

Making the Grade?

Assessing School District Progress on SB 813

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Assessing School Districts Progress on SB 813

Loren Kaye

April 1985

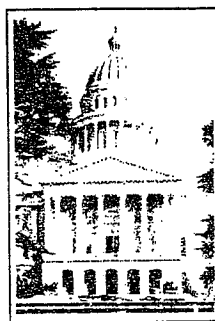
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Executive Summary

Following are the primary conclusions drawn from the California Tax Foundation's six-month study assessing 24 school districts' progress carrying into effect *SB 813*, the 1983 education reform legislation.

I. Diversity

- California's public school system has enormous diversity — geographic, economic, and demographic. This diversity is an important factor in how a district has complied with *SB 813* (p. 7).
- Diversity also has been determined by a school district's or a local community's own decisions. The ability to make these decisions — local control — has eroded over the past decade (p. 10).
- The most important remaining feature of local decisionmaking is collective bargaining, which has an important influence on how districts interpreted *SB 813* (p. 11).

II. Instructional Time

- Almost every district in the state is maintaining or increasing instructional time to meet the goals set in *SB 813* (p. 18).
- Every district surveyed has increased its instructional year to at least 180 days (p. 19).
- These provisions of *SB 813* have stopped the past decade's erosion of instructional time; shortening of the instructional day has ceased (p. 18).
- Half the grade levels surveyed have increased instructional days by more than five minutes (p. 22).
- Grades one and two and nine through 12 usually required the greatest increase (p. 22).
- The middle grades, four through eight, generally required only minimal adjustment, if any (p. 22).
- Most districts increased instructional time all in a single year, rather than phasing it in over three years (p. 23).
- Most district administrators, teachers, and association officials believe that the amount of instructional time added in their districts will have only minor effect on student performance (p. 24).

- Most educators believe increasing the instructional year will have a greater effect than increasing the length of the instructional day (p. 25).
- Four districts used part of the incentive funding to restore a sixth period in their high schools. Administrators and teachers believe the added period will have a major effect on pupil performance (p. 26).
- Most districts added more time without changing the instructional program (p. 26).
- Staff development days were used by a very small number of districts to meet the instructional year goal (p. 27).
- Increasing passing time was used by a very small number of districts to meet the instructional time goals (p. 26).
- Only one district added a home room to meet instructional time goals (p. 27).
- Virtually all instructional time incentive funding received by districts was used to increase salaries for currently employed teachers. Districts that added a class period used a portion of the new money for new teachers (p. 28).
- Most districts are satisfied that the money they received for the longer year and day is sufficient to cover increased costs (p. 29).
- Of the districts surveyed, few major obstacles were encountered in increasing time; with few exceptions, collective bargaining went smoothly. Transportation problems were noted in some districts (p. 30).

III. Mentor Teacher Program

- California's Mentor Teacher Program is not merit pay, but rather extra pay for extra work for teachers with exemplary abilities (p. 32).
- Some 741 districts (72%) are currently participating in the mentor teacher program statewide. These districts represent more than 90% of teachers and students. Non-participating districts therefore tend to be small (p. 33).
- Mentors were allocated at a rate of one mentor for every 48 teachers for districts first applying in 1983; for districts first applying in 1984, the allocation rate was 1:119 (p. 34).
- Of the five surveyed districts that chose not to participate, three were small, one already had an extensive staff development program, and one was prevailed upon by teachers to reject the program (p. 34).
- Half the districts surveyed bargained the operation of their mentor programs. The other half had only informal discussions with teachers (p. 35).
- Collective bargaining influenced how quickly the mentor program was commenced (p. 36).
- Districts that had trouble bargaining the mentor program already had labor relations difficulties; advent of the mentor program neither exacerbated those problems nor created problems where they did not previously exist (p. 37).
- In a few districts, bargaining over the mentor program was colored by union organizational needs (p. 38).

- Delay in receiving state regulations and allocations caused problems in starting the mentor program locally (p. 39).
- Districts opted into the program for a variety of reasons: to develop staff and curriculum, to increase some teachers' pay, and to help staff hard-to-staff schools (p. 39).
- Several districts have not received enough qualified applicants to fill the number of allotted slots; in several others, competition was minimal (p. 40).
- Most mentors are engaged in multiple duties; curriculum development is the most popular (p. 41).
- After initial skepticism, teachers have generally accepted mentors (p. 42).
- Procedures setting up selection committees were extensively bargained. Committee procedures were mostly controlled by teachers (p. 42).
- Most districts found funding for support costs sufficient. Most used that funding for substitute teachers for mentors released from the classroom (p. 44).
- Release time for mentors has been less than expected because of mentor resistance to leaving their classrooms and the difficulty in obtaining substitutes (p. 45).

IV. Beginning Teacher Salaries

- Participation in this program statewide is low, compared with participation in other reforms studied (p. 50).
- Non-participating districts tend to be either small and rural, have declining enrollment, have a high percentage of their teachers at the highest end of the schedule, and/or see little prospect of hiring new teachers in the near future (p. 52).
- The program is successful for participating districts (p. 52).
- Beginning teacher salaries have been increased 5% to 15% a year in participating districts; the lower portion of the salary schedule has been raised and "flattened (p. 52)."
- Administrators believe raising beginning salaries will help recruitment efforts and increase education's competitiveness with other industries and occupations (p. 55).
- Raising beginning teacher salaries has met with strong objections from rank-and-file senior teachers (p. 52).
- Several districts have utilized "loopholes" in the program to counteract the flattening of the salary schedule (p. 53).
- Most districts raised minimum salaries "off the salary schedule" in order to eventually restore their pre-existing salary structure (p. 54).

V. Graduation Requirements

- Virtually all districts statewide will meet the *SB 813* graduation requirements by 1987. Most are meeting the standard this year (p. 59).
- Fewer districts, but still more than half, are meeting the State Board of Education's tougher graduation standards (p. 59).
- Most districts will make English a four-year requirement (p. 60).

- Most districts already require three years of social sciences (p. 60).
- Most districts required only one year of math and one year, or less, of science (p. 60).
- Science was singled out as the most difficult requirement to offer because of the new costs and students' unfamiliarity with the subject matter (p. 61).
- Only a few districts had required fine arts or foreign language for high school graduation prior to *SB 813* (p. 61).
- Most districts increased the number of units required for graduation (p. 61).
- There was little evidence of electives and vocational course offerings being "squeezed out" by increased graduation requirements (p. 61).
- The new requirements did not force districts to add personnel where they would not have otherwise; but they did affect what types of teachers would be hired (p. 62).
- No district laid off personnel because of adoption of the new standards (p. 62).
- Administrators were split over whether the *SB 813* graduation requirements would exacerbate the teacher shortage problem (p. 62).
- The only major new cost due to the new standards was the requirement to expand science offerings (p. 62).

VI. Personnel Management

- Most reforms in personnel management made by *SB 813* have had little effect on school district practices (p. 63).
- Districts' efforts to improve principals' evaluation techniques are the major success in this area. Most districts are taking this requirement seriously and are providing new training opportunities for administrators (p. 65).
- Many new statutory requirements codify existing local practices for many districts. Frequent evaluation of unsatisfactory employees, further training requirements for unsatisfactory employees, and assurances for probationary teachers are not new practices in these districts (p. 67).
- Reducing the probationary period from three to two years made little difference in personnel practices (p. 68).
- Changes in dismissal procedures for probationary teachers are mostly ineffective. Few districts have adopted them, none has used them, and the law is tied up in litigation (p. 69).
- It is too early to tell what effect changes in layoff procedures will have because none of the districts visited expects to lay off employees in the near future. Because they did not expect a problem, most districts chose not to bother adopting the change. Some districts already had exceptions to seniority in their contracts or practices; others had relied on existing case law to justify such exceptions (p. 70).
- Districts have not used the changes in permanent teacher dismissal procedures. Few believe the changes will be substantive. None has decided to undertake a dismissal because of "streamlined" procedures (p. 71).

- No district has used the formal statutory process to discipline a certificated employee (p. 72).
- Some districts have negotiated a suspension provision in their contracts; most achieved this if they had agreed to sanction an agency fee election (p. 72).

Introduction

In 1983, California was swept up in the nationwide push for education reform. Motivated by rising public clamor for action and influenced by respected reports such as *A Nation at Risk*¹ and *Improving Student Performance in California*², a massive reform statute was drafted, passed by the Legislature, and signed by the Governor.

In 1983 California also was entangled in its greatest fiscal crisis in 40 years. It is testament to the power of an issue that as the state was struggling to meet its payroll, it also chose to embark on a multibillion dollar school finance plan. Tied to this money was an amalgam of laws, mandates, and incentives — unprecedented in the scope of state influence on local education policy.

Senate Bill 813 is providing more than \$3.2 billion in new money to public schools over the three years since its passage. This funding has provided the fastest rate of growth in more than a decade (Figure 1).

Senate Bill 813 also made more than 80 changes — the reforms — in education programs. Some of these changes came after hard negotiations and compromise, but most, including the following, were the result of broad consensus:

- Increasing instructional time.
- Raising graduation requirements.
- Attracting and retaining high-quality personnel.
- Improving personnel management.
- Strengthening school authority over student discipline.
- Improving the efficiency of categorical programs.

Cal-Tax Foundation Study

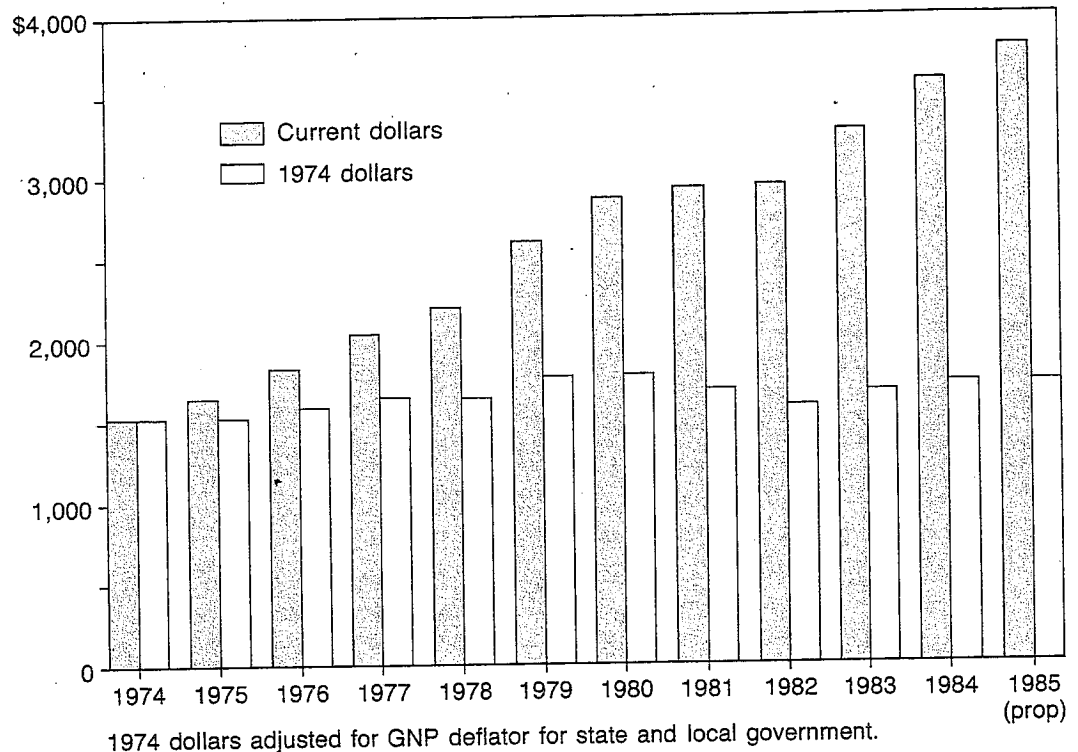
Senate Bill 813 provided moral and legal authority, and substantial new funding, to revitalize and reform the schools. But it was not self-executing.

1. National Commission on Excellence in Education, *A Nation at Risk*, Washington DC: US Department of Education, 1983.

2. Berman, Paul, and Weiler, Daniel; *Improving Student Performance in California*, Recommendations for the California Roundtable, Berkeley: 1983.

Total K-12 Revenues per Pupil 1974-75 to 1985-86

Figure 1



Source: Legislative Analyst

The Cal-Tax Foundation recognized the need for an assessment on how school districts have coped with *SB 813*. With the success or failure of the legislation now in the hands of local school boards, administrators, union leaders, teachers, and communities, it was essential to know how the reforms were being treated locally. How was the intent of the Legislature, governor, superintendent of public instruction, and other statewide interests — as reflected in *SB 813* — being translated into educational programs and practices in the field?

The Foundation chose five of the most important of *SB 813*'s reforms and tested how they have been put into place by school districts from throughout California.

Instructional time. *Senate Bill 813* set a three-year goal for increased instructional time for all grade levels, and provided money as an incentive to reach that goal.

Studies had been published tying instructional time with student performance. They showed California's school day and year shorter than other states'. Many high schools had cut back on sixth periods as a result of slower rate of funding growth. Many schools

were at or near the state minimum of 175 instructional days. This issue took on great political importance and became a necessary and expensive part of the reform equation.

Mentor teachers. *Senate Bill 813* created the Mentor Teacher Program, which provides exemplary teachers stipends for extra service and responsibility.

Many educators argued that a lack of career advancement opportunities caused high turnover within the teaching profession. They also said that new teachers were often thrown into the profession with little guidance. The mentor program was designed to deal with these two needs.

Beginning teacher salaries. *Senate Bill 813* provided funding for three years to boost starting teachers' salaries to \$20,000 a year.

Average teacher salaries in California historically rank among the top five of all states. But starting salaries for new teachers had been relatively low, ranging from \$12,000 to \$15,000 annually. With another teacher shortage pending and with greater competition for specialists in such skills as math and science, it was decided that the state must provide the mechanism to boost starting salaries.

Graduation requirements. *Senate Bill 813* mandated adoption of state high school graduation requirements, removing from local school boards much of their autonomy in setting curricular priorities.

For 14 years, local school districts had set their own high school graduation requirements. Reports of low standards, such as a year or two of English, and minimum math and science, troubled many business leaders and state officials.

Personnel management. *Senate Bill 813* made a number of changes in personnel management laws: requiring that administrators be certified competent to evaluate teachers, loosening some of the protections for probationary teachers, granting more flexibility in layoff procedures, and permitting disciplinary measures to be negotiated at the bargaining table.

School boards and administrators have long chafed under the belief that "it is impossible to get rid of an incompetent teacher." Strong tenure laws and the vigilance of active teachers unions led to few actual dismissals of incompetent or unprofessional staff, and not many more forced resignations. Some supported *SB 813* based on the belief that those personnel management concerns would be addressed in the measure.

Study Design

Recognizing the difficulty of conducting a comprehensive statewide study of school districts and *SB 813*, the Foundation decided to use a case study approach.

Twenty-four school districts were selected and on-site interviews were conducted in late 1984 and early 1985. Districts were selected based on four characteristics: size, location, district type (unified, elementary, high school), and urban-rural-suburban setting. Selected districts were also checked for socioeconomic balance.

On-site interviews were used instead of mail or telephone surveys because of the depth of response required. The interviews enabled the Foundation to develop the detailed information necessary to ascertain how districts have coped with the new state mandates and programs.

Interviews with state education officials, legislative staff, education advocates and consultants, and local school officials were utilized to design a survey questionnaire for use in local school districts (see Appendix). This questionnaire was supplemented by documentary information provided by the districts interviewed.

Teachers and local teachers organization representatives were interviewed for their perspective on a number of the issues raised by this study. In addition, statewide statistical information was obtained from the Department of Education.

Limitations of Study

While every effort has been made to select 24 school districts that are representative of the state, the sample selected is but a small proportion of all California school agencies. Where necessary, the conclusions reached have been evaluated against the knowledge of state and local officials, other studies, and data available from the state Department of Education and other state agencies.

However, although the Foundation's conclusions often appear to represent the state as a whole, no guarantee can be offered that this indeed is the case. Conditions affecting district progress in complying with *SB 813* can vary widely, as discussed in Chapter I.

In addition, of necessity the study provides conclusions based on a district-wide effort. For many of the *SB 813* programs, especially instructional time, the effect may not be uniform for each and every school site.

Acknowledgments

Rebecca Taylor and Carol Ross, Cal-Tax senior research analysts, assisted in conducting district interviews, and wrote Chapter III, Mentor Teacher Program.

This study could only have been completed with the assistance and cooperation of numerous school districts, teachers representatives, state agencies, and knowledgeable individuals. The Foundation is indebted to participating school districts listed in Chapter II; without exception, district superintendents and management staff were generous with their time, documents, and opinions.

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Appropriations Required for Major New Programs Authorized by Senate Bill 813 (in millions)

Table 1

Program	1983-84	1984-85 (est.)	1985-86 (prop.)
Instructional year and day		\$246.3	\$105.0
Summer school		39.6	44.0
Textbook expansion	\$36.9	38.4	40.7
Mentor teachers	10.8	30.8	37.8
Minimum teachers' salaries	2.9	24.8	25.4
Small school funding	4.1	17.0	19.6
Teacher grants		17.1	17.1
Education technology	2.2	15.3	15.9
Education improvement incentives		14.4	15.0
Year-round schools			7.7
High school counseling	6.2	6.6	6.9
Other	3.5	9.4	11.0

Sources: Legislative Analyst, Governor's Budget, 1985-86

I Diversity

Findings

- *California's public school system has enormous diversity — geographic, economic, and demographic. This diversity is an important factor in how a district has complied with SB 813.*
 - *Diversity also has been determined by a school district's or a local community's own decisions. The ability to make these decisions — local control — has eroded over the past decade.*
 - *The most important remaining feature of local decisionmaking is collective bargaining, which has an important influence on how districts interpreted SB 813.*
-

More than four million children attend California schools from kindergarten through high school. They are organized into 1,030 school districts with more than 7,000 individual school sites.

Districts range in size from the sprawling Los Angeles Unified, with a half-million students, to tiny Blake Elementary in the San Joaquin Valley with eight. There are hundreds of single-school districts — many in mountain, desert, and other rural areas. One-quarter of the state's districts have less than 250 students.

As is true with the state's population, most students are concentrated in only a few areas. More than a third of all pupils are in just 22 school districts. There are high schools in large urban areas with as many as 4,000 students enrolled, more in one school than in any of 800 districts in California.

In order to capture this wide diversity of school types and conditions, the Foundation chose a purposive sample, using four characteristics: size, location, district type (unified, high school, and elementary), and urban-rural-suburban type. The resulting sample was checked to maintain balance in socioeconomic status and to assure representation of growing, stable, and declining enrollment districts.

Twenty-four school districts were chosen for this survey. The sampling was not strictly random, but the selection is representative of the most important variations that affect schools (see map). The sample underrepresents the number of small districts, but adequately represents the number of students in those districts.

The most compelling observation arising out of the sampled districts was also, in retrospect, the most obvious: there is enormous diversity among school districts in California. Each district the Foundation visited had a very different set of problems, and went about solving them in a variety of ways. This diversity was an important factor in how districts dealt with the new requirements and opportunities of *SB 813*.

