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MAYOR ANTONIO R. VILLARAIGOSA

7
8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF LOS ANGELES

10 JANE DOE 1, individually, and as the guardian ad litem
of ABELITO DOE, a minor; JANE DOE 2,
11 individually, and as the guardian ad litem of
BRENDITA DOE, a minor; JANE DOE 3, individually,
12 and as the guardian ad litem of ANGELITA DOE and
BOBBY DOE, minors; and JANE DOE 4, individually,
13 and as the guardian ad litem of CARMELITA DOE, a
minor; JANE DOE 5, individually, and as the guardian
14 ad litem of GRACIE DOE, a minor; JOHN DOE 1,
individually, and as the guardian ad litem of ERIKA
15 DOE and FRANNY DOE, minors; and ALICE
CALLAGHAN, and individual,

16 Petitioners and Plaintiffs,

17 v.

18 JOHN DEASY, Superintendent, Los Angeles Unified
School District; MONICA GARCIA, President, Board
19 of Education, Los Angeles Unified School District;
TAMAR GALATZAN, BENNETT KAYSER,
20 MARGUERITE LAMOTTE, NURY MARTINEZ,
RICHARD VLADOVIC, STEVE ZIMMER, Members,
21 Board of Education, Los Angeles Unified School
District; LOS ANGELES UNIFIED SCHOOL
22 DISTRICT; ASSOCIATED AMINISTRATORS OF
LOS ANGELES; UNITED TEACHERS LOS
23 ANGELES; CALIFORNIA PUBLIC EMPLOYMENT
RELATIONS BOARD; and DOES 1 through 10,
24 inclusive,

25 Respondents and Defendants.
26
27
28

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OF ORIGINAL FILED
Los Angeles Superior Court

APR 04 2012

John A. Clarke, Executive Officer/Clerk

Case No. BS134604

**BRIEF AMICUS CURIAE ON
BEHALF OF MAYOR ANTONIO
R. VILLARAIGOSA IN
SUPPORT OF PLAINTIFFS'
PETITION FOR WRIT OF
MANDATE**

Date: June 1, 2012

Time: 9:30 a.m.

Dept: 85

Judge: Hon. James C. Chalfant

**Exempt from filing fees under
Government Code section 6103**

COPY

TABLE OF CONTENTS

Page

1

2

3 I. Interest of Amicus Curiae Mayor Antonio Villaraigosa..... 1

4 II. Effective Evaluations Improve Student Performance..... 2

5 A. The Value of Increasing Teacher Effectiveness 2

6 B. Better School Administrators Also Improve Student Success..... 3

7 C. New Evaluation Models Work..... 4

8 D. Multi-Measure Evaluations..... 5

9 E. LAUSD Current Practice Detracts From Student Success 7

10 F. Teachers and School Leaders are Not Getting Support – And Students Suffer 9

11 G. Students Do Not Have Equitable Access to Quality Teachers 10

12 III. Conclusion: The Opportunity To Do More 11

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

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Page

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1 **I. INTEREST OF AMICUS CURIAE MAYOR ANTONIO VILLARAIGOSA**

2 As the elected leader of the nation's second largest city, nearly every issue that comes across
3 Mayor Villaraigosa's desk intersects with education. Economic development and job creation,
4 lowering crime, reducing poverty, promoting the arts, increasing civic engagement, and convincing
5 our middle class that Los Angeles is a good place to raise a family -- these all require good schools
6 and an educated populace. Mayor Villaraigosa believes that the health of all cities relies on the
7 success of schools, and that mayors can and should play a role in improving the school quality.

8 Moreover, in Los Angeles and urban areas across the country, education is the civil rights
9 issue of our times. Failing schools in our inner cities -- with high drop-out rates and low
10 achievement -- are condemning large numbers of poor students -- and predominantly poor students
11 of color -- to life in an underclass, with few options for the economic upward mobility that marks the
12 American dream.

13 As with most cities in our nation, the Mayor's office in Los Angeles has no formal authority
14 over the school district. However, when Mayor Villaraigosa took office in 2005 and LAUSD's
15 dropout rate was over 50 percent, it was clear that he could not ignore the city's schools. Since then,
16 he has fundraised to elect a progressive majority to the school board, created the Partnership for Los
17 Angeles Schools to turn around 22 of the city's lowest performing schools, fought for more school
18 choices for families, and increased accountability, in the Los Angeles Unified School District
19 (LAUSD). As part of this push for increased accountability he advocated for improved teacher
20 evaluations because he strongly believes that teachers are the most integral part of the education
21 equation.

