

**Access to Textbooks, Instructional Materials, Equipment, and Technology:
Inadequacy and Inequality in California's Public Schools**

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I. Introduction

I am Presidential Professor in Educational Equity in UCLA's Graduate School of Education and Information Studies, Director of UCLA's Institute for Democracy, Education & Access (IDEA), and Director of the University of California's All Campus Consortium on Research for Diversity (ACCORD). My research examines inequalities in U.S. schools, and follows the progress of equity-minded reform. As detailed in my curriculum vitae (Appendix A), I am the author of 17 scholarly books and monographs and more than 100 published research reports, chapters, and articles. My awards for this work include the Distinguished Achievement Award from the Educational Press Association of America; three major awards from the American Educational Research Association (Early Career Award; Outstanding Research Article; Outstanding Book), and the National Association for Multicultural Education's Multicultural Research Award. I am also the recipient of Southern Christian Leadership Conference's Ralph David Abernathy Award for Public Service. My latest book, *Becoming Good American Schools: The Struggle for Civic Virtue in Education Reform* won AERA's Outstanding Book Award in 2001.

In addition to my scholarly publications, I have assisted state and national policymakers in developing equity-focused education reform and most recently served as an advisor to Joint Legislative Committee for the California Educational Master Plan, K-University. I have also conducted research and testified in three school desegregation cases—San Jose, California; New Castle County, Delaware; and Rockford, Illinois. In addition, I served as an expert consultant in a fourth, the Hoots case in Woodland Hills, Pennsylvania.

II. Nature of the Assignment

This report analyzes students' access to textbooks, curriculum materials, equipment, and technology in California's public schools. It reviews the importance of these instructional materials to education, generally, and in the context of California's current standards-based education policies. It examines both the overall availability of textbooks and instructional materials to students in California and considers patterns in the distribution of materials among schools of various types. It assesses the state's role in ensuring that California's students have the textbooks and materials they need. The report concludes by suggesting alternative policy strategies that could bring greater and more equitable access to textbooks and instructional materials than is currently the case in California.

This report was prepared in response to a request that I offer my expert opinion regarding students' access to textbooks and other instructional materials in California, and the importance of this access to students' education. Carrying out this assignment required that I address four questions:

- Are textbooks, other curriculum materials, instructional equipment, and technology fundamental and essential to California students' education?
- Do all California students have access to the textbooks, other instructional materials, equipment, and technology that are fundamental and essential?
- Have actions on the part of the State (or the failure to take reasonable actions) contributed to and/or failed to correct any gaps and inequalities in access to textbooks, other instructional materials, equipment, and technology that exist in California schools?
- Are there policies and practices that California state officials might have adopted and followed that would have or could have led to better results than we now have with regard to students' access to textbooks, other instructional materials, equipment, and technology?

Additionally, the assignment required that I place these questions and their answers in the context of California's current high stakes, standards-based education system. Accordingly, this report assesses the importance and current status of students' access to materials in light of what students require to meet the academic standards set for them by the State of California under the 1995 Leroy Green California Assessment of Academic Achievement Act and to pass tests used to measure whether they have attained the level of mastery of the state standards required for grade-to-grade promotion and high school graduation. Throughout, I was also guided by several assumptions drawn from extant public policy and the public declarations of California policy leaders:

- the State of California has much at stake in delivering a high quality education to all of its students;
- the State expects to meet the educational needs of all its students; the State of California is attempting to improve the quality of education in public schools;
- the goal of offering higher quality and more equitable access to knowledge to all children is one of the driving forces behind California's current standards-based education reform.

I used five major sources of information in the preparation of this report. First, evidence about the educational importance of textbooks and curriculum materials was derived from national and international studies conducted by various researchers in the field of education. Second, background data and facts regarding the implementation of standards-based reform in the State of California, state policies and law, come from documents produced by the California Department of Education and other agencies (*e.g.*, The Western Association of Schools and Colleges, Fiscal Crisis and Management Team). Many of these documents were retrieved from the online websites of these and other organizations. Third, additional information about California policies and their implementation was drawn from depositions from education officials conducted by the plaintiffs' attorneys. Fourth, evidence about the current status of

students' access to textbooks and curriculum materials in California came from new and existing data and analyses conducted by researchers. Finally, reports produced by schools, districts, and/or other educational agencies throughout the State of California provided the status, description, and/or conditions of these schools, districts, and/or educational agencies. These reports were made available to me by attorneys for the plaintiffs in this case. I was assisted in the preparation of this report by Dr. Marisa Saunders (staff researcher at UCLA's IDEA), and UCLA Ph.D. students Noah Delissovoy, Rebecca Joseph, David Silver, and Jamy Stillman.

III. Evidence and Opinions

National and international research has established the overall educational importance of textbooks and instructional materials. In California, textbooks and instructional materials are particularly important because they are the primary means through which students gain access to the knowledge and skills specified in the State Content Standards that are at the heart of California's K-12 education system. California has heightened the importance of textbooks and instructional materials further with elementary and middle school promotion policies and a high school exit exam policy aligned with the state's standards. Meeting the state standards and passing the "high stakes" tests based on them require students to gain the knowledge that is contained in textbooks and other instructional materials and to develop particular skills by interacting with instructional equipment and technology.

Given these "high stakes" policies, problems with the availability and quality of standards-based materials are urgent and require immediate response. California standards are not simply "guidelines" designed to shape, leverage, or "motivate" the future development of learning materials, nor can they be treated as "goals" for giving all students a desired level of support for their learning. Rather, textbooks, instructional materials, equipment, and technology are essential tools in California's educational system, and they must be provided to all California students. As detailed in the sections that follow, it is my expert opinion that:

- Textbooks, curriculum materials, and technology are fundamentally important to students' education everywhere, and the consequences of not having access to them are particularly harsh in California's high stakes, standards-based education system;
- Many California students do not have access to the numbers or quality of textbooks, curriculum materials, and technology that are fundamental to all students' learning and are available to a majority of California students. The insufficient supply and poor quality of textbooks and instructional materials afforded to many students create a significant obstacle for those students as they attempt to meet the content standards the State has set, to pass state tests that are required for grade-to-grade promotion and high school graduation, and to qualify for competitive opportunities in college and the workforce.
- At many schools, shortages and poor quality of textbooks and instructional materials exist in concert with other problematic school conditions that diminish students' opportunities to learn—staffing shortages, facilities in disrepair, and problems related to overcrowding;

- Although problems with textbooks and instructional materials can occur in schools of all types, schools serving low-income students, schools serving English language learners, and schools where whites students are not the majority are most plagued by these problems;
- Actions by the State have either contributed to or failed to prevent students' lack of access to textbooks, curriculum materials, and technology; and
- Other policies and practices are possible whereby the State could ensure that all students have the texts and materials they need and/or detect and correct problems in the supply and quality of texts and materials when they occur.

Question 1: Are textbooks, instructional materials, equipment, and technology fundamental and essential to the education of students in California?

Opinion: Yes. National and state leaders, scholarly research, and California policy all establish textbooks, instructional materials, equipment, and technology as basic and essential educational tools.

Evidence:

It is universally acknowledged that textbooks and instructional materials are fundamental and essential to education. On the most obvious level, they are fundamental and essential to education because they are the primary tools that schools use to provide students with access to the knowledge and skills they are expected to learn. Considerable research has established that textbooks and materials contribute to students' academic achievement. Most California teachers use textbooks. This is not surprising since students' mastery of California's content standards requires that they have textbooks, curriculum materials, and technology to support their learning.

Textbooks Are Universally Acknowledged as Basic Educational Tools.

In January 2002, the U.S. Department of State's U.S. Agency for International Development (USAID) announced its intent to move quickly to make "visible progress" in the reconstruction of Afghanistan. One of the first efforts was to be the provision of 9.7 million science, math, and reading textbooks for Afghan students in grades 1-12 by the start of their school year in March 2002. First Lady Laura Bush noted, "Nothing is more important to Afghanistan's future than giving its children the tools and skills they need to learn and succeed" (USAID, 2002).

This U.S. policy initiative is consistent with the importance placed on textbooks and curriculum materials by international organizations as well as by national and state leaders in the U.S. For example, the Organization of Economic Cooperation and Development (OECD) stipulates textbooks as an important international indicator of educational quality, and its standard for an adequate supply of textbooks is one textbook for each pupil in every subject. This standard has been used not only by OECD, but also by the United Nations Educational, Scientific, and Cultural Organization (UNESCO) as it works toward the goal of universal education articulated in its World Declaration on Education for All. In its Basic Learning Materials Initiative, UNESCO asserts, "improvement in the quality of education depends to a great extent on whether relevant and high quality books and other learning materials can be made available to teachers and students" (UNESCO, n.d.). The World Bank has made the provision of textbooks a top priority in its efforts to improve education in developing nations. In February 2000, Alfonso de Guzman, World Bank Senior Education Specialist noted that "the World Bank considers textbooks a critical part of education, as necessary as the classroom itself, as indispensable as the classroom teacher" (de Guzman, 2000).

California officials have affirmed the centrality of textbooks to education. In 1994, the legislature affirmed that ". . . education is a fundamental interest which is secured by the state constitutional guarantee of equal protection under the law, and . . . to the extent that every pupil does not have access to textbooks or instructional material in each subject, a pupil's right to

educational opportunity is impaired.” (uncodified Section 1 to Education Code section 60177). As recently as January 2002, California Secretary of Education Kerry Mazzoni wrote, “placing standards-aligned materials in every classroom is a continuing priority for Governor Davis” (Office of the Governor, Secretary for Education, Mazzoni, 2002). Moreover, the elaborate policies and procedures in place to review and adopt textbooks and instructional materials, described later in this report, speak loudly to the importance the state places on them.

These national, international, and state leaders simply articulate what research has documented and what teachers know: the textbook is the central tool in almost all forms of schooling. “Research evidence indicates that textbooks are ubiquitous and widely used in classrooms” (Woodward & Elliot, 1990, *p.* 178). A wide range of studies indicate that textbooks are extensively used in U.S. schools (Educational Product Information Exchange Institute, 1977; Cahen *et al.*, 1983). In a survey of several thousand teachers, the Educational Products Information Exchange Institute (EPIE) found that textbooks and other commercially produced instructional materials were the basis for 67 percent of classroom instruction, while an additional 22 percent of classroom instruction revolved around non-print materials. Hence, according to this study, 89 percent of instructional time was structured around textbooks or some other instructional materials (EPIE, 1977).¹ The centrality of texts is also borne out in the practice of California’s teachers, according to a recent survey by the Lou Harris polling organization. In that survey, 92 percent of nearly 1,100 randomly selected California public school teachers reported that they use textbooks as part of their instruction.

Textbooks and Curriculum Materials Provide Students with Access to Knowledge.

Why are textbooks so fundamental? They provide students with access to knowledge, and students can only learn knowledge and skills that they have access to. They will not learn the history of ancient Rome or the conjugation of Spanish verbs unless they have access to this knowledge. Schools expect students to learn a specified, organized body of knowledge and skills in a variety of subject areas. To make this learning possible, schools must offer students a program of instruction that engages them with the knowledge and skills they are expected to learn. In elementary schools, such instruction is usually guided by a formal curriculum that specifies the “scope and sequence” of knowledge and skills in each subject area that teachers should teach and students should learn at each grade level. In secondary schools, the instructional program is organized into courses, each of which covers a specified domain in a content area (*e.g.*, basic arithmetic, pre-algebra, algebra, geometry, trigonometry courses in mathematics). At the helm of the instructional program in both elementary and secondary schools are teachers who themselves must have expertise in knowledge and skills specified in the curriculum and the pedagogical skills to make sure that required knowledge and skills are accessible to students.

¹Textbook use does not imply textbook dependence or textbook-driven instruction. A study conducted by Stodolsky (1989), found that the use of textbooks by teachers did not imply that textbooks drove their instruction. “... teachers’ adherence to textbook topics is a function of the degree to which teachers see the textbook as a ‘legitimate content authority’ and of their own convictions about the content they think their students should master.” Her study suggested that use is much more varied than usually suggested, especially when one considers more than just the topics contained in the books. Stodolsky (1989) and Freeman and Porter (1989) found that while what teachers teach is in the books, they do not teach everything that is in the books. Importantly, Stodolsky’s study examined textbook use among highly experienced teachers.

However, students' access to content knowledge requires more than a specified instructional program and skillful teachers. Learning to read requires text, as does learning the content in other academic subjects. Learning to write requires supplies of paper and writing tools. Science learning requires materials and equipment that enable students to explore and experiment. Becoming literate in technology requires hardware, software, and connectivity.

Textbooks and instructional materials (including technology and other equipment) are the primary tools that teachers use to organize their lessons and make content knowledge and skills available to students. These textbooks and materials contain the content that students are expected to learn, and most teachers focus their instruction on the material included in the books they use (Freeman and Porter, 1989). As UNESCO notes in its Basic Learning Materials Initiative, "Textbooks provide the main resource for teachers, enabling them to animate the curricula and giving life to the subjects taught in the classroom" (UNESCO, nd).

Through the written text, visuals, activities, and exercises, textbooks (and other curriculum materials, and technology) engage students with knowledge and asks them to practice skills. According to research by Laspina (1998), a textbook not only consists of text, but also of different forms of representation through which information can be conveyed. Laspina argues that images possess "content" and "visual information." Visuals depict the information in a way that can "gain a reader's attention and empathy." The treatment of the content—the style of the textbook—is not primarily an aesthetic concern, but rather an issue of educational significance. Educationally, "interesting" means that students will be more likely to do the reading and more likely to find it meaningful. Further, the multiple ways that students interact with textbooks is connected with multiple ways of learning (Laspina, 1998).

