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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 CITY AND COUNTY OF SAN FRANCISCO
10

11 ELIEZER WILLIAMS, et al.,) Case No. 312 236
12)
Plaintiffs,) Hearing Date: September 17, 2003
13)
vs.) Time: 3:30 p.m.
14)
STATE OF CALIFORNIA, DELAINE) Department: 20
15 EASTIN, State Superintendent)
Of Public Instruction, STATE) Judge: Hon. Peter J. Busch
16 DEPARTMENT OF EDUCATION, STATE)
17 BOARD OF EDUCATION,)
18 Defendants.)
19)
20 AND RELATED CROSS-ACTION.)
21)
22)

23 DECLARATION OF THOMAS ADAMS IN SUPPORT OF DEFENDANT STATE OF
24 CALIFORNIA'S OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY
25 ADJUDICATION
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I, Thomas Adams, declare as follows:

1. I am currently employed by the Department of Education of the State of California. I make this declaration in support of the opposition of defendant State of California to Plaintiffs' motion for summary adjudication. All of the facts set forth in this declaration are known to me personally and, if called as a witness, I could testify competently thereto.

2. Since April 21, 2003, I have been Director of the Department's Curriculum Frameworks and Instructional Resources Division. The Curriculum Frameworks and Instructional Resources (CFIR) Division oversees the work of the development of curriculum frameworks and the adoption of instructional resources. In addition, I serve as the Executive Director and the Executive Secretary to the Curriculum Development and Supplemental Materials Commission (Curriculum Commission). The CFIR division director and staff provide support for the Commission, which advises the State Board of Education on the adoption of curriculum frameworks and instructional resources.

3. Prior to my appointment as division director, I was the lead consultant on two standards-based adoptions of instructional materials, history-social science in 1999 and science in 2000. I consulted with the Academic Standards Commission and the State Board of Education on the development of the history-social science standards. The published History-Social Science Standards acknowledge that my "significant

1 contributions . . . deserve special recognition." Subsequently,
2 I was the lead consultant on the updating of the History-Social
3 Science Framework, 2000. In the area of mathematics, I was the
4 lead consultant on the development of the Mathematics Framework
5 in 1997 and 1998. Between September 2000 and April 2003, as the
6 administrator of the Curriculum Frameworks Unit, I oversaw the
7 completion of the Foreign Language, Health, and Science
8 Frameworks. I served as staff in every adoption of instructional
9 materials between 1999 and 2002 and have first hand knowledge of
10 the use of evaluation criteria in the selection of instructional
11 materials. Lastly, I recently received professional development
12 on the use of state-adopted reading/language arts instructional
13 materials.

14
15 4. I am familiar with the Williams v. State of
16 California case, and have reviewed the allegations Plaintiffs set
17 forth in their motion for summary adjudication pertaining to the
18 lack of instructional materials.

19
20 5. Content Standards: California's curriculum
21 development process changed in 1995. The Academic Standards
22 Commission (hereafter referred to as Standards Commission) was
23 created when Governor Pete Wilson signed into law AB 265, chapter
24 975, in October, 1995. The Standards Commission had the
25 responsibility of advising the State Board of Education and
26 bringing forth proposed standards for adoption. In June 1996, SB
27 430, chapter 69, an urgency statute, was signed into law with the
28 clause that the State Board of Education "shall modify the

1 curriculum frameworks where appropriate to bring them into
2 alignment with the standards." This statute made standards the
3 overriding curricular policy. The Academic Standards Commission
4 was formed in 1996 and by September 1998 had completed its work.
5 The Standards Commission ceased to exist after 1998.

6
7 6. In 1997, California was among one of the first
8 states to take the bold initiative of developing academic
9 standards. Since then, California has adopted content standards
10 in English-language arts, history-social science, mathematics,
11 and science. These standards guide districts on what should be
12 taught across all disciplines and at varying grade levels. The
13 state's role in public education has changed, therefore, from
14 merely providing an outline of pedagogical philosophy to school
15 districts to establishing specific content-standards in English-
16 language arts, history-social science, mathematics, and science.
17 For the first time, we are stating explicitly in all four core
18 subject areas the content that students need to acquire in
19 kindergarten through grade twelve. California's standards are
20 rigorous and provide schools guidance regarding the knowledge and
21 skills needed for the information-based global economy of the 21st
22 century. With student mastery of these content-standards,
23 California schools will be on a par with those in the best
24 educational systems in other states and nations. Furthermore,
25 the content is attainable by all students, given sufficient time,
26 except for those few who have severe disabilities. We regard the
27 standards as firm but not unyielding; they will be modified in
28 future years to reflect new research and scholarship.