22 While some progress has been made, our schools -- and our students -- are still in trouble.
23 Only 56% of students graduate, test scores are low and less than a third take the courses needed for
24 admission to the University of California.

25 The Mayor is interested in this case because multiple-measure educator evaluations make for
26 better teachers and principals. In 1999, as Speaker of the California Assembly, he carried legislation
27 that included an amendment to the Stull Act. This legislation required that the governing board of
28

1 each school district evaluate and assess the performance of certificated employees as it reasonably
2 relates to the progress of pupils toward the state adopted academic content standards. In addition to
3 progress of students toward local standards, which was already required by the Stull Act, his
4 legislation expanded the requirement so that evaluations must also consider student progress on
5 standards as measured by state tests. Then Speaker Villaraigosa also recognized the need to provide
6 all educators with meaningful feedback, including a requirement that educators receiving low ratings
7 be counseled as part of the evaluation. It is the feedback connected to the evaluations that enables
8 educators to become more effective and thereby increase the achievement of all students.

9 **II. EFFECTIVE EVALUATIONS IMPROVE STUDENT PERFORMANCE**

10 For generations, LAUSD students have been denied access to a high-quality education. It is
11 clear that the effectiveness of our school leaders and teachers is critical to the academic success of
12 students, and though the overwhelming majority of teachers are rated as satisfactory in the district,
13 the student achievement and graduation numbers tell a different story. For decades, LAUSD has
14 failed both to identify and to act on differences in educator effectiveness. As a result of this neglect,
15 both students and educators suffer. A key strategy for addressing the problem is through better
16 prepared and effective educators, which requires more meaningful evaluations and professional
17 support. By complying with the Stull Act and evaluating all teachers and principals on a regular
18 basis, using student achievement data and providing feedback to struggling teachers, LAUSD can
19 begin to address the educational inequity that has long plagued the city's school system.

20 **A. The Value of Increasing Teacher Effectiveness**

21 A number of factors outside of a school can impact a student's success, including degree of
22 parental or caretaker involvement, nutrition, poverty, and the like. But teacher effectiveness is the
23 most important school-based factor in determining a child's academic achievement. In terms of
24 student success, nothing beats having a good teacher in front of the classroom.¹

25 Teachers, just like professionals in any other field, differ in their skills, talents, and
26 effectiveness. Some teachers foster remarkable academic growth in students, while others do not.

27
28 ¹ Alliance for Excellent Education, *Improving the Distribution of Teachers in Low-performing High Schools* 1, (April 2008), http://www.all4ed.org/files/TeachDist_PolicyBrief.pdf.

1 Research has demonstrated that teacher effectiveness varies dramatically, even among teachers in
2 the same school² and teachers with similar observable backgrounds.³

3 Teacher quality has lasting effects on students' academic growth, economic success and
4 ability to contribute to society. A student assigned to a very good teacher for a single school year
5 may gain up to a full year of academic growth more than a student assigned to a very poor teacher.⁴

6 These effects extend beyond the classroom to students' future careers, lifetime earnings, and
7 ability to contribute to society. Students assigned to effective teachers are more likely to attend
8 college, attend higher-ranked colleges, earn higher salaries, live in higher-income neighborhoods,
9 and save more for retirement.

10 Even small improvements in teacher quality can improve overall student performance and
11 improve the nation's economic prosperity. One study estimates that by identifying and replacing 6–
12 10 percent of the least effective teachers, the United States could, over 20 years, improve our gross
13 domestic product by 1.6 percent—just about equal to the aggregate spending on current teacher
14 salaries and benefits.⁵

15 B. Better School Administrators Also Improve Student Success

16 Improving the quality of administrators is as significant as improving teacher effectiveness.
17 The conversation about talent often begins and ends with teachers, but school leaders set the
18 conditions for success at schools. A large body of qualitative research describes dynamic and skilled

19
20 ² Daniel Aaronson et. al., *Teachers and Student Achievement in the Chicago Public High Schools*, 25
21 J. LABOR & ECON 95, 96-98 (2007), <http://fac.comtech.depaul.edu/wsander/250104.web.pdf>. See
22 also Jonah E. Rockoff, *The Impact of Individual Teachers on Student Achievement: Evidence from*
23 *Panel Data*, (2004) http://www0.gsb.columbia.edu/faculty/jrockoff/rockoff_teachers_march_04.pdf.
24 See also Eric A. Hanushek et. al., *The Market for Teacher Quality* 13 (Nat'l Bureau of Econ.
25 Research, Working Paper No, 11154, 2005) available at
26 http://www.nber.org/papers/w11154.pdf?new_window=1.

