This language was identical for every collective bargaining agreement in place for the audit period. We interviewed staff members responsible for conducting evaluations during this time period, and they confirmed a similar evaluation process as described in the agreement.

## **Completed Evaluations**

The district's Human Resources department provided master lists of employees evaluated by fiscal year. These lists are the basis of support for the total evaluation population for the audit period.

We reviewed the evaluation lists for each fiscal year to ensure that only eligible evaluations were counted for reimbursement. The program's parameters and guidelines allow reimbursement for those evaluations conducted for certificated instructional personnel who perform the requirements of education programs mandated by state or federal law during specific evaluation periods. The parameters and guidelines also allow reimbursement once per year for those evaluations conducted for probationary employees and every other year for permanent employees.

The following table shows the number of evaluations that are not reimbursable under the mandated program:

Fiscal Year	Number of Completed Evaluations		
	District- Provided	Allowable	Difference
2005-06	569	545	(24)
2006-07	636	616	(20)
2007-08	300	294	(6)
2010-11	374	366	(8)
2011-12	392	345	(47)
2012-13	425	408	(17)
Totals	<u>2,696</u>	<u>2,574</u>	<u>(122)</u>

We excluded 122 evaluations for the audit period for the following reasons:

- Certificated employees with non-instructional or unallowable job classifications (44);
- Teacher evaluations incorrectly listed as receiving an evaluation in a specific fiscal year (36);
- Teacher evaluations claimed multiple times in one school year (3); and
- Evaluations that we requested during testing, and which the district was unable to locate (39).

Section IV.A.1 of the parameters and guidelines states that the following activities are reimbursable:

Evaluate and assess the performance of certificated instructional employees that perform the requirements of educational programs mandated by state or federal law as it reasonably relates to the instructional techniques and strategies used by the employee and the employee's adherence to curricular objectives.

Reimbursement for this activity is limited to:

- a. Reviewing the employee's instructional techniques and strategies and adherence to curricular objectives, and
- b. Including in the written evaluation of the certificated instructional employees the assessment of these factors during the following evaluation periods:
  - Once each year for probationary certificated employees;

- Every other year for permanent certificated employees; and
- Beginning January 1, 2004, every five years for certificated employees with permanent status who have been employed at least ten years with the school district, are highly qualified, and whose previous evaluation rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree.

Section IV.A.2 of the parameters and guidelines states that the following activities are reimbursable:

Evaluate and assess the performance of certificated instructional employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11 as it reasonably relates to the progress of pupils towards the state adopted academic content standards as measured by state adopted assessment tests.

Reimbursement for this activity is limited to:

- a. Reviewing the results of the Standardized Testing and Reporting test as it reasonably relates to the performance of those certificated employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11, and
- b. Including in the written evaluation of those certificated employees the assessment of the employee's performance based on the Standardized Testing and Reporting results for the pupils they teach during the evaluation periods specified in Education Code section 44664, and described below:
  - Once each year for probationary certificated employees;
  - Every other year for permanent certificated employees; and
  - Beginning January 1, 2004, every five years for certificated employees with permanent status who have been employed at least ten years with the school district, are highly qualified, and whose previous evaluation rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree.

Section IV.C of the parameters and guidelines states that the district may train staff on implementing the reimbursable activities listed in Section IV of the parameters and guidelines. (One-time activity for each employee.)

Section IV of the parameters and guidelines also states:

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

### Recommendation

Commencing in FY 2013-14, the district elected to participate in a block grant program, pursuant to GC section 17581.6, in lieu of filing annual mandated cost claims. If the district chooses to opt out of the block grant program, we recommend that the district follow the mandated program claiming instructions and ensure that claimed costs are based on actual costs, are for activities reimbursable under the program's parameters and guidelines, and are supported by contemporaneous source documentation.

### District's Response

First, the District has concern with the accuracy of the audit finding as it completely ignores all hard and written evidence presented to the State Controller's Office during the audit. The evidence supplied by FSUSD proves that the District incurred a high amount of costs for the activity of writing up the final evaluations for more than two thousand certificated employees, yet the audit disallows these costs entirely due to "unsupported costs". We would be interested to know what supported costs look like if written evidence is considered "insufficient."

Additionally, it appears the draft audit report is attempting to cloud this disallowance by grouping both the observation activities and the final write up activities into a single new category, which has never been brought before the Commission. Specifically, on page 8 of the draft audit report the two activities become one new activity listed as "evaluation activities." The claiming instructions list the two activities separately as a. and b. Please see below for the exact language from the claiming instructions:

#### "A. Certificated Instructional Employees"

1. Evaluate and assess the performance of certificated instructional employees that perform the requirements of educational programs mandated by state or federal law as it reasonably relates to the instructional techniques and strategies used by the employee and the employee's adherence to curricular objectives (Ed. Code, § 44662, subd. (b), as amended by Stats. 1983, ch. 498). (Reimbursement period begins July 1, 1997).

*Reimbursement for this activity is limited to:*

- a) reviewing the employee's instructional techniques and strategies and adherence to curricular objectives, and***
- b) including in the written evaluation of the certificated instructional employees the assessment of these factors during the following evaluation periods:***
  - once each year for probationary certificated employees;*
  - every other year for permanent certificated employees; and*
  - beginning January 1, 2004, every five years for certificated employees with permanent status who have been employed at least ten years with the school district, are highly qualified (as defined in 20 U.S. C. § 7801), and whose previous evaluation rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree.*

It is unclear why the audit report combines the two activities, when the claiming instructions clearly list them as two separate activities. What is actually occurring is the auditors are allowing one hour for the observation (**activity a**) and zero hours for the final write up (**activity b**), which we assert is out of compliance with the State's claiming instructions and frankly, egregious and manipulative.

Furthermore, the District expended more than one hundred district-paid hours complying with the State's request to supply requested files for this audit. The District staff provided the State Controller's auditors with actual paper copies of hundreds of final evaluation write ups to support **both** the observation costs and the final write up costs separately. The State Controller's auditors reviewed each and every final write up, yet disallowed all costs for the final write ups stating these costs were "not supported." Again, we claim that the actual paper copies serve as complete and more than sufficient support for time spent.

In prior correspondence with the State Controller's auditors, the District has requested the auditors revisit this finding. To date, no response has been made by the auditors to the District, only the issuance of the final draft of the audit. To recap the District's original plea for a reasonable outcome to this audit I am enclosing several paragraphs from the March 2nd letter written to Audit Manager, Ken Howell, from Robert A. Martinez, Ed.D, Fairfield-Suisun's Assistant Superintendent of Human Resources:

*Regarding Finding #1, the District disagrees strongly with the SCO's finding that only time for observation is supported. Specifically, the SCO states "each evaluation shall be based on a minimum of 60 minutes of observational time for the evaluation period." This language was identical for every collective bargaining agreement in place for the audit period. The District interviewed staff members responsible for conducting evaluations during this time period, and they confirmed a similar evaluation process as listed in the agreement". It is of specific concern that it appears that **the SCO is not allowing any time for the final evaluation write up, although:***

- A. *The District provided copies of all the final write up reports requested during the SCO's visit as well as a listing of all employees who received a final write up and who were included in the original claims.*
- B. *Last spring the District asked all Administrators to vigorously record their time spent writing up final evaluations. The District was able to obtain a large amount of data showing an average write up time of 1.56 hours per final evaluation, which is in addition to (not included in) the 60 min observation time.*

For these reasons the District believes that the **finding that allows zero costs for the final write up is unreasonable, and unjustified.** The District respectfully requests the State Controller's Office recommend an allowable time increment for Administrators for writing up each final evaluation. Allowing **zero** time - **when the actual final write ups exist**- is entirely unfounded, without merit, and does not appear to demonstrate the true burden of time that exists for our Administrators in developing these evaluations.

Finally, the District reserves the right to file an Incorrect Reduction Claim any time within the allowable three years after the close of the audit, based on what Fairfield Suisun Unified School District believes to be unreasonable findings in this audit.

### SCO Comment

Our finding and recommendation remain unchanged.

The district's assertion that we ignored all of the hard and written evidence during the audit is inaccurate. We requested contemporaneous documentation to support claimed costs for the audit period during the early stages of the engagement; we were told that no such documentation had been maintained by the district.

Section VI of the program's parameters and guidelines states:

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter<sup>1</sup> is subject to the initiation of an audit by the State Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. All documentation used to support the reimbursable activities, as described in Section IV, must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

The parameters and guidelines adopted for the Stull Act program authorize claimants to request reimbursement for actual costs incurred, and require claimants to keep contemporaneous source documentation (documentation created at or near the same time the actual costs were incurred) to support the actual costs incurred to implement the mandate:

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, and declarations. Declarations must include a certification or declaration stating, "I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

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<sup>1</sup> This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

A review of the district's collective bargaining agreement found that teacher evaluations are based on at least two formal observations of at least 30 minutes in length (per observation). The district's collective bargaining agreement does not indicate a time component associated with writing up the final evaluation.

On September 27, 2017, the district provided an email (with an attached spreadsheet) documenting the time that it took various administrators to complete the "final F-3 evaluation" during the spring of 2017. After reviewing the document, we selected three site administrators to interview.

Each administrator indicated that the time entered on the spreadsheet was not the *actual* time to write up the final evaluation; rather, the time listed was an "approximate" or a "best guess." Therefore, we did not accept any of the time provided for writing up the final evaluations.

We disagree with the assertion that the SCO is attempting to "cloud" the disallowance related to the final write-up time by grouping observational activities and final write-up activities into a single category identified on the Schedule as "evaluation activities." If the district had retained all documentation used to support the reimbursable activities as required by the mandate, we would not have needed to use an alternative methodology for documenting allowable claimed costs.

The district also asserts that the hundreds of paper copies of evaluations provided (as requested as part of our testing sample) serve as sufficient support for "time spent." We disagree. Providing copies of evaluations for review for the audit period does not identify the actual time spent performing the reimbursable activities. The district did not provide contemporaneous time documentation to support the claimed costs at any time during this audit, and after reviewing the district's additional records related to the final evaluation write-up, we determined that those time increments were estimated, not actual.

While we agree that the district incurred *some* allowable costs for the audit period, the district was unable to provide the contemporaneous source documentation to support claimed costs, as required by the program's parameters and guidelines. As such, we used the district's own collective bargaining agreement to ascertain a time increment associated with the evaluation process. The district is required to spend at least 60 minutes providing observational activities for each evaluation, and that time increment was the basis for determining allowable costs for the audit period.



**Attachment—  
District’s Response to  
Draft Audit Report**

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Lisa Kurokawa  
Chief, Compliance Audits Bureau  
State Controller's Office, Division of Audits  
P.O. Box 942850  
Sacramento, CA 94250-5874

Dear Ms. Kurokawa,

Please consider this letter the official response from Fairfield-Suisun Unified School District regarding the Stull Act Program draft audit report issued on April 13, 2018 by your office.

First, the District has concern with the accuracy of the audit finding as it completely ignores all hard and written evidence presented to the State Controller's Office during the audit. The evidence supplied by FSUSD proves that the District incurred a high amount of costs for the activity of writing up the final evaluations for more than two thousand certificated employees, yet the audit disallows these costs entirely due to "unsupported costs". We would be interested to know what supported costs look like if written evidence is considered "insufficient,"

Additionally, it appears the draft audit report is attempting to cloud this disallowance by grouping both the observation activities and the final write up activities into a single new category, which has never been brought before the Commission. Specifically, on page 8 of the draft audit report the two activities become one new activity listed as "evaluation activities." The claiming instructions list the two activities separately as a. and b. Please see below for the exact language from the claiming instructions:

"A. Certificated Instructional Employees "

L. Evaluate and assess the performance of certificated instructional employees that perform the requirements of educational programs mandated by state or federal law as it reasonably relates to the instructional techniques and strategies used by the employee and the employee's adherence to curricular objectives (Ed. Code, 5 44662, subd. (b), as amended by Stats.1983, ch, 498), (Reimbursement period begins July 1, 1997).

Reimbursement for this activity is limited to:

a. reviewing the employee's instructional techniques and strategies and adherence to curricular objectives, and b. including in the written evaluation of the certificated instructional employees the assessment of these factors during the following evaluation periods:

. once each year for probationary certificated employees;

. every other year for permanent certificated employees; and

. beginning January 7, 2004, every five years for certificated employees with permanent status who have been employed at least ten years with the school district, are highly qualified (as defined in 20 U.S. C.S 780L)7, and whose previous evaluation rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree.

It is unclear why the audit report combines the two activities, when the claiming instructions clearly list them as two separate activities. What is actually occurring is the auditors are allowing one hour for the observation (activity a) and zero hours for the final write up (activity b), which we assert is out of compliance with the State's claiming instructions and frankly, egregious and manipulative.

Furthermore, the District expended more than one hundred district-paid hours complying with the State's request to supply requested files for this audit. The District staff provided the State Controller's auditors with actual paper copies of hundreds of final evaluation write ups to support both the observation costs and the final write up costs separately. The State Controller's auditors reviewed each and every final write up, yet disallowed all costs for the final write ups stating these costs were "not supported." Again, we claim that the actual paper copies serve as complete and more than sufficient support for time spent.

In prior correspondence with the State Controller's auditors, the District has requested the auditors revisit this finding. To date, no response has been made by the auditors to the District, only the issuance of the final draft of the audit. To recap the District's original plea for a reasonable outcome to this audit I am enclosing several paragraphs from the March 2nd letter written to Audit Manager, Ken Howell, from Robert A. Martinez, Ed.D, Fairfield-Suisun's Assistant Superintendent of Human Resources:

Regarding Finding #1, the District disagrees strongly with the SCO's finding that only time for observation is supported. Specifically, the SCO states "each evaluation shall be based on a minimum of 60 minutes of observational time for the evaluation period." This language was identical for every collective bargaining agreement in place for the audit period, The District interviewed staff members responsible for conducting evaluations during this time period, and they confirmed a similar evaluation process as listed in the agreement" If is of specific concern that it appears that the SCO is not allowing any time for the final evaluation write up, although:

A. The District provided copies of all the final write up reports requested during the SCO'S visit as well as a listing of all employees who received a final write up and who were included in the original claims.

B. Last spring the District asked all Administrators to vigorously record their time spent writing up final evaluations. The District was able to obtain a large amount of data showing an average write up time of 1.55 hours per final evaluation, which is in addition to (not included in) the 60 min observation time.

For these reasons the District believes that the finding that allows zero costs for the final write up is unreasonable, and unjustified. The District respectfully requests the State Controller's Office recommend an allowable time increment for Administrators for writing up each final evaluation. Allowing zero time - when the actual final write ups exist- is entirely unfounded, without merit, and does not appear to demonstrate the true burden of time that exists for our Administrators in developing these evaluations.

Finally, the District reserves the right to file an Incorrect Reduction Claim any time within the allowable

three years after the close of the audit, based on what Fairfield Suisun Unified School District believes to be unreasonable findings in this audit,

Thank you very much for your time and consideration of this important matter.

Michelle Henson  
Assistant Superintendent, Business Services  
Fairfield-Suisun Unified School District

**State Controller's Office  
Division of Audits  
Post Office Box 942850  
Sacramento, CA 94250-5874**

**<http://www.sco.ca.gov>**

Incorrect Reduction Claim Name: Stull Act FY 2005-2008 & 2010-2013  
Claimant: Fairfield-Suisun Unified School District

## SECTION 11: REIMBURSEMENT CLAIMS

### EXHIBIT G



**BETTY T. YEE**  
California State Controller

**DECLARATION OF AUTHENTICITY OF RECORDS**

I, Gwendolyn Carlos, declare:

I am the Accounting Administrator I, Supervisor, of the Local Government Programs and Services Division within the State Controller’s Office (SCO) and am duly authorized and qualified witness to certify the authenticity of the attached claim records for the SCO.

The attached scanned copies of the documents described below are true copies of the records maintained by this office:

- Claims filed by Fairfield-Suisun Unified School District for The Stull Act (Program 260), for the following fiscal years:

Date of Claim	Fiscal Year of Claims	Total Claimed Amount	Claim Forms	Supporting Documents	Total Number of Claim Pages
01/16/2007	2005-06	\$54,361	FAM 27	Forms SA-1 and SA-2	6
01/17/2008	2006-07	\$111,932	FAM 27	Forms SA-1 and SA-2	4
02/04/2009	2007-08	\$120,519	FAM 27	Forms SA1 and SA-2	11
02/02/2012	2010-11	\$93,013	FAM 27	Forms 1 and 2	8
02/15/2013	2011-12	\$123,742	FAM 27	Forms 1 and 2	7
02/07/2014	2012-13	\$121,421	FAM 27	Forms 1 and 2	10

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 15, 2020, at Sacramento, California.

  
(Signature)

Local Government Programs and Services Division  
MAILING ADDRESS P.O. Box 942850, Sacramento, CA 94250  
3301 C Street, Suite 700, Sacramento, CA 95816

<b>CLAIM FOR PAYMENT</b> Pursuant to Government Code Section 17561 THE STULL ACT			For State Controller Use Only (19) Program Number: 00260 (20) Date Filed <u>JAN 17 2007</u> (21) LRS Input ___/___/___	<b>Program</b>  <b>260</b>
(01) Claimant Identification Number <b>S48015</b>			<b>Reimbursement Claim Data</b>	
(02) Claimant Name <b>Fairfield-Suisun USD</b>			(22) SA-1, (03)(a)	463
County of Location <b>Solano</b>			(23) SA-1, (03)(b)	0
Street Address or P.O. Box <b>2490 Hilborn Road</b>		Suite	(24) SA-1, (04)(A)(1)(a)(f)	21,781
City <b>Fairfield</b>	State <b>CA</b>	Zip Code <b>94534</b>	(25) SA-1, (04)(A)(1)(b)(f)	29,325
<b>Type of Claim</b>	<b>Estimated Claim</b>		<b>Reimbursement Claim</b>	
	(03) Estimated <input checked="" type="checkbox"/>	(09) Reimbursement <input checked="" type="checkbox"/>	(26) SA-1, (04)(A)(2)(a)(f)	0
	(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>	(27) SA-1, (04)(A)(2)(b)(f)	0
	(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>	(28) SA-1, (04)(B)(1)(a)(f)	0
Fiscal Year of Cost		(06) <b>2006 - 2007</b>	(12) <b>2005 - 2006</b>	(30) SA-1, (04)(B)(1)(c)(f) <span style="float: right;">0</span>
Total Claimed Amount		(07) <b>\$54,361</b>	(13) <b>\$54,361</b>	(31) SA-1, (04)(B)(1)(d)(f) <span style="float: right;">0</span>
Less: 10% Late Penalty			(14)	(32) SA-1, (04)(B)(1)(e)(f) <span style="float: right;">0</span>
Less: Prior Claim Payment Received			(15)	(33) SA-1, (06) <span style="float: right;">6</span>
Net Claimed Amount			(16) <b>\$54,361</b>	(34) SA-1, (07) <span style="float: right;">3,255</span>
Due from State		(08) <b>\$54,361</b>	(17) <b>\$54,361</b>	(35) SA-1, (09) <span style="float: right;">0</span>
Due to State			(18)	(36) SA-1, (10) <span style="float: right;">0</span>
<b>(37) CERTIFICATION OF CLAIM</b>				
<p>In accordance with the provisions of Government Code 17561, I certify that I am the officer authorized by the school district to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 through 1098, inclusive.</p> <p>I further certify that there was no application other than from the claimant, nor any grant or payment received, for reimbursement of costs claimed herein; and such costs are for a new program or increased level of services of an existing program. All offsetting savings and reimbursements set forth in the Parameters and Guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.</p> <p>The amounts for this Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs set forth on the attached statements. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</p>				
Signature of Authorized Officer <i>Kari G. Sousa</i>			Date <i>1/16/07</i>	
Type or Print Name <b>Kari Sousa</b>			Title <b>Assistant Superintendent, Business Svcs.</b>	
(38) Name of Contact Person for Claim <b>Lucille Ramos (MAXIMUS, Inc.)</b>			Telephone Number <b>(916) 485-8102</b>	Ext. <b>108</b>
			E-Mail Address <b>lucilleramos@maximus.com</b>	



<b>Program</b> <b>260</b>	<b>MANDATED COSTS THE STULL ACT CLAIM SUMMARY</b>					<b>FORM SA-1</b>
(01) Claimant: Fairfield-Suisun USD			(02) Type of Claim		Fiscal Year	
			Reimbursement	<input checked="" type="checkbox"/>	2005 - 2006	
			Estimated	<input type="checkbox"/>		
<b>Claim Statistics</b>						
(03) (a) Number of Certificated Instructional Employees (CIE's) evaluated per (04)(A)					<b>463</b>	
(b) Number OF CIE's and Non-Instructional Employees (NIE's) evaluated per (04)(B)					<b>0</b>	
<b>Direct Costs</b>			<b>Object Accounts</b>			
(04)	(a)	(b)	(c)	(d)	(e)	(f)
Reimbursable Components	Salaries and Benefits	Materials and Supplies	Contract Services	Fixed Assets	Travel	Total
<b>A. CIE's</b>						
1. Evaluation/Assessment -Ed. Code §44662, subd. (b), as amended by Ch. 498/83; Reimbursement period begins FY 1997-98						
a. Review employee's techniques and strategies	\$21,781					\$21,781
b. Evaluation of techniques and strategies	\$29,325					\$29,325
2. Evaluation/Assessment - Ed. Code §44662, subd. (b), as amended by Ch. 4/99; Reimbursement period begins 03/15/99						
a. Review STAR Results						
b. Assessment per STAR						
<b>B. CIE's and NIE's</b>						
1. Evaluation/Assessment - Ed Code §44662 , subd. (b), as amended by Ch. 498/83; Reimbursement period begins FY1997-98						
a. Evaluating and assessing CIE per certain criteria						
b. Writing Evaluations						
c. Transmitting evaluation						
d. Attaching to personnel file						
e. Discussing evaluation						
(05) Total Direct Costs	\$51,106					\$51,106
<b>Indirect Costs</b>						
(06) Indirect Cost Rate	[From J-380 or J-580]					6.37%
(07) Total Indirect Costs	[Line (06) x Line (05)(a)]					\$3,255
(08) Total Direct and Indirect Costs	[Line (05)(f) + Line (07)]					\$54,361
<b>Cost Reduction</b>						
(09) Less: Offsetting Savings						
(10) Less: Other Reimbursements						
(11) Total Claimed Amount	[Line (08) - {Line (09) + Line (10)}]					\$54,361

<b>Program</b>  <b>260</b>	<b>MANDATED COSTS</b>  <b>THE STULL ACT</b>  <b>COMPONENT/ACTIVITY COST DETAIL</b>	<b>FORM</b>  <b>SA-2</b>
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(01) Claimant: <b>Fairfield-Suisun USD</b>	(02) Fiscal Year: <b>2005 - 2006</b>
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(03) Reimbursable Components: Check only **one** box per form to identify the component being claimed.

A. CIE	<input checked="" type="checkbox"/>	Review employee's techniques and strategies	<input type="checkbox"/>	Evaluation to include assessment of techniques and strategies
	<input type="checkbox"/>	Review STR Results	<input type="checkbox"/>	Assessment based on STR results
B. CIE & NIE	<input type="checkbox"/>	Evaluating and assessing CIE according to certain criteria	<input type="checkbox"/>	Reducing evaluation to writing
	<input type="checkbox"/>	Transmitting evaluation to CIE	<input type="checkbox"/>	Attaching response to personnel file
	<input type="checkbox"/>	Discussing evaluation with CIE		

(04) Description of Expenses			Object Accounts				
(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel
<b><u>Review of the Certificated Employee's Instructional Techniques and Strategies and Adherence to Curricular Objectives. Certificated instructional employees that are evaluated perform state mandated programs listed within the California State Board of Educations's Content Standards (k-12) and/or federal mandated programs, compliant with the Elementary and Secondary Education Act.</u></b>							
		5.25	\$312				
		4.50	\$323				
		4.00	\$258				
		11.00	\$764				
		4.00	\$243				
		4.00	\$260				
		3.50	\$245				
		12.75	\$836				
		4.50	\$330				
		1.50	\$107				
		9.75	\$640				
		11.00	\$824				
		4.00	\$231				
		7.50	\$523				
		3.00	\$206				
		3.50	\$243				
		7.00	\$484				
		0.50	\$35				
		3.00	\$197				
		0.50	\$34				
		1.00	\$72				
		8.30	\$571				
		0.50	\$35				
		3.00	\$209				
		6.36	\$420				
		1.00	\$67				
		12.50	\$847				
		2.00	\$134				

(05) Total ( ) Subtotal ( )	Page: _____ of _____		\$9,448				
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<b>Program</b>  <b>260</b>	<b>MANDATED COSTS</b> <b>THE STULL ACT</b> <b>COMPONENT/ACTIVITY COST DETAIL</b>	<b>FORM</b> <b>SA-2</b>
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(01) Claimant: <b>Fairfield-Suisun USD</b>	(02) Fiscal Year: <b>2005 - 2006</b>
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(03) Reimbursable Components: Check only one box per form to identify the component being claimed.

A. CIE	<input checked="" type="checkbox"/>	Review employee's techniques and strategies	<input type="checkbox"/>	Evaluation to include assessment of techniques and strategies
	<input type="checkbox"/>	Review STR Results	<input type="checkbox"/>	Assessment based on STR results
B. CIE & NIE	<input type="checkbox"/>	Evaluating and assessing CIE according to certain criteria	<input type="checkbox"/>	Reducing evaluation to writing
	<input type="checkbox"/>	Transmitting evaluation to CIE	<input type="checkbox"/>	Attaching response to personnel file
	<input type="checkbox"/>	Discussing evaluation with CIE		

(04) Description of Expenses			Object Accounts				
(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel
<b><u>Review of the Certificated Employee's Instructional Techniques and Strategies and Adherence to Curricular Objectives. Certificated instructional employees that are evaluated perform state mandated programs listed within the California State Board of Educations's Content Standards (K-12) and/or federal mandated programs.</u></b>							
		9.00	\$641				
		7.50	\$484				
		4.50	\$295				
		2.75	\$166				
		2.50	\$149				
		8.75	\$584				
		7.50	\$531				
		12.00	\$832				
		42.00	\$2,772				
		10.00	\$704				
		7.47	\$450				
		10.00	\$600				
		17.00	\$1,154				
		5.25	\$364				
		6.25	\$420				
		7.50	\$538				
		6.00	\$358				
		4.00	\$247				
		0.50	\$31				
		13.50	\$946				
		1.00	\$68				

(05) Total ( ) Subtotal ( )	Page: ____ of ____		\$12,333			
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<b>Program</b>  <b>260</b>	<b>MANDATED COSTS</b> <b>THE STULL ACT</b> <b>COMPONENT/ACTIVITY COST DETAIL</b>	<b>FORM</b> <b>SA-2</b>
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(01) Claimant: <b>Fairfield-Suisun USD</b>	(02) Fiscal Year: <b>2005 - 2006</b>
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(03) Reimbursable Components: Check only **one** box per form to identify the component being claimed.

A. CIE	<input type="checkbox"/>	Review employee's techniques and strategies	<input checked="" type="checkbox"/>	Evaluation to include assessment of techniques and strategies
	<input type="checkbox"/>	Review STR Results	<input type="checkbox"/>	Assessment based on STR results
B. CIE & NIE	<input type="checkbox"/>	Evaluating and assessing CIE according to certain criteria	<input type="checkbox"/>	Reducing evaluation to writing
	<input type="checkbox"/>	Transmitting evaluation to CIE	<input type="checkbox"/>	Attaching response to personnel file
	<input type="checkbox"/>	Discussing evaluation with CIE		

(04) Description of Expenses	Object Accounts						
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(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel
<b><u>Include in the Written Evaluation of the Certificated Instructional Employees, the Assessment of the Instructional Techniques and Strategies, and Adherence to Curricular Objectives. Certificated instructional employees that are evaluated perform state mandated programs listed within the California State Board of Educations's Content Standards (k-12) and/or federal mandated programs, compliant with the Elementary and Secondary Education Act.</u></b>							
		24.50	\$1,456				
		4.50	\$323				
		4.00	\$258				
		5.50	\$382				
		4.00	\$243				
		4.00	\$260				
		3.50	\$245				
		59.00	\$3,870				
		4.50	\$330				
		2.25	\$161				
		16.50	\$1,236				
		4.00	\$231				
		7.50	\$523				
		8.00	\$550				
		3.50	\$243				
		7.00	\$484				
		0.50	\$35				
		4.25	\$279				
		0.50	\$34				
		1.00	\$72				
		5.00	\$344				
		0.75	\$53				
		3.00	\$209				
		5.25	\$347				
		1.00	\$67				
		24.50	\$1,659				
		of _____	\$13,891				

<b>Program</b>  <b>260</b>	<b>MANDATED COSTS</b> <b>THE STULL ACT</b> <b>COMPONENT/ACTIVITY COST DETAIL</b>	<b>FORM</b> <b>SA-2</b>
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(01) Claimant: <b>Fairfield-Suisun USD</b>	(02) Fiscal Year: <b>2005 - 2006</b>
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(03) Reimbursable Components: Check only **one** box per form to identify the component being claimed.

A. CIE	<input type="checkbox"/>	Review employee's techniques and strategies	<input checked="" type="checkbox"/>	Evaluation to include assessment of techniques and strategies
	<input type="checkbox"/>	Review STR Results	<input type="checkbox"/>	Assessment based on STR results
B. CIE & NIE	<input type="checkbox"/>	Evaluating and assessing CIE according to certain criteria	<input type="checkbox"/>	Reducing evaluation to writing
	<input type="checkbox"/>	Transmitting evaluation to CIE	<input type="checkbox"/>	Attaching response to personnel file
	<input type="checkbox"/>	Discussing evaluation with CIE		

(04) Description of Expenses	Object Accounts						
(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel
<b><u>Include in the Written Evaluation of the Certificated Instructional Employees, the Assessment of the Instructional Techniques and Strategies, and Adherence to Curricular Objectives. Certificated instructional employees that are evaluated perform state mandated programs listed within the California State Board of Educations's Content Standards (k-12) and/or federal mandated programs, compliant with the Elementary and Secondary Education Act.</u></b>							
		2.00	\$134				
		9.00	\$641				
		7.50	\$484				
		6.75	\$442				
		13.00	\$786				
		2.50	\$149				
		7.00	\$467				
		4.00	\$283				
		6.00	\$416				
		10.00	\$704				
		4.50	\$271				
		20.00	\$1,200				
		34.00	\$2,309				
		14.00	\$972				
		31.50	\$2,119				
		7.50	\$538				
		6.00	\$358				
		4.00	\$247				
		0.50	\$31				
		13.50	\$946				
		1.00	\$68				
		28.50	\$1,870				

(05) Total ( ) Subtotal ( )	Page: _____ of _____	\$15,434		
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<b>CLAIM FOR PAYMENT</b> <b>Pursuant to Government Code Section 17561</b> <b>THE STULL ACT</b>			<b>For State Controller Use Only</b>		<b>Program</b>	
			(19) Program Number: 00260		<b>260</b>	
			(20) Date Filed <b>FEB 15 2008</b>			
(01) Claimant Identification Number <b>S48015</b>			<b>Reimbursement Claim Data</b>			
(02) Claimant Name <b>Fairfield-Suisun USD</b>			(22) SA -1, (03)(a)	554		
County of Location <b>Solano</b>			(23) SA -1, (03)(b)	554		
Street Address or P.O. Box <b>2490 Hilborn Road</b>			(24) SA -1, (04)(A)(1)(a)(f)	80,023		
City <b>Fairfield</b>			(25) SA -1, (04)(A)(1)(b)(f)	24,821		
State <b>CA</b>						
Zip Code <b>94534</b>						
<b>Type of Claim</b>	<b>Estimated Claim</b>		<b>Reimbursement Claim</b>		(26) SA -1, (04)(A)(2)(a)(f)	0
	(03) Estimated	<input checked="" type="checkbox"/>	(09) Reimbursement	<input checked="" type="checkbox"/>	(27) SA -1, (04)(A)(2)(b)(f)	0
	(04) Combined	<input type="checkbox"/>	(10) Combined	<input type="checkbox"/>	(28) SA -1, (04)(B)(1)(a)(f)	0
	(05) Amended	<input type="checkbox"/>	(11) Amended	<input type="checkbox"/>	(29) SA -1, (04)(B)(1)(b)(f)	0
	<b>Fiscal Year of Cost</b>			(06) <b>2007/2008</b>	(12) <b>2006/2007</b>	(30) SA -1, (04)(B)(1)(c)(f)
<b>Total Claimed Amount</b>			(07) <b>\$111,932</b>	(13) <b>\$111,932</b>	(31) SA -1, (04)(B)(1)(d)(f)	0
Less: 10% Late Penalty			(14)	(32) SA -1, (04)(B)(1)(e)(f)	0	
Less: Prior Claim Payment Received			(15)	(33) SA -1, (06)	7	
<b>Net Claimed Amount</b>			(16) <b>\$111,932</b>	(34) SA -1, (07)	7,087	
<b>Due from State</b>			(08) <b>\$111,932</b>	(17) <b>\$111,932</b>	(35) SA -1, (09)	0
<b>Due to State</b>			(18)	(36) SA -1, (10)	0	

**(37) CERTIFICATION OF CLAIM**

In accordance with the provisions of Government Code 17561, I certify that I am the officer authorized by the school district to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 through 1098, inclusive.

I further certify that there was no application other than from the claimant, nor any grant or payment received, for reimbursement of costs claimed herein, and such costs are for a new program or increased level of services of an existing program. All offsetting savings and reimbursements set forth in the Parameters and Guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.

The amounts for this Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs set forth on the attached statements. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

**Signature of Authorized Officer**

*Kari K. Sousa*

**Kari Sousa**

Type or Print Name

(38) Name of Contact Person for Claim

**Lucille Ramos (MAXIMUS, Inc.)**

**Date**

*1/17/08*

**Assistant Superintendent, Business Svcs.**

Title

**(916) 485-8102**

Telephone Number

**lucillramos@maximus.com**

E-Mail Address

<b>Program</b>  <b>260</b>	<b>MANDATED COSTS</b> <b>THE STULL ACT</b> <b>CLAIM SUMMARY</b>	<b>FORM</b> <b>SA-1</b>
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(01) Claimant: Fairfield-Suisun USD	(02) Type of Claim Reimbursement <input checked="" type="checkbox"/> <input type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year 2006/2007
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(03) (a) Number of Certificated Instructional Employees (CIE's) evaluated per (04)(A)	554
Number of CIE's and Non-Instructional Employees (NIE's) evaluated per (04)(B)	0

Direct Costs	Object Accounts					
(04) Reimbursable Components	(a) Salaries and Benefits	(b) Materials and Supplies	(c) Contract Services	(d) Fixed Assets	(e) Travel and Training	(f) Total

**A. CIE's**

<b>1</b>	<b>Evaluation/Assessment - Ed. Code §44662, subd. (b), as amended by Ch. 498/83; Reimbursement period begins fy 1997-98</b>					
a.	Review employee's techniques and strategies	\$80,023				\$80,023
b.	Evaluation of techniques and strategies	\$24,821				\$24,821
<b>2</b>	<b>Evaluation/Assessment - Ed. Code §44662, subd. (b), as amended by Ch. 4/99; Reimbursement period begins fy 03/15/99</b>					
a.	Review STAR results					
b.	Assessment per STAR					

**B. CIE's and NIE's**

<b>1</b>	<b>Evaluation/Assessment - Ed. Code §44662, subd. (b), as amended by Ch. 498/83; Reimbursement period begins fy 1997-98</b>					
a.	Evaluating and assessing CIE per to certain criteria					
b.	Writing evaluation					
c.	Transmitting evaluation					
d.	Attaching to personnel file					
e.	Discussing evaluation					

(05) Total Direct Costs	\$104,844		\$104,844
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**Indirect Costs**

(06) Indirect Cost Rate	[From J-380 or J-580]	6.76%
(07) Total Indirect Costs	[Line (06) x line (05)(a)]	\$7,087
(08) Total Direct and Indirect Costs	[Line (05)(f) + line (07)]	\$111,932

**Cost Reduction**

(09) Less: Offsetting Savings		
(10) Less: Other Reimbursements		
(11) Total Claimed Amount	[Line(08) - {Line (09) + line(10)}]	\$111,932

<b>Program</b>  <b>260</b>	<b>MANDATED COSTS</b> <b>THE STULL ACT</b> <b>COMPONENT / ACTIVITY COST DETAIL</b>	<b>FORM</b> <b>SA-2</b>
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(01) Claimant Fairfield-Suisun USD	(02) Fiscal year costs were incurred 2006/2007
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(03) Reimbursable Components: Check only **one** box per form to identify the component being claimed.

**A. CIE**

<input checked="" type="checkbox"/> Review employee's techniques and strategies	<input type="checkbox"/> Evaluation to include assessment of techniques and strategies
<input type="checkbox"/> Review STR Results	<input type="checkbox"/> Assessment based on STR results

**B. CIE & NIE**

<input type="checkbox"/> Evaluation and assessing CIE according to certain criteria	<input type="checkbox"/> Reducing evaluation to writing	<input type="checkbox"/> Transmitting evaluation to CIE
<input type="checkbox"/> Attaching response to personnel file	<input type="checkbox"/> Discussing evaluation with CIE	

(04) Description of Expense: Complete columns (a) through (h)			Object Accounts				
(a) Employee Names, Job Classification, Functions Performed and Description of Expense	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
<p><b>Evaluate and assess the performance of certificated instructional employees that perform the requirements of educational programs mandated by state or federal law, limited to the review of the employees' instructional techniques and strategies and the employees' adherence to curricular objectives.</b></p> <p><i>Certificated instructional employees that are evaluated perform state mandated programs listed within the California State Board of Education's Content Standards (K-12) and/or federal mandated programs compliant with the Elementary and Secondary Education Act.</i></p>							
		40.00	\$2,643				
		23.00	\$1,694				
		8.00	\$532				
		46.00	\$3,278				
		34.00	\$2,442				
		30.00	\$2,054				
		26.00	\$1,681				
		26.00	\$1,737				
		21.00	\$1,307				
		25.50	\$1,982				
		32.16	\$2,289				
		8.04	\$595				
		24.00	\$1,657				
		14.00	\$976				
		29.00	\$2,174				
		22.00	\$1,452				
		48.00	\$3,747				
		14.25	\$1,136				
		16.50	\$1,108				
		84.00	\$6,380				
		12.50	\$820				
		20.50	\$1,503				
		14.74	\$1,084				
		20.10	\$1,386				
		31.00	\$2,074				
		39.50	\$3,153				
		26.00	\$2,008				
		9.00	\$719				
		30.00	\$2,050				
		31.00	\$2,505				
		8.00	\$659				
		24.00	\$1,716				
		37.00	\$2,717				
		4.62	\$359				
		18.00	\$1,329				
		28.00	\$2,138				
		13.50	\$939				
		71.00	\$5,168				
		45.00	\$2,747				
		18.00	\$1,352				
		15.00	\$947				
		24.00	\$1,784				
(05) Total ( )	Subtotal ( )	Page: ___ of ___	\$80,023				



<b>Program</b>  <b>260</b>	<b>MANDATED COSTS THE STULL ACT COMPONENT / ACTIVITY COST DETAIL</b>	<b>FORM SA-2</b>
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(01) Claimant    Fairfield-Suisun USD	(02) Fiscal year costs were incurred    2006/2007
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(03) Reimbursable Components: Check only **one** box per form to identify the component being claimed.

**A. CIE**

<input type="checkbox"/> Review employee's techniques and strategies	<input checked="" type="checkbox"/> Evaluation to include assessment of techniques and strategies
<input type="checkbox"/> Review STR Results	<input type="checkbox"/> Assessment based on STR results

**B. CIE & NIE**

<input type="checkbox"/> Evaluation and assessing CIE according to certain criteria	<input type="checkbox"/> Reducing evaluation to writing	<input type="checkbox"/> Transmitting evaluation to CIE
<input type="checkbox"/> Attaching response to personnel file	<input type="checkbox"/> Discussing evaluation with CIE	

(04) Description of Expense: Complete columns (a) through (h)	Object Accounts					(g)	(h)
(a) Employee Names, Job Classification, Functions Performed and Description of Expense	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	Fixed Assets	Travel and Training
<u><b>Certificated instructional employees evaluated below perform state mandated programs listed within the California State Board of Educations's Content Standards (k-12) and/or federal mandated programs compliant with the Elementary and Secondary Education Act.</b></u>							
<u><b>Include in the written evaluation, the assessment of these factors. (Ed. Code § 44662, subd. (b), as amended by Stats. 1983, ch. 498).</b></u>							
<u><b>Certificated instructional employees that are evaluated perform state mandated programs listed within the California State Board of Educations's Content Standards (k-12) and/or federal mandated programs, compliant with the Elementary and Secondary Education Act.</b></u>							
		10.00	\$661				
		11.50	\$847				
		6.00	\$399				
		11.50	\$826				
		18.00	\$1,233				
		5.50	\$342				
		6.50	\$505				
		4.00	\$285				
		2.52	\$186				
		5.04	\$348				
		7.00	\$488				
		5.50	\$363				
		6.00	\$468				
		2.64	\$194				
		3.96	\$273				
		12.00	\$803				
		19.50	\$1,557				
		4.50	\$359				
		9.50	\$649				
		8.50	\$687				
		4.00	\$329				
		8.00	\$572				
		66.00	\$4,847				
		3.50	\$272				
		5.25	\$401				
		14.00	\$974				
		15.00	\$1,092				
		11.00	\$672				
		12.45	\$935				
		6.00	\$379				
		10.50	\$781				
		12.45	\$935				
		6.00	\$379				
		10.50	\$781				
(05) Total ( )                      Subtotal ( )			\$24,821				

<b>CLAIM FOR PAYMENT</b> <b>Pursuant to Government Code Section 17561</b> <b>THE STULL ACT</b>			<b>For State Controller Use Only</b>		<b>Program</b>																		
			(19) Program Number: 00260		<b>260</b>																		
			(20) Date Filed <b>FEB 05 2009</b>																				
			(21) LRS Input ____ / ____ / ____																				
(01) Claimant Identification Number <b>S48015</b>			<b>Reimbursement Claim Data</b>																				
(02) Claimant Name <b>Fairfield-Suisun USD</b>			(22) SA -1, (03)(a)		1097																		
			(23) SA -1, (03)(b)		0																		
County of Location <b>Solano</b>			(24) SA -1, (04)(A)(1)(a)(f)		114,106																		
Street Address or P.O. Box <b>2490 Hilborn Road</b>			(25) SA -1, (04)(A)(1)(b)(f)		0																		
City <b>Fairfield</b>			State <b>CA</b>		Zip Code <b>94534</b>																		
<table border="0" style="width:100%;"> <tr> <td style="width:33%;"><b>Type of Claim</b></td> <td style="width:33%;"><b>Estimated Claim</b></td> <td style="width:33%;"><b>Reimbursement Claim</b></td> </tr> <tr> <td>(03) Estimated <input type="checkbox"/></td> <td>(09) Reimbursement <input checked="" type="checkbox"/></td> <td>(26) SA -1, (04)(A)(2)(a)(f)</td> </tr> <tr> <td>(04) Combined <input type="checkbox"/></td> <td>(10) Combined <input type="checkbox"/></td> <td>(27) SA -1, (04)(A)(2)(b)(f)</td> </tr> <tr> <td>(05) Amended <input type="checkbox"/></td> <td>(11) Amended <input type="checkbox"/></td> <td>(28) SA -1, (04)(B)(1)(a)(f)</td> </tr> <tr> <td colspan="3"></td> <td colspan="2">(29) SA -1, (04)(B)(1)(b)(f)</td> <td style="text-align: center;">0</td> </tr> </table>			<b>Type of Claim</b>	<b>Estimated Claim</b>	<b>Reimbursement Claim</b>	(03) Estimated <input type="checkbox"/>	(09) Reimbursement <input checked="" type="checkbox"/>	(26) SA -1, (04)(A)(2)(a)(f)	(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>	(27) SA -1, (04)(A)(2)(b)(f)	(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>	(28) SA -1, (04)(B)(1)(a)(f)				(29) SA -1, (04)(B)(1)(b)(f)		0	(26) SA -1, (04)(A)(2)(a)(f)		0
			<b>Type of Claim</b>	<b>Estimated Claim</b>	<b>Reimbursement Claim</b>																		
			(03) Estimated <input type="checkbox"/>	(09) Reimbursement <input checked="" type="checkbox"/>	(26) SA -1, (04)(A)(2)(a)(f)																		
			(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>	(27) SA -1, (04)(A)(2)(b)(f)																		
(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>	(28) SA -1, (04)(B)(1)(a)(f)																					
			(29) SA -1, (04)(B)(1)(b)(f)		0																		
(03) Estimated <input type="checkbox"/>		(09) Reimbursement <input checked="" type="checkbox"/>	(27) SA -1, (04)(A)(2)(b)(f)		0																		
(04) Combined <input type="checkbox"/>		(10) Combined <input type="checkbox"/>	(28) SA -1, (04)(B)(1)(a)(f)		0																		
(05) Amended <input type="checkbox"/>		(11) Amended <input type="checkbox"/>	(29) SA -1, (04)(B)(1)(b)(f)		0																		
<b>Fiscal Year of Cost</b>			(06)	(12) <b>2007/2008</b>	(30) SA -1, (04)(B)(1)(c)(f)	0																	
<b>Total Claimed Amount</b>			(07)	(13) <b>\$120,519</b>	(31) SA -1, (04)(B)(1)(d)(f)	0																	
<b>Less: 10% Late Penalty</b>			(14)	(32) SA -1, (04)(B)(1)(e)(f)	0																		
<b>Less: Prior Claim Payment Received</b>			(15)	(33) SA -1, (06)	6																		
<b>Net Claimed Amount</b>			(16)	(17) <b>\$120,519</b>	(34) SA -1, (07)	6,413																	
<b>Due from State</b>			(08)	(17) <b>\$120,519</b>	(35) SA -1, (09)	0																	
<b>Due to State</b>			(18)	(36) SA -1, (10)	0																		
<b>(37) CERTIFICATION OF CLAIM</b>																							
<p>In accordance with the provisions of Government Code 17561, I certify that I am the officer authorized by the school district to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 through 1098, inclusive.</p> <p>I further certify that there was no application other than from the claimant, nor any grant or payment received, for reimbursement of costs claimed herein, and such costs are for a new program or increased level of services of an existing program. All offsetting savings and reimbursements set forth in the Parameters and Guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.</p> <p>The amounts for this Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs set forth on the attached statements. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</p>																							
<b>Signature of Authorized Officer</b>			<b>Date</b>																				
 _____ <b>Kelly Morgan</b> Type or Print Name			_____ <b>2/4/09</b> Assistant Superintendent, Business Services Title																				
						(38) Name of Contact Person for Claim <b>Kimberley T.T. Nguyen (MAXIMUS)</b>			<b>(916) 471-5516</b> Telephone Number <b>KimberleyNguyen@MAXIMUS.com</b> E-Mail Address														

<b>Program</b>  <b>260</b>	<b>MANDATED COSTS</b> <b>THE STULL ACT</b> <b>CLAIM SUMMARY</b>	<b>FORM</b> <b>SA-1</b>
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(01) Claimant: Fairfield-Suisun USD	(02) Type of Claim Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year 2007/2008
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(03) (a) Number of Certificated Instructional Employees (CIE's) evaluated per (04)(A)	<b>1097</b>
Number of CIE's and Non-Instructional Employees (NIE's) evaluated per (04)(B)	<b>0</b>

Direct Costs	Object Accounts					
(04) Reimbursable Components	(a) Salaries and Benefits	(b) Materials and Supplies	(c) Contract Services	(d) Fixed Assets	(e) Travel and Training	(f) Total

**A. CIE's**

<b>1</b>	<b>Evaluation/Assessment - Ed. Code §44662, subd. (b), as amended by Ch. 498/83; Reimbursement period begins fy 1997-98</b>					
a.	Review employee's techniques and strategies	\$114,106				\$114,106
b.	Evaluation of techniques and strategies					
<b>2</b>	<b>Evaluation/Assessment - Ed. Code §44662, subd. (b), as amended by Ch. 4/99; Reimbursement period begins fy 03/15/99</b>					
a.	Review STAR results					
b.	Assessment per STAR					

**B. CIE's and NIE's**

<b>1</b>	<b>Evaluation/Assessment - Ed. Code §44662, subd. (b), as amended by Ch. 498/83; Reimbursement period begins fy 1997-98</b>					
a.	Evaluating and assessing CIE per to certain criteria					
b.	Writing evaluation					
c.	Transmitting evaluation					
d.	Attaching to personnel file					
e.	Discussing evaluation					
<b>(05)</b>	<b>Total Direct Costs</b>	<b>\$114,106</b>				<b>\$114,106</b>

**Indirect Costs**

(06) Indirect Cost Rate	[From J-380 or J-580]	5.62%
(07) Total Indirect Costs	[Line (06) x line (05)(a)]	\$6,413
(08) Total Direct and Indirect Costs	[Line (05)(f) + line (07)]	\$120,519

**Cost Reduction**

(09) Less: Offsetting Savings	
(10) Less: Other Reimbursements	
(11) Total Claimed Amount	[Line(08) - {Line (09) + line(10)}] <b>\$120,519</b>

<b>Program</b> <b>260</b>	<b>MANDATED COSTS</b> <b>THE STULL ACT</b> <b>COMPONENT / ACTIVITY COST DETAIL</b>	<b>FORM</b> <b>SA-2</b>
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(01) Claimant: Fairfield-Suisun USD	(02) Fiscal year costs were incurred: 2007/2008
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(03) Reimbursable Components: Check only one box per form to identify the component being claimed.

**A. CIE**

<input checked="" type="checkbox"/>	Review employee's techniques and strategies	<input type="checkbox"/>	Evaluation to include assessment of techniques and strategies
<input type="checkbox"/>	Review STR Results	<input type="checkbox"/>	Assessment based on STR results

**B. CIE & NIE**

<input type="checkbox"/>	Evaluation and assessing CIE according to certain criteria	<input type="checkbox"/>	Reducing evaluation to writing	<input type="checkbox"/>	Transmitting evaluation to CIE
<input type="checkbox"/>	Attaching response to personnel file	<input type="checkbox"/>	Discussing evaluation with CIE		

(04) Description of Expense: Complete columns (a) through (h)	Object Accounts						
(a) Employee Names, Job Classification, Functions Performed and Description of Expense	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
<b>A. Certificated Instructional Employees</b>							
<i>(Reimbursement Period: July 1, 1997)</i>							
<b>1. Evaluate and assess the performance of certificated instructional employees that perform the requirements of educational programs mandated by state or federal law as it reasonably relates to the instructional techniques and strategies used by the employees and the employee's adherence to curricular objectives. (Ed. Code § 44662, subd. (b), as amended by Stats. 1983, ch. 498)</b>							
<i>Reimbursement for this activity is limited to:</i>							
<b>a. Reviewing the employee's instructional techniques and strategies and adherence to curricular objectives.</b>							
	\$70.14	13.50	\$947				
	\$70.14	112.50	\$7,890				
	\$72.04	30.00	\$2,161				
	\$77.87	24.00	\$1,869				
	\$64.00	12.00	\$768				
	\$74.05	10.50	\$778				
	\$69.17	69.00	\$4,773				
	\$69.96	21.00	\$1,469				
	\$71.39	114.00	\$8,139				
	\$70.22	103.50	\$7,268				
	\$70.52	9.00	\$635				
	\$70.14	64.50	\$4,524				
	\$65.68	3.00	\$197				
	\$76.91	37.50	\$2,884				
	\$63.75	81.00	\$5,164				
	\$77.19	3.00	\$232				
	\$63.71	24.00	\$1,529				
	\$60.25	30.00	\$1,808				
	\$63.08	10.50	\$662				
	\$71.49	25.50	\$1,823				
	\$78.81	73.50	\$5,792				
	\$70.14	30.00	\$2,104				
	\$63.66	10.50	\$668				
	\$65.94	9.00	\$593				
	\$60.25	10.50	\$633				
	\$68.16	60.00	\$4,090				
	\$68.16	36.00	\$2,454				
	\$75.16	45.00	\$3,382				
	\$66.97	6.00	\$402				
	\$74.05	43.50	\$3,221				
	\$70.69	39.00	\$2,757				
	\$60.23	75.00	\$4,517				
	\$69.41	22.50	\$1,562				
	\$67.55	49.50	\$3,344				
	\$68.93	33.00	\$2,275				
	\$77.32	22.50	\$1,740				
	\$68.42	25.50	\$1,745				
	\$70.14	82.50	\$5,786				
	\$61.29	67.50	\$4,137				
	\$68.16	42.00	\$2,863				
	\$70.14	64.50	\$4,524				
(05) Total ( )	Subtotal ( )		<b>\$114,106</b>				

<b>Program</b>  <b>260</b>	<b>MANDATED COSTS</b> <b>THE STULL ACT</b>  <b>COMPONENT / ACTIVITY COST DETAIL</b>	<b>FORM</b> <b>SA-2</b>
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(01) Claimant    Fairfield-Suisun USD	(02) Fiscal year costs were incurred    2007/2008
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(03) Reimbursable Components: Check only **one** box per form to identify the component being claimed.

**A. CIE**

<input type="checkbox"/> Review employee's techniques and strategies	<input checked="" type="checkbox"/> X	Evaluation to include assessment of techniques and strategies
<input type="checkbox"/> Review STR Results	<input type="checkbox"/>	Assessment based on STR results

**B. CIE & NIE**

<input type="checkbox"/> Evaluation and assessing CIE according to certain criteria	<input type="checkbox"/>	Reducing evaluation to writing	<input type="checkbox"/>	Transmitting evaluation to CIE
<input type="checkbox"/> Attaching response to personnel file	<input type="checkbox"/>	Discussing evaluation with CIE		

(04) Description of Expense: Complete columns (a) through (h)			Object Accounts				
(a) Employee Names, Job Classification, Functions Performed and Description of Expense	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
No Activity							

(05) Total ( )	Subtotal ( )	Page: ___ of ___
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**Program**  
**260**

**MANDATED COSTS  
THE STULL ACT  
COMPONENT / ACTIVITY COST DETAIL**

**FORM  
SA-2**

(01) Claimant    Fairfield-Suisun USD	(02) Fiscal year costs were incurred    2007/2008
---------------------------------------	---

(03) Reimbursable Components: Check only **one** box per form to identify the component being claimed.

**A. CIE**

<input type="checkbox"/> Review employee's techniques and strategies	<input type="checkbox"/> Evaluation to include assessment of techniques and strategies
<input checked="" type="checkbox"/> Review STR Results	<input type="checkbox"/> Assessment based on STR results

**B. CIE & NIE**

<input type="checkbox"/> Evaluation and assessing CIE according to certain criteria	<input type="checkbox"/> Reducing evaluation to writing	<input type="checkbox"/> Transmitting evaluation to CIE
<input type="checkbox"/> Attaching response to personnel file	<input type="checkbox"/> Discussing evaluation with CIE	

(04) Description of Expense: Complete columns (a) through (h)			Object Accounts				
(a) Employee Names, Job Classification, Functions Performed and Description of Expense	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
No Activity							

(05) Total ( )	Subtotal ( )	Page: ___ of ___
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<b>Program</b> <b>260</b>	<b>MANDATED COSTS THE STULL ACT COMPONENT / ACTIVITY COST DETAIL</b>	<b>FORM SA-2</b>
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(01) Claimant Fairfield-Suisun USD	(02) Fiscal year costs were incurred 2007/2008
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(03) Reimbursable Components: Check only **one** box per form to identify the component being claimed.

**A. CIE**

<input type="checkbox"/>	Review employee's techniques and strategies	<input type="checkbox"/>	Evaluation to include assessment of techniques and strategies
<input type="checkbox"/>	Review STR Results	<input checked="" type="checkbox"/>	Assessment based on STR results

**B. CIE & NIE**

<input type="checkbox"/>	Evaluation and assessing CIE according to certain criteria	<input type="checkbox"/>	Reducing evaluation to writing	<input type="checkbox"/>	Transmitting evaluation to CIE
<input type="checkbox"/>	Attaching response to personnel file	<input type="checkbox"/>	Discussing evaluation with CIE		

(04) Description of Expense: Complete columns (a) through (h)			Object Accounts				
(a) Employee Names, Job Classification, Functions Performed and Description of Expense	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
No Activity							
(05) Total ( )							
Subtotal ( )							

<b>Program</b> <b>260</b>	<b>MANDATED COSTS</b> <b>THE STULL ACT</b> <b>COMPONENT / ACTIVITY COST DETAIL</b>	<b>FORM</b> <b>SA-2</b>
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(01) Claimant Fairfield-Suisun USD	(02) Fiscal year costs were incurred	2007/2008
------------------------------------	--------------------------------------	-----------

(03) Reimbursable Components: Check only **one** box per form to identify the component being claimed.

