

SA2005RF0028

January 13, 2005

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Office of the Attorney General
1300 I Street
Sacramento, CA 95814

Attention: Trisha Knight, Initiative Coordinator

Re: The Excellence in Teaching Act

Dear Ms. Knight:

Pursuant to Elections Code section 9002, we request that the Attorney General prepare a title and summary of a measure entitled "The Excellence in Teaching Act." The text of the measure and a check for \$200.00, are attached. All proponents have signed this request. The addresses at which we are registered to vote is also attached on a separate piece of paper which we understand will not be made available to the public consistent with law.

Please direct all correspondence and inquiries regarding this measure to:

Tony Strickland
15486 Kernvale Avenue
Moorpark, CA 93021
Phone: 805-529-4009
FAX: 805-529-4081

Sincerely,

~~Tony~~ Strickland

SECTION 1. Title

This measure shall be known as the "Excellence in Teaching Act."

SECTION 2. Findings and Declarations

- (a) California children deserve the best teachers available.
- (b) California Schools should be able to grant higher pay to teachers who best improve student achievement and teachers who accept the most difficult teaching assignments.
- (c) Current law and collective bargaining agreements prevent merit pay by requiring teacher salary schedules to be uniform for all teachers with similar years of training and experience.
- (d) California schools should have the right to make the best quality teaching assignments based on the needs of students.
- (e) Teacher assignments are based more on teacher seniority and tenure rules than on the needs of the students or teacher performance, depriving students of the best available educational experience.
- (f) Teachers currently are granted permanent employment status after only two years on the job. Experts believe that a teacher's ultimate potential and skill level cannot be fully assessed within just two years.
- (g) The standards used to assess teacher performance should include student academic achievement and should be discussed and adopted by school boards at public meetings and disclosed on school district web sites.

SECTION 3. Purpose and Intent

In enacting this measure, it is the intent of the people of the State of California to ensure that teachers will be evaluated and compensated based on performance including improvements in student academic achievement, that the needs of students will be given high priority in the assignment of teachers, and that teacher evaluation standards will be publicly adopted and accessible to parents.

SECTION 4: Education Code section 44929.21 is amended to read:

Section 6.1 is added to Article IX of the California Constitution:

Section 6.1. (a) Notwithstanding any other provision of this Constitution, any employment decision by a school district shall be based solely on employee performance, as assessed

annually, and on the needs of the school district and its pupils, as determined by the governing board of the school district, and employee seniority shall not be considered in making any employment decision. As to school administrators and teachers, employee performance shall be assessed based upon an appropriate combination, as determined by the governing board of the school district, of individual annual performance evaluations and improvements in pupil academic achievement as measured by state-adopted standardized tests. The system used to assess the performance of employees, including the specific criteria and the relative weight given to each criterion, shall be discussed and adopted at a public meeting of the governing board of the school district. The school district shall post on its Web site a description of the system used to evaluate performance, and shall submit that information to the State Board of Education for posting on the Web site of the board.

(b) Notwithstanding any other provision of this Constitution, an employee hired by a school district on or after the effective date of this section may be granted tenure or other permanent employment status only if his or her 5 most recent annual performance assessments by a school district have been satisfactory, as determined by the criteria used to determine employee performance pursuant to subdivision (a).

(c) This section supersedes the conflicting provisions of any collective bargaining agreement that is entered into, or renewed or extended, on or after the effective date of this section.

(d) The following definitions govern the interpretation of this section:

(1) "Employment decision" means hiring, compensating, promoting, demoting, or terminating an employee, or transferring or assigning an employee within the district.

(2) "Governing board of the school district" means the entity that makes employment decisions for the school district.

(3) "Annual performance assessments" means the assessments, conducted annually, pursuant to the system used to assess performance adopted by the governing board of the school district pursuant to subdivision (a).

(4) "School district" means a unified school district, elementary school district, high school district, county office of education, or charter school.

SECTION 5. Conflicting Ballot Measures

In the event that this measure and another constitutional measure or measures relating to teacher tenure shall appear on the same statewide election ballot, the provisions of the other measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measures shall be null and void.

SECTION 6. Severability

If any provisions of this act, or part thereof, are for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions are severable.