27 ³ Steven G. Rivkin et. al., *Teachers, Schools, and Academic Achievement*, 73 ECONOMETRICA 417,
28 449, (2005),
<http://hanushek.stanford.edu/sites/default/files/publications/Rivkin%20Hanushek%20Kain%202005%20Ecta%2073%282%29.pdf>.

⁴ Daniel Weisberg et. al., THE NEW TEACHER PROJECT, *The Widget Effect: Our national failure to*
acknowledge and act on differences in teacher effectiveness 9 (2009),
<http://widgeteffect.org/downloads/TheWidgetEffect.pdf>.

⁵ Dan Goldhaber & Michael Hansen, Urban Institute, *Using Performance on the Job to Inform*
Teacher Tenure Decisions 4 (May 2010), (citing Eric Hanushek, *Assessing the Effects of School*
Resources on Student Performance, 19 Educational Evaluation and Policy Analysis 141-164
(2009)), <http://www.urban.org/UploadedPDF/1001385-using-performance-calder-brief10.pdf>.

1 school leadership as the key element of a successful school.⁶ These case studies suggest that the
2 importance of principals is most apparent when considering schools serving disadvantaged
3 populations. One study found that principals account for 25 percent of a school's impact on student
4 achievement.⁷

5 New Leaders for New Schools, a leading principal development organization, suggests that
6 student outcomes should account for 70 percent of a principal's evaluation, with 50 percent on
7 student achievement results and 20 percent on teacher effectiveness. They state, "tying teachers'
8 gains in student achievement to principal effectiveness sends a powerful message about the
9 principal's role in improving teacher effectiveness. It encourages principals to attend to the practice
10 and results of all of their teachers for whom assessment data are available."⁸

11 C. New Evaluation Models Work

12 Educator effectiveness matters and we know quality evaluation systems that increase teacher
13 effectiveness are in place in some districts across the country right now. As of 2011, 24 states had
14 adopted policies to consider classroom effectiveness as measured by value-added data as part of how
15 teaching performance is assessed.⁹

16 One empirical study looked at the Teacher Evaluation System (TES) system in Cincinnati
17 Public Schools, a high quality classroom observation based approach, that includes multiple, detailed
18 classroom observations and a review of work products. TES has been shown to improve mid-career
19 teacher effectiveness in promoting students' achievement growth in math. Additionally, researchers
20 found that teachers who are least skilled at the time of their evaluation benefit most from the

21
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23 ⁶ See Ronald R. Edmonds, *Effective Schools for the Urban Poor*, 37 EDUCATIONAL LEADERSHIP 15-
24 (October 1979), http://12.4.125.3/ASCD/pdf/journals/ed_lead/el_197910_edmonds.pdf. See also
24 Stewart C. Purkey & Marshall S. Smith, *Effective Schools: A Review*, 83 ELEMENTARY SCH. J 427-
452 (1983). See also Samuel Casey Carter, THE HERITAGE FOUND. NO EXCUSES: LESSONS FROM 21
25 HIGH-PERFORMING, HIGH-POVERTY SCHOOLS. (2000).

26 ⁷ ROBERT J. MARZANO ET AL., SCHOOL LEADERSHIP THAT WORKS: FROM RESEARCH TO RESULTS
(2005).

27 ⁸ New Leaders for New Schools, *Evaluating Principals: Balancing accountability with professional
28 growth 2* (2011), <http://www.newleaders.org/wp-content/uploads/2011/08/EP-Exec-Summary.pdf>.

⁹ Nat'l Council on Teacher Quality, *State Teacher Policy Yearbook 22* (2011),
http://www.nctq.org/stpy11/reports/stpy11_national_report.pdf.