**A. CIE**

<input type="checkbox"/>	Review employee's techniques and strategies	<input type="checkbox"/>	Evaluation to include assessment of techniques and strategies
<input type="checkbox"/>	Review STR Results	<input type="checkbox"/>	Assessment based on STR results

**B. CIE & NIE**

<input checked="" type="checkbox"/>	Evaluation and assessing CIE according to certain criteria	<input type="checkbox"/>	Reducing evaluation to writing	<input type="checkbox"/>	Transmitting evaluation to CIE
<input type="checkbox"/>	Attaching response to personnel file	<input type="checkbox"/>	Discussing evaluation with CIE		

(04) Description of Expense: Complete columns (a) through (h)			Object Accounts				
(a) Employee Names, Job Classification, Functions Performed and Description of Expense	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
No Activity							

(05) Total ( )	Subtotal ( )	Page: ___ of ___				
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<b>Program</b> <b>260</b>	<b>MANDATED COSTS</b> <b>THE STULL ACT</b> <b>COMPONENT / ACTIVITY COST DETAIL</b>	<b>FORM</b> <b>SA-2</b>
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(01) Claimant    Fairfield-Suisun USD	(02) Fiscal year costs were incurred    2007/2008
---------------------------------------	---

(03) Reimbursable Components: Check only **one** box per form to identify the component being claimed.

**A. CIE**

<input type="checkbox"/>	Review employee's techniques and strategies	<input type="checkbox"/>	Evaluation to include assessment of techniques and strategies
<input type="checkbox"/>	Review STR Results	<input type="checkbox"/>	Assessment based on STR results

**B. CIE & NIE**

<input type="checkbox"/>	Evaluation and assessing CIE according to certain criteria	<input checked="" type="checkbox"/>	Reducing evaluation to writing	<input type="checkbox"/>	Transmitting evaluation to CIE
<input type="checkbox"/>	Attaching response to personnel file	<input type="checkbox"/>	Discussing evaluation with CIE		

(04) Description of Expense: Complete columns (a) through (h)			Object Accounts				
(a) Employee Names, Job Classification, Functions Performed and Description of Expense	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
No Activity							

(05) Total ( )	Subtotal ( )	Page: ___ of ___				
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**Program**  
**260**

**MANDATED COSTS  
THE STULL ACT  
COMPONENT / ACTIVITY COST DETAIL**

**FORM  
SA-2**

(01) Claimant **Fairfield-Suisun USD** (02) Fiscal year costs were incurred **2007/2008**

(03) Reimbursable Components: Check only **one** box per form to identify the component being claimed.

**A. CIE**

Review employee's techniques and strategies  Evaluation to include assessment of techniques and strategies

Review STR Results  Assessment based on STR results

**B. CIE & NIE**

Evaluation and assessing CIE according to certain criteria  Reducing evaluation to writing  Transmitting evaluation to CIE

Attaching response to personnel file  Discussing evaluation with CIE

(04) Description of Expense: Complete columns (a) through (h)		Object Accounts					
(a) Employee Names, Job Classification, Functions Performed and Description of Expense	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
No Activity							
(05) Total ( )	Subtotal ( )		Page: ___ of ___				

<b>Program</b> <b>260</b>	<b>MANDATED COSTS</b> <b>THE STULL ACT</b> <b>COMPONENT / ACTIVITY COST DETAIL</b>	<b>FORM</b> <b>SA-2</b>
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(01) Claimant    Fairfield-Suisun USD	(02) Fiscal year costs were incurred    2007/2008
---------------------------------------	---

(03) Reimbursable Components: Check only **one** box per form to identify the component being claimed.

**A. CIE**

<input type="checkbox"/> Review employee's techniques and strategies	<input type="checkbox"/> Evaluation to include assessment of techniques and strategies
<input type="checkbox"/> Review STR Results	<input type="checkbox"/> Assessment based on STR results

**B. CIE & NIE**

<input type="checkbox"/> Evaluation and assessing CIE according to certain criteria	<input type="checkbox"/> Reducing evaluation to writing	<input type="checkbox"/> Transmitting evaluation to CIE
<input checked="" type="checkbox"/> Attaching response to personnel file	<input type="checkbox"/> Discussing evaluation with CIE	

(04) Description of Expense: Complete columns (a) through (h)			Object Accounts				
(a) Employee Names, Job Classification, Functions Performed and Description of Expense	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
No Activity							
(05) Total ( )                      Subtotal ( )							

<b>Program</b> <b>260</b>	<b>MANDATED COSTS</b> <b>THE STULL ACT</b> <b>COMPONENT / ACTIVITY COST DETAIL</b>	<b>FORM</b> <b>SA-2</b>
------------------------------	--	----------------------------

(01) Claimant Fairfield-Suisun USD	(02) Fiscal year costs were incurred	2007/2008
------------------------------------	--------------------------------------	-----------

(03) Reimbursable Components: Check only **one** box per form to identify the component being claimed.

**A. CIE**

<input type="checkbox"/>	Review employee's techniques and strategies	<input type="checkbox"/>	Evaluation to include assessment of techniques and strategies
<input type="checkbox"/>	Review STR Results	<input type="checkbox"/>	Assessment based on STR results

**B. CIE & NIE**

<input type="checkbox"/>	Evaluation and assessing CIE according to certain criteria	<input type="checkbox"/>	Reducing evaluation to writing	<input type="checkbox"/>	Transmitting evaluation to CIE
<input type="checkbox"/>	Attaching response to personnel file	<input checked="" type="checkbox"/>	Discussing evaluation with CIE		

(04) Description of Expense: Complete columns (a) through (h)	Object Accounts						
(a) Employee Names, Job Classification, Functions Performed and Description of Expense	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
No Activity							
(05) Total ( )	Subtotal ( )	Page: ___ of ___					

**THE STULL ACT  
CLAIM FOR PAYMENT**

**Fate Controller Use Only**  
 (19) Program Number 00260  
 (20) Date Filed 2-15-12  
 (21) LRS Input

**Program  
260**

(01) Claimant Identification Number <b>S48015</b>			<b>Reimbursement Claim Data</b>		
(02) Claimant Name <b>Fairfield-Suisun USD</b>			(22) FORM 1, (04) A. (f)	<b>43,213</b>	
County of Location <b>Solano</b>			(23) FORM 1, (04) B. (f)	<b>3,224</b>	
Street Address of P.O. Box <b>2490 Hilborn Road</b>			(24) FORM 1, (04) C. (f)	<b>41,428</b>	
City <b>Fairfield</b>			(25) FORM-1, (04) D. (f)		
State <b>CA</b>					
Zip Code <b>94534</b>					
<b>Type of Claim</b>			(26) FORM 1, (04) E. (f)	<b>40</b>	
			(03) (09) Reimbursement <input checked="" type="checkbox"/>	(27) FORM 1, (04) F. (f)	
			(04) (10) Combined <input type="checkbox"/>	(28) FORM 1, (04) G. (f)	
			(05) (11) Amended <input type="checkbox"/>	(29) FORM-1, (04) H. (f)	
Fiscal Year of Cost (06) <b>2010-2011</b>			(30) FORM 1, (04) I. (f)		
Total Claimed Amount (07) <b>\$93,013</b>			(31) FORM 1, (05)	<b>87,905</b>	
Less: 10% Late Penalty (Refer to attached instructions)			(32) FORM 1, (06)	<b>6%</b>	
Less: Prior Claim Payment Received			(33) FORM 1, (08)	<b>93,013</b>	
Net Claimed Amount			(34) FORM 1, (09)		
Due from State (08) <b>\$93,013</b>			(35) FORM 1, (10)		
Due to State			(36)		

**(37) CERTIFICATION OF CLAIM**

In accordance with the provisions of Government Code Sections 17560 and 17561, I certify that I am the officer authorized by the school district or county office of education to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Article 4, Chapter 1 of Division 4 of Title 1 of the Government Code.

I further certify that there was no application other than from the claimant, nor any grant(s) or payment(s) received, for reimbursement of costs claimed herein; claimed costs are for a new program or increased level of services of an existing program; and claimed amounts do not include charter school costs, either directly or through a third party. All offsetting revenues and reimbursements set forth in the parameters and guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.

**The amount reimbursement is hereby claimed from the State for payment of actual costs set forth on the attached statements.**

**I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.**

Signature of Authorized Officer  
  
**Kelly Morgan Asst. Supt. Business Svcs.**  
 Type or Print Name and Title of Authorized Signatory

Date Signed 2/2/12  
 Telephone Number **(707) 399-5000**  
 E-mail Address **KellyM@fsusd.k12.ca.us**

(38) Name of Agency Contact Person for Claim  
**Jolene Tollenaar**  
 Name of Consulting Firm / Claim Preparer  
**MGT of America**

Telephone Number **(916) 243-8913**  
 E-mail Address **jtollena@mgtamer.com**  
 Telephone Number **(916) 443-3411**  
 E-mail Address **jtollena@mgtamer.com**

**Program  
260**

**THE STULL ACT  
CLAIM SUMMARY**

**FORM  
1**

(01) Claimant: Fairfield-Suisun USD

(02)

Fiscal Year

2010-2011

**Direct Costs**

**Object Accounts**

(04) Reimbursable Activities

	(a) Salaries and Benefits	(b) Materials and Supplies	(c) Contract Services	(d) Fixed Assets	(e) Travel and Training	(f) Total
A. Reviewing Employee's Techniques and Strategies & Training	\$43,213					\$43,213
B. Review STR results	\$3,224					\$3,224
C. Evaluating to include Assessment of Techniques and Strategies	\$41,428					\$41,428
D. Assessing Based on STR Results						
E. Evaluating and Assessing CIE Based on Certain Criteria	\$40					\$40
F. Attaching Response to Personnel File						
G. Reducing Evaluation to Writing						
H. Discussing Evaluation with CIE						
I. Transmitting Evaluation to CIE						
(05) Total Direct Costs	\$87,905					\$87,905

**Indirect Costs**

(06) Indirect Cost Rate	[Refer to claiming instructions]	5.81%
(07) Total Indirect Costs	[Line (05)(f) - line (05)(d) - \$ <input type="text"/> x line (06)]	\$5,107
(08) Total Direct and indirect Costs	[Line (05)(f) - line (07)]	\$93,013

**Cost Reduction**

(09) Less: Offsetting Revenues		
(10) Less: Other Reimbursements		
(11) Total Claimed Amount	[Line (08) - {(line (09)+ line (10))}]	\$93,013

Revised 10/11

(01) Claimant **Fairfield-Suisun USD**

(02) Fiscal Year **2010-2011**

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

**A. CIE**

**B. CIE & NIE**

- Reviewing Employee's Techniques and Strategies
- Reviewing STR Results
- Evaluating to Include Assessment of Techniques and Strategies
- Assessing Based on STR Results

- Evaluating and Assessing CIE Based on Certain Criteria
- Attaching Response to Personnel File
- Reducing Evaluation to Writing
- Discussing Evaluation with CIE
- Transmitting Evaluation to CIE

(04) Description of Expenses

**Object Accounts**

(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
<p><b>Reviewing the CIE's instructional techniques and strategies and adherence to curricular objectives. All time claimed for this component is limited to evaluating and assessing CIE's that perform the requirements of educational programs mandated by state or federal law. These programs are listed within State Board of Education's content standards (k12) Board of Education's Content Standards and federal mandated programs, and comply with the Elementary and Secondary Education Acts.</b></p>		8.00	\$608				
		11.00	\$803				
		12.08	\$1,051				
		4.00	\$276				
		21.00	\$1,722				
		9.33	\$690				
		12.00	\$912				
		38.00	\$3,458				
		6.50	\$488				
		12.00	\$972				
		2.00	\$158				
		13.00	\$1,001				
		22.00	\$1,958				
		41.00	\$4,018				
		18.00	\$1,386				
		12.00	\$888				
		15.00	\$1,260				
	7.50	\$323					
	14.00	\$1,092					
	14.00	\$1,260					

(05) Total  Subtotal

Page: 1 of 2 **\$24,323**

(01) Claimant **Fairfield-Suisun USD**

(02) Fiscal Year **2010-2011**

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

**A. CIE**

- Reviewing Employee's Techniques and Strategies
- Reviewing STR Results
- Evaluating to Include Assessment of Techniques and Strategies
- Assessing Based on STR Results

**B. CIE & NIE**

- Evaluating and Assessing CIE Based on Certain Criteria
- Attaching Response to Personnel File
- Reducing Evaluation to Writing
- Discussing Evaluation with CIE
- Transmitting Evaluation to CIE

(04) Description of Expenses

**Object Accounts**

(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
<b>Reviewing the CIE's instructional techniques and strategies and adherence to curricular objectives. All time claimed for this component is limited to evaluating and assessing CIE's that perform the requirements of educational programs mandated by state or federal law. These programs are listed within State Board of Education's content standards (k12) Board of Education's Content Standards and federal mandated programs, and comply with the Elementary and Secondary Education Acts.</b>		2.00	\$154				
		12.33	\$986				
		14.00	\$1,036				
		18.00	\$1,332				
		23.00	\$1,909				
		9.00	\$756				
		11.17	\$905				
		3.00	\$237				
		4.50	\$423				
		18.00	\$1,440				
		11.50	\$863				
		8.00	\$552				
		5.00	\$430				
		8.25	\$718				
		34.50	\$2,553				
		17.33	\$1,386				
	30.00	\$2,490					
	8.00	\$720					

(05) Total

Subtotal

Page: 2 of 2

**\$18,890**



(01) Claimant **Fairfield-Suisun USD**

(02) Fiscal Year

**2010-2011**

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

**A. CIE**

- Reviewing Employee's Techniques and Strategies
- Reviewing STR Results
- Evaluating to Include Assessment of Techniques and Strategies
- Assessing Based on STR Results

**B. CIE & NIE**

- Evaluating and Assessing CIE Based on Certain Criteria
- Attaching Response to Personnel File
- Reducing Evaluation to Writing
- Discussing Evaluation with CIE
- Transmitting Evaluation to CIE

(04) Description of Expenses

**Object Accounts**

(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
<p>Including in the written evaluation the CIE's instructional techniques and strategies and adherence to curricular objectives.                      Note: All time claimed for this component is limited to evaluating and assessing CIE's that perform the requirements of educational programs mandated by state or federal law. These programs are listed within State Board of Education's content standards (k12) Board of Education's Content Standards and federal mandated programs, and comply with the Elementary and Secondary Education Acts.</p>		16.00	\$1,216				
		18.00	\$1,314				
		2.00	\$138				
		15.00	\$1,305				
		27.00	\$2,214				
		12.50	\$925				
		12.00	\$912				
		19.00	\$1,729				
		15.50	\$1,163				
		9.00	\$729				
		2.00	\$158				
		9.75	\$751				
		6.00	\$534				
		50.00	\$4,900				
		19.00	\$1,463				
	15.00	\$1,110					
	10.00	\$840					
	8.00	\$344					
	10.50	\$819					
	21.00	\$1,890					

(05) Total  Subtotal

**\$24,453**

(01) Claimant **Fairfield-Suisun USD** (02) Fiscal Year **2010-2011**

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

**A. CIE**

- Reviewing Employee's Techniques and Strategies
- Reviewing STR Results
- Evaluating to Include Assessment of Techniques and Strategies
- Assessing Based on STR Results

**B. CIE & NIE**

- Evaluating and Assessing CIE Based on Certain Criteria
- Attaching Response to Personnel File
- Reducing Evaluation to Writing
- Discussing Evaluation with CIE
- Transmitting Evaluation to CIE

(04) Description of Expenses

**Object Accounts**

(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
<p>Including in the written evaluation the CIE's instructional techniques and strategies and adherence to curricular objectives. Note: All time claimed for this component is limited to evaluating and assessing CIE's that perform the requirements of educational programs mandated by state or federal law. These programs are listed within State Board of Education's content standards (k12) Board of Education's Content Standards and federal mandated programs, and comply with the Elementary and Secondary Education Acts.</p>		2.00	\$154				
		8.00	\$640				
		14.00	\$1,036				
		17.00	\$1,258				
		11.00	\$913				
		8.33	\$700				
		15.00	\$1,215				
		3.50	\$277				
		6.00	\$564				
		12.00	\$960				
		15.00	\$1,125				
		8.00	\$552				
		3.33	\$286				
		10.00	\$870				
		24.50	\$1,813				
	21.50	\$1,720					
	24.00	\$1,992					
	10.00	\$900					

(05) Total  Subtotal  Page: 2 of 2 **\$16,975**

(01) Claimant **Fairfield-Suisun USD**

(02) Fiscal Year **2010-2011**

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

**A. CIE**

- Reviewing Employee's Techniques and Strategies
- Reviewing STR Results
- Evaluating to Include Assessment of Techniques and Strategies
- Assessing Based on STR Results

**B. CIE & NIE**

- Evaluating and Assessing CIE Based on Certain Criteria
- Attaching Response to Personnel File
- Reducing Evaluation to Writing
- Discussing Evaluation with CIE
- Transmitting Evaluation to CIE

(04) Description of Expenses

**Object Accounts**

(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
<b>Reviewing the results of the Standardized Testing and Reporting test as it reasonably relates to the performance of those certificated employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11.</b>							
		2.00	\$146				
		3.00	\$261				
		1.25	\$94				
		1.00	\$79				
		6.50	\$501				
		8.00	\$784				
		1.00	\$84				
		1.00	\$80				
		2.00	\$162				
		1.00	\$79				
		2.00	\$150				
		2.00	\$138				
		1.00	\$86				
		7.00	\$581				

(05) Total  Subtotal

Page: 1 of 1

**\$3,224**

(01) Claimant **Fairfield-Suisun USD**

(02) Fiscal Year **2010-2011**

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

**A. CIE**

- Reviewing Employee's Techniques and Strategies
- Reviewing STR Results
- Evaluating to Include Assessment of Techniques and Strategies
- Assessing Based on STR Results

**B. CIE & NIE**

- Evaluating and Assessing CIE Based on Certain Criteria
- Attaching Response to Personnel File
- Reducing Evaluation to Writing
- Discussing Evaluation with CIE
- Transmitting Evaluation to CIE

(04) Description of Expenses

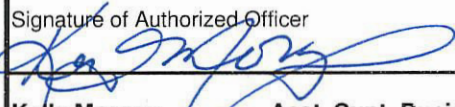
**Object Accounts**

(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
Evaluating and assessing the certificated employee performance as it reasonably relates to the following criteria: (1) the progress of pupils toward the standards established by the school district of expected pupil achievement at each grade level in each area of study, and, if applicable, the state adopted 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; and, if applicable, (5) the fulfillment of other job responsibilities established by the school district for certificated non-		0.50	\$40				

(05) Total  Subtotal

Page: 1 of 1

**\$40**

THE STULL ACT CLAIM FOR PAYMENT			For State Controller Use Only		Program <b>260</b>
			(19) Program Number 00260	(20) Date Filed <b>FEB 15 2013</b>	
			(21) LRS Input		
(01) Claimant Identification Number <b>S48015</b>			Reimbursement Claim Data		
(02) Claimant Name <b>Fairfield-Suisun USD</b>			(22) FORM 1, (03) (a)		
County of Location <b>Solano</b>			(23) FORM 1, (03) (b)		
Street Address of P.O. Box <b>2490 Hilborn Road</b>			(24) FORM 1, (04) A. 1. a. (f)		<b>54,832</b>
Suite					
City <b>Fairfield</b>			(25) FORM-1, (04) A. 1. b. (f)		<b>56,696</b>
State <b>CA</b>					
Zip Code <b>94534</b>					
Type of Claim			(26) FORM 1, (04) A. 2. a. (f)		<b>4,455</b>
(03)			(09) Reimbursement <input checked="" type="checkbox"/>		(27) FORM 1, (04) A. 2. b. (f)
(04)			(10) Combined <input type="checkbox"/>		(28) FORM 1, (04) B. 1. a. (f)
(05)			(11) Amended <input type="checkbox"/>		(29) FORM-1, (04) B. 1. b. (f)
Fiscal Year of Cost (06)			(12) <b>2011-2012</b>		(30) FORM 1, (04) B. 1. c. (f)
Total Claimed Amount (07)			(13) <b>\$123,742</b>		(31) FORM 1, (04) B. 1. d. (f)
Less: 10% Late Penalty (Refer to attached instructions)			(14)		(32) FORM 1, (04) B. 1. e. (f)
Less: Prior Claim Payment Received			(15)		(33) FORM 1, (04) C. (f)
Net Claimed Amount			(16) <b>\$123,742</b>		(34) FORM 1, (06) <b>7%</b>
Due from State (08)			(17) <b>\$123,742</b>		(35) FORM 1, (07) <b>7,759</b>
Due to State			(18) <i>MC</i>		(36) FORM 1, [(09) + (10)]
<b>(37) CERTIFICATION OF CLAIM</b>					
In accordance with the provisions of Government Code Sections 17560 and 17561, I certify that I am the officer authorized by the school district or county office of education to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Article 4, Chapter 1 of Division 4 of Title 1 of the Government Code.					
I further certify that there was no application other than from the claimant, nor any grant(s) or payment(s) received, for reimbursement of costs claimed herein; claimed costs are for a new program or increased level of services of an existing program; and claimed amounts do not include charter school costs, either directly or through a third party. All offsetting revenues and reimbursements set forth in the parameters and guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.					
The amount reimbursement is hereby claimed from the State for payment of actual costs set forth on the attached statements.					
I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.					
Signature of Authorized Officer 			Date Signed <b>2/15/13</b>		
Kelly Morgan			Telephone Number <b>(707) 399-5000</b>		
Asst. Supt. Business Svcs.			E-mail Address <b>KellyM@fsusd.k12.ca.us</b>		
Type or Print Name and Title of Authorized Signatory					
(38) Name of Agency Contact Person for Claim <b>Jolene Tollenaar</b>			Telephone Number <b>(916) 243-8913</b>		
			E-mail Address <b>jtollena@mgtamer.com</b>		
Name of Consulting Firm / Claim Preparer <b>MGT of America</b>			Telephone Number <b>(916) 243-8913</b>		
			E-mail Address <b>jtollena@mgtamer.com</b>		

<b>Program 260</b>	<b>THE STULL ACT CLAIM SUMMARY</b>					<b>FORM 1</b>
(01) Claimant: Fairfield-Suisun USD		(02)			Fiscal Year 2011-2012	
<b>Claim Statistics</b>						
(03) (a) Number of Certificated Instructional Employees evaluated per (04)(A)						
(b) Number of Certificated Instructional and Non-Instructional Employees evaluated per (04)(B)						
<b>Direct Costs</b>		<b>Object Accounts</b>				
(04) Reimbursable Activities	(a) Salaries and Benefits	(b) Materials and Supplies	(c) Contract Services	(d) Fixed Assets	(e) Travel and Training	(f) Total
<b>A. Certificated Instructional Employees</b>						
1. Evaluate and assess performance						
a. Review employee's instructional techniques and strategies and adherence to curricular objectives	\$54,832					\$54,832
b. Include in the written evaluation the assessment identified in A. 1. a	\$56,696					\$56,696
2. Evaluate and assess performance as it relates to STAR results						
a. Review STAR results	\$4,455					\$4,455
b. Include in the written evaluation assessment based on STAR results						
<b>B. Certificated Instructional and Non-Instructional Employees</b>						
1 Evaluate performance following unsatisfactory evaluation in off-cycle years						
a. Evaluate and assess performance						
b. Reduce the evaluation to writing						
c. Transmit evaluation to employee						
d. Attach response to personnel file						
e. Discuss evaluation with employee						
<b>C. Training (one-time activity for each employee)</b>						
(05) Total Direct Costs	\$115,983					\$115,983
<b>Indirect Costs</b>						
(06) Indirect Cost Rate	[Refer to claiming instructions]					6.69%
(07) Total Indirect Costs	[Line (05)(f) - line (05)(d) - \$ <input type="text"/> x line (06)]					\$7,759
(08) Total Direct and indirect Costs	[Line (05)(f) - line (07)]					\$123,742
<b>Cost Reduction</b>						
(09) Less: Offsetting Revenues						
(10) Less: Other Reimbursements						
(11) Total Claimed Amount	[Line (08) - (line (09)+ line (10))]					\$123,742

(01) Claimant **Fairfield-Suisun USD**

(02) Fiscal Year

2011-2012

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

**A. Certificated Instructional Employees**

**B. Certificated Instructional and Non-Instructional Employees**

1. Evaluate and assess performance

1. Evaluate performance following unsatisfactory evaluation off-cycle years

a. Review employee's instructional techniques and strategies and adherence to curricular objectives

a. Evaluate and assess performance

b. Include in the written evaluation the assessment identified in A.1.a.

b. Reduce the evaluation to writing

2. Evaluate and assess performance as it relates to STAR results

c. Transmit evaluation to employee

a. Review STAR results

d. Attach response to personnel files

b. Include in the written evaluation assessment based on STAR results

e. Discuss evaluation with employee

**C. Training (one-time activity for each employee)**

(04) Description of Expenses

**Object Accounts**

(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
<b>Reviewing the CIE's instructional techniques and strategies and adherence to curricular objectives. All time claimed for this component is limited to evaluating and assessing CIE's that perform the requirements of educational programs mandated by state or federal law. These programs are listed within State Board of Education's content standards (k12) Board of Education's Content Standards and federal mandated programs, and comply with the Elementary and Secondary Education Acts.</b>		9.00	\$745				
		6.00	\$542				
		6.17	\$464				
		12.00	\$1,101				
		12.00	\$968				
		35.00	\$3,265				
		13.00	\$985				
		5.00	\$442				
		33.00	\$2,661				
		7.00	\$556				
		38.00	\$3,191				
		20.00	\$1,668				
		14.50	\$714				
		34.00	\$2,863				
		20.33	\$1,630				
	6.50	\$675					
	23.08	\$1,916					
	24.17	\$1,978					
	17.00	\$1,539					

(05) Total

Subtotal

Page: 1 of 1

\$27,903

(01) Claimant **Fairfield-Suisun USD**

(02) Fiscal Year

2011-2012

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

**A. Certificated Instructional Employees**

**B. Certificated Instructional and Non-Instructional Employees**

1. Evaluate and assess performance

1. Evaluate performance following unsatisfactory evaluation off-cycle years

a. Review employee's instructional techniques and strategies and adherence to curricular objectives

a. Evaluate and assess performance

b. Include in the written evaluation the assessment identified in A.1.a.

b. Reduce the evaluation to writing

2. Evaluate and assess performance as it relates to STAR results

c. Transmit evaluation to employee

a. Review STAR results

d. Attach response to personnel files

b. Include in the written evaluation assessment based on STAR results

e. Discuss evaluation with employee

**C. Training (one-time activity for each employee)**

(04) Description of Expenses

**Object Accounts**

(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
<b>Including in the written evaluation the CIE's instructional techniques and strategies and adherence to curricular objectives</b> <b>Note: All time claimed for this component is limited to evaluating and assessing CIE's that perform the requirements of educational programs mandated by state or federal law. These programs are listed within State Board of Education's content standards (k12) Board of Education's Content Standards and federal mandated programs, and comply with the Elementary and Secondary Education Acts.</b>		15.50	\$1,335				
		22.00	\$1,802				
		3.00	\$234				
		18.00	\$1,376				
		24.00	\$1,922				
		19.00	\$1,553				
		3.50	\$260				
		18.00	\$1,600				
		26.33	\$2,143				
		29.00	\$2,202				
		6.00	\$466				
		38.00	\$3,170				
		18.00	\$1,398				
		24.00	\$2,301				
		14.00	\$1,168				
		15.00	\$1,213				
	6.75	\$567					
	16.50	\$1,331					
	7.00	\$556					
	51.00	\$4,758					

(05) Total

Subtotal

Page: 1 of 1

**\$31,353**



(01) Claimant **Fairfield-Suisun USD**

(02) Fiscal Year

2011-2012

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

**A. Certificated Instructional Employees**

**B. Certificated Instructional and Non-Instructional Employees**

1. Evaluate and assess performance

1. Evaluate performance following unsatisfactory evaluation off-cycle years

a. Review employee's instructional techniques and strategies and adherence to curricular objectives

a. Evaluate and assess performance

b. Include in the written evaluation the assessment identified in A.1.a.

b. Reduce the evaluation to writing

2. Evaluate and assess performance as it relates to STAR results

c. Transmit evaluation to employee

a. Review STAR results

d. Attach response to personnel files

b. Include in the written evaluation assessment based on STAR results

e. Discuss evaluation with employee

**C. Training (one-time activity for each employee)**

(04) Description of Expenses

**Object Accounts**

(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
Including in the written evaluation the CIE's instructional techniques and strategies and adherence to curricular objectives Note: All time claimed for this component is limited to evaluating and assessing CIE's that perform the requirements of educational programs mandated by state or federal law. These programs are listed within State Board of Education's content standards (k12) Board of Education's Content Standards and federal mandated programs, and comply with the Elementary and Secondary Education Acts.							
		14.00	\$1,061				
		3.00	\$265				
		31.00	\$2,500				
		31.50	\$3,148				
		5.00	\$414				
		12.00	\$1,083				
		5.87	\$441				
		8.00	\$830				
		17.00	\$1,411				
		16.00	\$1,309				
		16.00	\$1,468				
		26.00	\$1,281				
		44.00	\$3,706				
		24.00	\$1,924				
		32.00	\$2,669				
		10.50	\$836				
		11.00	\$996				

(05) Total

Subtotal

Page: 1 of 1

\$25,343

(01) Claimant **Fairfield-Suisun USD** (02) Fiscal Year **2011-2012**

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

**A. Certificated Instructional Employees**

**B. Certificated Instructional and Non-Instructional Employees**

1. Evaluate and assess performance

1. Evaluate performance following unsatisfactory evaluation off-cycle years

a. Review employee's instructional techniques and strategies and adherence to curricular objectives

a. Evaluate and assess performance

b. Include in the written evaluation the assessment identified in A.1.a.

b. Reduce the evaluation to writing

2. Evaluate and assess performance as it relates to STAR results

c. Transmit evaluation to employee

a. Review STAR results

d. Attach response to personnel files

b. Include in the written evaluation assessment based on STAR results

e. Discuss evaluation with employee

**C. Training (one-time activity for each employee)**

(04) Description of Expenses **Object Accounts**

(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
<b>Reviewing the results of the Standardized Testing and Reporting test as it reasonably relates to the performance of those certificated employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11.</b>		12.00	\$934				
		1.00	\$76				
		3.50	\$280				
		3.00	\$233				
		3.00	\$288				
		1.00	\$78				
		2.00	\$167				
		2.00	\$162				
		3.00	\$258				
		2.50	\$203				
		1.00	\$83				
		2.00	\$166				
		1.00	\$92				
		12.00	\$982				
		5.00	\$453				

(05) Total  Subtotal  Page: 1 of 1 **\$4,455**

(01) Claimant **Fairfield-Suisun USD**

(02) Fiscal Year

2011-2012

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

**A. Certificated Instructional Employees**

**B. Certificated Instructional and Non-Instructional Employees**

1. Evaluate and assess performance

1. Evaluate performance following unsatisfactory evaluation off-cycle years

a. Review employee's instructional techniques and strategies and adherence to curricular objectives

a. Evaluate and assess performance

b. Include in the written evaluation the assessment identified in A.1.a.

b. Reduce the evaluation to writing

2. Evaluate and assess performance as it relates to STAR results

c. Transmit evaluation to employee

a. Review STAR results

d. Attach response to personnel files

b. Include in the written evaluation assessment based on STAR results

e. Discuss evaluation with employee

**C. Training (one-time activity for each employee)**

(04) Description of Expenses

**Object Accounts**

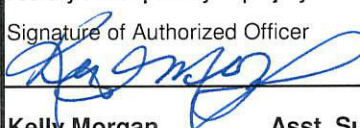
(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
<b>Reviewing the CIE's instructional techniques and strategies and adherence to curricular objectives. All time claimed for this component is limited to evaluating and assessing CIE's that perform the requirements of educational programs mandated by state or federal law. These programs are listed within State Board of Education's content standards (k12) Board of Education's Content Standards and federal mandated programs, and comply with the Elementary and Secondary Education Acts.</b>							
		\$96.11	33.00	\$2,842			
			14.75	\$1,193			
			14.00	\$1,088			
			22.25	\$1,856			
			7.00	\$519			
			29.00	\$2,202			
			6.25	\$486			
			16.00	\$1,302			
			14.50	\$1,185			
			23.00	\$2,044			
			17.50	\$1,338			
			18.00	\$1,401			
			33.00	\$2,703			
			11.00	\$881			
		26.75	\$2,564				
		4.50	\$358				
		14.00	\$1,168				
		18.00	\$1,799				

(05) Total

Subtotal

Page: 1 of 1

**\$26,929**

<b>THE STULL ACT</b> <b>CLAIM FOR PAYMENT</b>		<b>For State Controller Use Only</b> (19) Program Number 00260 (20) Date Filed <b>FEB 18 2014</b> (21) LRS Input	<b>Program</b> <b>260</b>
(01) Claimant Identification Number <b>S48015</b>		<b>Reimbursement Claim Data</b>	
(02) Claimant Name <b>Fairfield-Suisun USD</b>		(22) FORM 1, (03) (a)	
County of Location <b>Solano</b>		(23) FORM 1, (03) (b)	
Street Address of P.O. Box <b>2490 Hilborn Road</b>		Suite	(24) FORM 1, (04) A. 1. a. (f) <b>53,332</b>
City <b>Fairfield</b>	State <b>CA</b>	Zip Code <b>94534</b>	(25) FORM-1, (04) A. 1. b. (f) <b>48,433</b>
	(03)	(09) Reimbursement <input checked="" type="checkbox"/>	(26) FORM 1, (04) A. 2. a. (f) <b>11,718</b>
	(04)	(10) Combined <input type="checkbox"/>	(27) FORM 1, (04) A. 2. b. (f) <b>721</b>
	(05)	(11) Amended <input type="checkbox"/>	(28) FORM 1, (04) B. 1. a. (f) <b>48</b>
(06) Fiscal Year of Cost	(12) <b>2012-2013</b>	(30) FORM 1, (04) B. 1. c. (f)	
(07) Total Claimed Amount	(13) <b>\$121,421</b>	(31) FORM 1, (04) B. 1. d. (f)	
Less: 10% Late Penalty (Refer to attached instructions)		(14)	(32) FORM 1, (04) B. 1. e. (f) <b>144</b>
Less: Prior Claim Payment Received		(15)	(33) FORM 1, (04) C. (f)
Net Claimed Amount		(16) <b>\$121,421</b>	(34) FORM 1, (06) <b>6%</b>
(08) Due from State	(17) <b>\$121,421</b>	(35) FORM 1, (07)	<b>7,024</b>
Due to State	(18)	(36) FORM 1, [(09) + (10)]	
<b>(37) CERTIFICATION OF CLAIM</b>			
<p>In accordance with the provisions of Government Code Sections 17560 and 17561, I certify that I am the officer authorized by the school district or county office of education to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Article 4, Chapter 1 of Division 4 of Title 1 of the Government Code.</p> <p>I further certify that there was no application other than from the claimant, nor any grant(s) or payment(s) received, for reimbursement of costs claimed herein; claimed costs are for a new program or increased level of services of an existing program; and claimed amounts do not include charter school costs, either directly or through a third party. All offsetting revenues and reimbursements set forth in the parameters and guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.</p> <p><b>The amount reimbursement is hereby claimed from the State for payment of actual costs set forth on the attached statements.</b></p> <p><b>I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</b></p>			
Signature of Authorized Officer 		Date Signed <b>2-7-14</b>	
Kelly Morgan Asst. Supt. Business Svcs.		Telephone Number <b>(707) 399-5000</b>	
Type or Print Name and Title of Authorized Signatory		E-mail Address <b>KellyM@fsusd.k12.ca.us</b>	
(38) Name of Agency Contact Person for Claim <b>Jolene Tollenaar</b>		Telephone Number <b>(916) 243-8913</b>	
Name of Consulting Firm / Claim Preparer <b>MGT of America</b>		E-mail Address <b>jtollena@mgtamer.com</b>	
		Telephone Number <b>(916) 243-8913</b>	
		E-mail Address <b>jtollena@mgtamer.com</b>	

<b>Program 260</b>	<b>THE STULL ACT CLAIM SUMMARY</b>					<b>FORM 1</b>
(01) Claimant: Fairfield-Suisun USD		(02)			Fiscal Year 2012-2013	
<b>Claim Statistics</b>						
(03) (a) Number of Certificated Instructional Employees evaluated per (04)(A)						
(b) Number of Certificated Instructional and Non-Instructional Employees evaluated per (04)(B)						
<b>Direct Costs</b>		<b>Object Accounts</b>				
(04) Reimbursable Activities	(a) Salaries and Benefits	(b) Materials and Supplies	(c) Contract Services	(d) Fixed Assets	(e) Travel and Training	(f) Total
<b>A. Certificated Instructional Employees</b>						
1. Evaluate and assess performance						
a. Review employee's instructional techniques and strategies and adherence to curricular objectives	\$53,332					\$53,332
b. Include in the written evaluation the assessment identified in A. 1. a	\$48,433					\$48,433
2. Evaluate and assess performance as it relates to STAR results						
a. Review STAR results	\$11,718					\$11,718
b. Include in the written evaluation assessment based on STAR results						
<b>B. Certificated Instructional and Non-Instructional Employees</b>						
1 Evaluate performance following unsatisfactory evaluation in off-cycle years						
a. Evaluate and assess performance	\$721					\$721
b. Reduce the evaluation to writing	\$48					\$48
c. Transmit evaluation to employee						
d. Attach response to personnel file						
e. Discuss evaluation with employee	\$144					\$144
<b>C. Training (one-time activity for each employee)</b>						
(05) Total Direct Costs	\$114,397					\$114,397
<b>Indirect Costs</b>						
(06) Indirect Cost Rate	[Refer to Claim Summary Instructions]					6.14%
(07) Total Indirect Costs	[Line (05)(f) - line (05)(d) - \$ x line (06)]					\$7,024
(08) Total Direct and indirect Costs	[Line (05)(f) - line (07)]					\$121,421
<b>Cost Reduction</b>						
(09) Less: Offsetting Revenues						
(10) Less: Other Reimbursements						
(11) Total Claimed Amount	[Line (08) - (line (09) + line (10))]					\$121,421

(01) Claimant **Fairfield-Suisun USD**

(02) Fiscal Year **2012-2013**

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

**A. Certificated Instructional Employees**

**B. Certificated Instructional and Non-Instructional Employees**

1. Evaluate and assess performance

1. Evaluate performance following unsatisfactory evaluation off-cycle years

- a. Review employee's instructional techniques and strategies and adherence to curricular objectives
- b. Include in the written evaluation the assessment identified in A.1.a.

- a. Evaluate and assess performance
- b. Reduce the evaluation to writing
- c. Transmit evaluation to employee

2. Evaluate and assess performance as it relates to STAR results

- d. Attach response to personnel files
- e. Discuss evaluation with employee

a. Review STAR results

b. Include in the written evaluation assessment based on STAR results

**C. Training (one-time activity for each employee)**

(04) Description of Expenses

**Object Accounts**

(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
<b>Reviewing the CIE's instructional techniques and strategies and adherence to curricular objectives. All time claimed for this component is limited to evaluating and assessing CIE's that perform the requirements of educational programs mandated by state or federal law. These programs are listed within State Board of Education's content standards (k12) Board of Education's Content Standards and federal mandated programs, and comply with the Elementary and Secondary Education Acts.</b>		30.00	\$1,976				
		8.00	\$503				
		24.00	\$1,452				
		18.00	\$1,089				
		9.00	\$446				
		22.00	\$1,331				
		9.00	\$545				
		40.00	\$2,515				
		6.00	\$385				
		32.50	\$2,293				
		11.50	\$696				
		8.00	\$397				
		15.00	\$981				
		15.00	\$981				
		3.50	\$174				
	40.00	\$3,027					

(05) Total  Subtotal

Page: 1 of 1

**\$18,790**

**Program  
260**

**THE STULL ACT  
ACTIVITY COST DETAIL**

**FORM  
2**

(01) Claimant **Fairfield-Suisun USD**

(02) Fiscal Year

2012-2013

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

**A. Certificated Instructional Employees**

**B. Certificated Instructional and Non-Instructional Employees**

1. Evaluate and assess performance

1. Evaluate performance following unsatisfactory evaluation off-cycle years

- a. Review employee's instructional techniques and strategies and adherence to curricular objectives
- b. Include in the written evaluation the assessment identified in A.1.a.

- a. Evaluate and assess performance
- b. Reduce the evaluation to writing
- c. Transmit evaluation to employee

2. Evaluate and assess performance as it relates to STAR results

d. Attach response to personnel files

a. Review STAR results

e. Discuss evaluation with employee

b. Include in the written evaluation assessment based on STAR results

**C. Training (one-time activity for each employee)**

(04) Description of Expenses

**Object Accounts**

(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
<b>Reviewing the CIE's instructional techniques and strategies and adherence to curricular objectives. All time claimed for this component is limited to evaluating and assessing CIE's that perform the requirements of educational programs mandated by state or federal law. These programs are listed within State Board of Education's content standards (k12) Board of Education's Content Standards and federal mandated programs, and comply with the Elementary and Secondary Education Acts.</b>		0.75	\$50				
			9.00	\$545			
			123.00	\$9,874			
			21.00	\$1,508			
			22.00	\$1,411			
			24.00	\$1,154			
			12.00	\$803			
			17.25	\$1,203			
			40.00	\$2,532			
			28.00	\$1,841			
			24.00	\$1,581			
			25.00	\$1,513			
			28.00	\$1,663			
			20.25	\$1,225			
			17.00	\$1,108			
		34.00	\$2,730				
		35.00	\$2,245				
		28.00	\$1,440				
		3.00	\$118				

(05) Total  Subtotal

Page: 1 of 1

**\$34,542**

(01) Claimant **Fairfield-Suisun USD**

(02) Fiscal Year **2012-2013**

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

**A. Certificated Instructional Employees**

**B. Certificated Instructional and Non-Instructional Employees**

1. Evaluate and assess performance

1. Evaluate performance following unsatisfactory evaluation off-cycle years

- a. Review employee's instructional techniques and strategies and adherence to curricular objectives
- b. Include in the written evaluation the assessment identified in A.1.a.

- a. Evaluate and assess performance
- b. Reduce the evaluation to writing
- c. Transmit evaluation to employee

2. Evaluate and assess performance as it relates to STAR results

d. Attach response to personnel files

- a. Review STAR results
- b. Include in the written evaluation assessment based on STAR results

e. Discuss evaluation with employee

**C. Training (one-time activity for each employee)**

(04) Description of Expenses

**Object Accounts**

(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
<b>Including in the written evaluation the CIE's instructional techniques and strategies and adherence to curricular objectives</b> <b>Note: All time claimed for this component is limited to evaluating and assessing CIE's that perform the requirements of educational programs mandated by state or federal law. These programs are listed within State Board of Education's content standards (k12) Board of Education's Content Standards and federal mandated programs, and comply with the Elementary and Secondary Education Acts.</b>		31.50	\$2,075				
		6.25	\$409				
		20.00	\$1,308				
		6.50	\$322				
		9.00	\$446				
		4.00	\$257				
		8.00	\$397				
		28.25	\$1,993				
		16.00	\$1,006				
		26.00	\$1,573				
		8.00	\$484				
		24.00	\$1,452				
		18.00	\$1,089				
		20.25	\$1,533				
		9.00	\$545				
		4.00	\$251				
	18.00	\$1,185					
	25.83	\$1,801					

(05) Total  Subtotal

**\$18,126**



(01) Claimant **Fairfield-Suisun USD** (02) Fiscal Year **2012-2013**

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

**A. Certificated Instructional Employees**

1. Evaluate and assess performance

- a. Review employee's instructional techniques and strategies and adherence to curricular objectives
- b. Include in the written evaluation the assessment identified in A.1.a.

2. Evaluate and assess performance as it relates to STAR results

- a. Review STAR results
- b. Include in the written evaluation assessment based on STAR results

**C. Training (one-time activity for each employee)**

**B. Certificated Instructional and Non-Instructional Employees**

1. Evaluate performance following unsatisfactory evaluation off-cycle years

- a. Evaluate and assess performance
- b. Reduce the evaluation to writing
- c. Transmit evaluation to employee
- d. Attach response to personnel files
- e. Discuss evaluation with employee

(04) Description of Expenses **Object Accounts**

(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
<b>Including in the written evaluation the CIE's instructional techniques and strategies and adherence to curricular objectives. Note: All time claimed for this component is limited to evaluating and assessing CIE's that perform the requirements of educational programs mandated by state or federal law. These programs are listed within State Board of Education's content standards (k12) Board of Education's Content Standards and federal mandated programs, and comply with the Elementary and Secondary Education Acts.</b>							
		66.92	12.00	\$803			
		80.28	88.00	\$7,065			
		71.83	11.50	\$826			
		64.13	11.00	\$705			
		80.28	33.00	\$2,649			
		64.13	40.00	\$2,565			
		51.43	32.00	\$1,646			
		65.74	43.00	\$2,827			
		48.08	24.00	\$1,154			
		59.39	18.75	\$1,114			
		60.50	23.75	\$1,437			
		60.50	26.00	\$1,573			
		65.20	23.00	\$1,500			
		66.70	1.50	\$100			
		39.33	3.00	\$118			
		63.30	51.00	\$3,228			
	60.50	16.50	\$998				

(05) Total  Subtotal  Page: 1 of 1 **\$30,308**

(01) Claimant **Fairfield-Suisun USD**

(02) Fiscal Year **2012-2013**

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

**A. Certificated Instructional Employees**

**B. Certificated Instructional and Non-Instructional Employees**

1. Evaluate and assess performance

1. Evaluate performance following unsatisfactory evaluation off-cycle years

a. Review employee's instructional techniques and strategies and adherence to curricular objectives

a. Evaluate and assess performance

b. Include in the written evaluation the assessment identified in A.1.a.

b. Reduce the evaluation to writing

2. Evaluate and assess performance as it relates to STAR results

c. Transmit evaluation to employee

a. Review STAR results

d. Attach response to personnel files

b. Include in the written evaluation assessment based on STAR results

e. Discuss evaluation with employee

**C. Training (one-time activity for each employee)**

(04) Description of Expenses

**Object Accounts**

(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
Reviewing the results of the Standardized Testing and Reporting test as it reasonably relates to the performance of those certificated employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11.		2.00	\$131				
		3.00	\$149				
		10.00	\$496				
		10.00	\$605				
		6.00	\$454				
		3.00	\$182				
		2.00	\$121				
		4.00	\$251				
		3.00	\$198				
		25.00	\$1,572				
		1.00	\$48				
		20.00	\$1,606				
		6.00	\$236				
		10.00	\$416				
		21.00	\$1,329				
		1.50	\$91				
		5.00	\$327				
		13.00	\$917				
		0.50	\$32				
		5.00	\$303				
	5.00	\$349					
	23.00	\$1,512					
	6.00	\$395					

(05) Total  Subtotal

Page: 1 of 1

**\$11,718**

(01) Claimant **Fairfield-Suisun USD**

(02) Fiscal Year **2012-2013**

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

**A. Certificated Instructional Employees**

**B. Certificated Instructional and Non-Instructional Employees**

1. Evaluate and assess performance

1. Evaluate performance following unsatisfactory evaluation off-cycle years

a. Review employee's instructional techniques and strategies and adherence to curricular objectives

a. Evaluate and assess performance

b. Include in the written evaluation the assessment identified in A.1.a.

b. Reduce the evaluation to writing

2. Evaluate and assess performance as it relates to STAR results

c. Transmit evaluation to employee

a. Review STAR results

d. Attach response to personnel files

b. Include in the written evaluation assessment based on STAR results

e. Discuss evaluation with employee

**C. Training (one-time activity for each employee)**

(04) Description of Expenses

**Object Accounts**

(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
<b>Evaluating and assessing the certificated employee performances as it reasonably relates to the following criteria: (1) the progress of pupils toward the standards established by the school district of expected pupil achievement at each grade level in each area of study, and if applicable, the state adopted 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; and, if applicable, (5) the fulfillment of other job responsibilities established by the school district for certificated non-</b>		15	721.2				

(05) Total  Subtotal

Page: 1 of 1

**\$721**

**Program  
260**

**THE STULL ACT  
ACTIVITY COST DETAIL**

**FORM  
2**

(01) Claimant **Fairfield-Suisun USD**

(02) Fiscal Year **2012-2013**

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

**A. Certificated Instructional Employees**

**B. Certificated Instructional and Non-Instructional Employees**

- 1. Evaluate and assess performance
  - a. Review employee's instructional techniques and strategies and adherence to curricular objectives
  - b. Include in the written evaluation the assessment identified in A.1.a.
- 2. Evaluate and assess performance as it relates to STAR results
  - a. Review STAR results
  - b. Include in the written evaluation assessment based on STAR results
- C. Training (one-time activity for each employee)**

- 1. Evaluate performance following unsatisfactory evaluation off-cycle years
  - a. Evaluate and assess performance
  - b. Reduce the evaluation to writing
  - c. Transmit evaluation to employee
  - d. Attach response to personnel files
  - e. Discuss evaluation with employee

(04) Description of Expenses			Object Accounts				
(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
<p><b>Reducing the evaluation and assessment to writing. The evaluation shall include recommendations, if necessary, as to areas of improvement in the performance of the employee. If the employee is not performing his or her duties in a satisfactory manner according to the standards prescribed by the governing board, the district shall notify the employee in writing of that fact and describe the unsatisfactory performance.</b></p>		1	\$48				
<p>(05) Total <input checked="" type="checkbox"/> Subtotal <input type="checkbox"/></p>							
<p>Page: <u>1</u> of <u>1</u></p>			\$48				

(01) Claimant **Fairfield-Suisun USD**

(02) Fiscal Year **2012-2013**

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

**A. Certificated Instructional Employees**

1. Evaluate and assess performance

- a. Review employee's instructional techniques and strategies and adherence to curricular objectives
- b. Include in the written evaluation the assessment identified in A.1.a.

2. Evaluate and assess performance as it relates to STAR results

- a. Review STAR results
- b. Include in the written evaluation assessment based on STAR results

**C. Training (one-time activity for each employee)**

**B. Certificated Instructional and Non-Instructional Employees**

1. Evaluate performance following unsatisfactory evaluation off-cycle years

- a. Evaluate and assess performance
- b. Reduce the evaluation to writing
- c. Transmit evaluation to employee
- d. Attach response to personnel files
- e. Discuss evaluation with employee

(04) Description of Expenses

**Object Accounts**

(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
<b>Conduct a meeting with the certificated employee to discuss the evaluation.</b>		3	\$144				
<b>(05) Total</b>	<input checked="" type="checkbox"/>	<b>Subtotal</b>		<b>\$144</b>			

## 12. CLAIM CERTIFICATION

*Read, sign, and date this section and insert at the end of the incorrect reduction claim submission.\**

This claim alleges an incorrect reduction of a reimbursement claim filed with the State Controller's Office pursuant to Government Code section 17561. This incorrect reduction claim is filed pursuant to Government Code section 17551, subdivision (d). I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this incorrect reduction claim submission is true and complete to the best of my own knowledge or information or belief.

Kris Corey  
\_\_\_\_\_  
Print or Type Name of Authorized Local Agency  
or School District Official

  
\_\_\_\_\_  
Signature of Authorized Local Agency or  
School District Official

Superintendent  
\_\_\_\_\_  
Print or Type Title

January 27, 2020  
\_\_\_\_\_  
Date

*\* If the declarant for this Claim Certification is different from the Claimant contact identified in section 2 of the incorrect reduction claim form, please provide the declarant's address, telephone number, fax number, and e-mail address below.*

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On March 10, 2020, I served the:

- **Notice of Complete Incorrect Reduction Claim, Schedule for Comments, and Notice of Tentative Hearing Date issued March 10, 2020**
- **Incorrect Reduction Claim filed by the Fairfield-Suisun Unified School District on March 2, 2020**

*The Stull Act*, 19-9825-I-03

Education Code Sections 44660-44665;

Statutes 1983, Chapter 498; Statutes 1999, Chapter 4

Fiscal Years: 2005-2006, 2006-2007, 2007-2008, 2010-2011, 2011-2012, 2012-2013

Fairfield-Suisun Unified School District, Claimant

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on March 10, 2020 at Sacramento, California.



Jill L. Magee

Commission on State Mandates

980 Ninth Street, Suite 300

Sacramento, CA 95814

(916) 323-3562

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 3/9/20

**Claim Number:** 19-9825-I-03

**Matter:** The Stull Act

**Claimant:** Fairfield-Suisun Unified School District

### TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

**Socorro Aquino**, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-7522

SAquino@sco.ca.gov

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Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740, Sacramento, CA 95816

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**Claimant Contact**

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donna.ferebee@dof.ca.gov

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Chris.Ferguson@dof.ca.gov

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briannag@sscal.com

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Phone: (916) 455-3939  
andy@nichols-consulting.com

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**Sandra Reynolds**, President, *Reynolds Consulting Group, Inc.*  
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**Dennis Speciale**, *State Controller's Office*  
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DSpeciale@sco.ca.gov

**Jolene Tollenaar**, *MGT of America*  
**Claimant Representative**  
2251 Harvard Street, Suite 134, Sacramento, CA 95815  
Phone: (916) 243-8913  
jolenetollenaar@gmail.com

**Michelle Valdivia**, *Department of Finance*  
Education Systems Unit, 915 L Street, Sacramento, CA 95814  
Phone: (916) 445-0328  
Michelle.valdivia@dof.ca.gov



## Exhibit B

**BETTY T. YEE**  
California State Controller



LATE FILING

July 10, 2020

Heather Halsey, Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

Re: Incorrect Reduction Claim  
The Stull Act, 19-9825-I-03  
Education Code Sections 44660-44665;  
Statutes of 1983, Chapter 498; Statutes of 1999, Chapter 4  
Fiscal Years: 2005-2006, 2006-2007, 2007-2008, 2010-2011, 2011-2012, 2012-2013  
Fairfield-Suisun Unified School District, Claimant

Dear Ms. Halsey:

The State Controller's Office is transmitting our response to the above-named Incorrect Reduction Claim.

If you have any questions, please contact me by telephone at (916) 327-3138.

Sincerely,

LISA KUROKAWA, Chief  
Compliance Audits Bureau  
Division of Audits

LK/as

20341

**RESPONSE BY THE STATE CONTROLLER’S OFFICE  
TO THE INCORRECT REDUCTION CLAIM BY  
FAIRFIELD-SUISUN UNIFIED SCHOOL DISTRICT**

**The Stull Act Program**

**Table of Contents**

<b><u>Description</u></b>	<b><u>Page</u></b>
<b>State Controller’s Office Response to District Comments</b>	
Declaration.....	Tab 1
State Controller’s Office Analysis and Response .....	Tab 2
Email Correspondence between Fairfield-Suisun Unified School District and State Controller’s Office auditors .....	Tab 3
Commission on State Mandates’ Statement of Decision, The Stull Act Program (Carlsbad Unified School District), July 30, 2018 .....	Tab 4
Commission on State Mandates’ Statement of Decision, The Stull Act Program (Oceanside Unified School District), September 28, 2016.....	Tab 5

Note: References to Exhibits relate to the district’s Incorrect Reduction Claim filed on March 2, 2020, as follows:

- Exhibit A – Final Evaluation Write-Up Time Tracking Results – PDF pages 5-36
- Exhibit B – Sample Evaluation Write-Ups – PDF pages 38-108
- Exhibit C – Collective Bargaining Agreements – PDF pages 110-240
- Exhibit D – Declarations – PDF pages 241-242
- Exhibit E – Claiming Instructions – PDF pages 244-247
- Exhibit E – Commission on State Mandates’ Adopted Parameters and Guidelines, The Stull Act (September 27, 2005) – PDF pages 248-255
- Exhibit E – Claim for Payment (Template), The Stull Act – PDF pages 256-261
- Exhibit F – Fairfield-Suisun Unified School District Final Audit Report, The Stull Act Program, Dated June 22, 2018 – PDF pages 263-284
- Exhibit G – Reimbursement Claims for the Audit Period – PDF pages 286-332
- Claim Certification, Declaration of Service by Email, and Mailing List – PDF pages 333-337

## **Tab 1**

1 **OFFICE OF THE STATE CONTROLLER**

3301 C Street, Suite 725

2 Sacramento, CA 94816

3 Telephone No.: (916) 323-5849

4 BEFORE THE  
5 COMMISSION ON STATE MANDATES  
6 STATE OF CALIFORNIA  
7

8  
9  
10 INCORRECT REDUCTION CLAIM (IRC)  
ON:

No.: IRC 19-9825-I-03

11 The Stull Act Program

AFFIDAVIT OF BUREAU CHIEF

12 Education Code Sections 44660-44665;  
13 Statutes of 1983, Chapter 498;  
14 Statutes of 1999, Chapter 4

15 FAIRFIELD-SUISUN UNIFIED SCHOOL  
16 DISTRICT, Claimant  
17

18 I, Lisa Kurokawa, make the following declarations:

- 19 1) I am an employee of the State Controller’s Office and am over the age of 18 years.
- 20 2) I am currently employed as a bureau chief, and have been so since February 15, 2018.  
21 Before that, I was employed as an audit manager for six years.
- 22 3) I reviewed the work performed by the State Controller’s Office auditor.
- 23 4) Any attached copies of records are true copies of records, as provided by the Fairfield-  
24 Suisun Unified School District or retained at our place of business.


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- 5) The records include claims for reimbursement, along with any attached supporting documentation, explanatory letters, and other documents relating to the above-entitled Incorrect Reduction Claim.
- 6) An audit of the claims for fiscal year (FY) 2005-2006, FY 2006-2007, FY 2007-2008, FY 2010-2011, FY 2011-2012 and FY 2012-2013 started on August 31, 2016 (initial contact email with the district) and ended on June 22, 2018 (issuance of the final audit report).