In sum, textbooks and other materials are primary vehicles for delivering content knowledge to students; as such textbooks and curriculum materials, in large part, determine what students do and do not learn. Moreover, to maximize their opportunities to learn, all students should have access to the abundant colorful photos, maps, charts, and graphs found in state-adopted textbooks.

Textbooks and Curriculum Materials Have a Positive Impact on Students' Achievement.

Considerable evidence supports our common sense understanding that textbooks and curriculum materials are fundamental to education. However, most of the empirical research on the relative importance of textbooks and instructional materials on student learning has been conducted in developing countries. This, in part, can be explained by assumptions commonly made about educational systems in highly developed nations. Most U.S. residents, including policymakers and researchers, have simply taken for granted that textbooks and curriculum materials are available to students. Textbooks and curriculum materials, like desks, pencils, paper, and chalkboards, are considered staples of American teaching and learning, rather than instructional resources whose availability varies significantly among schools, or whose centrality to education requires examination, documentation, and defense.

However, a large body of international studies and some research in the U.S. make clear that having textbooks for use in the classroom and at home has a positive effect on academic

achievement. So, too, does the availability of instructional materials such as school libraries, science laboratory equipment, and supplies. Access to these critical educational inputs increases a student's opportunity to succeed in school, and may be particularly important to the learning opportunities of low-income students.

The Impact of Textbooks on Achievement. International studies have examined both the effectiveness of texts on achievement, per se, and the cost effectiveness of textbooks as an educational intervention. In a comprehensive World Bank review of studies examining the effectiveness of various schooling factors, Fuller and Heyneman (1989) found that 67 percent of the studies showed a positive effect of textbooks and instructional materials on student achievement. In a follow-up review, Fuller and Clark found that textbooks had a positive impact on student achievement in 73.1 percent of the 26 studies conducted on the topic (Fuller & Clark, 1994). Levin and Lockheed's 1993 review of school effectiveness studies also concluded that successful schools provide sufficient texts and materials, and the availability of texts correlates with high achievement (Levin & Lockheed, 1991). All of these reviews are consistent with the findings of Heyneman's earlier review of studies of textbook availability in 12 less industrialized nations (Heyneman, Farrell & Sepulveda-Stuardo, 1978). In that review, Heyneman, *et al.*, found that availability of books is the most consistent factor in predicting academic achievement.

Research focusing exclusively on the U.S. confirms the importance of textbooks in the U.S. as well. Wang, Haertel, and Walberg (1993), for example, found that good curricular materials had a significant effect on student learning. As a part of the Third International Math and Science Study (TIMSS) studies, a sub-sample of U.S. students was drawn from a group of schools in affluent school districts in Illinois (called the First World (FiW) Consortium). Students in this sub-sample achieved test scores that significantly exceeded the national average for U.S. students. Examination of other data about these students shows that their teachers used textbooks at much higher rates than their U.S. peers. For example, teachers of these students used textbooks that incorporate algebraic thinking, regardless of whether the students were in high or low math tracks (U.S. Department of Education, 1999).

Studies examining the cost-effectiveness of various inputs (using student achievement as the "effect" being sought) document the strong cost-effectiveness of material inputs including textbooks and instructional resources (Pritchett & Filmer, 1999). Several studies find that, in developing nations, increasing instructional resources like texts and materials is much more cost-effective than other strategies. For example, in a study of an educational project in Northeast Brazil, school supplies, including teacher tables, toilets, and bookcases had the highest cost-effectiveness impact on student achievement among several inputs (Harbison & Hanushek, 1992). In fact, instructional materials including textbooks and other supplies, *i.e.*, pencils, erasers, and chalk, have cost-effectiveness ratios of 17 and 34 times respectively as large as additional spending on teacher salaries. In a second example, a study of student achievement in school districts in eight states of India (World Bank, 1996) found that providing complete packages of instructional materials including textbook and other teaching aids was 14 times more effective than increasing teacher salaries. Similarly strong findings come from a cost-effectiveness analysis of the impact of workbooks and furniture in schools in the Philippines (Tan, Lane & Coustere, 1997). Schiefelbein, Wolff, and Schiefelbein (1998) measured the judgments of leading educational researchers (worldwide) and Latin American educational

planners about the cost effectiveness of various interventions in grades 1-6. They found that providing standard textbooks (at least two per student) was expected to increase achievement by 11 percent and that providing curriculum materials that would permit individualized instruction would yield a 17 percent increase in achievement (Schiefelbein, Wolff, & Schiefelbein, 1998).

Impact of Supplementary Curriculum Materials. A number of other studies provide evidence that curriculum materials and equipment (beyond textbooks) also impact achievement. In this domain, we have a number of relevant U.S. studies. For example, the students attending the well-resourced consortium of U.S. schools in the Third International Mathematics and Science Study (noted above) outscored their fourth and eighth grade U.S. peers. In addition to teachers' greater use of textbooks, other resource differences (*i.e.*, availability and use of calculators and computers), provide a partial explanation for this difference (U.S. Department of Education, 1999). Additionally, a recent California study of the availability and impact of Advanced Placement courses on students' success on AP exams found similar results. Controlling for the socioeconomic level of the school population, students achieved higher scores on AP calculus exams if they were provided with graphing calculators to use in class and at home (Institute for Education Reform, 2001). Additionally, students' access to technology does not guarantee full benefits unless other factors are considered. For example, in an analysis of the impact of computers on eighth grade math scores, Wenglisky (1998), found that the largest positive effect comes from teachers using computers primarily for simulations and applications.

In science, learning materials and workspaces that permit "hands-on" science activities are increasingly necessary for student achievement in inquiry-based science education (National Research Council, 1996; Von Secker & Lissitz, 1999). Von Secker and Lissitz' analysis of data from the 1990 High School Effectiveness Study (1999) found that opportunities for laboratory inquiry lead to higher achievement and more equitable achievement among students of different socioeconomic backgrounds. Lee and Burkham (1996) also found that inadequate facilities and equipment and lack of money to purchase supplies created larger gaps among advantaged and disadvantaged students because these shortages lead to students in disadvantaged schools having fewer opportunities for scientific inquiry. Because an emphasis on laboratory inquiry is especially important for minority females, gender gaps in science achievement appear to decline when girls' science classes include laboratory experiences (Lee & Burkham, 1996; Lee, Chen & Smerdon, 1996).

Access to school libraries also relates to achievement. Analyzing results from the 1992 National Assessment of Educational Progress (NAEP) reading comprehension tests, Krashen (1995) finds a strong statistically significant correlation between reading comprehension scores and the number of books per student in school library media centers. Krashen's findings are consistent with studies in developing countries (Fuller & Clark, 1994).

Textbooks Allow Students to Do Homework that Positively Impacts Achievement. Textbooks and curriculum materials may be so consistently related to student learning, in part, because having a textbook to take home makes it possible for students to complete meaningful homework. If students have textbooks and curriculum materials to use at home, they can spend out-of-school time on additional reading, research, practice activities, and exercises presented in textbooks, and using these materials to prepare for class and for tests. Without texts and

materials to take home, teachers have a difficult time assigning out-of-school learning experiences that require students to have access to the content included in the text, and students, particularly those with few books and learning resources at home, have difficulty completing such assignments.

A review of the literature on the importance of homework (Cooper, 1994), shows that of 50 studies correlating the time spent doing homework with student achievement; a remarkable 43 of the 50 studies found that students who did homework had greater achievement. A “typical” high-school student who completed homework, according to Cooper’s research, will outperform students who do no homework by 69 percent on standardized tests (Cooper, 1994). A study conducted by Reese (1997) found that junior-high students who completed homework outperformed students who did not by 35 percent on standardized tests. These test-score effects are most important at the high school level, as neither Cooper nor Reese found differences in elementary students’ test scores (Cooper, 1994; Reese, 1997). In a recent study of high school students attending Catholic schools, minority students, most of whom came from urban areas, completed an average of 1.5 hours more homework a night than students attending public school. This increase in homework was strongly linked to their increased performance on standardized tests (Sander, 2000). In sum, textbooks expose students to content material—availability of textbooks provides greater opportunity to engage with this content, at school and at home.

Textbooks and Curriculum Materials May Be Particularly Important in Educationally Disadvantaged Contexts.

While the evidence suggests that access to textbooks, curriculum materials, equipment, and technology are important generally, they may be particularly important in contexts where other educational resources are in short supply.

Less Well-Prepared and Inexperienced Teachers May Rely More on Textbooks. Access to textbooks and other relevant curriculum materials, equipment, and technology that support teaching and learning is particularly important when students are taught by new teachers or by “under-prepared” teachers (those without full state certification). Given these teachers’ inexperience and lack of proper training, they must rely more heavily on texts than experienced and fully certified teachers. This is supported by studies finding that teachers’ reliance on textbooks varies with training, experience, and convictions (Ball & Feiman-Nemser, 1988; Freeman & Porter, 1989, Stodolsky, 1989). For example, Ball and Feiman-Nemser found that student teachers and beginning teachers were more likely to need the teacher’s textbook and “Instructor’s Guide” than were teachers with more developed skills and experience in classroom management and curriculum planning. They concluded that developing lesson plans based on trade books and other supplementary materials (as distinguished from textbooks) is too difficult for the beginning teacher (Ball & Feiman-Nemser, 1988). Freeman and Porter argued that textbooks do not provide guidance regarding a number of content decisions: (1) time devoted to instruction; (2) whether or not to present different content to different groups of individuals; and (3) the standards of achievement to which students should be held. These content decisions, according to these authors, are a function of other factors including student aptitude, limits in instructional time, and teachers’ own convictions. Teachers’ use of textbooks varied according

to teachers' view of the textbook as a content authority and their convictions about what should be taught (Freeman & Porter, 1989; *see also* Barr, 1988).

The Educational Products Information Exchange Institute (EPIE) study of teachers' use of textbook and materials also found a relationship between textbook reliance and teaching experience. That is, teachers with more years in teaching are more perceptive to how well (or poorly) their students respond to the materials and make use of textbooks accordingly. Subject matter expertise also influences textbook usage. Woodward and Elliot (1990) cite a study of eleven 7th grade classes performed by Mitman, Mergendoller and St. Clair (1987) finding that less reliance on the textbook "seemed associated with higher levels of teacher substantive knowledge and self-confidence . . ." although "not relying upon textbooks" does not suggest that students lacked access to quality texts for review or home study (Mitman, Mergendoller & St. Clair, as quoted in Woodward & Elliot, 1990, *p.* 181).

Low-Income Students May Depend More Heavily on School-Provided Textbooks and Materials. Access to textbooks and other curriculum materials, equipment, and technology to support teaching and learning is particularly important for students from low-income communities and families, since they are less likely to have access to other books and learning materials outside of school. World Bank textbook expert Alfonso de Guzman reasons that the conditions that students experience in low-income California schools and communities make it likely that these students would experience the large positive impact of textbooks and materials on achievement that we find in developing countries.²

California's Standards Make it Essential that Students Have Access to Textbooks, Curriculum Materials, and Technology.

California's educational system is first and foremost a system in which students must learn an organized body of knowledge and skills. The 1995 Leroy Green California Assessment of Academic Achievement Act mandated the development and adoption of academically rigorous content and performance standards in the core curriculum areas of English-language arts, mathematics, history-social science, and science for grades kindergarten through twelve. The State Board of Education adopted *The English-Language Arts Content Standards for California Public Schools, Kindergarten Through Grade Twelve* and the *Mathematics Content Standards for California Public Schools, Kindergarten Through Grade Twelve* in 1997. *The History-Social Science Content Standards for Public Schools, Kindergarten Through Grade Twelve* and *The Science Content Standards for California Public Schools, Kindergarten Through Grade Twelve* were adopted in 1998. The content standards specify what students should know at each grade level and, by extension, what should be taught at each grade level. Although technically voluntary, California's academic standards form the basis for the state's curriculum frameworks ("blueprints" to guide districts and schools), grade promotion policies, the high school exit examination, school accountability efforts, as well as having significant financial consequences for individual teachers, faculties, and schools.

A recent study performed by Koski (2001) makes clear the minimal educational conditions and resources that students require if they are to have the opportunity to become

² Personal communication, March 11, 2002.

proficient on California's content and performance standards. Koski systematically reviews and analyzes each content standard to determine the specific resource requirements implied by the standard. Four different resource categories are assumed to be important by the standards: facilities, instructional materials, teacher qualities, and technology. The analysis was enhanced by reference to the corresponding curriculum frameworks. Any resources that were explicitly identified or implied in a standard (or "framework") promulgated by the state were included as either a "requirement" or "recommended" by the standard. Conservative judgments were made, and when a particular standard could "best" be taught with certain resources, the "minimum" resources necessary to teach the standard were indicated.

Once necessary specific resources were identified, they were organized under major resource categories: instructional materials and technology. In the analysis of the History-Social Science Standards, instructional materials were subdivided as follows: textbooks/workbooks; reference books; literature books; maps/globes/other supplies; video/audio tapes/visual media; and periodicals. Technology was subdivided into the following resources: computers, software, Internet, and audio-visual equipment. Koski (2001) broadens the use of the term "textbook" to include textbooks, workbooks, worksheets, and other instructional materials that are designed to convey exercises, problems, lessons, and information to students. Tables 1-3 summarize the findings of the analysis for each content area. The number of standards in each of the content areas in elementary (K-5), middle (6-8), and high school (9-12) that require specific educational resources are indicated.