1 process.¹⁰ The authors of the study conclude that the improvement in performance results from
2 feedback provided in the evaluation that spurs the employee to invest in his or her own human
3 capital development.¹¹

4 D. Multi-Measure Evaluations

5 The reluctance to adopt new multi-measure evaluations that include student test score data
6 may be due to concerns that the evaluations are not reliable enough to inform high-stakes decisions.
7 A focus of the concern centers on the use of student test scores and the value-added measures¹² that
8 are derived from those scores.

9 Opponents question the weight value-added measures are given in evaluations and argue that
10 too much emphasis will encourage teaching to the test and a narrowing of the curriculum. They
11 argue that current state tests are not valid measures of teacher impact (or even of student learning)
12 and they argue that value-added measures are not stable enough predictors of teacher performance.¹³

13 There concerns should be considered closely when developing and implementing multi-
14 measure evaluation systems. However, they are being addressed and should not serve as barriers to
15 implementing and refining evaluations in LAUSD. Those responsible for the District's pilot
16 program are still determining what weight value-added data will be given, and they are making these
17 decisions with the help of participating teachers and principals. The concern that too much emphasis
18 on value-added encourages teaching to the test is addressed by using multi-measures, such as student
19 feedback and observations. These measures act as checks and balances. If a teacher is teaching to
20 the test, that will likely be observed by principals and even students in that teacher's class.

21 The question of the validity of current tests is one that the entire nation is asking. In
22 response, a new set of national standards for student learning, called the Common Core Standards,¹⁴

23
24 ¹⁰ Eric Taylor & John Tyler, *The Effect of Evaluation on Performance: Evidence from Longitudinal*
25 *Student Achievement Data of Mid-Career Teachers* 24, (Nat'l Bureau of Econ. Research, Working
26 Paper No, 16877, 2011), available at http://4teachingexcellence.org/uploads/media_items/the-effect-of-evaluation-on-performance.original.pdf.

27 ¹¹ *Id.*

28 ¹² VAM is referred to as Academic Growth over Time (AGT) in LAUSD.

¹³ Economic Policy Institute, *Problems With The Use Of Student Test Scores To Evaluate Teachers*
2, (2010), <http://www.epi.org/page/-/pdf/bp278.pdf>.

¹⁴ Common Core Standards are a state-led effort to create a clear and consistent framework for
preparing children for college and the workforce.

1 were created. Aligned tests are currently being developed by multi-state consortiums, of which
2 California is a leading state.

3 A number of recent studies address concerns regarding the reliability of value-added
4 measures. One study looked at the use of these scores in determining if a teacher should be granted
5 tenure.¹⁵ The study sought to determine how well early-career performance signals teacher
6 effectiveness after tenure. The results of their own analysis and review of previous studies suggest
7 that value-added measures of teacher effect are better indicators of teacher quality (at least as
8 measured by standardized tests) than observable teacher attributes.¹⁶

9 This reinforced the notion that these estimates are a reasonable metric to use as a factor in
10 making substantive personnel decisions. In the study, the researchers used value-added estimates to
11 hypothetically “deselect” teachers with lower value-add before granting tenure. The calculations
12 suggest that deselecting these teachers would have an educationally significant effect on the
13 distribution of teacher workforce quality.¹⁷

14 Another study looked at the accuracy of principal ratings of teacher quality and found that
15 value-added measures are more reliable than principal ratings. Though principals could accurately
16 assess teacher quality on the high and low end of effectiveness, they were less accurate in identifying
17 teachers in the middle of the quality spectrum.¹⁸

18 This is not evidence to suggest value-added measures alone should be used in evaluations,
19 but that when observations and student data are used together - as part of a multi-measure evaluation
20 system - comparisons between the two ratings can be made to check for accuracy and provide more
21 detailed information on a teacher’s practice. The authors of the study concluded that “if principals
22 can observe teacher behavior as well as student test scores, they may be able to ensure that teachers
23

24
25 ¹⁵ Tenure is usually granted after 3-4 years of teaching, but is granted after only 2 years in LAUSD.

26 ¹⁶ Dan Goldhaber & Michael Hansen, Urban Institute, *Using Performance on the Job to Inform
Teacher Tenure Decisions* 1-2 (May 2010), <http://www.urban.org/UploadedPDF/1001385-using-performance-calder-brief10.pdf>.

27 ¹⁷ *Id.* at 4.