I do declare that the above declarations are made under penalty of perjury and are true and correct to the best of my knowledge, and that such knowledge is based on personal observation, information, or belief.

Date: July 10, 2020

OFFICE OF THE STATE CONTROLLER

By:   
Lisa Kurokawa, Chief  
Compliance Audits Bureau  
Division of Audits  
State Controller's Office

## **Tab 2**



**STATE CONTROLLER’S OFFICE ANALYSIS AND RESPONSE  
TO THE INCORRECT REDUCTION CLAIM BY  
FAIRFIELD-SUISUN UNIFIED SCHOOL DISTRICT**

**For Fiscal Year (FY) 2005-06, FY 2006-07, FY 2007-08, FY 2010-11, FY 2011-12, and  
FY 2012-13**

**Education Code Sections 44660-44665;  
Statutes of 1983, Chapter 498; Statutes of 1999, Chapter 4**

**SUMMARY**

The following is the State Controller’s Office’s (SCO) response to the Incorrect Reduction Claim (IRC) that the Fairfield-Suisun Unified School District (District) submitted on March 2, 2020. The SCO performed an audit of the District’s claims for costs of the legislatively mandated Stull Act Program for the period of July 1, 2005, through June 30, 2008; and July 1, 2010, through June 30, 2013. The SCO issued its audit report on June 22, 2018 (**Exhibit F – pages 263-284**).

The District submitted claims totaling \$624,988—\$54,361 for fiscal year (FY) 2005-06; \$111,932 for FY 2006-07; \$120,519 for FY 2007-08; \$93,013 for FY 2010-11; \$123,742 for FY 2011-12; and \$121,421 for FY 2012-13 (**Exhibit G – pages 286-332**). Subsequently, the SCO performed an audit of these claims and determined that \$197,670 is allowable and \$427,318 is unallowable because the District claimed reimbursement for unsupported costs. The State paid the District \$345,551.

The following table summarizes the audit results:

Cost Elements	Actual Costs Claimed	Allowable per Audit	Audit Adjustment
<u>July 1, 2005, through June 30, 2006</u>			
Direct costs:			
Salaries and benefits			
Evaluation activities	\$ 51,106	\$ 36,730	\$ (14,376)
Total direct costs	51,106	36,730	(14,376)
Indirect costs	3,255	2,340	(915)
Total program costs	<u>\$ 54,361</u>	39,070	<u>\$ (15,291)</u>
Less amount paid by the State <sup>1</sup>		<u>(54,361)</u>	
Amount paid in excess of allowable costs claimed		<u>\$ (15,291)</u>	

Cost Elements	Actual Costs Claimed	Allowable per Audit	Audit Adjustment
<u>July 1, 2006, through June 30, 2007</u>			
Direct costs:			
Salaries and benefits			
Evaluation activities	\$ 104,845	\$ 44,623	\$ (60,222)
Total direct costs	104,845	44,623	(60,222)
Indirect costs	7,087	3,017	(4,070)
Total program costs	<u>\$ 111,932</u>	47,640	<u>\$ (64,292)</u>
Less amount paid by the State <sup>1</sup>		<u>(111,932)</u>	
Amount paid in excess of allowable costs claimed		<u>\$ (64,292)</u>	
<u>July 1, 2007, through June 30, 2008</u>			
Direct costs:			
Salaries and benefits			
Evaluation activities	\$ 114,106	\$ 20,387	\$ (93,719)
Total direct costs	114,106	20,387	(93,719)
Indirect costs	6,413	1,146	(5,267)
Total program costs	<u>\$ 120,519</u>	21,533	<u>\$ (98,986)</u>
Less amount paid by the State <sup>1</sup>		<u>(120,519)</u>	
Amount paid in excess of allowable costs claimed		<u>\$ (98,986)</u>	
<u>July 1, 2010, through June 30, 2011</u>			
Direct costs:			
Salaries and benefits			
Evaluation activities	\$ 87,906	\$ 29,003	\$ (58,903)
Total direct costs	87,906	29,003	(58,903)
Indirect costs	5,107	1,685	(3,422)
Total program costs	<u>\$ 93,013</u>	30,688	<u>\$ (62,325)</u>
Less amount paid by the State <sup>1</sup>		<u>-</u>	
Amount paid in excess of allowable costs claimed		<u>\$ 30,688</u>	

Cost Elements	Actual Costs Claimed	Allowable per Audit	Audit Adjustment
<u>July 1, 2011, through June 30, 2012</u>			
Direct costs:			
Salaries and benefits			
Evaluation activities	\$ 115,983	\$ 28,843	\$ (87,140)
Total direct costs	115,983	28,843	(87,140)
Indirect costs	7,759	1,930	(5,829)
Total program costs	<u>\$ 123,742</u>	30,773	<u>\$ (92,969)</u>
Less amount paid by the State <sup>1</sup>		<u>(30,773)</u>	
Amount paid in excess of allowable costs claimed		<u>\$ -</u>	
<u>July 1, 2012, through June 30, 2013</u>			
Direct costs:			
Salaries and benefits			
Evaluation activities	\$ 114,397	\$ 26,348	\$ (88,049)
Total direct costs	114,397	26,348	(88,049)
Indirect costs	7,024	1,618	(5,406)
Total program costs	<u>\$ 121,421</u>	27,966	<u>\$ (93,455)</u>
Less amount paid by the State <sup>1</sup>		<u>(27,966)</u>	
Amount paid in excess of allowable costs claimed		<u>\$ -</u>	
<u>Summary: July 1, 2005, through June 30, 2008; and July 1, 2010, through June 30, 2013</u>			
Direct costs:			
Salaries and benefits			
Evaluation activities	\$ 588,343	\$ 185,934	\$ (402,409)
Total direct costs	588,343	185,934	(402,409)
Indirect costs	36,645	11,736	(24,909)
Total program costs	<u>\$ 624,988</u>	197,670	<u>\$ (427,318)</u>
Less amount paid by the State <sup>1</sup>		<u>(345,551)</u>	
Amount paid in excess of allowable costs claimed		<u>\$ (147,881)</u>	

<sup>1</sup> Payment information current as of June 16, 2020.

## I. STULL ACT PROGRAM CRITERIA

### Parameters and Guidelines

On September 27, 2005, the Commission on State Mandates (Commission) adopted parameters and guidelines for Education Code Sections 44660-44665; Statutes of 1983, Chapter 498; and Statutes of 1999, Chapter 4 (**Exhibit E – pages 248-255**). These parameters and guidelines are applicable to the District’s FY 2005-2006, FY 2006-2007, FY 2007-2008, FY 2010-2011, FY 2011-2012 and FY 2012-2013 claims.

The program’s parameters and guidelines establish the state mandate and define the reimbursement criteria. In compliance with Government Code section 17558, the SCO issues claiming instructions to assist local school districts in claiming mandated program reimbursable costs.

### SCO Claiming Instructions

The SCO annually issues mandated cost-claiming instructions, which contain filing instructions for mandated cost programs. For the Stull Act Program, the SCO issued claiming instructions on December 12, 2005 (**Exhibit E – pages 244-247**). For the years represented by this IRC, the claiming instructions for this program did not change.

## II. OVERSTATED SALARIES AND BENEFITS AND RELATED INDIRECT COSTS

### Issue

The SCO determined that \$402,409 in salaries and benefits is unallowable (**Exhibit F – pages 263-284**). The costs are unallowable primarily because the District claimed reimbursement for costs not supported by source documentation. The District overstated salaries and benefits because the District did not provide contemporaneous time documentation to support the reimbursable evaluation activities. In an IRC filed on March 2, 2020, the District states its belief that it properly supported the claimed employee hours.

### **State Controller’s Office Analysis:**

The SCO found that \$402,409 in salaries and benefits claimed by the District was not supported by source documentation. The District believes that this adjustment is erroneous. The District did not provide contemporaneous time documentation to support reimbursable evaluation activities. In lieu of contemporaneous time documentation, the district provided collective bargaining agreements for the audit period. These bargaining agreements require that at least two formal observations be held during an employee’s evaluation year, and that those formal observations each be at least 30 minutes in length. Therefore, each evaluation would be based on a minimum of 60 minutes of observational time for the evaluation period. The District’s collective bargaining agreement does not indicate a time increment associated with writing the final evaluation. The District believes that it should be reimbursed for time spent writing the final evaluation, as determined by the District’s time survey performed in Spring 2017.

## District's Response

### **FAIRFIELD-SUISUN UNIFIED SCHOOL DISTRICT'S PROGRAM COST CLAIM; SECTIONS 7 AND 8**

#### **7. WRITTEN DETAILED NARRATIVE**

The Fairfield-Suisun Unified School District is filing this incorrect reduction claim to officially contest finding #1 of the STULL Audit conducted by the State Controller's Office during 2017 and 2018.

The District is formally contesting the following:

Excerpt of the State Controller's final statement from Final Audit Report dated June 2018 page 13:

We used the district's own collective bargaining agreement (CBA) to ascertain a time increment associated with the evaluation process. The district is required to spend at least 60 minutes providing observational activities for each evaluation, and that time increment was the basis for determining allowable costs for the audit period.

The District would like to draw attention to the fact that both the observations and the final evaluation write-up are required by the CBAs and are reimbursable mandated costs. For the State Controller's Office (SCO) to allow time for one activity and not the other means one bullet within the Collective Bargaining Agreements has more relevance than the other, which is arbitrary and inconsistent.

Specifically, the SCO is asserting that one sentence requiring an activity by the administrators supports reimbursement from the State while another sentence also requiring an activity by the administrators does not support reimbursement. Exhibit D of this filing shows that in the 2005-2007 CBA Article 10, Section 3, paragraphs d & g, in the 2008-2010 CBA Article 10, Section 3, paragraphs d & g, and in the 2012-2014 CBA Article 10, Section 3, paragraphs d & g are in exactly the same section of the agreements and both contain required administrative activities. Thus, the SCO's reasoning for disallowing all costs related to the final [write-ups] is flawed. If the district's CBA for each year is the basis for the allowance of a mandated activity, specifically observations by administrators, then the SCO should be allowing at least some time for the final write-up by administrators, as the two activities are required [for] the same employees within the same section of all the CBAs listed above.

In addition, because the District was confident [that] the SCO would allow time for the final write-ups it took the initiative in the Spring of 2017 [to] ask all site administrators to [track] their time writing the mandated final evaluations. The Districts did this to determine the actual average amount of time spent on the final write-up, and to expedite the SCO's audit process. Twenty-one school sites participated in the data collection. 188 individual records of time spent on final evaluation write-ups were obtained from the site administrators during that time. The District was able to determine [that] the average amount of time spent by administrators completing each final write up was 1.55 hours – See Exhibit A.

Unfortunately, the data obtained by the District regarding the actual time spent by administrators on the final write-up was completely rejected by the State Controller's Office because three of the administrators admitted [that] the time they reported was not tracked to the minute, but instead was estimated to the nearest reasonable time increment.

## 7. WRITTEN DETAILED NARRATIVE – CONTINUED

The District respectfully requests [that] the data from these three administrators...who estimated their time be excluded from the average time calculation but that all the time tracking done in the Spring of 2017 not be annulled only because three administrators may not have had a stopwatch handy to record the exact time spent when preparing their final write-ups.

The District is only requesting that 1.55 hours be reimbursed for each documented final write-up when, in reality, this is substantially less [time] than it actually took the administrators during the early years of the audit. [This is because] during the early years of the audit period the District was still using paper forms for final write-ups, which took much longer to complete than the electronic forms used during the time tracking period discussed above – See Exhibit B.

In conclusion, by [its own] admission on page 2 of the Final Audit Report, the State Controller's office even states [that it]:

Requested and reviewed lists of employees evaluated for the entire audit period. Using a random number generator, we randomly selected a non-statistical sample and tested 655 evaluations (out of 2,613) for the audit period. During testing, we identified 39 errors in the sample that were not projected to the population.

Having reviewed 655 final write-ups it is completely unreasonable for the SCO to not allow any time at all for the activity. The District pulled thousands of evaluations from its archives for this audit, spending hundreds of staff hours to support costs claimed. It was more than clear to the State Controller's auditors when they were on-site that each evaluation in the District's records had a WRITTEN FINAL EVALUATION included in the records. For the State Controller's Office to conclude [that no] time is allowable for an activity that is clearly documented by the actual paper records is illogical and capricious.

The District respectfully requests [that] the Commission on State Mandates require the SCO [to] revisit Finding #1 from [its] STULL audit and allow some reasonable amount of time for each final write-up.

### SCO Comment

#### **Background**

Timeline relevant to the IRC:

- **August 31, 2016:** The initial contact date for the audit engagement. We submitted a records request by email, and asked for “Employee time sheets or time logs to support claimed hours.” (Tab 3 – page 1-2)
- **September 20, 2016:** Entrance conference held for the audit engagement.
- **October 12, 2016:** The District responded to our request for supporting time documentation via email, stating: “The District is currently compiling all support documents which are available and will let the SCO know the results of their findings A.S.A.P.” (Tab 3 – page 3) In a separate email, the District also provided excerpts of the Fairfield-Suisun Unified Teachers Association contracts related to teacher evaluations for the audit period (Exhibit C – pages 110-240).

- **October 27, 2016:** When asked again if the district had time records for the audit period, the District responded: “Not at this time, we are still hoping to find the records but thus far it appears the District does not have time records [for] evaluators.” (Tab 3 – page 5-6) In the same email, the District requested to “negotiate a way of determining how much time” it takes to perform the written evaluation at the end of the year.
- **September 26, 2017:** The District provided an Excel document from a time sample compiled “last spring by the District’s Assistant Supt of Human Resources (HR) and all the site administrators. In it, the site administrators were asked to ‘track only the time it took them to write up the final evaluations for certificated [employees].’” (Tab 3 – page 7)
- **September 27, 2017:** The SCO auditor interviewed the first site administrator regarding the time sample for writing final evaluations (Tab 3 – page 8).
- **December 21, 2017:** The SCO auditor interviewed the second site administrator regarding the time sample for writing final evaluations (Tab 3 – page 9).
- **January 9, 2018:** The SCO auditor interviewed the third site administrator regarding the time sample for writing final evaluations (Tab 3 – page 10). We also received the original email sent to school administrators requesting that they fill in a Google Docs spreadsheet (Tab 3 – page 11-12).
- **January 31, 2018:** SCO auditors provided the District with the preliminary Finding and supporting schedules (in preparation for the exit conference) (Tab 3 – page 13).
- **March 6, 2018:** The District provided a letter response (dated March 2, 2018) to the Finding indicating that it did not want to conduct an exit conference (Tab 3 – page 14-15).
- **April 19, 2018** – The District provided an official response to the draft audit report (issued on April 13, 2018) (Tab 3 – page 16-18).
- **June 22, 2018:** SCO issued the final audit report for this engagement (Exhibit F – pages 263-284).
- **March 2, 2020:** The District filed an IRC for this engagement.

In its IRC, the District contends that the SCO’s reasoning for disallowing all costs related to the final write-up is flawed. We disagree.

The parameters and guidelines state:

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred

for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Additionally, it is the claimant's "burden to show that its claimed costs are eligible for reimbursement pursuant to the Test Claim Decision and Parameters and Guidelines." (**Tab 4 – page 21**)

### **Discussion of Incorrect Reduction Claim appeal**

For this engagement, the District provided contemporaneous records to support the number of evaluations conducted during the audit period, but did not provide contemporaneous records to support the time associated with performing the reimbursable activities.

In its IRC response, the District states:

The District would like to draw attention to the fact that both the observations and the final evaluation write-up are required by the CBAs and are reimbursable mandated costs. For the State Controller's Office (SCO) to allow time for one activity and not the other means one bullet within the Collective Bargaining Agreements has more relevance than the other, which is arbitrary and inconsistent.

Specifically, the SCO is asserting that one sentence requiring an activity by the administrators supports reimbursement from the State while another sentence also requiring an activity by the administrators, does not support reimbursement.

The SCO makes no assessment to the relevancy of one activity versus another in the collective bargaining agreements. Our role is to determine whether the claims submitted by the District contain actual costs traceable to and supported by contemporaneous source documentation.

In the Commission's decision for Oceanside Unified School District's IRC related to The Stull Act, the Commission notes the following (**Tab 5 – page 20-21**):

The Controller's reduction of costs to \$0, when the Controller concluded that 1,149 of the evaluations were performed by the claimant and fall within the scope of the mandate, and agrees that the claimant "(1) performed the required evaluations as contained in its Collective Bargaining Agreements, (2) confirmed that the activities were performed, and (3) provided the SCO auditors with the district's procedure and forms," is arbitrary and capricious and without evidentiary support. Thus, the claimant is entitled to some reimbursement for the time taken to perform the 1,149 evaluations under the mandate. The time taken by the each employee to perform the mandate, however, is disputed by the parties.

We have a strikingly similar situation with this IRC. We agree that the District performed 2,574 reimbursable evaluations during the audit period (**Exhibit F – page 274**). For the SCO to reduce the allowable costs to \$0 for this audit would have been "arbitrary and capricious" (per the Commission's prior decision); therefore, we used District's own collective bargaining agreements (in place of contemporaneous time records for each claimed individual) to account for the time associated with observational activities.



Regarding the evaluation process, the Fairfield-Suisun Unified School District 2008-2010 contract states (**Exhibit C – page 136**):

At least two (2) formal observations, one scheduled, and the other may be scheduled or unscheduled, will be held during a unit member’s evaluation year to observe unit members...These formal observations will be at least thirty (30) minutes in length.

No time component is associated with writing the final evaluation in the collective bargaining agreements for the audit period.

On April 28, 2017, HR sent an email to all principals and assistant principals asking for them to document “the total amount of time that was spent on actually writing the F-3 Summary Evaluation document.” The information was due to HR on May 5, 2017 (**Tab 3 – page 11-12**).

On September 27, 2017, the district provided an email to the SCO auditors (with an attached spreadsheet) (**Exhibit A – pages 12-36**) documenting the time that it took various administrators to complete the “final F-3 evaluation” during the spring of 2017.

We had many concerns while reviewing the spreadsheet (253 total line items):

- Of the 44 total evaluators on the spreadsheet, six did not list any time for completing the final F-3 evaluation.
- Listed time varied wildly between employees of the same classification:
  - Permanent – Between 0 and 120 minutes
  - Probationary 0 – Between 0 and 300 minutes
  - Probationary 1 – Between 0 and 300 minutes
  - Probationary 2 – Between 0 and 300 minutes
- The original email from the district originated on April 28, 2017, but the e-signature dates listed for each evaluation covered a six month time span:
  - November, 2016 – 1 signature
  - December, 2016 – 1 signature
  - January, 2017 – 30 signatures
  - February, 2017 – 142 signatures
  - March, 2017 – 43 signatures
  - April, 2017 – 36 signatures

Approximately 86% of the time increments listed fell outside of the month of April, which is cause for concern regarding the accuracy of the data provided.

- The entries were not signed by each evaluator confirming their listed time increment for each evaluated employee.

After reviewing the spreadsheet, we selected three individuals to interview. These three evaluators totaled 36 of the 253 line items, or approximately 14% of the entire population. We selected these three employees for the following reasons:

- First employee (Elementary): Listed an identical time increment for each evaluation, and conducted those evaluations in January and February.
- Second employee (High School): Listed an identical time increment for each evaluation, and conducted those evaluations between February and April.
- Third employee (Elementary): Listed the overall highest time increments of all evaluators, and conducted those evaluations in January and February.

We interviewed the three employees, and they stated that the time entered on the spreadsheet was not the actual time taken to complete the write up activity; rather, the time listed was an “approximate” or a “best guess.” (**Tab 3 – page 8-10**) There is no “approximate” or “best guess” standard present in the Parameters and Guidelines for reporting claimed hours.

The District states:

Unfortunately, the data obtained by the District regarding the actual time spent by administrators on the final write-up was completely rejected by the State Controller’s Office because three of the administrators admitted [that] the time they reported was not tracked to the minute, but instead was estimated to the nearest reasonable time increment.

The site administrators did not say that the costs were “estimated to the nearest reasonable time increment.” In fact, one administrator said that some principals/vice principals may have misunderstood exactly what was to be recorded on the spreadsheet, as some of the larger time increments may have included activities beyond the write-up (**Tab 3 – page 8-10**). We also raised additional questions about the time tracking spreadsheet, including the lack of a signed declaration for each administrator, how the spreadsheet was created, who had access to the spreadsheet, and what controls were placed over the data to ensure accurate reporting (**Tab 3 – page 9**). We did not receive responses to those questions.

The District is asking the Commission to exclude the three site administrators interviewed during the course of the audit from the average time calculation (which the District has determined to be 1.55 hours). The District is also asking the Commission to require that the SCO revisit Finding 1 of the June 22, 2018 audit report and “allow some reasonable amount of time for each final write-up.”

We disagree. The District contradicts itself by first requesting 1.55 hours of reimbursement for each documented final write-up, then asking that “some reasonable amount of time” be allowed for the same activity. Furthermore, by commenting that the three administrators “may not have had a stopwatch handy” to record the exact time spent writing final evaluations, the District admits that the time logs presented to SCO were not actual contemporaneous documents.

### III. CONCLUSION

The SCO performed an audit of the Fairfield-Suisun Unified School District’s claims for costs of the legislatively mandated Stull Act Program (Education Code Sections 44660-44665; Statutes of 1983, Chapter 498; Statutes of 1999, Chapter 4) for the period of July 1, 2005,

through June 30, 2008; and July 1, 2010, through June 30, 2013. The district claimed \$624,988 for the mandated program. Our audit found that \$197,670 is allowable and \$427,318 is unallowable. The costs are unallowable primarily because the district claimed reimbursement for unsupported costs.

The Commission should find that: (1) the SCO correctly reduced the District's FY 2005-06 claim by \$15,291; (2) the SCO correctly reduced the District's FY 2006-07 claim by \$64,292; (3) the SCO correctly reduced the District's FY 2007-08 claim by \$98,986; (4) the SCO correctly reduced the District's FY 2010-11 claim by \$62,325; (5) the SCO correctly reduced the District's FY 2011-12 claim by \$92,969; and (6) the SCO correctly reduced the District's FY 2012-13 claim by \$93,455.

#### **IV. CERTIFICATION**

I hereby certify by my signature below that the statements made in this document are true and correct of my own knowledge, or, as to all other matters, I believe them to be true and correct based upon information and belief.

Executed on July 10, 2020, at Sacramento, California, by:



---

Lisa Kurokawa, Chief  
Compliance Audits Bureau  
Division of Audits  
State Controller's Office

## **Tab 3**

# Stull Act Audit- Initial Contact and Records Request List

Tuesday, September 13, 2016 3:58 PM

Subject	<b>Stull Act Audit- Initial Contact and Records Request List</b>
From	SCO Auditor-in-charge (AIC)
To	Asst. Sup, Business Services (ASST., B.S.)
Cc	SCO Audit Manager (Mgr.)
Sent	Wednesday, August 31, 2016 3:46 PM

Hi

Thank you for speaking with me this afternoon regarding the Stull Act Program audit that we have initiated for claims filed (FY 2005-06 through FY 2007-08, and FY 2010-11 through FY 2012-13) to the State.

Once we schedule a date and time for the entrance conference, we will send the district an official audit notification letter which includes a records request list.

We will provide the records request list in advance. Please see below:

1. Board-approved policy on evaluation of certificated instructional and certificated non-instructional employees
2. Collective bargaining agreement sections (in effect for the audit period) pertaining to evaluation of certificated instructional and certificated non-instructional employees
3. District procedures and forms that implement the Stull Act program
4. List of certificated instructional and certificated non-instructional employees evaluated for the audit period, including the following:
  - a. Dates of completed evaluations
  - b. Evaluatee name and unique identification number
  - c. Evaluatee tenure dates and employment status (substitute, temporary, probationary, or permanent)
  - d. Education program assignment (math, science, English, special education, etc.)
  - e. School site assignment
  - f. Evaluation rating (satisfactory or unsatisfactory)
  - g. Evaluator name and title
  - h. Fiscal year of evaluation
5. List of evaluators (names and titles) performing mandated activities per the program's parameters and guidelines, sections IV.A and IV.B for the audit period
6. Employee time sheets or time logs to support claimed hours
7. Evidence of performance of the Stull Act mandated activities (samples of completed evaluations)
8. Documents that support the hourly rates used, including support for benefit rates and productive annual hours, for all claimed employees

G.2.PRG

Please note, item number 4 and 6 are the most important pieces of information that we need at this point.

Please feel free to contact us if you have any question.

Thank you,

AIC

Auditor  
State Controller's Office  
Division of Audits / Mandated Cost Bureau

Mgr.

Audit Manager  
State Controller's Office  
Division of Audits / Mandated Cost Audits Bureau

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# Re: Stull Act Audit- Internal Control Questions

Friday, January 13, 2017 8:39 AM

Subject	Re: Stull Act Audit- Internal Control Questions
From	ASSY. Sup, B.S.
To	AIC
Sent	Wednesday, October 12, 2016 5:33 PM

AIC  
Hello

This email is the **first of three today** from Fairfield Suisun Unified School District in regards to your letter requesting information for the Stull Act audit. Below is the list your office requested at the audit entrance conference along with the Districts comments in red below.

1. Board-approved policy on evaluation of certificated instructional and certificated non-instructional employees – The District is currently working on this and will send it as soon as it is available.
2. Collective bargaining agreement sections (in effect for the audit period) pertaining to evaluation of certificated instructional and certificated non-instructional employees. Will send today in a separate email.
3. District procedures and forms that implement the Stull Act program. These are part of the documents requested in #2 above and will be sent today in a separate email.
4. List of certificated instructional and certificated non-instructional employees evaluated for the audit period, including the following: This data is too large to email and will be sent to the SCO via CD A.S.A.P.
  - a. Dates of completed evaluations
  - b. Evaluatee name and unique identification number
  - c. Evaluatee tenure dates and employment status (substitute, temporary, probationary, or permanent)
  - d. Education program assignment (math, science, English, special education, etc.)
  - e. School site assignment
  - f. Evaluation rating (satisfactory or unsatisfactory)
  - g. Evaluator name and title (same as #5?)
  - h. Fiscal year of evaluation
5. List of evaluators (names and titles) performing mandated activities per the program's parameters and guidelines, sections IV.A and IV.B for the audit period. Please refer to number 4 above as this request seems to be the same as g in #4 above, please clarify if this is something different.
6. Employee time sheets or time logs to support claimed hours. The District is currently compiling all support documents which are available and will let the SCO know the results of their findings A.S.A.P.

7. Evidence of performance of the Stull Act mandated activities (samples of completed evaluations). The District is currently compiling these documents and will send them to the SCO as soon as they are available.

8. Documents that support the hourly rates used, including support for benefit rates and productive annual hours, for all claimed employees. Attached

9. Internal Control Document – Attached (The District is still working on item #5 for the Fraud Risk for the Management section of the Internal Controls document and will send the answer to that question as soon as possible.)

Please let me know if you have any questions.

Sincerely,

*Asst. Sup. B. J.*

On Wed, Sep 21, 2016 at 3:36 PM

> wrote:

Please see the attached document for the Internal Control Questions.

Feel free to contact us if you have any questions.

Thanks,

AIC

Auditor  
State Controller's Office  
Division of Audits / Mandated Cost Bureau

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# FSUSD STULL Audit Questions

Thursday, January 19, 2017 11:50 AM

Subject	FSUSD STULL Audit Questions
From	Consultant
To	AIC
Cc	Howell, Kenneth; 'Michelle Henson'; 'Christine Draa'; jolenetollenaar@gmail.com
Sent	Thursday, October 27, 2016 5:36 PM

Hi

Please see below for my comments and let me know if you have any questions.

Thank you,

Consultant

Senior Consultant  
MGT of America

**From:**

**Sent:** Monday, October 24, 2016 12:02 PM

**To:**

**Cc:**

**Subject:** RE: Stull Act Audit- Received the CD

AIC

Assy. Sup. B.S., Consultant

Mgr.

Good morning,

We will use the list to calculate allowable costs for actual evaluations conducted. In addition, we will select our sample for testing from the list provided. The list can be used for population count; however, the line items without a date can't be counted because we don't know when the evaluation was conducted. Also, we will only schedule an employee one time per fiscal year (some employees are listed more than once per fiscal year). Please note: each employee was required to be observed at least twice each year if they were due to have an evaluation per the FUTA contract each observation was required to be half an hour. Also, the District has documentation showing each certificated employee did have an end of the year written evaluation which is in each employee's file, and we would like to negotiate a way of determining how much time this takes as the District has the written evaluations to show the work was done.

Our plan is to schedule the list provided; however, we have some questions. Please see the list below:

1. Does this list represent the entire population for FY 2005-06, FY 2006-07, and FY 2007-08 or does the district have any additional records for these years under audit? There is no way to obtain the answer to the first part of this question. Regarding part two of this question - I believe it was answered in our last email and I don't mean to be too direct but you and I have discussed this exact issue several times at the entrance conference, over the phone and in a prior email and we are hoping to put this to bed. Please understand we are all very busy and we are not sure why we don't seem to be communicating that the old report is all the District has and does not have any way to know if there are additional records for those years. The report I sent you on CD represents what the Consultant used to file the claims as far as we can tell, that is all we know. To try and determine what was left in or left out is not possible.
2. Are the names reflective as of 2007-08? For example, if we select someone that has changed their last name (i.e., due to marriage or divorce). How would we know that? Due to the age of the data and the fact the District isn't able to reproduce the 05-06 to 07-08 list there is no way to ascertain this information except by possibly using the change rate which occurs during the 10-11 to 12-13 years and applying it to the older report. My personal opinion is that the number of name changes is probably inconsequential to the total number as it is probably very small.
3. What do the codes under Status represent (T, A, R, RS, P, S, I, etc.)? We will check with

HR to find out if they may have a key to these codes, and let you know.

Additional questions:

1. What is the status update for the employee list for FY 2010-11 through FY 2012-13? The District is still working on compiling the employee list for FY 2010-11 through FY 2012-13, I will double check on that and let you know.
2. Does the district have time records (time recorded by the evaluators to conduct the evaluation activities) for the audit period? Not at this time, we are still hoping to find the records but thus far it appears the District does not have time records by evaluators.

G.2

----- Forwarded message -----

From: *AIC*

Date: Mon, Oct 24, 2016 at 11:01 AM

Subject: RE: Stull Act Audit- Received the CD

To: *Asst. Sup, B.S., Consultant*

Cc: *Mgr.*

Good morning,

We will use the list to calculate allowable costs for actual evaluations conducted. In addition, we will select our sample for testing from the list provided. The list can be used for population count; however, the line items without a date can't be counted because we don't know when the evaluation was conducted. Also, we will only schedule an employee one time per fiscal year (some employees are listed more than once per fiscal year).

Our plan is to schedule the list provided; however, we have some questions. Please see the list below:

1. Does this list represent the entire population for FY 2005-06, FY 2006-07, and FY 2007-08 or does the district have any additional records for these years under audit?
2. Are the names reflective as of 2007-08? For example, if we select someone that has changed their last name (i.e., due to marriage or divorce). How would we know that?
3. What do the codes under Status represent (T, A, R, RS, P, S, I, etc.. )?

Additional questions:

1. What is the status update for the employee list for FY 2010-11 through FY 2012-13?
2. Does the district have time records (time recorded by the evaluators to conduct the evaluation activities) for the audit period?

Thank you,

*AIC*

From: *Consultant*

Sent: Wednesday, October 19, 2016 2:33 PM

To:

Cc:

Subject: RE: Stull Act Audit- Received the CD

*Consultant*

G.2

*AIC, Asst. Sup, B.S.  
Mgr.*


Hi *AIC*

The files which held the list did not indicate if the list represented the employees evaluated through 2007-08 or those scheduled to be evaluated. I am thinking at the time it may have been both - those both due to be and those actually evaluated, but I am not sure why that would make a difference, can you explain? The only way to determine what was actually done is by pulling the actual employee files. Also, unfortunately we have already asked the HR Department if there is any way they could provide this same exact list (which came directly from the boxes and files the Consultant used to create the claims) and the District said they could not re-create the file or provide this list in excel.

: may want to give us added guidance but I did want to let you know these details to ensure you

# RE: Fairfield USD STULL Audit Update

Friday, September 29, 2017 11:28 AM

Subject	RE: Fairfield USD STULL Audit Update
From	Consultant
To	AIC, mgr.
Cc	
Sent	Tuesday, September 26, 2017 7:49 PM
Attachments	 <u>E.2.56</u> F-3 Evaluatio...

Asst. Supt., B.S.

Hello

As you know the District is in the process of compiling the sample data you requested for the STULL Audit. Currently, we have pulled the majority of the data which includes compiling the Microfiche data in one file for easy access, and pulling the hard copy files from our storage area. It has taken a little longer than expected as the files are saved by evaluator not evaluatee and have to be re-categorized for easy access. It looks like the District should have the data compilation completed by mid-October. We are hoping to set up a meeting with your staff in early November to show you how to access the data and give your team the ability to review it all. Based on the information from our HR Department the hope is your team will have what they need and can review the full sample quickly and easily. Please let us know if the week of November 6th works for your staff and if so what day/days will work best and we will set up a room as a work space for the team.

Also, attached is the excel data from the time sample compiled last spring by the District's Asst. Supt of HR and all the site administrators. The site administrators were ask to track only the time it took them to write up the final evaluations for certificated. The data is still very raw, but the sites did record quite a bit of data and the District is hoping you will consider using to support the time claimed for writing of the final evaluation. Please review the attached and let us know if you would consider allowing the District to use the data. If not, possibly suggest other ways to quantify this activity as the District is very hopeful it can support and retain the final write up costs.

Thank you very much,

Senior Consultant  
MGT of America

Fairfield-Suisun Unified School District  
 The Stull Act Program  
 Phone Log  
 Audit ID #: S17-MCC-0006

Date of Phone Conversation	Brief Description <i>Consultant</i>
09/27/17	<p>(Audit Manager) and (AIC) spoke with (Principal Elementary) regarding the email sent by on Sept. 26th. The call began at 10:43 am. <i>Principal</i> said that she, and other administrators received an email on April 28th, 2017 (from [REDACTED] asking them to document the time spent on the "F3" (final evaluation) write up time. It said the district was subject to audit, and they needed administrators to document their time spent on the final write-up of current evaluations. The email also said the information was due May 5th.</p> <p>We asked <i>Principal</i> why some administrators claimed wide variety of times (5 hours) while other claimed 45 minutes for the same activity. She said that some may have misunderstood the request from the district office, and that she personally blocks off 90 minutes for this portion of the evaluation process. She said that all of the probationary evaluations are required to be complete by the end of February, and the permanent evaluations by the end of April. The evaluations are e-signed/filed into system called "Evaluated" which the district's HR department maintains and operates. She also stated that prob employees are to be evaluated on all 6 components of the Standards of the Teacher Profession, while the permanent teachers only need to be evaluated on 3 of those standards (meaning perm evals should require less time to complete/write up). Call ended at ~11:10 am.</p>

**From:** Mgr.  
**Sent:** Thursday, December 21, 2017 3:14 PM  
**To:** Principal, H.S.  
**Cc:** Director of H.R.  
**Subject:** Recap of phone conference - Stull Act

Good afternoon,

I wanted to provide a recap of our conversation from earlier this morning. If you'd like to expand/clarify the responses, let me know:

- The call began at 8:30 a.m. when (Principal - High School) and (Director - HR) contacted (Audit Manager-SCO) to discuss additional time records submitted by the district on September 26th, 2017.
- The district sent an email request (\*auditor's note - exact date not determined, as of now\*) asking administrators to track their time spent writing up the final evaluation in the Spring 2017 semester.
- Principal said the listed 45 minutes (per employee) was to prepare/gather various comments together for the employee and write up the final evaluation narrative, primarily from the two observations. He approximated the 45 minutes was a "best guess" as to the time spent gathering together the notes and writing the final evaluation narrative, and is about the average time spent per employee. Typically, an hour is blocked off in his calendar for this process. This narrative would be written before the meeting between the evaluator and evaluatee.
- Principal also described the overall evaluation process: An employee receives at least two formal observations, each one at least 30 minutes in length. Before each observation, there is a pre-observation meeting held and after each observation, a post-observation conference is held. The final evaluation write up is the accumulation of all the observation notes, meeting notes, and conversations throughout the school year.
- As for the varying levels of effort (listed time for write-ups) identified by evaluators on the Excel spreadsheet for seemingly similar employees (Prob 0,1,2), Principal theorized that those Principals/VP's reporting time for the write up process of up to 5 hours may have misunderstood exactly what was to be recorded on the spreadsheet. The higher time increments may be documenting activities beyond just the write-up time.
- The call ended approximately 8:45 a.m.

I had a few follow-up questions I forgot to ask during the call. How was the Excel spreadsheet generated? Did each site administrator input their data into a Google Doc shared file? Did each site maintain their own file, and someone else gathered up the data? What controls were placed over the data to ensure accurate reporting? To date, we're not sure.

Thank you,

| Audit Manager  
 Office of the State Controller Betty T. Yee  
 Division of Audits, Mandated Cost Audits Bureau

# Recap of phone conference - Stull Act

Wednesday, January 10, 2018 7:28 AM

Subject	Recap of phone conference - Stull Act	
From	<i>Mgr.</i>	
To	<i>Principal</i>	
Cc	<i>Director of H.R., AIC</i>	
Sent	Tuesday, January 09, 2018 5:33 PM	

Good afternoon,

I wanted to provide a recap of our conversation from earlier this morning. If you'd like to expand/clarify the responses, please let me know:

- The call began at 8:00 a.m. when *Elementary* (Principal – ) and (Director - HR) contacted (Audit Manager-SCO), (Auditor-in-Charge-SCO) to discuss additional time records submitted by the district on September 26th, 2017. indicated she has been a Principal for seven years with the district.
- The district sent an email request on April 28<sup>th</sup>, 2017, asking administrators to track their time spent writing up each employee's final evaluation in the Spring 2017 semester. indicated this information was tracked on a Google Document spreadsheet that was sent as part of the email. We asked who had access to this file, and she believed only those that were sent the email (with attached link) were allowed to enter their time for each employee evaluated. We asked if she was able to see only her spreadsheet of evaluated employees, or all of the spreadsheets tracked at each school site. said she wasn't sure, as she was just focused on time for her evaluated employees. We also asked about the controls placed over the gathered information, and she also wasn't sure, but surmised that only those given access would be able to input time. Since all of the evaluations were "e-signed" between January 23, 2017, and February 17, 2017, the time spent for each evaluation was gathered approximately three months after the activities were performed.
- We asked why listed time varies (from 2 hours to 5 hours) and what her understanding was of that time. said that is the time it took her to complete the written portion of the final evaluation, as she writes comments on all 6 standards (for Probationary employees) and 3 standards (for Permanent employees). For the two Probationary employees that list 5 hours, those two individuals were "non-reelect", meaning they would not be brought back the following year. We asked if this time was actual time spent, or approximate time, and said the time was "approximate", as she often spends time on the weekends/evenings completing write-up portions of evaluations.
- The call ended around 8:17 a.m.

Thanks,

| Audit Manager  
Office of the State Controller Betty T. Yee  
Division of Audits, Mandated Cost Audits Bureau

---

**From:** *Director of H.R.*  
**Sent:** Tuesday, January 9, 2018 11:38 AM  
**To:** *MGR.*  
**Subject:** Fwd: Original email for F-3 Evaluation Tracking request - 04/28/17

Hi  
 Here is the email requesting the information from each site.

Director of Human Resources  
 Fairfield-Suisun Unified School District  
 2490 Hilborn Road  
 Fairfield, CA 94534

----- Forwarded message -----

**From:** *> Admin Asst., H.R.*  
**Date:** Thu, Dec 21, 2017 at 7:57 AM  
**Subject:** Original email for F-3 Evaluation Tracking request - 04/28/17  
**To:** *Dir. of H.R.*

Here is the original email requesting the information from the administrators.

*Administrative Assistant  
 Human Resources  
 Fairfield-Suisun Unified School District*

----- Forwarded message -----

**From:** *Admin Asst., H.R.*  
**Date:** Fri, Apr 28, 2017 at 3:53 PM  
**Subject:** F-3 Evaluation Tracking  
**To:** All Principals <[all-principals@fsusd.org](mailto:all-principals@fsusd.org)>, All Assistant Principals <[all-assistant-principals@fsusd.org](mailto:all-assistant-principals@fsusd.org)>  
**Cc:**

Happy Friday!

The District is undergoing an audit by the California State Controller's Office regarding the Stull Act.

Each school site is being asked to review the data found in this link:

F-3 Evaluation Tracking Sheet

This information has been pulled from Evaluat'd, then fill in the first column, which would be the total amount of time that was spent on actually "writing" the F-3 Summary Evaluation document.

Each school is identified by tabs at the bottom of the spreadsheet.

We are hopeful that our Ed. Services Team has advised you that this data would be coming soon, and we ask that you complete the form by the end of next week, May 5, 2017.

We anticipate capturing similar data over March, and April of this school year, and we will send subsequent emails at the appropriate time.

Should you have any questions, please do not hesitate to contact me.

Kind regards,

*Administrative Assistant*  
*Human Resources*  
Fairfield-Suisun Unified School District



**From:** Mgr.  
**Sent:** Wednesday, January 31, 2018 4:52 PM  
**To:** Dir of H.R, Asst. Sup, HR.,  
 Asst Sup, B.S.  
**Cc:** Consultancy, AIC  
**Subject:** Fairfield-Suisun USD Stull Act - Exit conference support  
**Attachments:** E.2.101 ALL Evaluator's PHR Claimed for the Audit Period (Auditor Generated).xlsx; Allowable E.2  
 POST Testing Evaluations(Auditor Generated).xlsx; Fairfield-Suisun USD Stull Act (S17- E  
 MCC-0006) - Finding.pdf; Summary of Allowable and Unallowable Evaluations (Auditor E  
 Generated).pdf; Summary of Indirect Costs (Auditor Generated).pdf; Summary of E.2.105  
 Program Costs - Schedule (Auditor Generated).pdf; Total Salaries and Benefits (Auditor  
 Generated).pdf E.2.107

Good afternoon,

As we prepare for the exit conference for this audit, we wanted to send the district several schedules that support our audit finding. Please review the attached schedules and let us know if you have any questions.

We will send the final document (exit conference handout) once we determine the date and time of the exit conference.

Our schedules are relatively open for the next two weeks to hold the exit conference. Please let us know what date/time works best.

Thank you,

Audit Manager  
 Office of the State Controller Betty T. Yee  
 Division of Audits, Mandated Cost Audits Bureau

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# Fairfield-Suisun Unified School District

2490 Hilborn Road • Fairfield, California 94534 • Telephone (707) 399-5147  
www.fsusd.org

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## Superintendent

Kris Corey

March 2, 2018

– Audit Manager

Office of the State Controller Betty T. Yee

Dear

In response to your email of January 31<sup>st</sup>:

1. The District would like to have specific detailed information regarding the amounts listed as “Less Amount Paid by the State” on the “Summary of Program Costs,” worksheet included in the January 31<sup>st</sup> email, as it is our understanding these payments were made to the District recently and are not part of the normal mandate payment process but paid out based on ADA.
2. Regarding the “Findings” attachment, the District disagrees strongly with the SCO’s finding that only time for observation is supported. Specifically, the SCO states “each evaluation shall be based on a minimum of 60 minutes of observational time for the evaluation period.” This language was identical for every collective bargaining agreement in place for the audit period. The District interviewed staff members responsible for conducting evaluations during this time period, and they confirmed a similar evaluation process as listed in the agreement”. It is of specific concern that it appears that the SCO is not allowing any time for the final evaluation write up, although:
  - A. The District provided copies of all the final write up reports requested during the SCO’s visit as well as a listing of all employees who received a final write up and who were included in the original claims.
  - B. Last spring the District asked all Administrators to vigorously record their time spent writing up final evaluations. The District was able to obtain a large amount of data showing an average write up time of 1.56 hours per final evaluation, which is in addition to (not included in) the 60 min observation time.

For these reasons the District believes the finding allowing zero costs for the final write up is unreasonable, and unjustified. The District specifically requests the SCO recommend an allowable time increment for Administrators for writing up each final evaluation. Allowing zero time - when the actual final write ups exist - is entirely unfounded, without merit, and does not appear to demonstrate the true burden of time that exists for our Administrators in developing these evaluations.

Additionally, the District reserves the right to file an Incorrect Reduction Claim any time within the allowable three years after the close of the audit, based on what FSUSD believes to be unreasonable findings in this audit.

Consultant

Per your conversations with \_\_\_\_\_ it appears the claims will be paid based on District ADA and not on amounts owed. The District staff have spent many hours on this audit, gathering documents, preparing documents for review, and confirming much of the work that has been accomplished as evidence that the work of Administrators was accomplished, and confirmed, and it now appears that the exit interview seems to be a mere formality to again indicate that the SCO offices have made a determination without consideration of the evidence provided. Unless the exit interview will be an opportunity to broaden the SCO's perspective on the evidence, and or provide an opportunity for perception changing, it appears that the SCO has made a foregone conclusion to not remedy their findings. Thus, it doesn't appear to be a need to continue to plan an exit interview at this point in time.

Sincerely,

\_\_\_\_\_  
Assistant Superintendent of Human Resources

CC:

Consultant, Dir. of HR, Asst. S40, B.S.



# Fairfield-Suisun Unified School District

2490 Hilborn Road • Fairfield, California 94534 • Telephone (707) 399-5123  
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*"Fairfield-Suisun Unified School District is a premier learning community that empowers each student to thrive in an ever changing world."*

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 Jonathan Richardson  
 John Silva  
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## Superintendent

Kris Corey

April 19, 2018

Chief, Compliance Audits Bureau  
 State Controller's Office, Division of Audits  
 P.O. Box 942850  
 Sacramento, CA 94250-5874

Dear Ms.

Please consider this letter the official response from Fairfield-Suisun Unified School District regarding the Stull Act Program draft audit report issued on April 13, 2018 by your office.

First, the District has concern with the accuracy of the audit finding as it completely ignores all hard and written evidence presented to the State Controller's Office during the audit. The evidence supplied by FSUSD proves that the District incurred a high amount of costs for the activity of writing up the final evaluations for more than two thousand certificated employees, yet the audit disallows these costs entirely due to "unsupported costs". We would be interested to know what supported costs look like if written evidence is considered "insufficient."

Additionally, it appears the draft audit report is attempting to cloud this disallowance by grouping both the observation activities and the final write up activities into a single new category, which has never been brought before the Commission. Specifically, on page 8 of the draft audit report the two activities become one new activity listed as "evaluation activities." The claiming instructions list the two activities separately as **a.** and **b.** Please see below for the exact language from the claiming instructions:

*"A. Certificated Instructional Employees "*

*1. Evaluate and assess the performance of certificated instructional employees that perform the requirements of educational programs mandated by state or federal law as it reasonably relates to the instructional techniques and strategies used by the employee and the employee's adherence to curricular objectives (Ed. Code, § 44662, subd. (b), as amended by Stats.1983, ch. 498). (Reimbursement period begins July 1, 1997).*

*Reimbursement for this activity is limited to:*

***a. reviewing the employee's instructional techniques and strategies and adherence to curricular objectives, and***

*"In a safe, welcoming, and supportive learning environment, we provide innovative*

**b. including in the written evaluation of the certificated instructional employees the assessment of these factors during the following evaluation periods:**

- once each year for probationary certificated employees;
- every other year for permanent certificated employees; and
- beginning January 1, 2004, every five years for certificated employees with permanent status who have been employed at least ten years with the school district, are highly qualified (as defined in 20 U.S. C. § 7801), and whose previous evaluation rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree.

It is unclear why the audit report combines the two activities, when the claiming instructions clearly list them as two separate activities. What is actually occurring is the auditors are allowing one hour for the observation (**activity a**) and zero hours for the final write up (**activity b**), which we assert is out of compliance with the State's claiming instructions and frankly, egregious and manipulative.

Furthermore, the District expended more than one hundred district-paid hours complying with the State's request to supply requested files for this audit. The District staff provided the State Controller's auditors with actual paper copies of hundreds of final evaluation write ups to support **both** the observation costs and the final write up costs separately. The State Controller's auditors reviewed each and every final write up, yet disallowed all costs for the final write ups stating these costs were "not supported." Again, we claim that the actual paper copies serve as complete and more than sufficient support for time spent.

In prior correspondence with the State Controller's auditors, the District has requested the auditors revisit this finding. To date, no response has been made by the auditors to the District, only the issuance of the final draft of the audit. To recap the District's original plea for a reasonable outcome to this audit I am enclosing several paragraphs from the March 2<sup>nd</sup> letter written to Audit Manager \_\_\_\_\_, from \_\_\_\_\_, Fairfield-Suisun's Assistant Superintendent of Human Resources:

*Regarding Finding #1, the District disagrees strongly with the SCO's finding that only time for observation is supported. Specifically, the SCO states "each evaluation shall be based on a minimum of 60 minutes of observational time for the evaluation period." This language was identical for every collective bargaining agreement in place for the audit period. The District interviewed staff members responsible for conducting evaluations during this time period, and they confirmed a similar evaluation process as listed in the agreement". It is of specific concern that it appears that **the SCO is not allowing any time for the final evaluation write up, although:***

- A. *The District provided copies of all the final write up reports requested during the SCO's visit as well as a listing of all employees who received a final write up and who were included in the original claims.*

- B. Last spring the District asked all Administrators to vigorously record their time spent writing up final evaluations. The District was able to obtain a large amount of data showing an average write up time of 1.56 hours per final evaluation, which is in addition to (not included in) the 60 min observation time.*

For these reasons the District believes that the **finding that allows zero costs for the final write up is unreasonable, and unjustified.** The District respectfully requests the State Controller's Office recommend an allowable time increment for Administrators for writing up each final evaluation. Allowing **zero** time - **when the actual final write ups exist** — is entirely unfounded, without merit, and does not appear to demonstrate the true burden of time that exists for our Administrators in developing these evaluations.

Finally, the District reserves the right to file an Incorrect Reduction Claim any time within the allowable three years after the close of the audit, based on what Fairfield Suisun Unified School District believes to be unreasonable findings in this audit.

Thank you very much for your time and consideration of this important matter.

Assistant Superintendent, Business Services  
Fairfield-Suisun Unified School District

## **Tab 4**



July 30, 2018

Mr. Christian Keiner  
Dannis Woliver Kelly  
555 Capitol Mall, Suite 645  
Sacramento, CA 95814

Ms. Jill Kanemasu  
Division of Accounting and Reporting  
State Controller's Office  
3301 C Street, Suite 700  
Sacramento, CA 95816

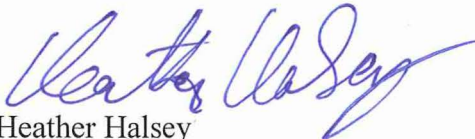
*And Parties, Interested Parties, and Interested Persons (See Mailing List)*

Re: **Decision**  
*The Stull Act*, 14-9825-I-02  
Education Code Sections 44660-44665;  
Statutes 1983, Chapter 498; Statutes 1999, Chapter 4  
Fiscal Years: 2005-2006, 2006-2007, 2007-2008, and 2008-2009  
Carlsbad Unified School District, Claimant

Dear Mr. Keiner and Ms. Kanemasu:

On July 27, 2018, the Commission on State Mandates adopted the Decision on the above-entitled matter.

Sincerely,

  
Heather Halsey  
Executive Director



BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

IN RE INCORRECT REDUCTION CLAIM  
ON:

Education Code Sections 44662 and 44664<sup>1</sup>  
Statutes 1983, Chapter 498 and Statutes 1999,  
Chapter 4

Fiscal Years 2005-2006, 2006-2007, 2007-  
2008, and 2008-2009

Filed on June 9, 2015

Carlsbad Unified School District, Claimant

Case No.: 14-9825-I-02

*The Stull Act*

DECISION PURSUANT TO  
GOVERNMENT CODE SECTION 17500 ET  
SEQ.; CALIFORNIA CODE OF  
REGULATIONS, TITLE 2, DIVISION 2,  
CHAPTER 2.5. ARTICLE 7

*(Adopted July 27, 2018)*

*(Served July 30, 2018)*

**DECISION**

The Commission on State Mandates (Commission) heard and decided this Incorrect Reduction Claim (IRC) during a regularly scheduled hearing on July 27, 2018. Sean Mick appeared on behalf of the claimant, and Masha Vorobyova appeared on behalf of the State Controller’s Office (Controller).

The law applicable to the Commission’s determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code section 17500 et seq., and related case law.

The Commission adopted the Proposed Decision to deny the IRC by a vote of 5-0 as follows:

<b>Member</b>	<b>Vote</b>
Lee Adams, County Supervisor	Yes
Ken Alex, Director of the Office of Planning and Research	Absent
Richard Chivaro, Representative of the State Controller	Absent
Sarah Olsen, Public Member	Yes
Carmen Ramirez, City Council Member	Yes
Andre Rivera, Representative of the State Treasurer, Vice Chairperson	Yes
Jacqueline Wong-Hernandez, Representative of the Director of the Department of Finance, Chairperson	Yes

<sup>1</sup> Note that this caption differs from the Test Claim and Parameters and Guidelines captions because it only includes those code sections approved for reimbursement by the Commission and not those pled in the Test Claim but denied.

## **Summary of the Findings**

This analysis addresses reductions made by the Controller to reimbursement claims filed by the Carlsbad Unified School District (claimant) for costs incurred during fiscal years 2005-2006 through 2008-2009 (audit period) for the *Stull Act* program. The claimant disputes reductions totaling \$274,101 for the audit period.

The Commission denies this IRC, finding that reductions related to the claimant's time study, and disallowances of completed employee evaluations in all four fiscal years were correct as a matter of law and not arbitrary, capricious, or entirely lacking in evidentiary support.

Specifically, the Controller reduced costs based on denial of 19 of 22 discrete activities identified in the claimant's time study, relating to training, meetings, observation, report writing, conferences between evaluators and teachers, and other activities relating to planning, preparation, and organizing notes, and STAR testing. These activities are beyond the very narrow scope of the approved higher level of service, and the claimant has presented no argument or evidence establishing the relationship to the mandated activities included in the Parameters and Guidelines. The reduction based on the 19 denied activities is therefore correct as a matter of law, and not arbitrary, capricious, or entirely lacking in evidentiary support.

In addition, the Controller reduced reimbursement based on disallowed completed evaluations for non-instructional certificated employees, such as administrators, counselors, and librarians, among others; and preschool teachers. Preschool teachers do not perform the requirements of educational programs mandated by state or federal law, and therefore evaluations of preschool teachers are not reimbursable. Similarly, evaluations of non-instructional certificated personnel are reimbursable under Part IV.B. of the Parameters and Guidelines only if such employees' last regularly-scheduled evaluation resulted in an unsatisfactory evaluation; those facts are not supported in the record. The reduction based on disallowed completed evaluations is therefore correct as a matter of law.

## **COMMISSION FINDINGS**

### **I. Chronology**

- 12/28/2006     The claimant filed its 2005-2006 reimbursement claim.<sup>2</sup>
- 01/25/2008     The claimant filed its 2006-2007 reimbursement claim.<sup>3</sup>
- 02/13/2009     The claimant filed its 2007-2008 reimbursement claim.<sup>4</sup>
- 01/29/2010     The claimant filed its 2008-2009 reimbursement claim.<sup>5</sup>

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<sup>2</sup> Exhibit A, IRC, page 338 [Claim Documentation for Fiscal Year 2005-2006].

<sup>3</sup> Exhibit A, IRC, page 270 [Claim Documentation for Fiscal Year 2006-2007].

<sup>4</sup> Exhibit A, IRC, page 184 [Claim Documentation for Fiscal Year 2007-2008].

<sup>5</sup> Exhibit A, IRC, page 85 [Claim Documentation for Fiscal Year 2008-2009].

- 06/24/2010 The Controller issued a letter informing the claimant of the initiation of the audit.<sup>6</sup>
- 05/02/2012 The Controller issued the Draft Audit Report.<sup>7</sup>
- 05/09/2012 The claimant responded to the Draft Audit Report
- 06/15/2012 The Controller issued its Final Audit Report.<sup>8</sup>
- 07/13/2012 The Controller issued “results of review” letters.<sup>9</sup>
- 06/09/2015 The claimant filed the IRC.<sup>10</sup>
- 10/02/2015 The Controller filed late comments on the IRC.<sup>11</sup>
- 05/22/2018 Commission staff issued the Draft Proposed Decision.<sup>12</sup>
- 05/29/2018 The Controller filed comments on the Draft Proposed Decision.<sup>13</sup>

## **II. Background**

The Stull Act was originally enacted in 1971 to establish a uniform system of evaluation and assessment of the performance of “certificated personnel” within each school district. (Former Ed. Code, §§ 13485-13490.) As originally enacted, the Stull Act required the governing board of each school district to develop and adopt specific guidelines to evaluate and assess certificated personnel, and to avail itself of the advice of certificated instructional personnel before developing and adopting the guidelines.<sup>14</sup> The evaluation and assessment of the certificated personnel was required to be reduced to writing and a copy transmitted to the employee no later than sixty days before the end of the school year.<sup>15</sup> The employee then had the right to initiate a written response to the evaluation, which became a permanent part of the employee’s personnel file.<sup>16</sup> The school district was also required to hold a meeting with the employee to discuss the evaluation.<sup>17</sup>

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<sup>6</sup> Exhibit B, Controller’s Late Comments on the IRC, page 62 [Audit Entrance Conference Letter].