Table 2 lists the sampled districts along with their selection characteristics. Following are the 24 districts and some examples of the variety of circumstances that set them apart from each other:

Districts Selected for Study

Table 2

School District	Type	Size	Urban	Location	ADA	EIA	County
Los Angeles Unified	U	L	U	S	545,072	1.73	Los Angeles
San Francisco Unified	U	L	U	B	61,242	2.00	San Francisco
Fresno Unified	U	L	U	C	53,816	1.59	Fresno
San Juan Unified	U	L	S	C	42,920	0.61	Sacramento
San Jose Unified	U	L	S	B	30,267	1.15	Santa Clara
Sweetwater Union High	H	L	U	S	23,940	1.51	San Diego
Kern Union High	H	L	R	C	16,412	1.30	Kern
Vallejo City Unified	U	L	U	B	14,436	1.11	Solano
Anaheim Elementary	E	L	S	S	11,530	1.18	Orange
Moreno Valley Unified	U	M	S	S	11,269	0.99	Riverside
San Mateo Union High	H	M	S	B	9,143	0.53	San Mateo
Santa Barbara City High	H	M	S	S	8,950	0.74	Santa Barbara
Acalanes Union High	H	M	S	B	5,386	0.27	Contra Costa
Hawthorne Elementary	E	M	U	S	4,995	1.25	Los Angeles
Fallbrook Union Elementary	E	M	R	S	3,859	0.56	San Diego
Santa Barbara City Elementary	E	M	S	S	3,811	1.20	Santa Barbara
Calaveras Unified	U	M	R	C	2,608	0.55	Calaveras
Healdsburg Union High	H	S	S	B	1,403	1.23	Sonoma
Ripon Unified	U	S	R	C	1,322	0.80	San Joaquin
Wiseburn Elementary	E	S	U	S	1,175	0.67	Los Angeles
Oak Park Unified	U	S	S	S	1,043	0.08	Ventura
Healdsburg Union Elementary	E	S	S	B	989	1.16	Sonoma
Cottonwood Union Elementary	E	S	R	C	971	0.65	Shasta
Emery Unified	U	S	U	B	323	1.32	Alameda
Cayucos Elementary	E	S	R	C	212	1.16	San Luis Obispo
Total					857,094		
Proportion of total state ADA					21%		
Simple average						1.01	

Type: U: unified; H: high school; E: elementary

Size: L: more than 11,500 ADA; M: 1,500 — 11,500 ADA; S: less than 1,500 ADA

Urban: U: urban; S: suburban; R: rural

Location: S: south state; B: SF bay area; C: central and north state

ADA: average daily attendance, 1984-85 (P1)

EIA: economic impact aid (need) factor

Acalanes High: Located in an affluent, homogeneous community east of the Oakland Hills; high proportion of college-bound students; high parental involvement; easygoing relationship with teachers association.

Anaheim Elementary: Located in Orange County; only K-6 district in study; 51% of students are nonwhite and Hispanic, large numbers of Latin American and Southeast Asian immigrants; urban part of district increasing in enrollment, suburban portion declining.

Calaveras Unified: Located in foothills of Sierra Nevada; sprawling district — many policy decisions dictated by transportation costs and scheduling; rapid growth of 3% to 5% a year.

Cayucos Elementary: Located on central coast; tiny, one-school district; one administrator, 10 teachers; using to full advantage all *SB 813* programs being studied.

Cottonwood Elementary: Rural district in north Sacramento Valley; run by superintendent with 39 years tenure in district; no exclusive union representation; large reserves in building fund.

Emery Unified: Small urban district in east San Francisco Bay Area; rebounding from severe fiscal problems; borrowed \$600,000 from state, closed one of three schools, laid off more than half of staff.

Fallbrook Elementary: Located in north San Diego County; two of seven schools located on Camp Pendleton Marine Base; no fiscal difficulties but problems maintaining ethnic and racial balance in schools; new (at the time of *SB 813*) superintendent worked to centralize authority.

Fresno Unified: Teacher and substitute teacher recruitment problems, compounded by required basic skills test; comfortable with collective bargaining process; some space problems with year-round schools; half of schools lack air conditioning.

Hawthorne Elementary: Located in Los Angeles basin; active in community (child care) and interagency (instructional television) programs; promotes summer jobs for teachers; low wealth district.

Healdsburg Elementary: Small, but diverse district in central Sonoma County; rural and suburban; wealthy and low income; principals required to spend 20% of their time in classrooms.

Healdsburg High: Same administration as Healdsburg Elementary; separate board, bargaining units, salary schedules.

Kern High: Sprawling district centered in Bakersfield; no exclusive representation (i.e., teacher association certified for collective bargaining) until after Proposition 13; upheaval following 1978, including labor problems, attempted school board recalls, and the departure of the superintendent and association president; transportation large factor in decisions.

Los Angeles Unified: Largest district in state, second largest in nation; has a piece of every problem afflicting schools in California; severe facilities problems in parts of district; long-festered desegregation issues; district advanced money from reserves to get a head start on some *SB 813* programs.

Moreno Valley Unified: Rapidly growing district on edge of desert east of Riverside; severe facilities problems; suburban school — parents commute great distances.

Oak Park Unified: Located west of the San Fernando Valley in Ventura County;

district formed in 1978; problem due to not achieving enrollment growth as expected; salary increases formerly based on prevailing wage, now formula based on interaction of state apportionments and class size.

Ripon Unified: Located in upper San Joaquin Valley; combination bedroom community and rural district; emerging growth problems and attendant lack of classrooms.

San Francisco Unified: Large urban district with large urban problems; relative labor peace; no control over classified salaries — set by civil service commission.

San Jose Unified: Recovered from severe fiscal and labor problems; declared bankruptcy in 1983, employee association never accepted bankruptcy; declining enrollment; 85% of teachers at top of the salary schedule; three-year contract with high salary hikes could not be met during 1982-1983 cutbacks.

San Juan Unified: Eighth largest district in state; highly conscious of and very involved in state education policy because of location near capital; facilities problems; militant employee association.

San Mateo High: Located on San Francisco Peninsula; long-term declining enrollment; 80% of households in district do not have school-age children; lost election to levy special tax for schools; 90% of teachers at top of schedule; could replace 70% of staff in next five years.

Santa Barbara City Elementary and High: Two districts run by one board, a single administration, and one certificated employee association with one salary schedule; long-term declining enrollment; had layoff policy by factors other than seniority prior to *SB 813*; history of labor problems.

Sweetwater High: San Diego south bay location; severe labor problems, bitter strike; factfinding recommended and district accepted binding arbitration and agency shop in return for peace; trust only now being regained.

Vallejo Unified: Navy town on northeastern edge of San Francisco Bay; comparatively good fiscal shape; many languages; growing; some teacher recruitment problems.

Wiseburn Elementary: In Los Angeles basin; competes with nearby businesses for teachers, especially technically trained; most teachers have master's degree, continuing education a district priority.

Disappearing Local Control

Factors other than geographic, economic, and demographic contribute to diversity. An important influence is local control, a founding principle of California schools, but today mainly honored in its absence.

Local decisions, such as whether to annex, unify, set tax rates, approve school bonds, elect employee representation, and centralize or decentralize authority, have set the stage for how school districts will mold *SB 813* to their local circumstances.

Understanding local control is important in light of the emphasis *SB 813* placed on state funding and programs.

Since 1972, when the state began setting school district revenues, and especially since 1978's Proposition 13, districts have seen their ability to make local decisions

eroded by state control. Districts have little say over the aggregate revenues they receive, a key component of collective bargaining.

State-mandated programs, work rules, and management policies have gradually eroded local management decisionmaking, for example, in the following areas:

- Special and bilingual education.
- Mandated layoff and leave policies.
- Statutes governing grade changes and expenditure levels in the budget.

While state policy encourages uniformity, the vestiges of local control work to maintain diversity. As long as a variety of local conditions and at least a minimum of local discretion remain, state policy will be carried out in numerous local manifestations.

Collective Bargaining

The most influential state mandate enacted during the past ten years often promotes the most local diversity. Starting in 1976, school district employers and certificated and classified employees were required to negotiate "matters relating to wages, hours of employment, and other terms and conditions of employment." Collective bargaining is a key variable in determining how well districts have followed through with *SB 813*.

The scope of bargaining — what is or is not negotiable — is extensive. As set down by the Public Employment Relations Board, an item is considered to be "on the table" if:

- It is logically and reasonably related to wages, hours, or a specific condition of employment (such as benefits, class size, evaluations, etc.).
- The subject is of such concern to both management and employees that conflict is likely to occur, which the mediatory effect of bargaining would help resolve.
- The employer's obligation to negotiate would not significantly abridge freedom to exercise managerial prerogatives (including matters of fundamental policy) essential to the district's mission.

Given this road map, it has been widely accepted that many changes in *SB 813* are mandatory subjects of bargaining. In most cases where an item is ambiguous, it has been negotiated.

Items studied that are clearly outside the scope of negotiations include:

- Graduation requirements.
- Decision to participate in the mentor program.
- Final selection of mentors.
- Permanent employee dismissal procedures.

Items that are clearly within scope include:

- Increasing the instructional year.
- Increasing the work day.

- Beginning teacher salary program.
- Procedures governing the mentor program, including the selection committee, release time, evaluation, and use of support funds.
- Layoffs for "lack of funds."
- Intermediate teacher discipline, including suspension.
- Salary schedules based on criteria other than education and experience.

Items that are ambiguous, whether "in" or "out" of the scope of representation, include:

- Increasing the student's instructional day, if no change is made to the work day.
- Responsibilities and duties of mentors.
- New procedures governing dismissal of probationary teachers.
- New procedures governing layoffs.

District Practice

Almost immediately after passage of *SB 813*, there was widespread suspicion that its reforms would be "held up" during collective bargaining for any number of organizational or compensation demands. Rumors were rife that associations were demanding agency shop or binding arbitration in return for cooperation on the mentor program.

This premise was not confirmed by this survey. There were occasional instances of refusal to bargain some reforms until agency shop or binding arbitration demands were settled, but these were rare. More often, there was hard bargaining on the merits of individual reforms. For instance:

- Districts wishing to extend the school year and day were faced with demands for pro rata salary increases or pass-through of all the state incentive funding.
- Proposals to raise minimum salaries were met with counterproposals to improve the rest of the salary schedule.
- Participation in the mentor program often meant agreeing to conditions governing the selection process, which teachers would be aided by the mentors, or restrictions on using districts' general funds for the program. The effect of bargaining on specific reforms in *SB 813* is discussed in more detail in following chapters.

The most striking feature was that *SB 813* did not change underlying relationships at the bargaining table. If labor-management relations had been rocky before *SB 813*, they were likely to continue so. Smooth relations tended to remain smooth. The proliferation of issues offered by *SB 813* did not unduly extend bargaining, except to the extent there were more issues to bargain.

Indeed, *SB 813* might have improved the bargaining atmosphere in some districts by providing more money that could be placed on the bargaining table. But it is equally clear that within the context of collective bargaining, the Legislature cannot create reforms that affect school personnel and expect quick response.

A long time is likely to elapse between adoption of the law, interpretation by the

Department of Education and local officials, obtaining agreement in negotiations, and commencing with the programs.

The added mandates and new choices offered by *SB 813* were not good predictors of the character of collective bargaining in districts studied. More telling was the recent history of relations in that district and, often more important, the personalities of the administrators and association officials.

Uniformity

Though diversity was a hallmark of this survey, there were some instances of uniformity.

Distrust of the state, especially the Legislature, was a common thread with district management as well as teachers. Educators believed they had been shortchanged several times during the state's recession-induced budget struggles, especially in 1982, when a promised 5% inflation adjustment evaporated.

This suspicion arose from expectations spawned by statutory cost-of-living increases that were cut back several times between 1978 and 1983. In many cases, districts had based their budgets on these illusory guarantees; in at least one case, a district signed a three-year labor contract predicated on anticipated state aid that did not materialize.



II Instructional Time

Findings

- *Almost every district in the state is maintaining or increasing instructional time to meet the goals set in SB 813.*
- *Every district surveyed has increased its instructional year to at least 180 days.*
- *These provisions of SB 813 have stopped the past decade's erosion of instructional time; shortening of the instructional day has ceased.*
- *Half the grade levels surveyed have increased instructional days by more than five minutes.*
- *Grades one and two and nine through 12 usually required the greatest increase.*
- *The middle grades, four through eight, generally required only minimal adjustment, if any.*
- *Most districts increased their instructional time all in a single year, rather than phasing it in over three years.*
- *Most district administrators, teachers, and association officials believe that the amount of instructional time added in their districts will have only minor effect on student performance.*
- *Most educators believe increasing the instructional year will have a greater effect than increasing the length of the instructional day.*
- *Four districts used part of the incentive funding to restore a sixth period in their high schools. Administrators and teachers believe the added period will have a major effect on pupil performance.*
- *Most districts added more time without changing the instructional program.*
- *Staff development days were used by a very small number of districts to meet the instructional year goal.*
- *Increasing passing time was used by a very small number of districts to meet the instructional time goals.*
- *Only one district added a home room to meet instructional time goals.*

- *Virtually all instructional time incentive funding received by districts was used to increase salaries for currently employed teachers. Districts that added a class period used a portion of the new money for new teachers.*
- *Most districts are satisfied that the money they received for the longer year and day is sufficient to cover increased costs.*
- *Of the districts surveyed, few major obstacles were encountered in increasing time; with few exceptions, collective bargaining went smoothly. Transportation problems were noted in some districts.*

By 1983, instructional time had become an important test of California public school performance. "Time on task" became the key buzz-phrase describing how long students spent in the classroom attempting to learn.

It was strongly held during the forging of *SB 813* that increased instructional time was linked to academic achievement. The Department of Education concluded:

- "The instructional time offering that pupils receive relates directly to their opportunity to achieve academically. Many factors determine actual academic achievement. The instructional time offering, however, acts to place outside boundaries on the opportunity to teach and to learn in the school setting, thus establishing its relation to academic achievement.
- "The average California pupil is offered considerably less instructional time than the average pupil nationally. Overall, typical California high school graduates receive one and one-third fewer years of instructional time than their national counterparts. During the four years of high school specifically, California pupils average approximately two and one-half months less instructional time."

The familiar national studies and the California Roundtable report, *Improving Student Performance in California*, also noted the comparative lack of time students spend in class and on homework, especially on academic subjects.

Their findings were widely accepted, and along with diminished standards, were considered the central cause of declining student performance in California. The question was not whether to increase instructional time, or even by how much, but how or whether to pay for the increase.

Legislative Intent

Prior to *SB 813*, California law had set the minimum instructional year at 175 days; most districts in California taught 175 or 176 days. Length of the school day was in large part left up to school boards, as long as it was at least four hours, for most grade levels.

Each major education proposal in 1983 included a plan to increase instructional time. Their strategies, however, were very different.

State Schools Superintendent Bill Honig proposed a three-year phase-in of increased time, culminating in 1986-87, when all school districts would provide at least:

- 36,000 minutes of kindergarten (180 days, 200 minutes per day).
- 50,400 minutes in grades one through three (280 minutes).

- 54,000 minutes in grades four through twelve (300 minutes).

No explicit reference was made to a 180-day year. Honig wanted to give maximum flexibility to school districts to design their educational programs within a broad mandate of minutes per year. This would allow districts to retain any number of short or long days, as long as the minimum number of "annual minutes" was met.

Honig also proposed that high school students be required to take at least five classes a semester in their senior year to maintain the habit of studying in preparation for college and the world of work. This was eventually adopted.

Honig earmarked no special funding for the increased instructional time above the 8% inflation adjustment proposed in his package.

Like Honig, Senate Education Committee Chairman Gary Hart proposed identical instructional time requirements, but Hart delayed its effective date for one year in recognition of the state's severe fiscal difficulties. Hart also proposed that if the regular inflation adjustment fell below 6% in any of the three-year phase-in, districts would be relieved of the instructional time requirement.

Assembly Education Committee Chairwoman Teresa Hughes introduced the incentive approach, a version of which was eventually adopted in *SB 813*. Her proposal provided districts \$35 per student to increase the instructional year to 180 days. Focusing primarily on those districts that reduced their high school day from six to five periods, her bill provided \$120 per high school student to increase the instructional day to 360 minutes.

Compromise

The final version was a compromise — and then some — among all three proposals. In order to avoid breaking a precariously balanced budget, the effective date and funding for the time requirements were delayed to 1984-85.

Instructional year. *Senate Bill 813* provided \$35 per student for districts that increase their instructional year in 1984-85 to 180 days. If a district receives funding for an increased instructional year, it may not later reduce its total instructional time offering without loss of those funds. (But as currently written, a district could increase its year to 180 days, receive funding, then reduce its year below 180 days at a later date without penalty, provided its total annual minutes requirement was met).

The bill provided \$145 million for the instructional year incentive.

Instructional day. *Senate Bill 813* incorporated Superintendent Honig's notion of "annual minutes" in order to encourage flexibility and creativity by school districts. The bill provided an incentive of \$20 per elementary student and \$40 per high school student in each of fiscal years 1984-85, 1985-86, and 1986-87 for districts that increase their total annual minutes of instruction. A district may not subsequently reduce its instructional time commitment without losing the incentive money. Districts must not in any event reduce the amount of total instructional time below what they offered in 1982-83.

In order to receive the funds, a district must increase its total annual minutes in each of three years by at least a third of the way per year from its 1982-83 level to at least:

- Kindergarten : 36,000 minutes (180 days, 200 minutes).
- Grades 1-3 : 50,400 minutes (180 days, 280 minutes).
- Grades 4-8 : 54,000 minutes (180 days, 300 minutes).
- Grades 9-12: 64,800 minutes (180 days, 360 minutes).

Under this plan, by 1986-87 all participating districts in the state would be providing this minimum annual instructional time.

The bill provided \$105 million a year for each of the three years for the "instructional day" incentive.

Important issues are raised in investigating the effect of the instructional time incentive on school districts:

- How much time did districts add to their program?
- How was the time added?
- Was the time added creatively or as more of the existing program?
- Were improvements in pupil performance expected as a result of the increased time?
- What costs did districts encounter in increasing the time?
- What obstacles did districts face?

Statewide Results

According to the Department of Education, 97% of all California school districts with 99.7% of all pupils are participating in the longer year and longer day incentive funding. If this participation rate seems high, it should be added that *SB 813* requires districts to participate in this program from the outset, for each of the three years, and in each of the district's grade levels in order to receive any incentive money. The smallest mistake in calculating a particular grade's annual minutes could imperil funding for a district's entire program.

Only 14 school districts declined participation in both the longer day and year. Ten more are in the day incentive but not the year; eight are in the year incentive but not the day. Those who did not participate were overwhelmingly small, even tiny, and rural. All but three were elementary schools.

District Survey Results

One motivation of the drafters of *SB 813* in encouraging minimum time standards was to halt suspected erosion of instructional time over the past several decades. This erosion took several forms.

Bargaining Tradeoffs

There was a suspicion in Sacramento that since the advent of collective bargaining in 1976, school districts had been negotiating away instructional time in return for low or no salary increases. Though not always due to collective bargaining, a third of the districts visited had reduced their instructional time offerings during the past 10 to 15 years.

In most of these cases, tight budget conditions motivated districts to settle contracts with small or no salary increases by reducing the school day or year. In one district, specialists in elementary schools were laid off and the instructional time was never made up by regular teachers. In another, student time was cut to provide preparation time and reduced class size. In an interesting case, the school year was reduced by a district that had no exclusive bargaining representative as a way of heading off a threatened union certification election.

But reduction of instructional time was not always because of bargaining over salaries. In one rural district with high transportation expenses, the rapid increase in fuel costs in 1973 forced radical changes in bus schedules, which resulted in reduction of the school day. In that school district, according to the superintendent, "Bus schedules determine our instructional program."

Minimum Days

Another trend contributing to erosion of instructional time was proliferation of minimum days in place of full instructional days. A minimum day is the minimum legal requirement for student attendance for a district to receive state funds. Minimum days for regular students are:

- Kindergarten: 180 minutes.
- Grades 1-3: 230 minutes.
- Grades 4-12: 240 minutes.

Most districts surveyed exceeded statutory minimum days for their regular schedules. Only kindergarten was uniformly at the minimum level; primary grades in 10 districts hovered close to the minimum day. But for all districts except one, instructional days for grades 4-12 far exceeded statutory minimum days.

The policy concern was not, however, that school districts' regular schedules would approach statutory minimum days. It was that districts had been designating a larger and larger number of school days as minimum days: for teacher training, parent-teacher conferences, special student activity days, and faculty meetings, thereby squeezing out instruction. The annual minutes proposal was in part to stop replacement of teaching time with meeting time.