28 ¹⁸ Brian Jacob & Lars Lefgren, *Can Principals Identify Effective Teachers? Evidence on Subjective
Performance Evaluation in Education* 29-30 (June 2007).

<http://economics.byu.edu/Documents/Lars%20Lefgren/papers/principals.pdf>.

1 increase student achievement through improvement in pedagogy, classroom management or
2 curriculum.”

3 **E. LAUSD Current Practice Detracts From Student Success**

4 LAUSD is not complying with the Stull Act’s directive to evaluate teachers and school
5 leaders, and to act on the information from those evaluations through support, recognition or key
6 workforce decisions.

7 In 2010, the LAUSD board acknowledged this when they established the Teacher
8 Effectiveness Task Force (TETF). The Board asserted that the evaluation process in use did not
9 address future improvement of methodologies and expectations, did not recognize exceptional
10 teachers and leaders, and lacked the motivational framework to push educators to higher levels of
11 performance.¹⁹

12 The task force that developed was a collaboration of district personnel, researchers, parents,
13 union leaders, teachers and principals that met periodically over a year to analyze the current
14 structure and implementation of evaluations in LAUSD. They found 4 primary areas for
15 improvement: 1) evaluations are one dimensional (relying only on administrator observation); 2)
16 there is only a tenuous link between evaluations and improved teaching and learning; 3) there is very
17 little differentiation between teachers in LAUSD, with 99.3% receiving a “satisfactory” evaluation;
18 and 4) there are limited growth/advancement opportunities and limited consequences linked to
19 evaluation data.²⁰

20 This is consistent with the findings of The New Teacher Project (TNTP) study, “The Widget
21 Effect,” which reviewed teacher evaluation systems in multiple districts across four states. The
22 researchers found that a common flaw in current systems is that teacher evaluations are perfunctory.
23 Districts operate under the assumption that teachers are interchangeable parts; essentially equal in
24

25 ¹⁹ Quality Leadership and Teaching to Ensure a World Class Education for All, L.A. UNIFIED SCH.
26 DIST. BOARD RES. 1 (April 28, 2009),
27 <http://sac.lausd.net/sites/default/files/Teacher%20Effective%20Task%20Force%20Resolution.4.28.09.pdf>.

28 ²⁰ Teacher Effectiveness Task Force, L.A. Unified Sch. Dist., *Final Rep.* 9 (2010),
http://sac.lausd.net/sites/default/files/Teacher%20Effectiveness%20Task%20Force%20Report%20vfinal2010_.pdf.

1 quality.²¹ In districts that use binary evaluation ratings (“satisfactory” or “unsatisfactory”), like in
2 LAUSD, often more than 99 percent of teachers receive the satisfactory rating.²²

3 This rating of all teachers as “effective” is both a symptom and a cause of poor evaluation
4 systems. The one dimensional evaluations and binary rating systems used in LAUSD do not allow
5 for identification of differences in teacher quality. As a result of this failure to make quality
6 distinctions, evaluations are designed to merely capture a snapshot of a teacher’s classroom, rather
7 than meaningful data on his or her instructional practice or outcomes.

8 In addition to the poor quality of evaluations, LAUSD fails to meet the minimum state
9 expectations for evaluation frequency.²³ In 2009-2010, LAUSD evaluated only 40 percent of
10 tenured teachers and 70 percent of non-tenured teachers.²⁴ While the law allows for evaluations as
11 infrequently as every 5 years, providing more regular evaluations gives teachers more opportunity to
12 grow in their profession.

13 Failure to provide meaningful feedback is further evidence that LAUSD’s evaluations are
14 perfunctory. Twenty-five percent of teachers in LAUSD report they never received feedback from
15 their principals, another quarter received feedback only once a year.²⁵ It is clear that teachers want
16 more feedback; when asked what they would most recommend to improve evaluations, 35 percent
17 said additional classroom observers (with content area-expertise) and increasing the number of
18 observations ranked second. When they do receive feedback from principals, 60 percent of District
19 teachers find that it is at least somewhat helpful.²⁶

20 Possibly the most acute omission in LAUSD’s teacher evaluation policies is the absence of
21 students achievement data. Of the 27 indicators of teacher performance in the LAUSD evaluation,
22 not one asks whether students are making gains towards standards. In his deposition, LAUSD
23 Superintendent Dr. John Deasy admitted that measures of student progress were not a part of the

24 ²¹ Weisberg et. al., *supra* note 5, at 19.