Tables 1-3: Instructional Materials Required to Teach California’s Content Standards in Mathematics, English/Language Arts and History/Social Science

Table 1:

Mathematics

		Technology				Instructional Materials				Facilities	
		Computers	Software	Internet	Calculator	Texts	Manipulatives	Charting & Graphing	Measuring	Classroom	Media
								Materials	Instruments		Center
K to 5 (n=67)	Required	-	-	-	-	51	18	12	8	67	-
	suggested	1	1	-	-	-	1	-	-	-	-
6 to 8 (n=51)	Required	1	1	-	-	51	2	9	1	51	-
	suggested	-	-	-	1	-	-	-	-	-	1
9 to 12 (n=94)	Required	-	-	-	-	94	-	15	-	94	-
	suggested	8	8	-	6	-	-	-	-	-	10
Required/suggested		1/9	1/9	-	0/7	196/0	20/1	36/0	9/0	212/0	0/11
Totals	Total:	10	10	-	7	196	21	36	9	212	11

Source: Koski (2001)

Table 2:

English/Language Arts

		Technology				Instructional Materials				Facilities		
		Computers	Software	Internet	Audio- Video	Literature	Reference	Films/Audio	Periodicals	Classroom	Library	Media
					Equipment			Video				Tapes
K to 5 (n=47)	Required	2	2	-	3	19	8	3	6	47	-	-
	suggested	2	1	2	-	4	2	-	13	-	4	4
6 to 8 (n=24)	Required	3	2	2	3	7	-	2	6	24	8	8
	suggested	5	2	2	-	3	3	1	5	-	-	-
9 to 12 (n=16)	Required	8	4	2	6	4	1	4	2	16	7	7
	suggested	1	2	4	-	1	2	-	7	-	-	-
Required/suggested		13/8	8/5	4/8	12/0	30/8	9/7	9/1	14/25	87/0	15/4	15/4
Totals	Total:	21	13	12	12	38	16	10	39	87	19	19

Source: Koski (2001)

Table 3:

History/Social Science

		Technology				Instructional Materials						Facilities		
		Computers	Software	Internet	Audio-video Equipment	Texts	Primary	Literature	Maps/ Globes	Visual	Periodicals	Classroom	Library	Media
							Materials	Books		Media				
K to 5 (n=36)	Required	-	-	-	-	23	-	3	8	2	-	36	-	-
	suggested	-	-	-	1	-	3	14	1	4	-	-	6	2
6 to 8 (n=30)	Required	-	-	-	-	30	-	2	5	-	-	30	-	-
	suggested	-	-	-	-	-	4	10	2	1	-	-	3	-
9 to 12 (n=38)	Required	-	-	-	-	37	1	3	1	-	-	38	-	-
	suggested	1	1	1	7	-	6	10	2	8	5	-	10	7
Required/suggested		0/1	0/1	0/1	0/8	90/0	1/13	8/34	14/5	2/13	0/5	104/0	0/19	0/9
Totals	Total:	1	1	1	8	90	14	42	19	15	5	104	19	9

Source: Koski (2001)

Several findings from Koski's study are significant. First, textbooks that are aligned to the state's content standards are indispensable (Koski, 2001). In mathematics, 196 out of the 212 standards for K-12 *require*, at a minimum, a textbook that provides the content of the standard. In history-social science, 90 out of the 104 standards *require* a textbook. Also noteworthy is the extensive requirement of technology. Thirteen of the 87 English-language arts standards specifically *require* computers, 8 require software, and 4 *require* Internet access. Supplementary materials are also critical: in mathematics, 31 percent of the 212 K-12 standards *require* either manipulatives, charting and graphing materials, or measuring instruments; in English-language arts, 37 percent of the K-12 standards *require* reference books, films/audio, videotapes or periodicals; and in history-social science, 48 percent of the K-12 standards *require* either primary materials, literature books, maps, globes, visual media, or periodicals. Additionally, Koski's findings demonstrate the need for well-stocked libraries and media centers.

Detailed findings for the necessary instructional materials required by the content standards in science are not available as of this date. However, a preliminary review of *The Science Content Standards for California Public Schools, Kindergarten Through Grade Twelve* and *The Science Framework for California Public Schools* demonstrates that considerable resources are necessary to implement the content standards. "Students should have the opportunity to learn science by receiving direct instruction, by reading textbooks and supplemental materials, by solving standards-based problems, and by doing laboratory investigations and experiments" (CDE, 2000b, p. viii). Because hands-on investigation and experimentation is explicitly stated as an integral component of the Science Content Standards, in addition to textbooks and technology, a preliminary list of required instructional materials would include household and perishable items, laboratory equipment, and laboratory facilities (*i.e.*, sinks, water supply, gas supply, charts of periodic tables, microscopes, etc.).

California's Education Policies Attach High Stakes to Mastery of the State Content Standards.

In addition to establishing content standards in each of the academic subjects, California state policies establish that students must be assessed on their knowledge of the content and on their cognitive skills. One set of policies establishes these assessments as measures of the effectiveness of districts and schools. Other policies use these assessments to establish criteria for permitting students to advance from grade-to-grade in elementary school and for high school graduation. These policies make access to the textbooks, curriculum materials, and technology a "high stakes" matter for California students because the state requires students to learn the information contained in these materials and attaches important consequences for meeting or not meeting competency benchmarks drawn from the assessments.

STAR Testing Program for Elementary and Secondary Schools. In 1997, Senate Bill 376 established in law a new testing program—the Standardized Testing and Reporting (STAR) program. STAR requires all districts to administer the same nationally norm-referenced, basic skills. The test selected as the centerpiece of the STAR program was the Stanford Achievement Test Series, Ninth Edition (SAT 9). SAT 9 is called an "off-the-shelf" test, because it is designed by a commercial publisher; it only generally meets the needs of particular locales; and it is not especially tailored to match what students in a state have been taught. The state, in an attempt to align the assessment with the content standards, is developing an augmentation

component to the STAR to test knowledge of the standards with multiple-choice, standards-related items. These assessments are referred to as the California Standards Tests and are meant to measure students' progress towards mastering California's academic content standards in English-language arts, mathematics, history-social science, and science. Performance is measured at one of five levels: advanced, proficient, basic, below basic, and far below basic. The State's desired performance level for all students is "proficient."

High School Exit Exam. State policies also mandate that students be tested on the subject matter content and cognitive skills in the newly developed California High School Exit Exam (CAHSEE). The California High School Exit Exam, Senate Bill 2x, was enacted in April 1999. The CAHSEE requires California high school seniors to pass an exam in order to earn a high school diploma. Education Code Section 60850(a) requires that:

The Superintendent of Public Instruction, with the approval of the State Board of Education, shall develop a high school exit examination in language arts and mathematics in accordance with the statewide academically rigorous content standards adopted by the State Board of Education....

Education Code Section 60851 requires the Superintendent of Public Instruction to provide the high school exit examination to students who "shall take the high school exit examination in grade 10 beginning in the 2001-02 school year [and] may take the examination during each subsequent administration." The exam has two parts: English-language arts and mathematics and is intended to align with the State Content Standards.

Important Consequences for Students. Students who do not learn the required academic content and cognitive skills specified by the standards face harsh consequences. Assembly Bill 1626, enacted in 1998, mandates that each school district develop an official policy toward the promotion and retention of students. The policy must identify students who need to be retained as well as those who are at risk of being retained. The law requires the establishment of minimum performance levels on the STAR or other performance measures for the promotion of a student from one grade to the next. These minimum performance levels are to be established by the Superintendent of Public Instruction and the State Board of Education. The law says local school boards must adopt policies regarding pupil retention based either on grades and other indicators or on STAR results and the minimum levels of proficiency recommended by the State.

High school students must pass both parts of the CAHSEE to receive their diploma. Full implementation of the law will come into effect during the 2003-2004 academic year. Hence, students completing grade 12 in spring, 2004 must pass the CAHSEE in order to receive a high school diploma. Other negative consequences include failure to meet the requirements for entrance into the state's four-year public universities, and failure to become eligible for the state's most competitive public universities.

Students who master the State Content Standards at very high levels also stand to benefit financially from their performance. In 2000, the legislature enacted the Governor's Merit Scholarship Program that provides \$1,000 scholarships to students who demonstrate high academic achievement on certain exams in the Standardized Testing and Reporting (STAR)

program in the 9th, 10th, or 11th grades. Each year, the State of California provides awards to students who scored in the top 5 percent of the State's public high schools or top 10 percent of their comprehensive high school.

State Policies Make Clear the Centrality of Textbooks and Curriculum Materials in K-12 Schools.

Clearly, the stakes attached to California students' opportunities to learn are very high, and access to the instructional programs that include textbooks, curriculum materials, equipment, and technology is a critical factor. Not surprisingly, the State has recognized the centrality of textbooks and instructional materials in policies governing the expenditure of state funds on them. California law requires state approval and adoption of texts for grades K-8. (High school materials are not adopted statewide but at the district level.) State law also requires that all state-adopted K-8 instructional materials align with the standards, and that whatever materials are provided by districts and schools meet some standards:

60045. (a) All instructional materials adopted by any governing board for use in the schools shall be, to the satisfaction of the governing board, accurate, objective, and current and suited to the needs and comprehension of pupils at their respective grade levels.

Accordingly, the State's Curriculum Commission establishes, and revises every seven years, frameworks that provide the criteria by which the state adopts instructional materials in grades K-8. The Curriculum Commission that is charged with the development of the frameworks is also responsible for evaluating instructional materials submitted for adoption.

The *Schiff-Bustamante Standards-Based Instructional Materials Program* (Education Code Section 60450 *et seq.*) appropriated \$250 million in each of the fiscal years 1999-2000 through 2001-2002 for allocation to districts based on prior-year enrollment. Districts were required to spend the allocations "for the sole purpose of purchasing instructional materials in the core curriculum that are aligned to content standards for pupils in kindergarten and grades 1-12, inclusive." In grades K-8, these funds could be used only for instructional materials adopted by the State Board of Education using criteria developed subsequent to the adoption of State Content Standards. In grades 9-12, these funds could be used only for basic instructional materials that have been reviewed and approved through a resolution adopted by the local governing board as being aligned with the State Content Standards.

California's Postsecondary Education Policies Emphasize the Importance of Textbooks, Curriculum Materials, and Technology in Elementary and Secondary Schools.

In addition to the academic content standards imposed by the State through the Leroy Greene Academic Assessment of Academic Achievement Act of 1995, other state policies require California students to master an organized scope and sequence of academic content. These policies specify the knowledge and skills required for admission to and successful participation in California's postsecondary education system.

In California, a fundamental component of public education is providing each student with a reasonable opportunity to compete for admission to any public institution of higher education in the state and to compete for admission to the full range of college majors. This standard was set in the 1960 California Master Plan, which guaranteed tuition-free postsecondary education for all Californians who seek it. California's Education code 51228 makes clear that no Californian can be precluded from competing for admission to any of California's public universities and colleges because the public elementary or secondary school he or she attends fails to provide adequate preparation.

- (a) Each school district maintaining any of grades 7 to 12, inclusive, shall offer to all otherwise qualified pupils in those grades a course of study fulfilling the requirements and prerequisites for admission to the California public institutions of postsecondary education and shall provide a timely opportunity to each of those pupils to enroll within a four-year period in each course necessary to fulfill those requirements and prerequisites prior to graduation from high school.

Elementary schools must provide students with a curriculum that prepares them to participate in the high school courses the state requires for graduation as specified in the California Education Code (Sections 51210-51212).

State policies have set three tiers of requirements that govern admission to public colleges and universities: (1) successful completion of the "a-g" courses, required for both California State University (CSU) and University of California (UC) admission; (2) mastery of the set of competencies established by the UC, CSU, and California Community Colleges faculties as necessary for successful participation in college-level courses in the various subject areas; and (3) successful completion of advanced courses required to become "competitively eligible" for the most selective UC campuses. As described in what follows, meeting these requirements necessitates a program of instruction that includes textbooks, curriculum materials and equipment, and technology.

The "a-g" requirement for CSU and UC admission consists of a sequence of high school courses students must complete in order to be minimally eligible. The "a-g" requirements prescribe the content (History/Social Science, English, Mathematics, Laboratory Science, Foreign Language, Visual and Performing Arts, and College Preparatory Electives) and the depth of study determined by the number of courses in each subject area needed for eligibility.

Students must meet a second set of requirements to be regularly admitted—that is, admitted without being required to take non-credit, remedial courses—to any of California's three public postsecondary systems (CSU, UC, and the California Community Colleges (CCC)). Non-remedial status requires mastery of a set of academic competencies in English and mathematics established by the faculties of the three postsecondary systems.

A third set of requirements includes advanced courses (Advanced Placement and Honors courses) that are necessary for admission to the competitive campuses of the University of California. Over the past two decades, Advanced Placement (AP) courses have become both an integral part of college preparation and a widely acknowledged indicator of high school quality

in California. The State of California and the University of California system use the number of AP offerings in a school as an indicator of high school program quality. Students who complete these courses earn “extra” grade points that raise their grade point averages. Consequently, high schools must offer honors and Advanced Placement courses in sufficient numbers to enable students who wish to compete for competitive UC campuses to earn the maximum additional grade points (up to eight semesters’ credit) necessary for admission. They also must offer such advanced work in mathematics and science so that students have a chance to compete for admission to university majors in these and related fields. Further, many schools offer less regulated “honors” courses that also earn students these extra grade points.

Here, too, the consequences for students can be financial as well as educational. The Governor's Distinguished Mathematics and Science Scholars Award ("Governor's Math and Science Award")—provides a one-time \$2,500 scholarship for public high school students who, in addition to receiving the Governor's Scholars Award, attain required scores on the Advanced Placement (AP) exams or on two other exams measuring achievement in advanced studies (*i.e.*, International Baccalaureate (IB) exams, or Golden State Exams (GSE)).

These higher education admissions policies make a sufficient supply of high quality textbooks, curriculum materials, science laboratory equipment, and technology critical. Without them, it is highly unlikely that students will have access to the knowledge and skills they must master at each of these tiers of college preparation requirements or adequate opportunities to learn them.