Participation

Every school district interviewed for this study is increasing instructional time according to formulas in *SB 813*. The amount of increase varied widely. Some districts met the threshold by extending the year only. Others had to add substantial time to their instructional day.

Instructional Year

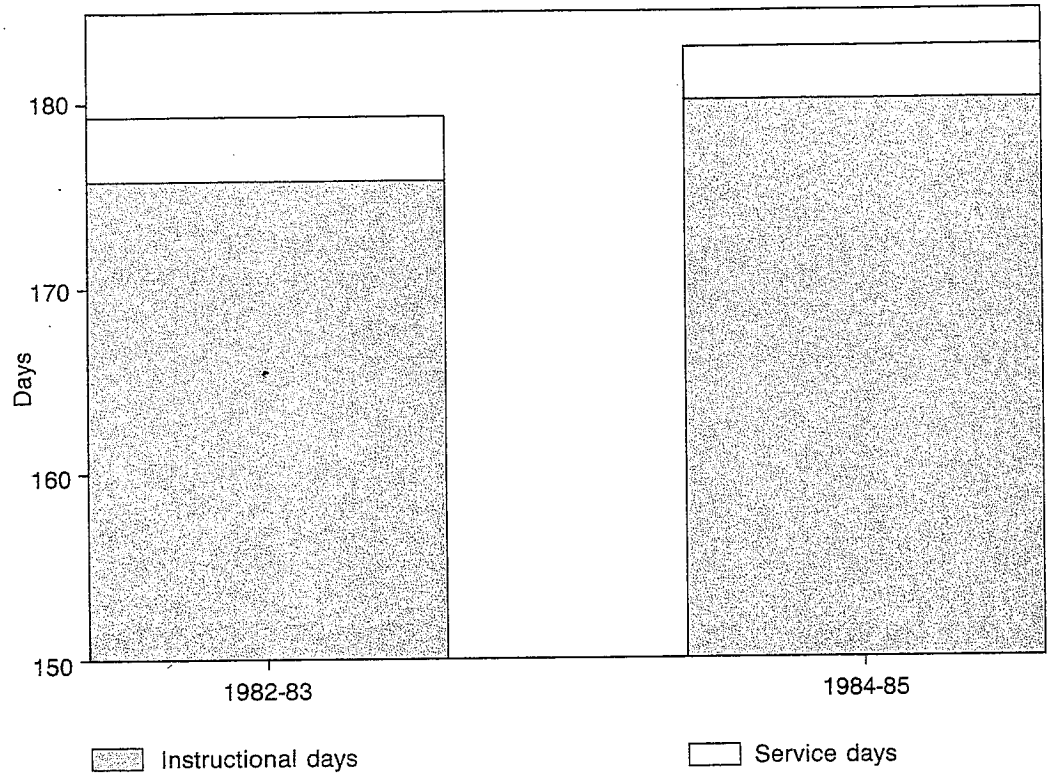
Each of the 24 school districts surveyed is providing at least 180 days of instruction this year. Three districts are providing 181 days. Districts increased their year from as little as three to as many as six days, with the average increase at four.

Teacher service days are the total number of days teachers are under contract and required to be on the school premises, including days for classroom set-up and teacher

training. Service days also increased, but usually by not as much as instructional days. In a third of the districts, teachers negotiated fewer non-instructional service days in 1984-85 than they worked in prior years (Figure 2).

**Average Growth of Instructional Year
of Sampled Districts**

Figure 2



Instructional Day

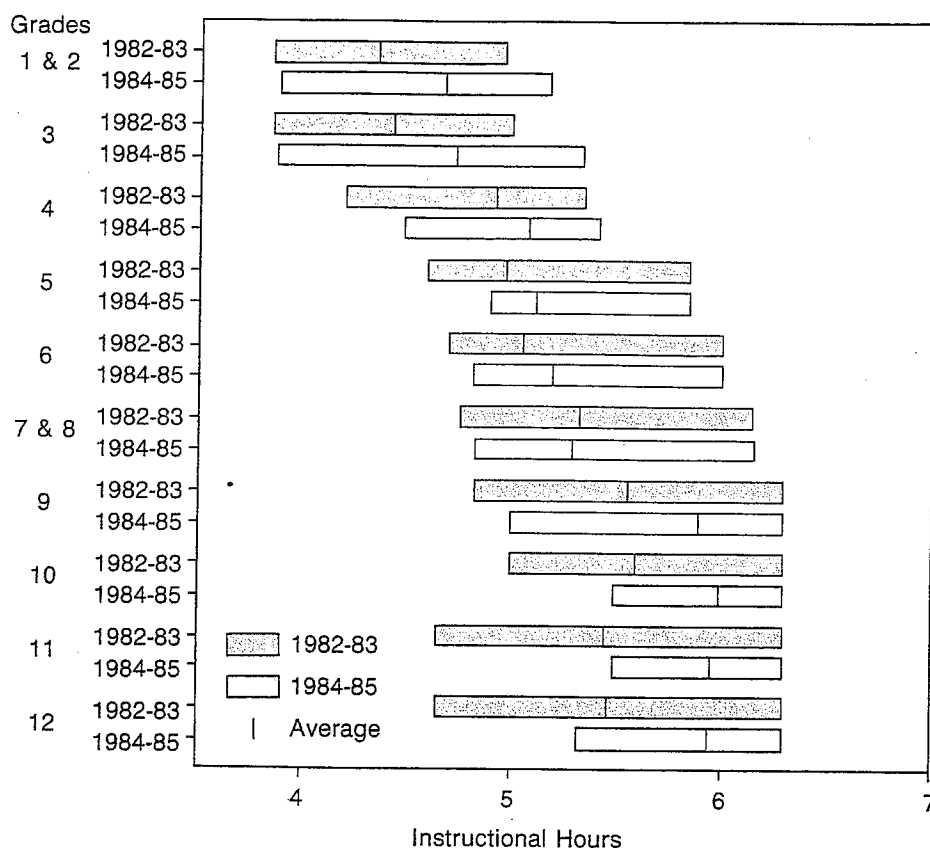
As the drafters of *SB 813* suspected, wide variation existed among California school districts in the amount of time offered students each day (Figure 3). The length of the instructional day ranged:

- For primary grades, from less than four hours to five hours.
- For sixth grade, from four and two-thirds hours to six hours.
- For junior high, from four and three-quarters hours to more than six hours.
- For high school, from five hours to six and one-third hours.

Broad flexibility was provided in *SB 813* for districts to meet the instructional time requirements. Annual minutes, rather than strict year and day requirements, permit-

Range of and Average Daily Instructional Time 1982-83 and 1984-85

Figure 3



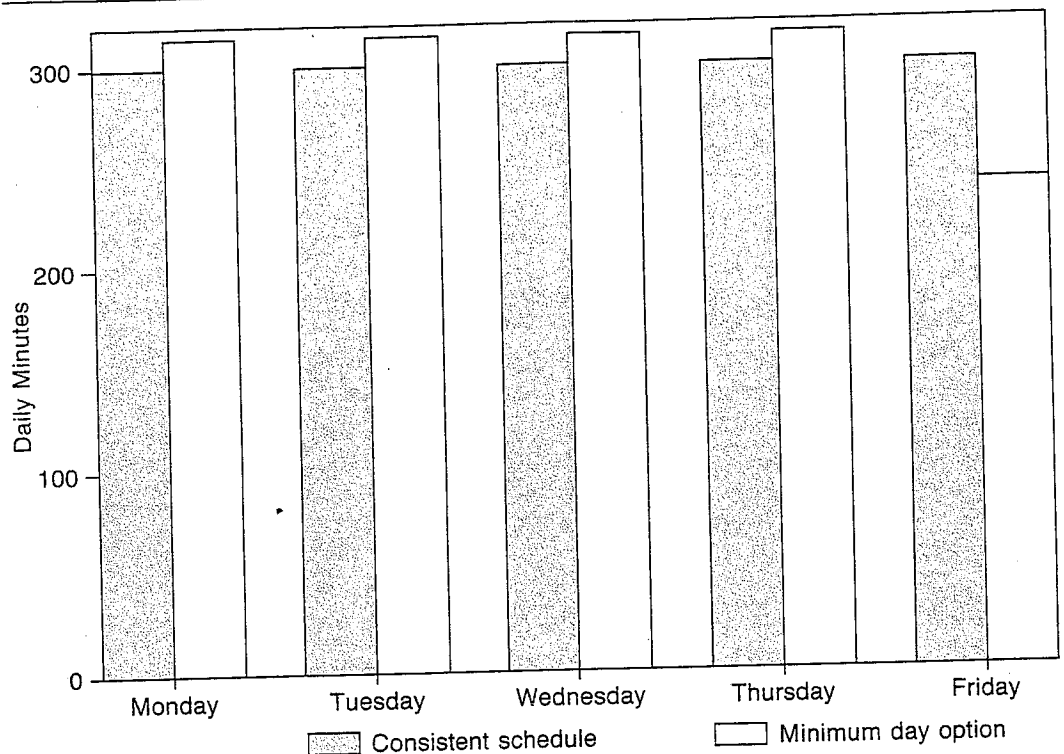
ted manipulation of the length of day and year to best design an instructional program. A three-year phase-in of the time requirements provided time to put the new schedule into place, as well as substantial funding to pay for it.

One aspect of this flexibility is demonstrated in Figure 4. The goal for grade 7, for example, is 54,000 minutes a year; that is, 180 days at 300 minutes per day for a typical schedule. But if a district raised its school day to 315 minutes four days a week, it could designate each Friday as a 240-minute minimum day. It could use those days for teacher training, staff meetings, curriculum development, student activities, or other purposes.

Participation in the instructional time incentive program was high from the outset because, if a district wanted to receive any funding, it must have begun to increase its instructional time in 1984-85. To receive its full share of incentive moneys, the district must participate for each of the three years and in each of its grade levels. The smallest

Flexibility of Instructional Time

Figure 4



mistake in calculating a particular grade's annual minutes could imperil the funding for the district's entire program.

How much was instructional time increased as a result of *SB 813*?

- Each district surveyed took advantage of the instructional time incentive program.
- Every school district increased its school year to at least 180 days.
- Slightly more than half the grade levels in the schools surveyed were required to increase their time more than five minutes a day.
- Grades one and two and high school (9-12) usually required the greatest increases.
- The middle grades, four through eight, generally required only minimal, if any, adjustment.

Table 3 charts, by type of district, the phase-in schedule, the grade levels requiring the biggest increase, the grade levels that already met the goal after adoption of the longer year, and the increase in minutes per day per grade level.

The total average number of added minutes per day per grade level for districts requiring change is charted in Table 4.

Increase in Annual Minutes by Grade Level, by District

Table 3

District	Years to Phase-in	Grades Requiring Biggest Change	Grades Meeting Goal with Adoption of Year	Increase in Minutes per Day by Grade Level												
				K	1	2	3	4	5	6	7	8	9	10	11	12
E	1	None	K-8	0	0	0	0	0	0	0	0	0				
E	1	K	1-8	20	0	0	0	0	0	0	0	0				
E	1	1-2	3-8	20	20	20	0	0	0	0	0	0				
E	1	1-2	4-6	19	3	3	3	0	0	0	0	0				
E	1	1-2	7-8	20	45	45	25	5	5	5	0	0				
E	3	1-3	None	20	19	19	19	9	9	12	12	12				
E/H	3	1-3	K, 7-12	0	29	29	29	19	19	19	0	0	0	0	0	0
E/H	3	1-3	7-12	13	25	25	25	3	3	3	0	0	0	0	0	0
U	1	1-3	4-8	20	20	20	20	0	0	0	0	0	5	5	5	5
U	1	9-12	4-8	14	7	7	7	0	0	0	0	0	35	35	35	35
U	1	9-12	4-8	20	10	10	10	0	0	0	0	0	21	21	21	21
U	1	9-12	4-8	20	10	10	10	0	0	0	0	0	55	55	55	55
U	1	9-12	4-8	20	10	10	10	0	0	0	0	0	55	55	55	55
U	1	9-12	4-8	20	15	15	5	0	0	0	0	0	36	36	36	36
U	1	9-12	6-8	19	21	21	21	24	24	0	0	0	25	25	25	25
U	1	11-12	1-3, 7-10	20	0	0	0	20	20	20	0	0	0	0	60	60
U	2	9-12	None	17	22	22	22	11	11	11	11	11	50	50	50	50
U	3	9-11	4-8	20	50	50	50	0	0	0	0	0	60	60	60	40
U	3	11-12	None	20	28	28	28	48	48	30	30	30	19	25	82	82
H	2	9-12	7-8								0	0	24	24	24	24
H	3	9-12	7-8								0	0	37	37	37	37
H	1	None	9-12										0	0	0	0
H	3	9-12	None										11	11	11	11
Average of all districts				17	18	18	15	7	7	5	3	3	25	26	33	32

Phase-in

Districts were permitted to meet the instructional time goals of *SB 813* by spreading out the increase over three years. This had several effects:

- It allowed the state to appropriate far more total money to schools than the state's fiscal situation in 1983 would have permitted.
- It allowed school districts to spread the money they received over several years.
- Depending on how this money was negotiated, it permitted more districts to plan programs in advance.

Table 4

	Number of Districts Adding Minutes	Average Added Minutes
Kindergarten:	17	19
Grade 1:	16	21
Grade 2:	16	21
Grade 3:	15	19
Grade 4:	8	17
Grade 5:	8	17
Grade 6:	7	14
Grade 7:	3	18
Grade 8:	3	18
Grade 9:	13	33
Grade 10:	13	34
Grade 11:	14	40
Grade 12:	14	38

The major point of contention in *SB 813*, as in all school finance bills, was the size of the cost-of-living adjustment for fiscal 1983-84 and beyond. The proposals ranged from 6% in the Governor's Budget to 9% in *AB 70*, the Assembly Democrats' proposal.

Senate Bill 813 effectively split the cost-of-living adjustment between a straight revenue limit adjustment — eight percent — and the instructional time incentive — equivalent to 3% in 1984-85 and 1% the following two years. A clever compromise was reached whereby substantial new funding was allocated to schools, but phased-in to avoid breaking the budget, while tying the funding to instructional time floors.

Fourteen of the 24 districts surveyed chose to add all the necessary minutes in one year, rather than stretching out the process over three years. Two districts took two years to phase in and the remaining eight used all three years.

Most districts needed just one year because they were either at or very close to the requisite time, and agreed that "it was silly to add three or four minutes each year." Other districts were enthusiastic about putting it in all at once: the time was ripe, there was public support for the issue, and the teachers were ready for it. Other districts argued that it was the "educationally sound thing to do;" "the sooner the time is increased, the sooner the students would reap the benefits."

Districts that went with a three year phase-in did so for a variety of reasons. Some had locked themselves into three-year contracts in the past and only wanted to negotiate time and funding one year at a time; others were suspicious of Sacramento, and "didn't want to give the state something for nothing."

Some thought a large increase in time would be "disruptive." Another district in severe fiscal straits calculated it was the only way to give future salary increases. But the primary reason for a three-year phase-in was that labor relations were touchy, and districts claimed they did not have the leverage or desire to put a three-year program in place in a single year.

Most teachers organizations proposed that the time be phased in over three years. Their reasons included:

- Teachers should not put in the extra time unless they are paid for it.
- There was no assurance that the state would come through with the funding for each of the three years.

The phased approach presented an advantage to teacher organizations by allowing them up to three opportunities to bargain for salary increases based on instructional time.

Effect on Students

Improved pupil performance was the stated purpose for enacting the increased instructional time incentive. Increased instructional time was believed to lead directly to more "time on task," improved performance, and better test scores.

The intent of this study was not to measure pupil performance; it is too early to judge that. But based on reports from the field, the early expectation is that the amount of time added in most districts will not substantially improve pupil performance.

By a two-to-one margin, district administrators did not believe that the amount

of instructional time added in their districts would help improve pupil performance. Most teachers and employee representatives interviewed concurred.

While many believed that added instructional time is a valid issue, they either thought the amount added was insufficient to make any difference, or that the increased time was not put to good use. As one superintendent put it, "Now we are able to do in 55 minutes what we used to do in 50."

Instead, educators saw benefit in lengthening the school year; some even suggested extending it another two to four weeks. Others deemed it most important to restore the sixth period in high school or even add a seventh period. Those who used the funds to help restore a period were overjoyed.

None saw any benefit to adding a few minutes per period per day.

Educators were split on the effect in elementary schools. Some saw adding 20 to 30 minutes a day as beneficial; many elementary teachers had complained of not being able to finish their lessons in the time allotted. Others believed that the attention span in the lower grades has already been reached; adding more time would be counterproductive.

Another educator, supporting the increase in her district, saw the chance of improving time on task with each added minute of seat time: "Increased time is what kids need. The more time in the day we provide teachers, the better the chances of quality time, the more opportunity for active learning time. It's a start. Every bit of extra time will give a chance for kids to learn."

Other districts emphasized that the key to improving pupil performance was improving the quality of instruction, for example, through teacher training. Added instructional time "will not help in and of itself," was a common refrain.

According to teachers and administrators, the most important effects of increasing the school day and year will only indirectly benefit pupils, including:

- Increased teacher salaries.
- Improved image with parents and public — good politics.

Perhaps the most important effect was to bring to a halt the erosion of the instructional day and year in many districts, as described above.

Changes in Curriculum or Staffing

There was near unanimity among administrators that if time was to be added, it had to be used well, not just for more of the same program. "The most potent variable in improvement of instruction is increased time," according to one superintendent. "But it is useless unless it is tied to curriculum objectives and to a teaching process. If so, then it will aid performance."

Except for those districts that added a period, few districts surveyed have thus far used the increased time for specific objectives.

Apart from enhancing salaries for certificated staff, the most notable effect of this reform was that it eased the restoration of a sixth period in several districts that had reduced their high school day.

Four of the 24 districts sampled used part of the money from the increased time for this purpose. In these districts, community sentiment ran strongly in favor of using new money to restore the sixth period. Districts maintained that these plans had been laid prior to *SB 813*, but the measure provided a way to accomplish this without sacrificing current teachers' salary increases.

Of the districts that had offered less than six high school periods, the teacher associations never urged that all the longer day and longer year incentive money go to currently employed teachers.

In Los Angeles Unified, restoring sixth period for high school juniors and seniors meant that they could put the *SB 813* graduation requirements in place without adversely affecting occupational education and fine arts. In its elementary schools, Los Angeles will use the additional time to "semi-departmentalize" math and science instruction. The district plans to use teachers who enjoy or are expert in math and science to focus on these subjects.

A rural district used some of the money to add classrooms for kindergarten teachers. Each teacher has her own classroom now.

Some districts are considering addition of a seventh period, reducing the length of each period, and reducing class size, but none has yet gone ahead with the idea. Teachers are reluctant to endorse this idea because of the increased workload from more pupils.

Otherwise, there were virtually no instances of districts using the increased time or money to hire new staff, reduce class size, or develop new or unique programs or approaches. One reason for this may be the time pressure districts were under to put this program into place.

Some districts designated certain subjects in the elementary grades to benefit from the increased time. Usually, teachers increased by a few minutes the time they spent teaching the same subjects.

Alternative Means to Increase Instructional Time

Increasing actual instructional time is not the only way to comply with *SB 813*.

Passing time. A "departmentalized program" is a curriculum delivered by teachers specialized in subject areas, such as math, English, science, and shop, among others. Students move from class to class over the course of the day rather than remaining in a single classroom to receive instruction from a single teacher. This arrangement is typical in high schools and most junior highs.

Passing time is the interval allowed students to pass from class to class. Typical passing times range from five to seven minutes, although the Department of Education allows up to ten minutes in its attendance manual. For purposes of *SB 813*, passing time is considered to be instructional time. Therefore, in a typical six-period high school day, 25 minutes of that day's instructional time is actually passing time.