25 ²² *Id.* at 6.

26 ²³ In California, the law requires evaluations to be done once a year for probationary teachers and
once every other year tenured teachers or once every 5 years for tenured teachers who have been
with the district for 10 years and who get a “meets expectation” on the previous evaluation.

27 ²⁴ Nat’l Council on Teacher Quality, *Teacher Quality Roadmap: Improving Policies and Practices in*
LAUSD 18, (June 2011), http://www.nctq.org/tr3/consulting/docs/nctq_tr3_laUSD_06-2011.pdf.

28 ²⁵ *Id.* at 23.

²⁶ *Id.* at 18, 22.

1 evaluation. He stated, "The current and previous process does not have a discrete component by
2 which teachers are provided information as part of the evaluation process, using student outcome
3 and student achievement indicators over time."²⁷

4 In 2010-2011, LAUSD began privately sharing student progress data with teachers and
5 principals. While these efforts are a start, they are not enough. The District has yet to incorporate
6 achievement data into the formal evaluation process for any educator in the district, as the law
7 clearly requires.

8 One impediment is LAUSD's collective bargaining agreement with its teachers. Even at the
9 Mayor's Partnership Schools, a subset of LAUSD district schools run by an external non-profit
10 chaired by the Mayor, evaluations do not comply with the Stull Act. The Partnership is participating
11 in the evaluation pilot, and taking a leading role in implementation and refinement. But the
12 Partnership is bound by the same contract restrictions as the rest of the District.

13 **F. Teachers and School Leaders are Not Getting Support – And Students Suffer**

14 The current system is not working for educators and it is not working for students. This
15 becomes apparent when the rating of most teachers as "meets expectations" is contrasted with the
16 student achievement results in LAUSD. In 2009-2010, not only did 99.3% of teachers receive the
17 highest rating of "meets standard performance" but 79% received a "meets" on all 27 indicators of
18 performance in the evaluation, implying they did not need *any* improvement. In this same year only
19 41 percent of students scored proficient in language arts and only 39 percent scored proficient in
20 mathematics.²⁸

21 Although LAUSD is making some progress toward its goals of 100% graduation, proficiency
22 for all, and 100% attendance,²⁹ progress is not fast enough. Current growth in proficiency and
23 graduation rates is simply not good enough. Almost half of all eight grade students score basic,
24 below basic, or far below basic in English language arts and math on California Standardized Tests

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26 ²⁷ John Deasy Dep. 25:7-11, Feb. 23, 2012.

²⁸ Nat'l Council on Teacher Quality, *supra* note 25, at 24.

²⁹ L.A. Unified Sch. Dist, *Performance Meter* (August 2011),

27 http://notebook.lausd.net/pls/ptl/docs/PAGE/CA_LAUSD/LAUSDNET/OFFICES/SUPERINTENDENT_OF_SCHOOLS/PERFORMANCE%20METER%20SUMMARY%20AUGUST%202011%20FINAL.PDF
28

1 (CST's).³⁰ LAUSD continues to have one of the lowest high school graduation rates in the state³¹: in
2 2011, only 56% of students graduated; an improvement of just one percentage point from the
3 previous year. Even those who do graduate are often not college or career-ready. In 2010-2011,
4 only 28% of students were on track for meeting the University of California's A-G requirements.

5 G. Students Do Not Have Equitable Access to Quality Teachers

6 The District's poor and minority students are least likely to be taught by the most effective
7 teachers.³²

8 The Education Trust – West, a leading educational advocacy organization in California,
9 studied the extent of this problem in LAUSD. It found that a low-income student in the District is
10 more than twice as likely to have a teacher who has demonstrated a low contribution to the learning
11 of his or her students, or “low value-added,” for English, while a student from a relatively more
12 affluent background is 62 percent more likely to get a “high value-added” teacher.