With all of these policies, the State recognizes the centrality of textbooks and other instructional materials. Taken together, the judgments of national and state leaders, scholarly research, and state policies establish that textbooks (for classroom and home use), curriculum materials, equipment and technology are essential tools for the education of California’s students. Access to textbooks and other instructional materials are linked to academic achievement; they are required to teach and to learn California’s academic content standards; they are necessary for students to pass California’s high stakes tests and to meet entrance requirements for California’s public colleges and universities. It has not, however, been established that these critical educational inputs are made available to all students in California.

Question 2: Do all California students have access to the textbooks, curriculum materials, equipment, and technology needed to learn state-required subject matter content and skills?

Opinion: No, many California students lack access to the basic educational tools they need to acquire a basic education, to master the State’s Content Standards, and to pass “high stakes” exams.

Evidence:

Although the majority of students in California schools have access to the instructional resources they need, many do not. Significant numbers of schools are unable to provide teachers and students with the textbooks, curriculum materials, equipment, and technology that California’s education requires. Notably, the schools with less than adequate textbooks, curriculum materials, equipment, and technology are those where textbooks and materials are probably most important. These are schools with disproportionately large numbers of inexperienced and under-prepared teachers. These are also schools that enroll disproportionately large numbers of low-income students. Lack of access to these critical educational inputs, however, is not a problem experienced exclusively by schools with under-prepared teachers or by those serving disadvantaged populations, as data in the following sections demonstrate.

Evidence for the specific conclusions detailed below comes from recent studies examining the conditions in California schools. One study, conducted by the Peter Harris Research Group (2002) surveyed a random sample of elementary and secondary public school teachers from California schools.³ The Harris study sought to ascertain information regarding the teaching and learning conditions and problems California teachers face. Over 1,000 public school teachers responded to this survey. A second study, conducted by Social Policy Research Associates (SPRA), provides qualitative data relative to teaching and learning conditions and problems confronting teachers in California schools (SPRA, 2002). The SPRA study sampled 17 elementary, middle, and high schools, located in both rural and urban communities throughout California. The criterion for inclusion in the study was the percentage of uncredentialed teachers employed at the school. All but two of the schools studied had at least 30 percent uncredentialed teachers. The SPRA study examined the general quality of materials, the adequacy of basic and supplementary materials, the adequacy of subject-specific materials, and teachers’ and students’ access to technology.⁴ In the following analyses, we have supplemented the evidence from these two studies with evidence from other recent studies of California schools.

Textbooks are Widely Used in California Schools.

Results of the Harris survey of teachers (Harris, 2002) reveal that California teachers rely heavily on textbooks. As shown in Tables 4, 5, and 6, 92 percent of the respondents indicated that they used textbooks in their class, and textbook use varied little among schools with well or poorly qualified faculties or among teachers across the academic content areas.

³ See Peter Harris Research Group, 2002, for details of the sample and the study methodology.

⁴ Some of the material in the sections that follow is drawn from SPRA’s final report, “School Equity Study Documentation,” Oakland, CA: Social Policy Research Associates, March 2002.

Table 4: Textbook Use Is Nearly Universal, Although Slightly Greater at Schools with Less Qualified Teaching Staffs

	Overall	At Schools >80% Certified	At Schools >20% Uncertified
	100% (n=1071)	77% (n=826)	17% (n=183)
Teachers reporting that they use textbooks	92%	91%	94%

Source: Peter Harris Research Group
Data tabulations, 2002

Table 5: Textbook Use Is Nearly Universal at All Levels of California K-12 Schooling

	Overall	Elementary School Teachers	Middle School Teachers	High School Teachers
	100% (n=1071)	72% (n=771)	23% (n=251)	13% (n=138)
Teachers using textbooks	92%	94%	92%	83%

Source: Peter Harris Research Group
Data tabulations, 2002

Table 6: Textbook Use Is Nearly Universal Across Teachers of Different Academic Content Areas

	Overall	Those teaching Science	Those teaching Math	Those teaching Social Science	Those teaching English
	100% (n=1071)	70% (n=747)	77% (n=797)	75% (n=786)	76% (n=812)
Teachers reporting that they use textbooks	92%	95%	94%	94%	93%

Source: Peter Harris Research Group
Data tabulations, 2002

Shortages and Poor Quality of Textbooks Hamper Instruction in Many California Schools.

...the book room is a travesty.... And I believed as English Department Chair I needed to advocate zealously to get that book room stocked from any grants we can get....So I took that on as a responsibility... I felt that that was what I needed to do ethically. I felt that was my largest priority at the school. It was absolutely ridiculous the quality and quantity of books that we had on campus.

From the Deposition of Stephen Brady, English Instructor, English Department Chair at Balboa High School, taken 12-09-01 (p. 68).

Initially, there were no up-to-date textbooks . . . for the English Dept. at all. There were out-of-date textbooks in insufficient quantities and quality, falling apart, representing people that don't look like my students..." (p. 69).

[Noting that the Assistant Principal finally found funding through the Comprehensive School Reform Demonstration Project]. Keep in mind, these books were only ordered after several years of teachers, including myself, photocopying books that they wanted and large volumes of books and large chunks of books, if not the entire book . . . (p. 71).

In California schools, textbook shortages impact large numbers of teachers and students negatively. As displayed in Table 7, below, 12 percent of the teachers in the Harris 2002 survey indicated that they did not have enough copies of textbooks for every student in their class. If the 12 percent of teachers who report that they don't have enough textbooks to use in class are teaching 12 percent of California's students (a not unreasonable conjecture), these teachers' responses mean that approximately 720,000 of California's 6+ million students are in classrooms where teachers do not have enough books for all of them to use.

Table 7 reveals other serious inadequacies in the supply and quality of textbooks, instructional materials, equipment, and technology at schools. Nearly a third of teachers face shortages of textbooks that make it impossible for students to use textbooks at home, and even more lack books and materials that make content knowledge accessible to students who are still learning English. Significant percentages also report that the texts and materials they do have are in poor conditions and provide inadequate coverage of the State Content Standards.

Table 7: Many Classrooms Lack Adequate Texts

Teachers Reporting (Overall Schools, Grades & Subjects): (n=1071)	Percent “yes” responses	Percent “not sure” responses
<u>Inadequate supply:</u>		
Not enough texts for students to use in class	12%	3%
Not enough texts for students to take home	32%	11%
<u>Inadequate quality:</u>		
Only fair or poor quality of texts & materials	17%	1%
Poor physical condition of texts	8%	3%
Texts and materials not up-to-date	10%	4%
Textbooks have only fair or poor coverage of standards	18%	6%

**Source: Peter Harris Research Group
Data tabulations, 2002**

Lest these data be viewed as problems faced by relatively small percentages of teachers, we must remember just how many students are likely to be affected by these resource inadequacies. If 32 percent of the students are in schools where teachers do not have enough texts for students to take home, then almost 2 million students are affected by this shortage. If 18 percent of teachers rate the texts that they use as “only fair” or “poor” in their coverage of State Content Standards, then 18 percent—more than a million—California students are likely to be in schools that lack textbooks that provide them adequate access to the content they are required to learn to successfully participate in California’s education system. Even these staggeringly large numbers may be conservative estimates, given the evidence in later sections that many of the schools most heavily impacted by these problems are schools serving large concentrations of low-income students and those with limited English. Many such schools are overcrowded urban schools serving very large numbers of students.

Though alarming, these findings are not new. Textbook shortages and inadequate access to instructional materials in California public schools has been documented in the past. A much publicized textbook shortage based on findings conducted by the Association of American Publishers (AAP) in conjunction with the National Education Association found that California’s public school students were among the most in need in the nation of new textbooks (California Community Foundation, 1998). Twenty-four percent of teachers surveyed in a study conducted by the AAP, posited that their students did not have enough books to use in class, let alone books to take home for the purposes of homework (California Community Foundation, 1998 citing AAP, 1996). A 1996 report published by AAP found that 54 percent of California teachers reported that they did not have enough books to send home with their students compared to 39 percent nationwide. Twenty-four percent of California teachers reported that their students did not even have books to use in class. In fact, 40 percent of teacher surveyed said they waste valuable instructional time reading aloud or writing on the chalkboard because there are not enough books to go around (Pyle, 1997 citing AAP, 1996). An article published in the *Los*

Angeles Times (Pyle, 7-28-1997) documented this “crisis” in the Los Angeles Unified School District.

The findings from the SPRA study are consistent with these survey results. Although most teachers had at least one set of relatively new textbooks for their students, students in many schools did not have enough textbooks to use in class and to take home. As one teacher complained, “critical thinking [homework assignments] is hard to do without textbooks.” Consequently, these teachers devote some class time to homework assignments or the teachers provide students with copied pages from their textbooks to take home. At one school, a 7th grade teacher did not receive any math or reading books until mid-November and as of mid-February had only 12 social studies books for his class of 26. Consistent with the teachers’ reports in the Harris study, the condition of textbooks in several of the SPRA study schools was quite poor. For example, at one school where the social studies textbooks were eleven years old the teacher was only able to use them as a starting point for instruction.

This problem of inadequacy is exacerbated for ELL students. Many of the SPRA schools sampled served large populations of ELL students (32 percent—71 percent of total student population), and teachers reported a near absence of materials designed for these students. In seven schools, teachers reported no materials for ELL students; many schools did not provide materials written in students’ home language, believing that it was against the law. A few schools did provide materials for teachers to conduct ELD instruction. Common materials were the “Into English” curriculum that comes with a teacher text, student workbooks, songbooks, reading books, tapes, and posters. In other schools, teachers had insufficient materials. For example, in one school a teacher was unable to use the 6th grade ELD curriculum he was given for his 7th grade class because they had used it the year before.

A survey conducted within the San Francisco Unified School District yielded similar results (*Williams vs. State of California*, document no.: SF 05549-SF 06207). That study found that 39.5 percent of all teachers in the school district disagreed or strongly disagreed with the survey question, “I have enough books for all of my students.” In response to the question, “the books and instructional materials are appropriate for the students in my classroom,” 28 percent disagreed or strongly disagreed.

Shortages and Poor Quality of Subject Area Materials and Instructional Technology.

In addition to teachers’ access to a sufficient supply of quality textbooks, the Harris Survey (2002) gathered information regarding teachers’ access to other instructional materials vital to teaching the California Content Standards. These educational tools consisted of technology (*e.g.*, computer, printers, software, Internet access, etc.), and subject area materials. Although these supplemental materials may play an especially critical role for students who cannot access the information in textbooks for one reason or another, in some cases all students require these materials to meet the standards (Koski, 2001). Most important, the lack of these ancillary materials exacerbates the problem of textbook insufficiency and compounds the need for an adequate quantity and quality of textbooks. This section demonstrates that teachers who lack these supplemental materials are more likely than their colleagues to face shortages and quality problems with their textbooks.

Shortages and Quality Problems with Science Materials. As displayed in Table 8, of the 746 teachers in the Harris survey who reported that they teach science, 49 percent indicated that they did not have enough equipment and materials such as lab stations and lab tools necessary to do science laboratory work. Notably, these teachers were also more likely than their colleagues with enough science materials to face shortages and quality problems with their textbooks and technology. Nearly three times the percentage of teachers without adequate science materials rated the quality of their textbooks as “only fair” or “poor.” These teachers were also two times as likely to report that they don’t have enough texts for their students to use at home, that their texts are out of date, and that they don’t cover the standards adequately.

Table 8: Science Teachers Reporting Materials Problems

	Science teachers WITHOUT materials & equipment for lab work	Science teachers WITH materials & equipment for lab work
Total Science teachers (all grades) n=747	49%	50%
Percentage that also reports:		
Shortage of texts to use in class***	17%	5%
Shortage of texts for students to take home***	41%	20%
Textbooks and materials of only fair or poor quality***	24%	9%
Textbooks and materials in only fair or poor physical condition***	9%	1%
Textbooks not up-to-date***	12%	5%
Textbooks with only fair or poor coverage of standards***	20%	10%
Only fair or poor technology availability***	40%	25%
Lack computers on which students can do research**	24%	16%

Pearson chi-square test, * p<.05, ** p < .01, *** p < .001

Statistical testing was performed excluding “not sure” respondents and non-respondents for all variables.

**Source: Peter Harris Research Group
Data tabulations, 2002**

Similarly, the SPRA study found that while some science teachers can provide students with access to science materials, including textbooks and lab materials, others can not. At one school, for example, science books are not issued to classrooms but must be checked out from the resource room in advance. Even then, there is only one book for every two children. One teacher became so frustrated that she bought old science textbooks at a thrift store so her students would have at least some texts. Students at other schools have no science textbooks at all.

At several schools, teachers lack manipulatives for science instruction. For example, one middle school teacher reported having one magnifying glass and two measuring cups for her entire class to use for an experiment. Another school received new textbooks but had no lab equipment to conduct the experiments detailed in the book. Some schools lack laboratories or rooms with the running water needed to conduct experiments. As a result, one high school teacher focuses instruction on scientific theory rather than experimentation. At another school, the lab has not been modernized or maintained. Because the sinks do not drain, students are very limited in the experiments that they can perform. As the teacher explains:

Hands-on learning is a good way to learn and they don't get to learn all the problem-solving and critical thinking skills that come when students are engaged in the scientific process of doing experiments. You feel like you're deprived and the students are deprived of the opportunity to learn. I don't feel good about it.

This lack of laboratory access prevents students from meeting the State Content Standards in science, and it makes it impossible for high school students to satisfy CSU/UC eligibility requirements that specify laboratory science.