A major concern of some legislators and the governor was that districts would increase passing time in order to meet the instructional time goals of *SB 813*, rather than increasing actual teaching time.

To demonstrate the magnitude of the passing time "loophole:" Assuming a 180-day year and 6-period day, adding one minute of passing time in lieu of instructional time would add (1 minute \times 5 passing times \times 180 days) 900 minutes, or the equivalent of 15 to 20 class periods a year.

Two districts used the passing time loophole to meet the annual minutes requirement, one adding two minutes per passing period, the other adding one minute. Two other districts added passing time on individual campuses that had been enlarged; this time was included in their calculation of annual minutes.

Fresno Unified uses passing time to "pay" for teacher training time. Each school is given an instructional time "budget;" by reducing its passing time it can use those minutes for teacher training.

Staff development. Several state programs, including special education and school improvement, provide money for teacher training. To encourage this, the state allows districts to claim per pupil funding credit for these training activities even when pupils are not in school, up to a maximum of eight days a year. The rationale is that schools would be more likely to utilize these programs if paid their regular daily instructional rate than if they had to negotiate a longer teacher contract year with no extra state funds.

These programs and funding credits are continued by *SB 813*. In effect, districts can negotiate staff development days within the instructional year, receive regular and incentive funding for those days, without having to increase the students' instructional year.

Two districts are using the authority in the special education program to conduct staff training sessions in lieu of instructional time; they receive state apportionments and instructional time incentive funding as if students were in attendance. One district is funded for 180 days, though pupils attend 178 days; the other receives 180 days of funding for 179 days of attendance.

The incidence of these non-instructional staff development days is low in part because many districts use minimum days or the days before a semester convenes for teacher training.

Home room. Instructional time is credited "if the activities (in the home room) are under the immediate supervision and control of a teacher and pupils are regularly assigned with their attendance recorded," according to the Department of Education. Many, but not all high schools have had home rooms for years. They are used for study hall, counseling, attendance, announcements, and other administrative matters.

By adding a home room where none existed before, or by lengthening the home room period, districts can add instructional time without extending all class periods.

Only one district surveyed is using this "loophole," adding 21 minutes in the high school by adding a 15 minute home room plus passing time.

On the other hand, another district had contemplated adding a home room period, but has indefinitely postponed any action to avoid the appearance of skirting *SB 813*.

Split-reading schedules. Some districts offer early/late reading schedules in elementary grades: half of a class comes into school, for example, 30 minutes early for a reading

lesson; the other half stays 30 minutes late. A strict interpretation of *SB 813* would have allowed incentive funding only for those two sections as if they were run concurrently, because only half the pupils attended each.

A recent amendment to *SB 813* allows districts that operated a split-reading schedule in 1983-84, or which obtain a waiver, to continue to operate such a schedule, effectively being allowed to "double-count" the pupils, for purposes of the increased instructional time incentive.

Only a third of elementary and unified districts surveyed have split-reading programs. In most of those cases less than half the schools in the district are in the program. Five of the seven districts that have early/late reading are using the exemption. Teachers were insistent in one district that the exemption be used for fear of losing the split-reading time.

Employee Compensation

As discussed above, *SB 813* was, *de facto*, legislation to increase teacher salaries. In the sampled districts, more than 80% of the funds allocated for longer year and 97% allocated for longer day went directly to teacher salaries, mostly for existing, as opposed to newly hired, teachers. The balance of the funds were allocated among management and classified staff, and non-personnel costs, such as transportation, utilities, and supplies.

Almost every district formally negotiated the salary increase for certificated staff for the longer year and day separately from the regular cost-of-living increase. Formally, because when compensation issues are negotiated, it is the final salary increase that everyone pays attention to; source of funds is paid much less attention on the receiving end than on the giving end.

For the longer year, the increase was based, in two-thirds of the districts surveyed, on the per diem rate for number of increased contract days. In half the districts management staff increased their contract year and received a per diem increase. In only one district did management get a salary hike for longer year without actually working more days. The average increase for the longer year was 2.6% for teachers, 2% for management.

But the increase for the longer day was typically wrapped into negotiations for the general inflation COLA and other salary and benefits issues. The most predictable complication was that districts wanted to give less and teachers wanted to get more than the other was offering. When this issue was negotiated separately, districts usually proposed no increase for the day because the teachers' actual contract day did not increase. The distribution of the day — preparation time, student contact time, lunch, and before- and after-school time — was often changed.

In most districts, especially unifieds, teachers at some grade levels increased their contact time while other grade levels did not. No district chose to differentiate a pay increase for longer day based on who actually taught a longer day. And even though some resentment was noticed among rank-and-file, association leadership never did advocate such a position.

Classified employees received increased compensation only to the extent that they worked longer; no general pay increase for those employees was negotiated in any

district based on the availability of funds from the incentive funding.

In about a third of the districts surveyed at least some principals increased their work year. Management staff in these districts received a salary increase on that basis. Another handful of districts also granted their principals and other administrators salary increases based on the longer year, citing increased "intensity" of workload, if not increased contract time.

Sufficiency

Nearly every district is satisfied that the money it is receiving for increasing instructional time will be sufficient to cover costs. The few that claim to be coming up short either have high transportation costs or negotiated a generous agreement with the teachers' association for the longer day. The latter usually happened when the daily rate was increased pro rata for added minutes per day.

Some districts that are short this year count on making up the difference in the two succeeding years. Most districts were careful to negotiate no more than they anticipated they would receive.

Teachers organizations that proposed a pro rata increase for longer day were generally dissatisfied with the sufficiency of the funding, since the aggregate funding is not adequate to cover such an increase for teachers in most districts. But since longer day funding was usually bargained within the context of the entire salary question, this was not a major, separate issue.

Most districts have not made long-term commitments for the future use of the incentive money. Though they expect that most of it will go into teacher salaries, they are reserving their options. However, a handful of districts have agreed on pass-through formulas which grant most or all of the funding from the two succeeding years to certificated salaries.

Effect on Minimum Days

The annual minutes approach has halted the transformation of student instructional time into teacher training or other non-instructional time in the districts surveyed. Most districts have not changed the number of minimum days on their schedules; the rest have reduced their number. No district has increased its number of minimum days since *SB 813* was adopted.

Many districts maintained their previous minimum day schedule by adding more time onto each day or adding an extra day at the end of the year. The phase-in formula in *SB 813* allows districts until 1986-87 to work out their final minimum day schedules.

Obstacles

Increasing the instructional year and day was accomplished relatively smoothly in the districts surveyed. "Just like the good old days," commented one administrator. The problems that were encountered were in collective bargaining, staff relations, transportation, and minor difficulties in scheduling of kindergarten and after-school activities.

There was a lingering suspicion among some districts that the state would renege

on promised funding for the instructional time incentive. A number of them placed escape clauses in their contracts to allow them to cut down on days and time should the state not provide the additional funds.

Longer Year

Few obstacles were encountered in increasing the year. Most embraced the idea, especially because compensation was usually figured on a pro rata basis. Most districts absorbed most of the non-personnel costs from general budgets.

Longer Day

Collective bargaining. The increase in annual minutes caused more problems, mostly because negotiations on this issue were tied to negotiations on salary, benefits, and other major contract issues. (See discussion in Chapter I.) There occasionally was some disgruntlement among staff who increased their contact time vis-a-vis staff who received the identical salary increase but did not boost their time. There seems to be no lasting effect from this.

Apart from bargaining, the most common complaints were over scheduling and some untoward effects on students.

Transportation. Several rural districts noted problems rearranging their bus schedules to accommodate the increased school day. The problems resulted from not just adding more time to the days, but from the consistent length of the days. Oddly, this consistency creates havoc in bus scheduling because staggered release of students is most convenient for busing. Districts accommodated by starting schools earlier and adding more bus runs.

After-school activities. A common complaint was that lengthening the high school day caused problems for after-school athletics, clubs, and other extracurricular activities. Several administrators noted parent complaints over how late students in these activities were arriving home.

Kindergarten. Districts that run two kindergarten classes consecutively reported scheduling difficulties: double-session kindergartens of 200 minutes each run longer than the usual elementary day. The kindergarten pupils therefore come to school earlier or stay later than their older brothers and sisters.

Attention span. Though increased time on task was considered critical by the drafters of *SB 813*, many teachers and administrators argue that longer kindergarten and primary grade classes are not necessarily better. "At the end of the day (for double-session kindergartens), these kids are really sleepy," remarked one teacher. Others commented that pupils in grades one through three, and some special education classes, were already at the limits of their attention spans with the former school day.

III

Mentor Teacher Program

Findings

- *California's Mentor Teacher Program is not merit pay, but rather extra pay for extra work for teachers with exemplary abilities.*
- *Some 741 districts (72%) are currently participating in the mentor teacher program statewide. These districts represent more than 90% of teachers and students. Non-participating districts therefore tend to be small.*
- *Mentors were allocated at a rate of one mentor for every 48 teachers for districts first applying in 1983; for districts first applying in 1984, the allocation rate was 1:119.*
- *Of the five surveyed districts that chose not to participate, three were small, one already had an extensive staff development program, and one was prevailed upon by teachers to reject the program.*
- *Half the districts surveyed bargained the operation of their mentor programs. The other half had only informal discussions with teachers.*
- *Collective bargaining influenced how quickly the mentor program was commenced.*
- *Districts that had trouble bargaining the mentor program were districts that already had labor relations difficulties; advent of the mentor program neither exacerbated those problems nor created problems where they did not previously exist.*
- *In a few districts, bargaining over the mentor program was colored by union organizational needs.*
- *Delay in receiving state regulations and allocations caused problems in starting the mentor program locally.*
- *Districts opted into the program for a variety of reasons: to develop staff and curriculum, to increase some teachers' pay, and to help staff hard-to-staff schools.*
- *Several districts have not received enough qualified applicants to fill the number of allotted slots; in several others, competition was minimal.*
- *Most mentors are engaged in multiple duties; curriculum-development is the most popular.*
- *After initial skepticism, teachers have generally accepted mentors..*

- *Procedures setting up selection committees were extensively bargained. Committee procedures were mostly controlled by teachers.*
- *Most districts found funding for support costs sufficient. Most used that funding for substitute teachers for mentors released from the classroom.*
- *Release time for mentors has been less than expected because of mentor resistance to leaving their classrooms and the difficulty in obtaining substitutes.*

Merit pay was not adopted in California, but a close relative was — the Mentor Teacher Program. This was carefully billed as extra pay for extra work, but recipients of the extra pay were selected, among other criteria, for “exemplary teaching ability.”

Merit pay is a phrase that sets off strident commendation and condemnation. It has become a touchstone for many education reformers intent on returning accountability to the profession. But it is equally repugnant to opponents, usually within the teaching profession, as a system that quickly degenerates into popularity contests, destroys teacher morale, and propels parents into insisting their children be placed in the classrooms of meritorious teachers.

Merit pay is a master of disguises. The Council on Basic Education distinguishes between what is and is not merit pay, leading with its preferred definition:

- “Any program in which some teachers get more pay than others as a result of a conscious judgment that they are more competent.
- “A way to give excellent teachers a pat on the back and give other teachers a motive to follow their example.
- “A method of paying outstanding teachers to spend some of their time helping other teachers. (In this case, merit pay is confused with differentiated staffing.)
- “Extra pay for teachers in fields with too few qualified teachers (math, science, bilingual, or special education). This argument confuses the need to attract qualified people in those fields with the desire to reward general teaching competence.”

Legislative Intent

Drafters of *SB 813* envisioned this provision in a variety of ways:

- Extra pay for extra work.
- Recognition of excellence.
- Guidance for new teachers.
- A career ladder for experienced teachers.
- A means for experienced teachers to upgrade their skills.

Dubbing his idea “Extra Service Incentive Pay,” Superintendent Honig proposed a \$4,000 stipend — half state funds, half local — “to encourage teachers to continue to provide extra services to further student achievement and the educational objectives of the school district, and to recognize contributions made by teachers who provide those services.”

A “Master Teacher Program for experienced teachers with strong curriculum and

instructional skills" was proposed by Assemblywoman Hughes, to "provide incentives for teachers to remain in the public schools through professional recognition and reward, and to restore the teaching profession to its role of primary importance within education."

"Mentor teachers" were proposed by Senator Hart to be chosen by their peers "from among those teachers who demonstrate qualities necessary for effective teaching."

All three of these influences were molded into a concept that was not strictly merit pay, but extra pay for extra work for exemplary teachers.

Enactment of the mentor program raises several important questions:

- How is the program received by administrators and teachers in school districts?
- Is collective bargaining an obstacle or a boost to local acceptance of the mentor program?
- What effect does collective bargaining have on the makeup of the program?
- What are mentors doing?
- How are mentors accepted by other teachers?
- How is the administrative support money being used?

The Law

The California Mentor Teacher Program provides state-funded stipends for up to 5% of the permanent classroom teachers in California. In order to qualify for a stipend, a candidate must be a credentialed, permanent classroom teacher, have substantial recent teaching experience, and have demonstrated exemplary teaching ability.

A selection committee, made up of a majority of classroom teachers, nominates candidates for mentor positions. Candidates are then selected by the school board from those nominated by the committee. Mentors receive a \$4,000 stipend above their regular salary for performing any of the following duties, as determined by the district:

- Provide assistance and guidance to new teachers (a mentor's primary function).
- Provide assistance and guidance to more experienced teachers.
- Provide staff development for teachers.
- Develop special curriculum.

The only restrictions placed on mentors are that they must spend at least 60% of their time "in direct instruction of students," and they may not evaluate other teachers.

Districts are provided funding for the support costs associated with the program. In the 1983-84 and 1984-85 school years districts received \$2,000 per mentor to cover those costs; the governor has proposed \$1,000 per mentor in support funding for 1985-86.

Statewide Results

The Department of Education reports 741 (72%) of 1,030 districts are participating in the mentor teacher program in 1984-85, up from 662 (64%) districts in 1983-84 (Table 5). Participation is fairly evenly distributed among different sizes and types of districts.

Mentor Teacher Program Funding and Positions

Table 5

	1983-84	1984-85		
	Half-Year Funding	Continuing Positions	New Positions	Total
Funding (millions)	\$10.8	\$21.6	\$9.2	\$30.8
Participating districts	662	662	180	741
% of total districts	64%			72%
Mentor teachers funded	3,556	3,556	1,662	5,178
Ratio mentor per teachers	1:48	1:48	1:119*	

*Projected

Source: State Department of Education

Funding for the program beginning in the middle of fiscal 1983-84 was \$10.8 million. The appropriation funded mentors equivalent to 2% of each participating district's teaching staff for half the year. All together, the 662 districts designated 3,556 mentors, for a ratio of one mentor for every 48 teachers.

Funding for 1984-85 was \$30.8 million — continued funding for the ongoing program plus \$9.2 million for expansion to new districts. (Funding at the legislatively-authorized ratio of one mentor for every 20 classroom teachers would have cost \$52 million in 1984-85). This year's appropriation supports mentor stipends for about 2.5% to 3% of teaching staffs in continuing districts and 1/2% to 1% in new districts. The expansion funded an additional 1,662 mentors, for a total of 5,178 statewide.

In 1983-84, districts participating in the program represented 89% of the state's 4.05 million students and 89% of the state's 178,000 public elementary and secondary teachers. Comparable statistics for 1984-85 are not yet available, but should show an even higher rate since the number of mentors in the second year increased by almost half.

New mentor slots were distributed to new districts at a rate of one mentor for every 119 teachers, effectively penalizing districts that did not jump into the program at the outset. This arrangement was at the discretion of the superintendent of public instruction, who determined that initial participation should be rewarded. This approach notwithstanding, small districts (up to 20 teachers) continue to be advantaged because state law makes them eligible for a minimum of one mentor.

District Survey Results

Surveyed districts are participating at a slightly higher rate than are districts statewide. Nineteen of the 24 districts are in the program.

Non-participants

Five of the 24 districts surveyed chose not to initiate a mentor teacher program. Of these, three are small, eligible for only four mentors among them. Reasons for these districts declining include:

- Management complaints that the mentor teacher program was "too much trouble for too little." The employee organization concurred in this assessment.

- Lack of teacher interest. The district was already paying teachers to develop curriculum and assist other teachers.
- Reluctance of teachers to take on extra duties.

A generally popular staff development program was the major reason the much larger Vallejo City Unified opted not to get into the mentor teacher program. With 87 teachers on "instructional support teams" performing many of the same duties described for mentors in *SB 813*, the district was concerned about how to allocate its 10 mentor positions equitably. However, an association representative emphasized that the mentor program will be reconsidered in the future.

The largest district choosing not to engage mentor teachers reported a unique reason. The board of this large urban district voted against participation in the name of labor peace. The employee association, which had just survived a decertification challenge and still faced a delicate agency shop vote, appealed to the board to shelve the mentor program as too "controversial." The board, still recovering from bitter labor unrest in the recent past, opted not to "rock the boat" in the interest of more cooperative labor relations. An association official characterized this decision as a "major olive branch from the board to the teachers."

Collective Bargaining

Intent. The mentor program was controversial beyond its merit pay connotations. The issue of negotiability hung over it from the beginning and lay unresolved and ambiguous throughout the debate.

The subject of whether to participate was specifically excluded from scope, as was the decision of whom to appoint as mentors. But the volatile issues of payment method, release time, makeup and procedures of the selection committee, use of support funds, mentor responsibilities and duties, and a host of other items related to working conditions were never ultimately addressed. An early version of *AB 70*, the Assembly's school reform proposal, included some of these within scope, but that section disappeared. A proposal in subsequent legislation to remove the program entirely from scope failed.

It was left to districts, given their individual relationships with their employee organizations and their interpretation of the law, to decide how much of the program to negotiate.

Activity. Thirteen of the 24 districts surveyed reported they bargained the mentor teacher program. Four of the negotiations wound up with the parties opting not to apply for the mentor program, but for reasons discussed above, not necessarily because this was a bargained agreement.

Administrators in two of the districts that did not participate stated they "might" have entered the program had the parties not had a duty to negotiate. Instead, voluntary agreement to participate became a political liability for the association facing the agency shop vote, and the two parties in the other district apparently became mutually suspicious of the other's tendency to shape the mentor program to its own ends, and did not pursue it.

Eleven districts reported no formal negotiations on the mentor teacher program. Five districts had only brief discussions with their teachers on the subject: four of these

opted for the program, while the fifth, which was eligible for only one mentor, decided not to participate.

The remaining six districts dealt with the program in a hybrid fashion. District officials typically conferred with employee representatives prior to preparing the school board policy expressing their intent to participate. Sessions with employee representatives were described as collaborative and informal. In one district, school administrators and teacher representatives fashioned a plan that they jointly presented to the school board and members of the bargaining unit.

Effects of Bargaining

Timing. Collective bargaining's major influence on the program was on how quickly it got off the ground. Three districts claimed bargaining delayed the program. Districts without extended negotiations got underway up to twelve months ahead of districts with bargaining troubles.

Of the 19 districts that opted into the mentor program:

- Two had the program designed and operating almost from the effective date of *SB 813*.
- Thirteen commenced in 1984, many in the summer.
- Four were just getting details worked out by the beginning of 1985.

Districts that got a jump on designing their programs were Los Angeles Unified and San Juan Unified in Sacramento County. Both districts initially assumed the mentor teacher program was not negotiable, were requested by their respective employee representatives to bargain after they had the program pretty well fleshed out, and ultimately ratified in negotiations most of what management had designed.

The four districts taking until 1985 to get the mentor program off the ground were all much smaller than these two. In one, failure to get the program operating sooner was attributed to lukewarm enthusiasm on the part of both teachers and management. In another district where the program was also bargained, superintendents said developments proceeded slowly to ensure that everyone was satisfied with the design.

In the other two districts, however, delay was caused by the association's insistence that the program be negotiated only after all other issues on the bargaining table were resolved. One of these districts experienced particularly difficult and drawn out negotiations in 1983-84 over salary increases, agency shop fees, and binding arbitration. Delay in adopting the mentor program, which was amicably bargained once the parties addressed the issue, was the result.