<sup>7</sup> Exhibit A, IRC, page 62 [Final Audit Report, p. 3].

<sup>8</sup> Exhibit A, IRC, page 57 [Final Audit Report Cover Letter].

<sup>9</sup> Exhibit A, IRC, page 4.

<sup>10</sup> Exhibit A, IRC, page 1.

<sup>11</sup> Exhibit B, Controller’s Late Comments on the IRC.

<sup>12</sup> Exhibit C, Draft Proposed Decision.

<sup>13</sup> Exhibit D, Controller’s Comments on the Draft Proposed Decision.

<sup>14</sup> Former Education Code sections 13486-13487.

<sup>15</sup> Former Education Code section 13488.

<sup>16</sup> Former Education Code section 13488.

<sup>17</sup> Former Education Code section 13488.

Prior law also required that the evaluation and assessment be continuous.<sup>18</sup> For probationary employees, the evaluation had to occur once each school year. For permanent employees, the evaluation was required every other year. Former section 13489 also required that the evaluation include recommendations, if necessary, for areas of improvement in the performance of the employee. If the employee was not performing his or her duties in a satisfactory manner according to the standards, the “employing authority” was required to notify the employee in writing, describe the unsatisfactory performance, and confer with the employee making specific recommendations as to areas of improvement and endeavor to assist in the improvement. Reimbursement for these prior requirements was denied by the Commission.<sup>19</sup>

The test claim statutes amended the Stull Act in 1983 and 1999 to expand the scope of evaluation and assessment of certificated personnel. The test claim statutes added additional criteria that must be included in those evaluations: the employee’s instructional techniques and strategies, and adherence to curricular objectives; and the performance of instructional employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11 (i.e., the STAR test subjects) as it reasonably relates to the progress of pupils towards the state adopted academic content standards as measured by state adopted assessment tests.<sup>20</sup> And, in the case the employee receives an unsatisfactory result, the test claim statutes require an additional evaluation “in the years in which the permanent certificated employee would not have otherwise been evaluated.”<sup>21</sup>

Since prior law already required evaluation and assessment of certificated personnel, the Commission partially approved the Test Claim on May 27, 2004, for those activities that represent the *limited* new program or higher level of service mandated by the state by the test claim statutes. The Test Claim Decision also found that the mandate was limited to certificated personnel performing the requirements of educational programs mandated by state or federal law; in other words, if the personnel being evaluated are performing the duties of voluntary school programs, the evaluation of those personnel would not be mandated by the state.<sup>22</sup>

The Parameters and Guidelines were adopted September 27, 2005. As relevant to this IRC, the Parameters and Guidelines identify the following reimbursable activities and limitations:

A. Certificated Instructional Employees

1. Evaluate and assess the performance of certificated instructional employees that perform the requirements of educational programs mandated by state or federal law as it reasonably relates to the instructional techniques and strategies used by the employee and the employee's adherence to curricular objectives (Ed. Code, § 44662, subd. (b), as amended by Stats. 1983, ch. 498.).

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<sup>18</sup> Former Education Code section 13489.

<sup>19</sup> Exhibit E, Test Claim Decision, *The Stull Act*, 98-TC-25, pages 2; 17-18.

<sup>20</sup> Exhibit E, Test Claim Decision, *The Stull Act*, 98-TC-25, pages 29-33.

<sup>21</sup> Exhibit E, Test Claim Decision, *The Stull Act*, 98-TC-25, pages 33-34.

<sup>22</sup> See Exhibit E, Test Claim Decision, *The Stull Act*, 98-TC-25, pages 5-12.

Reimbursement for this activity is limited to:

- a. reviewing the employee's instructional techniques and strategies and adherence to curricular objectives, and
- b. including in the written evaluation of the certificated instructional employees the assessment of these factors during the following evaluation periods:
  - o once each year for probationary certificated employees;
  - o every other year for permanent certificated employees; and
  - o beginning January 1, 2004, every five years for certificated employees with permanent status who have been employed at least ten years with the school district, are highly qualified (as defined in 20 U.S.C. § 7801), and whose previous evaluation rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree.

*Note: For purposes of claiming reimbursement, eligible claimants must identify the state or federal law mandating the educational program being performed by the certificated instructional employees.*

2. Evaluate and assess the performance of certificated instructional employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11 as it reasonably relates to the progress of pupils towards the state adopted academic content standards as measured by state adopted assessment tests (Ed. Code, § 44662, subd. (b), as amended by Stats. 1999, ch. 4.).

Reimbursement for this activity is limited to:

- a. reviewing the results of the Standardized Testing and Reporting test as it reasonably relates to the performance of those certificated employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11, and
- b. including in the written evaluation of those certificated employees the assessment of the employee's performance based on the Standardized Testing and Reporting results for the pupils they teach during the evaluation periods specified in Education Code section 44664, and described below:
  - o once each year for probationary certificated employees;
  - o every other year for permanent certificated employees; and
  - o beginning January 1, 2004, every five years for certificated employees with permanent status who have been employed at least ten years with the school district, are highly qualified (as defined in 20 U.S.C. § 7801), and whose previous evaluation rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree.

## B. Certificated (Instructional and Non-Instructional) Employees

1. Evaluate and assess permanent certificated, instructional and non-instructional, employees that perform the requirements of educational programs mandated by state or federal law and receive an *unsatisfactory evaluation* in the years in which the permanent certificated employee would not have otherwise been evaluated pursuant to Education Code section 44664 (i.e., every other year). The additional evaluations shall last until the employee achieves a positive evaluation, or is separated from the school district (Ed. Code, § 44664, as amended by Stats. 1983, ch. 498).

This additional evaluation and assessment of the permanent certificated employee requires the school district to perform the following activities:

- a. evaluating and assessing the certificated employee performance as it reasonably relates to the following criteria: (1) the progress of pupils toward the standards established by the school district of expected pupil achievement at each grade level in each area of study, and, if applicable, the state adopted 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; and, if applicable, (5) the fulfillment of other job responsibilities established by the school district for certificated non-instructional personnel (Ed. Code, § 44662, subs. (b) and (c));
- b. reducing the evaluation and assessment to writing (Ed. Code, § 44663, subd. (a)). The evaluation shall include recommendations, if necessary, as to areas of improvement in the performance of the employee. If the employee is not performing his or her duties in a satisfactory manner according to the standards prescribed by the governing board, the school district shall notify the employee in writing of that fact and describe the unsatisfactory performance (Ed. Code, § 44664, subd. (b));
- c. transmitting a copy of the written evaluation to the certificated employee (Ed. Code, § 44663, subd. (a));
- d. attaching any written reaction or response to the evaluation by the certificated employee to the employee's personnel file (Ed. Code, § 44663, subd. (a)); and
- e. conducting a meeting with the certificated employee to discuss the evaluation (Ed. Code, § 44553, subd. (a)).

*Note: For purposes of claiming reimbursement, eligible claimants must identify the state or federal law mandating the educational program being performed by the certificated, instructional and non-instructional, employees.*<sup>23</sup>

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<sup>23</sup> Exhibit A, IRC, pages 31-33 [Parameters and Guidelines, pp. 3-5].

Additionally, the Parameters and Guidelines require that actual costs claimed “must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities.”<sup>24</sup>

### **Controller’s Audit and Summary of the Issues**

The Controller’s Final Audit Report states that “[i]nitially, all costs claimed [for employee salaries and benefits] by the district were unallowable because they were based on average time increments supported with time records that were not completed contemporaneously.”<sup>25</sup> In other words, the claimant did not provide adequate source documentation, and utilized average times to calculate the reimbursement requested. The Controller initially disallowed the entire claim. The claimant’s representatives then conducted a time study in fiscal year 2010-2011, as a substitute for records of actual time spent on evaluations, to determine the costs for the audit period (fiscal years 2005-2006 through 2008-2009).<sup>26</sup> The Controller accepted and applied that time study to the audit period, but as explained below determined that the scope of the time study included unallowable activities and costs.

There is no indication in the record that claimant disputes the Controller’s initial rejection of the claimant’s source documentation; the dispute in this IRC is focused on the development and application of the claimant’s time study.<sup>27</sup>

The claimant’s time study documented the time to perform 22 “activities of the teacher evaluation process,” and determined that it takes evaluators approximately 10 hours and 38 minutes, on average, to complete each required evaluation.<sup>28</sup> Of those 22 “activities” included in the time study, the Controller disallowed 19, as follows:

1. Preparing before training or planning meetings/conferences;
2. Training or planning meetings/conferences;
3. Preparing/organizing notes from training or planning meetings/conferences;
4. Preparing before meeting with teachers;
5. Conducting actual conference with teachers;
6. Preparing or organizing notes from meetings with teachers;
7. Preparing before “Pre-Observation” conferences with teachers;

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<sup>24</sup> Exhibit A, IRC, page 30 [Parameters and Guidelines, p. 3].

<sup>25</sup> Exhibit A, IRC, page 65 [Controller’s Final Audit Report, p. 6].

<sup>26</sup> Exhibit A, IRC, page 65 [Controller’s Final Audit Report, p. 6].

<sup>27</sup> Exhibit A, IRC, page 11 [“In response to the Controller’s exclusion at the beginning of the audit of all of the original claim documentation, the District with the agreement of the auditor prepared a time study based on the FY 2010-2011 certificated staff evaluation cycle.”].

<sup>28</sup> Exhibit A, IRC, page 65 [Controller’s Final Audit Report, p. 6]. See also, Exhibit A, IRC, page 11 [“The time study identified 22 discrete activities established as a result of staff interviews.”].

8. Conducting “Pre-Observation” conferences with teachers;
9. Preparing/organizing notes form “Pre-Observation” conferences with teachers;
10. Preparing before classroom observations of teachers;
11. Preparing/organizing notes from classroom observations, finalizing Collect Data forms;
12. Reporting observations, preparing the Standards for Excellence in Teaching observation checklists;
13. Preparing before “Post-Observation” conferences with teachers;
14. Conducting “Post-Observation” conferences with teachers;
15. Preparing notes from “Post-Observation” conferences and preparing Reflecting Conference worksheets;
16. Preparing before Final Evaluation conferences with teachers;
17. Conducting Final Evaluation conferences with teachers;
18. Preparing/organizing notes from Final Evaluation conferences with teachers; and
19. Discussing the STAR results with teachers and assessing how to improve instructional abilities.<sup>29</sup>

The Controller determined that activities related to planning, preparation, and organizing notes are not reimbursable because they are not required activities under the Parameters and Guidelines; that the claimant duplicated costs by including training in the time study, which was identified as a separate reimbursable activity in the Parameters and Guidelines on a one-time basis for each employee performing the mandate; and that conferences between teachers and evaluators are not reimbursable because they were required under prior law.<sup>30</sup>

Accordingly, the Controller allowed three elements, or “activities” of the time study:

- Conducting “informal” classroom observations;
- Conducting “formal” classroom observations; and
- Writing Final Evaluation Reports and/or preparing Teacher Evaluation Report.<sup>31</sup>

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<sup>29</sup> Exhibit A, IRC, pages 65-66 [Controller’s Final Audit Report, pp. 6-7].

<sup>30</sup> Exhibit A, IRC, page 66 [Controller’s Final Audit Report, p. 7].

<sup>31</sup> Exhibit A, IRC, page 67 [Controller’s Final Audit Report, p. 8].



Based on these three activities, the Controller found that it takes approximately 5 hours and 8 minutes to complete each required teacher evaluation under the mandated program.<sup>32</sup>

In addition to limiting the elements of the time study, the Controller disallowed costs for 46 of 660 completed evaluations, which the Controller determined were claimed in excess of the scope of the mandate. The evaluations that the Controller found to be non-reimbursable were for:

- Principals, vice principals, directors, coordinators, counselors, psychologists, librarians, and library media specialists who are not certificated *instructional* employees;
- Preschool teachers who do not perform the requirements of the program that is mandated by state or federal law;
- Duplicate teacher evaluations claimed multiple times in one school year;
- Permanent biannual teacher evaluations claimed every year rather than every other year; and
- Permanent five-year teacher evaluations claimed multiple times in a five-year period rather than once every five years.<sup>33</sup>

The claimant responded to these findings in the Draft Audit Report, concurring with the findings on duplicate evaluations and evaluations conducted in years that they were not mandated, but asserting that the remaining reductions for administrative or library personnel, who were also certificated employees, and for preschool teachers, were not supported in the audit report or by any law or rule cited by the Controller.<sup>34</sup> In addition, the claimant conceded that training activities and costs were duplicated in the time study, and agreed that because the Parameters and Guidelines permitted training only once for each employee, the Controller's adjustment is reasonable.<sup>35</sup>

Accordingly, based on the claimant's response to the audit report and its IRC filing, the following issues are in dispute:

- Reductions based on the 19 disallowed activities in the claimant's time study; and
- Disallowed completed evaluations based on the type of certificated employee (i.e., Principals, vice principals, directors, coordinators, counselors, psychologists, librarians, and library media specialists, which are not certificated *instructional* employees; and preschool teachers, which the Controller found were not

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<sup>32</sup> Exhibit A, IRC, page 67 [Controller's Final Audit Report, p. 8].

<sup>33</sup> Exhibit A, IRC, page 67 [Controller's Final Audit Report, p. 8].

<sup>34</sup> Exhibit A, IRC, pages 70-71 [Controller's Final Audit Report, pp. 11-12].

<sup>35</sup> Exhibit A, IRC, page 70 [Controller's Final Audit Report, p. 11].

performing the requirements of state- or federally-mandated educational programs).<sup>36</sup>

### **III. Positions of the Parties**

#### **A. Carlsbad Unified School District**

##### **1. Time Study**

The claimant groups the 19 disallowed activities from the time study into four categories: evaluation conferences; preparation activities; training activities; and STAR testing results.<sup>37</sup> The claimant acknowledges that the audit report allows reimbursement for training costs elsewhere in the findings, and therefore the claimant “does not dispute removal of the training time from the time study.”<sup>38</sup> With respect to evaluation conferences, the claimant cites the Controller’s finding that evaluation conferences are not new to the test claim statute, and argues that “[t]he Controller has confused the subject matter of the old and new mandates with the method of implementation.”<sup>39</sup> The claimant notes that the Commission’s Test Claim Decision found that the test claim statute added two new factors or criteria for evaluation of certificated instructional employees: “the instructional techniques and strategies used by the employee, and the employee’s adherence to curricular objectives.”<sup>40</sup> The claimant argues that “the fact that districts used evaluation conferences to implement the previous mandated activities does not exclude reimbursement to use the same method to implement the new activities.”<sup>41</sup>

With respect to “preparation activities,” the claimant argues that preparation time was stated as a separate element in the time study only to promote accuracy: “preparation time could have been logically merged with the activity relevant to the preparation.”<sup>42</sup> The claimant notes that the Parameters and Guidelines “enumerates the subject matter of the evaluation process and not the entire process to implement the mandate.”<sup>43</sup> The claimant further notes, “[e]ven the Controller characterizes the parameters and guidelines as an ‘outline.’”<sup>44</sup> The claimant therefore concludes that preparation relating to evaluation conferences “is a rational, relevant, reasonable and

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<sup>36</sup> The total disputed reduction over four fiscal years is \$258,812 in salaries and benefits, and \$15,289 in related indirect costs. (Exhibit A, IRC, page 65 [Controller’s Final Audit Report, p. 6].)

<sup>37</sup> Exhibit A, IRC, pages 13-16.

<sup>38</sup> Exhibit A, IRC, page 16.

<sup>39</sup> Exhibit A, IRC, page 13.

<sup>40</sup> Exhibit A, IRC, page 14.

<sup>41</sup> Exhibit A, IRC, page 14.

<sup>42</sup> Exhibit A, IRC, page 15.

<sup>43</sup> Exhibit A, IRC, page 15.

<sup>44</sup> Exhibit A, IRC, page 15.

necessary part of implementing the mandated activities in the usual course of business and the Controller has stated no basis to exclude it from the scope of the evaluation process.”<sup>45</sup>

And with respect to STAR testing results, the claimant argues that the audit disallows time to review STAR test results “as it reasonably relates to the performance of those certificated employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11...” despite such review being found reimbursable in the Commission’s Test Claim Decision.<sup>46</sup>

Accordingly, the claimant alleges that the Controller incorrectly denied costs for activities properly included within the time study, and, incorrectly reduced the average time resulting from the study.

## 2. Excluded Evaluations

The claimant’s time study assigned a value (in staff time) to each evaluation, for purposes of tracking costs and claiming reimbursement. The Controller, however, disallowed costs for 46 of 660 completed evaluations claimed, based on findings that those evaluations were beyond the scope of the mandate. Evaluations claimed beyond the scope of the mandate include those that were conducted at a time they were not required, including duplicate evaluations within a single school year and evaluations conducted more than once every five years for permanent five-year-tenured teachers, or more than every other year for permanent non-tenured teachers.<sup>47</sup> The remaining disallowances were for certificated employees who were not required to be evaluated under the mandate (specifically, administrative and other non-instructional personnel, and preschool instructors).<sup>48</sup> While the claimant concurs with the Controller’s findings relating to evaluations conducted in a year they were not required, the claimant also notes in its IRC that the Controller has not identified the number of evaluations excluded based on each of these grounds.<sup>49</sup> With respect to excluded employees, such as “principals, vice principals, directors, coordinators, counselors, psychologists, librarians, and library media specialists,”<sup>50</sup> the claimant argues that the Test Claim Decision and Parameters and Guidelines do not limit reimbursement to employees providing classroom instruction. Rather, the claimant argues that the Test Claim Decision includes all certificated personnel “involved in the education process...”<sup>51</sup>

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<sup>45</sup> Exhibit A, IRC, page 15.

<sup>46</sup> Exhibit A, IRC, page 16 [citing the Test Claim Decision, *The Stull Act*, 98-TC-25].

<sup>47</sup> Exhibit A, IRC, page 67 [Controller’s Final Audit Report, p. 8].

<sup>48</sup> Exhibit A, IRC, page 67 [Controller’s Final Audit Report, p. 8].

<sup>49</sup> Exhibit A, IRC, pages 19-20.

<sup>50</sup> Exhibit A, IRC, page 67 [Controller’s Final Audit Report, p. 8].

<sup>51</sup> Exhibit A, IRC, page 17 [citing the Test Claim Decision, *The Stull Act*, 98-TC-25, pages 18-20 (“Certificated employees are those employees directly involved in the educational process and include both instructional and non-instructional employees such as teachers, administrators, supervisors, and principals.”)].

With respect to the exclusion of completed evaluations for preschool teachers, the claimant argues that the Commission identified a number of voluntary educational programs for which reimbursement for this mandate was not required, and preschool instruction was not among them.<sup>52</sup> Accordingly, the claimant asserts that “[t]here is no stated basis to exclude certificated preschool instructors.”<sup>53</sup>

The claimant did not file comments on the Draft Proposed Decision.

### **B. State Controller’s Office**

The Controller explains that “[i]nitially, all costs claimed by the district were unallowable because they were based on average time increments supported with time records that were not completed contemporaneously.”<sup>54</sup> The claimant conducted a time study in fiscal year 2010-2011, “as a substitute for records of actual time spent on teacher evaluations.”<sup>55</sup> The Controller accepted and applied that time study to the audit period, but determined that the scope of the time study included unallowable activities and costs:

The time study documented the time it took district evaluators to perform 22 separate activities of the teacher evaluation process. The time study results reported time for training, planning, preparation, meetings, observation, report writing and other activities within the evaluation process. We determined that 19 activities reported in the time study were unallowable.<sup>56</sup>

The claimant disputed those 19 disallowed activities, and grouped them into four categories: evaluation conferences; preparation activities; training activities; and STAR testing results.<sup>57</sup> Responding to the claimant’s categories, the Controller asserts that “evaluation conferences” as described by the claimant are not reimbursable for two reasons: first, section IV.B.1. of the Parameters and Guidelines only provides reimbursement for evaluation conferences every other year, unless a previous evaluation results in an unsatisfactory evaluation. The Controller states that no unsatisfactory evaluations were reported.<sup>58</sup> And second, the Controller maintains that section IV.A.1. and IV.A.2. do not provide reimbursement for evaluation conferences, and the Commission’s Statement of Decision expressly found that conferences were not reimbursable “because they were required before the enactment of the test claim legislation.”<sup>59</sup> The Controller

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<sup>52</sup> Exhibit A, IRC, pages 18-19 [citing Parameters and Guidelines, p. 3; Test Claim Decision, p. 11, Fn 42].

<sup>53</sup> Exhibit A, IRC, page 19.

<sup>54</sup> Exhibit B, Controller’s Late Comments on the IRC, page 10.

<sup>55</sup> Exhibit B, Controller’s Late Comments on the IRC, page 10.

<sup>56</sup> Exhibit B, Controller’s Late Comments on the IRC, page 10.

<sup>57</sup> Exhibit A, IRC, pages 13-16.

<sup>58</sup> Exhibit B, Controller’s Late Comments on the IRC, page 14.

<sup>59</sup> Exhibit B, Controller’s Late Comments on the IRC, page 14.

notes that the test claim statutes added “two new evaluation factors,” but the evaluation itself was required under prior law.<sup>60</sup>

With respect to “preparation activities,” the Controller argues that reimbursement is limited to those activities outlined in the Parameters and Guidelines, which do not list any preparation activities as reimbursable.<sup>61</sup> To the extent the claimant asserts that preparation activities are “reasonable and necessary,” the Controller suggests that “[t]he district may file an amendment with the Commission on State Mandates to amend the existing parameters and guidelines.”<sup>62</sup>

And with respect to “STAR testing results,” the Controller asserts that the claimant “did not claim any activity that is reimbursable.”<sup>63</sup> The Controller notes that “[r]eimbursement for the activity IV.A.2 is limited to ‘review of the results of the STAR test...and to include in the written evaluation...the assessment of the employee’s performance based on STAR results...’”<sup>64</sup> The claimant instead claimed reimbursement for “discussing the STAR results with teachers and how to improve instructional abilities.”<sup>65</sup> The Controller asserts that “these two activities are not interchangeable,” and “[w]e believe conference activities are not reimbursable, as they are not listed as allowable activities in the respective section of the program’s parameters and guidelines.”<sup>66</sup>

Finally, with respect to the number of completed evaluations claimed, and the number disallowed, the Controller notes that the claimant disagrees with the disallowed evaluations for “non-instructional certificated personnel,” including administrators, counselors, librarians, and others; and disallowed evaluations for preschool teachers.<sup>67</sup> The Controller maintains that the claimant is reading the Commission’s Test Claim Decision out of context, and therefore misinterpreting the Parameters and Guidelines with respect to employees for whom evaluations are reimbursable.<sup>68</sup> Addressing preschool teachers specifically, the Controller argues that the claimant failed to identify any specific state or federal law making preschool instruction mandatory, and therefore evaluations of preschool teachers are beyond the scope of this mandate.<sup>69</sup>

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<sup>60</sup> Exhibit B, Controller’s Late Comments on the IRC, page 14.

<sup>61</sup> Exhibit B, Controller’s Late Comments on the IRC, page 15.

<sup>62</sup> Exhibit B, Controller’s Late Comments on the IRC, page 15.

<sup>63</sup> Exhibit B, Controller’s Late Comments on the IRC, page 15.

<sup>64</sup> Exhibit B, Controller’s Late Comments on the IRC, page 15.

<sup>65</sup> Exhibit B, Controller’s Late Comments on the IRC, page 15.

<sup>66</sup> Exhibit B, Controller’s Late Comments on the IRC, page 15.

<sup>67</sup> Exhibit B, Controller’s Late Comments on the IRC, pages 18-19.

<sup>68</sup> Exhibit B, Controller’s Late Comments on the IRC, page 18.

<sup>69</sup> Exhibit B, Controller’s Late Comments on the IRC, page 19.

The Controller's Comments on the Draft Proposed Decision state that the Controller agrees with the findings and recommendations in the Draft Proposed Decision.<sup>70</sup>

#### **IV. Discussion**

Government Code section 17561(d) authorizes the Controller to audit the claims filed by local agencies and school districts and to reduce any claim for reimbursement of state mandated costs that the Controller determines is excessive or unreasonable.

Government Code Section 17551(d) requires the Commission to hear and decide a claim that the Controller has incorrectly reduced payments to the local agency or school district. If the Commission determines that a reimbursement claim has been incorrectly reduced, section 1185.9 of the Commission's regulations requires the Commission to send the decision to the Controller and request that the costs in the claim be reinstated.

The Commission must review questions of law, including interpretation of the parameters and guidelines, de novo, without consideration of legal conclusions made by the Controller in the context of an audit. The Commission is vested with exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6 of the California Constitution.<sup>71</sup> The Commission must also interpret the Government Code and implementing regulations in accordance with the broader constitutional and statutory scheme. In making its decisions, the Commission must strictly construe article XIII B, section 6 and not apply it as an "equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities."<sup>72</sup>

With regard to the Controller's audit decisions, the Commission must determine whether they were arbitrary, capricious, or entirely lacking in evidentiary support. This standard is similar to the standard used by the courts when reviewing an alleged abuse of discretion of a state agency.<sup>73</sup> Under this standard, the courts have found that:

When reviewing the exercise of discretion, "[t]he scope of review is limited, out of deference to the agency's authority and presumed expertise: 'The court may not reweigh the evidence or substitute its judgment for that of the agency. [Citation.]'" ... "In general ... the inquiry is limited to whether the decision was arbitrary, capricious, or entirely lacking in evidentiary support. . . ." [Citations.] When making that inquiry, the " "court must ensure that an agency has adequately considered all relevant factors, and has demonstrated a rational

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<sup>70</sup> Exhibit D, Controller's Comments on the Draft Proposed Decision.

<sup>71</sup> *Kinlaw v. State of California* (1991) 54 Cal.3d 326, 331-334; Government Code sections 17551, 17552.

<sup>72</sup> *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1264, 1281, citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

<sup>73</sup> *Johnston v. Sonoma County Agricultural Preservation and Open Space Dist.* (2002) 100 Cal.App.4th 973, 983-984. See also *American Bd. of Cosmetic Surgery, Inc. v. Medical Bd. of California* (2008) 162 Cal.App.4th 534, 547.

connection between those factors, the choice made, and the purposes of the enabling statute.” [Citation.]’ ”<sup>74</sup>

The Commission must review the Controller’s audit in light of the fact that the initial burden of providing evidence for a claim of reimbursement lies with the claimant.<sup>75</sup> In addition, section 1185.1(f)(3) and 1185.2(d) and (e) of the Commission’s regulations require that any assertions of fact by the parties to an IRC must be supported by documentary evidence. The Commission’s ultimate findings of fact must be supported by substantial evidence in the record.<sup>76</sup>

**A. The Claimant Timely Filed this IRC Within Three Years From the Date It First Received From the Controller Written Notice of the Adjustment as Required by Former Section 1185.1 of the Commission’s Regulations.**

Government Code section 17561 authorizes the Controller to audit the reimbursement claims and records of local government to verify the actual amount of the mandated costs, and to reduce any claim that the Controller determines is excessive or unreasonable. If the Controller reduces a claim on a state-mandated program, the Controller is required to notify the claimant in writing, specifying the claim components adjusted, the amounts adjusted, interest charges on claims adjusted to reduce the overall reimbursement to the claimant, and the reason for the adjustment.<sup>77</sup> The claimant may then file an IRC with the Commission “pursuant to regulations adopted by the Commission” contending that the Controller’s reduction was incorrect and to request that the Controller reinstate the amounts reduced to the claimant.<sup>78</sup>

To be complete, an IRC filing must be timely filed “no later than three years following the date of the Office of State Controller’s final audit report, letter, remittance advice, or other written notice of adjustment to a reimbursement claim.”<sup>79</sup>

Here, the Final Audit Report is dated June 15, 2012.<sup>80</sup> The IRC was filed with the Commission on June 9, 2015.<sup>81</sup> Less than three years having elapsed between the issuance of the final audit

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<sup>74</sup> *American Bd. of Cosmetic Surgery, Inc. v. Medical Bd. of California* (2008) 162 Cal.App.4th, 534, 547-548.

<sup>75</sup> *Gilbert v. City of Sunnyvale* (2005) 130 Cal.App.4th 1264, 1274-1275.

<sup>76</sup> Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission’s decision is not supported by substantial evidence in the record.

<sup>77</sup> Government Code section 17558.5(c).

<sup>78</sup> Government Code sections 17551(d), 17558.7; California Code of Regulations, title 2, sections 1185.1, 1185.9.

<sup>79</sup> Former California Code of Regulations, title 2, sections 1185.1(c), 1185.2(a) (Register 2014, No. 21).

<sup>80</sup> Exhibit A, IRC, pages 4; 57.

<sup>81</sup> Exhibit A, IRC, page 1.

report and the filing of the IRC, this IRC was filed within the period prescribed in former Code of Regulations, title 2, section 1185.1.

Based on the foregoing, the Commission finds the IRC was timely filed.

**B. The Controller’s Reductions Based on the Denial of Activities Included in the Claimant’s Time Study that the Controller Found Were Beyond the Scope of the Mandate Are Correct as Matter of Law, and Not Arbitrary, Capricious, or Entirely Lacking in Evidentiary Support.**

The Parameters and Guidelines for this program, adopted September 27, 2005, require that reimbursement be based on *actual costs* supported by contemporaneous source documents created at or near the same time the actual cost was incurred, as follows:

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.<sup>82</sup>

The claimant’s original reimbursement claim documentation is comprised of forms and schedules containing administrators’ assertions of estimated staff time spent on the mandate, which were then compiled to produce average times to perform the mandated activities, and translated into costs.<sup>83</sup> The Controller rejected the claimant’s initial claimed costs for fiscal years 2005-2006 through 2008-2009 “because they were based on average time increments supported with time records that were not completed contemporaneously.”<sup>84</sup> This amounts to a finding that the claimant did not comply with the contemporaneous source document rule, and did not claim actual costs, as required by the Parameters and Guidelines.<sup>85</sup> There is no assertion or evidence in the record rebutting that finding. Pursuant to Government Code section 17564, reimbursement claims filed with the Controller shall be filed in the manner prescribed in the Parameters and Guidelines, and the Parameters and Guidelines, as a quasi-judicial decision of the Commission, are final and binding.<sup>86</sup> The claimant failed to comply with the Parameters and

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<sup>82</sup> Exhibit A, IRC, page 30 [Parameters and Guidelines, p. 3].

<sup>83</sup> Exhibit A, IRC, pages 85-366. See, e.g., Exhibit A, IRC, pages 101; 104-122; 124-125; 141.

<sup>84</sup> Exhibit A, IRC, page 65 [Final Audit Report, p. 6].

<sup>85</sup> See Exhibit A, IRC, page 30 [Parameters and Guidelines, p. 3]; *Clovis Unified School Dist. v. Chiang* (2010) 188 Cal.App.4th 794, 802-803 [Discussing non-enforceability of the Controller’s Contemporaneous Source Document Rule when imposed only by Controller’s Claiming Instructions, prior to valid incorporation within Parameters and Guidelines, a regulatory document].

<sup>86</sup> *California School Boards Association v. State of California* (2009) 171 Cal.App.4th 1183, 1201.



Guidelines, and therefore the Controller could have reduced the entire claim to zero. Any such reduction would have been correct as a matter of law.

Instead, the Controller permitted the claimant to conduct a time study based on fiscal year 2010-2011 activities, “as a substitute for records of actual time spent on teacher evaluations.”<sup>87</sup> The results of that time study were then applied to the earlier audit period, and the issue before the Commission in this IRC is whether the Controller’s adjustments to and application of the time study is arbitrary, capricious, or entirely lacking in evidentiary support.

The claimant’s time study identified 22 discrete activities involved in the teacher evaluation process, and identified the time spent on each item, in order to determine average times to perform the reimbursable activities.<sup>88</sup> Those items included time for training, planning, preparation, meetings, observation, report writing, and other activities, for a total (average) of 10 hours, 38 minutes per evaluation.<sup>89</sup>

The Controller disallowed 19 of the 22 discrete activities of the time study, based on the following findings:

- (1) The activities related to planning, preparation, and organizing notes are not reimbursable under the mandate.
- (2) Training-related activities were included in the time study, but were also claimed as a direct cost item in each fiscal year. “We determined allowable time spend on training from the district’s original claims.”
- (3) Conferences between the evaluators and teachers are not reimbursable because they were required before the enactment of the test claim legislation.<sup>90</sup>

And, according to the claimant’s narrative, the Controller also denied one activity related to evaluation and assessment of teachers with respect to their pupils’ STAR testing results, and progress toward state standards.<sup>91</sup>

The Controller found that each completed evaluation takes an average of 5 hours and 8 minutes, based on the three allowed activities from the claimant’s time study.<sup>92</sup>

The claimant disputes the disallowance of activities related to evaluation conferences, preparation and planning activities, and reviewing STAR test results.<sup>93</sup> Specifically, the claimant argues that evaluation conferences are “a method of implementing this mandate, and

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<sup>87</sup> Exhibit A, IRC, page 65 [Final Audit Report, p. 6].

<sup>88</sup> See Exhibit A, IRC, page 11.

<sup>89</sup> Exhibit A, IRC, page 65 [Final Audit Report, p. 6].

<sup>90</sup> Exhibit A, IRC, page 66 [Final Audit Report, p. 7].

<sup>91</sup> Exhibit A, IRC, page 16.

<sup>92</sup> Exhibit A, IRC, page 67 [Final Audit Report, p. 8].

<sup>93</sup> Exhibit A, IRC, pages 13-16.

not just a subject matter activity.”<sup>94</sup> The claimant further asserts that preparation activities were not explicitly considered or denied by the Test Claim Decision, and “[p]reparation is a rational, relevant, reasonable and necessary part of implementing the mandated activities in the usual course of business and the Controller has stated no basis to exclude it from the scope of the evaluation process.”<sup>95</sup> In addition, the claimant argues that the Test Claim Decision approved “the review of the results of the STAR test as it reasonably relates to the performance of those certificated employees [that teach STAR test subjects], and to include in the written evaluation of those certificated employees the assessment of the employee’s performance based on the STAR results for the pupils they teach.”<sup>96</sup>

The Commission finds that the Controller’s denial of the 19 activities included in the claimant’s time study is correct as a matter of law, and not arbitrary, capricious, or without evidentiary support.

The Parameters and Guidelines limit reimbursement for evaluation and assessment of certificated employees as follows:

- Evaluate and assess the performance of certificated instructional employees *that perform the requirements of educational programs mandated by state or federal law* as it reasonably relates to the instructional techniques and strategies used by the employee; and the employee’s adherence to curricular objectives.

*Reimbursement for this activity is limited to:*

- *review* of the employee’s instructional techniques and strategies and adherence to curricular objectives, and
  - *include in the written evaluation* of the certificated instructional employees the assessment of these factors during the specified evaluation periods.
- Evaluate and assess the performance of certificated instructional employees that teach [STAR test subjects, reading, writing, mathematics, etc.] in grades 2 to 11 as it reasonably relates to the progress of pupils toward [STAR test statewide standards].

*Reimbursement for this activity is limited to:*

- *review* of the results of the STAR test as it reasonably relates to the performance of those certificated employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11, and
- *include in the written evaluation* of those certificated employees the assessment of the employee’s performance based on the STAR results for the pupils they teach during the specified evaluation periods.

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<sup>94</sup> Exhibit A, IRC, page 13.

<sup>95</sup> Exhibit A, IRC, pages 13-15.

<sup>96</sup> Exhibit A, IRC, page 16.

- Evaluate and assess permanent *certificated, instructional and non-instructional employees that perform the requirements of educational programs mandated by state or federal law and receive an unsatisfactory evaluation* in the years in which the permanent certificated employee would not have otherwise been evaluated. The additional evaluations shall last until the employee achieves a positive evaluation, or is separated from the school district. The following activities are reimbursable:
  - evaluate and assess the certificated employee performance as it reasonably relates to the following criteria: (1) the progress of pupils toward the standards established by the school district of expected pupil achievement at each grade level in each area of study, and, if applicable, the state adopted 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; and, if applicable, (5) the fulfillment of other job responsibilities established by the school district for certificated non-instructional personnel;
  - the evaluation and assessment shall be reduced to writing. The evaluation shall include recommendations, if necessary, as to areas of improvement in the performance of the employee. If the employee is not performing his or her duties in a satisfactory manner according to the standards prescribed by the governing board, the school district shall notify the employee in writing of that fact and describe the unsatisfactory performance;
  - transmit a copy of the written evaluation to the certificated employee;
  - attach any written reaction or response to the evaluation by the certificated employee to the employee’s personnel file; and
  - conduct a meeting with the certificated employee to discuss the evaluation.<sup>97</sup>

This is a very narrow higher level of service, and reimbursement is not required for the full evaluation and assessment of those certificated employees who have received satisfactory evaluations. For those employees, reimbursement is limited to the review and the inclusion of the new criteria mandated by the test claim statutes in the written evaluation. Further, the Parameters and Guidelines require the claimant to identify the state or federal law that mandates the educational program being performed by the employee being evaluated.<sup>98</sup>

Nowhere in the time study documentation, the response to the Draft Audit Report, or the IRC narrative itself, does the claimant attempt to isolate the narrow higher level of service approved by the Commission in the Test Claim Decision, or to tie the 19 disallowed time study items to the approved activities. As explained in the Test Claim Decision, prior law already required

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<sup>97</sup> Exhibit A, IRC, pages 31-33 [Parameters and Guidelines, pp. 4-6].

<sup>98</sup> Exhibit A, IRC, pages 31-33 [Parameters and Guidelines, pp. 4-6].

evaluation of certificated employees.<sup>99</sup> The test claim statutes merely added additional criteria to be considered within those evaluations, and required a follow-up evaluation when a certificated employee receives an unsatisfactory evaluation and annual evaluations thereafter until the employee receives a satisfactory evaluation or, is separated from the school district.<sup>100</sup> The time study activities proposed by the claimant make are not restricted to the time and costs of evaluations pertaining to only the new evaluation and assessment criteria,<sup>101</sup> nor are they limited to only those evaluations required for employees whose last regularly-scheduled evaluation resulted in an unsatisfactory rating.<sup>102</sup> The Parameters and Guidelines require documentation to establish the relationship between the activities and costs claimed and the reimbursable activities stated in the Parameters and Guidelines.<sup>103</sup> The claimant’s time study activities (which generally include evaluation conferences, preparation and planning activities) are described too generally to establish that connection.<sup>104</sup>

Furthermore, the activity proposed for claimant’s time study related to STAR testing goes beyond the scope of the reimbursable activity. The claimant argues that the Commission approved “the review of the results of the STAR test as it reasonably relates to the performance of those certificated employees [teaching STAR test subjects] and to include in the written evaluation of those certificated employees the assessment of the employee’s performance based on the STAR results for the pupils they teach...”<sup>105</sup> That description is substantially similar to and consistent with the Parameters and Guidelines, which indeed provide reimbursement to evaluate and assess the performance of teachers of STAR test subjects<sup>106</sup> “as it reasonably relates to the progress of pupils towards the state adopted academic content standards...” The Parameters and Guidelines also clarify that reimbursement for this activity is limited to “reviewing the results” of the STAR test and “including in the written evaluation...the assessment of the employee’s performance based on the [STAR test] results for the pupils they teach.”<sup>107</sup> However, the activity stated in the claimant’s proposed time study pertaining to STAR testing is “*Discussing* the STAR results with teachers and assessing how to improve instructional abilities.”<sup>108</sup> The activity as described in the claimant’s time study implies interaction between

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<sup>99</sup> Exhibit E, Test Claim Decision, *The Stull Act*, 98-TC-25, pages 18-25.

<sup>100</sup> Exhibit A, IRC, pages 31-32 [Parameters and Guidelines, pp. 4-5].

<sup>101</sup> Exhibit A, IRC, pages 31-32 [Parameters and Guidelines, pp. 4-5, Parts IV.A.1. & 2.].

<sup>102</sup> Exhibit A, IRC, page 32 [Parameters and Guidelines, p. 5, Part IV.B.1.].

<sup>103</sup> Exhibit A, IRC, page 30 [Parameters and Guidelines, p. 3]. Actual costs claimed “must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities.”

<sup>104</sup> Exhibit A, IRC, pages 31-32 [Parameters and Guidelines, pp. 4-5].

<sup>105</sup> Exhibit A, IRC, page 16 [citing Test Claim Decision, *The Stull Act*, 98-TC-25, p. 31].

<sup>106</sup> Grades 2 through 11, teaching Reading, Writing, Mathematics, History/Social Science, and Science.

<sup>107</sup> Exhibit A, IRC, page 31 [Parameters and Guidelines, p. 4].

<sup>108</sup> Exhibit A, IRC, page 13.

the teacher and the evaluator that is not required by the plain language of the approved activity as stated in the Parameters and Guidelines. Both reviewing the results of the STAR test, and including an assessment in the written evaluation can be done unilaterally by the evaluator, and do not require a discussion.

And, to the extent certain elements of the claimant's time study related to evaluation conferences, preparation, and planning activities seem "rational, relevant, reasonable and necessary part[s] of implementing the mandated activities,"<sup>109</sup> they are not identified as reimbursable activities in the Parameters and Guidelines. The claimant had an opportunity to include those activities within the Parameters and Guidelines as "reasonably necessary activities" pursuant to Government Code section 17557(a) and Code of Regulations, title 2, section 1183.7(d). Section 1183.7 describes the "Content of Parameters and Guidelines," and subdivision (d) defines "reasonably necessary activities" as those activities "necessary to comply with the statutes, regulations and other executive orders found to impose a state-mandated program." The section further states that "[w]hether an activity is reasonably necessary is a mixed question of law and fact," the assertion of which must be supported by documentary evidence submitted in accordance with section 1187.5.<sup>110</sup> In other words, if the claimant seeks reimbursement for the various elements of its time study as "reasonably necessary" elements of the reimbursable mandate, those activities have to be approved by the Commission based on substantial evidence in the record and included within the Parameters and Guidelines, either when the Parameters and Guidelines were first adopted, or as an amendment request.<sup>111</sup> To the extent the activities claimed exceed the scope of the mandate as stated in the Parameters and Guidelines, they are not eligible for reimbursement. The Parameters and Guidelines, as adopted, are binding on the parties.<sup>112</sup> The argument that such items are "reasonably necessary" cannot now be employed as an end-run around the Parameters and Guidelines.

Finally, it is the claimant's burden to establish actual costs, using "source documents that show the validity of such costs, when they were incurred, and *their relationship to the reimbursable activities.*"<sup>113</sup> The claimant argues that the Controller's reduction of costs is incorrect or arbitrary or capricious, and frames these issues in terms of the Controller's failure to state a reason for the reduction.<sup>114</sup> The claimant, however, ignores its duty to establish the relationship to the reimbursable activities. The Controller's concession permitting the use of a time study does not alter the scope of the mandate, which is a question of law, or otherwise relieve the claimant of the burden to show that its claimed costs are eligible for reimbursement pursuant to the Test Claim Decision and Parameters and Guidelines. Moreover, there is no evidence in the

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<sup>109</sup> Exhibit A, IRC, page 15.

<sup>110</sup> California Code of Regulations, title 2, section 1183.7.

<sup>111</sup> See California Code of Regulations, title 2, section 1183.17.

<sup>112</sup> *California School Boards Association v. State of California* (2009) 171 Cal.App.4th 1183, 1201.

<sup>113</sup> Exhibit A, IRC, page 30 [Parameters and Guidelines, p. 3].

<sup>114</sup> See, e.g., Exhibit A, IRC, page 15 [Discussing "Preparation Activities," the claimant states that the Controller "has stated no basis to exclude it from the scope of the evaluation process."].

record that the Controller's reduction of costs based on the denial of these 19 activities is arbitrary, capricious, or entirely lacking in evidentiary support.

Accordingly, the Commission finds that the Controller's reduction of costs based on the Controller's denial of 19 of the activities included in claimant's time study is correct as a matter of law, and is not arbitrary, capricious, or entirely lacking in evidentiary support.

**C. The Controller's Disallowance of Completed Evaluations that Are Beyond the Scope of the Mandate Is Correct as a Matter of Law.**

As noted above, the Parameters and Guidelines for *The Stull Act* program require reimbursement for the following:

- Evaluate and assess the performance of certificated instructional employees that perform the requirements of educational programs mandated by state or federal law as it reasonably relates to
  - the instructional techniques and strategies used by the employee; and
  - the employee's adherence to curricular objectives;
- Evaluate and assess the performance of certificated instructional employees that teach [STAR test subjects, reading, writing, mathematics, etc.] in grades 2 to 11 as it reasonably relates to the progress of pupils toward [STAR test statewide standards]; and
- Evaluate and assess permanent certificated, instructional, and non-instructional employees that perform the requirements of educational programs mandated by state or federal law and receive an unsatisfactory evaluation in the years in which the permanent certificated employee would not have otherwise been evaluated. The additional evaluations shall last until the employee achieves a positive evaluation, or is separated from the school district.<sup>115</sup>

The Parameters and Guidelines further require the claimant to identify the state or federal law mandating the educational program being performed by the employee being evaluated and assessed.<sup>116</sup>

The Controller disallowed reimbursement for evaluations completed for employees that are not within the scope of the mandate. Specifically, as disputed here, the Controller disallowed reimbursement for evaluations of the following employees:

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<sup>115</sup> Exhibit A, IRC, pages 31-33 [Parameters and Guidelines, pp. 4-6].

<sup>116</sup> Exhibit A, IRC, pages 31-33 [Parameters and Guidelines, pp. 4-6]. Note that this caveat is not stated under section IV.A.2. of the Parameters and Guidelines, with respect to certificated instructional employees that teach STAR test subjects in grades 2 to 11 (presumably because simply claiming costs under this very specific activity makes clear which state and federal laws are implicated).

- Principals, vice principals, directors, coordinators, counselors, psychologists, librarians, and library media specialists who are not certificated instructional employees; and
- Preschool teachers [because they] do not perform the requirements of the program that is mandated by state or federal law.<sup>117</sup>

The claimant argues that all certificated employees are “instructional personnel even if they are not ‘classroom teachers’” and that preschool teachers are not excluded by the Parameters and Guidelines.<sup>118</sup> Addressing preschool instructors specifically, claimant argues that “[t]he audit report excludes preschool teachers in general based on the Controller’s opinion that preschool teachers do not perform the requirements of an educational program mandated by state or federal law.”<sup>119</sup> The claimant further argues that the Commission identified voluntary programs for which reimbursement is not required in a footnote in the Test Claim Decision, “and preschool is not included in that enumeration.”<sup>120</sup> Accordingly, claimant asserts that “[t]here is no stated basis to exclude certificated preschool instructors.”<sup>121</sup>

With respect to other personnel, such as administrators, librarians, and others for whom evaluations and assessments were excluded from reimbursement, the claimant states that the audit report misstates the standard for judging which employees’ evaluations are reimbursable and which are not:

The intent of this component is to evaluate the elements of classroom instruction. Principals, vice principals, directors, coordinators, counselors, psychologists, librarians, and library media specialists do not provide classroom instruction and are considered “non-instructional” certificated personnel.<sup>122</sup>

The claimant concedes that “the portion of the mandate relating to the evaluation of compliance with the testing assessment standards (the STAR component) is limited to classroom teachers because the parameters and guidelines specifically state ‘employees that teach’ specified curriculum.”<sup>123</sup> However, the claimant maintains that all certificated employees are instructional personnel and that “[i]t has not been established as a matter of law that involvement in the educational process requires a ‘classroom.’”<sup>124</sup>

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<sup>117</sup> Exhibit A, IRC, pages 73-74 [Final Audit Report, pp. 14-15].

<sup>118</sup> Exhibit A, IRC, pages 18-19 and 71.

<sup>119</sup> Exhibit A, IRC, page 18.

<sup>120</sup> Exhibit A, IRC, page 19.

<sup>121</sup> Exhibit A, IRC, page 19.

<sup>122</sup> Exhibit A, IRC, page 17 [quoting Controller’s Final Audit Report, p. 15 (Exhibit A, IRC, p. 74)].

<sup>123</sup> Exhibit A, IRC, page 71 [Controller’s Final Audit Report, p. 12].

<sup>124</sup> Exhibit A, IRC, page 18 and 71.

The claimant is wrong on both counts. The Test Claim Decision analyzed at length the distinction between instructional and non-instructional personnel, in an attempt to isolate the higher level of service imposed by the test claim statutes. The Commission found that prior law “required school districts to develop evaluation and assessment guidelines and to evaluate both instructional and non-instructional certificated employees based on the guidelines on a continuing basis.”<sup>125</sup> The Commission also found case law to support the conclusion that the Stull Act, prior to the test claim statutes, applied to both instructional and non-instructional certificated personnel.<sup>126</sup> In analyzing the test claim statutes the Commission found, and the Department of Finance and the test claimant agreed, that the new categories of “instructional techniques and strategies,” and “the employee’s adherence to curricular objectives,” represented new criteria for the evaluation and assessment of certificated *instructional* personnel equating the term “instructional” with “teachers.”<sup>127</sup>

Accordingly, Part IV.A.1. of the Parameters and Guidelines limits reimbursement for the higher level of service imposed by the test claim statutes to “certificated *instructional* employees,” and to the *two new components* of the evaluation, both of which relate to the provision of *instruction*: “instructional techniques and strategies used by the employee and the employee’s adherence to curricular objectives.”<sup>128</sup> In addition, as noted, Part IV.A.1. *requires the claimant* to identify the state or federal law mandating the educational program being performed by the certificated instructional personnel.<sup>129</sup> Therefore, this section provides reimbursement for evaluation and assessment of *instructional* employees only, and only those performing the requirements of educational programs mandated by state or federal law. Although administrators, librarians, counselors, and psychologists are positions requiring certification, they generally do not provide instruction to students.<sup>130</sup> The claimant argues that these employees are *not excluded* by the

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<sup>125</sup> Exhibit E, Test Claim Decision, *The Stull Act*, 98-TC-25, page 22.

<sup>126</sup> Exhibit E, Test Claim Decision, *The Stull Act*, 98-TC-25, pages 22-23.

<sup>127</sup> Exhibit E, Test Claim Decision, *The Stull Act*, 98-TC-25, pages 28-30; 21 [The plain language of these statutes does not distinguish between instructional employees (teachers) and non-instructional employees (principals, administrators), or specifically exclude certificated non-instructional employees.].

<sup>128</sup> Exhibit A, IRC, page 31 [Parameters and Guidelines, p. 4].

<sup>129</sup> Exhibit A, IRC, page 31 [Parameters and Guidelines, p. 4].

<sup>130</sup> Education Code section 44065, which governs teaching and services credential requirements. See also, California Code of Regulations, title 5, section 80049.1, which authorizes a school psychologist with a services credential to “provide services that enhance academic performance; design strategies and programs to address problems of adjustment; consult with other educators and parents on issues of social development, behavioral and academic difficulties; conduct psycho-educational assessments for purposes of identifying special needs; provide psychological counseling for individuals, groups and families; and coordinate intervention strategies for management of individual and school-wide crises.”

California Code of Regulations, title 5, section 80049.1 also authorizes a school counselor with a services credential to “develop, plan, implement and evaluate a school counseling and guidance



Parameters and Guidelines, but neither do they necessarily fall within the higher level of service that the Commission determined to be reimbursable, absent some evidence that they are indeed performing the requirements of educational programs mandated by state or federal law; a requirement that the Parameters and Guidelines expressly requires the claimant to establish and for which the claimant has submitted no evidence. Thus, the Controller correctly concludes that “instructional” employees excludes administrators, librarians, counselors, and psychologists, and others, absent additional evidence.<sup>131</sup>

With regard to preschool instruction, the claimant mistakenly relies on a footnote in the Test Claim Decision, which listed examples of voluntary educational programs funded by the Budget Act, to suggest that preschool instruction, which was not among the programs listed, must therefore be mandatory.<sup>132</sup> The list in the Test Claim Decision was not intended to represent an exhaustive cataloging of voluntary (or non-mandatory) educational programs, as the claimant suggests.<sup>133</sup> Rather, the Parameters and Guidelines expressly require the claimant to specifically identify the educational programs mandated by state or federal law being performed by the certificated instructional employee in order to get reimbursed for the evaluation, which the claimant has not done. In addition, Education Code section 48200 et seq., provides for compulsory education for pupils aged 6 to 18, but does not as a matter of law apply to preschool-

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program that includes academic, career, personal and social development; advocate for the higher academic achievement and social development of all students; provide school-wide prevention and intervention strategies and counseling services; provide consultation, training and staff development to teachers and parents regarding students' needs; and supervise a district-approved advisory program as described in Education Code Section 49600.”

California Code of Regulations, title 5, section 80053, authorizes the librarian with a services credential to “instruct students in accessing, evaluating, using and integrating information and resources in the library program; to plan and coordinate school library programs with the instructional programs of a school district through collaboration with teachers; to select materials for school and district libraries; to develop programs for and deliver staff development for school library services; to coordinate or supervise library programs at the school, district or county level; to plan and conduct a course of instruction for those pupils who assist in the operation of school libraries; to supervise classified personnel assigned school library duties; and to develop procedures for and management of the school and district libraries.”

California Code of Regulations, title 5, section 80054.5, authorizes the school administrator with a services credential to develop, coordinate, and assess instructional programs; supervise and evaluate certificated and classified personnel; discipline students; manage fiscal services; develop, coordinate, and supervise student support services.

And, Code of Regulations, title 5, section 16043 states that persons employed by a school district as librarians may supplement classroom instruction, or conduct “a planned course of instruction for those pupils who assist in the operation of school libraries.”

<sup>131</sup> Exhibit A, IRC, pages 73-74 [Final Audit Report, pp. 14-15].

<sup>132</sup> Exhibit A, IRC, pages 18-19.

<sup>133</sup> Exhibit E, Test Claim Decision, *The Stull Act*, 98-TC-25, page 12, Fn 42.

aged children. The claimant argues that federal special education law requires preschool instruction for pupils when part of a pupil's Individualized Education Plan.<sup>134</sup> However, the claimant has not provided any evidence that preschool teachers evaluated and claimed provided instruction in educational programs mandated by federal law, as required by the Parameters and Guidelines.

In addition, Part IV.A.2. requires reimbursement only for evaluations of "certificated instructional employees that teach..." STAR test subjects in grades 2 to 11.<sup>135</sup> This provision also excludes non-instructional administrative and support personnel, and excludes preschool teachers, based on nothing more than its plain language.

Part IV.B.1. does provide for reimbursement for evaluation and assessment of certificated instructional *and* non-instructional employees, but only those whose last regularly-scheduled evaluation resulted in an unsatisfactory evaluation (i.e., off-year evaluations for permanent certificated employees, and more often than once every five years for permanent "tenured" certificated employees). Part IV.B.1. also includes the same caveat as above, that the claimant must identify the state or federal law mandating the educational program being performed. There has been no specific argument or evidence in the record to support a finding that any of the non-instructional personnel whose evaluations were disallowed were evaluated on the basis of having a previously unsatisfactory evaluation.

The claimant, with all of its arguments, attempts to shift the burden to the Controller to support its reductions, but it is the claimant's burden to make out its claim.<sup>136</sup> In addition, sections 1185.1(f)(3), 1185.2(d) and (e) of the Commission's regulations require that any assertions of fact by the parties to an IRC must be supported by documentary evidence. The Parameters and Guidelines specifically and expressly require the *claimant* to identify the state or federal law mandating the educational program being performed by the employee(s) evaluated, except in the case of STAR subject instructors in grades 2 to 11 (for whom the mandatory nature of the educational program is presumed).<sup>137</sup> The claimant has not complied with the Parameters and Guidelines.

Based on the foregoing, the Commission finds that the Controller's disallowance of 46 completed evaluations that were beyond the scope of the mandate is correct as a matter of law and not arbitrary, capricious, or entirely lacking in evidentiary support.

## V. Conclusion

Based on the foregoing, the Commission finds that the IRC was timely filed and denies this IRC. The Commission finds that the Controller's reduction of costs based the denial of 19 activities included in the claimant's time study and the disallowance of 46 completed evaluations that were beyond the scope of the mandate, are correct as a matter of law and not arbitrary, capricious, or entirely lacking in evidentiary support.

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<sup>134</sup> Exhibit A, IRC, pages 71-74 [Controller's Final Audit Report, pp. 12-15].

<sup>135</sup> Exhibit A, IRC, pages 31-32 [Parameters and Guidelines, pp. 4-5].

<sup>136</sup> *Gilbert v. City of Sunnyvale* (2005) 130 Cal.App.4th 1264, 1274-1275.

<sup>137</sup> Exhibit A, IRC, pages 31-33 [Parameters and Guidelines, pp. 4-6].



RE: **Decision**

*The Stull Act*, 14-9825-I-02

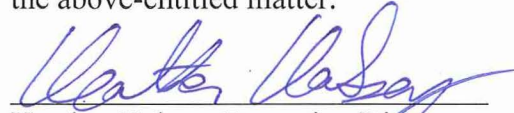
Education Code Sections 44660-44665;

Statutes 1983, Chapter 498; Statutes 1999, Chapter 4

Fiscal Years: 2005-2006, 2006-2007, 2007-2008, and 2008-2009

Carlsbad Unified School District, Claimant

On July 27, 2018, the foregoing Decision of the Commission on State Mandates was adopted on the above-entitled matter.