Shortages and Quality Problems in Mathematics Materials. As displayed in Table 9, approximately 18 percent of all of the California mathematics teachers surveyed in the Harris study indicated not having access to enough calculators, manipulatives, measuring tools, graph paper, games, and other math materials. As with the science teachers in Table 8, these teachers were also far more likely than teachers with adequate math materials to have problems with the supply and quality of their textbooks and to have far less access to computer technology.

Table 9: Mathematics Teachers Reporting Materials Problems

	Math teachers WITHOUT enough materials & equipment	Math teachers WITH enough materials & equipment
Total Math teachers (all grades) n=797	18%	82%
Percentage that also reports:		
Shortage of texts to use in class***	30%	9%
Shortage of texts for students to take home***	52%	26%
Textbooks and materials of only fair or poor quality***	39%	12%
Textbooks and materials in only fair or poor physical condition***	15%	4%
Textbooks not up-to-date***	21%	7%
Textbooks with only fair or poor coverage of standards***	26%	14%
Only fair or poor technology availability***	55%	28%
Lack computers on which students can do research***	33%	17%

Pearson chi-square test, * $p < .05$, ** $p < .01$, *** $p < .001$

Statistical testing was performed excluding “not sure” respondents and non-respondents for all variables.

**Source: Peter Harris Research Group
data tabulations, 2002**

Again, the SPRA study’s findings are consistent. While many teachers had textbooks or scripted curricula for math instruction, two elementary schools had no math textbooks and one school provided students with only copied worksheets. The situation is little better at the high school level. In one high school, there were not enough of the eight-year-old math books for each student to take home. At another school, a teacher has not been able to replace a stolen teacher’s edition textbook and CD-ROM that are part of his math curricula. At several of these schools, the math books do not align with the state standards and need to be supplemented by the teacher.

Most of the SPRA study schools had few manipulatives for math instruction, including calculators, protractors, and compasses. One middle school teacher described the negative impact on students, “kinesthetic learners [are] being forced to learn with paper and books.” The rural high schools lacked regular and graphing calculators. One high school teacher waited from September to February to receive an overhead projector and screen. Students in one math class use instructional time to make their own graph paper because none is provided to them.

Activities using graph paper are not a frill in mathematics classes, but are necessary to learn and score well on tests of the math standards.

Shortages and Quality Problems in Social Science Materials. As displayed in Table 10, of the 786 teachers in the Harris survey who reported that they teach social science, 30 percent indicated they did not have enough maps, atlases, and reference materials for students to use in class or take home. Again, a significant relationship exists between negative responses to this question and teachers' complaints about an insufficient number of textbooks and the poor quality of the books they have. In far greater proportions than teachers with adequate social studies materials, teachers reporting that they do not have enough maps, atlases, and reference materials also used texts that were out-of-date, in poor condition, and lacking adequate coverage of the State standards. These teachers were also far more likely to lack the computer technology that would allow students to do research on the Internet that some of the social science standards require.

Table 10: Social Science Teachers Report Inadequate Materials (maps, atlases, and reference materials)

	Social science teachers WITHOUT enough materials & equipment	Social science teachers WITH enough materials & equipment
Total Social Science teachers (all grades) n=786	30%	68%
Percentage that also reports:		
Shortage of texts to use in class***	23%	7%
Shortage of texts for students to take home***	51%	21%
Textbooks and materials of only fair or poor quality***	27%	13%
Textbooks and materials in only fair or poor physical condition***	13%	3%
Textbooks not up-to-date**	13%	7%
Textbooks with only fair or poor coverage of standards***	25%	12%
Only fair or poor technology availability***	48%	25%
Lack computers on which students can do research***	27%	16%

Pearson chi-square test, * p<.05, ** p < .01, * p < .001**

Statistical testing was performed excluding “not sure” respondents and non-respondents for all variables.

**Source: Peter Harris Research Group
data tabulations, 2002**

Consistent with the teachers’ reports in the Harris survey, most of schools in the SPRA study also have some social studies materials. However, one school has no texts or materials in social science. As one teacher from this school explained, “Students have no concept of the world, region, state or city.” At another school, the teacher has enough books for half of his students. At two other schools teachers do not have more than one class set of textbooks, furthermore, they feel that students’ below-grade level reading ability prevents them from understanding the textbooks if read independently at home. At one school, the social studies books are 10 years old. This “Concept 6” school does not have enough textbooks for all students. That means that when students go “off track” the textbooks are collected; when the students return the texts are disseminated again. Yet, in one case, after having been back in school for two months, 4th graders had not been reissued their textbooks.

Teachers at many schools lack supplementary materials like atlases and globes. As one teacher stated, “It would be nice to pull down a map and show the students where China is.” One elementary school had maps that still showed the USSR and had encyclopedias that were over 30 years old. Two high schools did not have enough maps to cover the standards.

Shortages and Poor Quality of English Language Arts Materials. As displayed in Table 11, 812 teachers participating in the Harris study (2002) reported that their teaching assignment included English language arts. Of these teachers, 20 percent indicated that they did not have enough novels and other books (sometimes, according to state and school district distinctions, called “supplemental” books) for students to use in class or take home. Once again, we find that these materials shortages are likely to co-exist with basic textbook and technology shortages, and with problems in the quality of textbooks that are available. In most cases, teachers without enough novels and books to use for English-language arts instruction are more than twice as likely as others to report these other textbook and technology problems.

Table 11: Teachers of English Report Inadequate Materials

	English teachers WITHOUT enough novels & books	English teachers WITH enough novels & books
Total English teachers (all grades) n=812	20%	79%
Percentage that also reports:		
Shortage of texts to use in class***	30%	9%
Shortage of texts for students to take home***	58%	27%
Textbooks and materials of only fair or poor quality***	42%	11%
Textbooks and materials in only fair or poor physical condition***	18%	5%
Textbooks not up-to-date***	20%	8%
Textbooks with only fair or poor coverage of standards***	32%	15%
Only fair or poor technology availability***	55%	25%
Lack computers on which students can do research***	33%	15%
Only fair or poor technology availability***	55%	25%
Lack computers on which students can do research***	33%	15%

Again, the SPRA study is consistent. Most teachers in the SPRA study schools reported having access to reading curricula. Even so, several elementary schools have no language arts textbooks or writing instructional materials. At other SPRA study schools, the materials available are either inappropriate for the student population or are not aligned with state standards. As one teacher explains, “You have to pull and pick from elsewhere to find the appropriate materials. I don’t have all the materials and parts are missing.” Teachers at one elementary school have a full set of *Open Court* reading materials (that includes textbooks and workbooks), but these texts do not meet the needs of ELL students. Teachers must alter the scripted curricula and supplement it with their own resources. At one middle school, teachers commented that they had to read the textbook aloud because it was too advanced for many students and they lacked any other reading materials. At two middle schools, teachers commented that they lack multicultural literature at appropriate reading levels. Some of the teachers supplement the curriculum with books they purchase themselves. At another school, teachers commented on the difficulty of relying solely on mandated materials, explaining that many students do not understand the lessons because the mandated text is so abstract, and “visuals would really help them.” At another school using *Open Court*, the school provides

roving carts of 100 books to teachers to augment the minimal emphasis on reading comprehension in the scripted curriculum.

In many schools, including several middle schools and a high school, there are not enough materials focused on reading instruction for students to take home:

- At one middle school, a teacher, who wants all students in her five classes to read a novel simultaneously, must assign three different books at once because she only has access to two class sets of any book.
- At one elementary school, although there are enough new materials related to reading instruction, students are not allowed to take them home.
- At another elementary school the teachers do not have any class sets of reading materials but students can check out two books a week from the limited library selection.

In many schools, teachers lack supplemental reference materials for English-language arts such as dictionaries, thesauruses, and encyclopedias. Teachers at one elementary school reported that they have no writing paper. The majority of teachers have to either purchase the books shelved in their classroom libraries or secure grants to buy books. As one teacher said, “If there were larger libraries with more resources, then [buying books for students] wouldn’t be necessary.” In schools that offer a scripted curriculum, these libraries are often students’ primary literature source.

Shortages and Problems with the Quality of Instructional Technology. In addition to textbooks and other more traditional instructional materials, California’s 21st century teachers also must have access to the technology that is required for students to meet the State content standards. Increasingly, computers and the Internet provide students with access to essential knowledge and they have become extremely important as teaching tools. As noted earlier in this report, a number of the California standards require that students have access to computers, software, and/or the internet. However, as displayed in Table 12, results from the Harris Survey (2002) demonstrate that many of the teachers surveyed do not have adequate access to technology.

Table 12: Teachers Reports of Inadequate Instructional Technology

Teachers Reporting (All Schools, Grades & Subjects):	100% (n=1071)
Only fair or poor availability of technology	31%
Students lack computers for internet research	18%

**Source: Peter Harris Research Group
Data tabulations, 2002**

As noted above in Tables 8-11, these instructional technology shortages are disproportionately found in classrooms where teachers have too few textbooks, textbooks of poor quality, and too few (or no) materials needed for teaching science, math, social science, and/or English.

A survey of San Francisco Unified School District teachers yielded remarkably similar results (*Williams vs. State of California*, document no.: SF 05549-SF 06207). In that study, 31 percent disagreed or strongly disagreed that their school had an adequate number of computers, and 37 percent either disagreed or strongly disagreed that their school had “appropriate computer software.” And over half of all teachers in the district (58.7 percent) either disagreed or strongly disagreed that their school “has enough other supplies and equipment.”

These findings are supported by other studies of teachers’ access to technology in California (California Department of Education & California Technology Assistance Project, 2001; *Education Week*, 2001; Market Data Retrieval, 2000a). In 2001, *Education Week* reported that California’s student-to-multimedia computer ratio (computers with sound cards and a CD-ROM drive) was 11.9-to-1 (making it the worst in the country at the time, with the national ratio reported to be 7.9-to-1). California’s student-to-instructional computer ratio (all computers that are available for student instruction) was reported at 7.2-to-1 with the national average ratio reported at 4.9-to-1 (*Education Week*, 2001). Again, California was ranked last in the country. However, this ratio seems to have improved somewhat recently. A recent study conducted by the California Department of Education in spring 2001 in collaboration with the California Technology Assistance Project (CTAP) found that California’s student-to-multimedia computer ratio had improved in all grades to a ratio of 8.24-to-1. According to the study, California’s student-to-computer ratio had improved to 6.97-to-1 (California Department of Education & California Technology Assistance Project, 2001). Statewide summary data for 2000-2001 report a state average of 6.7 students per computer, with county averages ranging from 2.6 to 13.3 students per computer (CDE, 2001a, available at <http://data1.cde.ca.gov/dataquest>).

In the SPRA study, students’ access to instructional technology varies considerably, with some teachers having multiple computers and others having none, even within the same school. In some schools, many classrooms have no working computers, and some have no computers at all. Other schools have received donated computers with “no memory,” broken computers, or computers that can not be used because classrooms lack electrical outlets. Some teachers have only those computers that have been donated by friends or family. Broken printers are common. Many of the computers across the schools do not have access to the Internet. Teachers also

reported lack of appropriate software, which impeded using their classroom computers. In contrast, however, one school has received a large technology grant, and every 4th through 8th grader has a laptop computer to use at home. This same school also has an excellent computer lab, two on-site staff members provide technology support, and mandatory individual training sessions twice a month for teachers on computer use.

Many schools have computer labs or computers in the library that are connected to the Internet for student use and that teachers use frequently. In other schools the computers in the computer labs are donated and are too slow or are “dinosaurs” that are not adequate to permit students to do the technology-related activities required by the state standards. Often school libraries do not have enough computers to meet students’ needs. For example, two school libraries have only six computers. Although teachers at one school took their students to the computer lab three times a week, the software was not advanced enough for one teacher’s students. Although some schools have strong computer labs, students at several schools are not able to take advantage of them; they lack frequent enough access and teachers do not know how to use the technology or feel too strapped for instructional time.

Instructional technology support at many schools is insufficient or very difficult to access. Several districts attempted to accommodate the schools’ technical support needs with a very small department (1-3 persons) housed at the district office. For example, one district that serves 24,000 students has only three technology support staff to serve the entire district. It is common for teachers to wait over a month to have their computers repaired. As one teacher said, “You are your own tech support.” Other schools appoint a teacher as the technology support provider, but such providers rarely have sufficient time in addition to their teaching duties to adequately support their colleagues.

Problems Are Worse at Schools Enrolling the Most Vulnerable Students.

Results from recent studies of the conditions in California schools also reveal that problems with the supply and quality of textbooks, curriculum materials, instructional equipment, and technology are significantly worse at schools that enroll the State’s most vulnerable students.

In the Harris study, larger proportions of the teachers at schools with large concentrations of English learners and at schools with very high proportions of low-income students responded that they suffered from an inadequate supply and quality of textbooks and technology than teachers at schools where the students were more advantaged. These patterns are displayed in Tables 13 and 14. Although schools in all categories suffer shortages and poor quality of textbooks, the data in these tables reveal striking patterns of inequality in access. For example, 43 percent of teachers in schools with the most students eligible for CalWorks (top quintile of schools) reported that they lack books for their students to use at home, compared to 26 percent in the schools with the fewest CalWorks eligible students (bottom quintile). And, teachers in schools with the largest proportion of students not proficient in English report at more than double the rates of teachers with few limited English speakers that they lack materials of good quality and materials that their students can read—either in English or in the students’ home language.

Table 13: Textbook Problems in Schools in the Top and Bottom Quintiles of CalWorks Eligibility

	Total Sample of teachers 100% (n=1071)	Teachers in schools with the HIGHEST CalWorks Eligibility 20% of sample (n=218)	Teachers in schools with the LOWEST CalWorks Eligibility 20% of sample (n=215)
Shortage of texts to use in class	12%	12%	11%
Shortage of texts for students to take home**	32%	43%	26%
Textbooks and materials of only fair or poor quality***	17%	21%	8%
Textbooks and materials in only fair or poor physical condition	8%	6%	6%
Textbooks not up-to-date	10%	15%	11%
Textbooks with only fair or poor coverage of standards	18%	20%	15%

Pearson chi-square test, * p<.05, ** p < .01, *** p < .001

Statistical testing was performed excluding “not sure” respondents and non-respondents for all variables.