Negotiability. Confusion over which aspects of the program were negotiable also caused delays. One large district reported its only extended negotiation was over the decision to participate — a decision state law specifically leaves outside the scope of bargaining.

Other districts explained they settled ongoing confusion about negotiability by finally bargaining everything, once the decision to participate was made.

Administration. Two of the 19 districts adopting the mentor program delegated its administration to others. Both districts are beset with financial problems and declin-

ing enrollment, and have reduced administrative staffs:

- In the first case it was simply left up to the employee representative to develop the program.
- In the second, administration was delegated to the selection committee.

The latter district met with employee representatives in early 1984 and bargained a mentor program. However, shortly after negotiations concluded, confusion arose over the intent of the agreement. The selection committee, which felt its role was being usurped by management as it planned the mentors' activities, refused to meet. In this void, the administration proposed projects for 10 mentors to be employed over the summer, thereby commencing the mentor teacher program.

At the start of the next school year, the superintendent met with the selection committee members to bring them back into the process. According to management, however, the district "had to do everything the association proposed."

Teacher members of the selection committee have a different version. According to its chairwoman, the committee only suggested an approach and, more importantly, the committee was unified in its position, meaning that the three administrators were supportive of the alternative approach.

In the end, the selection committee took over administration of the program, developed the necessary forms and applications, and reviewed projects proposed by schools and teachers. Finally, 25 applications (there were 40 positions available) were submitted by teachers.

This unwieldy program was laid to the lack of trust that had developed between management and teachers in recent years. (There have been lawsuits, unfair practice charges, and a flurry of recalls and recall attempts in the district.) Teachers were suspicious that their input into the program would not be appreciated, while management felt teacher representatives wanted total control.

Both parties now agree that the existing program needs revision. By January 1985, only one third of eligible mentor positions had been nominated and none officially appointed.

Design. According to some administrators, the duty to bargain meant that the mentor program was not designed the way they would have preferred. In one district, for example, a focus on curriculum and a limit on the number of teachers to be assisted by each mentor resulted in a plan acceptable to teacher representatives, although the district wanted a different emphasis.

This view, while recurring, was not shared by all administrators interviewed. The superintendent of a large district explained that mutual trust had been achieved with the employee representative in the district, and that negotiations went smoothly. His statement was seconded by a state education official, who found districts that already had bargaining problems experienced obstacles in negotiating the mentor teacher program. Where negotiations were the regular mechanism to address change in teachers' working conditions, few problems emerged in bargaining the mentor-teacher program.

Bargaining's effect on the program. No relationship appears to exist between the type of program developed and whether or not it was bargained. For example:

- One urban district that bargained gave administration of the program to the association; so did one small district that did not bargain.
- One district negotiated joint management and mentor control of the support money that defrays district expenses; three other districts devised the same arrangement without bargaining.
- Two districts bargained a mentor teacher contract spelling out duties and responsibilities; two others that did not bargain did likewise.

Except for the timing, districts that bargained have developed programs similar to those in districts that did not bargain.

Employee organization issues. Aside from delaying the program in some districts, administrators said, the only other negative result arising from the collective bargaining obligation was the disproportionate role employee organizational issues could assume. Three districts encountered these problems:

- Administrators in one large district said that only association members in good standing were appointed to the selection committee. Association representatives denied that this was the case.
- In another large district, administrators believed the association wanted to use the program as a reward for teachers who supported the employee organization. This district did not adopt the program.
- A third association, described earlier, successfully urged the board to reject the program in the name of "labor peace."

Benefits from bargaining. Employee representatives summed up their feeling about bargaining the mentor program as follows: "Teachers feel good about the mentor teacher program because it was bargained," and that "in retrospect, the association worried about the program more than it should have."

In one district, where members of the bargaining unit were wary of possible merit pay connotations, the association successfully promoted adoption of the program through the bargaining process. In another large district, the association used its resources to solicit applications for the program, even though individual teachers were said to be less than enthusiastic about it. At least five districts expressed a belief that bargaining enabled the parties to work out differences and achieve better give and take on the program.

At the state level, officials of the California Teachers' Association obtained from the Department of Education names of those association chapters reluctant to accept the mentor program. State CTA officials then contacted local representatives urging participation. Other high state officials, including the state schools superintendent, personally urged districts and employee organizations to give the program a chance.

Los Angeles Unified negotiated a program that included the requirement that all teachers who stood for selection had to be willing to serve in any school, without a right of return to their former school.

What makes this provision noteworthy is the history behind the district's unsuccessful struggle to achieve the right to transfer teachers involuntarily. Past management attempts to obtain this right during regular bargaining sessions had failed.

Negotiation over the mentor teacher program, with its \$4,000 stipend for participants, finally gave the district leverage to obtain this authority, but for mentors only.

Scope of bargaining. Opinion as to whether the mentor teacher program should have been excluded entirely from the scope of collective bargaining varied by response. Simply put, administrators in districts that already are comfortable or successful with bargaining did not seem to mind that the program's components were within scope. As mentioned above, most teacher representatives are convinced that the success of the mentor programs in their districts was because they are subject to bargaining.

Representatives of districts that experienced bargaining obstacles would have preferred the program be outside of scope, even while recognizing a need to involve teachers and their representatives in defining the program. An interesting suggestion from the superintendent of a district where the program was bargained would have the program negotiated in Sacramento between management and teachers' representatives, then adopted on a non-negotiable basis at the district level.

State Influence

Several districts noted that changing legislative signals and a lack of precise information from the Department of Education about the number of mentors for each district hindered program start-up. In 1983-84, districts that planned on a 5% allocation had to scale back when funds were appropriated to provide mentors equal to only 2% of classroom teachers.

In addition, final determination of the number of mentors necessarily came late because the department had first to assess the number of districts requesting mentor teacher funds, then apportion available funds among these districts. This approach, which favored those districts that decided to participate, caused delay in determining final mentor quotas.

Finally, many districts noted that both tardy regulations from the State Board of Education and a late program advisory from the Department of Education also caused delays and confusion in starting up district programs.

Many districts agreed that a slower time frame for commencing the program might have avoided many of the initial problems.

Reasons for Opting In

State law leaves to school boards the exclusive decision on whether to participate in the mentor program.

Numerous reasons were cited by the 19 surveyed districts for their decision to participate in the mentor program:

- One small district eligible for only one position felt failure to get into the program at the first opportunity might mean exclusion from future involvement.
- Two financially strapped districts, unable to increase employees' salaries, viewed the mentor stipend as another way to move additional funds to at least some teachers.
- One small district with a single mentor left the decision of whether to participate up to the employee association. The superintendent described it this way: "We called

the association in, told them we had no time for the mentor teacher program; if they wanted to do it, it was their baby." The association agreed to run the program.

- Funding for mentors allowed some districts to continue existing programs. Three medium-sized districts reconstituted existing staff development programs into mentor teacher programs, thereby enabling them to pay teachers for the work they had previously done as part of their regular assignments.

- Los Angeles Unified, which faces hiring problems of mammoth proportions, was particularly interested in the mentor teacher program as a means to provide teaching assistance to teacher trainees. The district, whose goal is a mentor/trainee ratio of 1:2, has mentors currently working with more than 180 trainees.

Pace of Applications

Of the 18 districts that have taken applications for mentor slots (one district, delayed by bargaining, had not yet reached that point by February 1985), three received fewer applications in the first year than they had positions; two had only one applicant for one position (Table 6). In several districts, selection committees that did not find enough qualified mentor teacher candidates recommended that not all the slots be filled.

Number of Applicants and Mentor Slots, 1983-84

Table 6

Districts by Size	Applicants	Positions	Positions Filled
Small	1	1	1
Small	3	1	1
Small	1	1	1
Small	2	1	1
Medium	3	2	2
Medium	27	15	10
Medium	15	5	2
Medium	20	9	9
Medium	27	9	9
Medium	6	4	4
Medium	9	3	3
Medium	9	4	4
Large	100	39	39
Large	122	62	62
Large	25	40	13
Large	500	473	150
Large	90	44	18
Large	43	10	10

In those districts where the number of applicants was small relative to the number of eligible positions, school and teacher representatives identified several reasons for the low turn-out:

- Many districts indicated that time pressures did not allow adequate promotion of the program.

- A common observation by teacher representatives was that teachers were reluc-

tant to be guinea pigs; teachers had a wait-and-see attitude.

- Many district and association officials indicated that teachers were hesitant about committing to the extra work that being a mentor entailed, given numerous demands already made on their time. One superintendent even suggested that when other teachers realize how many demands are made on mentors, the number of applicants may actually dwindle in the future.

- Many teachers indicated reluctance to participate in the program if it meant being absent from too many of their regular classes.

Typical Responsibilities and Duties

The typical duties described for mentor teachers were those enumerated in the law: assisting new teachers, teacher training, and curriculum development. Of the 19 participating districts, eight indicated that mentors in their program did all three functions, at least to some degree.

As Table 7 shows, curriculum development was the most common duty of mentor surveyed by Far West Laboratories. This divergence between legislative intent and district practice can be explained several ways:

Mentors' Roles and Responsibilities According to School Administrators

(Many mentors have multiple duties.)

Table 7

	Spring 1984	Summer 1984	Academic Year 1984-85
Roles as yet undetermined	5%	4%	13%
Classroom or other assistance to beginning teachers	7	5	41
Classroom or other assistance to teacher trainees	2	1	12
Staff development or consultation with individual teachers, on request	17	14	53
Conduct school or district staff development	14	18	50
Assist experienced teachers in new subject areas or grade levels	7	7	32
Curriculum development for district needs	21	35	42
Assist teachers with curriculum materials	16	22	42
Other	2	6	5

(Total 490 mentors)

Source: Far West Laboratories

- Reluctance by other teachers to receive mentors' assistance.
- Mentors uneasiness in working with peers.
- Districts' placing higher priority on developing curriculum than on training new or experienced staff.
- Reduced administrative (substitute teacher) costs by performing curriculum work, especially during summer.

Although state law indicates that the primary function of a mentor teacher "shall be to provide assistance and guidance to new teachers," and may provide assistance and guidance to more experienced teachers, eight districts either provided no assistance to teachers or gave priority in their program to curriculum development.

At the other end of the scale, two districts, Los Angeles Unified and San Juan Unified, reported their mentors are primarily involved in helping new or existing teachers. In the case of Los Angeles, the only district in the state that has hired teacher trainees, 90% of mentors' time is supposed to be spent working with these 180 new, non-traditionally trained teacher candidates.

Acceptance of Mentors by Other Teachers

Most district officials believed it was still too early to gauge other teachers' reactions to mentor teachers. Others sensed that initial fears about the program had proved unfounded.

One chapter president felt "the jury is still out" on the mentor teacher program. From his perspective, until ambiguity about whether the program is "merit pay" or extra pay for extra duty is clarified, judgment will be withheld by teachers.

Initial skepticism about the program was usually related to:

- Scarcity of mentor slots.
- Concern whether the best teachers would be selected.
- Fear that experienced teachers would be forced to seek mentor assistance.
- Extended absence from classrooms.
- Too many extra demands.
- Suspicion that the mentor would be evaluating other classroom teachers. (State law expressly precludes this.)

Selecting Mentors

The most sensitive aspect of any of the differentiation programs — mentors, master teachers, merit pay, and other career ladders — is the selection of the candidates. Fears of elitism, favoritism, and politics run high. Only the most scrupulously designed programs will be accepted by teachers and are likely to succeed.

Senate Bill 813 requires the establishment of a selection committee to nominate mentor candidates for the school board's ultimate decision. A majority of the committee must be comprised of certificated classroom teachers, selected by other classroom teachers. The remainder of the committee is usually filled out by administrators chosen

by other school administrators. Or, if the governing board so chooses and, if bargained, the association agrees, it may include parents, pupils, or other public representatives.

Selection committee. Half the participating districts surveyed bargained the selection process or makeup of the selection committee. The size of the selection committees varied from three to 11 members. Always there was a majority of teachers; almost always a teacher chaired the committee. The number of selection committees also varied, up to 18 in Los Angeles Unified, but the norm was one.

Committee membership. In most districts, teachers volunteered to serve on the selection committees; others required a formal vote of the faculty:

- In several districts, where the selection process was subject to bargaining, the teacher members of the selection committee were unilaterally appointed by the teacher representative, although this apparently is not intended under the law.

- In one large district each teacher nominated three colleagues by school site for the selection committee. The names of the teachers garnering the most votes per school were placed in a hopper; names for the committee members for each grade level were then drawn by lottery.

- Another district established a steering committee of six members — three administrators and three association officials — through a side letter to their collective bargaining agreement. This committee appointed the members of the selection committee.

- Only one district, small, homogeneous and elementary, included parents as committee members. No other district included representatives from the community.

Members of the selection committees usually were not provided training. They were left to depend on their own skills in observation, evaluation, and interviewing in order to judge who might make the best mentors.

Several districts paid stipends to selection committee teacher members, ranging from extra duty pay (either the regular hourly rate or the substitute teacher hourly rate), to a lump sum payment (\$100 to \$500). One district that paid extra duty time also paid \$10 per classroom observation of mentor nominees. The payment of stipends was not restricted to districts that bargained the program.

Voting. Mentor teacher candidates must be nominated by a majority vote of the selection committee. In one district, the administrators on the selection committee chose not to vote on the mentor nominees. The district-adopted selection process did not bar administrators from voting; the administrators on their own decided to leave the decision strictly to teachers.

Nomination process. An applicant for the mentor program must be a credentialed, tenured teacher with substantial recent classroom teaching experience and "exemplary teaching ability."

- In all the participating districts surveyed, a teacher could nominate himself or herself.

- Three districts allowed other teachers to nominate mentor candidates.

- Two districts allowed nominations by administrators.

- Two also allowed nominations by parents.

- One allowed students to nominate mentor candidates.

Differences in the nomination procedure were not found to be a result of bargaining.

Application. Application procedures also varied:

- Applicants in about half the districts applied for the program strictly on their own merits.

- In several districts, applicants were required to apply for one or more specific projects already identified by the district.

- Still other districts required applicants to include a proposal for a mentor project in their application.

By law, the selection process must allow for classroom observation of candidates by administrators and classroom teachers employed by the district:

- Nine districts individually interviewed mentor applicants.

- Eleven districts undertook classroom observations. In one of these districts, only principals observed in the classroom.

- Those districts not making classroom observations were generally small districts, where "everyone knows everyone else . . . and knows who the good teachers are."

Board adoption. Final designation of any person nominated by the selection committee is made by action of the school board. With only one exception, all governing boards surveyed accepted the mentors recommended by its selection committee. A smaller district, with one mentor slot, forwarded the names of all three of the mentor applicants to the board for its action.

School Boards

School board support for the mentor teacher program varied, but was not the major reason any district embraced the program. School board activity in the districts surveyed was most pronounced in San Francisco, where board members held numerous public hearings about the proposed mentor teacher program.

At the other extreme, school boards in two smaller districts were reluctant to get involved because of concern over how much class time mentors might miss and exactly what the district would be getting for the \$4,000 stipend.

Encroachment

Employee representatives in five large districts negotiated a restriction that no district general funds could be used to support the mentor teacher program. (In education finance parlance, encroachment is when a district's general fund dollars must be spent to pay for a state program for which state appropriations are insufficient to cover costs.) District and teacher skepticism over continued state funding for mentor teachers prompted this provision.

Administrative Support Funding

State law authorizes the payment of an amount equal to no more than half of the

\$4,000 mentor teacher stipend for the "necessary cost of participation" in the mentor teacher program:

- Nine districts reported these support funds were sufficient to cover the operational cost of the program.
- Of this group, two large districts found the funds to be more than enough.
- Another large district indicated the funds only just sufficed.
- Five districts were emphatic that the funds were insufficient. Three of these supplemented the state allocation with district funds; San Francisco added a 7.5% subsidy, and Los Angeles Unified supported its first year program with \$400,000 per semester (from its former master teacher program).
- Two other districts whose programs were not yet fully operational were unsure whether the support funds would be enough.

No restrictions were placed by *SB 813* on the expenditure of support money. However, Department of Education guidelines encouraged districts to use the funds for:

- Substitute teachers when mentors are absent from the classroom.
- Training.
- Costs of selecting mentors.

Nine districts reported the support funds paid for sending mentors to conferences or providing them training.

Every district had to deal with the question of how much release time, if any, was appropriate. The law provides only that mentors must spend at least 60% of their time in the classroom. In most districts, the teachers themselves limited work outside the regular classroom day because they were reluctant to be away from their own classrooms. According to school officials, many mentors use their lunch periods and time before and after the school day to assist teachers. In addition, the problem many districts have obtaining substitutes placed a limit on the number of days mentors could be released from class.

All districts with mentor programs in place reported that support funds were used to provide some substitutes for mentors:

- Four reported the release time provided was minimal or irregular.
- One unified district said no elementary mentor teachers were granted release time.
- Four other districts quantified annual release time from five to 23 days.

Eight districts reported charging the cost of supplies (particularly for science-related projects), materials, clerical support, duplicating and printing against the support funds. Three others mentioned that these funds paid some portion of the salary of an administrator involved in the program.

IV Beginning Teacher Salaries

Findings

- *Participation in this program statewide is low, compared with participation in other reforms studied.*
- *Non-participating districts tend to be either small and rural, have declining enrollment, have a high proportion of their teachers at the highest end of the schedule, and/or see little prospect of hiring new teachers in the near future.*
- *The program is successful for participating districts.*
- *Beginning teacher salaries have been increased 5% to 15% a year in participating districts; the lower portion of the salary schedule has been raised and "flattened."*
- *Administrators believe raising beginning salaries will help recruitment efforts and increase education's competitiveness with other industries and occupations.*
- *Raising beginning teacher salaries has met with strong objections from rank-and-file senior teachers.*
- *Several districts have utilized "loopholes" in the program to counteract the flattening of the salary schedule.*
- *Most districts raised minimum salaries "off the salary schedule" in order to eventually restore their pre-existing salary structure.*

Teacher recruitment is one of the most vexing challenges facing school districts; The demand is voracious and the supply uncertain.

The need for new teachers is estimated at between 90,000 and 190,000 additional teachers by 1991. In other words, the state must replace between 50% and 75% of its current teaching force by the beginning of the next decade.

The teacher recruitment challenge was sampled by Los Angeles Unified in 1984 when the district projected a need for 1,700 teachers for the opening of school. The district expects rapid growth for the rest of the decade. Adding 70,000 new pupils translates into a need for 500 new teachers a year. The district also expects to lose up to 1,200 teachers a year through retirements and resignations. Los Angeles successfully filled that demand in 1984, in large part because of the new recruitment in-

centives made available by *SB 813*.

Improving the Attractiveness of the Teaching Profession

Recognizing the dimensions of the teacher shortage, *SB 813* was drafted with and won approval of a number of provisions designed to improve the attractiveness of the teaching profession. Most, but not all of these ideas were in the form of financial incentives:

- Increased overall salaries.
- Increased salary for beginning teachers.
- Increased funding for instructional materials.
- Assumption of student loans for prospective teachers.
- New state standards and expectations for pupil achievement.
- Creation of a teacher trainee certificate for individuals without a teaching credential.
- Creation of a mentor teacher program as a means of providing a "career ladder" for teaching.

The latter idea was discussed in Chapter III.

Beginning Teacher Salaries

The popular reform studies of California and the nation all point to teacher salaries, particularly entry salaries, as an obstacle to recruiting and retaining high quality teachers into the profession. *A Nation at Risk* found that nationwide the average salary after 12 years of teaching was \$17,000. *Improving Student Performance in California* found that starting teacher pay in California was 71% of starting pay in the private sector for similar training. After 20 years experience, they found teacher salaries to be just 54% of pay for comparable experience in the private sector.