  
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Heather Halsey, Executive Director

Dated: July 30, 2018

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On July 30, 2018, I served the:

- **Decision adopted July 27, 2018**

*The Stull Act, 14-9825-I-02*

Education Code Sections 44662 and 44664;

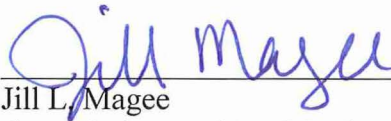
Statutes 1983, Chapter 498; Statutes 1999, Chapter 4

Fiscal Years: 2005-2006, 2006-2007, 2007-2008, and 2008-2009

Carlsbad Unified School District, Claimant

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on July 30, 2018 at Sacramento, California.



Jill L. Magee

Commission on State Mandates

980 Ninth Street, Suite 300

Sacramento, CA 95814

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# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 7/2/18

**Claim Number:** 14-9825-I-02

**Matter:** The Stull Act

**Claimant:** Carlsbad Unified School District

### TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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## **Tab 5**



September 28, 2016

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2488 Historic Decatur Road,  
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Ms. Karen Huddleston  
Oceanside Unified School  
District  
2111 Mission Avenue  
Oceanside, CA 92058

Ms. Jill Kanemasu  
State Controller's Office  
Accounting and Reporting  
3301 C Street, Suite 700  
Sacramento, CA 95816

*And Parties, Interested Parties, and Interested Persons (See Mailing List)*

Re: **Decision**

*The Stull Act*, 14-9825-I-01

Education Code Section 44660-44665

Statutes 1983, Chapter 498; Statutes 1999, Chapter 4

Fiscal Years: 1997-1998, 1998-1999, 1999-2000, 2000-2001, 2001-2002,  
2002-2003, 2003-2004, and 2004-2005

Oceanside Unified School District, Claimant

Dear Mr. Palkowitz, Ms. Huddleston, and Ms. Kanemasu:

On September 23, 2016, the Commission on State Mandates adopted the Decision on the above-entitled matter.

Sincerely,

Heather Halsey  
Executive Director

BEFORE THE  
 COMMISSION ON STATE MANDATES  
 STATE OF CALIFORNIA

IN RE INCORRECT REDUCTION CLAIM  
 ON:  
 Education Code Sections 44660-44665  
 Statutes 1983, Chapter 498;  
 Statutes 1999, Chapter 4  
 Fiscal Years 1997-1998, 1998-1999, 1999-  
 2000, 2000-2001, 2001-2002, 2002-2003,  
 2003-2004, and 2004-2005  
 Oceanside Unified School District, Claimant

Case No.: 14-9825-I-01

*The Stull Act*

DECISION PURSUANT TO  
 GOVERNMENT CODE SECTION  
 17500 ET SEQ.; CALIFORNIA CODE OF  
 REGULATIONS, TITLE 2, DIVISION 2,  
 CHAPTER 2.5, ARTICLE 7

*(Adopted September 23, 2016)*

*(Served September 28, 2016)*

**DECISION**

The Commission on State Mandates (Commission) heard and decided this Incorrect Reduction Claim (IRC) during a regularly scheduled hearing on September 23, 2016. Arthur Palkowitz and Dr. Todd McAteer, Director of Human Resources for Oceanside Unified School District, appeared for the claimant. Jim Spano and Ken Howell appeared for the State Controller’s Office.

The law applicable to the Commission’s determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code section 17500 et seq., and related case law.

The Commission adopted the Proposed Decision to partially approve the IRC by a vote of 6-0 as follows:

<b>Member</b>	<b>Vote</b>
Richard Chivaro, Representative of the State Controller	Yes
Mark Hariri, Representative of the State Treasurer, Vice Chairperson	Yes
Scott Morgan, Deputy Director of Administration and State Clearinghouse Director, Governor’s Office of Planning and Research	Yes
Sarah Olsen, Public Member	Yes
Eraina Ortega, Representative of the Director of the Department of Finance, Chairperson	Yes
Carmen Ramirez, City Council Member	Absent
Don Saylor, County Supervisor	Yes

**Summary of the Findings**

This IRC addresses reductions made by the State Controller’s Office (Controller) to reimbursement claims of the Oceanside Unified School District (claimant) for fiscal years 1997-

1998 through 2004-2005<sup>1</sup> under *The Stull Act* program. The Controller reduced the claims filed for these fiscal years to \$0 (an audit adjustment of \$1,270,420 in direct and indirect costs) due to lack of supporting documentation.

The Commission finds that:

- 1) The reduction of costs based on the number of employees evaluated under the mandate is correct as a matter of law and not arbitrary, capricious, or entirely lacking in evidentiary support.

The claimant did not provide any evidence of the employees evaluated during the audit. After the audit, however, the claimant provided the Controller with documentation showing that 1,698 employees were evaluated under the mandate during the audit period. The Controller found that of the 1,698 employees listed by the claimant that received evaluations for the audit period, 1,149 evaluations fell within the scope of the mandate. The claimant agrees with this finding, except for a small number of evaluations in fiscal year 1997-1998. The claimant, however, does not provide sufficient evidence to rebut the Controller's findings for that fiscal year.

- 2) Based on this record, the Controller's reduction of costs to \$0 is arbitrary, capricious, or entirely lacking in evidentiary support.

The Controller agrees that the claimant performed the required evaluations under the mandate and concluded that 1,149 evaluations were performed by the claimant during the audit period and, thus, a reduction of costs to \$0 is not supported by the record.

However, the parties dispute the time taken to perform the mandate. The claimant alleges that each evaluation took five to ten hours, and later asserted that each evaluation took 2.5 hours based on time studies conducted by other school districts. There is no evidence in the record to support the conclusion that it took the claimant's employees 2.5 hours, or five to ten hours, to conduct the evaluations under the mandate.

The Controller has offered to allow reimbursement at 30 minutes for each of the 1,149 employees evaluated (which results in reimbursement of \$35,967, which includes both direct and indirect costs), based on the claimant's time logs for fiscal year 2006-2007 that recorded the time spent on the mandate for all months in the fiscal year on one form; teacher evaluation forms provided by the claimant that disclosed 30 minutes of actual classroom observation; and the Controller's review of a sample of written evaluations for teachers for fiscal years 2006-2007 and 2007-2008. There is no evidence in the record that the Controller's findings are wrong, or that the Controller's offer to apply the 30 minutes to the evaluations conducted in fiscal years 1997-1998 through 2004-2005 is arbitrary, capricious, or entirely lacking in evidentiary support.

Accordingly, the Commission partially approves this IRC. Pursuant to Government Code section 17551(d) and section 1185.9 of the Commission's regulations, the Commission requests that the Controller reinstate \$35,967, which includes both direct and indirect costs, to the claimant.

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<sup>1</sup> Fiscal years 2005-2006, 2006-2007, and 2007-2008 were also part of the audit, but were not included in this IRC.

## COMMISSION FINDINGS

### I. Chronology

- 08/24/2011 The Controller issued the Final Audit Report.<sup>2</sup>
- 08/20/2014 The claimant filed the IRC.<sup>3</sup>
- 11/26/2014 The Controller filed a request for extension of time to file comments on the IRC, which was granted for good cause.
- 02/02/2015 The Controller filed a second request for extension of time to file comments on the IRC, which was granted for good cause.
- 03/27/2015 The Controller filed comments on the IRC.<sup>4</sup>
- 05/04/2015 The Claimant filed late rebuttal comments on the IRC.<sup>5</sup>
- 06/17/2016 Commission staff issued the Draft Proposed Decision.<sup>6</sup>
- 06/29/2016 The Controller filed comments on the Draft Proposed Decision.<sup>7</sup>
- 07/08/2016 The claimant filed comments on the Draft Proposed Decision.<sup>8</sup>

### II. Background

#### A. The Stull Act Program

The Stull Act was originally enacted in 1971 to establish a uniform system of evaluation and assessment of the performance of “certificated personnel” (including certificated non-instructional personnel) within each school district.<sup>9</sup> As originally enacted, the Stull Act required the governing board of each school district to develop and adopt specific guidelines to evaluate and assess certificated personnel, and to avail itself of the advice of certificated instructional personnel before developing and adopting the guidelines. The evaluation and assessment of the certificated personnel had to be in writing, conducted once each school year for probationary employees and every other year for permanent employees, and a copy transmitted to the employee no later than sixty days before the end of the school year. If the employee was not performing in a satisfactory manner according to the standards, the “employing authority” was required to notify the employee in writing, describe the unsatisfactory performance, and confer with the employee in making specific recommendations

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<sup>2</sup> Exhibit A, IRC, pages 80-98 (Final Audit Report).

<sup>3</sup> Exhibit A, IRC.

<sup>4</sup> Exhibit B, Controller’s Comments on the IRC.

<sup>5</sup> Exhibit C, Claimant’s Late Rebuttal Comments.

<sup>6</sup> Exhibit D, Draft Proposed Decision.

<sup>7</sup> Exhibit E, Controller’s Comments on the Draft Proposed Decision.

<sup>8</sup> Exhibit F, Claimant’s Comments on the Draft Proposed Decision.

<sup>9</sup> Former Education Code sections 13485-13490.

as to areas of improvement and endeavor to assist in the improvement. The employee then had the right to initiate a written response to the evaluation, which became a permanent part of the employee's personnel file. The school district was also required to hold a meeting with the employee to discuss the evaluation.

The Stull Act was amended from 1975 through 1999, and a Test Claim was filed on these amendments. On May 27, 2004, the Commission partially approved the Test Claim and adopted the Statement of Decision, finding that Statutes 1983, chapter 498 and Statutes 1999, chapter 4, which amended Education Code sections 44660-44665, impose a reimbursable state-mandated higher level of service on school districts. The Commission also found that many activities in the Test Claim pertaining to certificated personnel were required under preexisting law and were therefore not reimbursable, such as developing and adopting specific evaluation and assessment guidelines for performance; evaluating and assessing them as it relates to the established standards; preparing and drafting a written evaluation, to include recommendations, if necessary, for areas of improvement; receiving and reviewing written responses to evaluations; and preparing for and holding a meeting with the evaluator to discuss the evaluation and assessment.<sup>10</sup> The Parameters and Guidelines were adopted on consent on September 27, 2005, authorizing reimbursement for only the following activities:

A. Certificated Instructional Employees

1. Evaluate and assess the performance of certificated instructional employees that perform the requirements of educational programs mandated by state or federal law as it reasonably relates to the instructional techniques and strategies used by the employee and the employee's adherence to curricular objectives (Ed. Code, § 44662, subd. (b), as amended by Stats. 1983, ch. 498.). (*Reimbursement period begins July 1, 1997.*)

Reimbursement for this activity is limited to:

- a. reviewing the employee's instructional techniques and strategies and adherence to curricular objectives, and
- b. including in the written evaluation of the certificated instructional employees the assessment of these factors during the following evaluation periods:
  - o once each year for probationary certificated employees;
  - o every other year for permanent certificated employees; and
  - o beginning January 1, 2004, every five years for certificated employees with permanent status who have been employed at least ten years with the school district, are highly qualified (as defined in 20 U.S.C. § 7801), and whose previous evaluation

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<sup>10</sup> Exhibit A, IRC, pages 28 and 35 (Statement of Decision; page number citations refer to the PDF page numbers).

rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree.

*Note: For purposes of claiming reimbursement, eligible claimants must identify the state or federal law mandating the educational program being performed by the certificated instructional employees.*

2. Evaluate and assess the performance of certificated instructional employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11 as it reasonably relates to the progress of pupils towards the state adopted academic content standards as measured by state adopted assessment tests (Ed. Code, § 44662, subd. (b), as amended by Stats. 1999, ch. 4.). (*Reimbursement period begins March 15, 1999.*)

Reimbursement for this activity is limited to:

- a. reviewing the results of the Standardized Testing and Reporting test as it reasonably relates to the performance of those certificated employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11, and
  - b. including in the written evaluation of those certificated employees the assessment of the employee's performance based on the Standardized Testing and Reporting results for the pupils they teach during the evaluation periods specified in Education Code section 44664, and described below:
    - o once each year for probationary certificated employees;
    - o every other year for permanent certificated employees; and
    - o beginning January 1, 2004, every five years for certificated employees with permanent status who have been employed at least ten years with the school district, are highly qualified (as defined in 20 U.S.C. § 7801), and whose previous evaluation rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree.
- B. Certificated (Instructional and Non-Instructional) Employees
1. Evaluate and assess permanent certificated, instructional and non-instructional, employees that perform the requirements of educational programs mandated by state or federal law and receive an unsatisfactory evaluation in the years in which the permanent certificated employee would not have otherwise been evaluated pursuant to Education Code section 44664 (i.e., every other year). The additional evaluations shall last until the employee achieves a positive evaluation, or is separated from the school district (Ed. Code, § 44664, as amended by Stats. 1983, ch. 498). (*Reimbursement period begins July 1, 1997.*)

This additional evaluation and assessment of the permanent certificated employee requires the school district to perform the following activities:

- a. evaluating and assessing the certificated employee performance as it reasonably relates to the following criteria: (1) the progress of pupils toward the standards established by the school district of expected pupil achievement at each grade level in each area of study, and, if applicable, the state adopted 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; and, if applicable, (5) the fulfillment of other job responsibilities established by the school district for certificated non-instructional personnel (Ed. Code, § 44662, subs. (b) and (c));
- b. reducing the evaluation and assessment to writing (Ed. Code, § 44663, subd. (a)). The evaluation shall include recommendations, if necessary, as to areas of improvement in the performance of the employee. If the employee is not performing his or her duties in a satisfactory manner according to the standards prescribed by the governing board, the school district shall notify the employee in writing of that fact and describe the unsatisfactory performance (Ed. Code, § 44664, subd. (b));
- c. transmitting a copy of the written evaluation to the certificated employee (Ed. Code, § 44663, subd. (a));
- d. attaching any written reaction or response to the evaluation by the certificated employee to the employee's personnel file (Ed. Code, § 44663, subd. (a)); and
- e. conducting a meeting with the certificated employee to discuss the evaluation (Ed. Code, § 44553, subd. (a)).

*Note: For purposes of claiming reimbursement, eligible claimants must identify the state or federal law mandating the educational program being performed by the certificated, instructional and non-instructional, employees.*



### C. Training

1. Train staff on implementing the reimbursable activities listed in Section IV of these parameters and guidelines. (One-time activity for each employee.) (*Reimbursement period begins July 1, 1997.*)<sup>11</sup>

The Parameters and Guidelines, as originally proposed by the test claimant and adopted by the Commission, also require claimants to submit contemporaneous source documentation, such as time records or time logs, to verify their actual costs. Evidence to corroborate the source documents, such as declarations or worksheets, may also be submitted. However, corroborating documents cannot be substituted for the contemporaneous source documentation requirement. In this regard, the introductory paragraphs in Section IV. of the Parameters and Guidelines state the following:

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, and declarations. Declarations must include a certification or declaration stating, "I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.<sup>12</sup>

Section V. of the Parameters and Guidelines authorizes reimbursement for employee salaries and benefits and directs claimants to:

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

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<sup>11</sup> Exhibit A, IRC, pages 54-56 (Parameters and Guidelines); Exhibit G, Item 2, Proposed Consent Calendar and 7, Final Staff Analysis and Proposed Parameters and Guidelines, *The Stull Act*, September 27, 2005, pages 10-11.

<sup>12</sup> Exhibit A, IRC, page 53 (Parameters and Guidelines).

And section VI. of the Parameters and Guidelines requires claimants to retain all documentation until the ultimate resolution of any audit findings:

All documentation used to support the reimbursable activities, as described in Section IV., must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.<sup>13</sup>

Claiming instructions dated December 12, 2005, were issued by the Controller for the filing of the initial reimbursements claims for *The Stull Act* program for costs incurred in fiscal years 1997-1998 through 2004-2005. The claiming instructions include the adopted Parameters and Guidelines and identify the reimbursable claim components and supporting documentation requirements consistent with the Parameters and Guidelines.<sup>14</sup> The Controller states that the claiming instructions issued for subsequent claiming years during the audit period did not change.<sup>15</sup>

#### B. The Controller's Audit and Summary of the Issues

The Controller audited claimant's reimbursement claims for salary and benefit costs in fiscal years 1997-1998 through 2004-2005, and 2006-2007 through 2007-2008 (no claims were filed for 2005-2006). The Controller reduced the claims filed for fiscal years 1997-1998 through 2004-2005 to \$0 (an audit adjustment of \$1,270,420 in direct and indirect costs). No reductions were made to the reimbursement claims for fiscal years 2006-2007 and 2007-2008.<sup>16</sup>

For the 1997-1998 through 2004-2005 fiscal year claims, the claimant supported the time claimed for each employee with "Employee Average Time Records for Mandated Costs" forms prepared by the mandate consultant for purposes of claiming costs. The form asks each employee to "report below the *average* amount of time spent (in minutes) by you to implement each of the reimbursable activities for the mandated program" for each fiscal year at issue (fiscal years 1997-1998 through 2004-2005). In February or March 2006, 49 school principals and assistant principals completed and signed the forms under penalty of perjury that a "good faith estimate" of the average time performing the reimbursable activities for each evaluation during the audit period was being reported.<sup>17</sup> For example, the first form provided shows an average time to prepare for the evaluation of 50 minutes, 45 minutes for a goals and objectives conference with the instructor, 20 minutes for a pre-observation conference with the instructor, 40 minutes for the classroom observation of the instructor, 30 minutes for the post-observation conference with the instructor, 40 minutes for the final conference with the instructor, and 80

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<sup>13</sup> Exhibit A, IRC, pages 57-58 (Parameters and Guidelines).

<sup>14</sup> Exhibit A, IRC, pages 61, 75.

<sup>15</sup> Exhibit B, Controller's Comments on the IRC, page 11.

<sup>16</sup> Exhibit A, IRC, pages 80-99 (Final Audit Report), and 100-126 (reimbursement claims).

<sup>17</sup> Exhibit A, IRC, pages 3 and 143-191.

minutes to complete a district report, which totals roughly five hours for one evaluation as follows:<sup>18</sup>

<u>Reimbursable Activities Codes:</u> Code 11 Preparing for the evaluation Code 12 Goals and objectives conference with instructor Code 13 Pre-observation conference with instructor Code 14 Classroom observation of instructor Code 15 Post-observation conference with instructor Code 16 Final conference with instructor Code 17 District reporting CLASSROOM TEACHER TIME IS NOT REIMBURSED	<u>Evaluation Criteria:</u> (A) district standards and test results (B) instructional techniques/strategies (C) adherence to curricular objectives (D) suitable learning environment																																
Allocate the average time spent on each criterion (A-D) for each of the following evaluation steps:	Average time in Minutes																																
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Code 13 Pre-observation conference with instructor	5	5	5	5																													
Code 14 Classroom observation of instructor	10	10	10	10																													
Code 15 Post-observation conference with instructor	5	10	10	5																													
Code 16 Final conference with instructor	10	10	10	10																													
Code 17 District Reporting	20	20	20	20																													

Other “Employee Average Time Records for Mandated Costs” forms show estimates of five to ten hours per evaluation, for a mean time of about eight hours.<sup>19</sup>

The Controller reduced the reimbursement claims for fiscal years 1997-1998 through 2004-2005 to \$0 because the claimant did not support the time claimed with “source documents” in accordance with the Parameters and Guidelines, or provide the Controller access to the employee evaluations completed during the audit period to support the number of employees evaluated pursuant to the mandate.<sup>20</sup>

The audit also included the reimbursement claims for fiscal years 2006-2007 and 2007-2008, for which there were no reductions made.

For these two years, the district provided a list of employees who evaluated teachers, their title, productive hourly rate detail, as well as contemporaneous time documentation that supported an average time of approximately 30 minutes per allowable evaluation. The district also provided a list of teachers who were

<sup>18</sup> Exhibit A, IRC, page 143.

<sup>19</sup> Exhibit A, IRC, pages 143-191 (Employee Average Time Record for Mandated Costs forms). The mean of the first ten forms (pp. 143-153) is 8.05 hours.

<sup>20</sup> Exhibit A, IRC, pages 84 and 91 (Final Audit Report); Exhibit B, Controller’s Comments on the IRC, page 12.

evaluated, which allowed the SCO auditors to determine which evaluations were reimbursable.<sup>21</sup>

The Final Audit Report more specifically states that the claimant provided time logs for fiscal year 2006-2007 that recorded the time spent on the mandate for all months in the fiscal year on one form. The time logs were not dated or signed by the employees, and “the district did not provide source documents supporting the time recorded in the annual forms.”<sup>22</sup> So the Controller determined the allowable salaries and benefits by obtaining the district’s teacher evaluation procedures and forms, and interviewing administrators who performed the evaluation activities in these fiscal years. The district’s teacher evaluation forms disclosed 30 minutes of actual classroom observation. The claimant then requested that it be allowed to support its claims with “auditor verification of its written observations and final summary performance teacher evaluations from personnel records.”<sup>23</sup> The Controller also selected a ten percent random sample of 23 school sites in the claimant’s district. The claimant also provided copies of written evaluations and summative evaluations for teachers at El Camino High School, Jefferson Middle School, and Mission Elementary School for fiscal years 2006-2007 and 2007-2008. Actual pay, benefit information, and resource codes for employees claimed in these two fiscal years were also provided to the Controller.<sup>24</sup> Based on this information, the Controller determined that the costs claimed for fiscal years 2006-2007 and 2007-2008 were understated by \$4,834, and the Final Audit Report indicates that the claimant “agreed to our recommendation that it allow half an hour for each written observation and final teacher evaluation verified.”<sup>25</sup>

In the response to the IRC, the Controller explained: “There is no reasonable means of applying the time allowance [from 2006-2008] to FY 1997-98 through FY 2004-05 without knowing the certificated instructional employees evaluated and the reimbursability of the evaluations.”<sup>26</sup>

### C. Post-IRC Negotiations

After the claimant filed the IRC, the Controller contacted the claimant and offered to adjust the audit findings if the claimant provided a list of every employee evaluated during those years.<sup>27</sup> The Controller was emailed the list from the claimant on December 19, 2014.<sup>28</sup> On December 24, 2014, the Controller emailed the claimant to request clarification because the provided information appeared to be incomplete.<sup>29</sup> On January 5, 2015, the claimant emailed the

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<sup>21</sup> Exhibit B, Controller’s Comments on the IRC, page 13.

<sup>22</sup> Exhibit A, IRC, page 91.

<sup>23</sup> Exhibit A, IRC, page 91.

<sup>24</sup> Exhibit A, IRC, page 92. Exhibit B, Controller’s Comments on the IRC, page 13.

<sup>25</sup> Exhibit A, IRC, pages 91 and 92 (Final Audit Report).

<sup>26</sup> Exhibit B, Controller’s Comments on the IRC, page 14.

<sup>27</sup> Exhibit B, Controller’s Comments on the IRC, page 8.

<sup>28</sup> Exhibit B, Controller’s Comments on the IRC, pages 8, 67-97, 100.

<sup>29</sup> Exhibit B, Controller’s Comments on the IRC, pages 8, 99, 104-105, which seeks clarification as follows:

Controller to confirm that the information provided was complete.<sup>30</sup> On January 21, 2015, the Controller emailed the claimant to explain that of the 1,698 employees listed by the claimant that received evaluations during fiscal years 1997-1998 through 2004-2005, the Controller allowed 1,149 evaluations and excluded the rest because of duplicated evaluations for permanent employees performed in consecutive years, rather than every other year; duplicated evaluations performed in the same year; evaluations outside the audit period; and unallowable subjects or programs performed by certificated instructional employees.<sup>31</sup> The email states in relevant part the following:

The district provided a listing of 1,698 employees that received evaluations for the audit period. We removed evaluations from the population for the following reasons:

- Duplicated evaluations for permanent employees performed in consecutive years, rather than every other year (51)
- Duplicated evaluations performed in the same year (10)
- Items outside the IRC period (472)
- Unallowable subjects/programs performed by certificated instructional employees (16)

The allowable population was 1,149 total evaluations for the IRC period. Here's a breakdown of allowable evaluations per year:

- FY 1997-98 – 4

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Namely, does this list exclude certificated instructional and non-instructional employees that have less than 10 years tenure? If so, the list would not represent the complete listing of certificated instructional and non-instructional employees that received evaluations for FY 1997-98 through 2004-05.

Also, the list only mentions CIE (Certificated Instructional Employees) ... does this mean that certificated non-instructional employees are not included? Per the Ps and Gs, permanent certificated instructional and non-instructional employees that receive an unsatisfactory evaluation in the years in which they would not have otherwise been evaluated are considered reimbursable (along with various activities).

My overarching concern with this analysis is that [we] may be working with incomplete data, and I want to provide the district every opportunity to provide the full and complete listing for consideration.

<sup>30</sup> Exhibit B, Controller's Comments on the IRC, pages 8, 103-104, where the claimant responds as follows: "The list includes all certificated employees. The District does not [hire] employees that are certificated non-instructional employees. The list represents the complete listing of certificated instructional employees that received evaluations for FY 1997-98 through 2004-05."

<sup>31</sup> Exhibit B, Controller's Comments on the IRC, pages 15, 108.

- FY 1998-99 – 55
- FY 1999-2000 – 96
- FY 2000-01 – 196
- FY 2001-02 – 249
- FY 2002-03 – 164
- FY 2003-04 – 220
- FY 2004-05 – 165<sup>32</sup>

The Controller offered to revise the audit adjustment to reimburse 30 minutes for each of the 1,149 evaluations (the same average time allowed for the 2006-2007 and 2007-2008 claims), and to augment the audit findings for 1997-1998 to 2004-2005 by \$35,967 in allowable costs.

On January 29, 2015, the claimant’s representative sent an email refusing the Controller’s offer, arguing that five to six hours, rather than 30 minutes, is the average time to perform the mandated activities as follows:

As I initially expressed to you, we are not in agreement to the estimate of 30 minutes per evaluation. The reasonable period to conduct the informal classroom observations; formal classroom observations, writing the final evaluation reports and/or preparing the Teacher Evaluation Report is approximately five-six hours. This period of time has been accepted by the Controller in other Stull Act audits.<sup>33</sup>

As a result of the impasse, the Controller said it “did not expand [its] audit procedures to test the validity of the FY 1997-98 through FY 2004-05 listing of evaluations the district provided.”<sup>34</sup> Therefore, the reimbursement claims at issue in this IRC all remain reduced to \$0.

### **III. Positions of the Parties**

#### **A. Oceanside Unified School District**

The claimant argues that the Controller incorrectly reduced the costs claimed for fiscal years 1997-1998 through 2004-2005 and seeks reinstatement of \$1,270,420. The claimant argues that it provided a list of employees, title, and the employees’ hourly rates for each fiscal year that evaluations were performed. It also provided average time records, copies of its collective bargaining agreements containing evaluation requirements, and policies and procedures on evaluations, all of which confirm that the activities were performed during the audit period. The claimant states that “[t]here can be no doubt the District’s school site staff performed the reimbursable activities” and that “sufficient documentation” was provided to prove that each

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<sup>32</sup> Exhibit B, Controller’s Comments on the IRC, page 108.

<sup>33</sup> Exhibit B, Controller’s Comments on the IRC, pages 15, 118.

<sup>34</sup> Exhibit B, Controller’s Comments on the IRC, page 15.

school site performed the activities of assessing and evaluating certificated employees as required by the mandate.<sup>35</sup> The claimant also states:

Furthermore, the district complied fully with the requirements of the Stull Act during the claiming period and we feel that we submitted claims appropriate to the costs incurred. While we were able to supply supporting documentation, it was not accepted as sufficient by the audit team. The additional documentation requested was, and is, available but would be a significant drain on district resources, including staff and funds, to provide. Consequently, the district cannot expend any further time or resources to produce the requested records.<sup>36</sup>

The claimant also relies on the Office of Management and Budget Circular A-87,<sup>37</sup> which establishes standards for state and local governments to determine administrative costs applicable to grants, contracts, and other agreements with state and local governments. According to the claimant: “Randomly sampling workers to find out what they are working on is one of the federally approved methods of identifying worker effort. Such method is reasonable and may be implemented rather than 100 percent time reporting method.”<sup>38</sup>

In late rebuttal comments on the IRC submitted on May 4, 2015, the claimant states that “the time spent by District employees to conduct the reimbursable activities would average 6-7 hours per employee.”<sup>39</sup> The claimant further argues that the Controller’s audits on *The Stull Act* of other school district claims supports the average time claimed in this IRC. For example, the claimant refers to an audit finding of the average time spent for evaluations in the Poway Unified School District of 1.52 hours for permanent employees, 3.57 hours for non-permanent employees, and 12.93 hours for unsatisfactory evaluations. For the Norwalk-La Mirada Unified School District, the Controller allowed 1.89 hours for permanent employees, 3.07 hours for non-permanent employees, and 12.99 hours for unsatisfactory evaluations. And the claimant asserts that Long Beach Unified School District provided the same documentation to the Controller as the claimant, and was allowed an average of 2.14 hours for each evaluation for each fiscal year. The claimant argues that:

Documentation submitted by the claimant supports the reasonable time spent per evaluation of 6.40 hours [in] FY 1997-98 and 6.50 hours in FY 1998-99. For the claimant’s time to be limited by the Controller to 30 minutes is far below the other times accepted in School District audits and is inconsistent with the documentation submitted by the claimant. As a result [the] Controller’s decision to disallow the reimbursement claim is unreasonable, as well as arbitrary and capricious.<sup>40</sup>

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<sup>35</sup> Exhibit A, IRC, pages 6-7.

<sup>36</sup> Exhibit A, IRC, (claimant’s response to the Final Audit Report) page 98.

<sup>37</sup> Exhibit A, IRC, page 244.

<sup>38</sup> Exhibit A, IRC, page 7.

<sup>39</sup> Exhibit C, Claimant’s Late Rebuttal Comments, page 3.

<sup>40</sup> Exhibit C, Claimant’s Late Rebuttal Comments, page 4.

The claimant also argues that the Controller's offer to revise the audit findings for fiscal year 1997-1998 after the IRC was filed, by allowing only four evaluations instead of 67, is arbitrary and capricious. The claimant concludes by stating that the "District accepts the Controller's allowable total evaluations of 1,149 . . . adjusted for the evaluations for FY 1997-1998 for a total of 1,212. The Claimant's adjusted reimbursement claim for FY 1997-1998 to FY 2004-2005 in the amount of \$181,800.00 is based on an average hourly rate of \$60.00 per hour at 2.5 hours per evaluation."<sup>41</sup>

The claimant filed comments disagreeing with the Draft Proposed Decision, stating:

The guidelines for the Stull Act program were adopted September 27, 2005, by the Commission. The initial claim period, Fiscal Years 1997-1998, 1998-1999, 1999-2000, 2000-2001, 2001-2002, 2002-2003, 2003-2004, 2004-2005, predates the date of guideline adoption. Controller's application of an overly narrow interpretation of the supporting documentation guideline language to claims prior to the fiscal year 2005/06 violates the Clovis Unified School District appellate court decision dated September 21, 2010. This decision found Controller could not apply contemporaneous source documentation requirements (CSDR) prior to the date the CSDR language was actually approved by Commission on State Mandates and added to a program's guidelines.<sup>42</sup>

Claimant further argues that 2.5 hours incurred for each evaluation is supported by the Controller's audit of a comparable neighboring K-12 school district, as well as other time studies accepted by the Controller for the audits of other school districts. Claimant asserts:

Effectively the time studies included in the Controller's audits created a Reasonable Reimbursement Methodology, a uniform cost allowance, in conformity with Government Code section 17518.5(b), as it is based on cost information from a representative sample of eligible claimants, information provided by association of local agencies and school districts, or other projections of local costs. The time study of 2.5 hours per evaluation is reliable since auditing of reimbursement claims is not a prerequisite for the development and approval of a reasonable reimbursement methodology. (Cal. Code Regs., §1183.12)

Time studies have been acceptable methodologies for reimbursement in lieu of or in support of contemporaneous records. To disregard its application, especially when the time studies have been approved by the Controller is an abuse of discretion. To conclude the reimbursable activities listed above were conducted in 30 minutes, allows less than 4 minutes for each activity to be completed. An analysis of each activity easily concludes otherwise. As such the record includes evidence, as required by the Commission's regulations, to justify reimbursement at 2.5 hours per evaluation.<sup>43</sup>

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<sup>41</sup> Exhibit C, Claimant's Late Rebuttal Comments, page 7.

<sup>42</sup> Exhibit F, Claimant's Comments on the Draft Proposed Decision, page 2.

<sup>43</sup> Exhibit F, Claimant's Comments on the Draft Proposed Decision, pages 2-3.



## B. State Controller's Office

The Controller maintains that the reductions are correct and that the audit finding should be upheld because the district's claims do not comply with the documentation requirements in the Parameters and Guidelines. The Controller agrees that the claimant "(1) performed the required evaluations as contained in its Collective Bargaining Agreements, (2) confirmed that the activities were performed, and (3) provided the SCO auditors the district's procedure and forms."<sup>44</sup> However, the claimant did not provide sufficient source documentation supporting the costs claimed or identify a list of certificated instructional employees evaluated in fiscal years 1997-1998 through 2004-2005. The Controller states the following:

As noted previously, FY 2006-07 and FY 2007-08 were part of the audit period, but were not included in this IRC. For these two years, the district provided a list of employees who evaluated teachers, their title, productive hourly rate detail, as well as contemporaneous time documentation that supported an average time of approximately 30 minutes per allowable evaluation. The district also provided a list of teachers who were evaluated, which allowed the SCO auditors to determine which evaluations were reimbursable.

For FY 1997-98 through FY 2004-05, the district provided only annual certifications that estimated the time spent by evaluators on reimbursable activities. The district did not provide actual cost documentation supporting costs claimed or identify a list of certificated instructional employees evaluated during this period (Exhibit M). Such information is necessary to determine whether the evaluations are reimbursable. Therefore, none of the costs claimed for FY 1997-98 through FY 2004-05 are allowable . . . .<sup>45</sup>

As to the claimant's reference to the Office of Management and Budget Circular A-87, the Controller notes that the "district did not provide the auditors with any reasonable sampling methodology to arrive at allowable costs."<sup>46</sup>

The Controller states that after receiving the IRC, it agreed to reevaluate the adjustment if the claimant provided documentation supporting the number of employees evaluated in fiscal years 1997-1998 through 2004-2005. The claimant provided the information in December 2014, and the Controller recalculated allowable salary and benefit costs "based on the time allowance of approximately 30 minutes per evaluation that the district supported with contemporaneous documentation during FY 2006-07 and FY 2007-08." In response to the claimant's argument that the Controller authorized more time per evaluation in its other audits of *The Stull Act* program, the Controller states: "Time documentation supporting the reimbursable activities of the Stull Act Program for other audits is not relevant to this audit. The district's records supported approximately 30 minutes for the reimbursable activities of the Stull Act Program, not five to six hours, as requested by [the claimant]."<sup>47</sup> The Controller further states that "we

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<sup>44</sup> Exhibit B, Controller's Comments on the IRC, page 14.

<sup>45</sup> Exhibit B, Controller's Comments on the IRC, page 13.

<sup>46</sup> Exhibit B, Controller's Comments on the IRC, page 14.

<sup>47</sup> Exhibit B, Controller's Comments on the IRC, page 14.

reached an impasse in reinstating any of the audit adjustments, and as such, we did not expand our audit procedures to test the validity of the FY 1997-98 through 2004-05 listing of evaluations the district provided.”<sup>48</sup>

The Controller filed comments concurring with the Draft Proposed Decision to deny the IRC.<sup>49</sup>

#### **IV. Discussion**

Government Code section 17561(d) authorizes the Controller to audit the claims filed by local agencies and school districts and to reduce any claim for reimbursement of state mandated costs that the Controller determines is excessive or unreasonable.

Government Code Section 17551(d) requires the Commission to hear and decide a claim that the Controller has incorrectly reduced payments to the local agency or school district. If the Commission determines that a reimbursement claim has been incorrectly reduced, section 1185.9 of the Commission’s regulations requires the Commission to send the decision to the Controller and request that the costs in the claim be reinstated.

The Commission must review questions of law, including interpretation of the parameters and guidelines, de novo, without consideration of legal conclusions made by the Controller in the context of an audit. The Commission is vested with exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6.<sup>50</sup> The Commission must also interpret the Government Code and implementing regulations in accordance with the broader constitutional and statutory scheme. In making its decisions, the Commission must strictly construe article XIII B, section 6 and not apply it as an “equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities.”<sup>51</sup>

With regard to the Controller’s audit decisions, the Commission must determine whether they were arbitrary, capricious, or entirely lacking in evidentiary support. This standard is similar to the standard used by the courts when reviewing an alleged abuse of discretion of a state agency.<sup>52</sup> Under this standard, the courts have found that:

When reviewing the exercise of discretion, “[t]he scope of review is limited, out of deference to the agency’s authority and presumed expertise: ‘The court may not reweigh the evidence or substitute its judgment for that of the agency. [Citation.]’” ... “In general ... the inquiry is limited to whether the decision was

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<sup>48</sup> Exhibit B, Controller’s Comments on the IRC, page 14.

<sup>49</sup> Exhibit E, Controller’s Comments on the Draft Proposed Decision.

<sup>50</sup> Government Code sections 17551, 17552; *Kinlaw v. State of California* (1991) 54 Cal.3d 326, 331-334.

<sup>51</sup> *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1264, 1281, citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

<sup>52</sup> *Johnston v. Sonoma County Agricultural Preservation and Open Space District* (2002) 100 Cal.App.4th 973, 983-984; *American Bd. of Cosmetic Surgery, Inc. v. Medical Bd. of California* (2008) 162 Cal.App.4th 534, 547.



unreasonable.<sup>60</sup>

In this case, the Controller reduced the costs claimed in fiscal years 1997-1998 through 2004-2005 for salaries and benefits for two reasons: the documentation provided by the claimant during the audit did not identify the employees evaluated in these fiscal years; and the documentation provided by the claimant did not support reimbursement claimed at 5 to 10 hours per evaluation.

1. The reduction of costs based on the number of employees evaluated under the mandate is correct as a matter of law and not arbitrary, capricious, or entirely lacking in evidentiary support.

The Controller's reductions were based, in part, on the fact that the documentation provided by the claimant during the audit did not identify the employees evaluated in these fiscal years, which is necessary to determine whether the costs claimed were limited to the scope of the mandate. This program was approved only as a higher level of service and thus, not all activities required by the Education Code to evaluate employees are reimbursable. The Commission determined that the following activities were required by prior law and *not* eligible for reimbursement when evaluating a certificated instructional employee who did not have prior unsatisfactory evaluations: evaluating and assessing certificated employees as it relates to established standards; preparing and drafting a written evaluation, to include recommendations, if necessary, for areas of improvement; receiving and reviewing written responses to evaluations; and preparing for and holding a meeting with the evaluator to discuss the evaluation and assessment.<sup>61</sup> Thus, the scope of the mandate to evaluate is limited to: (1) review a certificated instructional employee's instructional techniques and strategies and adherence to curricular objectives, and include in the written evaluation the assessment of these factors only during specified years; (2) for certificated instructional employees, review the results of the Standardized Testing and Reporting (STAR) test as it reasonably relates to the performance of those certificated instructional employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11, and include the assessment of this information in the employee's written evaluation only during specified years; and (3) for those permanent certificated (instructional and non-instructional) employees who perform the requirements of educational programs mandated by state and federal law and receive an *unsatisfactory* evaluation in the years in which the employee would not have otherwise been evaluated (i.e., every other year), continue to evaluate and assess the employee as specified until the employee achieves a positive evaluation or is separated from the school district, reduce the evaluation to writing, transmit a copy of the written evaluation to the employee, attach any written response from the employee to the personnel file, and conduct a meeting with the employee to discuss the evaluation.<sup>62</sup>

In this respect, after the audit was completed and the IRC filed, the claimant provided to the

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<sup>60</sup> Government Code section 17561(d)(2)(A)(i) and (B).

<sup>61</sup> Exhibit A, IRC, pages 28 and 35 (Statement of Decision; page number citations refer to the PDF page numbers).

<sup>62</sup> Exhibit A, IRC, pages 54-56 (Parameters and Guidelines).

Controller a list of every employee evaluated during the audit years in question.<sup>63</sup> As part of its offer to revise the audit findings, the Controller found that of the 1,698 employees listed by the claimant that received evaluations for the audit period, the Controller would allow 1,149 evaluations. The Controller excluded the rest because the information the claimant provided indicated there were duplicated evaluations for permanent employees performed in consecutive years, rather than every other year; duplicated evaluations performed in the same year; evaluations made outside of the IRC period; and unallowable subjects or programs performed by certificated instructional employees.<sup>64</sup> Except for the adjustment allowing four evaluations in fiscal year 1997-1998 (the claimant alleges that 67 evaluations within the mandate occurred that year), the claimant accepted the Controller's findings and stated the following: "The District *accepts* the Controller's allowable total evaluations of 1,149 . . . adjusted for the evaluations for FY 1997-1998 for a total of 1,212 [evaluations]."<sup>65</sup>

With respect to the four evaluations allowed by the Controller for fiscal year 1997-1998, the claimant asserts that the Controller accepted 67 evaluations for fiscal year 1998-1999 and should accept the same number for fiscal year 1997-1998. The claimant also includes a chart listing the names of the employees who conducted the asserted 67 evaluations in that fiscal year and refers the reader back to the average claim declarations for reference.<sup>66</sup> However, the claimant's chart does not address the Controller's findings of duplicated evaluations for permanent employees performed in consecutive years, rather than every other year; duplicated evaluations performed in the same year; evaluations made outside of the IRC period; and unallowable subjects or programs performed by certificated instructional employees. The claimant's chart simply lists the total number of evaluations performed. And there is no evidence in the record to support the assertion that 67 evaluations under the mandate, rather than four evaluations, were performed in fiscal year 1997-1998.

Accordingly, a reduction of costs based on the number of employees evaluated under the mandate (1,149) is correct as a matter of law and not arbitrary, capricious, or entirely lacking in evidentiary support.

2. The Controller's reduction of costs to \$0 is not supported by evidence in the record. However, the Controller's offer to allow reimbursement at 30 minutes for each of the 1,149 employees evaluated is supported by the record and is not arbitrary, capricious, or entirely lacking in evidentiary support.

The Controller's reduction of costs to \$0, when the Controller concluded that 1,149 of the evaluations were performed by the claimant and fall within the scope of the mandate, and agrees that the claimant "(1) performed the required evaluations as contained in its Collective Bargaining Agreements, (2) confirmed that the activities were performed, and (3) provided the SCO auditors the district's procedure and forms," is arbitrary and capricious and without

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<sup>63</sup> Exhibit B, Controller's Comments on the IRC, page 14. The list is on pages 69-97 of Exhibit B.

<sup>64</sup> Exhibit B, Controller's Comments on the IRC, pages 15 and 108.

<sup>65</sup> Exhibit C, Claimant's Late Rebuttal Comments on the IRC, page 7.

<sup>66</sup> Exhibit C, Claimant's Late Rebuttal Comments on the IRC, page 5.

evidentiary support.<sup>67</sup> Thus, the claimant is entitled to some reimbursement for the time taken to perform the 1,149 evaluations under the mandate. The time taken by each employee to perform the mandate, however, is disputed by the parties.

The record indicates that the documentation provided to the Controller for fiscal years 1997-2005 to support the time taken on each evaluation consists of average time declarations signed by claimed staff in February or March of 2006. Each employee (evaluator) estimated the average minutes spent annually to perform evaluation activities for 1997-1998 through 2004-2005 on a single form, with estimates generally ranging from 5 to 10 hours per evaluation, and certified under penalty of perjury that a good faith estimate was reported. The “reimbursable activity codes” listed on the forms identify the following activities for which time was estimated: preparing for the evaluation, goals and objectives conference with instructor, pre-observation conference with instructor, classroom observation of instructor, post-observation conference with instructor, final conference with instructor, district reporting.<sup>68</sup> The claimant did not provide time logs or time sheets to verify the actual time taken to perform the mandate, or any contemporaneous documentation created at or near the same time the actual cost was incurred. The Controller disregarded these declarations, asserting that the declarations were not source documents that verified the actual time taken for each evaluation, as required by the Parameters and Guidelines.<sup>69</sup>

The claimant contends that it has provided sufficient documentation to support the time claimed, and that the Controller’s imposition of the contemporaneous source document rule violates the *Clovis Unified School Dist. v. Chiang* decision, which “found [that the] Controller could not apply contemporaneous source documentation requirements (CSDR) prior to the date the CSDR language was actually approved by Commission on State Mandates and added to a program’s guidelines.”<sup>70</sup> The claimant is willing to agree to reimbursement based on 2.5 hours per evaluation, which it claims is supported by the Controller’s audit of a comparable neighboring K-12 school district, as well as other time studies accepted by the Controller for the audits of other school districts.<sup>71</sup>

The Parameters and Guidelines adopted for *The Stull Act* program authorize claimants to request reimbursement for actual costs incurred and require claimants and to keep contemporaneous source documentation (documentation created at or near the same time the actual costs was incurred) to support the actual costs incurred to implement the mandate:

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and

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<sup>67</sup> Exhibit B, Controller’s Comments on the IRC, page 14.

<sup>68</sup> Exhibit A, IRC, pages 143-191 (Employee Average Time Record for Mandated Costs forms). The mean of the first ten forms (pp. 143-153) is 8.05 hours.

<sup>69</sup> Exhibit B, Controller’s Comments on the IRC, page 13.

<sup>70</sup> Exhibit F, Claimant’s Comments on the Draft Proposed Decision, page 2.

<sup>71</sup> Exhibit F, Claimant’s Comments on the Draft Proposed Decision, pages 2-3.

their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, and declarations. Declarations must include a certification or declaration stating, "I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.<sup>72</sup>

The claimant alleges that the Controller's use of the contemporaneous source document requirement is invalid based on *Clovis Unified School Dist. v. Chiang* (2010) 188 Cal.App.4th 794. While the *Clovis Unified* case is helpful in understanding the issues presented here, the case is distinguishable and does not directly apply to the issues here.

Unlike this case, the Commission had *not* adopted parameters and guidelines that contained the contemporaneous source document rule in the parameters and guidelines for the programs at issue in *Clovis*. Instead, the Controller enforced the contemporaneous source document rule through "non-regulatory" claiming instructions issued for three separate programs, without providing notice to school districts and an opportunity for school districts to comment on the rule. Thus, for example, in the *School District of Choice* program reviewed by the court in *Clovis*, the parameters and guidelines required the claimant to report the actual number of hours devoted to each function, supported by "source documents (e.g., employee time records, invoices, receipts, purchase orders, contracts, etc.) and/or worksheets that show evidence of and the validity of such claimed costs."<sup>73</sup> However, the Controller later issued amended claiming instructions to set forth, for the first time the contemporaneous source document rule.<sup>74</sup> The record showed that before the use of the contemporaneous source document rule, school districts obtained state-mandated reimbursement for employee salary and benefit costs based on "(1) declarations and certifications from the employees that set forth, after the fact, the time they had spent on SDC-mandated tasks; or (2) an annual accounting of time determined by the number of mandated activities and the average time for each activity."<sup>75</sup> After the Controller began using the contemporaneous source document rule in its audits, the Controller deemed the declarations, certifications, and average accounting methods insufficient and reduced the claims accordingly.<sup>76</sup>

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<sup>72</sup> Exhibit A, IRC, page 53 (Parameters and Guidelines).

<sup>73</sup> *Clovis Unified School Dist. v. Chiang* (2010) 188 Cal.App.4th 794, 801-802.

<sup>74</sup> *Clovis Unified School Dist.*, *supra*, 188 Cal.App.4th 794, 802.

<sup>75</sup> *Clovis Unified School Dist.*, *supra*, 188 Cal.App.4th 794, 802.

<sup>76</sup> *Clovis Unified School Dist.*, *supra*, 188 Cal.App.4th 794, 802.

In addition, the rule, which requires contemporaneous time sheets and time logs, bars the use of employee time declarations and certifications as source documents. Instead, these documents are relegated to the “second-class status of ‘corroborating documents’ that can only serve as evidence that corroborates source documents.”<sup>77</sup> The school districts that used employee declarations and certifications and average time accountings to document time for reimbursement claims argued that the rule was an underground regulation and “it is *now* physically impossible to comply with the CSDR’s requirement of contemporaneousness that “a source document is a document *created at or near the same time the actual cost was incurred* for the event or activity in question.”<sup>78</sup> An underground regulation is a rule (which applies generally and implements, interprets, or makes specific the law enforced by the agency) that is not adopted in conformity with “basic procedural requirements that include public notice, opportunity for comment, agency response to comment, and review by the state Office of Administrative Law.”<sup>79</sup> The court concluded the Controller’s use of the contemporaneous source document rule imposed an invalid and unenforceable underground regulation.<sup>80</sup> The court authorized the Controller to re-audit the reimbursement claims based on the documentation requirements of the parameters and guidelines and claiming instructions that were in effect when the mandated costs were incurred.<sup>81</sup>

Here, the Parameters and Guidelines for *The Stull Act* have always contained the contemporaneous source document rule, and school districts had notice and a full opportunity to comment on the requirement (which was originally proposed by the test claimant) before the Parameters and Guidelines were adopted on consent. Nevertheless, because the Parameters and Guidelines were adopted in 2005, with a period of reimbursement going back to fiscal year 1997-1998, the claimant states that the “District started using File Maker in 2005. The information prior to that time, more than ten years ago, is currently inaccessible.”<sup>82</sup> The Controller seems to acknowledge the problem since it offered to reimburse salary and benefit costs at 30 minutes for each of the 1,149 evaluations performed under the mandate, based on its findings for fiscal years 2006-2007 and 2007-2008.

Although the claimant accepted the 30 minute time per evaluation beginning in fiscal year 2006-2007, its rebuttal comments conclude that each evaluation conducted in fiscal years 1997-1998 through 2004-2005 should be reimbursed at 2.5 hours. However, the claimant does not explain why the evaluations conducted before fiscal year 2006-2007 took longer than 30 minutes. And there is no evidence in the record to support reimbursement at 2.5 hours, or five to ten hours per evaluation as originally asserted.

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<sup>77</sup> *Clovis Unified School Dist.*, *supra*, 188 Cal.App.4th 794, 804.

<sup>78</sup> *Clovis Unified School Dist.*, *supra*, 188 Cal.App.4th 794, 804.

<sup>79</sup> *Clovis Unified School Dist.*, *supra*, 188 Cal.App.4th 794, 800, 803.

<sup>80</sup> *Clovis Unified School Dist.*, *supra*, 188 Cal.App.4th 794, 805 (where the court states that “the Commission submits regulatory P & Gs to the Controller, who in turn issues nonregulatory Claiming Instructions based thereon”) and pages 812-813.

<sup>81</sup> *Clovis Unified School Dist.*, *supra*, 188 Cal.App.4th 794, 812-813.

<sup>82</sup> Exhibit C, Claimant’s Late Rebuttal Comments on the IRC, page 5.



The declarations of estimated time to perform the mandate that were originally provided by the claimant to support reimbursement at five to ten hours per evaluation were based on activities that go beyond the scope of the mandate. The “reimbursable activity codes” listed on the declaration forms identify the full spectrum of evaluation activities for which time was estimated as follows: preparing for the evaluation, goals and objectives conference with instructor, pre-observation conference with instructor, classroom observation of instructor, post-observation conference with instructor, final conference with instructor, district reporting.<sup>83</sup> The Commission, however, denied reimbursement for evaluating and assessing certificated employees as it relates to established standards; preparing and drafting a written evaluation, to include recommendations, if necessary, for areas of improvement; receiving and reviewing written responses to evaluations; and preparing for and holding a meeting with the evaluator to discuss the evaluation and assessment.<sup>84</sup> The Commission limited the scope of the mandate for these employees to (1) review a certificated instructional employee’s instructional techniques and strategies and adherence to curricular objectives, and include in the written evaluation the assessment of these factors only during specified years; (2) review the results of the Standardized Testing and Reporting (STAR) test as it reasonably relates to the performance of those certificated instructional employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11, and include the assessment of this information in the employee’s written evaluation only during specified years. Therefore, the declarations do not provide reliable evidence of the time it took to evaluate each employee under the limited scope of the mandate.

The claimant also argues that 2.5 hours for each evaluation is supported by the Controller’s audit of a comparable neighboring K-12 school district, as well as other time studies accepted by the Controller for the audits of other school districts for this program. Claimant further asserts:

Effectively the time studies included in the Controller's audits created a Reasonable Reimbursement Methodology, a uniform cost allowance, in conformity with Government Code section 17518.5(b), as it is based on cost information from a representative sample of eligible claimants, information provided by association of local agencies and school districts, or other projections of local costs. The time study of 2.5 hours per evaluation is reliable since auditing of reimbursement claims is not a prerequisite for the development and approval of a reasonable reimbursement methodology. (Cal. Code Regs., §1183.12).<sup>85</sup>

However, the Controller’s audits of the records of other school districts are not relevant to the issue of the time it took the claimant to perform the mandated activities and, pursuant to section 1187.5(a) of the Commission’s regulations, and non-relevant evidence must be excluded as a

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<sup>83</sup> Exhibit A, IRC, pages 143-191 (Employee Average Time Record for Mandated Costs forms). The mean of the first ten forms (pp. 143-153) is 8.05 hours.

<sup>84</sup> Exhibit A, IRC, pages 28 and 35 (Statement of Decision; page number citations refer to the PDF page numbers).

<sup>85</sup> Exhibit F, Claimant’s Comments on the Draft Proposed Decision, pages 2-3.

basis for the Commission's findings.<sup>86</sup> Nor is there any evidence that a time study based on the claimant's performance of the program was conducted to support reimbursement at 2.5 hours. And, finally, the Commission has not adopted a reasonable reimbursement methodology (RRM) or uniform cost allowance for this program that could be applied to all school districts. An RRM would have to be inserted into the Parameters and Guidelines in accordance with Commission regulations in order to be recognized.<sup>87</sup> Since no RRM for *The Stull Act* program has been adopted, any discussion of an RRM is not relevant.

Accordingly, there is no evidence to support the claimant's contention that reimbursement is required at least 2.5 hours, or between 5 and 10 hours per evaluation.

Rather, based on the evidence in the record, the Controller's finding that 30 minutes per evaluation in 2006 reasonably represents the time taken by the claimant to perform the mandate during the earlier audit period. The mandated program was not amended or increased, but remained the same. In addition, the Controller's finding of 30 minutes per evaluation was based on the claimant's time logs for fiscal year 2006-2007 that recorded the time spent on the mandate for all months in the fiscal year on one form; teacher evaluation forms provided by the claimant that disclosed 30 minutes of actual classroom observation; and the Controller's review of a sample of written evaluations for teachers at El Camino High School, Jefferson Middle School, and Mission Elementary School for fiscal years 2006-2007 and 2007-2008.<sup>88</sup> There is no evidence in the record that the Controller's findings are wrong, or that the Controller's offer to apply the 30 minutes to the evaluations conducted in fiscal years 1997-1998 through 2004-2005 is arbitrary, capricious, or entirely lacking in evidentiary support.

Accordingly, the Commission finds that the Controller's reduction of costs to \$0 is arbitrary, capricious, or entirely lacking in evidentiary support. However, the Controller's offer to allow reimbursement at 30 minutes for each of the 1,149 employees evaluated (which results in reimbursement of \$35,967, which includes both direct and indirect costs), is supported by the record and is not arbitrary, capricious, or entirely lacking in evidentiary support.

## **V. Conclusion**

For the reasons discussed above, the Commission partially approves this IRC and pursuant to Government Code section 17551(d) and section 1185.9 of the Commission's regulations, requests that the Controller reinstate \$35,967, which includes both direct and indirect costs, to the claimant.

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<sup>86</sup> California Code of Regulations, title 2, sections 1185.1 and 1187.5.

<sup>87</sup> See California Code of Regulations, title 2, sections 1183.7(e), 1183.10, 1183.11, 1183.12 and 1183.17(a)(3).

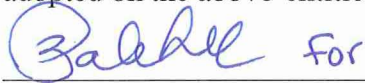
<sup>88</sup> Exhibit A, IRC, page 92. Exhibit B, Controller's Comments on the IRC, page 13.



RE: **Decision**

*The Stull Act*, 14-9825-I-01  
Education Code Section 44660-44665  
Statutes 1983, Chapter 498; Statutes 1999, Chapter 4  
Fiscal Years: 1997-1998, 1998-1999, 1999-2000, 2000-2001, 2001-2002,  
2002-2003, 2003-2004, and 2004-2005  
Oceanside Unified School District, Claimant

On September 23, 2016, the foregoing Decision of the Commission on State Mandates was adopted on the above-entitled matter.



Heather Halsey, Executive Director

Dated: September 28, 2016

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On September 28, 2016, I served the:

**Decision**

*The Stull Act*, 14-9825-I-01

Education Code Section 44660-44665

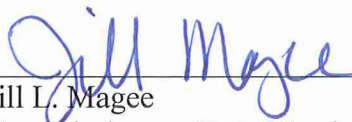
Statutes 1983, Chapter 498; Statutes 1999, Chapter 4

Fiscal Years: 1997-1998, 1998-1999, 1999-2000, 2000-2001, 2001-2002, 2002-2003, 2003-2004, and 2004-2005

Oceanside Unified School District, Claimant

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on September 28, 2016 at Sacramento, California.



