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SUPERIOR COURT OF THE STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

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

DECLARATION OF BRUCE GORDON IN SUPPORT OF DEFENDANT STATE OF CALIFORNIA'S OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY ADJUDICATION

1 to enroll their children. Cal. Educ. Code § 33126(a). Generally
2 SARC's begin with a school profile that provides background
3 information about the school and its students. The profile also
4 presents the district's mission and the specific goals that
5 school administrators, staff, and parents have set forth.
6 Parents and other members of the public may use the SARC to judge
7 how well the school is meeting its goals.

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9 4. By law the SARC must address the following major
10 areas: school safety and climate for learning, academic data,
11 school completion, class size, teacher and staff information,
12 post-secondary preparation, fiscal and expenditure data and
13 curriculum and instruction. The SARC also contains demographic
14 information.

15
16 5. In particular, schools must provide an assessment
17 of the quality and currency of their textbooks and other
18 instructional materials. Cal. Educ. Code § 33126(b)(6). To
19 accomplish this schools must indicate whether textbooks and other
20 materials meet the State's content-standards, the ratio of
21 textbooks per pupil and the year the textbooks were adopted. For
22 grades K-8, schools must also state whether the books have been
23 adopted by the State Board of Education. For grades 9-12,
24 schools must indicate whether books were adopted by the governing
25 board of the school district.

26
27 6. SARC's must also include an assessment of
28 curriculum improvement programs, and quality of school

1 instruction and leadership. Cal. Educ. Code § 33126(b)(12) &
2 (13).
3

4 7. The Education Code requires the CDE to develop and
5 recommend for adoption by the Board of Education a "standardized
6 template," intended to simplify the process for completing the
7 SARC and making it more meaningful to the public. As long as the
8 SARC includes all the data required by law and the data are
9 defined consistent with definitions approved by the Board of
10 Education, the specific formatting and sequencing of the
11 information in the SARC is a local decision. The CDE prepares
12 templates and downloadable data files of all required data that
13 are available to CDE. Local educational agencies then download
14 the templates or data files and incorporate additional local
15 data, as necessary or appropriate.
16

17 8. Pursuant to Education Code section 33126.1, the
18 Board of Education has adopted a standardized template to be used
19 by school districts in reporting on, among other topics, the
20

21 "[q]uality and currency of textbooks and other instructional
22 materials, including whether textbooks and other materials
23 meet state standards and have been adopted by the State
24 Board of Education for kindergarten and grades 1 to 8,
25 inclusive, and adopted by the governing boards of school
26 districts for grades 9 to 12, inclusive, and the ratio of
27 textbooks per pupil and the year the textbooks were
28 adopted."

1 9. In conjunction with the development of the
2 standardized template, the CDE is also required to furnish
3 standard definitions for school conditions included in the school
4 accountability report card. These definitions have been
5 published as "Data Element Definitions and Sources." The Data
6 Element Definitions and Sources are published on the CDE Web
7 site.

8
9 10. The Data Element Definitions and Sources include a
10 standard definition that applies to the instructional materials
11 reporting. This definition specifies that schools must report
12 the list of textbooks/instructional materials used in the core
13 subjects (English language arts, mathematics, science, and
14 history/social science). For each of these books (and/or other
15 materials), schools must also indicate: (a) the year in which the
16 book or material was adopted, and (b) whether the book or
17 material was selected from the most recent list of standards-
18 based materials adopted by the State Board of Education (for
19 kindergarten and grades 1 to 8, inclusive) or the local governing
20 board (for grades 9 to 12, inclusive).

21
22 11. With respect to textbooks and instructional
23 materials that are not from the most recent state-approved list,
24 schools must explain why non-adopted materials are being used and
25 how these materials are aligned with state standards.
26 Furthermore, schools must provide a "[d]escription of how each
27 student has access to current, standards-based textbooks and
28 other instructional materials." Finally, if all students do not

1 have access to textbooks and other instructional materials in
2 each core subject area that are current and in good condition,
3 schools must provide the reasons for that and describe what is
4 being done or planned to provide them access.
5

6 12. State law requires the CDE to maintain a
7 centralized set of links to local Web sites to facilitate public
8 access to SARC's throughout the state. The CDE maintains a SARC
9 page on its Web site. This site allows users to find a schools'
10 individual report card, find answers to frequently asked
11 questions, and review various SARC legislation. A section of the
12 Web page is devoted to assisting SARC coordinators with the
13 preparation of the report cards. The CDE has been working with
14 local educational agencies to establish links to their Web sites
15 in order to provide centralized access to all local SARC's as
16 required by state law.
17

18 13. The CDE has notified school district personnel of
19 the requirements in the California Education Code related to the
20 preparation and dissemination of SARC's. The CDE periodically
21 issues written guidance to school district administrators and
22 SARC coordinators. The CDE also provides technical assistance to
23 local agencies to promote compliance with the SARC requirements.
24

25 14. The CDE has established an e-mail list to
26 facilitate timely and broad dissemination of information to
27 school district personnel with responsibilities related to SARC's.
28 The CDE uses these e-mail addresses to provide information

1 related to legal requirements or public resources that it
2 believes would be useful to local educational agencies.
3

4 15. Local educational agencies must update and
5 disseminate SARC's annually in order to provide current
6 information to parents and other members of the public. Report
7 cards, however, cannot be completed until Academic Performance
8 Index data are available in October of each year, and therefore,
9 the reporting window is normally November through May.
10

11 16. SARC templates with data are updated annually.
12 Sources of data for the 2002-03 template are: (a) CBEDS data,
13 collected in Fall 2002, (b) STAR assessment data, collected in
14 spring 2003, (c) API growth data, calculated in Fall 2003, and
15 (d) fiscal data for 2001-02, collected in fall 2002 (and verified
16 in spring 2003).
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