In 1982-83, the year prior to *SB 813*, the average starting teacher salary for the districts surveyed in this study was \$14,151. Salaries ranged from \$12,009 to \$15,925. Since teachers are under contract for 10 months, this comes to about \$18,017, on an annual basis. The lowest quartile of salaries averaged \$13,082, or about \$16,656, annualized.

Teacher salaries (annualized for comparative purposes) are compared with other occupations in California in Table 8. The table shows that starting salaries for teachers rank toward the bottom of the list, but experienced teachers' salaries rank toward the top. Experienced teachers have at least 12 to 15 years of service; the average teacher in California has 12.1 years of service.

There was wide agreement among the parties to *SB 813* that the most efficient way to boost teacher salaries and encourage qualified new teaching candidates to enter the profession was to increase pay at the entry level. There was little difference among the proposals introduced; Assemblywoman Hughes' version was the closest to the plan finally adopted.

Calling his plan the "Teacher Recruitment Act of 1983," Superintendent Honig proposed a state match of local district contributions to raise minimum salaries. Senator

Comparison of Salaries

Table 8

Job	Public		Private	
	Low	High	Low	High
Librarian	\$21,252	\$26,472		
Teacher (annualized)	22,594	42,369		
Master of social work	23,652	30,348		
Registered nurse	23,892	29,292	\$23,748	\$28,860
Auditor	24,264	31,548	24,552	30,948
Staff services analyst	24,288	35,988	25,008	38,484
Chemist	25,080	31,536		
Assistant engineer	27,252	33,648	27,876	36,540
Systems analyst	28,332	36,432	31,164	35,892
Fire inspector	29,064	35,700		
Pharmacist	30,252	36,516	33,144	39,888
Staff psychologist	30,612	38,484		
Associate engineer	32,628	40,176	33,684	43,740
Education consultant	36,756	43,632		
Associate attorney	38,184	48,960	40,236	52,536

Source: California Department of Personnel Administration

Hart's proposal would have continued for four years and required teachers to have completed a fifth year of schooling to qualify for the salary. Hart's also included language stating that his intent was to not change any other piece of the salary schedule; much stronger language was included in the final version of the bill.

Minimum Salary Mechanism

Districts taking advantage of the minimum salary program must increase the lowest salary on their schedule by an amount up to 10% a year, up to a maximum of \$18,000

What is a Salary Schedule?

A school district's salary schedule maps a teacher's progress along his or her career path. As illustrated in Table 9, for a hypothetical, but typical district, schedules give salary credit for longevity (steps) and college units (classes or columns), usually with a semester or year of credit equal to a year of experience. Each "cell" on the schedule is the intersection of a step and column. State law requires districts to provide payment based on "years of experience and training."

Shape, size, and length of intervals can vary widely among schedules; some schedules with as many as six classes and 20 steps have been adopted. Most schedules top out at the 12th or 15th step, although many have career increments, which are step increases at intervals greater than one year.

Often the highest step on the schedule is maintained at exactly twice the lowest. This ratio is considered by teachers and many administrators to be an important feature of certificated employee compensation.

Salary schedules are rigid, and rarely have any room for discretion or advancement based on superior performance by exceptional teachers. In a few districts, advancement to the highest steps or to career increments are contingent on receiving a satisfactory evaluation, but in no case was superior performance a criterion.

in 1983-84, \$19,084 in 1984-85, and \$20,200 in 1985-86. (For explanation of salary schedule, see box.) To qualify, teachers must be credentialed, have at least a baccalaureate degree, and be paid out of the district's general fund.

Once the 10% increase is applied to the lowest cell on the schedule, any other cells on the schedule that are below this amount must be increased to the new salary floor. The state also funds these increases. This has several results:

- The lower end of the salary schedule becomes compacted.
- Compaction tends to increase every year the minimum salary increases.
- Teachers hired low on the schedule but not at the very bottom — which includes most teachers hired — benefit from the increased salary.

Table 9 demonstrates the effect of the salary schedule if the hypothetical district participated in the minimum salary program as well as gave all its employees a 5% COLA for each of the past two years.

Once these calculations have been made, the increase must be permanently incorporated into the salary schedule. The district must also certify that no other cells on the schedule were required to be increased as a result of the adoption of the new salary floor.

Statewide Results

According to the Department of Education, only 376 (37%) districts are currently in the minimum salary program, up from 318 (29%) in 1983-84. These districts represent two-thirds of total student enrollment. Larger districts and districts not located in rural areas tend to be the ones participating. So far, only \$5.8 million of the \$25 million appropriated this year is being spent, up from the \$2.9 million of the \$12.3 million appropriated in 1983-84.

The Department contends there are "multiple impediments to participation:"

Typical Salary Schedule — 1982-83

Base, no minimum salary increment

Table 9

Step	Class					Ratio — Highest:Lowest
	I	II	III	IV	V	
1	\$14,341	\$15,320	\$16,299	\$17,278	\$18,257	2.09
2	15,320	16,299	17,278	18,257	19,236	
3	16,299	17,278	18,257	19,236	20,215	
4	17,278	18,257	19,236	20,215	21,194	
5	18,257	19,236	20,215	21,194	22,173	
6	19,236	20,215	21,194	22,173	23,152	
7	20,215	21,194	22,173	23,152	24,131	
8	21,194	22,173	23,152	24,131	25,110	
9	22,173	23,152	24,131	25,110	26,089	
10		24,131	25,110	26,089	27,068	
12				27,068	28,047	
15				28,047	29,026	
18					30,005	

Typical Salary Schedule — 1983-84

Includes 5% COLA and 10% adjustment for minimum salary (up to \$18,000)

Step	Class					Ratio — Highest:Lowest
	I	II	III	IV	V	
1	\$16,564	\$16,564	\$17,114	\$18,142	\$19,170	1.90
2	16,564	17,114	18,142	19,170	20,198	
3	17,114	18,142	19,170	20,198	21,226	
4	18,142	19,170	20,198	21,226	22,254	
5	19,170	20,198	21,226	22,254	23,282	
6	20,198	21,226	22,254	23,282	24,310	
7	21,226	22,254	23,282	24,310	25,338	
8	22,254	23,282	24,310	25,338	26,366	
9		24,310	25,338	26,366	27,393	
10			26,366	27,393	28,421	
12				28,421	29,449	
15				29,449	30,477	
18					31,505	

Typical Salary Schedule — 1984-85

Includes 5% COLA and adjustment for minimum salary (up to \$19,084)

Step	Class					Ratio — Highest:Lowest
	I	II	III	IV	V	
1	\$19,084	\$19,084	\$19,084	\$19,084	\$20,128	1.73
2	19,084	19,084	19,084	20,128	21,208	
3	19,084	19,084	20,128	21,208	22,287	
4	19,084	20,128	21,208	22,287	23,366	
5	20,128	21,208	22,287	23,366	24,446	
6	21,208	22,287	23,366	24,446	25,525	
7	22,287	23,366	24,446	25,525	26,604	
8	23,366	24,446	25,525	26,604	27,684	
9		25,525	26,604	27,684	28,763	
10			27,684	28,763	29,842	
12				29,842	30,922	
15				30,922	32,001	
18					33,081	

- Lack of understanding of the program and its benefits.
- Program unattractive because boosting lower salaries on the schedule "created problems elsewhere in schedule."
- Suspicion that state funding would be withdrawn.
- Complicated claims process.

District Survey Results

Districts selected for this study participated at a much higher rate in the minimum

salary program: 18 of 24 surveyed. No single objective characteristic was found among those that chose to participate in or reject the program, but reasons used to justify the action taken were fairly consistent in all districts.

Districts that could not determine any self-interest by participating shunned the program. Often, these districts were not hiring teachers at the lowest reaches of the schedule and did not want to compress the entire lower end of the schedule to affect only a few teachers. Some were leery that the state would eventually cut the funds, even though the law requires the amount to be rolled into the district's revenue base. No districts rejected the program under pressure from the employee organization.

These districts also found certain aspects of the program distasteful. Several were unhappy that the traditional shape of the salary schedule was being distorted; others were suspicious that this trend would eventually bump senior teacher salaries above the pay for entry-level administrators. One administrator decried the program as being unfair, "a silly little thing."

These districts did not believe that their lack of participation would harm their recruitment efforts. Most claimed that their salaries were already high relative to other districts in their local areas. Still others claimed that factors other than salary were their prime recruiting tools: location, working conditions, or academic reputation.

Participants

Eighteen of the districts surveyed are in the minimum salary program. Most districts viewed this approach as the best one available to help recruit new teachers. Some entered reluctantly, prodded by the need to keep up with neighboring districts. Los Angeles Unified's decision to participate prompted nearby smaller districts to join in order to compete for new teachers. But after embarking on the program, districts gave it high praise.

During negotiations, participation was usually, though not exclusively, sought by district representatives. In no case did employee organizations hold up this program for other demands. In about a third of the districts the organizations requested the money be spread out over more of the schedule, or that the affected cells not receive the general salary increase, but those demands were invariably dropped early.

Districts and associations both admit that any objection by teachers to this program would have been bad politics, especially in districts facing stiff hiring and recruitment demands. On the other hand, many districts argue they could never have targeted funds within the schedule in this manner if there had not been a state program paying for it.

Effect on Employees

Districts using the minimum salary program have increased salary levels for the lower range of the schedule from 5% to 15% a year for the past two years. The program has been generally successful in boosting the lower end of the schedule. Table 10 shows the difference in starting salaries for the average of the 18 districts that are in the program and the six that are not.

The program has met with stiff resistance from many experienced teachers. Though teachers acknowledged the need to raise salaries to help recruitment, there has been

Average of Salary Schedules of Sampled Districts, 1984-85

Table 10

Districts	AB/1	AB30/1	AB45/2	Top/15	Top + M/15	Top
Average — not in (6)	\$15,547	\$17,595	\$19,769	\$31,325	\$31,868	\$33,703
Average — in (18)	18,479	18,642	19,621	31,031	31,554	33,129
Average — all (24)	17,746	18,369	19,659	31,108	31,636	33,278

AB / 1 = Bachelor's degree, first year of service.

AB 30 / 1 = Bachelor's + up to 30 units, first year.

AB 45 / 2 = Bachelor's + up to 45 units, second year.

Top / 15 = Highest class, fifteenth year, without master's degree.

Top + M / 15 = Highest class, fifteenth year, with master's degree.

Top = Highest class, highest step, maximum education (not doctorate).

widespread unhappiness, even demoralization, as a result of granting different raises to teachers on the same schedule. Many teachers and administrators reacted similarly:

- "The greatest need is to improve the whole schedule."
- "This exacerbates the problem of transitory teachers: people will come into the profession for a few years, see where the schedule takes them, and leave."
- "It will cause high turnover."
- "It seems disproportionate that new teachers get so much."
- "This destroys the integrity of the schedule (reducing the high cell to low cell ratio below two to one.)"
- "Nobody did it for me!"

Though these comments are strongly felt among the rank-and-file, most associations surveyed took the leadership in selling the program to their membership. But most also stated that they will seek eventually to boost the high end of the schedule to "achieve equity." This could take the form of more frequent or higher incentive payments at the top of the schedule. Employee organizations are also looking toward knocking off steps or columns, but still maintaining the two-to-one ratio.

Loopholes

Many employee organizations proposed and some prevailed on districts to take advantage of loopholes that would benefit the upper range of the salary schedule. Most supported the minimum salary program, but also had strong organizational needs driving them to attempt to spread the benefits across the entire schedule.

Senate Bill 813 requires that districts "certify . . . that the increase of teachers' salaries pursuant to this (program) . . . does not require the district to increase the salaries of other teachers." The intent was to protect districts from pressure to enrich the entire schedule on account of the state funding the bottom portion, and to protect the state from any claim for mandatorily increasing other portions of the schedule.

One district found a loophole in this language. More than 60% of its teachers are in the top three cells on the salary schedule. This district negotiated an increase for those three cells at the same time it raised the minimum salaries, but not strictly "as

a requirement" of the minimum salary increase.

At least two other districts used another mechanism, permissible under *SB 813*, to enrich the balance of the salary schedule at the expense of the lowest cells. In order to minimize the program's effect on the relationships within the salary schedule, these districts did not grant the general inflation adjustment to the lowest cells, but gave them the 10% bump only. The districts then spread the remaining money over the balance of the schedule for a slightly enriched COLA for the higher cells.

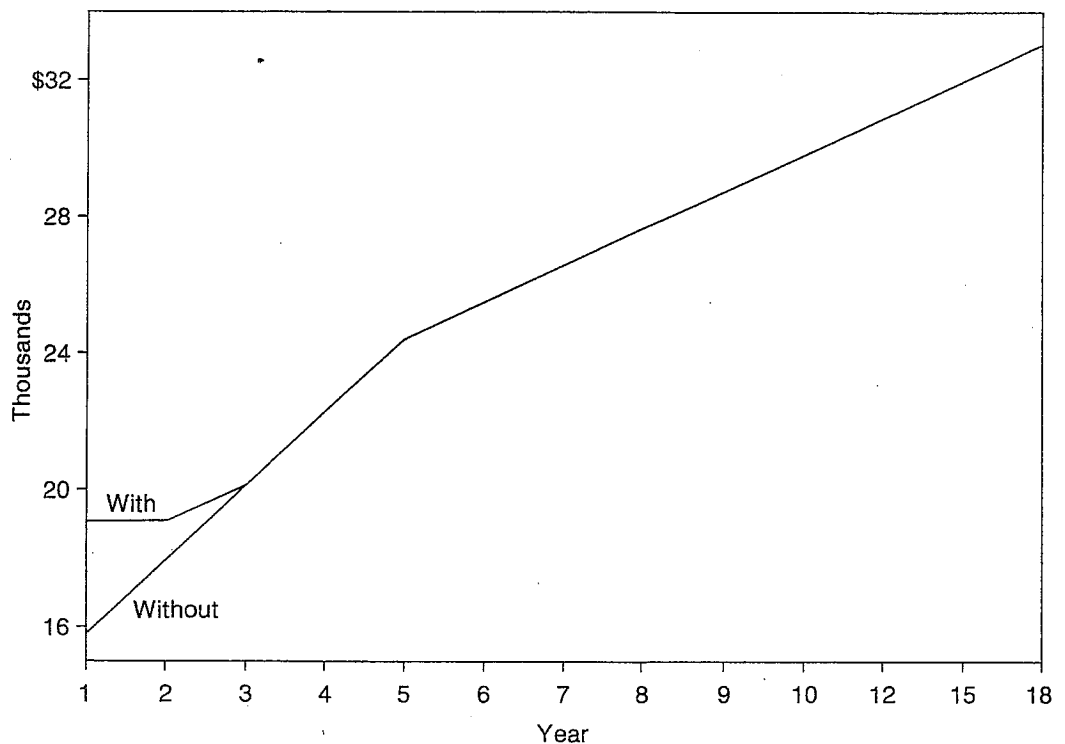
Effect on Schedule

The effect of the program on salary schedules has been to flatten the beginning of the schedule mildly to moderately (Figure 5). Some districts have mitigated this flattening by using some of the techniques described above.

Comparison of Typical Salary Schedule

With and Without Salary Bonus

Figure 5



After two years in this program, most districts report that from three to seven cells have common salaries. Some districts reported no cells had common salaries, but three districts reported as many as 10 cells compacted.

Almost every superintendent rejected the notion that compaction is a problem. One superintendent commented that "the idea of working 15 years to get to the top of your salary is ridiculous." Several superintendents plan to remove one or more columns or steps in order to advance teachers more rapidly to their top salary. They believe that a key to recruitment is to accelerate advancement on the salary schedule. The minimum salary program is apparently accomplishing this objective, where it is being used.

Even though *SB 813* requires that districts incorporate the new minimum salary increases into their salary schedules, half the districts that raised their minimum salaries did so off the salary schedule. That is, they maintained the existing integrity of their schedule and noted with an asterisk that the cells would be affected by the minimum salary increase.

For example, if five cells on the schedule were below the minimum salary, instead of adopting a new schedule that raised those five cells to the new level, a district would place an asterisk in those cells, noting that "no full-time certificated employee shall receive less than" the minimum salary.

The result of this action was to take advantage of state funding for the salary boost, but not tie the district into increased starting salaries indefinitely.

Recruitment

Most districts are participating in order to help present or anticipated recruitment needs. Several commented that candidates were impressed with the new salary schedules. But some maintained the real influence will be on college sophomores and juniors who are now making a decision on a career path.

One of the long-term problems of the program is what some have called the "bait-and-switch" effect. Since the state only funds a hike in the salaries of current teachers, future hires must be paid out of districts' general funds at a rate higher than they would have paid otherwise. Districts recognized this long-term cost, but called it an acceptable trade-off for enhanced teacher recruitment.

V Graduation Requirements

Findings

- *Virtually all districts statewide will meet the SB 813 graduation requirements by 1987. Most are meeting the standard this year.*
- *Fewer districts, but still more than half, are meeting the State Board of Education's tougher graduation standards.*
- *Most districts will make English a four-year requirement.*
- *Most districts already require three years of social sciences.*
- *Most districts required only one year of math and one year, or less, of science.*
- *Science was singled out as the most difficult requirement to offer because of the new costs and students' unfamiliarity with the subject matter.*
- *Only a few districts had required fine arts or foreign language for high school graduation prior to SB 813.*
- *Most districts increased the number of units required for graduation.*
- *There was little evidence of electives and vocational course offerings being squeezed out by increased graduation requirements.*
- *The new requirements did not force districts to add personnel where they would not have otherwise; but they did affect what types of teachers would be hired.*
- *No district laid off personnel because of adoption of the new standards.*
- *Administrators were split over the whether SB 813 graduation requirements would exacerbate the teacher shortage problem.*
- *The only major new cost due to the new standards was the requirement to expand science offerings.*

California abolished state-set graduation requirements in 1969. Swayed by arguments that decisions on curriculum were best made locally, California began a 14-year experiment with local control over graduation standards.

Student Performance in California cited a survey that found 71 of 183 school districts

required one year of math; 84 required two years . . . but three required no math at all. Similarly, 119 districts required one year of science and 32 required two years, but two had no science requirement.

This phenomenon was also recognized nationally. *A Nation at Risk* recommended that "state and local high school graduation requirements be strengthened and that, at a **minimum**, all students seeking a diploma be required to lay the foundations in the Five New Basics."

In 1982 the State Board of Education published what became the most stringent recommendation for new state-mandated high school graduation standards. Because the standards were so stiff, they were roundly criticized. It was feared that if standards were set too high, the result could be an increase in dropouts and in the number of students who fail to receive diplomas. The board stood by its model, but it remains only a recommendation.

The drafters of *SB 813* had similar visions of what the state should set for graduation requirements. There was no disagreement that this was a proper area for the state

Graduation Requirements Required by SB 813 and Recommended by State Board of Education, Nation At Risk, and Improving Student Performance

Table 11

Subject	SB 813	SBE	Nation At Risk	Improving Student Performance ^e
English	3	4	4	4
Mathematics	2	3	3	2
Algebra		(1)		
Geometry		(1)		
Science	2	2	3	1.5
Physical	(1)	(1)		
Life	(1)	(1)		
Social studies	3	3	3	4
World civilization	(1)	(1)		
U.S. History	(1)	(1)		(1)
Ethics		(.5)		
American government	(1) ^a			(1)
Economics		(.5)		
Foreign language	1 ^b	2 ^c	2 ^d	1
Fine arts	1 ^b	1		
Computer studies		.5	.5	.5
Physical education (prior law)	2			2

a. Including civics and economics.

b. One-year foreign-language-or-fine-arts.

c. Must be in same language.

d. Suggested for college-bound.

e. Suggested first year of two-year phase-in.

to reassert itself. The only difference was Superintendent Honig's proposal to require a semester of computer literacy as a graduation requirement.

Table 11 compares proposed graduation requirements.

Statewide Results

According to the Department of Education, "Virtually all districts strongly support and are implementing the new graduation requirements." The state Board of Education conducted a survey in the fall of 1984 to determine the progress of districts in adopting the *SB 813* requirements or the tougher standards recommended by the Board.