Source: Peter Harris Research Group
Data tabulations, 2002

Table 14: Textbook Problems in Schools in the Top and Bottom Quintiles of Limited English Proficient Students

	Total Sample of teachers 100% (n=1071)	Teachers in schools with the HIGHEST % of Limited English Proficient 20% (n=212)	Teachers in schools with the LOWEST % of Limited English Proficient 21% (n=223)
Shortage of texts to use in class	12%	10%	15%
Shortage of texts for students to take home	32%	38%	30%
Textbooks and materials of only fair or poor quality***	17%	26%	10%
Textbooks and materials in only fair or poor physical condition	8%	7%	6%
Textbooks not up-to-date*	10%	13%*	7%*
Textbooks with only fair or poor coverage of standards	18%	19%	17%

Pearson chi-square test, * p<.05, ** p < .01, *** p < .001

Statistical testing was performed excluding “not sure” respondents and non-respondents for all variables.

**Source: Peter Harris Research Group
Data tabulations, 2002**

Data from RAND’s Class Size Reduction (CSR) survey underscore the Harris Survey findings (2002). The CSR survey asked teachers to report on the availability of resources at their school. As displayed in Table 15, schools serving a large population of students receiving free or reduced lunch (90 percent or greater), or a large population of minority students (90 percent or greater), had less access to instructional resources than did schools serving a population where fewer than 10 percent receive free/reduced lunch or with a minority population of less than 30 percent. These data make clear that for every category (except English Language Learner/Limited English Proficient materials),⁵ schools with a larger percentage of minority students or a large percentage of students receiving free or reduced lunch do not have the same access to these necessary educational inputs. For example, while almost 88 percent of teachers working at schools serving fewer minority students (<30%) indicated that textbooks were always available, only 68 percent of teachers working at schools serving more minority students (>90%) indicated that they always had access to textbooks. Similarly, approximately 83 percent of

⁵ Schools with few minorities and low-income students are not as likely to serve a significant population of English language learners.

teachers working at schools serving a small percentage of low-income students indicated that they always had access to textbooks versus only 56.8 percent of teachers who worked at schools serving a large population of low-income students.

Table 15: Educational Resource Availability by Low-Minority, High-Minority Schools and Low-Poverty, High-Poverty Schools.

Percent of teachers reporting materials were always available (never available), 1998	<30% minority (wtd.n=13,391)	>90% minority (wtd.n=16,724)	<10% free/ red. lunch (wtd.n=14,520)	>90% free/ red. lunch (wtd.n=22,422)
Textbooks – always available (never available)	87.6% (.2%)	68.0%* (.4%)	82.9% (0)	56.8%* (.5%)
Workbooks – always available (never available)	67.6% (5.3%)	41.6%* (9.0%)	62.1% (5.3%)	38.2%* (8.1%)
Manipulatives– always available (never available)	88.7% (.7%)	75.0%* (5.3%)	81.4% (.5%)	69.6% (5.9%)
AV equipment– always available (never available)	66.9% (2.0%)	45.6%* (2.0%)	51.3% (3.2%)	46.3% (3.1%)
Computer equip.– always available (never available)	50.6% (7.6%)	48.7% (13.9%)	58.9% (9.4%)	44.1% (15.4%)
Art materials – always available (never available)	77.7% (1.1%)	53.8%* (5.1%)	80.6% (.5%)	53.7%* (6.1%)
ELL materials – always available (never available)	29.5% (4.1%)	44.6%* (6.4%)	27.4% (4.6%)	49.0%* (2.7%)
Materials for students with disabilities – always available (never available)	27.1% (8.1%)	14.1%* (17.2%)	23.7% (7.3%)	17.8% (16.7%)

Weighted sample estimates

Unweighted tests of significance: *Chi-square, $p \leq .001$

Source: RAND, CSR Data Tabulations

Interestingly, problems with shortages and quality diverge less among schools that enroll students from various racial groups. Teachers across schools with majorities of Whites, Latinos, African Americans, and Asians report fairly comparable textbook availability. However, the data also reveal two patterns: fairly consistent advantages for students attending schools with non-Latino white majorities and fairly consistent disadvantages for students attending non-white schools where no other racial group is in the clear majority.

Table 16: Percentages of Teachers from Schools with Different Racial Composition Reporting Inadequacies with Textbooks

	Total (n=1071)	At Majority Non-Latino White Schools (n=418)	At Majority Latino Schools (n=284)	At Majority Af Am Schools (n=166)	At Majority Asian Schools (n=28)	At Mixed Non-White Schools (n=176)
Shortage of texts to use in class	12%	12%	9%	8%	11%	20%***
Shortage of texts for students to take home	32%	28%*	33%	34%	38%	37%
Textbooks and materials of only fair or poor quality	17%	11%***	21%	14%	31%*	27%***
Textbooks and materials in only fair or poor physical condition	8%	7%	7%	2%**	15%	13%**
Textbooks not up-to-date	10%	7%**	12%	6%*	23%	16%**
Textbooks with only fair or poor coverage of standards	18%	20%	18%	12%**	20%	20%

Pearson chi-square test, * p<.05, ** p < .01, *** p < .001

Statistical testing was performed excluding “not sure” respondents and non-respondents for these variables.

Source: Peter Harris Research Group
Data tabulations, 2002

An audit requested by the Joint Legislative Audit Committee concerning the Los Angeles Unified School District’s (LAUSD) program and policies for providing textbooks and instructional materials to its schools reflects this pattern. In requesting this audit, the Legislature was primarily concerned about whether LAUSD’s policies created disparities between high- and low-performing schools in the quantity and quality of available textbooks. Hence, eight low-performing schools were compared to eight high-performing schools (as measured by the State’s Academic Performance Index (API)). Conducted by the California State Auditor, Bureau of State Audits, the study investigated whether each student in the 16 schools had a textbook in each of four core subjects (in grade 3 at the elementary schools, grade 7 at the middle schools, and grade 10 at the high schools). To determine sufficiency, enrollment counts were compared to inventory records, and, where inventory records did not exist, the audit team surveyed teachers

and counted books. To assess the quality of textbooks, the audit team determined whether books were on a current adoption list, subject to the California Department of Education’s new-edition substitution process,⁶ or were less than seven years old. Table 17 demonstrates the results of this audit.

Table 17: Textbook Availability for Low-Performing and High-Performing Schools in Los Angeles Unified School District

Low- or High-Ranking on Academic Performance Index (API rank)+	Percent Hispanic At Low-Or High-Perf. School	Percent White At Low-Or High-Perf. School	Percent Black/ Non-Hispanic at Low- or High Perf. School	Percent of Classes Without Texts	Percent of Classes With Outdated Texts	Percent of Classes Restricting Texts to Classroom use
1. Low (1)	76	0	24	0	0	0
2. Low (1)	89	0	11	0	0	0
3. Low (1)	89	0	11	7	0	17
4. Low (1)	68	22	5	0	21	4
5. Low (1)	72	0	21	25	0	0
6. Low (1)	54	0	46	25	0	62
7. Low (1)	60	0	38	6	0	44
8. Low (1)	79	0	21	5	57	0
9. High (9)	25	42	8	0	16	0
10. High (9)	39	37	10	0	21	0
11. High (8)	26	35	9	0	0	10
12. High (8)	25	47	18	0	8	27
13. High (6)	58	28	10	3	8	3
14. High (9)	34	42	14	0	12	0
15. High (9)	11	75	7	0	25	0
16. High (10)	12	76	6	0	12	0

Source: California State Auditor, Bureau of State Audits (June 2002)
+ API rank 1 is low-performing and ranks 6 through 10 are high-performing.

The results displayed above reveal that textbook disparities do exist, and they exist in ways that work against kids in schools wherein a high percentage of the population is Hispanic and consistent advantages exist for students attending schools with non-Latino white majorities

⁶ On written request by a publisher, the California Department of Education allows for a new-edition substitution process by which a new edition, not yet adopted by the state board, containing minimal changes, may be used in the classroom with the older text, if the changes meet the State’s legal compliance requirements.

where no other racial group is in the clear majority.⁷ All 6 of the 16 schools with an insufficiency of textbooks for every student in a core class were schools with a majority Hispanic student population. And, five of the seven schools found to restrict textbook use to the classroom are schools with a majority Hispanic population. While the report falls short of measuring the impact of these factors, these findings contribute to the evidence that problems with the supply and quality of textbooks, curriculum materials, instructional equipment, and technology are significantly worse at schools that enroll the State’s most vulnerable students.

Teachers in the Harris study who teach at schools with high percentages of students who qualify for CalWorks or who are limited English proficient also reported insufficient access to technology at much higher rates than teachers in schools with more advantaged students. These data are displayed in Tables 18 and 19.

Table 18: Instructional Technology Problems in Schools in the Top and Bottom Quintiles of CalWorks Eligible Students

	Total Sample of teachers 100% (n=1071)	In schools w/ HIGHEST % of CalWorks Eligible Students 20% (n=218)	In schools w/ with the LOWEST % of CalWorks Eligible Students 20% (n=215)
Only fair or poor technology availability***	31%	40%	18%
Lack computers on which students can do research*	18%	21%	12%

Pearson chi-square test, * p<.05, ** p < .01, * p < .001**

Statistical testing was performed excluding “not sure” respondents and non-respondents for all variables.

**Source: Peter Harris Research Group
Data tabulations, 2002**

⁷ The report does discuss other factors found at low-performing schools that may impact API ranking: the level of parents’ education, students’ transiency, socioeconomic status and English proficiency. These findings are discussed in greater detail in the following section of this paper that examines the actions or the failure to take action on the part of the state in contributing to the lack of available textbooks, curriculum materials, equipment, and technology for California’s students.

Table 19: Instructional Technology Problems in Schools in the Top and Bottom Quintiles of Limited English Proficient Students

	Sample of teachers 100% (n=1071)	In schools w/ HIGHEST % of Limited English Proficient 20% (n=212)	In schools w/ LOWEST % of Limited English Proficient 21% (n=223)
Only fair or poor technology availability***	31%	40%	23%
Lack computers on which students can do research**	18%	24%	14%

Pearson chi-square test, * p<.05, ** p < .01, *** p < .001

Statistical testing was performed excluding “not sure” respondents for all variables.

**Source: Peter Harris Research Group
Data tabulations, 2002**

The overall availability of computers to students may have improved in California schools between 2000 and 2001 (as noted in an earlier section). Nevertheless, the same California Department of Education and California Technology Assistance Project study (CDE & CTAP, 2001) that documented improvement found that students attending schools with a large population of students eligible for free and reduced lunch had less access than other students. Moreover, the state’s poorest students are also disproportionately denied access to the resources of the Internet. Specifically, 87 percent of the classrooms are connected to the Internet in schools where fewer than 20 percent of the students are eligible for free and reduced price meals. In contrast, only 67percent of the classrooms were connected to the Internet in schools with more than 80percent of their students eligible for free and reduced price meals. Commenting on these findings, State Superintendent of Public Instruction, Delaine Eastin said,

“ . . . I am disheartened that it is our poorest students who have the least access to these tools that could contribute to their academic success. The ability to use technology is a new basic job skill in the information age economy and all children must have the appropriate access. This digital divide is just not right.”
(CDE, State Superintendent of Public Instruction, Delaine Eastin, 9-20-2001).

Problems with the Supply and Quality of Textbook and Materials Converge with Other Problematic School Conditions.

Teachers who indicated that they had an inadequate supply of books and materials or problems with their quality were more likely than other teachers to report that their schools experienced a number of other hardships. These problems converged in schools with staffing problems (including shortages of qualified teachers and poor working conditions), with facilities

maintenance concerns (including problems with heating, noise, infestations, and dirty and locked restrooms), and problems resulting from overcrowding.

Materials and Staffing Problems Converge. As displayed in Table 20, teachers at schools with serious staffing problems reported problems with textbooks, subject matter materials and equipment, and technology more often than teachers at schools with far less serious problems.

Table 20: Percentages of Teachers at Schools with Serious Staffing Problem at Their Schools Who Also Report Problems with Textbooks and Materials

	Overall 100% (n=1071)	School staff is >20% uncertified 17% (n=183)	Teacher “only somewhat” well prep to teach standards 19% (n=203)	Teacher “not very” well prep to teach standards 1% (n=15)
<u>Inadequate supply:</u>				
Not enough texts for class	12%	12%	18%**	20%
Not enough texts for home	32%	39%*	38%*	67%**
Neg availability of technology	31%	42%**	32%	63%**
Not enough science lab equip*	49%	60%**	58%*	86%**
Not enough math materials**	18%	24%	24%*	33%
Not enough soc studies mat***	30%	44%**	27%	73%***
Not enough novels & lit****	20%	29%**	19%	47%*
<u>Inadequate quality:</u>				
Neg quality of texts & materials	17%	23%	23%*	6%
Poor phys condition of texts	8%	2%**	8%	20%
Texts not up-to-date	10%	9%	16%**	19%
Text poor coverage of standards	18%	17%	30%***	20%
Not fully usable computers	18%	25%**	18%	6%

Pearson chi-square test, * p<.05, ** p < .01, *** p < .001

Statistical testing was performed excluding “not sure” respondents and non-respondents for all variables.