13 Yet, research has shown that high needs students, when given three highly effective teachers
14 in a row, can outperform students taught by three ineffective teachers in a row by as much as 50
15 percentile points.³³ Clearly, ensuring a succession of good teachers, which can be done with smart
16 school policy, can help bridge existing achievement gaps.³⁴

17 In spite of evidence that students regularly assigned to effective teachers have an “extreme
18 advantage”³⁵ over those not provided with this constitutionally- and morally-mandated opportunity,
19 and despite the fact that it has the data, LAUSD has failed to take adequate action to ensure that
20 every student has access to effective teachers. In order to ensure fairness to all children, whose

21 ³⁰ *Id.* In 2011, only 51% of 5th graders scored proficient or advanced in English language arts and
22 only 60% scored proficient in math on standardized tests, a slight improvement from 2009-2010,
23 when 46% scored proficient or advanced in English and 56% scored proficient or advanced in math.

24 ³¹ *Id.* Connie Llanos. *LAUSD graduate numbers improve but still terrible*, L.A. DAILY NEWS (August
25 11, 2011) http://www.dailynews.com/news/ci_18665720?source=rss.

26 ³² Weisberg et. al., *supra* note 5, at 18. Poor and minority students are also more likely to have
27 teachers who ranked in the bottom of their high school and college classes, did poorly on the SAT,
28 and did not major or minor in the subject they teach, or are in their first few years of teaching. *Id.*

³³ Weisberg et. al., *supra* note 5, at 9 & 31 n.3.

³⁴ Rivkin *supra* note 4, at 449.

³⁵ William L. Sanders & June C. Rivers, U. TENN. VALUE-ADDED RES. & ASSESSMENT CENTER,
Cumulative and Residual Effects of Teachers on Future Student Academic Achievement, 7 (Nov.
2006), http://heartland.org/sites/all/modules/custom/heartland_migration/files/pdfs/3048.pdf.

1 future success depends upon their achievement and growth, LAUSD must first evaluate teachers in a
2 way that allows the District to identify those who are effective.

3 **III. CONCLUSION: THE OPPORTUNITY TO DO MORE**

4 The petitioners in the case ask the District to evaluate certificated employees' on-the-job
5 performance with data that reasonably measures whether or not the students under an employee's
6 charge are actually learning. The Stull Act requires that LAUSD implement and enforce periodic
7 evaluation of certificated personnel, that those evaluations include progress of pupils toward state
8 adopted academic standards as measured by state adopted criterion referenced assessment, and that
9 the District confer with employees who receive unsatisfactory performance ratings. Arguments in
10 support of this case could be simply about the Districts' responsibility to follow the law or focus on
11 the need to hold employees accountable. But implementing periodic multi-measure evaluations,
12 which are tied to achievement data and linked to feedback, is about far more than just following the
13 law or increasing accountability. New evaluation methods are not only proven to be valid measures
14 of teacher performance, when implemented effectively and used to make support and employment
15 decisions, they improve educator effectiveness and increase student learning.

16 As currently implemented, the evaluation procedures in the District do not do this. The
17 Superintendent agrees, stating in his deposition that he "...believe[s] the changes are necessary
18 because I believe that the current system doesn't best serve adults or students."³⁶ He went on to say
19 "...my professional judgment is that the current system does not provide ways for people to
20 fundamentally get better at both the skill and craft of teaching and leadership."³⁷

21 The Stull Act, however, if implemented completely, provides the opportunity to develop and
22 apply a more robust multiple-measure evaluation system. Doing this would provide the information
23 LAUSD leaders would need to differentiate teacher training, reward excellence, and identify more
24 accurately situations where educators are truly ineffective. Most important, if this is done, student
25 achievement would increase.

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28 ³⁶ Deasy Dep. 34:14-16.

³⁷ Deasy Dep. 35:8-11.

1 As Kyle Hunsberger, an LAUSD teacher, recently wrote, “As teachers, we know the
2 importance of giving our students meaningful feedback on their work –not as judgment, but as
3 opportunity to improve.”³⁸ It is this opportunity – the opportunity to review multiple measures of
4 their performance, receive feedback on their practice and be provided with ways to improve – that
5 we should be giving to all teachers in the district, not just the 426 that are participating in the pilot
6 program.

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Respectfully Submitted,

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12 Attorneys for *Amicus Curiae*
13 Mayor Antonio R. Villaraigosa

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27 ³⁸ Kyle Hunsberger, Teach Plus, *The War Over Teacher Evaluations Misses the Point*, HUFFINGTON
28 POST, Dec. 22, 2011. http://www.huffingtonpost.com/teach-plus/the-war-over-teacher-eval_b_1162891.html.