The Board reported 315 of the 382 (82%) unified and high school districts, representing 80% of the student population, responded to the survey. According to the survey, 84% of the districts will meet the requirements of *SB 813* and 65% of the districts will meet the State Board model for the graduating class of 1985. For the graduating class of 1988, when *SB 813* is designed to be fully in effect, 90% of districts report they will meet the legislation's standard; 73% report they will meet the Board model (Table 12). The Board's survey did not indicate why 10% of the districts surveyed will not meet the *SB 813* mandate, even though it is state law.

Districts Meeting Graduation Requirements or Standards

Table 12

Subject	Districts Meeting SB 813 Requirements		Districts Meeting State Board Standards	
	1985	1989	1985	1989
By:				
English	96%	98%	54%	63%
Math	75	90	13	17
Science	67	82	67	82
Social studies	89	95	89	95
Foreign language/fine arts	45	47	4	4

Source: State Board of Education

The Board reports that larger districts in the state "are planning to implement the requirements of *SB 813* at a significantly higher rate than those of the Board Model." That is, the larger schools tended to reject the idea of a two-year requirement for foreign language and an algebra and geometry requirement.

The Board also made the following observations based on its survey:

English. Virtually every district had met *SB 813*'s three-year requirement this year; most had already made it a four-year requirement.

Social studies. Most districts already require a year of U.S. History; by 1988 virtually all will meet the *SB 813* requirements. A majority will offer economics as a separate one-semester course, the rest will offer it within another course.

Foreign language. Small districts are evidently finding it difficult to meet this requirement right away because of time and staffing constraints. This requirement was

the least likely to be fully met under the timeline set by *SB 813*, and the least likely of the Board model to be adopted.

District Survey Results

Every unified and secondary school district visited has adopted graduation requirements that, by the 1986-87 school year, will meet or exceed those mandated by *SB 813* (Table 13).

Number of Course-Years Required by Districts for Graduation

Table 13

English			Math			Science		
83-84	86-87		83-84	86-87		83-84	86-87	
		0			0			
		.5			.5			
		1	••••		1	••••		
	•	1.5	•••		1.5	•		
		2	••••	••••••	2	•••	••••••	
		2.5		•	2.5			
••••	••••••	3			3			
••••		3.5			3.5			
••••	••••	4			4			
Social Studies			Fine Arts or Foreign Language			Physical Education		
83-84	86-87		83-84	86-87		83-84	86-87	
		0	••••		0			
		.5	•		.5			
		1	••	••••••	1			
		1.5			1.5			
•••		2			2	••••••	••••••	
••		2.5			2.5	•	•	
••••	••••••	3			3	••••	••••	
•••	•••	3.5			3.5			
		4			4			

•••• State requirements

English. None of the districts surveyed required less than three years of English. By 1986-87 most districts will require four years.

Math. Only four districts required two years of math in 1983-84; most required one year. By 1986-87, all will require at least two years.

Science. Every district will require two years of science in 1986-87, an increase of one year in almost every case. Science was singled out by districts as the most difficult requirement to offer, because of new costs it will entail and students' unfamiliarity with the subject, especially the physical sciences.

Social studies. Most districts already required at least three years of social studies.

Fine arts or foreign language. Only a few districts required any fine arts or foreign language courses for graduation. A one-year requirement by 1986-87 has been adopted by every district.

Physical education. Because it was already mandated by existing law, no changes in physical education requirements were made by districts surveyed.

None of the districts interviewed had thus far cut electives as a result of adopting the new *SB 813* requirements. Since many had not yet fully phased in the new curriculum, this may not be the last word on the subject. The four districts that restored a sixth period credited that action with saving their electives.

Curriculum Changes

More than half the districts surveyed increased the number of units required for graduation, in addition to stiffening graduation requirements. Most of these are phasing in the increased units over a two- or three-year period.

Only a few districts are planning major changes in the make-up of their courses and curriculum. The most frequent changes were adding science, particularly physical science classes. Some districts added math, geography, or economics courses.

There was some fear that increasing graduation requirements would squeeze out vocational or elective courses. There was little evidence of this among the surveyed districts. Some are attempting to use vocational courses to meet graduation requirements; for example, using "business math" for a mathematics requirement or upgrading an electronics or an agriculture course for use as part of the science requirement.

Since all of the surveyed districts plan on offering six periods in high school by 1986-87, the 24 year-courses (six periods for four years) far exceeds the mandated graduation requirements of 13 year-courses. This leaves 22 semesters available for electives in most districts.

Every district claims to be offering sufficient courses to satisfy entrance requirements for public four-year institutions at all their high schools. Each district also purports to offer, as required by *SB 813*, "a course of study which provides an opportunity for those pupils to attain entry level employment skills in business or industry upon graduation."

Staffing

Virtually every district indicated that its hiring policies have been influenced by the new graduation requirements in *SB 813*. While the new standards did not force

any district to add personnel where it would not have otherwise, they did affect the subject areas for which personnel were hired.

The new graduation requirements constitute a state-mandated program, which obligates the state to reimburse districts for added costs associated with the program. In order to minimize these costs, the Legislature loosened procedures governing layoffs and seniority "whenever the amendment of state law requires the modification of curriculum." This change allows districts to "pay for" new teachers for the new curriculum by laying off teachers in subject areas that are de-emphasized or where enrollment is shrinking.

No district surveyed took advantage of these new layoff provisions. Districts that reassigned teachers to cover the new requirements did not have to use subject matter tests to determine competency. They relied on the teacher's credential or college major. Some districts offered optional retraining for these teachers.

Only Los Angeles Unified is using the teacher trainee program, although several other districts are investigating the possibility.

Teacher Shortage

About half the districts are presently facing a teacher shortage or expect to face one soon. Current or projected shortage areas were overwhelmingly in math and science. Bilingual and foreign language teachers were also deemed to be in short supply.

Personnel administrators were split over whether *SB 813* would exacerbate the teacher shortage problem. Some strongly felt that the increased emphasis on math and science would cause problems recruiting teachers in these fields in the future. But most thought *SB 813* would make little difference. Several superintendents acknowledged potential problems, but insisted that compared with the hiring pressures exerted by private industry, *SB 813* will have only a minor additional effect.

Costs to District

More than half the districts reported that the new graduation mandate will saddle them with new costs, but not for new personnel. Most cited expanded or updated science labs and materials as their major costs. Some estimated remodeling their facilities to accommodate the new science requirement would cost as much as \$25,000 per classroom.

Other areas of new costs are textbooks, art materials, and other supplies, and some new staff training and administrative overhead.

Most of the districts that identified new costs plan on filing for reimbursement for those costs from the state.

VI Personnel Management

Findings

- *Most reforms in personnel management made by SB 813 have had little effect on school district practices.*
- *Districts' efforts to improve principals' evaluation techniques are the major success in this area. Most districts are taking this requirement seriously and are providing new training opportunities for administrators.*
- *Many new statutory requirements codify existing local practices for many districts. Frequent evaluation of unsatisfactory employees, further training requirements for unsatisfactory employees, and assurances for probationary teachers are not new practices in these districts.*
- *Reducing the probationary period from three to two years made little difference in personnel practices.*
- *Changes in dismissal procedures for probationary teachers are mostly ineffective. Few districts have adopted them, none has used them, and the law is tied up in litigation.*
- *It is too early to tell what effect changes in layoff procedures will have because none of the districts visited expects to lay off employees in the near future. Because they did not expect a problem, most districts chose not to bother adopting the change. Some districts already had exceptions to seniority in their contracts or practices; others had relied on existing case law to justify such exceptions.*
- *Districts have not used the changes in permanent teacher dismissal procedures. Few believe the changes will be substantive. None has decided to undertake a dismissal because of "streamlined" procedures.*
- *No district has used the formal statutory process to discipline a certificated employee.*
- *Some districts have negotiated a suspension provision in their contracts; most achieved this if they had agreed to sanction an agency fee election.*

The third leg of the reform compromise was personnel management. Most parties to SB-813 accepted early on that to achieve an acceptable compromise, changes must be made in statutes governing the ability of school management to evaluate, discipline, and dismiss employees.

These changes were the most sensitive in the legislation. More time was spent in the conference committee hammering out the detailed language of these compromises than was spent in the entire discussion over the multimillion dollar longer day and longer year program.

Background

Protection against dismissal and layoff is more explicit and extensive for teachers than for any other class of California public employee. Job security is greater in California than for most teachers in the rest of the nation.

The relationship between a teacher and a school district guaranteeing job security is called tenure. Prior to *SB 813*, tenure was granted following three years employment in a district.

In the area of teacher dismissal, tenure was comprised of the following protections:

- A uniform evaluation system for all certificated employees.
- Limiting to a specified list the prescribed causes for dismissal.
- Extensive notice of dismissal and opportunity to improve behavior.
- Formal hearing before a three-member panel chaired by a state hearing officer.
- Hearing conducted under the state Administrative Procedures Act, except use of civil discovery procedures.
- Panel decision binding on school board, no intermediate sanctions permitted.
- Lenient review authority permitted superior court on appeal of panel's decision.

California's tenure laws also provided these protections to permanent teachers facing layoffs:

- A limited list of layoff causes, including for reasons of declining enrollment, but not because of declining revenues.
- Layoff and rehire based strictly on seniority.
- Early warning for layoff notices.
- Hearing before a state hearing officer.

Before achieving tenure, probationary teachers had these protections, prior to *SB 813*:

- A three-year probationary period.
- A hearing before a state hearing officer in the event of non-reemployment of a probationary teacher.
- No distinction between probationary and permanent teachers in procedures for dismissing for cause.

Intent

School district management complaints over California's tenure laws has been rife. The length and expense of teacher dismissal hearings (up to two years at a cost well

into five figures) were blamed for the tiny number — less than 20 a year — of teachers dismissed. School management argued that the laws forced most cases to be settled, either by reassignment, transfer, resignation, or early retirement.

Management also complained that the early notice required by layoff laws frustrated planning and forced districts to notify many more employees of impending layoffs than would actually be cut. They also claimed that strict seniority often required layoff of superior teachers in order to retain senior, less qualified individuals.

The reform tide swept up these complaints, along with the curriculum shortcomings and fiscal woes, and deposited them on the shores of *SB 813*. Changes in personnel management became an integral part of the school finance and reform compromise in 1983. The major issue became: how extensive would these changes be, in light of the teachers organizations' reluctance to accept any changes in favorable tenure laws?

Table 14 compares the initial proposals of Superintendent Honig, Senator Hart, and Assemblywoman Hughes for changes in personnel management. Many hours were spent in the *SB 813* conference committee hammering out a settlement of the personnel issues. Republicans, including the governor, insisted on some relaxation of tenure laws in return for the massive infusion of new money, including some tax increases, for education.

The rest of this chapter examines changes made by *SB 813* to personnel management statutes, the reasons for those changes, and how the surveyed districts have used these changes to improve their personnel practices.

Evaluation

Most districts view the purpose of evaluations primarily as a tool for teacher improvement, but should the teacher continue to perform unsatisfactorily, evaluation becomes a tool for dismissal. Sometimes the document and the process used to evaluate for improvement is entirely different from that used for dismissal. But more often the lines are blurred. As one superintendent said, with the agreement of the association president, "dismissal can often be considered improvement."

• *SB 813 requires boards to adopt a policy certifying that principals and other administrators are competent to evaluate teachers.*

The central force in school district personnel management is the relationship between the teacher and the principal. Employee organizations insist that struggling teachers would improve and truly incompetent teachers would leave or be dismissed if principals were more skilled at evaluation techniques. *Senate Bill 813* sends a firm message to districts to improve the competency of principals to evaluate teachers.

The greatest activity in personnel management resulting from *SB 813* has been in the evaluation area. This is both fitting and predictable: fitting because the most important tool in improving personnel or dismissing incompetents is evaluation, and predictable because changes made by *SB 813* to evaluation law were supported by employee organizations.

Every district reported adopting a policy certifying that principals and other administrators are competent to evaluate teachers. This was expected because the penalty for not adopting this policy by last December is withholding all the district's state

Personnel Management Proposals

Table 14

Proposal	Honig	Hart	Hughes	SB 813
Evaluation				
• Require board to certify that principals are competent in evaluation techniques.			X	X
• Require board to assure probationary teachers assignments and assistance, recognizing that they are new teachers.			X	X
• Evaluations every two years; if negative, may evaluate more frequently.	X	X		X
Probation				
• Reduce probation period from 3 to 2 years.	X	X	X	X
• Dismissal of probationers during first two years on board criteria.		X	X	X
• Dismissal on 30 days notice, with board hearing.	X			X
Layoff				
• Reassign administrators on 30 days notice.	X			
• Same, 45 days			X	X
• Add "change in curriculum" as cause for layoff.			X	X
• Exempt 20% of teachers slated for layoff, based on unique skills or performance.	X			
• Prohibit reassignment of senior teachers if lacking experience.	X			
• Permit additional criteria for layoff and rehires: experience, coursework, subject matter tests, affirmative action.		X	X	X
• Permit rehire preference for junior teachers with superior skills and experience.	X	X	X	X
Dismissal				
• Reduce notice for dismissal for incompetence from 90 to 30 days.	X			
• Same, unprofessional conduct.		X	X	X
• Reduce other timelines in dismissal process.	X			
• Change hearing from three-member panel to one state hearing officer.	X			
• Permit panel to suspend as an alternative to dismissal.		X		X
• Base superior court appeal on transcript, not new evidence.	X			
• Require administrative, not civil, discovery.	X			
• Limit discovery, except oral deposition, to 30 days.		X	X	X
• Non-prejudicial procedural errors no longer cause for dismissal of charges.	X	X	X	X
Discipline				
• District may suspend up to 15 days every two years.	X			
• Suspension up to 15 days is within scope of bargaining.			X	X

general aid. This provision has been referred to as the "capital punishment feature" of SB 813.

What was unexpected was just how seriously districts took this requirement. It was widely expected that districts would adopt pro forma language stating that their administrators were competent to evaluate teachers; after all, that is all the law required. But many districts have gone much further and have embarked on extensive principal training.

More than half the districts have made changes in the way they prepare their principals for evaluating teachers. Prior to SB 813, most districts had relied exclusively on the administrator's credential as proof that he or she was competent to evaluate teachers. In most districts there was no policy to assure that principals knew how to evaluate teachers.

Though not required by SB 813, the most common change made by districts was to require administrators to attend classes to help improve their evaluation techniques, so-called "clinical supervision." Many districts had made those sessions available to principals in the past, but attendance was optional and sparse.

Several districts insisted that without this provision, they never would have insisted on administrator training. One large district was "originally going to do something perfunctory, but when we saw that there would be a great deal of scrutiny, we took another look at the program. Without the law, the project would have died over arguments of autonomy. We used the law to get something needed done."

Few districts saw any dangers or disadvantages to this new requirement. Several thought the state ought to be chipping in for the training (perhaps a "mentor principal program," suggested one). Noting the lack of standards for certification, others saw the potential for paper mill scams.

Still other superintendents were wary that this process would be used against them in dismissal hearings. Since it is the principal's record that is on trial, they claim, it is likely that teacher representatives would attempt to discredit the certification process, thereby discrediting the competence of the principals to evaluate teachers.

- *Requires boards to adopt policy ensuring that a probationary teacher's needs for training, assistance, and evaluation are recognized.*

Apart from adopting such a policy, few districts made any changes in their current practice of training and assisting probationary teachers. Most claimed that they are currently following the practices implied in this policy.

Special training is offered probationary teachers in only a few districts. One exception is the district that is taking all 48 of its probationers through eight hours of training. More often, probationary teachers are provided the same training that permanent teachers receive.

This is another case where probationary teacher dismissal could be stymied by districts not following through on their policies or by approving inadequate policies.

- *Requires that staff who receive unsatisfactory evaluations be evaluated annually until their performance improves or they are separated from district.*

Rare unanimity was found among districts on this requirement. Each district was

already evaluating all probationary and permanent employees annually or more often, as needed. None changed its policy as a result of *SB 813*.

- *Permits district to require further training if teacher is unsatisfactory in instruction methods.*

Most districts already require further training for an unsatisfactory teacher; only a few of those were motivated by *SB 813*. The training ranges from full-blown sessions at teacher centers to one-on-one counseling and use of mentors. Others do not have a formal policy on the matter, but use quiet persuasion, leverage from approval of units for advancement on salary schedule, or threats of impending dismissal action as motivators.

In the end it is to the advantage of the district to do everything it can to provide help to faltering teachers. If teachers improve, the district has succeeded; if the district must move to dismiss, a case that assistance was offered must have been made.

In only a few of the districts surveyed were the changes in evaluation practices made by *SB 813* a major item in negotiations. One teachers association wanted assurances that mentors would not evaluate; another was reticent to accept continuing education requirements for unsatisfactory teachers. Often the district adopted various policies relating to evaluation that were subsequently approved by the teacher representatives without bargaining them.

Probationary Teachers

Drafters of *SB 813* believed that the heart of the changes in personnel management must be in the area of probationary teacher protection. School administrators long had argued that probation was a myth; once they had hired someone, they had as good as granted tenure. Non-reemployment required a formal hearing. And dismissal of a probationer required the same procedure as dismissal of a permanent teacher.

- *Reduced probationary period from three to two years.*

Reaction by school officials and teachers to this provision was deafening in its silence. Originally, there was some fear that reduction of the probationary period would allow some unqualified teachers to slip through the net, but no school officials interviewed subscribed to that fear.

The most common observation, by both district and teacher representatives, is that this change would force districts to take action earlier on prospective teachers. But overwhelmingly districts insist they know by the end of the first year whether a probationary teacher will make it or wash out.

Many districts, especially small- to medium-sized, claimed the crucial decision regarding probationary teachers was on hiring them, not whether or how to dismiss. Other districts hired from substitute ranks or utilized temporary teachers for up to three years prior to hiring them as probationary teachers.

- *Permitted districts, prior to March 15 of a probationary teacher's second year, to notify that teacher of the decision to not reemploy, without a formal hearing.*

This is one of the most controversial of *SB 813*'s personnel management provisions. The intent of the drafters was to allow a district to not reelect a probationary teacher

A Brief Glossary of Personnel Management Terms

Intermediate Sanctions.	Disciplinary actions, such as suspension, short of dismissal.
Non-reelection.	The decision of the school board to not rehire a probationary employee for the next school year.
Non-reemployment.	Same as non-reelection.
Non-substantive, non-prejudicial error.	A procedural error during a dismissal or layoff action made in good faith that has no untoward effect on the employee's case.
Probationary teacher.	A teacher in his or her first two years of employment (three years, prior to <i>SB 813</i>).
Reassignment.	Changing a teacher's subject matter assignment as a result of a layoff.
Reelection.	Decision of a governing board to rehire a probationary teacher for the next school year.

for a subsequent year of employment — prior to March 15 of the teacher's second year — without formal notification or a hearing as specified in statute.

A few districts have used this procedure, but most have not, pending the outcome of litigation on the issue. The conflict is over how much due process a probationary teacher is entitled to under circumstances of non-reelection. The state Supreme Court has decided that probationary employees, unlike tenured teachers, do not have a "property interest" in their employment. But the Court has also decided that public employees have a "liberty interest" in employment if their termination could "stigmatize" their future ability to become employed.

In so stating, the Court required public agencies that dismiss employees for cause (or under any other circumstance that would bring into question that employee's abilities):

- To grant the employee adequate notice.
- To grant the employee a hearing and an opportunity to answer the charges to clear his or her name.

Teachers organization officials argue that non-reelection without reason and without hearing stigmatizes probationary employees. In effect, they argue, probationary teachers are hired on a two-year contract. District officials argue that *SB 813* gave them the ability to summarily dismiss probationary teachers, without cause and without stigma.

It is expected that litigation over this issue will be resolved in three to five years.