Source: Peter Harris Research Group
Data tabulations, 2002

Table 20 (continued): Percentages of Teachers at Schools with Serious Staffing Problem at their Schools Who Also Report Problems with Textbooks and Materials

	Overall	Very serious teacher turnover problem	Teaching positions unfilled for a long time	A lot of trouble finding day-to-day subs
	100% (n=1071)	8% (n=87)	5% (n=54)	13% (n=138)
Inadequate supply:				
Not enough texts for class	12%	20%*	19%	18%*
Not enough texts for home	32%	49%***	57%***	49%***
Neg availability of technology	31%	58%***	52%***	42%**
Inadequate quality:				
Neg quality of texts & materials	17%	37%***	26%	29%***
Poor phys condition of texts	8%	9%	23%***	12%*
Texts not up-to-date	10%	16%	32%***	22%***
Text poor coverage of standards	18%	17%	32%*	32%***
Not fully usable computers	18%	32%***	19%	25%**

Pearson chi-square test, * $p < .05$, ** $p < .01$, *** $p < .001$

Statistical testing was performed excluding “not sure” respondents and non-respondents for all variables.

Source: Peter Harris Research Group
Data tabulations, 2002

Materials and Facilities Maintenance Problems Converge. Table 21 makes clear that teachers at schools with serious facilities maintenance problems reported problems with textbooks, subject matter materials and equipment, and technology more often than teachers at schools with less serious problems.

Table 21: Percentages of Teachers in Schools with Facilities Problems Who Also Report Problems with Textbooks and Technology

	Overall 100% (n=1071)	Where classroom temp too hot or cold 32% (n=346)	Where classroom too noisy to concen- trate 21% (n=229)	Where cockroach, rats, or mice a problem 27% (n=296)	Where bathroom dirty or closed 17% (n=178)	Where facility is rated “poor” 10% (n=112)
<u>Inadequate supply:</u>						
Not enough texts for class	12%	16%**	16%*	17%**	24%***	22%***
Not enough texts for home	32%	41%***	35%	39%**	44%***	50%***
Neg availability of technology	31%	40%***	38%*	36%*	44%***	55%***
<u>Inadequate quality:</u>						
Neg quality of texts & materials	17%	25%***	22%*	24%**	23%*	38%***
Poor phys condit of texts	8%	12%***	12%**	11%**	12%*	16%***
Texts not up-to-date	10%	13%*	13%	15%**	14%	23%***
Text poor coverage of standards	18%	24%**	20%	23%*	24%*	34%***
Not fully usable computers	18%	20%	21%	19%	21%	32%***

Pearson chi-square test, * p<.05, ** p < .01, *** p < .001

Statistical testing was performed excluding “not sure” respondents and non-respondents for all variables.

Source: Peter Harris Research Group
Data tabulations, 2002

Materials and Overcrowding Problems Converge. Table 22 makes clear that teachers at schools with serious problems related to overcrowded facilities report problems with textbooks, subject matter materials and equipment, and technology more often than teachers at schools without these problems.

Table 22: Percentages of Teachers in Schools with Overcrowding Problems Who Also Report Problems with Textbooks and Technology

	Overall	School holds classes in non-class space	Non-class space creates serious noise problem	Non-class space creates serious space problem
	100% (n=1071)	32% (n=340)	18% (n=191)	20% (n=213)
<u>Inadequate supply:</u>				
Not enough texts for class	12%	17%***	26%***	20%
Not enough texts for home	32%	38%**	48%***	44%**
Only fair/poor availability of technology	31%	37%**	33%	39%
<u>Inadequate quality:</u>				
Only fair/poor quality of texts & materials	17%	17%	21%*	21%**
Poor phys condit of texts	8%	10%*	13%**	12%
Texts not up-to-date	10%	14%**	18%**	18%*
Text poor coverage of standards	18%	25%**	28%	31%**
Not fully usable computers	18%	19%	17%	20%

Pearson chi-square test, * p<.05, ** p < .01, *** p < .001

Statistical testing was performed excluding “not sure” respondents and non-respondents for all variables.

Source: Peter Harris Research Group
Data tabulations, 2002

Teachers Try to Compensate for Shortages and Poor Quality of Texts and Materials.

Teachers at several schools in the SPRA study could not always make copies of instructional materials for students; several schools limit the number of copies teachers can make. For example, at one middle school, where teachers teach an average of 175 students a day, teachers are allowed only 150 copies a day and are given just 500 sheets of paper a month. At other schools, there are either not enough copy machines or the machines that are available are unreliable. In many cases, teachers end up paying for copies themselves.

Consistent with these findings, the Immediate Intervention/Underperforming Schools Program action plan for Yorba Elementary School, Pomona Unified School District, finds that “teaching and learning are greatly hindered by a shortage of materials and supplies, from textbooks, supplementals, computer paper, etc.” It is reported that “with a shortage of texts and supplementals, teachers have to make copies.” However, they are restricted to 1,000 copies per month (II/USP Action Plan for Yorba Elementary School, Pomona Unified School District, 2000, DOE 53944-53945). This problem is also discussed by teacher Hagan, who reports in his deposition (*Williams vs. State of California*) that he often did not have enough textbooks for his class (Hagan, 10-8-01, p. 127), and reports problems with photocopying materials to make up for the shortage.

I photocopied this book...120 copies of 10 pages on a daily basis (p. 130).

I gave them a reading assignment virtually every day, so I had a handout for them every day. Whether or not I would photocopy it on that exact day, no. I might photocopy. I would oftentimes come in on a weekend and do a whole week. It's a big job (p. 132).

He noted that access was particularly difficult last year, and that he would come in on weekends, because the only available machine was used by many others. On many occasions, perhaps half a dozen times, he couldn't pass out a packet to his students because a photocopier wasn't available. He also reported that the quality of the photocopies was either poor, or simply lacked the instructional value of textbooks.

Our copying machine is a very, very old copying machine . . . and it would skip pages when they were going through. . . . Some times the paper would go in cockeyed, so it would come out with half the page gone or something. Sometimes it would be very, very black or very, very light and I wouldn't notice it (pp. 137-138).

I was copying in black and white, and one of the great things about textbooks – and one of the things that makes textbooks expensive – is that they have great pictures, and they have great graphs and great diagrams, great charts, okay, which are excellent instructional tools and typically in color, okay? And they cost a lot more to do those things than it does to put it in black and white...my students were totally deprived of that advantage. So where I might have a pie chart showing the breakdown of the percentages of population or electoral votes by geographic region, okay, and it may be in red, in

green, in blue or yellow or whatever it is, mine were all black and white; so they were virtually meaningless. They had no impact (*pp. 138-139*).

Beyond the obvious concern of the inadequacy of photocopies as substitutes for textbooks, compensating for a lack of materials with photocopies has other real costs. Considering that teachers have only a finite amount of time, the time they spend in photocopying and providing alternatives to textbooks is time they cannot spend on other preparation and teaching tasks. In other words, this IS a zero sum. Likewise, schools without texts have to bear an additional burden of copying supply expenses—at least those not borne by the teachers.

In fact, teachers in the under-resourced schools included in the SPRA study spent a considerable amount of their own money to purchase needed material for their classroom. Teachers at every school we visited spent money out of their own pocket on supplies; at six of the schools some teachers spent at least \$1,000 of their own money on items such as pencils, books, paper, glue, crayons, posters, food, copying, filing materials, and art supplies. One teacher said, “I spend so much that I don’t even count anymore.” According to one teacher, “I felt that it was part of my job. If I’m going to do my job, I have to go outside for what’s available. My kids are always on my mind.” In describing the challenge of teaching in a resource-deprived environment, a teacher offered the following:

We’re only given colored pencils for the kids once a year. Kids lose them so I say to them, ‘borrow his blue, borrow her green.’ We’re given only so much glue and it runs out. We have requisition forms but there’s no guarantee you’ll get what you ask for. I’ve just learned not to ask for certain things. My requests are fulfilled 50 percent of the time. I can’t get poster board so I stopped asking for it. But, it’s hard to say what I’d do with more materials because I’m so used to doing without. You don’t know what you’re missing if you’ve never had it.

An administrator explained why his teachers must spend their own money while their colleagues at schools serving more affluent communities do not:

[I’ve seen] these schools raise thousands of dollars in one evening to support their sons’ and daughters’ schools... That money will be plowed into classroom materials. We can’t call on resources like that here in the neighborhood we serve. It means that our teachers don’t have all the resources they need. If you’re in an affluent school, you as a teacher won’t have to go into your own pocket. There will be a parent association there to ask you what your needs are.

Several teachers noted that schools in more affluent communities within the same district are better funded. One teacher explained that her students are well aware of the systemic inequities:

Our kids want to know why the schools across town look so much nicer and have so many programs. They’re cleaner; they get to go on more field trips. Teacher turnover is lower there. We have what we have and we do the best with what we have. But, the people that make the decisions think that because we’re a poor school in a poor community we aren’t of use to them politically.

Though many public schools must rely on grants to augment the public funds they receive, low-income schools are at a decided disadvantage. As one teacher described, while affluent schools can hire dedicated grant writers, teachers at poor schools must take time away from their classrooms to complete grant applications. As this teacher explained, “students lose either way. My not being in the classroom hurts the kids but not raising money hurts them too.”

These findings correspond to a recent survey by Quality Education Data that found, on average, U.S. teachers spend \$521 annually—35 percent more than what is provided by the school to buy books, software, instructional posters, and art supplies (Time.Com, 2-25-02). A new survey from the National School Supply and Equipment Association supports these findings. They found that teachers spend an average of \$589 of their own money on school supplies and instructional materials each year (The National Education Goals Panel Weekly, 2002). An article in *The Sacramento Bee* (Louey, 2001) describes the spending habits of teachers in the Rio Linda Union School District in California. While the article states that new teachers often have higher expenses (to outfit classrooms) than other teachers and elementary teachers tend to spend more than middle or high school teachers because of more hands-on projects, a veteran teacher of 38 years states she still spends between \$400 and \$500 annually. Another teacher, mid-year stated she had already spent almost \$800 of her own money to equip and “decorate” her room. A 1995 survey commissioned by the Association of American Publishers in cooperation with the National Education Association, and supported by the California State PTA, found that eight out of ten California teachers spend their own money to buy classroom materials (Association of American Publishers, 1998).

Teachers in Schools with Textbook and Materials Problems Express Dissatisfaction and a Reluctance to Remain at Their Current Schools

The lack of access to sufficient numbers of high quality textbooks and materials is related to teachers’ overall satisfaction with their job and their intention to remain teaching at their current school. Results from the Harris survey (2002) demonstrate a deep level of dissatisfaction expressed by teachers at schools with severe resource problems.

As Table 23 demonstrates, a relationship exists between teachers’ satisfaction at their current school site and those who indicate that they do not have enough copies of textbooks for every student to use in their classroom and/or for home use.

Table 23: Teachers' Rating of their Job Satisfaction and Reports of Problems with the Supply and Quality of Texts and Technology

	Total Sample of teachers 100% (n=1071)	Teachers Rating Job Satisfaction Only Fair 10% (n=109)	Teachers Rating Job Satisfaction Good or Excellent 89% (n=948)
Shortage of texts to use in class***	12%	27%	10%
Shortage of texts for students to take home***	32%	48%	30%
Textbooks and materials of only fair or poor quality***	17%	30%	15%
Textbooks and materials in only fair or poor physical condition	8%	11%	7%
Textbooks not up-to-date*	10%	14%	9%
Textbooks with only fair or poor coverage of standards**	18%	27%	17%
Only fair or poor technology availability***	31%	60%	27%
Lack computers on which students can do research**	18%	28%	17%

Pearson chi-square test, * p<.05, ** p < .01, *** p < .001

Statistical testing was performed excluding “not sure” respondents and non-respondents for all variables.

Source: Peter Harris Research Group
Data tabulations, 2002

Moreover, the Harris data also show a clear relationship between the inadequacy of instructional materials and teachers' indication that they planned to leave their current school within the next 1 to 3 years.

- 15 percent of the 180 teachers who indicated that they wanted to leave their school site between the next 1 to 3 years said they have too few books for classroom use, compared to only 6 percent of those who planned to stay 4-5 years and 13 percent of those who planned to stay even longer.
- 39 percent of these teachers (compared to only 29 percent and 30 percent of those who plan to stay longer) indicated they did not have enough copies of textbooks for students to use at home.

Once again, these findings resonated with those from the SPRA study. Teachers who participated in the SPRA study also reported an overall lack of access to materials, and discussed how this negatively impacted their professional practice and their willingness to stay at the school. Several of the teachers interviewed indicated that they did not plan on staying at the school for a long period of time. Of the 52 teachers who participated in this study, 21 (40 percent) indicated that they had plans to stay no more than three more years at their school. Thirteen of these teachers specified that they had plans to leave within the next one or two years. Two teachers shared that the current year would be their last year teaching at the school. In addition, 10 participating teachers indicated that they were unsure as to how long they planned to continue teaching at their current school. As a whole, while turnover rates could not be identified for all schools, the SPRA study reported eight schools with turnover rates over 20 percent, and two schools with turnover rates over 40 percent. These turnover rates significantly exceed national averages. According to a recent study, national teacher turnover rates average about 13.2 percent annually. (Ingersoll, 2001).

Summary of Findings on California Students' Access to Textbooks, Instructional Materials, Equipment, and Computers.

As these studies have shown (Harris, 2002; SPRA, 2002; RAND, 2002, etc.), many California teachers do not have access to the textbooks and instructional materials needed to provide students with the educational opportunities required to meet the state standards. Despite these problems, teachers often claim that they can still teach the state standards to their students. However, teachers in the SPRA study who reported that they could teach the standards with the limited materials in their classrooms reveal two important mitigating factors. One, many of these teachers supplemented the inadequate state-supplied resources with ones that they purchased themselves or had donated. Most spent large amounts of money on materials for their classroom, including basic materials such as pencils and paper as well as supplementary materials like extra reading books. Two, many of these teachers were new and untrained. Several acknowledged that they do not fully know the state standards and that they are unclear if the materials they have allowed them to satisfy the standards.