1 7. Standards-based education is consistent with
2 California's tradition of local control. Standards describe what
3 to teach, not how to teach it. In areas of pedagogical dispute,
4 the standards do not endorse one method over another.
5 Specifically, in the subjects of mathematics and science, the
6 standards for high school are discipline specific but not grade
7 level specific. Local school officials, along with parents and
8 other community members, have the flexibility to take the
9 standards and design specific curricular and instructional
10 strategies that best deliver the content to their students.

11
12 8. Curriculum Frameworks: Using the content standards
13 as a foundation, the Curriculum Commission develops curriculum
14 frameworks to provide educators and publishers a more detailed
15 guideline for the development of K-12 curriculum. After the
16 Commission develops a K-12 curriculum framework for the subject
17 under review, the Board must approve it.

18
19 9. The California Education Code requires that the
20 Board update or revise State curriculum frameworks every six
21 years for core subjects, and every eight years for non-core
22 subjects. See California Education Code § 60200. (Core subjects
23 include the areas of reading, writing, mathematics, history-
24 social science, and science. See California Education Code §
25 60603(e).) For grades K-8, the Board must adopt at least five
26 separate basic instructional materials for each grade level and
27 each core subject area. See California Education Code § 60001.
28 Furthermore, the Board is required to set forth policies and

1 procedures regarding the development of curriculum frameworks and
2 the adoption of instructional materials. See California
3 Education Code § 60005.

4
5 10. The Board updates and revises the curriculum
6 frameworks based on recommendations provided to it by the
7 Commission. Prior to making its recommendations, the Commission
8 thoroughly reviews, evaluates and revises the curriculum
9 framework for each subject area. The review process for each
10 subject area begins well before the given cycle for that subject
11 ends. The framework and its accompanying criteria for evaluating
12 instructional materials must be approved by the State Board of
13 Education at least thirty months prior to the date the materials
14 are to be approved. In other words, the Commission may begin
15 developing the framework for a subject area two years before that
16 subject's next cycle for curriculum framework ends and four years
17 before the subject's next adoption cycle for instructional
18 materials begins. Thus, the Commission is continuously
19 evaluating the curriculum frameworks.

20
21 11. To date the Board has curriculum frameworks in all
22 core subjects: the Board approved new reading/language arts and
23 mathematics frameworks in December 1998; a history-social science
24 framework in 2000; and science in 2002. The Board has also
25 approved a foreign language framework in 2001 and health
26 frameworks in 2002. The Commission is currently revising the
27 visual and performing arts framework with a projected completion
28 date of January 2004. Development of the physical education

1 framework will resume once the Board adopts a completed content-
2 standard in this area.

3
4 12. Developing curriculum frameworks and adopting
5 instructional materials are expensive and time-consuming tasks.
6 The Commission recommends to the Board numerous education experts
7 throughout the State to assist in the development of curriculum
8 frameworks and the evaluation of K-8 instructional materials.
9 They make sure publishers have provided accurate and up-to-date
10 research and information in their K-8 instructional materials.
11 Furthermore, the Commission collaborates with state-approved
12 publishers to ensure that they will facilitate the successful
13 delivery of these standards.

14
15 13. The curriculum frameworks are developed in a
16 public manner that encourages public input. The meetings of the
17 Commission and its advisory committees - Curriculum Framework and
18 Criteria Committee, Instructional Materials Advisory Panel and
19 the Content Review Panels - are open to the public and include
20 the opportunity for comments by anyone in attendance. In fact,
21 the Commission prepares a draft framework for field review that
22 is available for public comment for at least 45 days and holds
23 public hearings on the document. Furthermore, after the
24 Commission recommends a framework to the Board, the Board then
25 holds a public hearing prior to considering that framework for
26 adoption. All draft documents are available on the CDE's website
27 for public view. In addition, the framework is distributed to
28

1 the twenty-four Learning Resource Display Centers throughout the
2 state for public comment.

3
4 14. After adoption by the Board, frameworks are
5 available on the CDE's Web site and are available for purchase
6 through the CDE. The importance of the frameworks was stated in
7 the Budget Act of 2000-01 when \$ 1.5 million was appropriated for
8 the printing and distributions of free Reading Language Arts and
9 Mathematics Frameworks to all teachers. The CDE shipped the
10 frameworks to districts in May and June 2001 so that all teachers
11 would have Reading/Language Arts and Mathematics Frameworks.