Jill L. Magee

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# COMMISSION ON STATE MANDATES

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**Last Updated:** 9/27/16

**Claim Number:** 14-9825-I-01

**Matter:** The Stull Act

**Claimant:** Oceanside Unified School District

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Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On July 13, 2020, I served the:

- **Controller's Late Comments on the IRC filed July 10, 2020**

*The Stull Act*, 19-9825-I-03

Education Code Sections 44660-44665;

Statutes 1983, Chapter 498; Statutes 1999, Chapter 4

Fiscal Years: 2005-2006, 2006-2007, 2007-2008, 2010-2011, 2011-2012, 2012-2013

Fairfield-Suisun Unified School District, Claimant

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on July 13, 2020 at Sacramento, California.



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# COMMISSION ON STATE MANDATES

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**Last Updated:** 7/13/20

**Claim Number:** 19-9825-I-03

**Matter:** The Stull Act

**Claimant:** Fairfield-Suisun Unified School District

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# Fairfield-Suisun Unified School District

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*“Fairfield-Suisun Unified School District is a premier learning community that empowers each student to thrive in an ever changing world.”*

August 3, 2020

**RECEIVED**  
August 10, 2020  
**Commission on  
State Mandates**

**Governing Board**

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David Isom  
Jonathan Richardson  
Bethany Smith  
Craig Wilson

Please consider this letter the official response from Fairfield-Suisun Unified School District (FSUSD) regarding comments filed July 10, 2020 by the State Controller’s Office (SCO) for the FSUSD Incorrect Reduction claim for the Stull Act Program Audit.

In their comments the State Controller’s Office responded that it:

“[the SCO] makes no assessment to the relevancy of one activity versus another in the collective bargaining agreements”.

However, in plain language in the audit findings the SCO does exactly that. If the Collective Bargaining Agreements (CBAs) for each year is the basis for the allowance of a mandated activity, specifically observations by administrators, then the SCO should be allowing at least some time for the final write-up by administrators, as the two activities are required [for] the same employees within the same section of all the CBAs discussed in the audit.

**Superintendent**

Kris Corey

One of two other issues brought up in the SCO’s comments:

The SCO referenced an email sent to a site administrator during the audit. In the email the SCO in a footnote raised additional questions about the time tracking spreadsheet, including the lack of a signed declaration for each administrator, how the spreadsheet was created, who had access to the spreadsheet, and what controls were placed over the data to ensure accurate reporting (Tab 3 – page 9). The SCO in the IRC comments noted for the first time “We did not receive responses to those questions.”

The District respectfully replies that after close examination the problem with the State Controllers Statement is that these “additional questions” were posed as an afterthought at the very bottom of an email to a HS principal who would probably not have been involved in the generation of the spreadsheet, and did not have any idea if each site administrator put their data into a Google Doc.

As the State Controller is more than likely aware Google sheets (which was the data gathering tool used by the District) is 100% able to track all of the information requested by the State Controller. If the question had been posed to the appropriate personnel assigned to the audit instead of in a footnote of

the email sent to the HS Principal (specifically it should have been sent directly to the Audit Manager and the HR Director), the District would have made every effort to answer the questions. Unfortunately, the questions were posed to a site administrator who would have no way of ascertaining the answers. However, the State Controller's reasoning for choosing the employee least likely able to answer the question is in the District's opinion nothing but inexplicable. If answers were actually wanted the State Controller was fully aware that any all questions would be answered timely and fully when asked to appropriate District Administration involved in the audit.

Lastly, the SCO commented that:

"The District contradicts itself by first requesting 1.55 hours of reimbursement for each documented final write-up, then asking that "some reasonable amount of time" be allowed for the same activity."

In response the District would like to emphasize we have always been and are still very willing to negotiate any reasonable time increment for the final write-up, as having the entire activity 100% disallowed is unacceptable. The District is just hoping for some middle ground to be found between itself and the SCO. The District proposed 1.55 hours as the appropriate amount of allowable time, however in a desire to see some sort of resolution to the issue the District was only trying to convince the SCO to be reasonable and asking for some form of negotiation or compromise. In the end the SCO was unwilling to engage in any dialogue at all regarding this matter, and instead in its comments on July 10<sup>th</sup>, 2020 seems to be making light of the proposed compromise.

Please let me know if you have any questions.

Thank you very much,



Michelle Henson  
Assistant Superintendent, Business Services  
Fairfield-Suisun Unified School District

*"In a safe, welcoming, and supportive learning environment, we provide innovative educational opportunities to develop resilient students who are inspired to succeed"*

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Solano and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On August 11, 2020, I served the:

- **Claimant's Rebuttal Comments filed August 10, 2020**

*The Stull Act*, 19-9825-I-03

Education Code Sections 44660-44665;

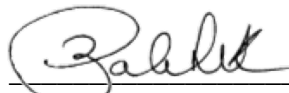
Statutes 1983, Chapter 498; Statutes 1999, Chapter 4

Fiscal Years: 2005-2006, 2006-2007, 2007-2008, 2010-2011, 2011-2012, 2012-2013

Fairfield-Suisun Unified School District, Claimant

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on August 11, 2020 at Sacramento, California.



---

Heidi Palchik  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
(916) 323-3562

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 8/4/20

**Claim Number:** 19-9825-I-03

**Matter:** The Stull Act

**Claimant:** Fairfield-Suisun Unified School District

### TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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December 17, 2020

Ms. Natalie Sidarous  
State Controller's Office  
Local Government Programs and  
Services Division  
3301 C Street, Suite 740  
Sacramento, CA 95816

Ms. Jolene Tollenaar  
MGT of America  
2251 Harvard Street, Suite 134  
Sacramento, CA 95815

*And Parties, Interested Parties, and Interested Persons (See Mailing List)*

**Re: Draft Proposed Decision, Schedule for Comments, and Notice of Hearing**

*The Stull Act*, 19-9825-I-03

Education Code Sections 44660-44665;

Statutes 1983, Chapter 498; Statutes 1999, Chapter 4

Fiscal Years: 2005-2006, 2006-2007, 2007-2008, 2010-2011, 2011-2012, 2012-2013

Fairfield-Suisun Unified School District, Claimant

Dear Ms. Sidarous and Ms. Tollenaar:

The Draft Proposed Decision for the above-captioned matter is enclosed for your review and comment.

**Written Comments**

Written comments may be filed on the Draft Proposed Decision not later than **5:00 p.m. on January 7, 2021**. Please note that all representations of fact submitted to the Commission must be signed under penalty of perjury by persons who are authorized and competent to do so and must be based upon the declarant's personal knowledge, information, or belief. (Cal. Code Regs., tit. 2, § 1187.5.) Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over an objection in civil actions. (Cal. Code Regs., tit. 2, § 1187.5.) The Commission's ultimate findings of fact must be supported by substantial evidence in the record.<sup>1</sup>

You are advised that comments filed with the Commission on State Mandates (Commission) are required to be simultaneously served on the other interested parties on the mailing list, and to be accompanied by a proof of service. However, this requirement may also be satisfied by electronically filing your documents. Refer to [http://www.csm.ca.gov/dropbox\\_procedures.php](http://www.csm.ca.gov/dropbox_procedures.php) on the Commission's website for electronic filing instructions. (Cal. Code Regs., tit. 2, § 1181.3.)

If you would like to request an extension of time to file comments, please refer to section 1187.9(a) of the Commission's regulations.

<sup>1</sup> Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission's decision is not supported by substantial evidence in the record.

Ms. Sidarous and Ms. Tollenaar

December 17, 2020

Page 2

### **Hearing**

This matter is set for hearing on **Friday, March 26, 2021**, at 10:00 a.m. via Zoom. The Proposed Decision will be issued on or about March 12, 2021.

Please notify Commission staff not later than the Wednesday prior to the hearing that you or a witness you are bringing plan to testify and please specify the names of the people who will be speaking for inclusion on the witness list and so that detailed instructions regarding how to participate as a witness in this meeting on Zoom can be provided to them. When calling or emailing, please identify the item you want to testify on and the entity you represent. The Commission Chairperson reserves the right to impose time limits on presentations as may be necessary to complete the agenda.

If you would like to request postponement of the hearing, please refer to section 1187.9(b) of the Commission's regulations.

Sincerely,

A handwritten signature in cursive script, appearing to read "Heather Halsey".

Heather Halsey  
Executive Director

**ITEM \_\_\_\_**  
**INCORRECT REDUCTION CLAIM**  
**DRAFT PROPOSED DECISION**

Education Code Sections 44660-44665 (Former Ed. Code, §§ 13485-13490)

Statutes 1983, Chapter 498; Statutes 1999, Chapter 4

*The Stull Act*

Fiscal Years 2005-2006, 2006-2007, 2007-2008, 2010-2011, 2011-2012, 2012-2013<sup>1</sup>

19-9825-I-03

Fairfield-Suisun Unified School District, Claimant

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**Overview**

This Incorrect Reduction Claim (IRC) challenges the State Controller's (Controller's) reduction to reimbursement claims filed by the Fairfield-Suisun Unified School District (claimant) under the *Stull Act* program for fiscal years 2005-2006 through 2007-2008 and 2010-2011 through 2012-2013 (audit period).

The claimant disputes the Controller's reduction of \$402,409 in salaries and benefits for time to perform the mandated evaluations.<sup>2</sup> The Controller found that the claimant did not provide any contemporaneous source documentation as required by the Parameters and Guidelines to support the time devoted to the reimbursable evaluation activities.<sup>3</sup> To determine reimbursable costs for salaries and benefits, the Controller used 60 minutes per allowable evaluation claimed based on the claimant's collective bargaining agreements for the audit period that required at least two 30-minute observations per evaluation of certificated instructional personnel.<sup>4</sup> The claimant argues that 60 minutes does not allow any time to write the evaluations because the collective bargaining agreements require 60 minutes to observe the employee. The claimant also disputes the Controller's rejection of its 2017 time study showing the claimant devoted an average of 1.55

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<sup>1</sup> According to the audit report, fiscal years 2008 through 2010 were not included in the audit because the statute of limitations to initiate the audit of these years had expired. Exhibit A, IRC, filed March 2, 2020, page 264 (Audit Report).

<sup>2</sup> The Controller found that of the \$624,988 claimed during the audit period (\$588,343 in salaries and benefits), \$197,670 is allowable and \$427,318 is unallowable, of which \$402,409 is disputed. Exhibit A, IRC, filed March 2, 2020, pages 264, 267, 273 (Audit Report).

<sup>3</sup> Exhibit A, IRC, filed March 2, 2020, page 268 (Audit Report); Exhibit B, Controller's Late Comments on the IRC, filed July 10, 2020, page 10.

<sup>4</sup> Exhibit A, IRC, filed March 2, 2020, pages 273 (Audit Report), 112 (2005-2007 Contract), 136 (2008-2010 Contract), 162 (2012-2014 Contract). Exhibit B, Controller's Late Comments on the IRC, filed July 10, 2020, page 14.

hours to write an evaluation, but requests the Commission to “allow some reasonable amount of time for each final write up.”<sup>5</sup>

Staff recommends that the Commission deny this IRC.

### **Procedural History**

The Parameters and Guidelines were adopted on October 5, 2005.<sup>6</sup> The claimant filed the reimbursement claim for fiscal year 2005-2006 on January 17, 2007,<sup>7</sup> for fiscal year 2006-2007 on February 15, 2008,<sup>8</sup> for fiscal year 2007-2008 on February 5, 2009,<sup>9</sup> for fiscal year 2010-2011 on February 15, 2012,<sup>10</sup> for fiscal year 2011-2012 on February 15, 2013,<sup>11</sup> and for fiscal year 2012-2013 on February 18, 2014.<sup>12</sup>

The Controller issued the Audit Report on June 22, 2018.<sup>13</sup> The claimant filed the IRC on March 2, 2020.<sup>14</sup> The Controller filed late comments on the IRC on July 10, 2020.<sup>15</sup> The claimant filed rebuttal comments on August 10, 2020.<sup>16</sup> Commission staff issued the Draft Proposed Decision on December 17, 2020.<sup>17</sup>

### **Commission Responsibilities**

Government Code section 17561(d) authorizes the Controller to audit the claims filed by local agencies and school districts and to reduce any claim for reimbursement of state-mandated costs if the Controller determines that the claim is excessive or unreasonable.

Government Code section 17551(d) requires the Commission to hear and decide a claim that the Controller has incorrectly reduced payments to the local agency or school district. If the Commission determines that a reimbursement claim has been incorrectly reduced, section 1185.9 of the Commission’s regulations requires the Commission to send the decision to the Controller and request that the costs in the claim be reinstated.

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<sup>5</sup> Exhibit A, IRC, filed March 2, 2020, page 3.

<sup>6</sup> Exhibit A, IRC, filed March 2, 2020, pages 248- 255 (Parameters and Guidelines).

<sup>7</sup> Exhibit A, IRC, filed March 2, 2020, page 287 (2005-2006 reimbursement claim).

<sup>8</sup> Exhibit A, IRC, filed March 2, 2020, page 293 (2006-2007 reimbursement claim).

<sup>9</sup> Exhibit A, IRC, filed March 2, 2020, page 297 (2007-2008 reimbursement claim).

<sup>10</sup> Exhibit A, IRC, filed March 2, 2020, page 308 (2010-2011 reimbursement claim).

<sup>11</sup> Exhibit A, IRC, filed March 2, 2020, page 316 (2011-2012 reimbursement claim).

<sup>12</sup> Exhibit A, IRC, filed March 2, 2020, page 323 (2012-2013 reimbursement claim).

<sup>13</sup> Exhibit A, IRC, filed March 2, 2020, page 264 (Audit Report).

<sup>14</sup> Exhibit A, IRC, filed March 2, 2020, page 1.

<sup>15</sup> Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020.

<sup>16</sup> Exhibit C, Claimant’s Rebuttal Comments, filed August 10, 2020.

<sup>17</sup> Exhibit D, Draft Proposed Decision, issued December 17, 2020.

The Commission must review questions of law, including interpretation of parameters and guidelines, de novo, without consideration of legal conclusions made by the Controller in the context of an audit. The Commission is vested with exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6 of the California Constitution.<sup>18</sup> The Commission must also interpret the Government Code and implementing regulations in accordance with the broader constitution and statutory scheme. In making its decisions, the Commission must strictly construe article XIII B, section 6 and not apply it as an “equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities.”<sup>19</sup>

With regard to the Controller’s audit decisions, the Commission must determine whether they were arbitrary, capricious, or entirely lacking in evidentiary support. This standard is similar to the standard used by the courts when reviewing an alleged abuse of discretion of a state agency.<sup>20</sup>

The Commission must also review the Controller’s audit in light of the fact that the initial burden of providing evidence for a claim of reimbursement lies with the claimant.<sup>21</sup> In addition, section 1185.1(f)(3) and 1185.2(d) and (e) of the Commission’s regulations requires that any assertions of fact by the parties to an IRC must be supported by documentary evidence. The Commission’s ultimate findings of fact must be supported by substantial evidence in the record.<sup>22</sup>

**Claims**

The following chart provides a brief summary of the claim and issues raised and staff’s recommendation.

Issue	Description	Staff Recommendation
Did the claimant timely file the IRC?	Section 1185.1 of the Commission’s regulations requires IRCs to be filed no later than three years after the claimant first receives from the Controller a final audit	<i>Timely filed</i> – The Controller issued the Audit Report on June 22, 2018, which complies with Government Code section 17558.5(c). The IRC was filed on

<sup>18</sup> *Kinlaw v. State of California* (1991) 54 Cal.3d 326, 331-334; Government Code sections 17551, 17552.

<sup>19</sup> *County of Sonoma v. Commission on State Mandates* (2000), 84 Cal.App.4th 1264, 1281, citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

<sup>20</sup> *Johnston v. Sonoma County Agricultural Preservation and Open Space District* (2002) 100 Cal.App.4th 973, 983-984; *American Bd. of Cosmetic Surgery, Inc. v. Medical Bd. of California* (2008) 162 Cal.App.4th 534, 547.

<sup>21</sup> *Gilbert v. City of Sunnyvale* (2005) 130 Cal.App.4th 1264, 1274-1275.

<sup>22</sup> Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission’s decision is not supported by substantial evidence in the record.



Issue	Description	Staff Recommendation
	report, letter, or other written notice of adjustment to a reimbursement claim that complies with Government Code section 17558.5(c).	March 2, 2020, less than three years from the date the Controller issued the Audit Report, so the IRC was timely filed.
Was the Controller’s reduction correct?	To be reimbursed for employee salaries and benefits, the Parameters and Guidelines, adopted October 5, 2005, require claimants to: (1) “Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours);” <sup>23</sup> (2) “Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed”; <sup>24</sup> and (3) “[e]ach claimed reimbursable cost [including salaries and benefits] must be supported by source documentation as described in section IV.” <sup>25</sup> Source documentation must be contemporaneous; “created at or near the same time the actual cost was	<i>Correct as a matter of law and not arbitrary, capricious or entirely lacking in evidentiary support</i> – The claimant did not provide any contemporaneous source documentation to support the employee time per evaluation. <sup>29</sup> Rather, the claimant provided lists of employees evaluated, completed evaluations, the collective bargaining agreements for the audit period that required 60 minutes of observation per employee evaluated, and a 2017 time study showing an average of 1.55 hours for writing each “final evaluation.” <sup>30</sup> Thus, the claimant did not comply with the Parameters and Guidelines, so the Controller’s reduction of costs is correct as a matter of law.

<sup>23</sup> Exhibit A, IRC, filed March 2, 2020, page 253 (Parameters and Guidelines).

<sup>24</sup> Exhibit A, IRC, filed March 2, 2020, page 253 (Parameters and Guidelines).

<sup>25</sup> Exhibit A, IRC, filed March 2, 2020, page 253 (Parameters and Guidelines).

<sup>29</sup> Exhibit A, IRC, filed March 2, 2020, page 268 (Audit Report); Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020, page 10.

<sup>30</sup> Exhibit A, IRC, filed March 2, 2020, pages 5-37 (Time Study); Exhibit A, IRC, filed March 2, 2020, pages 38-108 (completed evaluation forms) and pages 118-124 (evaluation form attached to the 2005-2007 collective bargaining agreement); Exhibit A, IRC, filed March 2, 2020, pages 273, 282 (Audit Report).

Issue	Description	Staff Recommendation
	<p>incurred for the event or activity in question.”<sup>26</sup></p> <p>Parameters and guidelines are regulatory in nature and, once adopted and issued, are final and binding on the parties.<sup>27</sup></p> <p>In determining whether the Controller’s audit decisions are arbitrary, capricious, or entirely lacking in evidentiary support, the Commission is required to defer to the Controller’s audit decisions and simply determine whether the Controller adequately considered all relevant factors, and demonstrated a rational connection between those factors and the choice made.<sup>28</sup></p>	<p>Staff also finds there is no evidence in the record that allowing 60 minutes for each allowable evaluation is arbitrary or capricious, or entirely lacking in evidentiary support. The record indicates the Controller “adequately considered all relevant factors, and has demonstrated a rational connection between those factors, the choice made, and the purposes of the enabling statute.”<sup>31</sup></p>

**Staff Analysis**

**A. The Claimant Timely Filed this IRC Within Three Years from the Date the Claimant First Received from the Controller a Final State Audit Report, Letter, or Other Written Notice of Adjustment to a Reimbursement Claim.**

Section 1185.1 of the Commission’s regulations requires IRCs to be filed no later than three years after the Controller’s final audit report, or other notice of adjustment that complies with Government Code section 17558.5(c). The Controller notified the claimant of the reduction by an Audit Report dated June 22, 2018,<sup>32</sup> which specifies the claim components and amounts adjusted, and the reasons for the adjustments, thereby complying with the notice requirements in

<sup>26</sup> Exhibit A, IRC, filed March 2, 2020, pages 251-252 (Parameters and Guidelines).

<sup>27</sup> *California School Boards Association v. State of California* (2009) 171 Cal.App.4th 1183, 1201; *Clovis Unified School Dist. v. Chiang* (2010) 188 Cal.App.4th 794, 798; Government Code sections 17561(d)(1), 17564(b), and 17571.

<sup>28</sup> *American Bd. of Cosmetic Surgery, Inc. v. Medical Bd. of California* (2008) 162 Cal.App.4th 534, 547-548.

<sup>31</sup> *American Bd. of Cosmetic Surgery, Inc. v. Medical Bd. of California* (2008) 162 Cal.App.4th 534, 547-548.

<sup>32</sup> Exhibit A, IRC, filed March 2, 2020, page 264 (Audit Report).

section 17558.5(c). The claimant filed the IRC on March 2, 2020,<sup>33</sup> less than three years from the date of the Controller’s emailed notice, so staff finds that the IRC was timely filed.

**B. The Controller’s Reduction of Salary and Benefit Costs Is Correct as a Matter of Law Because the Claimant Did Not Provide Contemporaneous Source Documentation to Support the Time Devoted to the Reimbursable Evaluation Activities as Required by the Parameters and Guidelines, and There Is No Evidence in the Record that the Controller’s Allowance of 60 Minutes Per Evaluation Is Arbitrary, Capricious or Entirely Lacking in Evidentiary Support.**

Under prior law, the Stull Act required employee evaluations to be written.<sup>34</sup> The test claim statutes imposed a higher level of service by mandating that the school districts evaluate and assess employees by *adding* to the regularly scheduled written evaluation of certificated instructional personnel only the following criteria (in Section IV.A of the Parameters and Guidelines):

- For employees who perform the requirements of educational programs mandated by state or federal law, include in the written evaluation an assessment of the employee’s performance as it reasonably relates to the instructional techniques and strategies used by the employee and the employee's adherence to curricular objectives.
- For employees who teach reading, writing, mathematics, history/social science, and science in grades 2 to 11, include in the written evaluation an assessment of the employee's performance based on the Standardized Testing and Reporting results for the pupils they teach.<sup>35</sup>

For certificated instructional and non-instructional employees who previously received a *non-satisfactory* evaluation, the test claim statutes require an additional assessment and written evaluation every other year.<sup>36</sup> These evaluations must address additional specified criteria and the evaluation must include recommendations, if necessary, as to areas of improvement in the performance of the employee as specified in Section IV.B. of the Parameters and Guidelines.<sup>37</sup>

To be reimbursed for employee salaries and benefits, the Parameters and Guidelines require claimants to: (1) “Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours).”<sup>38</sup> (2) “Describe the specific reimbursable activities performed and the hours devoted to

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<sup>33</sup> Exhibit A, IRC, filed March 2, 2020, page 1.

<sup>34</sup> Former Education Code section 13488. Exhibit X, Test Claim Decision, *The Stull Act*, 98-TC-25, adopted May 27, 2004, page 18.

<sup>35</sup> Exhibit A, IRC, filed March 2, 2020, page 251 (Parameters and Guidelines).

<sup>36</sup> Exhibit A, IRC, filed March 2, 2020, page 252 (Parameters and Guidelines). Exhibit X, Test Claim Decision, *The Stull Act*, 98-TC-25, adopted May 27, 2004, pages 33-34.

<sup>37</sup> Exhibit A, IRC, filed March 2, 2020, page 252 (Parameters and Guidelines).

<sup>38</sup> Exhibit A, IRC, filed March 2, 2020, page 253 (Parameters and Guidelines).

each reimbursable activity performed.”<sup>39</sup> And (3) “[e]ach claimed reimbursable cost [including salaries and benefits] must be supported by source documentation as described in section IV.”<sup>40</sup> Source documentation must be “created at or near the same time the actual cost was incurred for the event or activity in question.”<sup>41</sup> Parameters and guidelines are regulatory in nature and, once adopted and issued, are final and binding on the parties.<sup>42</sup>

In this case, the only contemporaneous documentation provided by the claimant were the written evaluations themselves, which provide no evidence to support the time devoted to the activities involved in each evaluation.<sup>43</sup> The other documentation that the claimant provided included master lists of employees evaluated by fiscal year, the collective bargaining agreements for the audit period that required two formal observations of 30 minutes for each certificated instructional employee evaluated, and a time study conducted in 2017, well after the audit period, showing the claimant devoted an average of 1.55 hours to writing each “final evaluation.”<sup>44</sup> None of these documents included contemporaneous documentation of the time devoted to the mandate. Thus, the claimant did not comply with the contemporaneous source documentation requirement in the Parameters and Guidelines, so the Controller’s reduction of costs is correct as a matter of law. However, the Controller allowed reimbursement for each allowable evaluation claimed for the audit period, despite no contemporaneous source documents being provided to support any reimbursable activities.

Staff also finds there is no evidence in the record that the Controller’s allowance of 60 minutes for each allowable evaluation claimed is arbitrary or capricious or entirely lacking in evidentiary support. The record shows that the Controller “adequately considered all relevant factors, and has demonstrated a rational connection between those factors, the choice made, and the purposes of the enabling statute.”<sup>45</sup> In addition, the Controller fully reviewed the claimant’s time study, interviewed employees who admitted that the times were “best guesses,” and found a wide

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<sup>39</sup> Exhibit A, IRC, filed March 2, 2020, page 253 (Parameters and Guidelines).

<sup>40</sup> Exhibit A, IRC, filed March 2, 2020, page 253 (Parameters and Guidelines).

<sup>41</sup> Exhibit A, IRC, filed March 2, 2020, pages 251-252 (Parameters and Guidelines).

<sup>42</sup> *California School Boards Association v. State of California* (2009) 171 Cal.App.4th 1183, 1201; *Clovis Unified School Dist. v. Chiang* (2010) 188 Cal.App.4th 794, 798; Government Code sections 17561(d)(1), 17564(b), and 17571.

<sup>43</sup> Exhibit A, IRC, filed March 2, 2020, page 268 (Audit Report); Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020, page 10.

<sup>44</sup> Exhibit A, IRC, filed March 2, 2020, pages 5-37 (Time Study); Exhibit A, IRC, filed March 2, 2020, pages 38-108 (completed evaluation forms) and pages 118-124 (evaluation form attached to the 2005-2007 collective bargaining agreement); Exhibit A, IRC, filed March 2, 2020, pages 273, 282 (Audit Report).

<sup>45</sup> *American Bd. of Cosmetic Surgery, Inc. v. Medical Bd. of California* (2008) 162 Cal.App.4th 534, 547-548.

variation in the times reported.<sup>46</sup> Moreover, there is no indication that the claimant's time study captured only the higher level of service the Commission approved for this mandate. The claimant provides no evidence that the 1.55 hours alleged in the time study reflects anything other than the time to write a full evaluation.

**Conclusion**

Staff concludes that the Controller's reduction is correct as a matter of law, and there is no evidence in the record that the Controller's decision to allow 60 minutes total per evaluation is arbitrary, capricious, or entirely lacking in evidentiary support

**Staff Recommendation**

Staff recommends that the Commission adopt the Proposed Decision to deny the IRC.

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<sup>46</sup> Exhibit A, IRC, filed March 2, 2020, page 279 (Audit Report). Exhibit B, Controller's Late Comments on the IRC, filed July 10, 2020, pages 15-16, 26-27 (email from the Controller to the claimant, Dec. 21, 2017).

BEFORE THE  
 COMMISSION ON STATE MANDATES  
 STATE OF CALIFORNIA

<p><b>IN RE INCORRECT REDUCTION CLAIM</b></p> <p>Education Code Sections 44660-44665          Statutes 1983, Chapter 498; Statutes 1999,          Chapter 4</p> <p>Fiscal Years Fiscal Years 2005-2006, 2006-          2007, 2007-2008, 2010-2011, 2011-2012,          2012-2013</p> <p>Filed on March 2, 2020</p> <p>Fairfield-Suisun Unified School District,          Claimant</p>	<p>Case No.: 19-9825-I-03</p> <p><i>The Stull Act</i></p> <p>DECISION PURSUANT TO          GOVERNMENT CODE SECTION 17500          ET SEQ.; CALIFORNIA CODE OF          REGULATIONS, TITLE 2, DIVISION 2,          CHAPTER 2.5, ARTICLE 7.</p> <p><i>(Adopted March 26, 2021)</i></p>
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**DECISION**

The Commission on State Mandates (Commission) heard and decided this Incorrect Reduction Claim (IRC) during a regularly scheduled hearing on March 26, 2021. [Witness list will be included in the adopted Decision.]

The law applicable to the Commission’s determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code sections 17500 et seq., and related case law.

The Commission [adopted/modified] the Proposed Decision to [approve/partially approve/deny] the IRC by a vote of [vote will be included in the adopted Decision], as follows:

<b>Member</b>	<b>Vote</b>
Lee Adams, County Supervisor	
Jeannie Lee, Representative of the Director of the Office of Planning and Research	
Gayle Miller, Representative of the Director of the Department of Finance, Chairperson	
Sarah Olsen, Public Member	
Carmen Ramirez, City Council Member	
Andre Rivera, Representative of the State Treasurer, Vice Chairperson	
Jacqueline Wong-Hernandez, Representative of the State Controller	

## **Summary of the Findings**

This Incorrect Reduction Claim (IRC) challenges the State Controller's (Controller's) reduction of costs claimed for the *Stull Act* program for fiscal years 2005-2006 through 2007-2008 and 2010-2011 through 2012-2013 (audit period) because the Fairfield-Suisun Unified School District (claimant) did not provide contemporaneous source documentation to support the times claimed by employees to perform the reimbursable activities, as required by the Parameters and Guidelines.<sup>47</sup> The *Stull Act* program, under prior law, required certificated employees to be evaluated every other year and required the evaluations to be written.<sup>48</sup> The test claim statutes imposed a higher level of service on school districts by mandating additional requirements to the evaluation process; namely to evaluate certificated instructional personnel on two new criteria and to include that new information in the existing written evaluation; and to re-evaluate and write an additional evaluation every other year for certificated instructional and non-instructional personnel who previously received a non-satisfactory evaluation.

To determine reimbursable costs for salaries and benefits, the Controller allowed 60 minutes for each allowable evaluation claimed based on the claimant's collective bargaining agreements for the audit period, which require at least two 30-minute observations per evaluation of certificated instructional personnel.<sup>49</sup> The Controller calculated the allowable salaries and benefits by multiplying 60 minutes per evaluation by the number of allowable evaluations performed by the evaluator's productive hourly rate.<sup>50</sup> The claimant contends that 60 minutes does not allow any time to write the evaluations; the collective bargaining agreement requires 60 minutes to observe the employee. The claimant also disputes the Controller's rejection of its 2017 time study showing an average of 1.55 hours to write an evaluation, but requests the Commission to "allow some reasonable amount of time for each final write up."<sup>51</sup>

The Commission finds that the reduction is correct as a matter of law since the claimant did not comply with the contemporaneous source documentation requirement in the Parameters and Guidelines to support the time devoted to the reimbursable activities.

In addition, there is no evidence that the Controller's allowance of 60 minutes per evaluation is arbitrary, capricious, or entirely lacking in evidentiary support. The record shows that the Controller "adequately considered all relevant factors, and has demonstrated a rational

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<sup>47</sup> Exhibit A, IRC, filed March 2, 2020, page 268 (Audit Report); Exhibit B, Controller's Late Comments on the IRC, filed July 10, 2020, page 10. According to the audit report, fiscal years 2008 through 2010 were not included in the audit because the statute of limitations to initiate the audit of these years had expired. Exhibit A, IRC, filed March 2, 2020, page 264 (Audit Report).

<sup>48</sup> Exhibit X, Test Claim Decision, *The Stull Act*, 98-TC-25, adopted May 27, 2004, page 18.

<sup>49</sup> Exhibit A, IRC, filed March 2, 2020, pages 273 (Audit Report), 112 (2005-2007 Contract), 136 (2008-2010 Contract), 162 (2012-2014 Contract). Exhibit B, Controller's Late Comments on the IRC, filed July 10, 2020, page 14.

<sup>50</sup> Exhibit A, IRC, filed March 2, 2020, page 273 (Audit Report).

<sup>51</sup> Exhibit A, IRC, filed March 2, 2020, page 3.

connection between those factors, the choice made, and the purposes of the enabling statute.”<sup>52</sup> The Controller fully reviewed the claimant’s time study, interviewed employees who admitted that the times were “best guesses,” and found a wide variation in the times reported.<sup>53</sup> Moreover, there is no indication that the claimant’s time study captured only the higher level of service the Commission approved for this mandate. The claimant provides no evidence that the 1.55 hours alleged in the time study reflects anything other than the time to write a full evaluation.

Therefore, the Commission denies this IRC.

## COMMISSION FINDINGS

### I. Chronology

- 10/05/2005 The Commission adopted the Parameters and Guidelines.<sup>54</sup>
- 01/17/2007 The claimant filed a reimbursement claim for 2005-2006.<sup>55</sup>
- 02/15/2008 The claimant filed a reimbursement claim for 2006-2007.<sup>56</sup>
- 02/05/2009 The claimant filed a reimbursement claim for 2007-2008.<sup>57</sup>
- 02/15/2012 The claimant filed a reimbursement claim for 2010-2011.<sup>58</sup>
- 02/15/2013 The claimant filed a reimbursement claim for 2011-2012.<sup>59</sup>
- 02/18/2014 The claimant filed a reimbursement claim for 2012-2013.<sup>60</sup>
- 06/22/2018 The Controller issued the Audit Report.
- 03/02/2020 The claimant filed the IRC.<sup>61</sup>
- 07/10/2020 The Controller filed late comments on the IRC.<sup>62</sup>

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<sup>52</sup> *American Bd. of Cosmetic Surgery, Inc. v. Medical Bd. of California* (2008) 162 Cal.App.4th 534, 547-548.

<sup>53</sup> Exhibit A, IRC, filed March 2, 2020, page 279 (Audit Report). Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020, pages 15-16, 26-27 (email from the Controller to the claimant, Dec. 21, 2017).

<sup>54</sup> Exhibit A, IRC, filed March 2, 2020, pages 248- 255 (Parameters and Guidelines).

<sup>55</sup> Exhibit A, IRC, filed March 2, 2020, page 287 (2005-2006 reimbursement claim).

<sup>56</sup> Exhibit A, IRC, filed March 2, 2020, page 293 (2006-2007 reimbursement claim).

<sup>57</sup> Exhibit A, IRC, filed March 2, 2020, page 297 (2007-2008 reimbursement claim).

<sup>58</sup> Exhibit A, IRC, filed March 2, 2020, page 308 (2010-2011 reimbursement claim).

<sup>59</sup> Exhibit A, IRC, filed March 2, 2020, page 316 (2011-2012 reimbursement claim).

<sup>60</sup> Exhibit A, IRC, filed March 2, 2020, page 323 (2012-2013 reimbursement claim).

<sup>61</sup> Exhibit A, IRC, filed March 2, 2020.

<sup>62</sup> Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020.



08/10/2020      The claimant filed rebuttal comments.<sup>63</sup>  
12/17/2020      Commission staff issued the Draft Proposed Decision.<sup>64</sup>

## **II. Background**

### **A. The Stull Act Program**

The Stull Act was originally enacted in 1971 to establish a uniform system of evaluation and assessment of the performance of “certificated personnel” (including certificated non-instructional personnel) within each school district.<sup>65</sup> As originally enacted, the Stull Act required the governing board of each school district to develop and adopt specific guidelines to evaluate and assess certificated personnel, and to avail itself of the advice of certificated instructional personnel before developing and adopting the guidelines.<sup>66</sup> The evaluation and assessment of the certificated personnel had to be in writing, conducted once each school year for probationary employees and every other year for permanent employees, and a copy transmitted to the employee no later than sixty days before the end of the school year.<sup>67</sup> If the employee was not performing in a satisfactory manner according to the standards, the “employing authority” was required to notify the employee in writing, describe the unsatisfactory performance, and confer with the employee in making specific recommendations as to areas of improvement and endeavor to assist in the improvement. The employee then had the right to initiate a written response to the evaluation, which became a permanent part of the employee’s personnel file. The school district was also required to hold a meeting with the employee to discuss the evaluation.<sup>68</sup>

The test claim statutes amended the Stull Act in 1983 and 1999 to expand the scope of evaluation and assessment of certificated instructional personnel by adding criteria that must be included in the evaluations: the employee’s instructional techniques and strategies, and adherence to curricular objectives; and the performance of instructional employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11 (i.e., the STAR test subjects) as it reasonably relates to the progress of pupils towards the state-adopted academic content standards as measured by state-adopted assessment tests.<sup>69</sup> And, in cases where the certificated instructional or non-instructional employee receives an unsatisfactory result, the test claim statutes require an additional evaluation “in the years in which the permanent certificated employee would not have otherwise been evaluated.”<sup>70</sup>

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<sup>63</sup> Exhibit C, Claimant’s Rebuttal Comments, filed August 10, 2020.

<sup>64</sup> Exhibit D, Draft Proposed Decision, issued December 17, 2020.

<sup>65</sup> Former Education Code sections 13485-13490.

<sup>66</sup> Former Education Code sections 13486-13487.

<sup>67</sup> Former Education Code section 13488.

<sup>68</sup> Former Education Code section 13488.

<sup>69</sup> Exhibit X, Test Claim Decision, *The Stull Act*, 98-TC-25, adopted May 27, 2004, pages 28-32.

<sup>70</sup> Exhibit X, Test Claim Decision, *The Stull Act*, 98-TC-25, adopted May 27, 2004, pages 32-33.

The Commission denied the activities that were required under preexisting law because they did not impose a new program or higher level of service. Denied activities included developing and adopting specific evaluation and assessment guidelines for performance; evaluating and assessing certificated personnel as it relates to the established standards; preparing and drafting a written evaluation, to include recommendations, if necessary, for areas of improvement; receiving and reviewing written responses to evaluations; and preparing for and holding a meeting with the evaluator to discuss the evaluation and assessment.<sup>71</sup>

The Commission partially approved the Test Claim on May 27, 2004, for those activities that represent the *limited* new program or higher level of service mandated by the state by the test claim statutes. The Parameters and Guidelines were adopted on September 27, 2005, and as relevant here, authorize reimbursement for only the following new activities:

A. Certificated Instructional Employees

1. Evaluate and assess the performance of certificated instructional employees that perform the requirements of educational programs mandated by state or federal law as it reasonably relates to the instructional techniques and strategies used by the employee and the employee's adherence to curricular objectives (Ed. Code, § 44662, subd. (b), as amended by Stats. 1983, ch. 498.). (*Reimbursement period begins July 1, 1997.*)

Reimbursement for this activity is limited to:

- a. reviewing the employee's instructional techniques and strategies and adherence to curricular objectives, and
- b. including in the written evaluation of the certificated instructional employees the assessment of these factors during the following evaluation periods:
  - o once each year for probationary certificated employees;
  - o every other year for permanent certificated employees; and
  - o beginning January 1, 2004, every five years for certificated employees with permanent status who have been employed at least ten years with the school district, are highly qualified (as defined in 20 U.S.C. § 7801), and whose previous evaluation rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree.

*Note: For purposes of claiming reimbursement, eligible claimants must identify the state or federal law mandating the educational program being performed by the certificated instructional employees.*

2. Evaluate and assess the performance of certificated instructional employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11 as it reasonably relates to the progress of

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<sup>71</sup> Exhibit X, Test Claim Decision, *The Stull Act*, 98-TC-25, adopted May 27, 2004, page 19.

pupils towards the state adopted academic content standards as measured by state adopted assessment tests (Ed. Code, § 44662, subd. (b), as amended by Stats. 1999, ch. 4.). (*Reimbursement period begins March 15, 1999.*)

Reimbursement for this activity is limited to:

- a. reviewing the results of the Standardized Testing and Reporting test as it reasonably relates to the performance of those certificated employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11, and
- b. including in the written evaluation of those certificated employees the assessment of the employee's performance based on the Standardized Testing and Reporting results for the pupils they teach during the evaluation periods specified in Education Code section 44664, and described below:
  - o once each year for probationary certificated employees;
  - o every other year for permanent certificated employees; and
  - o beginning January 1, 2004, every five years for certificated employees with permanent status who have been employed at least ten years with the school district, are highly qualified (as defined in 20 U.S.C. § 7801), and whose previous evaluation rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree.

**B. Certificated (Instructional and Non-Instructional) Employees**

1. Evaluate and assess permanent certificated, instructional and non-instructional, employees that perform the requirements of educational programs mandated by state or federal law and receive an unsatisfactory evaluation in the years in which the permanent certificated employee would not have otherwise been evaluated pursuant to Education Code section 44664 (i.e., every other year). The additional evaluations shall last until the employee achieves a positive evaluation, or is separated from the school district (Ed. Code, § 44664, as amended by Stats. 1983, ch. 498). (*Reimbursement period begins July 1, 1997.*)

This additional evaluation and assessment of the permanent certificated employee requires the school district to perform the following activities:

- a. evaluating and assessing the certificated employee performance as it reasonably relates to the following criteria: (1) the progress of pupils toward the standards established by the school district of expected pupil achievement at each grade level in each area of study, and, if applicable, the state adopted 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; and, if applicable, (5) the fulfillment of other job responsibilities established by the school district for certificated non-instructional personnel (Ed. Code, § 44662, subs. (b) and (c));

- b. reducing the evaluation and assessment to writing (Ed. Code, § 44663, subd. (a)). The evaluation shall include recommendations, if necessary, as to areas of improvement in the performance of the employee. If the employee is not performing his or her duties in a satisfactory manner according to the standards prescribed by the governing board, the school district shall notify the employee in writing of that fact and describe the unsatisfactory performance (Ed. Code, § 44664, subd. (b));
- c. transmitting a copy of the written evaluation to the certificated employee (Ed. Code, § 44663, subd. (a));
- d. attaching any written reaction or response to the evaluation by the certificated employee to the employee's personnel file (Ed. Code, § 44663, subd. (a)); and
- e. conducting a meeting with the certificated employee to discuss the evaluation (Ed. Code, § 44553, subd. (a)).

*Note: For purposes of claiming reimbursement, eligible claimants must identify the state or federal law mandating the educational program being performed by the certificated, instructional and non-instructional employees.<sup>72</sup>*

The Parameters and Guidelines also require claimants to submit contemporaneous source documentation, which may include but is not limited to time records or time logs, to support their actual costs. Evidence to corroborate the source documents, such as declarations or worksheets, may also be submitted. However, corroborating documents cannot be substituted for the contemporaneous source documentation requirement. In this regard, Section IV. of the Parameters and Guidelines states:

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts,

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<sup>72</sup> Exhibit A, IRC, filed March 2, 2020, pages 251-252 (Parameters and Guidelines).

agendas, and declarations. Declarations must include a certification or declaration stating, “I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct,” and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.<sup>73</sup>

Section V. of the Parameters and Guidelines requires that “[e]ach claimed reimbursable cost must be supported by source documentation as described in section IV.”<sup>74</sup> To claim costs for employee salaries and benefits, Section V. requires claimants to:

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.<sup>75</sup>

And Section VI. of the Parameters and Guidelines requires claimants to retain all documentation until the ultimate resolution of any audit findings:

All documentation used to support the reimbursable activities, as described in Section IV., must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.<sup>76</sup>

Beginning in fiscal year 2013-2014, the claimant elected to receive block grant funding for the mandated programs identified in Government Code section 17581.6, which includes the *Stull Act* program, in lieu of submitting reimbursement claims to the State Controller’s Office.<sup>77</sup>

### **B. The Controller’s Audit and Summary of Issues**

Costs for salaries and benefits of \$588,343 were claimed for the audit period (fiscal years 2005-2006 through 2007-2008, and 2010-2011 through 2012-2013). The Controller found that \$402,409 was unallowable “primarily because the district claimed reimbursement for costs not supported by source documents.”<sup>78</sup>

The Controller determined that the claimant did not provide contemporaneous *time* documentation as required by the Parameters and Guidelines to support the time spent on the

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<sup>73</sup> Exhibit A, IRC, filed March 2, 2020, page 251-252 (Parameters and Guidelines).

<sup>74</sup> Exhibit A, IRC, filed March 2, 2020, page 253 (Parameters and Guidelines).

<sup>75</sup> Exhibit A, IRC, filed March 2, 2020, page 253 (Parameters and Guidelines).

<sup>76</sup> Exhibit A, IRC, filed, March 2, 2020, pages 254-255 (Parameters and Guidelines).

<sup>77</sup> Exhibit A, IRC, filed March 2, 2020, page 276 (Audit Report).

<sup>78</sup> Exhibit A, IRC, filed March 2, 2020, page 273 (Audit Report).

reimbursable evaluation activities.<sup>79</sup> Instead, the claimant provided the Controller with master lists of employees evaluated by fiscal year and the collective bargaining agreements for the audit period, which required two formal observations lasting 30 minutes for each certificated instructional employee evaluated.<sup>80</sup> The Audit Report states, in relevant part, that to “achieve our audit objective,” the Controller:

- Requested supporting time documentation for the entire audit period. The district was unable to provide contemporaneous time records for the audit period. In lieu of contemporaneous time records, we reviewed the district’s collective bargaining agreements and found that certificated instructional evaluations are to be based on at least two observations of at least 30 minutes in length. We allowed 60 minutes as the time allotment for each allowable certificated instructional evaluation for the audit period.
- Requested and reviewed lists of employees evaluated for the entire audit period. Using a random number generator, we randomly selected a non-statistical sample and tested 655 evaluations (out of 2,613) for the audit period. During testing, we identified 39 errors in the sample that were not projected to the population.<sup>81</sup>

To determine reimbursable costs for salaries and benefits, the Controller allowed 60 minutes per evaluation based on the claimant’s collective bargaining agreements for the audit period, which require at least two 30-minute *observations* per evaluation.<sup>82</sup> The Controller calculated the allowable salaries and benefits by multiplying 60 minutes per evaluation by the number of allowable evaluations performed by the productive hourly rate of the employee evaluator.<sup>83</sup>

On April 13, 2018, the Draft Audit Report was issued. The claimant responded to the Draft Audit Report on April 19, 2018, asserting that:<sup>84</sup>

- The Controller allowed one hour for observation for each evaluation (activity a in the claiming instructions), but zero time for the final write-ups (activity b), “which we assert is out of compliance with the State’s claiming instructions . . . .”<sup>85</sup>

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<sup>79</sup> Exhibit A, IRC, filed March 2, 2020, page 268 (Audit Report); Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020, page 10.

<sup>80</sup> Exhibit A, IRC, filed March 2, 2020, page 273 (Audit Report).

<sup>81</sup> Exhibit A, IRC, filed March 2, 2020, page 268 (Audit Report).

<sup>82</sup> Exhibit A, IRC, filed March 2, 2020, pages 273 (Audit Report), 112 (2005-2007 Contract), 136 (2008-2010 Contract), 162 (2012-2014 Contract). Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020, page 14.

<sup>83</sup> Exhibit A, IRC, filed March 2, 2020, page 273 (Audit Report).

<sup>84</sup> Exhibit A, IRC, filed March 2, 2020, pages 269, 281-283.

<sup>85</sup> Exhibit A, IRC, filed March 2, 2020, page 282.

- The claimant provided the Controller with hundreds of written evaluations to support both the observation costs and the final write-up costs. The actual written evaluations support the costs claimed to write the evaluations.<sup>86</sup>
- In Spring 2017, the claimant asked all administrators to record the time spent writing final evaluations. The District was able to obtain a large amount of data showing an average of 1.55 hours to write a final evaluation.<sup>87</sup> The claimant’s IRC explains that the time study data was obtained from 21 school sites and 188 site administrators recorded the time spent to write final evaluations.<sup>88</sup> Based on the time study, the claimant reported that its employees spent an average of 1.55 hours to write up each evaluation.<sup>89</sup> The claimant provided to the Controller a spreadsheet with the time study results on September 27, 2017.<sup>90</sup>

The Controller did not change the audit findings following the claimant’s response to the Draft Audit Report, so 60 minutes was allowed for each evaluation based on the collective bargaining agreements. The Audit Report, dated June 22, 2018, states:

- The claimant’s collective bargaining agreements do not indicate a time component to write the evaluations.
- The Controller reviewed the claimant’s time study and interviewed three site administrators who participated in it. All three stated that the times reported to write the evaluations were not the “actual times,” but were “estimated” or a “best guess.” Consequently, the Controller did not accept the times provided to write the evaluations.
- The written evaluations themselves do not identify the time spent writing the evaluations. The claimant provided no contemporaneous time documentation.<sup>91</sup>

### **III. Positions of the Parties**

#### **A. Fairfield-Suisun Unified School District**

The claimant argues that the Controller disallowed all time and associated costs to write the final evaluations.<sup>92</sup> The claimant points out that in addition to the observation, its collective bargaining agreements also require writing the evaluations, asserting “to allow time for one activity and not the other means one bullet within the Collective Bargaining Agreements has more relevance than the other which is arbitrary and inconsistent.”<sup>93</sup> According to the claimant:

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<sup>86</sup> Exhibit A, IRC, filed March 2, 2020, page 282.

<sup>87</sup> Exhibit A, IRC, filed March 2, 2020, page 282.

<sup>88</sup> Exhibit A, IRC, filed March 2, 2020, pages 2, 5-37 (Time Study).

<sup>89</sup> Exhibit A, IRC, filed March 2, 2020, pages 2, 5-37 (Time Study), 279 (Audit Report).

<sup>90</sup> Exhibit A, IRC, filed March 2, 2020, page 279 (Audit Report).

<sup>91</sup> Exhibit A, IRC, filed March 2, 2020, page 279 (Audit Report).

<sup>92</sup> Exhibit A, IRC, filed March 2, 2020, page 2.

<sup>93</sup> Exhibit A, IRC, filed March 2, 2020, page 2.

If the district's CBA [collective bargaining agreement] for each year is the basis for the allowance of a mandated activity specifically observations [sic] by administrators, then the SCO [Controller] should be allowing at least some time for the final write up by administrators, as the two activities are required by the same employees within the same section of all the CBAs listed above.<sup>94</sup>

In its rebuttal comments, the claimant repeats that if the collective bargaining agreements are the basis for the mandated activity, then the Controller should be allowing at least some time for the final write up.<sup>95</sup>

Because the claimant was "confident" that the Controller would allow time to write the evaluations, "it took the initiative in the Spring of 2017" to perform a time study by asking site administrators to track their time writing performance evaluations. Data was obtained from 21 school sites and 188 individual records of time spent on final evaluation write ups from the site administrators, showing an average of 1.55 hours to write each evaluation.<sup>96</sup> The claimant alleges that 1.55 hours is substantially less than the time spent to write evaluations during the early years of the audit period when the claimant used paper evaluations instead of electronic forms.<sup>97</sup> Noting that its time study was rejected because "three of the administrators admitted that the time they reported was not tracked to the minute, but instead was estimated to the nearest reasonable time increment,"<sup>98</sup> the claimant requests that its time study to write the evaluations be allowed, but to exclude the time reported by the three administrators from the average time calculation.<sup>99</sup>

In its rebuttal comments, the claimant states that the problems with its time study were raised by the Controller in a footnote in an email to a high school principal who would not have been familiar with the time study and had "no way of ascertaining the answers." The problems should have been addressed to the appropriate personnel assigned to the audit who would have made every effort to answer the questions "timely and fully."<sup>100</sup>

The claimant quotes the Audit Report that the Controller reviewed 655 written evaluations (out of 2,613) for the audit period and identified 39 errors that were not projected to the population, then argues:

The District pulled thousands of evaluations from its archives for this audit, spending hundreds of staff hours to support costs claimed. It was more than clear to the State Controller's Auditors when they were on site that each evaluation in the District's records had a WRITTEN FINAL EVALUATION included in the records. For the State Controller's office to conclude zero time is allowable for

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<sup>94</sup> Exhibit A, IRC, filed March 2, 2020, page 2.

<sup>95</sup> Exhibit C, Claimant's Rebuttal Comments, filed August 10, 2020, page 1.

<sup>96</sup> Exhibit A, IRC, filed March 2, 2020, pages 2, 5-37 (Time Study).

<sup>97</sup> Exhibit A, IRC, filed March 2, 2020, page 3.

<sup>98</sup> Exhibit A, IRC, filed March 2, 2020, page 2.

<sup>99</sup> Exhibit A, IRC, filed March 2, 2020, page 3.

<sup>100</sup> Exhibit C, Claimant's Rebuttal Comments, filed August 10, 2020, pages 1-2.



an activity that is clearly documented by the actual paper records is illogical and capricious.<sup>101</sup>

The claimant requests that the Commission “allow some reasonable amount of time for each final write up.”<sup>102</sup> According to the claimant’s rebuttal comments:

[W]e have always been and are still very willing to negotiate any reasonable time increment for the final write-up, as having the entire activity 100% disallowed is unacceptable. The District is just hoping for some middle ground to be found between itself and the SCO. The District proposed 1.55 hours as the appropriate amount of allowable time, however in a desire to see some sort of resolution to the issue the District was only trying to convince the SCO to be reasonable and asking for some form of negotiation or compromise.<sup>103</sup>

### **B. State Controller’s Office**

The Controller maintains that the audit reductions are correct. Although the District provided contemporaneous records to support the number of evaluations conducted during the audit period, the claimant did not provide any contemporaneous records to support the time associated with performing the reimbursable activities.<sup>104</sup> The Controller agrees that reducing the claims to \$0 would be arbitrary and capricious since the claimant’s documentation shows that the claimant performed 2,574 reimbursable evaluations during the audit period.<sup>105</sup>

Thus, the Controller used the claimant’s collective bargaining agreements, the only documentation the claimant provided (other than the claimant’s 2017 time study) that documents its time associated with “observational activities.”<sup>106</sup> The collective bargaining agreements do not state a time component for writing the final evaluations.<sup>107</sup> The Controller further states that it “makes no assessment to the relevancy of one activity versus another in the collective bargaining agreements. Our role is to determine whether the claims submitted by the District contain actual costs traceable to and supported by contemporaneous source documentation.”<sup>108</sup>

In addition, the Controller had many concerns with the claimant’s 2017 time study. For example, of the 44 total evaluators listed on the spreadsheet, six did not list any time for completing the evaluation. Also, the listed time varied widely between employees of the same classification, as the Controller noted:

- Permanent – between 0 and 120 minutes;

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<sup>101</sup> Exhibit A, IRC, filed March 2, 2020, page 3. Emphasis in original.

<sup>102</sup> Exhibit A, IRC, filed March 2, 2020, page 3.

<sup>103</sup> Exhibit C, Claimant’s Rebuttal Comments, filed August 10, 2020, page 2.

<sup>104</sup> Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020, page 14.

<sup>105</sup> Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020, page 14.

<sup>106</sup> Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020, pages 13, 14.

<sup>107</sup> Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020, page 14.

<sup>108</sup> Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020, page 14.

- Probationary 0 – between 0 and 300 minutes;
- Probationary 1 – between 0 and 300 minutes;
- Probationary 2 – between 0 and 300 minutes.<sup>109</sup>

The Controller was also concerned that the original email from the claimant originated on April 28, 2017, but the e-signature dates for each evaluation covered a six-month time span. The Controller observed that approximately 86 percent of time increments listed were outside the month of April, “which is cause for concern regarding the accuracy of the data provided.”<sup>110</sup> Also, the entries were not signed by the evaluators confirming their listed time increments for each evaluated employee.<sup>111</sup>

As part of its review of the time study, the Controller selected three of the claimant’s employees to interview. These employees were selected because they totaled 36 of the 253 line items, or about 14 percent of the entire population, and also because; (1) the first employee (elementary) listed an identical time increment for each evaluation, which was conducted in January and February; (2) the second employee (high school) listed an identical time increment for each evaluation, which was conducted between February and April; (3) the third employee (elementary) listed the overall highest time increments of all evaluators and conducted the evaluations in January and February.<sup>112</sup> During the interview, the three employees stated that the time entered on the spreadsheet was not the actual time taken to complete the write up, but was “approximate” or a “best guess.”<sup>113</sup> According to the Controller, “there is no ‘approximate’ or ‘best guess’ standard present in the Parameters and Guidelines.”<sup>114</sup> In response to the claimant’s argument that the administrator’s time was tracked to the nearest reasonable time increment, the Controller notes that the site administrators did not say that their time was estimated to the nearest reasonable time increment. And one administrator said that some of the principals/vice principals may have misunderstood exactly what was to be recorded on the spreadsheet “as some of the larger time increments may have included activities beyond the write up.”<sup>115</sup> The Controller also raised questions about the lack of a signed declaration for each administrator, how the spreadsheet was created, who had access to the spreadsheet, and what controls were placed on the data to ensure accurate reporting. The Controller received no responses to those questions.<sup>116</sup>

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<sup>109</sup> Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020, pages 15, 28. Exhibit A, IRC, filed March 2, 2020, pages 5-36 (Time Study).

<sup>110</sup> Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020, page 15.

<sup>111</sup> Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020, page 15.

<sup>112</sup> Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020, page 16.

<sup>113</sup> Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020, page 16.

<sup>114</sup> Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020, page 16.

<sup>115</sup> Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020, pages 16, 26-27 (email from the Controller to the claimant, Dec. 21, 2017).

<sup>116</sup> Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020, pages 16, 27-28.

The Controller argues that the claimant contradicts itself by requesting 1.55 hours for each documented final write-up, then asks for “some reasonable amount of time” for the same activity. The Controller also argues that the claimant’s statement that the three administrators “may not have had a stopwatch handy” to record the time to write up evaluations is an admission that the time logs presented to the Controller were not actual contemporaneous documents.<sup>117</sup>

The Controller urges the Commission to find that it correctly reduced the claims.<sup>118</sup>

#### **IV. Discussion**

Government Code section 17561(d) authorizes the Controller to audit the claims filed by local agencies and school districts and to reduce any claim for reimbursement of state-mandated costs if the Controller determines that the claim is excessive or unreasonable.

