

CLIENT NEWS BRIEF

No. 45

October 2009

GOVERNOR APPROVES SENATE BILL 19, REMOVING A BARRIER TO CALIFORNIA'S ELIGIBILITY FOR RACE TO THE TOP FUNDING

On October 11, 2009, Governor Arnold Schwarzenegger approved Senate Bill 19 ("SB 19") which amends Education Code provisions relating to education data. Among other things, SB 19 deletes an existing provision which prohibited the student data system from being used in conjunction with the teacher data system for the purpose of employment decisions related to individual teachers.

Education Code section 10601.5 currently prohibits the use of the California Longitudinal Teacher Integrated Data Education System ("CALTIDES") data, either solely or in conjunction with California Longitudinal Pupil Achievement Data System ("CALPADS") data, for the purposes of pay, promotion, sanction, personnel evaluation, or any other employment decision of an individual teacher or group of teachers. Effective January 1, 2010, SB 19 deletes this prohibition. This prohibition was perceived as preventing local educational agencies from evaluating teachers based on student achievement. SB 19 instead amends section 10601.5 to prohibit CALTIDES data from being used in violation of a federal or state law intended to protect an individual's right to privacy or confidentiality.

In February, President Barack Obama signed into law the American Recovery and Reinvestment Act of 2009 ("ARRA"). The Race To The Top fund is part of the ARRA, with an appropriation of \$4.35 billion. The Race To The Top fund will provide competitive grants to states for the purpose of encouraging and rewarding education innovation and reform. In order to be eligible to apply for the grants, states must have no statutory or regulatory barriers to linking data about student growth and achievement to teachers for the purposes of teacher and principal evaluation.

By deleting the prohibition related to using student achievement data in teacher assignment and evaluation, SB 19 removes a barrier to California's eligibility for Race To The Top funding.

If you have any questions about Senate Bill 19 or ARRA, please contact one of our seven offices located statewide.

As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.



Written by Namita Brown (nbrown@lozanosmith.com) and Kirsten Zumwalt Kuitu (kkuitu@lozanosmith.com). Namita is a shareholder in our San Ramon office, and Kirsten is an associate in our Fresno office. Namita is co-chair of our Labor & Employment practice group.

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