12
13 15. Curriculum frameworks have drawn state and
14 national recognition because they focus on the delivery of
15 standards-based instruction. The content standards describe what
16 educators and professionals in the field expect K-12 students to
17 know. Based on current research in education and the specific
18 content area, the frameworks then provide a firm foundation for
19 curriculum and instruction by describing the scope and sequence
20 of knowledge and the skills that all students are expected to
21 master within that subject area. The frameworks' overarching
22 dedication is to balance factual knowledge, fundamental skills,
23 and application of knowledge and skills. In addition, the
24 frameworks establish the criteria that the Board uses to evaluate
25 what instructional materials it should adopt.

26
27 16. Instructional Materials Evaluation and Adoption
28 Process: The Board has constitutional authority to adopt

1 textbooks for grades K-8. (Article IX, Section 7.5 of the
2 California Constitution.) The Commission advises the Board in
3 the process of adopting these instructional materials. Using the
4 frameworks as its guide, the Commission studies and evaluates
5 instructional materials submitted for adoption by national and
6 state publishers. State law mandates that instructional
7 materials for grades K-8 must be evaluated for consistency with
8 the criteria and standards in the Board's curriculum frameworks.
9 See Educ. Code §§ 60200-60204. For use in grades K-8, state law
10 requires school districts to select and buy instructional
11 materials that are on the Board-adopted list if they buy
12 instructional materials with State instructional materials funds.
13 Frameworks also guide school districts' selection of
14 instructional resources for grades 9 through 12. See Education
15 Code §§ 60240-60242.

16
17 17. While the criteria for evaluating instructional
18 materials for kindergarten through grade eight may be applied to
19 grades 9 through 12, the "standards maps" for grades 9 through 12
20 provide explicit guidance to districts in the selection of
21 standards-based instructional materials. Assembly Bill 699
22 (Canciamilla, Chapter 591 of the Statutes of 2001) requires
23 publishers to submit these standards maps to local educational
24 agencies (LEAs) so that the school districts can determine the
25 extent to which instructional materials or combination of
26 instructional materials for pupils in grades 9-12 align with the
27 content standards adopted by the Board (Education Code Section
28 60451[d]). The State Board adopted the standards maps on

1 February 6, 2002 and by August 1, 2002 publishers were required
2 to include completed standards maps for materials offered for
3 sale in the four core content areas in grades 9-12. These
4 standards maps must be submitted to LEAs before the purchase of
5 any materials after that date. These templates are filled out by
6 the publishers citing where their materials align with the
7 content standards. The standards maps are a tool for LEAs to use
8 when evaluating instructional materials for alignment with
9 content standards as local school boards must certify that
10 materials are aligned with the California content standards
11 (Education Code Section 60451(c)). Information packets on the
12 legislation and copies of the standards maps were mailed to all
13 county offices of education, school districts, and charter
14 schools. They are located at
15 <<http://www.cde.ca.gov/cfir/912stmap.html>>.

16
17 18. The Board traditionally adopts only basic
18 instructional materials programs (i.e., programs that are
19 designed for use by pupils and their teachers as a principal
20 learning resource and that meet in organization and content the
21 basic requirements of a full course of study, generally one
22 school year in length).

23
24 19. Primary adoptions, which are the first adoptions
25 following the approval of a new state framework, are conducted
26 every six years for the four core curriculum areas. Education
27 Code Section 60200.1(a)(2) reset the base-year schedule for these
28 adoptions as follows: history-social science (1999), science

1 (2000), mathematics (2001), and reading/language arts (2002).
2 Primary adoptions in foreign language, visual and performing
3 arts, and health are to be conducted every eight years. In all
4 cases, a follow-up adoption of instructional materials (using the
5 same evaluation criteria as described above) is to be scheduled
6 between adoptions.

7
8 20. As with the framework development process, the
9 adoption process is designed to ensure broad public input. The
10 adoption process involves three concurrent steps:

11
12 21. Legal compliance review. The legal compliance
13 review, also known as the social content review, is conducted to
14 ensure that all instructional resources used in California public
15 schools comply with Education Code sections 60040-60044 as well
16 as Board guidelines contained in Standards for Evaluating
17 Instructional Materials for Social Content (2000 edition).
18 Resources not in compliance with the standards must be revised or
19 be withdrawn. For grades K-8, the CDE conducts social
20 content/legal compliance reviews. School districts may also
21 conduct their own reviews.

22
23 22. Public review and comment. Samples of
24 instructional resources submitted for adoption are available for
25 public review at sites located throughout the state. Written
26 comments on the resources are forwarded to the Commission and the
27 Board for consideration. In addition, three separate public
28 hearings are held prior to adoption: one before the appropriate

1 Subject Matter Committee of the Curriculum Commission, one before
2 the full commission itself, and one before the Board.