Government Code section 17551(d) requires the Commission to hear and decide a claim that the Controller has incorrectly reduced payments to the local agency or school district. If the Commission determines that a reimbursement claim has been incorrectly reduced, section 1185.9 of the Commission’s regulations requires the Commission to send the decision to the Controller and request that the costs in the claim be reinstated.

The Commission must review questions of law, including interpretation of the parameters and guidelines, de novo, without consideration of legal conclusions made by the Controller in the context of an audit. The Commission is vested with exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6 of the California Constitution.<sup>119</sup> The Commission must also interpret the Government Code and implementing regulations in accordance with the broader constitutional and statutory scheme. In making its decisions, the Commission must strictly construe article XIII B, section 6 and not apply it as an “equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities.”<sup>120</sup>

With regard to the Controller’s audit decisions, the Commission must determine whether they were arbitrary, capricious, or entirely lacking in evidentiary support. This standard is similar to the standard used by the courts when reviewing an alleged abuse of discretion of a state agency.<sup>121</sup> Under this standard, the courts have found that:

When reviewing the exercise of discretion, “[t]he scope of review is limited, out of deference to the agency’s authority and presumed expertise: ‘The court may not reweigh the evidence or substitute its judgement for that of the agency.

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<sup>117</sup> Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020, page 16.

<sup>118</sup> Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020, page 17.

<sup>119</sup> *Kinlaw v. State of California* (1991) 54 Cal.3d 326, 331-334; Government Code sections 17551, 17552.

<sup>120</sup> *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1264, 1281, citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

<sup>121</sup> *Johnson v. Sonoma County Agricultural Preservation and Open Space Dist.* (2002) 100 Cal.App.4th 973, 983-984. See also *American Bd. of Cosmetic Surgery, Inc. v. Medical Bd. of California* (2008) 162 Cal.App.4th 534, 547.

[Citation.]” ... “In general ... the inquiry is limited to whether the decision was arbitrary, capricious, or entirely lacking in evidentiary support....” [Citations.] When making that inquiry, the “ “court must ensure that an agency has adequately considered all relevant factors, and has demonstrated a rational connection between those factors, the choice made, and the purposes of the enabling statute.” [Citation.]’ ”<sup>122</sup>

The Commission must review the Controller’s audit in light of the fact that the initial burden of providing evidence for a claim of reimbursement lies with the claimant.<sup>123</sup> In addition, sections 1185.1(f)(3) and 1185.2(d) and (e) of the Commission’s regulations require that any assertions of fact by the parties to an IRC must be supported by documentary evidence. The Commission’s ultimate findings of fact must be supported by substantial evidence in the record.<sup>124</sup>

**A. The Claimant Timely Filed this IRC Within Three Years from the Date the Claimant First Received from the Controller a Final State Audit Report, Letter, or Other Written Notice of Adjustment to a Reimbursement Claim.**

Government Code section 17561 authorizes the Controller to audit the reimbursement claims and records of local government to verify the actual amount of the mandated costs, and to reduce any claim that the Controller determines is excessive or unreasonable. If the Controller reduces a claim on a state-mandated program, the Controller is required by Government Code section 17558(c) to notify the claimant in writing, specifying the claim components adjusted, the amounts adjusted, interest charges on claims adjusted to reduce the overall reimbursement to the claimant, and the reason for the adjustment.<sup>125</sup> The claimant may then file an IRC with the Commission “pursuant to regulations adopted by the Commission” contending that the Controller’s reduction was incorrect and to request that the Controller reinstate the amounts reduced to the claimant.<sup>126</sup>

In this case, the Audit Report, dated June 22, 2018, specifies the claim components and amounts adjusted, and the reasons for the adjustments and thus, complies with the notice requirements in Government Code section 17558.5(c).<sup>127</sup>

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<sup>122</sup> *American Bd. of Cosmetic Surgery, Inc. v. Medical Bd. of California* (2008) 162 Cal.App.4th 534, 547-548.

<sup>123</sup> *Gilbert v. City of Sunnyvale* (2005) 130 Cal.App.4th 1264, 1274-1275.

<sup>124</sup> Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission’s decision is not supported by substantial evidence in the record.

<sup>125</sup> Government Code section 17558.5(c).

<sup>126</sup> Government Code sections 17551(d), 17558.7; California Code of Regulations, title 2, sections 1185.1, 1185.9.

<sup>127</sup> Exhibit A, IRC, filed March 2, 2020, page 264 (Audit Report).

The Commission's regulations require that an IRC be timely filed within three years of the date the claimant is notified of a reduction, and the notice complies with Government Code section 17558.5(c), as follows:

All incorrect reduction claims shall be filed with the Commission no later than three years following the date a claimant first receives from the Office of State Controller a final state audit report, letter, or other written notice of adjustment to a reimbursement claim, which complies with Government Code section 17558.5(c) by specifying the claim components adjusted, the amounts adjusted, interest charges on claims adjusted to reduce the overall reimbursement to the claimant, and the reasons for the adjustment.<sup>128</sup>

Because the claimant filed the IRC on March 2, 2020,<sup>129</sup> within three years of the Audit Report issued on June 22, 2018,<sup>130</sup> the Commission finds that the IRC was timely filed.

**B. The Controller's Reduction of Salary and Benefit Costs Is Correct as a Matter of Law Because the Claimant Did Not Provide Contemporaneous Source Documentation to Support the Time Devoted to the Reimbursable Evaluation Activities as Required by the Parameters and Guidelines, and There Is No Evidence in the Record that the Controller's Allowance of 60 Minutes Per Evaluation Is Arbitrary, Capricious, or Entirely Lacking in Evidentiary Support.**

As discussed in the Background, the Stull Act program, as originally enacted in 1971, required employee evaluations to be written.<sup>131</sup> The test claim statutes imposed a higher level of service on school districts by mandating additional requirements to the evaluation process. For the regularly scheduled evaluations of certificated instructional personnel, the test claim statutes mandate school districts to evaluate and assess the employee, and *add* to the written evaluation only the following criteria (reflected in Section IV.A of the Parameters and Guidelines):

- For certificated instructional employees that perform the requirements of educational programs mandated by state or federal law – include in the written evaluation an assessment of the employee's performance as it reasonably relates to the instructional techniques and strategies used by the employee and the employee's adherence to curricular objectives.
- For certificated instructional employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11 –include in the written evaluation an assessment of the employee's performance based on the Standardized Testing and Reporting results for the pupils they teach.<sup>132</sup>

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<sup>128</sup> California Code of Regulations, title 2, sections 1185.1(c), 1185.2(a), as amended operative October 1, 2016.

<sup>129</sup> Exhibit A, IRC, filed March 2, 2020, page 1.

<sup>130</sup> Exhibit A, IRC, filed March 2, 2020, page 264 (Audit Report).

<sup>131</sup> Former Education Code section 13488. Exhibit X, Test Claim Decision, *The Stull Act*, 98-TC-25, adopted May 27, 2004, page 18.

<sup>132</sup> Exhibit A, IRC, filed March 2, 2020, page 251 (Parameters and Guidelines).

Reimbursement is *not* required for the full written evaluation and assessment of certificated employees who have received satisfactory evaluations.

For those certificated instructional and non-instructional employees who previously received a *non-satisfactory* evaluation, the test claim statutes require an additional assessment, and written evaluation “in the years in which the permanent certificated employee would not have otherwise been evaluated.”<sup>133</sup> Years in which the employee would not otherwise have been evaluated means every other year.<sup>134</sup> These additional evaluations must address: (1) the progress of pupils toward the standards established by the school district of expected pupil achievement at each grade level in each area of study, and, if applicable, the state adopted 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; and, if applicable, (5) the fulfillment of other job responsibilities established by the school district for certificated non-instructional personnel. These new evaluations are required to be written, and include recommendations, if necessary, as to areas of improvement in the performance of the employee. If the employee's duties are not being performed in a satisfactory manner according to the standards prescribed by the governing board, the school district shall notify the employee in writing of that fact and describe the unsatisfactory performance. Section IV.B. of the Parameters and Guidelines authorizes reimbursement for this additional evaluation.<sup>135</sup>

To receive reimbursement for employee salaries and benefits, the Parameters and Guidelines require claimants to:

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.<sup>136</sup>

The Parameters and Guidelines also require that “[e]ach claimed reimbursable cost [including salaries and benefits] must be supported by source documentation as described in section IV.”<sup>137</sup> Section IV. requires claimants to support their costs with contemporaneous source documentation “created at or near the same time the actual cost was incurred for the event or activity in question.”<sup>138</sup>

The Parameters and Guidelines were adopted on September 27, 2005, well before January 17, 2007, the date the first reimbursement claim at issue for fiscal year 2005-2006 was

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<sup>133</sup> Exhibit X, Test Claim Decision, *The Stull Act*, 98-TC-25, adopted May 27, 2004, pages 33-34.

<sup>134</sup> Exhibit A, IRC, filed March 2, 2020, page 252 (Parameters and Guidelines).

<sup>135</sup> Exhibit A, IRC, filed March 2, 2020, page 252 (Parameters and Guidelines).

<sup>136</sup> Exhibit A, IRC, filed March 2, 2020, page 253 (Parameters and Guidelines).

<sup>137</sup> Exhibit A, IRC, filed March 2, 2020, page 253 (Parameters and Guidelines).

<sup>138</sup> Exhibit A, IRC, filed March 2, 2020, page 252 (Parameters and Guidelines).

filed with the Controller, so the claimant had notice of the requirements in the Parameters and Guidelines.<sup>139</sup> Parameters and guidelines are regulatory in nature and, once adopted and issued, are final and binding on the parties.<sup>140</sup>

In this case, the only contemporaneous documentation provided by the claimant were the written evaluations themselves, which show that the evaluations were reduced to writing but provide no evidence to support the amount of time devoted to writing or the other required activities for each evaluation.<sup>141</sup> The only other documentation that the claimant provided the Controller was master lists of employees evaluated by fiscal year, the collective bargaining agreements for the audit period, which required two formal observations lasting 30 minutes for each certificated instructional employee evaluated, and a 2017 time study, well after the audit period, showing an average of 1.55 hours for writing each “final evaluation.”<sup>142</sup> None of these include contemporaneous documentation of the time devoted to the mandate. Although the claimant’s collective bargaining agreements are ‘contracts’ and therefore corroborating documentation, the Parameters and Guidelines specify that “corroborating documents cannot be substituted for source documents.”<sup>143</sup>

As indicated in the Test Claim Decision and Parameters and Guidelines, full or “final” evaluations (as phrased by the claimant) for certificated instructional employees receiving a regular evaluation every two years are not eligible for reimbursement; the only activities eligible for reimbursement are evaluating and assessing the employee using the limited new criteria mandated by the test claim statutes and adding that criteria to the existing written evaluation for those instructional employees working on educational programs mandated by state or federal law or who teach the courses specified in the Parameter and Guidelines. Full evaluations are only required every other year for those certificated instructional and non-instructional employees who work in educational programs that are mandated by state or federal law that received a prior negative evaluation.<sup>144</sup> Thus, the claimant did not comply with the contemporaneous source documentation requirements of the Parameters and Guidelines and the Controller’s reduction of costs is correct as a matter of law.

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<sup>139</sup> Exhibit A, IRC, filed March 2, 2020, pages 251-252 (Parameters and Guidelines), 287 (2005-2006 reimbursement claim).

<sup>140</sup> *California School Boards Association v. State of California* (2009) 171 Cal.App.4th 1183, 1201; *Clovis Unified School Dist. v. Chiang* (2010) 188 Cal.App.4th 794, 798; Government Code sections 17561(d)(1), 17564(b), and 17571.

<sup>141</sup> Exhibit A, IRC, filed March 2, 2020, page 268 (Audit Report); Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020, page 10.

<sup>142</sup> Exhibit A, IRC, filed March 2, 2020, pages 5-37 (Time Study); Exhibit A, IRC, filed March 2, 2020, pages 38-108 (completed evaluation forms) and pages 118-124 (evaluation form attached to the 2005-2007 collective bargaining agreement); Exhibit A, IRC, filed March 2, 2020, pages 273, 282 (Audit Report).

<sup>143</sup> Exhibit A, IRC, filed March 2, 2020, page 251-252 (Parameters and Guidelines).

<sup>144</sup> Education Code section 44664, as amended by Statutes 1983, chapter 498.

The Commission further finds that the Controller's allowance of 60 minutes per evaluation conducted during the audit period is not arbitrary, capricious, or entirely lacking in evidentiary support. Under this standard, the Commission is required to defer to the Controller's audit decisions and simply determine if the Controller adequately considered all relevant factors, and demonstrated a rational connection between those factors and the choice made.<sup>145</sup>

Since the claimant did not provide any contemporaneous source documents, the Controller reviewed the collective bargaining agreements effective during the audit period and determined that the claimant should be allowed 60 minutes total for each allowable evaluation claimed during the audit period, based on the requirement in the agreements for at least two 30-minute observations during a *full* evaluation:

At least two (2) formal observations, one scheduled, and the other may be scheduled or unscheduled, will be held during a unit member's evaluation year to observe unit members using only the District's Certificated Personnel Observation Form (Appendix J). These formal observations will be at least thirty (30) minutes in length. These formal observations may take place any time a certificated unit member is performing within the scope of his/her classroom duties. The number, frequency and duration of the observations may vary with the requirements imposed by the type of class, the needs of the teacher, and individual situation. Formal observations may be preceded by a pre-conference and must be followed with a post-conference between the unit member and the evaluator.<sup>146</sup>

The claimant argues that the 60-minute requirement is just to observe the employee, but not to write the evaluation. Thus, the claimant alleges that the Controller's allowance of 60 minutes per evaluation is insufficient and does not allow the costs to write the "final evaluations."<sup>147</sup>

However, there is no evidence in the record that allowing 60 minutes for each evaluation claimed is arbitrary or capricious, or entirely lacking in evidentiary support. Except where a certificated employee receives a prior negative evaluation, the Parameters and Guidelines do not require reimbursement for a full evaluation.

Moreover, the Controller allowed reimbursement for all but 122 evaluations claimed during the audit period, which the claimant does not dispute.<sup>148</sup> In some fiscal years, there are no separate costs claimed for writing the evaluation. As indicated in the chart below, no costs were claimed for writing evaluations in fiscal year 2007-2008;<sup>149</sup> (2) no costs were claimed during any years in the audit period for writing the part of the evaluation regarding the STAR examination as

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<sup>145</sup> *American Bd. of Cosmetic Surgery, Inc. v. Medical Bd. of California* (2008) 162 Cal.App.4th 534, 547-548.

<sup>146</sup> Exhibit A, IRC, filed March 2, 2020, pages 112 (2005-2007 Contract), 136 (2008-2010 Contract), 162 (2012-2014 Contract), 273 (Audit Report). Exhibit B, Controller's Late Comments on the IRC, filed July 10, 2020, page 14.

<sup>147</sup> Exhibit A, IRC, filed March 2, 2020, pages 2-3.

<sup>148</sup> Exhibit IRC, filed March 2, 2020, page 274 (Audit Report). The Controller found that 122 of 2,696 evaluations claimed were not eligible for reimbursement.

<sup>149</sup> Exhibit A, IRC, filed March 2, 2020, page 304 (2007-2008 reimbursement claim).



authorized in Section IV.A.2(b) of the Parameters and Guidelines; and (3) only one hour was claimed in 2012-2013 for writing the additional evaluation when an employee receives a prior negative evaluation pursuant to Section IV.B of the Parameters and Guidelines.<sup>150</sup>

Fiscal year reimbursement claim	Ps&Gs Section IV.A(1)(b) Hours worked or quantity to include in the written evaluation of the certificated instructional employees the assessment of instructional techniques and strategies and adherence to curricular objectives	Ps&Gs Section IV.A.(2)(b) Hours worked or quantity to include in the written evaluation of certificated instructional employees that teach reading, writing, mathematics, history/ social science, and science in grades 2 to 11, a review of the results of the Standardized Testing and Reporting test as it reasonably relates to the employee's performance	Ps&Gs Section IV.B. Hours worked or quantity to write the additional evaluation when a certificated employee receives a prior negative evaluation
2005-2006 <sup>151</sup>	From .5 to 59 hours	-0-	-0-
2006-2007 <sup>152</sup>	From 2.5 to 66 hours	-0-	-0-
2007-2008 <sup>153</sup>	"no activity"	-0-	-0-
2010-2011 <sup>154</sup>	From 2 to 50 hours	-0-	-0-
2011-2012 <sup>155</sup>	From 3 to 51 hours	-0-	-0-
2012-2013 <sup>156</sup>	From 4 to 80.28 hours	-0-	1 hour

The Commission also finds that the Controller's rejection of the claimant's time study reviewed during the audit is not arbitrary, capricious, or without evidentiary support. The Controller reviewed the time study and selected three employees whose time entries raised red flags, to interview, two of whom recorded the same time for each evaluation.<sup>157</sup> The interviewed

<sup>150</sup> Exhibit A, IRC, filed March 2, 2020, page 331 (2012-2013 reimbursement claim).

<sup>151</sup> Exhibit A, IRC, filed March 2, 2020, pages 291-292 (2005-2006 reimbursement claim).

<sup>152</sup> Exhibit A, IRC, filed March 2, 2020, pages 296 (2006-2007 reimbursement claim).

<sup>153</sup> Exhibit A, IRC, filed March 2, 2020, pages 299-304 (2007-2008 reimbursement claim).

<sup>154</sup> Exhibit A, IRC, filed March 2, 2020, pages 312-316 (2010-2011 reimbursement claim).

<sup>155</sup> Exhibit A, IRC, filed March 2, 2020, pages 320 (2011-2012 reimbursement claim).

<sup>156</sup> Exhibit A, IRC, filed March 2, 2020, page 327-331 (2012-2013 reimbursement claim).

<sup>157</sup> Exhibit B, Controller's Late Comments on the IRC, filed July 10, 2020, page 16. The Controller indicated that the employees were selected to interview because they totaled 36 of the 253 line items, or about 14 percent of the entire population. They were also selected because: (1) the first employee (elementary) listed an identical time increment for each evaluation, which was conducted in January and February; (2) the second employee (high school) listed an identical time increment for each evaluation, which was conducted between February and April;

employees admitted they estimated their “best guess” time to complete the written evaluations but did not record actual time spent on the mandate as required by the Parameters and Guidelines.<sup>158</sup> The Parameters and Guidelines only reimburse ‘actual’ costs, not estimated costs.<sup>159</sup>

The Controller also noted that of the 44 total evaluators listed on the time-study spreadsheet, six did not list any time for completing the evaluation, and that the listed time varied widely between employees of the same classification, as follows:

- Permanent – between 0 and 120 minutes;
- Probationary 0 – between 0 and 300 minutes;
- Probationary 1 – between 0 and 300 minutes;
- Probationary 2 – between 0 and 300 minutes.<sup>160</sup>

The Controller was also concerned that the original email from the claimant to the time-study participants originated on April 28, 2017, but the e-signature dates for each evaluation covered a six-month time span. The Controller noted that approximately 86 percent of time increments listed were outside the month of April, “which is cause for concern regarding the accuracy of the data provided.”<sup>161</sup> Also, the entries were not signed by the evaluators confirming their listed time increments for each evaluated employee.<sup>162</sup> The Controller also raised questions related to the time study about the lack of a signed declaration for each administrator, how the spreadsheet was created, who had access to the spreadsheet, and what controls were placed on the data to ensure accurate reporting, but received no responses from the claimant to those questions.<sup>163</sup>

Moreover, the average time identified in the time study of 1.55 hours to write each evaluation appears to reflect the time to write the *entire* evaluation rather than the limited criteria authorized in Section IV.A. of the Parameters and Guidelines. The claimant gives no indication that the 1.55 hours per evaluation reflects anything other than the time to write a full evaluation.<sup>164</sup> As indicated above, the claimant claimed the vast majority of the costs under Section IV.A of the Parameters and Guidelines to “include” in the existing written evaluation of the certificated instructional employees only the new criteria required by the test claim statutes, and claimed

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(3) the third employee (elementary) listed the overall highest time increments of all evaluators and conducted the evaluations in January and February.

<sup>158</sup> Exhibit A, IRC, filed March 2, 2020, page 279 (Audit Report). Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020, page 16.

<sup>159</sup> Exhibit A, IRC, filed March 2, 2020, page 250 (Parameters and Guidelines).

<sup>160</sup> Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020, pages 15, 28. Exhibit A, IRC, filed March 2, 2020, pages 5-36 (Time Study).

<sup>161</sup> Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020, page 15.

<sup>162</sup> Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020, page 15.

<sup>163</sup> Exhibit B, Controller’s Late Comments on the IRC, filed July 10, 2020, pages 16, 27-28.

<sup>164</sup> Exhibit A, IRC, filed March 2, 2020, pages 4-36 (Time Study).

only one hour in fiscal year 2012-2013 for the full written evaluation required when an employee receives a prior negative evaluation.<sup>165</sup>

Accordingly, the Commission finds that the Controller “adequately considered all relevant factors, and has demonstrated a rational connection between those factors, the choice made, and the purposes of the enabling statute.”<sup>166</sup>

Therefore, the Controller’s reduction of costs is correct as a matter of law, and there is no evidence in the record that the Controller’s decision to allow 60 minutes total per evaluation is arbitrary, capricious, or entirely lacking in evidentiary support.

## **V. Conclusion**

Based on the foregoing analysis, the Commission denies this IRC.

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<sup>165</sup> Exhibit A, IRC, filed March 2, 2020, page 331 (2012-2013 reimbursement claim).

<sup>166</sup> *American Bd. of Cosmetic Surgery, Inc. v. Medical Bd. of California* (2008) 162 Cal.App.4th 534, 547-548.

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On December 17, 2020, I served the:

- **Draft Proposed Decision, Schedule for Comments, and Notice of Hearing issued December 17, 2020**

*The Stull Act*, 19-9825-I-03

Education Code Sections 44660-44665;

Statutes 1983, Chapter 498; Statutes 1999, Chapter 4

Fiscal Years: 2005-2006, 2006-2007, 2007-2008, 2010-2011, 2011-2012, 2012-2013

Fairfield-Suisun Unified School District, Claimant

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on December 17, 2020 at Sacramento, California.



Jill L. Magee  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
(916) 323-3562

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 11/12/20

**Claim Number:** 19-9825-I-03

**Matter:** The Stull Act

**Claimant:** Fairfield-Suisun Unified School District

### TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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RECEIVED  
December 30, 2020  
Commission on  
State Mandates

BETTY T. YEE  
California State Controller

December 30, 2020

Heather Halsey, Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

Re: **Draft Proposed Decision**  
*The Stull Act*, 19-9825-I-03  
Education Code Sections 44660-44665;  
Statutes 1983, Chapter 498; Statutes 1999, Chapter 4  
Fiscal Years: 2005-2006, 2006-2007, 2007-2008, 2010-2011, 2011-2012, 2012-2013  
Fairfield-Suisun Unified School District, Claimant

Dear Ms. Halsey:

The State Controller’s Office has reviewed the Commission on State Mandates’ draft proposed decision dated December 17, 2020, for the above incorrect reduction claim filed by Fairfield-Suisun Unified School District. We agree with the Commission on State Mandates’ conclusion to support our reduction of costs claimed for the audit period.

I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge, information, or belief.

If you have any questions, please contact me by telephone at (916) 327-3138 or by email at lkurokawa@sco.ca.gov.

Sincerely,

LISA KUROKAWA, Chief  
Compliance Audits Bureau  
Division of Audits

LK/as

20523

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Solano and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On December 30, 2020, I served the:

- **Controller's Comments on the Draft Proposed Decision filed December 30, 2020**

*The Stull Act*, 19-9825-I-03

Education Code Sections 44660-44665;

Statutes 1983, Chapter 498; Statutes 1999, Chapter 4

Fiscal Years: 2005-2006, 2006-2007, 2007-2008, 2010-2011, 2011-2012, 2012-2013

Fairfield-Suisun Unified School District, Claimant

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on December 30, 2020 at Sacramento, California.



---

Heidi Palchik  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
(916) 323-3562

# COMMISSION ON STATE MANDATES

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**Last Updated:** 11/12/20

**Claim Number:** 19-9825-I-03

**Matter:** The Stull Act

**Claimant:** Fairfield-Suisun Unified School District

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BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Education Code Sections 44660-44665  
(Former Ed. Code, §§ 13485-13490);

Statutes 1975, Chapter 1216; Statutes 1983,  
Chapter 498; Statutes 1986, Chapter 393;  
Statutes 1995, Chapter 392; Statutes 1999,  
Chapter 4;

Filed on July 7, 1999;

By Denair Unified School District, Claimant.

No. 98-TC-25

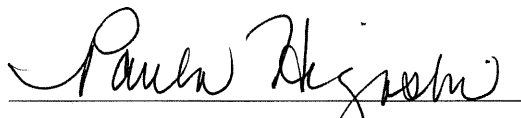
*The Stull Act*

STATEMENT OF DECISION PURSUANT  
TO GOVERNMENT CODE SECTION 17500  
ET SEQ.; CALIFORNIA CODE OF  
REGULATIONS, TITLE 2, DIVISION 2,  
CHAPTER 2.5, ARTICLE 7

(Adopted on May 27, 2004)

**STATEMENT OF DECISION**

The attached Statement of Decision of the Commission on State Mandates is hereby adopted in the above-entitled matter.

  
\_\_\_\_\_  
PAULA HIGASHI, Executive Director

6-1-2004  
Date

BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Education Code Sections 44660-44665  
(Former Ed. Code, §§ 1348513490);

Statutes 1975, Chapter 1216; Statutes 1983,  
Chapter 498; Statutes 1986, Chapter 393;  
Statutes 1995, Chapter 392; Statutes 1999,  
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Filed on July 7, 1999;

By Denair Unified School District, Claimant.

No. 98-TC-25

*The Stull Act*

STATEMENT OF DECISION PURSUANT  
TO GOVERNMENT CODE SECTION 17500  
ET SEQ.; CALIFORNIA CODE OF  
REGULATIONS, TITLE 2, DIVISION 2,  
CHAPTER 2.5, ARTICLE 7

(Adopted on May 27, 2004)

**PROPOSED STATEMENT OF DECISION**

The Commission on State Mandates (Commission) heard and decided this test claim during a regularly scheduled hearing on May 27, 2004. David E. Scribner appeared for the claimant, Denair Unified School District. Barbara Taylor appeared for the Department of Finance.

The law applicable to the Commission's determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code section 17500 et seq., and related case law.

The Commission adopted the staff analysis at the hearing by a vote of 4 to 0.

**BACKGROUND**

This test claim addresses the Stull Act. The Stull Act was originally enacted in 1971 to establish a uniform system of evaluation and assessment of the performance of "certificated personnel" within each school district. (Former Ed. Code, §§ 13485-13490.)<sup>1</sup> The Stull Act required the governing board of each school district to develop and adopt specific guidelines to evaluate and assess certificated personnel<sup>2</sup>, and to avail itself of the advice of certificated instructional personnel before developing and adopting the guidelines.<sup>3</sup> The evaluation and assessment of the certificated personnel was required to be reduced to writing and a copy transmitted to the employee no later than sixty days before the end of the school year.<sup>4</sup> The employee then had the right to initiate a written response to the evaluation, which became a permanent part of the

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Statutes 1971, chapter 361.

<sup>2</sup> Former Education Code section 13487.

<sup>3</sup> Former Education Code section 13486.

<sup>4</sup> Former Education Code section 13488.



employee's personnel file.<sup>5</sup> The school district was also required to hold a meeting with the employee to discuss the evaluation!

Former Education Code section 13489 required that the evaluation and assessment be continuous. For probationary employees, the evaluation had to occur once each school year. For permanent employees, the evaluation was required every other year. Former section 13489 also required that the evaluation include recommendations, if necessary, for areas of improvement in the performance of the employee. If the employee was not performing his or her duties in a satisfactory manner according to the standards, the "employing authority"<sup>7</sup> was required to notify the employee in writing, describe the unsatisfactory performance, and confer with the employee making specific recommendations as to areas of improvement and endeavor to assist in the improvement.

In 1976, the Legislature renumbered the provisions of the Stull Act. The Stull Act can now be found in Education Code sections 44660-44665 .<sup>8</sup>

The test claim legislation, enacted between 1975 and 1999, amended the Stull Act. The claimant alleges that the amendments constitute a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution."

In addition, the claimant, a school district, alleges that compliance with the Stull Act is new as to county offices of education and, thus, counties are entitled to reimbursement for all activities under the Stull Act.<sup>10</sup>

However, no county office of education has appeared in this action as a claimant, nor filed a declaration alleging mandated costs exceeding \$1000, as expressly required by Government Code section 17564 and section 1183 of the Commission's regulations.

Therefore, the test claim has not been perfected as to county offices of education. The findings in this analysis, therefore, are limited to school districts.

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<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> Former Education Code section 13490 defined "employing authority" as "the superintendent of the school district in which the employee is employed, or his designee, or in the case of a district which has no superintendent, a school principal or other person designated by the governing board."

<sup>8</sup> Statutes 1976, chapter 1010.

<sup>9</sup> In 1999, the Legislature added Education Code section 44661.5 to the Stull Act. (Stats. 1999, ch. 279.) Education Code section 44661.5 authorizes a school district to include objective standards from the National Board for Professional Teaching Standards or any objective standards from the California Standards for the Teaching Profession when developing evaluation and assessment guidelines. The claimant did not include Education Code section 4466 1.5 in this test claim.

<sup>10</sup> Exhibit A (Test Claim, pages 7-9) to Item 9 of the May 27, 2004 Commission Hearing.

## **Claimant's Position**

The claimant contends that the test claim legislation constitutes a reimbursable state-mandated program for the following “new” activities:

- Rewrite standards for employee assessment to reflect expected student “achievement” (as opposed to the prior requirement of expected student “progress”) and to expand the standards to reflect expected student achievement at each “grade level.” (Stats. 1975, ch. 1216.)
- Develop job responsibilities for certificated non-instructional personnel, including but not limited to, supervisory and administrative personnel. (Stats. 1975, ch. 1216.)
- Assess and evaluate non-instructional personnel. (Stats. 1975, ch. 1216; Stats. 1995, ch. 392.)
- Receive and review responses from certificated non-instructional personnel regarding the employee’s evaluation. (Stats. 1986, ch. 393 .)
- Conduct a meeting between the certificated non-instructional employee and the evaluator to discuss the evaluation and assessment. (Stats. 1986, ch. 393.)
- Conduct additional evaluations of certificated employees who receive an unsatisfactory evaluation. (Stats. 1983, ch. 498.)
- Review the results of a certificated instructional employee’s participation in the Peer Assistance and Review Program for Teachers as part of the assessment and evaluation. (Stats. 1999, ch. 4.)
- Assess and evaluate the performance of certificated instructional personnel as it relates to the instructional techniques and strategies used and the employee’s adherence to curricular objectives. (Stats. 1983, ch. 498.)
- Assess and evaluate certificated instructional personnel as it relates to the progress of pupils towards the state adopted academic content standards, if applicable, as measured by state adopted criterion referenced assessments. (Stats. 1999, ch. 4.)
- Assess and evaluate certificated personnel employed by county superintendents of education. (Stats. 1975, ch. 1216.)<sup>11</sup>

## **Department of Finance’s Position**

The Department of Finance filed comments on March 6, 2001, contending that most of the activities requested by the claimant do not constitute reimbursable state-mandated activities. The Department of Finance states, however, that the following activities “may” be reimbursable:

- Assess and evaluate the performance of certificated instructional personnel as it relates to the progress of students toward the attainment of state academic standards, as measured by state-adopted assessments.

---

<sup>11</sup> Exhibit A (Test Claim) to Item 9 of the May 27, 2004 Commission Hearing.

- Modification of assessment and evaluation methods to determine whether instructional staff is adhering to the curricular objectives and instructional techniques and strategies associated with the updated state academic standards.
- Assess and evaluate permanent certificated staff that has received an unsatisfactory evaluation at least once each year, until the employee receives a satisfactory evaluation, or is separated from the school district.
- Implementation of the Stull Act by county offices of education.”

## Discussion

The courts have found that article XIII B, section 6 of the California Constitution<sup>13</sup> recognizes the state constitutional restrictions on the powers of local government to tax and spend.<sup>14</sup> “Its purpose is to preclude the state from shifting financial responsibility for carrying out governmental functions to local agencies, which are ‘ill equipped’ to assume increased financial responsibilities because of the taxing and spending limitations that articles XIII A and XIII B impose.”<sup>15</sup> A test claim statute or executive order may impose a reimbursable state-mandated program if it orders or commands a local agency or school district to engage in an activity or task.<sup>16</sup> In addition, the required activity or task must be new, constituting a “new program,” or it must create a “higher level of service” over the previously required level of service.<sup>17</sup>

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<sup>12</sup> Exhibit B to Item 9 of the May 27, 2004 Commission Hearing.

<sup>13</sup> Article XIII B, section 6 provides: “Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the state shall provide a subvention of funds to reimburse **such** local government for the costs of such program or increased level of service, except that the Legislature may, but need not, provide such subvention of funds for the following mandates: (a) Legislative mandates requested by the local agency affected; (b) Legislation defining a new crime or changing an existing definition of a crime; or (c) Legislative mandates enacted prior to January 1, 1975, or executive orders or regulations initially implementing legislation enacted prior to January 1, 1975 .”

<sup>14</sup> *Department of Finance v. Commission on State Mandates* (2003) 30 Cal.4th 727, 735.

<sup>15</sup> *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 81.

<sup>16</sup> *Long Beach Unified School Dist. v. State of California* (1990) 225 Cal.App.3d 155, 174. In *Department of Finance v. Commission on State Mandates*, *supra*, 30 Cal.4th at page 742, the court agreed that “activities undertaken at the option or discretion of a local government entity (that is, actions undertaken without any legal compulsion or threat of penalty for nonparticipation) do not trigger a state mandate and hence do not require reimbursement of funds - even if the local entity is obligated to incur costs as a result of its discretionary decision to participate in a particular program or practice.” The court left open the question of whether non-legal compulsion could result in a reimbursable state mandate, **such** as in a case where failure to participate in a program results in severe penalties or “draconian” consequences. (*Id.*, at p. 754.)

<sup>17</sup> *Lucia Mar Unified School District v. Honig* (1988) 44 Cal.3d 830, 835-836.

The courts have defined a “program” subject to article XIII B, section 6, of the California Constitution, as one that carries out the governmental function of providing public services, or a law that imposes unique requirements on local agencies or school districts to implement a state policy, but does not apply generally to all residents and entities in the state? To determine if the program is new or imposes a higher level of service, the test claim legislation must be compared with the legal requirements in effect immediately before the enactment of the test claim legislation.” Finally, the newly required activity or increased level of service must impose costs mandated by the state.<sup>20</sup>

The Commission is vested with exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6.<sup>21</sup> In making its decisions, the Commission must strictly construe article XIII B, section 6 and not apply it as an “equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities.”<sup>22</sup>

**Issue 1: Is the test claim legislation subject to article XIII B, section 6 of the California Constitution?**

Certain statutes in the test claim legislation do not require school districts to perform activities and, thus, are not subject to article XIII B, section 6.

In order for a statute to be subject to article XIII B, section 6 of the California Constitution, the statutory language must require local agencies or school districts to perform an activity or task. If the statutory language does not mandate local agencies or school districts to perform a task, then compliance with the test claim statute is within the discretion of the local entity and a reimbursable state-mandated program does not exist.

Here, there are two test claim statutes, Education Code section 44664, subdivision (b) (as amended by Stats. 1983, ch. 498 and Stats. 1999, ch. 4) and Education Code section 44662, subdivision (d) (as amended by Stats. 1999, ch. 4) that do not require school districts to perform activities and, thus, are not subject to article XIII B, section 6 of the California Constitution.

Education Code section 44664, subdivision (b), as amended by Statutes 1983, chapter 498. In 1983, the Legislature amended Education Code section 44664 by adding subdivision (b). Subdivision (b) authorizes a school district to require a certificated employee that receives an

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<sup>18</sup> *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56; *Lucia Mar, supra*, 44 Cal.3d 830, 835.

<sup>19</sup> *Lucia Mar, supra*, 44 Cal.3d 830, 835.

<sup>20</sup> *County of Fresno v. State of California* (1991) 53 Cal.3d 482, 487; *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1265, 1284; Government Code sections 17514 and 17556.

<sup>21</sup> *Kinlaw v. State of California* (1991) 54 Cal.3d 326, 331-334; Government Code sections 17551, 17552.

<sup>22</sup> *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817; *County of Sonoma, supra*, 84 Cal.App.4th 1265, 1280.

unsatisfactory evaluation to participate in a program to improve the employee's performance. Education Code section 44664, subdivision (b), stated the following:

Any evaluation performed pursuant to this article which contains an unsatisfactory rating of an employee's performance in the area of teaching methods or instruction *may* include the requirement that the certificated employee shall, as determined by the employing authority, participate in a program designed to improve appropriate areas of the employee's performance and to further pupil achievement and the instructional objectives of the employing authority. (Emphasis added.)

The plain language of the statute authorizes, but does not mandate, a school district to require its certificated employees to participate in a program designed to improve performance if the employee receives an unsatisfactory evaluation. Thus, the Commission finds that Education Code section 44664, subdivision (b), as amended by Statutes 1983, chapter 498, does not mandate school districts to perform an activity and, thus, it is not subject to article XIII B, section 6 of the California Constitution.

Education Code section 44662, subdivision (d), and Education Code section 44664, subdivision (b), as amended by Statutes 1999, chapter 4. In 1999, the Legislature amended Education Code section 44664, subdivision (b), by adding the following underlined sentence:

Any evaluation performed pursuant to this article which contains an unsatisfactory rating of an employee's performance in the area of teaching methods or instruction may include the requirement that the certificated employee shall, as determined by the employing authority, participate in a program designed to improve appropriate areas of the employee's performance and to further pupil achievement and the instructional objectives of the employing authority. If a district participates in the Peer Assistance and Review Program for Teachers established pursuant to Article 4.5 (commencing with Section 44500), any certificated employee who receives an unsatisfactory rating on an evaluation performed pursuant to this section shall participate in the Peer Assistance and Review Program for Teachers.

The 1999 test claim legislation also amended Education Code section 44662 by adding subdivision (d), which states:

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.

The claimant requests reimbursement to "receive and review, for purposes of a certificated employee's assessment and evaluation, if applicable, the results of an employee's participation in the Peer Assistance and Review Program for Teachers established by Article 4.5 (commencing with section 44500)."

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<sup>23</sup> Exhibit A (Test Claim, page 7) to Item 9 of the May 27, 2004 Commission Hearing.

The Department of Finance contends that reviewing the results of the Peer Assistance and Review Program, as part of the Stull Act evaluation of the employee's performance, is not a reimbursable state-mandated activity because participation in the Peer Assistance and Review Program is voluntary.<sup>24</sup>

In response to the Department of Finance, the claimant states the following:

The legislative intent behind the amendments to the Stull Act was to ensure that school districts adopt objective, uniform evaluation and assessment guidelines that effectively assess certificated employee performance. To meet this desired goal, school districts that participate in the Peer Assistance and Review Program must include an employee's results of participation in the employee's evaluation. If this information was not considered by the district, inconsistent, incomplete, and inaccurate evaluations and assessments would occur a result contrary to the Legislature's stated intent. Therefore, the claimant contends that the activities associated with the receipt and review of an employee's participation in the Peer Assistance and Review Program impose reimbursable state-mandated activities upon school districts.<sup>25</sup>

For the reasons described below, the Commission finds that the receipt and review of the results of an employee's participation in the Peer Assistance and Review Program is not a state-mandated activity and, therefore, the 1999 amendments to Education Code sections 44662 and 44664 are not subject to article XIII B, section 6 of the California Constitution.

In *Department of Finance v. Commission on State Mandates*<sup>26</sup>, the Supreme Court reviewed test claim legislation that required school site councils to post a notice and an agenda of their meetings. The court determined that school districts were not legally compelled to establish eight of the nine school site councils and, thus, school districts were not mandated by the state to comply with the notice and agenda requirements for these school site councils." The court reviewed the ballot materials for article XIII B, which provided that "a state mandate comprises something that a local government entity is required or forced to do."<sup>28</sup> The ballot summary by the Legislative Analyst further defined "state mandates" as "requirements imposed on local governments by legislation or executive orders."<sup>29</sup>

The court also reviewed and affirmed the holding of the *City of Merced* case.<sup>30, 31</sup> The court stated the following:

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<sup>24</sup> Exhibit B to Item 9 of the May 27, 2004 Commission Hearing.

<sup>25</sup> Exhibit C (Claimant Rebuttal, page 7) to Item 9 of the May 27, 2004 Commission Hearing.

<sup>26</sup> *Department of Finance, supra*, 20 Cal.4th 727.

<sup>27</sup> *Id.* at page 731.

<sup>28</sup> *Id.* at page 737.

<sup>29</sup> *Ibid.*

<sup>30</sup> *Id.* at page 743,

<sup>31</sup> *City of Merced v. State of California* (1984) 153 Cal.App.3d 777.

In *City of Merced*, the city was under no legal compulsion to resort to eminent domain-but when it elected to employ that means of acquiring property, its obligation to compensate for lost business goodwill was not a reimbursable state mandate, because the city was not required to employ eminent domain in the first place. Here as well, if a school district elects to participate in or continue participation in any underlying *voluntary* education-related funded program, the district's obligation to comply with the notice and agenda requirements related to that program does not constitute a reimbursable state mandate. (Emphasis in original.)<sup>32</sup>

Thus, the Supreme Court held as follows:

[W]e reject claimants' assertion that they have been legally compelled to incur notice and agenda costs, and hence are entitled to reimbursement from the state, based merely upon the circumstance that notice and agenda provisions are mandatory elements of education-related programs in which claimants have participated, *without regard to whether claimant's participation in the underlying program is voluntary or compelled*. [Emphasis added.]<sup>33</sup>

The Supreme Court left undecided whether a reimbursable state mandate "might be found in circumstances short of legal compulsion-for example, if the state were to impose a substantial penalty (independent of the program funds at issue) upon any local entity that declined to participate in a given program."<sup>34</sup>

The decision of the California Supreme Court in *Department of Finance* is relevant and its reasoning applies in this case. The Supreme Court explained that "the proper focus under a legal compulsion inquiry is upon the nature of the claimants' participation in the underlying programs themselves."<sup>35</sup> Thus, based on the Supreme Court's decision, the Commission is required to determine if the underlying program (in this case, participation in the Peer Assistance and Review Program) is a voluntary decision at the local level or is legally compelled by the state.

The Peer Assistance and Review Program and the amendment to the Stull Act to reflect the Peer Assistance and Review Program were sponsored by Governor Davis and were enacted by the Legislature during the 1999 special legislative session on education. As expressly provided in the legislation, the intent of the Legislature, in part, was to coordinate the Peer Assistance and Review Program with the evaluations of certificated employees under the Stull Act. Section 1 of the 1999 test claim legislation states the following:

It is the intent of the Legislature to establish a teacher peer assistance and review system as a critical feedback mechanism that allows exemplary teachers to assist

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<sup>32</sup> *Ibid.*

<sup>33</sup> *Id.* at page 731.

<sup>34</sup> *Ibid.*

<sup>35</sup> *Id.* at page 743.

veteran teachers in need of development in subject matter knowledge or teaching strategies, or both,

It is further the intent of the Legislature that a school district that operates a program pursuant to Article 4.5 (commencing with Section 44500) of Chapter 3 of Part 25 of the Education Code coordinate its employment policies and procedures for that program with its activities for professional staff development, the Beginning Teacher Support and Assessment Program, and the biennial evaluations of certificated employees required pursuant to Section 44664 [of the Stull Act].

The plain language of Education Code section 44500, subdivision (a), authorizes, but does not require, school districts to participate in the Peer Assistance and Review Program. That section states in pertinent part that “[t]he governing board of a school district and the exclusive representative of the certificated employees in the school district *may* develop and implement a program authorized by this article that meets local conditions and conforms with the principles set forth in subdivision (b).” (Emphasis added.) If a school district implements the program, the program must assist a teacher to improve his or her teaching skills and knowledge, and provide that the final evaluation of a teacher’s participation in the program be made available for placement in the personnel file of the teacher receiving assistance. (Ed. Code, § 44500, subd. (b).) Furthermore, school districts that participate in the Peer Assistance and Review Program receive state funding pursuant to Education Code sections 44505 and 44506.

Therefore, the Commission finds that school districts are not legally compelled to participate in the Peer Assistance and Review Program and, thus, not legally compelled to receive and review the results of the program as part of the Stull Act evaluation.

The Commission further finds that school districts are not practically compelled to participate in the Peer Assistance and Review Program and review the results as part of the Stull Act evaluation. In *Department of Finance*, the California Supreme Court, when considering the practical compulsion argument raised by the school districts, reviewed its earlier decision in *City of Sacramento v. State of California* (1990) 50 Cal.3d 51.<sup>36</sup> The *City of Sacramento* case involved test claim legislation that extended mandatory coverage under the state’s unemployment insurance law to include state and local governments and nonprofit corporations. The state legislation was enacted to conform to a 1976 amendment to the Federal Unemployment Tax Act, which required for the first time that a “certified” state plan include unemployment coverage of employees of public agencies. States that did not comply with the federal amendment faced a loss of a federal tax credit and an administrative subsidy.<sup>37</sup> The local agencies, knowing that federally mandated costs are not eligible for state subvention, argued against a federal mandate. The local agencies contended that article XIII B, section 9 requires clear legal compulsion not present in the Federal Unemployment Tax Act.<sup>38</sup> The state, on the other hand, contended that California’s failure to comply with the federal “carrot and stick” scheme was so substantial that the state had no realistic “discretion” to refuse. Thus, the state

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<sup>36</sup> *Department of Finance*, 30 Cal.4th 49-75.

<sup>37</sup> *City of Sacramento*, 50 Cal.3d 57-58.

<sup>38</sup> *Id.* at page 71.



contended that the test claim statute merely implemented a federal mandate and that article XIII B, section 6 does not require strict legal compulsion to apply.<sup>39</sup>

The Supreme Court in *City of Sacramento* concluded that although local agencies were not strictly compelled to comply with the test claim legislation, the legislation constituted a federal mandate. The Supreme Court concluded that because the financial consequences to the state and its residents for failing to participate in the federal plan were so onerous and punitive, and the consequences amounted to “certain and severe federal penalties” including “double taxation” and other “draconian” measures, the state was mandated by federal law to participate in the plan.<sup>40</sup>

The Supreme Court applied the same analysis in the *Department of Finance* case and found that the practical compulsion finding for a state mandate requires a showing of “certain and severe penalties” such as “double taxation” and other “draconian” consequences. The Court stated the following:

Even assuming, for purposes of analysis only, that our construction of the term “federal mandate” in *City of Sacramento* [citation omitted], applies equally in the context of article XIII B, section 6, for reasons set below we conclude that, contrary to the situation we described in that case, claimants here have not faced “certain and severe . . . penalties” such as “double . . . taxation” and other “draconian” consequences . . .<sup>41</sup>

Although there are statutory consequences for not participating in the Peer Assistance and Review Program, the Commission finds, as explained below, that the consequences do not constitute the type of draconian penalties described in the *Department of Finance* case.

Pursuant to Education Code section 44504, subdivision (b), school districts that do not participate in the Peer Assistance and Review Program are not eligible to receive state funding for specified programs. Education Code section 44504, subdivision (b), states the following:

A school district that does not elect to participate in the program authorized under this article by July 1, 200 1, is not eligible for any apportionment, allocation, or other funding from an appropriation for the program authorized pursuant to this article or for any apportionments, allocations, or other funding from funding for local assistance appropriated pursuant to the Budget Act Item 6 11 O-23 I-000 1, funding appropriated for the Administrator Training and Evaluation Program set forth in Article 3 (commencing with Section 44681) of Chapter 3.1 of Part 25, from an appropriation for the Instructional Time and Staff Development Reform Program as set forth in Article 7.5 (commencing with Section 44579) of Chapter 3, or from an appropriation for school development plans as set forth in Article 1 (commencing with Section 44670.1) of Chapter 3.1 and the Superintendent of Public Instruction shall not apportion, allocate, or otherwise provide any funds to the district pursuant to those programs.

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<sup>39</sup> *Ibid.*

<sup>40</sup> *Id.* at pages 73-76.

<sup>41</sup> *Department of Finance, supra*, 30 Cal.4th at page 75 1.

The funding appropriated under the programs specified in Education Code section 44504, subdivision (b), are not state-mandated programs. Most are categorical programs undertaken at the discretion of the school district in order to receive grant funds. For example, the funding appropriated pursuant to the Budget Act Item 6 11 O-23 I-0001 is local assistance funding to school districts “for the purpose of the Proposition 98 educational programs specified in subdivision (b) of Section 12.40 of this act.” (Stats. 1999, ch. 50, State Budget Act.) The education programs specified in subdivision (b) of Section 12.40 of the 1999 State Budget Act include the Tenth Grade Counseling Program, the Reader Service for Blind Teacher Program, and the Home to School Transportation Program. (A full list of the educational programs identified in section 12.40 of the 1999 State Budget Act is provided in the footnote below.)“

The same is true for the other programs identified in Education Code section 44504, subdivision (b), all of which are voluntary: i.e., the Administrator Training and Evaluation Program, the Instructional Time and Staff Development Reform Program, and the School Development Plans Program.

Accordingly, the Commission finds that the 1999 amendment to Education Code sections 44662, subdivision (d), and 44664, subdivision (b), does not impose a mandate on school districts to receive and review the results of the Peer Assistance and Review Program as part of the Stull Act

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<sup>42</sup> Section 12.40 of the 1999 State Budget Act identifies the following programs: Item 6 1 10-108-000 1 Tenth Grade Counseling (Ed. Code, § 4843 1.7); Item 6 1 10- 11 0-0001 Reader Service for Blind Teachers (Ed. Code, §§ 45371, 44925); Item 6 110-1 1 1-0001 – Home to School Transportation and Small District Transportation (Ed. Code, § 41850, 42290); Item 6 11 O-1 16-0001 – School Improvement Program (Ed. Code, § 52000 et seq.); Item 6 11 O-1 18-0001 – State Vocational Education (in lieu of funds otherwise appropriated pursuant to Business and Professions Code section 19632); Item 6 1 IO- 119-0001 Educational Services for Foster Youth (Ed. Code, § 42920 et seq.); Item 6 1 10- 120-000 1 – Pupil Dropout Prevention Programs (Ed. Code, §§ 52890, 52900, 54720, 58550); Item 6 110-122-0001 – Specialized Secondary Programs (Ed. Code, § 58800 et seq.); Item 6 11 O-124-0001 Gifted and Talented Pupil Program (Ed. Code, § 52200 et seq.); Item 6 11 O-126-0001 – Miller-Unruh Basic Reading Act of 1965 (Ed. Code, § 54100 et seq.); Item 6 11 O-127-0001 – Opportunity Classes and Programs (Ed. Code, § 48643 et seq.); Item 6 110-128-0001 – Economic Impact Aid (Ed. Code, §§ 54020, 5403 1, 54033, 54040); Item 6 1 10- 13 1-0001 American Indian Early Childhood Education Program (Ed. Code, § 52060 et seq.); Item 6 110-1 46-0001 – Demonstration Programs in Intensive Instruction (Ed. Code, § 5 8600 et seq.); Item 6 1 10- 15 1-000 1 – California Indian Education Centers (Ed. Code, § 33380); Item 6 110-163-0001 The Early Intervention for School Success Program (Ed. Code, § 54685 et seq.); Item 6 110-167-0001 – Agricultural Vocational Education Incentive Program (Ed. Code, § 52460 et seq.); Item 6 11 O-1 80-0001 grant money pursuant to the federal Technology Literacy Challenge Grant Program; Item 6 11 0- 18 1-000 1 Educational Technology Programs (Ed. Code, § 5 1870 et seq.); Item 6 1 10- 193-000 1 – Administrator Training and Evaluation Program, School Development Plans and Resource Consortia, Bilingual Teacher Training Program; Item 6 1 10- 197-0001 – Instructional Support-Improving School Effectiveness – Intersegmental Programs; Item 6 110-203-0001 Child Nutrition Programs (Ed. Code, §§ 41311, 49536, 49501, 49550, 49552, 49559); Item 6 110-204-000 1 – 7<sup>th</sup> and 8<sup>th</sup> Grad Math Academies; and Item 6 11 O-209-000 1 – Teacher Dismissal Apportionments (Ed. Code, § 44944).

evaluation and, thus, these sections are not subject to article XIII B, section 6 of the California Constitution.

The remaining requirements imposed by the test claim legislation constitute a state-mandated program only for those certificated employees that perform the duties mandated by state and federal law.

The remaining test claim legislation requires school districts, in their evaluation of certificated personnel, to perform the following activities:

- assess and evaluate the performance of non-instructional certificated personnel (former Ed. Code, §§ 13485, 13487, as amended by Stats. 1975, ch. 1216; Ed. Code, § 44663, as amended by Stats. 1986, ch. 393);
- establish standards of expected student achievement at each grade level in each area of study to be included in a district's evaluation and assessment guidelines (former Ed. Code, § 13487, as repealed and reenacted by Stats. 1975, ch. 1216);
- evaluate and assess the performance of instructional certificated employees as it reasonably relates to the instructional techniques and strategies used by certificated employees, the certificated employee's adherence to curricular objectives, and the progress of pupils towards the state adopted academic content standards (Ed. Code, § 44662, subd. (b), as amended by Stats. 1983, ch. 498 and Stats. 1999, ch. 4); and
- assess and evaluate certificated personnel that receive an unsatisfactory evaluation once each year until the employee achieves a positive evaluation, or is separated from the school district (Ed. Code, § 44664, as amended by Stats. 1983, ch. 498).

Pursuant to the Supreme Court's decision in the *Department of Finance* case, the Commission finds that the evaluation and assessment activities required by the test claim legislation constitute state-mandated activities only for those certificated employees that perform the duties mandated by state or federal law. The activities associated with evaluating and assessing certificated personnel employed in local, discretionary educational programs do not constitute state-mandated activities and, thus, are not subject to article XIII B, section 6 of the California Constitution.

In *Department of Finance, supra*, the Court found, on page 73 1 of the decision, that:

*[W]e reject claimants' assertion that they have been legally compelled to incur notice and agenda costs, and hence are entitled to reimbursement from the state, based merely upon the circumstance that notice and agenda provisions are mandatory elements of education-related program in which claimants have participated, without regard to whether claimant's participation in the underlying program is voluntary or compelled. [Emphasis added.]*

In the present case, the California Constitution gives the Legislature plenary authority over education by requiring the Legislature to encourage by all suitable means the promotion of education and to provide for a system of common schools.<sup>43</sup> A system of common schools

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<sup>43</sup> California Constitution, article IX, sections 1, 5; *Hayes v. Commission on State Mandates* (1992) 11 Cal. App.4th 1564, 1579, fn. 5.

means one system, which prescribes the courses of study and educational progression from grade to grade.<sup>44</sup> Schools are required to meet the minimum standards and guidelines regarding course instruction and educational progression established by the Legislature.<sup>45</sup>

Given this background, the Legislature has historically mandated specified educational programs that school districts are required to follow. For example, Education Code section 48200 provides that each person between the ages of six and 18 years is subject to compulsory full-time education. School districts are required to adopt a course of study for grades 1 to 6 that shall include English, Mathematics, Social Sciences, Science, Visual and Performing Arts, Health, and Physical Education.<sup>46</sup> School districts are required to offer the following courses for grades 7 to 12: English, Social Sciences, Foreign Language, Physical Education, Science, Mathematics, Visual and Performing Arts, Career Technical Education; and Driver Education.<sup>47</sup> Education Code section 5 1225.3 describes the state-mandated courses of instruction required for high school graduation. In addition, in the appropriate elementary and secondary grade levels, the required course of study shall include instruction in personal and public safety and accident prevention (Ed. Code, § 5 1202), instruction about the nature and effects of alcohol, narcotics, and restricted dangerous drugs (Ed. Code, § 5 1203), and, in grades 7 and 8, instruction on parenting skills and education (Ed. Code, 5 1220.5). Finally, Education Code section 44805 states that “every teacher in the public schools shall enforce the course of study . . . prescribed for schools.”

In addition, federal law requires school districts to provide a free and appropriate education to all handicapped children.<sup>48</sup>

Thus, school districts are required to employ certificated personnel to fulfill the requirements of the state and federal mandated educational programs. Accordingly, pursuant to the *Department of Finance* case, school districts are mandated by the state to perform the test claim requirements to evaluate and assess the certificated personnel performing the mandated functions.

Moreover, the Commission finds that the test claim requirements to evaluate and assess the certificated personnel performing mandated functions constitutes a program subject to article XIII B, section 6 of the California Constitution. The California Supreme Court, in the case of *County of Los Angeles v. State of California*<sup>49</sup>, defined the word “program” within the meaning of article XIII B, section 6 as a program that carries out the governmental function of providing a

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<sup>44</sup> *Wilson v. State Board of Education* (1999) 75 Cal.App.4th 1123, 1135-I 136. In *Wilson*, the court determined that charter schools fall within the system of common schools because their educational programs are required to meet the same state standards, including minimum duration of instruction applicable to all public schools, measurement of student progress by the same assessments required of all public school students, and students are taught by teachers meeting the same minimum requirements as all other public school teachers. (ICE. at p. 1138.)

