



July 11, 2017

The Honorable Senator Allen
Chair, Senate Education Committee
State Capitol, Room 2083
Sacramento, California 95814

RE: AB 1164 (Thurmond) as amended July 6, 2017 – OPPOSE

Dear Chair Allen,

On behalf of the EdVoice Board of Directors, I write to express strong opposition to AB 1164, which undermines efforts underway by school districts to address the severe teacher shortage in California and support all teachers in their early years to help them grow professionally and become effective permanent classroom teachers.

Instead of providing additional time and creating a positive climate to focus on helping teachers struggling to reach journey level permanent status, AB 1164 focuses on firing probationary teachers and promotes an adversarial relationship between employees and their evaluator. In mandating reporting of additional firings, AB 1164 anticipates the increased likelihood of firing new teachers during the school year.

AB 1164 stigmatizes all new struggling teachers by incentivizing school districts to disproportionately rate teachers as unsatisfactory in years one and two to leave the option of year-3 probation on the table. In doing so, it diminishes the best practice benefits of a multi-tier ranking system of performance levels that include the rating category of “needs improvement.” Mandating the “unsatisfactory” rating level uses a term of art that leads to explicit statutory authority for dismissal, even during a school year.

AB 1164 also establishes a restrictive threshold for rainy day funds for school districts that is considered irresponsible by the Government Finance Officers Association. It will continue pressure for a mandatory increase in layoffs of new classroom teachers during economic downturns.

AB 1164 moves backward on probation vs. permanent status in promoting a hostile environment forcing school district employers to err on the side of unsatisfactory evaluation ratings and non-re-election in years one and two of employment. AB 1164 establishes a costly and burdensome expansion of collective bargaining to purportedly fix the very problem the author of the bill created in the first place.

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Mandating use of a Peer Assistance and Review (PAR) program, mandating expansion of collective bargaining, and establishing a right to appeal a non-re-election make it highly burdensome to consider a beneficial trade-off to offer year-3 probation for a teacher with 2 unsatisfactory ratings and therefore not conducive to encourage districts to help struggling teachers.

As with many gut and amend bills crafted behind closed doors in Sacramento, AB 1164 has serious technical flaws and establishes impossible mandated pre-conditions to achieve its stated goals. The author of the bill failed to recognize the functioning of school calendars and evaluation cycles in California, failed to address known issues of unsatisfactory performance ratings that relate exclusively to conduct and outside of pedagogy that would otherwise be addressed in a Peer Assistance and Review (PAR) program, and extends irresponsible restrictive thresholds for rainy day accounts violating local control.

Taken as a whole, AB 1164 is several steps backward from current law in addressing the need to support struggling teachers and establishes new costly mandates to fix the problems the bill itself creates. AB 1164 will make the teacher shortage in California worse by sending a clear message to prospective teachers in California that you are more likely be rated unsatisfactory as a new teacher and lose your job during the next economic downturn compared to current law.

If you have any questions regarding our position, please don't hesitate to contact me.

Sincerely,



Bill Lucia
President, EdVoice

cc: Assemblymember Thurmond
Members of the Senate Education Committee