3
4 23. Education content review. The education content
5 review is based on the Board-adopted framework and the content
6 standards it embodies. Evaluation criteria based on the
7 framework are developed by the Curriculum Commission and adopted
8 by the Board. After a statewide recruitment and application
9 process, the Curriculum Commission recommends and SBE appoints
10 two panels: the Instructional Materials Advisory Panel (IMAP) and
11 the Content Review Panel (CRP). The IMAP is composed primarily
12 of classroom teachers (but also includes other participants, such
13 as administrators, curriculum specialists, university faculty,
14 and parents) who evaluate materials according to all categories
15 of the criteria. The CRP is composed of subject-matter experts
16 who review materials according to the content criteria and ensure
17 that the materials are accurate, aligned with SBE-adopted content
18 standards in the four curricular areas, and based on current and
19 confirmed research. CRP members review only those materials or
20 parts of them that pertain to their area of expertise. CRP
21 members are a resource for the IMAP.

22
23 24. Both panels receive training on the Board-adopted
24 criteria and individually review submitted programs. The CRP and
25 IMAP prepare a joint report and recommendation on each
26 submission. The IMAP/CRP recommendations are forwarded to the
27 Commission. The Commission then develops a written report
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1 containing its recommendation on each submission, which is
2 forwarded to SBE for action.

3

4 25. The Board then considers the recommendations,
5 related documents, and public comments prior to adopting or not
6 adopting each submission. The Commission's report is modified as
7 necessary to reflect Board's action, and the final document is
8 widely distributed and posted on the Internet.

9

10 26. State Instructional Materials Funds: In 1998
11 the State Legislature—through the 1998-99 Budget Act and AB 2041
12 Schiff-Bustamante Standards-Based Instructional Materials
13 Program(Chapter 333, Statutes of 1998)—made a four-year, \$1
14 billion commitment to the purchase of new, standards-aligned
15 instructional materials. Each year, beginning in 1998-99, the
16 Legislature appropriated \$250 million for the purchase of
17 instructional materials aligned with the SBE-adopted content
18 standards in the four core curriculum areas: reading/language
19 arts, mathematics, history-social science, and science. The funds
20 were distributed on the basis of prior-year enrollment. This
21 program has terminated; however, some districts still have
22 carryover funds from these appropriations, and they have until
23 June 30, 2004 to spend all these funds.

24

25 27. Instructional Materials Funding Realignment
26 Program (IMFRP): AB 1781 (Chapter 802, Statutes 2002) established
27 the Instructional Materials Funding Realignment Program (IMFRP).
28 Beginning with the 2002-03 fiscal year, IMFRP consolidates

1 previous funding sources for instructional materials.
2 Specifically, it provides that local educational agencies must
3 use state instructional materials funds to ensure that each K-12
4 student is provided with a standards-aligned textbook and/or
5 basic instructional materials by the beginning of the first
6 school term that commences no later than 24 months after those
7 materials were adopted by the State Board of Education. Cal.
8 Educ. Code Ch. 3.25, §§ 60420-60424. For kindergarten through
9 grade eight, these textbooks and/or instructional materials must
10 be from the State adoption lists. In addition, priority must
11 first be given to the State's recent adoptions for
12 reading/language arts/English language development, mathematics
13 and then to science and history-social science. Once a local
14 governing board certifies that it has provided each pupil with
15 standards aligned instructional materials, the local educational
16 agency may use 100 percent of any remaining IMFRP funds to
17 purchase other instructional materials, which are consistent with
18 the content and cycles of the curriculum frameworks.

19
20 28. The local governing board is also required to hold
21 an annual public hearing (pursuant to Education Code Section
22 60119) and make a determination by resolution as to whether each
23 pupil in the district has sufficient instructional materials in
24 each subject that are consistent with the content and cycles of
25 the curriculum frameworks.

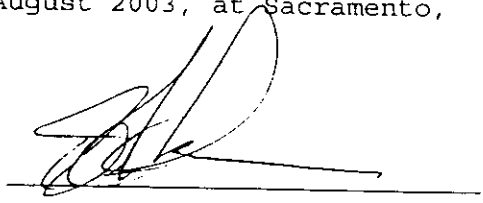
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29. Professional Development and Instructional Materials: In 2001, the State legislature enacted AB 466 Strom-Martin (Chapter 737, Statutes 2001) and AB 75 Steinberg (Chapter 697, Statutes 2001). This legislation established funding to provide professional development in the form of training on how to use standards aligned instructional materials in the areas of mathematics and reading. Moreover, these statutes are specifically aimed at particular educators: AB 466 addresses training for teachers and paraprofessionals, and AB 75 focuses on administrators (notably principals). Both statutes, and their accompanying funding, focus on the need to train educators on the classroom use of state-adopted instructional materials.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 14 day of August 2003, at Sacramento, California.



Thomas Adams