- *Permitted districts to dismiss a probationary employee for cause or based on board-established policies governing competence, as long as the employee is given notice and a board hearing.*

Very few districts have adopted a procedure for dismissing probationary teachers as permitted by *SB 813*. Many were not aware of the procedure. Some did not adopt it because they were afraid they would then have to negotiate the provisions with the

bargaining unit. Others believed because it was stated in law it need not be restated in policy.

Whether or not a policy has been adopted, even fewer districts have utilized this new ability to use district criteria and procedures to dismiss probationary employees. Most of the districts interviewed reported very high rates of retention of probationary teachers. Part of this they attributed to their selection process; part was attributed to the claim that it is still as difficult to dismiss a probationary teacher as it is a tenured one.

Teachers associations maintain that few districts are using the probationary teacher dismissal process because the non-reelection provision — which requires no hearing — is so wide open.

Litigation over this section is inevitable. It is not clear, for example, if a district must have adopted its own procedure for probationary teacher dismissal before initiating such an action, or if state law is a sufficient guideline.

Layoff

In the late 1970s and early 1980s school districts throughout California engaged in massive layoffs due to dropping enrollments and reduced revenue growth. But as a result of the recent baby boomlet and new revenues from *SB 813*, layoffs have at least temporarily ground to a halt. None of the districts interviewed have endured layoffs since *SB 813*, and none reported plans to order further layoffs this spring.

Since school district planning often does not extend past the next fiscal year, few of the sampled districts have adopted the changes in *SB 813* regarding layoffs in policy or contract.

- *Districts may lay off employees if new high school graduation standards require a modification of curriculum, which in turn requires layoff of some personnel.*

This provision was placed in *SB 813* partly to alleviate pressures on the state to fund the costs of new graduation requirements. By allowing districts to reduce portions of their education program while increasing those parts mandated for graduation, the state could escape the requirement to fund any personnel costs of this mandate.

No district used this provision to meet the costs of the new graduation requirements. Most were able to hire whatever new teachers were needed within their existing budget for new enrollment.

- *Districts may deviate from strict seniority during layoff, reassignment, or rehire if there is a specific curriculum need, a specially-credentialed person is needed, or for affirmative action purposes.*

- *Districts may require subject matter competency tests if a teacher is reassigned to or rehired for a subject which that teacher has not previously taught.*

"It's ironic," one personnel director stated, "now that we have *SB 813*, we don't need to lay off people." That sums up most of the district reaction to the changes made by *SB 813* to layoff procedures. Most districts had been through layoffs from 1977 through 1983. None expected any more until at least 1986.

Next to a strike, teachers and management dread a layoff more than any other per-

sonnel action. "This district will never go through another layoff," vowed another personnel director who had also been through a strike, "it is too traumatic, too horrible."

Teacher representatives have long and successfully maintained that seniority is the only measure of the order of layoff. Management has long maintained that such an order often resulted in less qualified senior teachers bumping more qualified junior teachers out of the classroom and onto the streets.

But in the early 1980s court decisions came down upsetting some of the strictest of the seniority interpretations. Districts could lay off based on certain qualifications, credentialing, and expertise. These decisions were codified by *SB 813*.

Some districts had exceptions to strict seniority already in their contracts. Another few incorporated the changes made by *SB 813* into their board policies. But more than half have not addressed the issue yet, preferring to wait until the need for the policy is upon them.

- *Districts may proceed with layoffs after the March and May notification deadlines if per pupil revenues increase less than 2%.*

State law had long prohibited districts from laying off certificated employees because of lack of funds. This made coping with tight budgets particularly difficult for many districts, and forced creative and educationally unsound solutions (eliminating entire programs, such as shop, art, and music, among others). This difficulty was compounded when the Legislature would pass a public school budget very late or cut that budget in the middle of a fiscal year.

Senate Bill 813 partially addressed this problem by permitting any district that receives an increase in per pupil revenues of less than 2% to lay off employees for lack of funds. The window to impose these layoffs is from five days following the enactment of the state Budget Act through August 15. None of the districts interviewed was affected. In fact, because this provision is so restrictive, no district would have been eligible in 1983-84, 1984-85 or, under the proposed Governor's Budget, 1985-86.

Dismissal

School districts are skeptical toward legislation aimed at improving their ability to dismiss incompetent teachers. Reactions to the changes made by *SB 813* ranged from bemusement to cynicism. Few believed the changes would substantially improve their prospects. Many repeated the bromide that "it is the principal who is on trial; nothing in *SB 813* removes any of the obligations on the principal."

On the other hand, many administrators stressed that with a person's job at stake, due process should be a tough hurdle to overcome.

- *Reduced notice of intent to dismiss for unprofessional conduct from 90 days and in the previous semester to 45 days; for incompetence the previous semester requirement was dropped.*

This was watered down from the original proposal; other attempts to streamline dismissal procedures were rejected.

- *Limited discovery, except for oral depositions, to 30 days.*

Parties in teacher dismissal cases must use civil discovery procedures to uncover

facts, documents, and lists of witnesses in the exclusive possession of the other side. In other administrative proceedings administrative discovery is used. This is much more expeditious and less expensive than its civil counterpart. This difference has meant months of delay, thousands of dollars of costs, and potentially stale evidence to districts attempting to dismiss allegedly incompetent teachers.

Arguments of due process always defeated proposals to substitute administrative for civil discovery. A compromise was finally reached in *SB 813*, retaining civil discovery, but limiting all discovery except oral depositions to 30 days.

● *Trivial, non-prejudicial procedural errors will no longer be a basis for the dismissal of charges.*

Failure to send a notice by certified mail, failure to attach a copy of an evaluation to one of several notices, and other non-substantive, non-prejudicial procedural errors have often forced dismissal of charges in layoff and dismissal cases. It is assumed that these errors will no longer be sufficient for dismissal of charges under *SB 813*. No district surveyed has used this provision.

Discipline

● *Districts may file charges to suspend a teacher for a specified period of time in the same method and under the same procedures as bringing dismissal charges.*

Most districts contend that the formal dismissal process is too cumbersome, time-consuming, and expensive to justify using it for lesser discipline. The point of permitting disciplinary actions is in many cases to avoid the dismissal process. Most districts saw this alternative as no improvement.

● *Districts may negotiate a suspension provision in their contract; if no agreement is reached, existing law governs, which provides for no direct board authority to suspend.*

Until 1981, districts had no authority to suspend certificated personnel. In that year, *AB 777* amended the collective bargaining law to allow negotiations concerning "disciplinary actions other than dismissal," but if no agreement was reached, existing law — no authority to suspend — governed. *Senate Bill 813* specifically included suspensions of up to 15 days within the section.

Half the districts interviewed had not yet negotiated this provision. Some were unaware of it; some were skeptical that any worthwhile agreement could be reached; still others were awaiting a more favorable labor relations climate before negotiating such a controversial subject.

Seven of the 24 districts surveyed have concluded a contract agreement on discipline, usually some form of progressive discipline that includes letters of reprimand and suspensions without pay for varying lengths of time. Typically, under the contract, management can suspend on its own authority for short periods; school boards must act on lengthier suspensions.

Agency shop was clearly an important factor linked by the employee organizations to whether an agreement on discipline was reached.

● *In at least three cases, agreement over a discipline procedure broke down when*

management refused to consider setting an agency fee election.

- In at least three other cases, agreement on discipline was reached with associations that received sanction for an agency fee election.

- In two cases, districts with a weak exclusive bargaining representative or none at all were able to reserve discipline as a management right.

Employee organizations defend the linkage between discipline and an agency fee by insisting that their obligation to represent all unit members in contract matters would require increased services to non-members who are subject to discipline.

In the other two cases, large school districts reached agreement with associations that saw bargaining on discipline as being in the best interests of their members. These representatives were able to place notice, progressive discipline, hearings, and other protections in their agreements. They were satisfied that this approach was preferable to whatever informal, unilateral disciplinary action their districts had been taking in the past.

Appendix

Survey Instrument for School Districts

I. Instructional Time

A. Longer Year

1. In your district, for 1982-83, 1983-84, and 1984-85, what were the
number of student instructional days?
number of staff development days ("in-lieu" of pupil instructional time)?
number of teacher instructional days?
number of total teacher contract days?
number of school principal contract days?
number of certificated district administrator (assistant superintendent and above)
contract days?
2. Approximately what percent of the new revenues provided for longer year was
allocated to (exclusive of new hires):
Certificated bargaining unit employees?
Certificated management employees?
Classified employees?
Other areas?
3. What percentage salary increase did you grant to personnel for the longer in-
structional year?
Certificated bargaining unit?
Certificated management?
Classified?
4. By what method did you adjust the salaries for personnel as a result of the longer
year provisions (e.g., per diem basis)?
Certificated bargaining unit?
Certificated management?
Classified?
Was the increase incorporated into the salary schedule, a one-time bonus, or other?
How will it be treated in future years?
5. Did you hire additional staff for the purpose of accomplishing the longer year
provisions?
Did lengthening the school year require any other changes in staffing?

6. What obstacles, if any, did you encounter in implementing the longer year?
How were they resolved?

B. Longer Day

1. What are the total minutes of annual instruction offered to pupils for each grade level for each of the years 1982-83; 1983-84; 1984-85?

What have been the historical tradeoffs (e.g., employee time for salary) that brought you to these levels?

2. For departmental schedules, how many class periods do you offer and what are the length of those periods for each of the years 1982-83; 1983-84; 1984-85?

If you have added a period as a result of *SB 813*, is it limited to certain selected course offerings?

How many periods do teachers teach?

3. For elementary schools, did you operate a split-reading schedule in 1983-84?

Did you utilize the split-reading exemption to meet the time requirements?

Will you be applying for a split-reading waiver?

For questions 4 through 10, provide separate responses for elementary and secondary schools, where appropriate.

4. Is your currently adopted longer day meeting the full minute goals of *SB 813* (i.e., 1986-87 goals) or are you phasing in the program over two or three years?

If the latter, by what method are you phasing in additional time?

5. Which grade level required the biggest change in order to meet the total annual minutes requirement?

Which grade levels, if any, met the total annual minutes requirement based solely on adoption of a 180-day calendar?

After adding days, how many more minutes per year (or day) per grade level will be added to meet the *SB 813* goal?

6. Approximately what percent of the new revenue provided for longer day was allocated to (exclusive of new hires):

Certificated bargaining unit employees?

Certificated management employees?

Classified employees?

Other areas?

7. What percentage salary increase did you grant to personnel for the longer instructional day?

Certificated bargaining unit?

Certificated management?

Classified?

8. By what method did you adjust the salaries for personnel as a result of the longer day provisions (e.g. hourly basis)?

Certificated bargaining unit?

Certificated management?

Classified?

Was the increase incorporated into the salary schedule, a one-time bonus, or other?

How will it be treated in future years?

9. How did you extend the school day?
Did you hire additional staff?
Did current teachers increase their teaching time per period or add additional periods?
10. How many minimum days did you have in 1982-83?
Has that number increased or decreased since then?
Has your policy changed regarding the authority to schedule minimum days?
11. For departmental schedules, did you extend passing time between periods in 1984-85 in order to comply with the longer day provisions?
What are your passing times?
12. What obstacles, if any, did you encounter in implementing the longer day?
How were they resolved?

C. Other Questions Regarding Longer Year and Longer Day

1. In general how would you perceive support for the increased instructional time?
2. Do you believe that the amount of instructional time added in your district will have an effect on pupil performance?
Do you believe increased instructional time is an educationally valid issue?
3. What changes, if any, were made in curriculum as a result of the longer day/longer year funding?
4. Is your district doing anything unique to implement the longer day/longer year provisions (e.g., hiring more staff rather than adding time for existing staff)?
5. The law requires that districts offer increased instructional minutes, but pupils are not required to take more classes.
Has your board adopted a policy requiring pupils to increase class time or number of periods taken per day?
What is that policy's requirement?
Is this requirement linked to the increased graduation requirements?
6. Have you committed future income from the longer year funding to salary increases?
7. Were the funds you received for the longer day/longer year sufficient to cover direct costs (including non-personnel costs)?
Have you uncovered any areas of unanticipated costs?
8. Did employee associations link receipt of funding for longer day/longer year to organizational issues (e.g., agency shop, binding arbitration)?
9. Does your district intend to participate in the program (continuing to increase the amount of instructional time) in 1985-86 and 1986-87?
If not, why not?
How will future funds be used?

II. Graduation Requirements

1. What are your district's graduation requirements for 1983-84, 1984-85, 1985-86,

1986-87?

2. If changes have been made in graduation requirements, has your district had to adjust curriculum or course offerings?

3. Are you contemplating changing your curriculum in anticipation of the State Board of Education's model curriculum standards, due in 1985?

4. Are all of your secondary schools offering University of California "a to f" requirements?

Are your schools offering "entry level employment" requirements?

Did you amend your curriculum to meet these requirements?

5. What will be the effect, if any, of the new high school curriculum on elementary school programs?

6. Did your district have to hire additional personnel in order to accommodate the new graduation curriculum?

Did your district reassign personnel to cover the new curriculum?

Were subject matter competency tests used in reassignments?

7. Is there, or will there be, a problem in hiring due to teacher shortages in a particular discipline?

If yes, in what areas?

Will you hire teachers on emergency credentials, teacher trainees, or another approach?

8. Is your district encountering any major costs in implementing the new graduation requirements?

If so, will you support a claim for reimbursement for mandated costs with the state Board of Control?

III. Beginning Teacher Salaries

1. What was the beginning teacher salary in 1982-83, 1983-84, 1984-85?

2. Is your district participating in the minimum teacher salary program?

What were the major impediments to participating?

Are there any changes you could suggest that would encourage your participation?

3. If you participated, how many currently employed teachers were affected by this provision in 1983-84, 1984-85?

4. During the bargaining process, was this provision sought by the district?

Was it sought by the employee association?

5. Was there resistance from the association to accept the minimum teacher salary adjustment?

6. During the bargaining process, were you forced to amend any other part of the salary schedule as a consequence of implementing the minimum teacher salary?

Did you collapse — permanently or temporarily — any portion of the salary schedule?

Is the minimum salary portion an "add-on" or has it been permanently incorporated into your schedule?

7. What portion of your salary schedule has a common salary amount?
Will compaction be a problem?
8. Has the higher salary been helpful in recruiting new teachers?
Were they hard-to-fill positions?
If you did not participate in this program, what do you believe will be the long-term effect on your ability to attract new teachers?
9. What benefits (or disadvantages) do you expect from increasing the minimum salary?
10. Do you intend to participate in the minimum salary program in 1985-86?

IV. Mentor Teacher Program

1. Is your district participating in the mentor teacher program?
2. Describe the process for implementing the program.
Did you bargain the program or implement it on a meet and confer basis as a board policy?
3. What obstacles did you encounter in its implementation?
4. How are mentors nominated?
Were there enough applicants for all slots?
What are the minimum qualifications, including years of experience, for a mentor?
5. What process does your board use for selecting mentors?
What is the term of a mentor?
Is there a termination policy?
6. What are the mentors' responsibilities and duties?
As a result of the program, are you able to do anything new that you would not otherwise be doing?
7. Who determines and supervises the mentor's duties?
Who evaluates the mentors?
What training is provided to mentors, if any?
8. Were mentors selected based on district needs or were district needs and mentor duties determined based on the mentors selected?
9. Are the mentors used to assist other teachers?
Is their offer of assistance being accepted by non-mentor teachers?
10. Are the mentor's services provided during release time; or are the services determined to be added service time, such as after the school day, during summer, on weekends, a combination, or other?
11. Is the program considered to be a merit pay effort, a recognition of excellence, and/or a payment for time?
12. Was the state categorical money sufficient to cover the administrative costs of the program?
How was that money used?
Who determines the use of the money?

13. Has the program helped in attracting new teachers?
14. Are you participating in the teacher trainee program?
Who are the trainees?
Are they limited to certain disciplines?
How do the mentors work with the trainees?
Do the trainees receive special evaluation?
What qualifications must a trainee meet to receive a credential?

V. Personnel Management

Overall, will the changes in personnel statutes made by *SB 813* have an effect on your district's personnel practices?

What obstacles did you encounter in implementing the changes in personnel management authorized by *SB 813*?

A. Evaluation

(1). Evaluator competence

1. Have you adopted a policy certifying that personnel who evaluate certificated employees have demonstrated competence in instructional methodologies and personnel evaluation?

What are the elements of the policy?
Is the policy a change from prior practice?
What was the prior practice?

2. Who evaluates teachers in your district?
Who evaluates administrators?

How many administrators will be affected by the new policy?
What is the schedule for certifying these administrators?

Will the quality of evaluations improve as a consequence of the new certification requirements?

Is there training and assistance for administrators?

3. What problems do you anticipate with this new policy?

4. Are evaluations viewed as a tool for certificated employee improvement, a tool for dismissal, or both?

(2). Probationary evaluation

5. Have you adopted a policy assuring training assistance and evaluation for probationary teachers?

What do you expect to result from this policy?
Is the policy a change from prior practice?

Will probationary teachers be encouraged to participate in training assistance under your new policy?

(3). Unsatisfactory employees

6. Is the requirement to annually evaluate unsatisfactory employees new to your district?

When was it adopted?

7. Will this requirement help provide better personnel?
Will an annual evaluation of unsatisfactory employees result in additional discipline against such employees?

8. Are you requiring unsatisfactory certificated employees to participate in programs to improve instruction and teaching methods?
When was this policy adopted?
What types of programs are provided to employees?
Will mentors be used?

(4). Bargaining

9. Were any of the changes in evaluation negotiated with your certificated bargaining unit?
What were the obstacles and outcomes?

B. Probationary Employees

1. Are you hiring probationary teachers?
Will the reduction from 3 to 2 years of probation have any effect in your district?
What are your criteria for assessing whether or not to retain a probationary teacher?

2. Has your board established standards for dismissal of probationary employees?
Have these standards been used in a dismissal action?

3. Prior to *SB 813*, what proportion of probationary teachers were not granted tenure in your district?
Will this percentage change under the new standards?

4. Will the procedures in *SB 813* enhance your ability to differentiate weak from strong teachers during the probationary period?

5. Have you negotiated the new provisions relative to probationary employees with your certificated bargaining unit?

C. Layoff

1. Is your district in a position where it is necessary to lay off teachers?
Have you used any of the new provisions of *SB 813* for layoff purposes?
How has *SB 813* changed your layoff policy and procedures?

2. When you lay off, do you follow strict seniority?
Have you or will you consider using the provisions of *SB 813* allowing deviation from strict seniority (e.g., subject area or affirmative action)?
Did you negotiate such procedures?

3. Did your district make any layoffs under the "changed curriculum" provision of *SB 813* in order to adjust staff?
If so, what obstacles did you encounter?
Was this provision bargained?

D. Dismissal, Intermediate Sanctions, and Bargaining

1. Have you proposed, in collective bargaining, a process for imposing intermediate sanctions in lieu of state law for unsatisfactory employees?
What was the outcome?

What was the price?

Will it be helpful in resolving the problem of unsatisfactory employees?

2. Have you sought the dismissal of a teacher under the new provisions of *SB 813*?
Were the law changes of assistance?

3. If you have not recently initiated a dismissal action, do you believe the new procedures in *SB 813* will be of assistance?

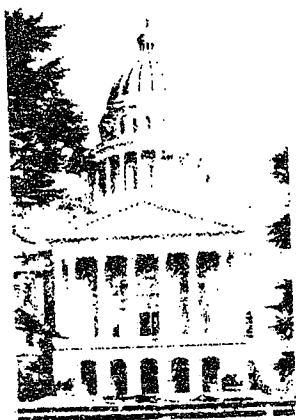
When was your last dismissal action?

What was the outcome?

4. Has your district negotiated for compensation of certificated employees based upon criteria other than years of training and years of experience?

E. Other

1. Did *SB 813* go far enough in the reform of personnel management?
Where did *SB 813* fall short in reforming the personnel management statutes?



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