<sup>45</sup> *Burton v. Pasadena City Board of Education* (1977) 71 Cal.App.3d 52, 58.

<sup>46</sup> Education Code section 5 1210.

<sup>47</sup> Education Code section 5 1220.

<sup>48</sup> *Hayes, supra*, 11 Cal.App.4th at page 1592.

<sup>49</sup> *County of Los Angeles, supra*, 43 Cal.3d at page 56.

service to the public, or laws which, to implement a state policy, impose unique requirements on local governments and do not apply generally to all residents and entities in the state. Only one of these findings is necessary to trigger the applicability of article XIII B, section 6.<sup>50</sup>

Legislative intent of the test claim legislation is provided in Education Code section 44660 as follows:

It is the intent of the Legislature that governing boards establish a uniform system of evaluation and assessment of the performance of all certificated personnel within each school district of the state, including schools conducted or maintained by county superintendents of education. The system shall involve the development and adoption by each school district of objective evaluation and assessment guidelines, which may, at the discretion of the governing board, be uniform throughout the district, or for compelling reasons, be individually developed for territories or schools within the district, provided that all certificated personnel of the district shall be subject to a system of evaluation and assessment adopted pursuant to this article?

The Commission finds that objectively evaluating the performance of certificated personnel performing mandated functions within a school district carries out the governmental function of providing a service to the public. Public education is a governmental function within the meaning of article XIII B, section 6. The California Supreme Court in *Lucia Mar* stated that “the contributions called for [in the test claim legislation] are used to fund a ‘program’ . . . for the education of handicapped children is clearly a governmental function providing a service to the public.”<sup>52</sup> Additionally, the court in the *Long Beach Unified School District* case held that “although numerous private schools exist, education in our society is considered to be a peculiarly governmental function.”<sup>53</sup> In addition, the test claim legislation imposes unique requirements on school districts.

However, the activities associated with evaluating and assessing certificated personnel employed in local, discretionary educational programs do not constitute state-mandated activities and, thus, are not subject to article XIII B, section 6 of the California Constitution. Pursuant to existing law, school districts are encouraged to develop their own local programs that best fit the needs and interests of the pupils. Unless the Legislature expressly imposes statutory requirements on school districts, school districts have discretionary control with their educational programs.”

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<sup>50</sup> *Carmel Valley Fire Protection Dist.*, *supra*, 190 Cal.App.3d at page 537.

<sup>51</sup> As originally enacted, former Education Code section 13485 stated the legislative intent as follows: “It is the intent of the Legislature to establish a uniform system of evaluation and assessment of the performance of certificated personnel within each school district of the state. The system shall involve the development and adoption by each school district of objective evaluation and assessment guidelines.”

<sup>52</sup> *Lucia Mar*, *supra*, 44 Cal.3d at page 835.

<sup>53</sup> *Long Beach Unified School District*, *supra*, 225 Cal.App.3d at page 172.

<sup>54</sup> California Constitution, article IX, section 14; Education Code sections 35 160, 35 160.1, 51002,

For example, the Supreme Court in the *Department of Finance* case found that eight of the nine educational programs were voluntary and not mandated by the state. These include the following programs: School Improvement Program (Ed. Code, § 52010 et seq.); American Indian Early Childhood Education Program (Ed. Code, § 52060 et seq.); School-Based Coordinated Categorical Program (Ed. Code, § 52850 et seq.); Compensatory Education Programs (Ed. Code, § 54420 et seq.); Migrant Education Program (Ed. Code, § 54440 et seq.); Motivation and Maintenance Program (Ed. Code, § 54720 et seq.); Parental Involvement Program (Ed. Code, § 11500 et seq.); and Federal Indian Education Program (25 U.S.C, § 2604).<sup>55</sup>

The Commission finds that school districts are free to discontinue their participation in these underlying voluntary programs and free to discontinue employing certificated personnel funded by these programs. Accordingly, the test claim requirements to evaluate and assess certificated personnel funded or employed in local discretionary programs are not mandated by the state and not subject to article XIII B, section 6 of the California Constitution?

Since the parties did not file comments in response to the request for additional briefing on this issue, the determination of the certificated employees performing mandated functions for which schools districts are eligible to receive reimbursement will be addressed during the parameters and guidelines phase.

**Issue 2: Does the test claim legislation impose a new program or higher level of service within the meaning of article XIII B, section 6 of the California Constitution?**

The California Supreme Court and the courts of appeal have held that article XIII B, section 6 was not intended to entitle local agencies and school districts for all costs resulting from legislative enactments, but only those costs mandated by a new program or higher level of service imposed on them by the state.<sup>57</sup> Generally, to determine if the program is new or imposes a higher level of service, the analysis must compare the test claim legislation with the legal requirements in effect immediately before the enactment of the test claim legislation?

As indicated above, the Stull Act was enacted in 1971. The test claim legislation, enacted from 1975 to 1999, amended the Stull Act. The issue is whether the amendments constitute a new program or higher level of service within the meaning of article XIII B, section 6 of the California Constitution.

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<sup>55</sup> *Department of Finance, supra*, 30 Cal.4th at page 745.

<sup>56</sup> The court did not conclude whether school districts were legally compelled to participate in the Bilingual-Bicultural Education program (Ed. Code, § 52160 et seq.) since the case was denied on other grounds. (*Department of Finance, supra*, 30 Cal.4th at p. 746-747.)

<sup>57</sup> *Lucia Mar Unified School Dist., supra*, 44 Cal.3d at page 834; *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1816.

<sup>58</sup> *Lucia Mar Unified School Dist., supra*, 44 Cal.3d at page 835.

Develop job responsibilities for certificated non-instructional personnel, and assess and evaluate the performance of certificated non-instructional personnel (Former Ed. Code, §§ 13485, 13487, as amended by Stats, 1975, ch. 1216; Ed. Code, § 44663, as amended by Stats, 1986, ch. 393).

The claimant is requesting reimbursement for the following activities relating to certificated non-instructional employees:

- Establish and define job responsibilities for certificated non-instructional personnel, including, but not limited to, supervisory and administrative personnel.
- Evaluate and assess the performance of certificated non-instructional personnel as it reasonably relates to the fulfillment of the established job responsibilities.
- Prepare and draft a written evaluation of the certificated non-instructional employee, The evaluation shall include recommendations, if necessary, as to areas of improvement.
- Receive and review from a certificated non-instructional employee written responses regarding the evaluation.
- Prepare and hold a meeting between the certificated non-instructional employee and the evaluator to discuss the evaluation and assessment.<sup>59</sup>

As originally enacted in 1971, the Stull Act stated in former Education Code section 13485 the following:

It is the intent of the Legislature to establish a uniform system of evaluation and assessment of the performance of certificated personnel within each school district of the state. The system shall involve the development and adoption by each school district of objective evaluation and assessment guidelines.

Former Education Code section 13486 stated the following:

In the development and adoption of these guidelines and procedures, the governing board shall avail itself of the advice of the certificated instructional personnel in the district's organization of certificated personnel.

Former Education Code section 13487 required school districts to develop and adopt specific evaluation and assessment guidelines for certificated personnel. Former section 13487 stated the following:

The governing board of each school district shall develop and adopt specific evaluation and assessment guidelines which shall include but shall not necessarily be limited in content to the following elements:

- (a) The establishment of standards of expected student progress in each area of study and of techniques for the assessment of that progress.
- (b) Assessment of certificated personnel as it relates to the established standards.
- (c) Assessment of other duties normally required to be performed by certificated employees as an adjunct to their regular assignments.

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<sup>59</sup> Exhibit A (Test Claim, page 6) to Item 9 of the May 27, 2004 Commission Hearing.

- (d) The establishment of procedures and techniques for ascertaining that the certificated employee is maintaining proper control and is preserving a suitable learning environment.

Former Education Code section 13488 required that the evaluation and assessment be reduced to writing, that an opportunity to respond be given to the certificated employee, and that a meeting be held between the certificated employee and the evaluator to discuss the evaluation. Former section 13488 stated the following:

Evaluation and assessment made pursuant to this article shall be reduced to writing and a copy thereof shall be transmitted to the certificated employee not later than 60 days before the end of each school year in which the evaluation takes place. The certificated employee shall have the right to initiate a written reaction or response to the evaluation. Such response shall become a permanent attachment to the employee's personnel file. Before the end of the school year, a meeting shall be held between the certificated personnel and the evaluator to discuss the evaluation.

And, former Education Code section 13489 required that the evaluation and assessment be performed on a continuing basis, and that the evaluation include necessary recommendations as to areas of improvement. Former Education Code section 13489, as enacted in 1971, stated the following:

Evaluation and assessment of the performance of each certificated employee shall be made on a continuing basis, at least once each school year for probationary personnel, and at least every other year for personnel with permanent status. The evaluation shall include recommendations, if necessary, as to areas of improvement in the performance of the employee. In the event an employee is not performing his duties in a satisfactory manner according to the standards prescribed by the governing board, the employing authority shall notify the employee in writing of such fact and describe such unsatisfactory performance. The employing authority shall thereafter confer with the employee making specific recommendations as to areas of improvement in the employee's performance and endeavor to assist him in such performance.

In addition, section 42 of the 1971 statute provided a specific exemption for certificated employees of community colleges if a related bill was enacted. Section 42 stated the following:

Article 5 (commencing with Section 1340 1) and Article 5.5 (commencing with Section 13485) of Chapter 2 of Division 10 of the Education Code shall not apply to certificated employees in community colleges if Senate Bill No. 696 or Assembly Bill No. 3032 is enacted at the 1971 Regular Session of the Legislature.

According to the history, Senate Bill 696 was enacted as Statutes 1971, chapter 1654. **Thus,** certificated employees of community colleges were not required to comply with the Stull Act.



In 1972, former Education Code section 13485 was amended to specifically exclude from the requirements of the Stull Act certificated personnel employed on an hourly basis in adult education classes.<sup>60</sup>

In 1973, former Education Code section 13489 was amended to exclude hourly and temporary certificated employees and substitute teachers, at the discretion of the governing board, from the requirement to evaluate and assess on a continuing basis.<sup>61</sup>

**Thus**, under prior law, school districts were required to perform the following activities as they related to “certificated personnel:”

- Develop and adopt specific evaluation and assessment guidelines for the performance of “certificated personnel.”
- Evaluate and assess “certificated personnel” as it relates to the established standards.
- Prepare and draft a written evaluation of the “certificated employee.” The evaluation shall include recommendations, if necessary, as to areas of improvement.
- Receive and review from a “certificated employee” written responses regarding the evaluation.
- Prepare and hold a meeting between the “certificated employee” and the evaluator to discuss the evaluation and assessment.

The test claim legislation, in 1975 (Stats. 1975, ch. 1216), amended the Stull Act by adding language relating to certificated “non-instructional” employees. As amended, former Education Code section 13485 stated in relevant part the following (with the amended language underlined) :

It is the intent of the Legislature that governing boards establish a uniform system of evaluation and assessment of the performance of all certificated personnel within each school district of the state . . . .

Former Education Code section 13487 was also repealed and reenacted by Statutes 1975, chapter 12 16, as follows (amendments relevant to this issue are underlined):

- (a) The governing board of each school district shall establish standards of expected student achievement at each grade level in each area of study.
- (b) The governing board of each school district shall evaluate and assess certificated employee competency as it reasonably relates to (1) the progress of students toward the established standards, (2) the performance of those noninstructional duties and responsibilities, including supervisory and advisory duties, as may be prescribed by the board, and (3) the establishment and maintenance of a suitable learning environment within the scope of the employee’s responsibilities.

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<sup>60</sup> Statutes 1972, chapter 535.

<sup>61</sup> Statutes 1972, chapter 1973.

- (c) The governing board of each school district shall establish and define job responsibilities for those certificated noninstructional 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 competency of such noninstructional employees as it reasonably relates to the fulfillment of those responsibilities. . . .

The 1975 test claim legislation did not amend the requirements in former Education Code sections 13488 or 13489 to prepare written evaluations of certificated employees, receive responses to those evaluations, and conduct a meeting with the certificated employee to discuss the evaluation.

Additionally, in 1986, the test claim legislation (Stats. 1986, ch. 393) amended Education Code section 44663 (which derived from former Ed. Code, § 13488) by adding subdivision (b) to provide that the evaluation and assessment of certificated non-instructional employees shall be reduced to writing before June 30 of the year that the evaluation is made, that an opportunity to respond be given to the certificated non-instructional employee, and that a meeting be held between the certificated non-instructional employee and the evaluator to discuss the evaluation before July 30. Education Code section 44663, subdivision (b), as added by the test claim legislation, states the following:

In the case of a certificated noninstructional employee, who is employed on a 12-month basis, the evaluation and assessment made pursuant to this article shall be reduced to writing and a copy thereof shall be transmitted to the certificated employee no later than June 30 of the year in which the evaluation and assessment is made. A certificated noninstructional employee, who is employed on a 12-month basis shall have the right to initiate a written reaction or response to the evaluation. This response shall become a permanent attachment to the employee's personnel file. Before July 30 of the year in which the evaluation and assessment take place, a meeting shall be held between the certificated employee and the evaluator to discuss the evaluation and assessment.

The claimant contends that the Stull Act, as originally enacted in 1971, required the assessment and evaluation of teachers, or certificated instructional employees, only. The claimant argues that when the Stull Act was amended in 1975 and 1986, it added the requirement for school districts to develop job responsibilities to assess and evaluate the performance of non-instructional personnel. The claimant contends that under the rules of statutory construction, an amendment indicates the legislative intent to change the law. The claimant contends that this amendment imposed additional activities on school districts to develop job responsibilities and evaluate certificated non-instructional employees, which constitute a higher level of service?

The Department of Finance argues that school districts have always had the requirement to assess and evaluate non-instructional personnel because the original legislation enacted in 1971 refers to all certificated personnel. The Department of Finance contends that the subsequent

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<sup>62</sup> Exhibit C to Item 9 of the May 27, 2004 Commission Hearing.

amendments that specifically list certificated non-instructional personnel, were clarifying edits and not new requirements.<sup>63</sup>

The Stull Act was an existing program when the test claim legislation was enacted. Thus, the issue is whether the 1975 and 1986 amendments to the Stull Act mandated an increased, or higher level of service to develop job responsibilities and to evaluate and assess certificated non-instructional employees. In 1987, the California Supreme Court in *County of Los Angeles v. State of California* expressly stated that the term “higher level of service” must be read in conjunction with the phrase “new program.” Both are directed at *state-mandated increases in the services* provided by local agencies?”

In 1990, the Second District **Court** of Appeal decided the *Long Beach Unified School District* case, which challenged a test claim filed with the Board of Control on executive orders issued by the Department of Education to alleviate racial and ethnic segregation in schools.<sup>65</sup> The court determined that the executive orders did not constitute a “new program” since schools had an existing constitutional obligation to alleviate racial segregation? However, the court found that the executive orders constituted a “higher level of service” because the requirements imposed by the state went beyond constitutional and case law requirements. The court stated in relevant part the following:

The phrase “higher level of service” is not defined in article XIII B or in the ballot materials. [Citation omitted.] A mere increase in the cost of providing a service which is the result of a requirement mandated by the state is not tantamount to a higher level of service. [Citation omitted.] However, a review of the Executive Order and guidelines shows that a higher level of service is mandated because the requirements go beyond constitutional and case law requirements. . . . While these steps fit within the “reasonably feasible” description of [case law], the point is that these steps are no longer merely being suggested as options which the local school district may wish to consider but are *required acts*. *These requirements constitute a higher level of service*. We are supported in our conclusion by the report of the Board to the Legislature regarding its decision that the Claim is reimbursable: “Only those costs that are above and beyond the regular level of service for like pupils in the district are reimbursable.”<sup>67, 68</sup>

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<sup>63</sup> Exhibit B to Item 9 of the May 27, 2004 Commission Hearing.

<sup>64</sup> *County of Los Angeles, supra*, 43 Cal.3d at page 56.

<sup>65</sup> *Long Beach Unified School District, supra*, 225 Cal.App.4th 155.

<sup>66</sup> *Id.* at page 173.

<sup>67</sup> *Ibid.*, emphasis added.

<sup>68</sup> See also, *County of Los Angeles v. Commission on State Mandates* (2003) 110 Cal.App.4th 1176, 1193- 1194, where the Second District Court of Appeal followed the earlier rulings and held that in the case of an existing program, reimbursement is required only when the state is divesting itself of its responsibility to provide fiscal support for a program, or is forcing a new program on a locality for which it is ill-equipped to allocate funding.

Thus, in order for the 1975 and 1986 amendments to the Stull Act, relating to certificated non-instructional personnel, to impose a new program or higher level of service, the Commission must find that the state is imposing new required acts or activities on school districts beyond those already required by law.

For the reasons described below, the Commission finds that school districts have been required to develop job responsibilities for certificated non-instructional employees, evaluate and assess certificated non-instructional employees, draft written evaluations of certificated non-instructional employees, receive and review written responses to the evaluation from certificated non-instructional employees, and conduct meetings regarding the evaluation with certificated non-instructional employees under the Stull Act since 1971, before the enactment of the test claim legislation.

Claimant argues that the statutory amendments to the Stull Act, by themselves, reflect the legislative intent to change the law. However, the intent to change the law may not always be presumed by an amendment, as suggested by the claimant. The court has recognized that changes in statutory language can be intended to clarify the law, rather than change it,

We assume the Legislature amends a statute for a purpose, but that purpose need not necessarily be to change the law. [Citation.] Our consideration of the suwounding circumstances can indicate that the Legislature made . . . changes in statutory language in an effort only to clarify a statute’s true meaning. [Citations omitted.]“

Thus, to determine whether the Stull Act, as originally enacted in 1971, applied to all certificated employees of a school district, instructional and non-instructional employees alike, the Commission must apply the rules of statutory construction. Under the rules of statutory construction, the first step is to look at the statute’s words and give them their plain and ordinary meaning. Where the words of the statute are not ambiguous, they must be applied as written and may not be altered in any way. Moreover, the intent must be gathered with reference to the whole system of law of which it is a part so that all may be harmonized and have effect.<sup>70</sup>

As indicated by the plain language of former Education Code sections 13485, 13487, 13488, and 13489, school districts were required under prior law to develop evaluation and assessment guidelines for the evaluation of “certificated” employees, evaluate and assess “certificated” employees on a continuing basis, draft written evaluations of “certificated” employees, receive and review written response to the evaluation from “certificated” employees, and conduct meetings regarding the evaluation with “certificated” employees. The plain language of these statutes does not distinguish between instructional employees (teachers) and non-instructional employees (principals, administrators), or specifically exclude certificated non-instructional employees. When read in context with the whole system of law of which these statutes are a part, the requirements of the Stull Act originally applied to *all* certificated employees under prior law.

As enacted, the Stull Act was placed in Chapter 2 of Division 10 of the 1971 Education Code, a chapter addressing “Certificated Employees.” Certificated employees are those employees

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<sup>69</sup> *Western Security Bank v. Superior Court* (1997) 15 Cal.4th 232, 243.

<sup>70</sup> *People v. Thomas* (1992) 4 Cal.4th 206, 210.

directly involved in the educational process and include both instructional and non-instructional employees such as teachers, administrators, supervisors, and principals.” Certificated employees must be properly credentialed for the specific position they hold.” A “certificated person” was defined in former Education Code section 12908 as “a person who holds one or more documents such as a certificate, a credential, or a life diploma, which singly or in combination license the holder to engage in the school service designated in the document or documents.” The definition of “certificated person” governs the construction of Division 10 of the former Education Code and is not limited to instructional employees.<sup>73</sup>

Thus, the plain language of former Education Code sections 13485,13487, 13488, and 13489 read within the context of Chapter 2 of Division 10 of the 1971 Education Code, a division that governs both instructional and non-instructional certificated employees, required school districts to develop evaluation and assessment guidelines and to evaluate both instructional and non-instructional certificated employees based on the guidelines on a continuing basis.

In addition, former Education Code section 13486, as enacted in 1971, expressly required school districts to avail themselves “of the advice of the *certificated instructional personnel* in the district’s organization of certificated personnel” when developing and adopting the evaluation guidelines. (Emphasis added.) Former Education Code sections 13485,13487, 13488, and 13489, enacted at the same time, did not limit the evaluation and assessment requirements to “certificated instructional personnel” only. Rather, “certificated employees” were required to be evaluated. Thus, had the Legislature intended to require school districts to evaluate and assess only teachers, as argued by claimant, they would have limited the requirements of former Education Code sections 13485,13487, 13488, 13489 to “certificated instructional personnel.” Under the rules of statutory construction, the Commission is prohibited from altering the plain language of a statute, or writing into a statute, by implication, express requirements that the Legislature itself has not seen fit to place in the statute.<sup>74</sup>

Moreover, under prior law, the Legislature expressly excluded certain types of certificated employees from the requirements of the Stull Act, and never expressly excluded non-instructional employees. When the Stull Act was originally enacted in 1971, the Legislature excluded employees of community colleges from the requirements.<sup>75</sup> In 1972, the Legislature revisited the Stull Act and expressly excluded certificated personnel employed on an hourly basis in adult education classes.<sup>76</sup> In 1973, school districts were authorized to exclude hourly and temporary certificated employees, and substitute teachers from the evaluation requirement.” Under the rules of statutory construction, where exceptions to a general rule are specified by

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<sup>71</sup> Former Education Code section 13 187 et seq. of the 1971 Education Code.

<sup>72</sup> Former Education Code section 1325 1 et seq. of the 1971 Education Code.

<sup>73</sup> Former Education Code 12901 of the 1971 Education Code.

<sup>74</sup> *Whitcomb v. California Employment Commission* (1944) 24 Cal.2d 753, 757; *In re Rudy L.* (1994) 29 Cal.App.4th 1007, 1011.

<sup>75</sup> Section 42 of Statutes 1971, chapter 361.

<sup>76</sup> Statutes 1972, chapter 535.

<sup>77</sup> Statutes 1973, chapter 220.

statute, other exceptions are not to be implied or presumed, absent a discernible and contrary legislative intent.<sup>78</sup> Thus, it cannot be implied from the plain language of the legislation that the Legislature intended to exclude certificated non-instructional employees from the requirements of the Stull Act.

The conclusion that the Stull Act applied to non-instructional employees under prior law is further supported by case law. In 1977, the First District Court of Appeal considered *Grant v. Adams*.<sup>79</sup> The *Grant* case involved a school district employee who was a certified teacher with credentials as an administrator who had been serving as a principal (a non-instructional employee) of an elementary school from 1973 through 1974. In May 1974, the employee was reassigned and demoted to a teaching position for the 1974- 1975 school year.<sup>80</sup> The employee made the argument that the Stull Act, when coupled with other statutory provisions, created a property interest in his position as a principal and required that an evaluation be conducted before termination of an administrative assignment. The court disagreed with the employee's argument, holding that the Stull Act evaluation was not a precondition to reassignment or dismissal.\*' When analyzing the issue, the court made the following findings:

In 1971, the Legislature passed the so-called "Stull Act," Education Code sections 13485-13490. Among other things the Stull Act required that all school districts establish evaluation procedures for certificated personnel. (Ed. Code, § 13485.) *The state board of education developed guidelines for evaluation of administrators and teachers pursuant to the Stull Act. Respondents [school district] adopted those guidelines without relevant change in June 1972. The guidelines called for evaluation of personnel on permanent status at least once every two years. Appellant was given no evaluation pursuant to the guidelines. (Emphasis added.)*<sup>82</sup>

In 1979, the California Supreme Court decided *Miller v. Chico Unified School District Board of Education*, a case with similar facts.<sup>83</sup> In the *Miller* case, the employee was a principal of a junior high school from 1958 until 1976, when he was reassigned to a teaching position. In 1973, the school board adopted procedures to formally evaluate administrators pursuant to the Stull Act.<sup>84</sup> The employee received a Stull Act evaluation in 1973, 1974, and 1975.<sup>85</sup> In 1976, the school board requested the employee's cooperation in his fourth annual Stull evaluation report, but the employee refused on advice of counsel.<sup>86</sup> The employee sought reinstatement to

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<sup>78</sup> *People v. Galambos* (2002) 104 Cal.App.4th 1147.

<sup>79</sup> *Grant v. Adams* (1977) 69 Cal.App.3d 127.

<sup>80</sup> *Id.* at page 130.

<sup>81</sup> *Id.* at pages 134-135.

<sup>82</sup> *Id.* at page footnote 3.

<sup>83</sup> *Miller v. Chico Unified School District Board of Education* (1979) 24 Cal.3d 703.

<sup>84</sup> *Id.* page 707.

<sup>85</sup> *Id.* pages 708-710, 717.

<sup>86</sup> *Id.* at page 709.

his position as a principal on the ground that the school board failed to comply with the Stull Act.<sup>87</sup> The court denied the employee's request and made the following findings:

The record indicates, however, that the school board substantially complied with the Stull Act's mandate that the board fix performance guidelines for its certificated personnel, evaluate plaintiff in light of such guidelines, inform plaintiff of the results of any evaluation, and suggest to plaintiff ways to improve his performance.

The school board's guidelines provide for annual evaluations of supervisory personnel; accordingly, the board evaluated plaintiff in 1973, 1974, and 1975. Although plaintiff received generally satisfactory evaluations in 1973 and 1974, the board's evaluation report in 1974 contains suggestions for specific areas of improvement. . . .

Plaintiff's final Stull Act evaluation in June 1975 plainly notified plaintiff "in writing" of any unsatisfactory conduct on his part, and in addition provided a forum for plaintiffs supervisors to make "specific recommendations as to areas of improvement in the employee's performance and endeavor to assist him in such performance." [Former Ed. Code, § 13489.) . . . .

The court is surely obligated to understand the purpose of . . . [the Stull Act] and to apply those sections to the relevant facts.\*\*

Finally, the legislative history of the 1986 test claim legislation supports the conclusion that the specific language added to the Stull Act was not intended to impose new required acts on school districts. As stated above, the test claim legislation (Stats. 1986, ch. 393) amended Education Code section 44663 by adding subdivision (b) to provide that the evaluation and assessment of certificated non-instructional employees shall be reduced to writing before June 30 of the year that the evaluation is made, that an opportunity to respond be given to the certificated non-instructional employee, and that a meeting be held between the certificated non-instructional employee and the evaluator to discuss the evaluation before July 30. The legislative history of Statutes 1986, chapter 393 (Assem. Bill No. 3878) indicates that the purpose of the bill was to extend for 45 days the *current* requirement for the evaluation of certificated non-instructional employees.<sup>89</sup> The analysis of Assembly Bill 3878 by the Assembly Education Committee, dated

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<sup>87</sup> *Id.* at page 7 16.

<sup>88</sup> *Id.* at pages 717-718.

<sup>89</sup> Letter from San Diego Unified School District to the Honorable Teresa Hughes, Chairperson of the Assembly Education Committee, on Assembly Bill 3878, April 4, 1986; Assembly Education Committee, Republican Analysis on Assembly Bill 3878, April 7, 1986; Department of Finance, Enrolled Bill Report on Assembly Bill 3878, April 21, 1986; Legislative Analyst, Analysis of Assembly Bill 3878, April 24, 1986; Assembly Education Committee, Republican Analysis on Assembly Bill 3878, April 26, 1986; Senate Committee on Education, Staff Analysis on Assembly Bill 3878, May 28, 1986; Legislative Analyst, Analysis of Assembly Bill 3878, June 18, 1986. (Exhibit I to Item 9 of the May 27, 2004 Commission Hearing.)

April 7, 1986, states the following:

Current statute requires evaluations of noninstructional certificated employees on 12 month contracts to be conducted within 30 days before the last school day. This apparently is a problem for San Diego [Unified School District] because all evaluations are jammed in at the end of the school year. They feel it would make more sense to allow extra time to evaluate those on 12 month contracts and spread the process out over a longer period of time.<sup>90</sup>

The April 24, 1986 analysis of Assembly Bill 3878 by the Legislative Analyst states the following:

Our review indicates that this bill does not mandate any new duties on school district governing boards, but simply extends the date by which evaluations of certain certificated employees must be completed.”

Based on the foregoing authorities, the Commission finds that school districts were required under prior law to perform the following activities:

- Develop and adopt specific evaluation and assessment guidelines for the performance of certificated non-instructional personnel.
- Evaluate and assess certificated non-instructional personnel as it relates to the established standards.
- Prepare and draft a written evaluation of the certificated non-instructional employee. The evaluation shall include recommendations, if necessary, as to areas of improvement.
- Receive and review from a certificated non-instructional employee written responses regarding the evaluation.
- Prepare and hold a meeting between the certificated non-instructional employee and the evaluator to discuss the evaluation and assessment.

The Commission further finds that the language added to former Education Code section 13487 by the 1975 test claim legislation to “establish and define job responsibilities” for certificated non-instructional personnel falls within the preexisting duty to develop and adopt objective evaluation and assessment guidelines for all certificated employees, does not mandate any new required acts, and, thus, does not constitute a new program or higher level of service,”

Accordingly, the Commission finds that the 1975 and 1986 amendments to former Education Code sections 13485 and 13487 and Education Code section 44663 as they relate to certificated non-instructional employees do not constitute a new program or higher level of service.<sup>93</sup>

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<sup>90</sup> Id. at page 301.

<sup>91</sup> Id. at page 306.

<sup>92</sup> *Long Bench Unified School District, supra*, 225 Cal.App.4th at page 173.

<sup>93</sup> It is noted that the analysis by the Legislative Analyst on Senate Bill 777, which was enacted as Statutes 1975, chapter 1216, concludes that “there would also be undetermined increased local costs due to the addition of.. . non-instructional certificated employees in evaluation and



Establish standards of expected pupil achievement at each grade level in each area of study  
[Former Ed. Code, § 13487, as repealed and reenacted by Stats. 1975, ch. 1216).

The claimant is requesting reimbursement to establish standards of expected pupil achievement at each grade level in each area of study.

Former Education Code section 13487, as originally enacted in 1971, required school districts to develop and adopt specific evaluation and assessment guidelines for certificated personnel. Former section 13487 stated in relevant part the following:

The governing board of each school district shall develop and adopt specific evaluation and assessment guidelines which shall include but shall not necessarily be limited in content to the following elements:

- (a) The establishment of standards of expected student progress in each area of study and of techniques for the assessment of that progress.

The test claim legislation, in Statutes 1975, chapter 1216, repealed and reenacted former Education Code section 13487. As reenacted, the statute provided the following (amendments relevant to this issue are reflected with strikeout and underline):

- (a) The governing board of each school district shall establish standards of expected student ~~progress~~ achievement at each grade level in each area of study.

The claimant contends that the 1975 test claim legislation imposed a new program or higher level of service on school districts to rewrite standards for employee assessment to reflect expected student “achievement” (as opposed expected student “progress”) and to expand the standards to reflect expected student achievement at each “grade level.”<sup>94</sup> The claimant further states the following:

Prior law only required that the standards of expected student achievement be established to show student progress. Under prior law, these standards may have tracked student progress over time. For example, a school district may have established reading standards for pupils upon graduating from eighth grade. Under the test claim legislation, school districts no longer have the ability to determine over what period standards of expected student achievement will be

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assessment requirements.” (See, Exhibit I, pp. 292-294.) The courts have determined, however, that legislative findings are not relevant to the issue of whether a reimbursable state-mandated program exists:

[T]he statutory scheme [in Government Code section 17500 et seq.] contemplates that the Commission, as a quasi-judicial body, has the sole and exclusive authority to adjudicate whether a state mandate exists. Thus, any legislative findings are irrelevant to the issue of whether a state mandate exists . . .” (*City of San Jose, supra*, 45 Cal.App.4th at pp. 1817-1818, quoting *County of Los Angeles v. Commission on State Mandates* (1995) 32 Cal. App.4th 805, 819, and *Kinlaw v. State of California, supra*, 54 Cal.3d at p. 333.)

<sup>94</sup> Exhibit A (Test Claim, page 4) to Item 9 of the May 27, 2004 Commission Hearing.

established: The standards must be established by each grade level. The new standards outlined in the test claim legislation align more closely with the state's new content standards . . .<sup>95</sup>

The Department of Finance contends that the 1975 amendment to former Education Code section 13487 does not constitute a new program or higher level of service. The Department states the following:

Finance notes that in practice, school district standards required by Chapter 36 1/7 1 would have had to have been differentiated by grade in order to provide a measure of “expected student progress.” Finance also notes that changing the term ““expected student progress” to the term “expected student achievement” is a wording change that would not require additional work on the part of school districts. These changes did not require additional work on the part of school districts, and therefore, are not reimbursable.<sup>96,97</sup>

In order for the 1975 reenactment of former Education Code section 13487 to constitute a new program or higher level of service, the Commission must find that the state is imposing new required acts or activities on school districts beyond those already required by law.“ For the reasons below, the Commission finds that the 1975 reenactment of former Education Code section 13487 does not constitute a new program or higher level of service.

On its face, the activities imposed by the 1975 reenactment of former Education Code section 13487 do not appear different than the activities required by the original 1971 version of former Education Code section 13487. Both versions require that standards for evaluation be established so that certificated personnel are evaluated based on student progress. As originally enacted in 1971, “[t]he governing board of each school district shall develop and adopt specific evaluation and assessment guidelines which shall include . . . the establishment of standards of *expected student progress* in each area of study . . . [and the] . . . assessment of certificated personnel competence as it relates to the established standards.” (Emphasis added.) As reenacted in 1975, “[t]he governing board of each school district shall establish standards of expected student achievement at each grade level in each area of study . . . and evaluate and assess certificated employee competency as it reasonably relates to . . . *the progress of students toward the established standards.*” (Emphasis added.)

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<sup>95</sup> Exhibit C, page 2, to Item 9 of the May 27, 2004 Commission Hearing.

<sup>96</sup> Exhibit B, page 1, to Item 9 of the May 27, 2004 Commission Hearing.

<sup>97</sup> The Department of Finance’s factual assertion is not supported by “documentary evidence . . . authenticated by declarations under penalty of perjury signed by persons who are authorized and competent to do so,” as required by the Commission’s regulations. (Cal. Code Regs., tit. 2, § 1183 .02, subd. (c)(l).)

<sup>98</sup> *County of Los Angeles, supra*, 43 Cal.3d at page 56; *Long Beach Unified School Dist., supra*, 225 Cal.App.4th at page 173; and *County of Los Angeles, supra*, 110 Cal.App.4th at pages 1193-1194.

In addition, the legislative history of the test claim statute, Statutes 1975, chapter 1216 (Sen. Bill No. 777), does not reveal an intention by the Legislature to impose new required acts. Legislative history simply indicates that the language was “modified.”<sup>99</sup>

Moreover, claimant’s argument, that the test claim statute imposes a higher level of service because, under prior law, school districts “may” have only tracked student progress over time (for example, by establishing “reading standards for pupils upon graduating from eighth grade”), is not persuasive. Under the claimant’s interpretation, the performance of a first grade teacher could be evaluated and assessed based on reading standards for eighth grade students; students that the teacher did *not* teach. The Stull Act, as originally enacted, required the school district to evaluate and assess the performance of all certificated employees based on the progress of their pupils. In addition, the claimant’s factual assertion is not supported by “documentary evidence ... authenticated by declarations under penalty of perjury signed by persons who are authorized and competent to do so, ” as required by the Commission’s regulations.<sup>100</sup>

Finally, assuming for the sake of argument only, that school districts were required to establish new standards of expected student achievement due to the 1975 test claim statute, that activity would have occurred outside the reimbursement period for this claim, The reimbursement period for this test claim, if approved by the Commission, begins July 1, 1998. The test claim statute was enacted in 1975, 23 years earlier than the reimbursement period. There is no requirement in the test claim statute that establishing the standards is an ongoing activity.

Therefore, based on the evidence in the record, the Commission finds that former Education Code section 13487 as reenacted by Statutes 1975, chapter 1216, does not impose a new program or higher level of service on school districts.

Evaluate and assess the performance of certificated instructional employees (Ed. Code, § 44662, subd. (b), as amended by Stats. 1983, ch. 498 and Stats. 1999, ch. 4).

The claimant requests reimbursement to evaluate and assess the performance of certificated instructional employees as it reasonably relates to the following:

- the instructional techniques and strategies used by the certificated employee (Stats. 1983, ch. 498);
- the certificated employee’s adherence to curricular objectives (Stats 1983, ch. 498); and
- the progress of pupils towards the state adopted academic content standards as measured by state adopted criterion referenced assessments (Stats. 1999, ch. 4).<sup>101</sup>

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<sup>99</sup> Senate Committee on Education, Staff Analysis on Senate Bill 777, as amended on May 7, 1975; Assembly Education Committee, Analysis of Senate Bill 777, as amended on August 12, 1975; Ways and Means Staff Analysis on Senate Bill 777, as amended on August 19, 1975; Legislative Analyst, Analysis of Senate Bill 777, as amended on August 19, 1975, dated August 22, 1975; Assembly Third Reading of Senate Bill 777, as amended on August 19, 1975. (Exhibit I to Item 9 of the May 27, 2004 Commission Hearing.)

<sup>100</sup> Cal. Code Regs., tit. 2, § 1183.02, subd. (c)(1).

<sup>101</sup> Exhibit A (Test Claim, page 6) to Item 9 of the May 27, 2004 Commission Hearing.

The Department of Finance agrees that these activities constitute reimbursable state-mandated activities under article XIII B, section 6.<sup>102</sup>

For the reasons described below, the Commission finds that evaluating and assessing the performance of certificated instructional employees that perform the requirements of educational programs mandated by state or federal law based on these factors constitutes a new program or higher level of service.

*The instructional techniques and strategies used by the employee, and the employee's adherence to curricular objectives.* In 1983, the test claim legislation amended Education Code section 44662, subdivision (b), to require the school district to evaluate and assess certificated employee competency as it reasonably relates to “the instructional techniques and strategies used by the employee,” and “the employee’s adherence to curricular objectives.” (Stats. 1983, ch. 498.)

Before the 1983 test claim legislation was enacted, the Stull Act required school districts to establish an objective and uniform system of evaluation and assessment of the performance of certificated personnel.<sup>103</sup> When developing these guidelines, school districts were required to receive advice from certificated instructional personnel. The court interpreted this provision to require districts to meet and confer, and engage in collective bargaining, with representatives of certificated employee organizations before adopting the evaluation guidelines?<sup>104</sup> **Thus,** certificated instructional employees were evaluated based on the guidelines developed through collective bargaining, and on the following criteria required by the state:

- the progress of students toward the established standards of expected student achievement at each grade level in each area of study; and
- the establishment and maintenance of a suitable learning environment within the scope of the employee’s responsibilities.<sup>105</sup>

Under prior law, the evaluation had to be reduced to writing and a copy of the evaluation given to the employee. An evaluation meeting had to be held between the certificated employee and the evaluator to discuss the evaluation and assessment.<sup>106</sup>

The 1983 test claim statute still requires school districts to reduce the evaluation to writing, to transmit a copy to the employee, and to conduct a meeting with the employee to discuss the evaluation and assessment.<sup>107</sup> These activities are not new. However, the 1983 test claim statute amended the evaluation requirements by adding two new evaluation factors: the instructional

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<sup>102</sup> Exhibit B to Item 9 of the May 27, 2004 Commission Hearing.

<sup>103</sup> Former Education Code sections 13485 and 13487.

<sup>104</sup> *Certificated Employees Council of the Monterey Peninsula Unified School District v. Monterey Peninsula Unified School District* (1974) 42 Cal.App.3d 328, 334,

<sup>105</sup> Former Education Code section 13487, subdivision (b), as amended by Statutes 1975, chapter 1216.

<sup>106</sup> Former Education Code sections 13485-13490, as originally enacted by Statutes 1971, chapter 361.

<sup>107</sup> Education Code sections 44662, 44663, 44664.

techniques and strategies used by the employee, and the employee's adherence to curricular objectives. Thus, school districts are now required by the state to evaluate and assess the competency of certificated instructional employees as it reasonably relates to:

- the progress of students toward the established standards of expected student achievement at each grade level in each area of study;
- the instructional techniques and strategies used by the employee;
- the employee's adherence to curricular objectives; and
- the establishment and maintenance of a suitable learning environment, within the scope of the employee's responsibilities.

School districts may have been evaluating teachers on their instructional techniques and adherence to curricular objectives before the enactment of the test claim statute based on the evaluation guidelines developed through the collective bargaining process. But, the state did not previously require the evaluation in these two areas. Government Code section 17565 states that "if a . . . school district, at its option, has been incurring costs which are subsequently mandated by the state, the state shall reimburse the . . . school district for those costs after the operative date of the mandate."

Accordingly, the Commission finds that Education Code section 44662, subdivision (b), as amended by Statutes 1983, chapter 498, imposes a new required act and, thus, a new program or higher level of service on school districts to evaluate and assess the performance of certificated instructional employees that perform the requirements of educational programs mandated by state or federal law as it reasonably relates to the instructional techniques and strategies used by the employee and the employee's adherence to curricular objectives.

Reimbursement for this activity is limited to the review of the employee's instructional techniques and strategies and adherence to curricular objectives, and to include in the written evaluation of the certificated instructional employees the assessment of these factors during the following evaluation periods:

- once each year for probationary certificated employees;
- every other year for permanent certificated employees; and
- beginning January 1, 2004, every five years for certificated employees with permanent status who have been employed at least ten years with the school district, are highly qualified (as defined in 20 U.S.C. § 7801)<sup>108</sup>, and whose previous evaluation rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree.<sup>109</sup>

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<sup>108</sup> Section 7801 of title 20 of the United States Code defines "highly qualified" as a teacher that has obtained full state certification as a teacher or passed the state teacher licensing examination, and holds a license to teach, and the teacher has not had certification requirements waived on an emergency, temporary, or provisional basis.

<sup>109</sup> Education Code section 44664, subdivision (a)(3), as amended by Statutes 2003, chapter 566.

State adopted academic content standards as measured by state adopted assessment tests. In 1999, the test claim legislation (Stats. 1999, ch. 4) amended Education Code 44662, subdivision (b)( 1 ), by adding the following underlined language:

The governing board of each school district shall evaluate and assess certificated employee competency as it reasonably relates to:

The progress of pupils toward the standards established pursuant to subdivision (a) [standards of expected pupil achievement at each grade level in each **area** of study] and, if applicable, the state adopted academic content standards as measured by state adopted criterion referenced assessments.

Before the 1999 test claim legislation, school districts were required to evaluate and assess certificated employees based on the progress of pupils. The progress of pupils was measured by standards, adopted by *local school districts*, of expected student achievement at each grade level in each area of study. The evaluation had to be reduced to writing and a copy of the evaluation given to the employee. An evaluation meeting had to be held between the certificated employee and the evaluator to discuss the evaluation and assessment.“

The 1999 test claim legislation still requires school districts to evaluate and assess certificated employees based on the progress of pupils. It also still requires school districts to reduce the evaluation to writing, to transmit a copy to the employee, and to conduct a meeting with the employee to discuss the evaluation and assessment.<sup>111</sup> These activities are not new.

However, the test claim legislation, beginning January 1, 2000<sup>112</sup>, imposes a new requirement on school districts to evaluate the performance of certificated employees as it reasonably relates to the progress of pupils based not only on standards adopted by local school districts, but also on the academic content standards adopted by the *state*, as measured by the state adopted assessment tests.

The state academic content standards and the assessment tests that measure the academic progress of students were created in 1995 with the enactment of the California Assessment of Academic Achievement Act.<sup>113</sup> The act required the State Board of Education to develop and adopt a set of statewide academically rigorous content standards in the core curriculum areas of reading, writing, mathematics, history/social science, and science to serve as the basis for assessing the academic achievement of individual pupils and of schools.<sup>114</sup> In addition, the Act established the Standardized Testing and Reporting Program (otherwise known as the STAR Program)<sup>15</sup>, which requires each school district to annually administer to all pupils in grades 2 to 11 a nationally normed achievement test of basic skills, and an achievement test based on the

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<sup>110</sup> Former Education Code sections 13485-1 3490, as originally enacted by Statutes 197 1, chapter 36 1.

<sup>11</sup> Education Code sections 44662, 44663, 44664.

<sup>112</sup> Statutes 1999, chapter 4 became operative and effective on January 1, 2000.

<sup>113</sup> Education Code section 60600 et seq.

<sup>114</sup> Education Code section 60605, subdivision (a).

<sup>115</sup> Education Code section 60640, subdivision (a).

state's academic content standards? The Commission determined that the administration of the STAR test to pupils constitutes a partial reimbursable state-mandated program (CSM 97-TC-23).

Although evaluating the performance of a certificated employee based on the progress of pupils is not new, the Commission finds that the requirement to evaluate and assess the performance of certificated instructional employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11, as it reasonably relates to the progress of pupils towards the state adopted academic content standards as measured by state adopted criterion referenced assessments is a new required act and, thus a higher level of service within the meaning of article XIII B, section 6 of the California Constitution.

This higher level of service is limited to the review of the results of the STAR test as it reasonably relates to the performance of those certificated employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11, and to include in the written evaluation of those certificated employees the assessment of the employee's performance based on the STAR results for the pupils they teach during the evaluation periods specified in Education Code section 44664, and described below:

- once each year for probationary certificated employees;
- every other year for permanent certificated employees; and
- beginning January 1, 2004, every five years for certificated employees with permanent status who have been employed at least ten years with the school district, are highly qualified (as defined in 20 U.S.C. § 7801), and whose previous evaluation rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree.<sup>117</sup>

Assess and evaluate permanent certificated, instructional and non-instructional, employees that receive an unsatisfactory evaluation once each year until the employee achieves a positive evaluation, or is separated from the school district (Ed. Code, § 44664, as amended by Stats. 1983, ch. 498).

The claimant is requesting reimbursement to conduct additional assessments and evaluations for permanent certificated employees that receive an unsatisfactory evaluation as follows:

Conduct additional annual assessments and evaluations of permanent certificated instructional and non-instructional employees who have received an unsatisfactory evaluation. The school district must conduct the annual assessment and evaluation of a permanent certificated employee until the employee achieves a positive evaluation or is separated from the school district. This mandated activity is limited to those annual assessments and evaluations that occur in years in which the employee would not have been required to be evaluated as per Section 44664 (i.e., permanent certificated employees shall be evaluated every other year). When conducting these additional evaluations the full cost of the

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<sup>116</sup> Education Code section 60640, subdivision (b).

<sup>117</sup> Education Code section 44664, subdivision (a)(3), as amended by Statutes 2003, chapter 566.

evaluation is reimbursable (e.g., evaluation under all criterion, preparing written evaluation, review of comments, and holding a hearing with the teacher).<sup>118</sup>

The Department of Finance agrees that the 1983 amendment to Education Code section 44664 imposes a reimbursable state-mandated activity.

Before the enactment of the test claim legislation, former Education Code section 13489 (as last amended by Stats. 1973, ch. 220) required that an evaluation for permanent certificated employees occur every other year. Former Education Code section 13489 stated in relevant part the following:

Evaluation and assessment of the performance of each certificated employee shall be made on a continuing basis, at least once each school year for probationary personnel, and at *least every other year for personnel with permanent status*. The evaluation shall include recommendations, if necessary, as to areas of improvement in the performance of the employee. In the event an employee is not performing his duties in a satisfactory manner according to the standards prescribed by the governing board, the employing authority shall notify the employee in writing of such fact and describe such unsatisfactory performance. The employing authority shall thereafter confer with the employee making specific recommendations as to areas of improvement in the employee's performance and endeavor to assist him in such performance. (Emphasis added.)

In 1976, former Education Code section 13489 was renumbered to Education Code section 44664.<sup>119</sup> The test claim legislation (Stats. 1983, ch. 498) amended Education Code section 44664, by adding the following sentence: "When any permanent certificated employee has received an unsatisfactory evaluation, the employing authority shall *annually evaluate* the employee until the employee achieves a positive evaluation or is separated from the district." (Emphasis added.)<sup>120</sup>

The Commission finds that Education Code section 44664, as amended by Statutes 1983, chapter 498, imposes a new required act and, thus, a new program or higher level of service by requiring school districts to perform additional evaluations for permanent certificated employees that perform the requirements of educational programs mandated by state or federal law and receive an unsatisfactory evaluation.

This higher level of service is limited to those annual assessments and evaluations that occur in years in which the permanent certificated employee would not have otherwise been evaluated pursuant to Education Code section 44664 (i.e., every other year) and lasts until the employee achieves a positive evaluation or is separated from the school district. This additional evaluation

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<sup>118</sup> Exhibit A (Test Claim) to Item 9 of the May 27, 2004 Commission Hearing.

<sup>119</sup> Statutes 1976, chapter 1010.

<sup>120</sup> Statutes 2003, chapter 566, amended Education Code section 44664 by changing the word "when" to "if." The language now states the following: "~~When~~ If any permanent certificated employee has received an unsatisfactory evaluation, the employing authority shall annually evaluate the employee until the employee achieves a positive evaluation or is separated from the district."



and assessment of the permanent certificated employee requires the school district to perform the following activities:

- evaluate and assess the certificated employee performance as it reasonably relates to the following criteria: (1) the progress of pupils toward the standards established by the school district of expected pupil achievement at each grade level in each area of study, and, if applicable, the state adopted 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; and, if applicable, (5) the fulfillment of other job responsibilities established by the school district for certificated non-instructional personnel (Ed. Code, § 44662, subs. (b) and (c));
- the evaluation and assessment shall be reduced to writing. (Ed. Code, § 44663, subd. (a).) The evaluation shall include recommendations, if necessary, as to areas of improvement in the performance of the employee. If the employee is not performing his or her duties in a satisfactory manner according to the standards prescribed by the governing board, the school district shall notify the employee in writing of that fact and describe the unsatisfactory performance (Ed. Code, § 44664, subd. (b));
- transmit a copy of the written evaluation to the certificated employee (Ed. Code, § 44663, subd. (a));
- attach any written reaction or response to the evaluation by the certificated employee to the employee's personnel file (Ed. Code, § 44663, subd. (a)); and
- conduct a meeting with the certificated employee to discuss the evaluation (Ed. Code, § 44553, subd. (a)).

**Issue 3: Does Education Code Section 44662 (As Amended by Stats. 1999, ch. 4) and Education Code Section 44664 (As Amended by Stats. 1983, ch. 498) Impose Costs Mandated by the State Within the Meaning of Government Code Section 17514?**

As indicated above, the Commission finds that the following activities constitute a new program or higher level of service:

- evaluate and assess the performance of certificated instructional employees that perform the requirements of educational programs mandated by state or federal law as it reasonably relates to the instructional techniques and strategies used by the employee and the employee's adherence to curricular objectives (Ed. Code, § 44662, subd. (b), as amended by Stats. 1983, ch. 498);
- evaluate and assess the performance of certificated instructional employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11 as it reasonably relates to the progress of pupils towards the state adopted academic content standards as measured by state adopted assessment tests (Ed. Code, § 44662, subd. (b), as amended by Stats, 1999, ch. 4); and
- assess and evaluate permanent certificated, instructional and non-instructional, employees that perform the requirements of educational programs mandated by state or federal law

and receive an unsatisfactory evaluation in the years in which the permanent certificated employee would not have otherwise been evaluated until the employee receives achieves a positive evaluation, or is separated from the school district (Ed. Code, § 44664, as amended by Stats. 1983, ch. 498).

The Commission must continue its inquiry to determine if these activities result in increased costs mandated by the state pursuant to Government Code section 175 14.

Government Code section 175 14 defines “costs mandated by the state” as any increased cost a local agency or school district is required to incur as a result of a statute that mandates a new program or higher level of service. The claimant states that it has incurred significantly more than \$200 to comply with the test claim statutes plead in this claim. <sup>121, 122</sup>

The Commission finds that there is nothing in the record to dispute the costs alleged by the claimant. The parties have not identified any sources of state or federal funds appropriated to school districts that can be applied to the activities identified above. Moreover, none of the exceptions to finding a reimbursable state-mandated program under Government Code section 17556 apply to this claim.

Therefore, the Commission finds that Education Code section 44662 (as amended by Stats. 1999, ch. 4) and Education Code section 44664 (as amended by Stats. 1983, ch. 498), result in costs mandated by the state under Government Code section 17514.

### CONCLUSION

The Commission concludes that Education Code section 44662, as amended by Statutes 1999, chapter 4, and Education Code section 44664, as amended by Statutes 1983, chapter 498, mandate a new program or higher level of service for school districts within the meaning of article XIII B, section 6 of the California Constitution, and impose costs mandated by the state pursuant to Government Code section 175 14 for the following activities only:

- Evaluate and assess the performance of certificated instructional employees that perform the requirements of educational programs mandated by state or federal law as it reasonably relates to the instructional techniques and strategies used by the employee and the employee’s adherence to curricular objectives (Ed. Code, § 44662, subd. (b), as amended by Stats. 1983, ch. 498).

Reimbursement for this activity is limited to the review of the employee’s instructional techniques and strategies and adherence to curricular objectives, and to include in the written evaluation of the certificated instructional employees the assessment of these factors during the following evaluation periods:

- o once each year for probationary certificated employees;
- o every other year for permanent certificated employees; and

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<sup>121</sup> Exhibit A to Item 9 of the May 27, 2004 Commission Hearing (Test Claim and Declaration of Larry S. Phelps, Superintendent of Denair Unified School District).

<sup>122</sup> After this test claim was filed, Government Code section 17564 was amended to require that all test claims and reimbursement claims submitted exceed \$1000 in costs. (Stats. 2002, ch. 1 124.)

- o beginning January 1, 2004, every five years for certificated employees with permanent status who have been employed at least ten years with the school district, are highly qualified (as defined in 20 U.S.C. § 7801), and whose previous evaluation rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree.
- Evaluate and assess the performance of certificated instructional employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11 as it reasonably relates to the progress of pupils towards the state adopted academic content standards as measured by state adopted assessment tests (Ed. Code, § 44662, subd. (b), as amended by Stats. 1999, ch. 4).

Reimbursement for this activity is limited to the review of the results of the STAR test as it reasonably relates to the performance of those certificated employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11, and to include in the written evaluation of those certificated employees the assessment of the employee's performance based on the STAR results for the pupils they teach during the evaluation periods specified in Education Code section 44664, and described below:

- o once each year for probationary certificated employees;
- o every other year for permanent certificated employees; and
- o beginning January 1, 2004, every five years for certificated employees with permanent status who have been employed at least ten years with the school district, are highly qualified (as defined in 20 U.S.C. § 7801), and whose previous evaluation rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree.
- Assess and evaluate permanent certificated, instructional and non-instructional, employees that perform the requirements of educational programs mandated by state or federal law and receive an unsatisfactory evaluation in the years in which the permanent certificated employee would not have otherwise been evaluated pursuant to Education Code section 44664 (i.e., every other year). The additional evaluations shall last until the employee achieves a positive evaluation, or is separated from the school district. (Ed. Code, § 44664, as amended by Stats. 1983, ch. 498). This additional evaluation and assessment of the permanent certificated employee requires the school district to perform the following activities:
  - o evaluate and assess the certificated employee performance as it reasonably relates to the following criteria: (1) the progress of pupils toward the standards established by the school district of expected pupil achievement at each grade level in each area of study, and, if applicable, the state adopted 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; and, if applicable, (5) the fulfillment of other job responsibilities established by the school district for certificated non-instructional personnel (Ed. Code, § 44662, subds. (b) and (c));

- o the evaluation and assessment shall be reduced to writing. (Ed. Code, § 44663, subd. (a).) The evaluation shall include recommendations, if necessary, as to areas of improvement in the performance of the employee. If the employee is not performing his or her duties in a satisfactory manner according to the standards prescribed by the governing board, the school district shall notify the employee in writing of that fact and describe the unsatisfactory performance (Ed. Code, § 44664, subd. (b));
- o transmit a copy of the written evaluation to the certificated employee (Ed. Code, § 44663, subd. (a));
- o attach any written reaction or response to the evaluation by the certificated employee to the employee's personnel file (Ed. Code, § 44663, subd. (a)); and
- o conduct a meeting with the certificated employee to discuss the evaluation (Ed. Code, § 44553, subd. (a)).

The Commission further finds that the activities listed above do not constitute reimbursable state-mandated programs with respect to certificated personnel employed in local, discretionary educational programs.

Finally, the Commission finds that all other statutes in the test claim not mentioned above are not reimbursable state-mandated programs within the meaning of article XIII B, section 6 and Government Code section 175 14.

**DECLARATION OF SERVICE BY MAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95 8 14.

June 1, 2004, I served the:

**Adopted Statement of Decision**

*The Stull Act*, 98-TC-25

Education Code Sections 44660 – 44665 (formerly Ed. Code §§ 13485-13490)

Statutes 1975, Chapter 1216; Statutes 1983, Chapter 498; Statutes 1986, Chapter 393;

Statutes 1995, Chapter 392; Statutes 1999, Chapter 4

Denair Unified School District, Claimant

by placing a true copy thereof in an envelope addressed to:

Mr. David Scribner  
Executive Director  
School Mandates Group  
3 113 Catalina Island Road  
West Sacramento, CA 95691

State Agencies and Interested Parties (See attached mailing list);

and by sealing and depositing said envelope in the United States mail at Sacramento, California, with postage thereon fully paid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on June 1, 2004, at Sacramento, California.

  
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VICTORIA SORIANO