Even when teachers go to extraordinary lengths to compensate, the State's failure to ensure that all students have adequate textbooks and materials inhibits students' access to the

knowledge and skills required to meet the State’s content standards and to pass “high stakes” exams that determine grade-to-grade promotion and high school graduation. Further, without adequate texts and materials, high school students are unlikely to meet college entrance requirements. That students who take science classes without laboratory science opportunities will not meet the state college (CSU and UC) eligibility requirements is only one of the most obvious examples.

In spring 2001, the Human Resources Research Organization (HumRRO) conducted a study for the California Department of Education to determine readiness for the California High School Exit Exam. In that study, principals from 92 high schools from a representative sample of 27 districts were surveyed.

- 56 percent stated that their textbooks aligned well with the content standards;
- 44 percent reported that they can teach all the content standards with a mix of textbooks and supplemental materials.

What’s most striking is that more than half of the participating high schools did not have the necessary materials to teach the content standards and prepare students for the High School Exit Exam (HumRRO, 2001).

Given the specific shortages noted throughout the last several pages and their potentially severe consequences for students, it is not surprising that HumRRO concluded that many high schools lack the resources necessary for students to meet the State’s Content Standards. However, the data reported here make quite clear that these serious problems are not confined to the state’s high schools. A substantial minority of California students throughout all grades lack the textbooks, curriculum materials, equipment, and technology needed to learn state-required content and skills or to pass the State’s “high stakes” tests.

Question 3: Have actions or the failure to take action on the part of the state contributed to the lack of available textbooks, curriculum materials, equipment, and technology for California's students?

Opinion: Yes. The State's statutes and regulations regarding textbooks and instructional materials have either created or contributed to the shortages and poor quality of textbooks and instructional materials in California schools. The State fails to a) require that schools provide texts and instructional materials to students; b) make sufficient resources available for districts and schools to purchase them; c) build local district and school capacity to acquire, inventory, distribute, and monitor the use of textbooks and materials; and d) establish oversight and reporting mechanisms robust enough to detect and correct problems with the supply, quality, and/or distribution of textbook and materials when they occur. Each of these deficiencies has contributed to the problems detailed in Section 2, above.

Evidence:

As Section 1 of this paper documents, California's Governor, the State Legislature, and the Superintendent of Public Instruction have all emphasized that textbooks and instructional materials are fundamental to education in California. That section also demonstrated that California's curriculum, assessment, and accountability policies require that students be provided instructional materials that permit them access to the content they must learn to meet the State's content standards and pass the State's high stakes exams. Despite these strong affirmations and related policies, the evidence in Section 2 of this paper makes clear that many California schools are unable to provide students with the quantity and quality of texts and materials that a California education requires. The analysis that follows illustrates that the gap between California students' need for textbooks and instructional materials and schools' ability to provide them can be traced to state policies that fall short of what is required. This section also demonstrates that the policies currently in place do not effectively coordinate or work together to ensure students' access to textbooks, instructional materials, equipment and technology.

Limited and Inadequate Policy Choices.

Research on education policy-making has identified four common instruments that state governments use as they attempt to convert their policy goals into educational practice: mandates, incentives/inducements, capacity-building, and system changes (McDonnell & Elmore, 1987). Mandates are rules that govern the action of individuals or an agency. Whether laws, administrative orders, or regulations, mandates simply require that local districts and schools do what the state wishes them to do. Incentives/inducements offer money for actions taken in the desired direction. Inducements can also consist of rewards and sanctions like those embedded in accountability measures. Capacity-building refers to the transfer of money to provide materials, training, or other resources. The provision of these resources is intended as a means for enabling local districts and schools to provide the defined educational good. Finally, system-changing alters the system of providing goods and services through the transfer of authority among institutions or agencies. In addition to these instruments that focus on

implementing the state’s intent, states also uses policy tools, such as oversight and reporting requirements, to monitor compliance with its policies.

California has not used all of the policy tools it has available to ensure that all California students have the textbooks and instructional materials they need. The most straightforward instrument would be a mandate requiring districts and schools to provide all students with textbooks and principal instructional materials aligned with the state content standards in core subjects for use in class and at home. Because various programs of study or courses have different textbook requirements, a sufficiency standard accompanying this mandate could ensure full implementation of the curriculum. As it is the case that the Board traditionally adopts materials that meet, in organization and content, the basic requirements of a full course of study (generally one school year in length), the Board could simultaneously provide a definition for use of each title adopted. In other words, the Board would determine what a “sufficient” number of textbooks would consist of and provide a definition for use and distribution (*i.e.*, one text per student for both class and home use). Yet, California has not mandated schools provide all students with *any* textbooks and curriculum materials. While a mandate alone would not be sufficient in California to make certain that schools actually provide all students with the textbooks and materials they need, a mandate would set the stage for other useful policy levers that would press toward this result.

Instead of mandates, the State has relied primarily on incentives and capacity-building policies. These policies provide funding to school systems for the purchase of textbooks and materials, if they purchase those that have been approved by the state or district. These policies have increased districts’ and schools’ fiscal capacity to provide textbooks and materials. Additionally, the State’s review and adoption of materials in grades K-8 encourage and build the capacity of districts and schools to provide high quality texts and materials. These capacity-building measures give concrete evidence that the State values and supports the use of textbooks and instructional materials.

The absence of mandates requiring that all students be provided textbooks and materials is probably a consequence of California’s prohibition of “unfunded mandates.” The State can not impose a mandate unless it also provides the funding required for districts and school to comply. Without a mandate, the State can set textbook funding levels that do not rest on an analysis of what providing sufficient books and materials to all students would cost. That is exactly what has happened. The State has allocated less funding than districts and schools actually require to purchase materials in sufficient quantities for all students to have them in every core subject for use in class and at home. Additionally, absent a mandate, and “sufficiency standard” requiring that all students have texts and materials, districts are left to decide how best to distribute them among schools, subject areas, and students. In sum, then, California’s policies neither require nor build the capacity needed—either in terms of the total dollars needed or the systems required for purchasing, inventorying, distributing, and monitoring instructional materials—to ensure that all students have the textbooks, materials, equipment, and technology that their education requires.

Further, because the State has not mandated the provision of textbooks, materials, equipment, and technology to all students, either generally or in its categorical programs, it has

not developed mechanisms for monitoring and enforcing students' access to textbooks and materials.

A second major flaw is that the State fails to take advantage of its opportunities to use other state policies, already in place, to induce or require that districts and schools ensure students' access to textbooks and materials. As detailed below, three types of State policies provide opportunities for the State to identify problems with instructional materials, remedy those problems, and monitor the effectiveness of those remedies: 1) oversight and reporting mechanisms meant to ensure that districts and schools follow state reform priorities and comply with federal program requirements (*Program Quality Review*, *Coordinated Compliance Review*, and the *Single Plan for Pupil Achievement*); 2) accountability policies (*Public School Accountability Act*); and 3) policies for intervening and giving support to low performing schools (*Immediate Intervention/Underperforming Schools Program*, and the new *High Priority Schools Grants Program*). However, none of these policies pay serious attention to textbooks and materials. The *II/USP* requires that schools use the information in the School Accountability Report Card (SARC) as the basis for its action plan, and the SARC requires schools to make public the quality and currency of its textbooks and instructional materials. However, as I show later in this report, these requirements have been weakly enforced, and the state has not investigated the degree to which districts report accurately or uniformly. Moreover, the state does not use the data that schools report on the SARCs to evaluate the effectiveness of current state policies or to inform efforts to frame more effective ones. *Single Plan for Pupil Achievement* offers schools at template for planning that suggests that schools examine the availability of standards-based textbooks and instructional materials, however, the use of this template is voluntary. The *High Priority Schools Grants Program* suggests textbooks and materials as a consideration in monitoring compliance, evaluating, or improving schools. None of these policies is strong enough to have a significant impact on the problems noted in the previous section.

The sections below describe California's policies in more detail and illuminate where they fall short.

Textbook Policies Fall Short of Mandating Access or Ensuring Sufficient Capacity for Districts and Schools to Provide It.

California's policies create elaborate state and local processes for evaluating and adopting instructional materials. They also include funding mechanisms meant to enable districts and schools to purchase high-quality materials. However, these policies do not require that schools provide all students with the textbooks and material they need.

Instructional Materials Evaluation and Adoption⁸:

The State Board of Education has constitutional authority to adopt textbooks for grades one through eight (Article IX, Section 7.5 of the California Constitution), and California current textbook and materials policies. *Education Code* sections 60200-60204 describe the process for the adoption of instructional materials for kindergarten through grade eight and mandate that submitted materials be evaluated for consistency with the criteria and standards in the State Board's curriculum frameworks. The Curriculum Commission serves as an advisory body to the State Board in the evaluation and adoption process. Instructional materials are broadly defined to include textbooks, technology-based materials, other educational materials, and tests. The State Board traditionally adopts only basic instructional materials programs; *i.e.*, programs that are designed for use by pupils and their teachers as a principal learning resource and meet in organization and content the basic requirements of a full course of study (generally one school year in length).

Primary adoptions (*i.e.*, the first adoption following the approval of a new state framework) are conducted every six years for the four core curriculum areas. *Education Code* Section 60200.1(a)(2) sets the base-year schedule for these primary adoptions as follows: history-social science (1999), science (2000), mathematics (2001), and reading/language arts (2002). Primary adoptions in foreign language, visual and performing arts, and health are to be conducted every eight years. In all cases, a follow-up adoption (using the same evaluation criteria) is to be scheduled between adoptions. With the curriculum frameworks and the content standards they embody as the foundation, adoptions are a powerful leverage point for educational reform and improvement in student achievement.

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

- *Legal compliance review.* The legal compliance review, also known as the "social content review," is conducted to ensure that all instructional resources used in California public schools comply with *Education Code* sections 60040-60044 as well as State Board guidelines contained in the *Standards for Evaluating Instructional Materials for Social Content* (2000 edition). Resources not in compliance with the standards must be revised or be withdrawn.

For kindergarten through grade eight, the California Department of Education conducts social content/legal compliance reviews. Districts may also conduct their own reviews. Only a portion of state Instructional Materials Fund (IMF) monies received by a local educational agency may be used to purchase non-adopted instructional materials that have passed only a state- or local-level legal compliance

⁸ The material in this section describing these policies is taken from "Curriculum Frameworks and Instructional Resources Adoption Processes," *Fact Book 2002, Handbook of Education Information*. California Department of Education, <http://www.cde.ca.gov/resrc/factbook/curriculum.htm#schi>.

review. For grades nine through twelve, local governing boards are responsible for ensuring that the legal compliance requirements have been met.

- *Public review and comment.* Samples of instructional resources submitted for adoption are available for public review at the Learning Resources Display Centers. (These centers are also helpful to school districts in the selection of instructional resources that best meet the needs of their students.) Written comments on the resources are forwarded to the Curriculum Commission and the State Board for consideration. In addition, three separate public hearings are held prior to adoption: one before the appropriate Subject Matter Committee of the Curriculum Commission, one before the full Commission, and one before the State Board.
- *Education content review.* The education content review is based on the State Board-adopted framework and the content standards it embodies. Evaluation criteria based on the framework are developed by the Curriculum Commission and adopted by the State Board. Following a statewide recruitment and thorough application process, the Curriculum Commission recommends and the State Board appoints two panels, the Instructional Materials Advisory Panel (IMAP) and the Content Review Panel (CRP). The IMAP is composed primarily of classroom teachers (but also includes other participants, such as administrators, curriculum specialists, university faculty, and parents) who evaluate materials according to all elements of the criteria. The CRP is composed of subject matter experts who review materials according to the content criteria and ensure that the materials are accurate, aligned with State Board-adopted content standards in the four curricular areas, and contain current and confirmed research. CRP members review only those materials or parts of them that pertain to their expertise. CRP members are a resource for the IMAP.

Both panels receive training on the State Board-adopted criteria and individually review submitted programs. The CRP and IMAP prepare a joint report and recommendation on each submission. The IMAP/CRP recommendations are forwarded to the Curriculum Commission. The Commission then develops a written report containing its recommendation on each submission, which is forwarded to the State Board for action.

The State Board considers the Curriculum Commission's recommendations, related documents, and public comment prior to adopting or not adopting each submission. The Commission's report is modified as necessary to reflect the State Board's actions, and the final document is distributed widely.

Instructional Materials Fund⁹:

⁹ The material in this section describing these policies is taken from "Curriculum Frameworks and Instructional Resources Adoption Processes," *Fact Book 2002, Handbook of Education Information*. California Department of Education, <http://www.cde.ca.gov/resrc/factbook/curriculum.htm#schi>.

The Instructional Materials Fund (IMF) was established as " . . . a means of annually funding the acquisition of instructional materials . . . " (*Education Code* Section 60240). For kindergarten through grade eight, the IMF is allocated to local educational agencies based on the average daily attendance. The IMF allocation for grades nine through twelve is based on total enrollment. Expenditures of the IMF for grades nine through twelve are governed by *Education Code* sections 60247-60249. Section 60242 authorizes the State Board to establish a policy governing IMF expenditures for kindergarten through grade eight. This policy states that:

- At least 70 percent of IMF funds must be spent on state-adopted instructional materials.
- Up to 30 percent of IMF funds may be spent on non-adopted instructional materials that have passed the state legal compliance review; instructional materials that are exempt from a legal compliance review, such as trade books, maps and globes, reference materials (including dictionaries), mathematics manipulatives, and hand-held calculators; and instructional materials that are designed for use by pupils and their teachers as a learning resource, are integral to a program as defined in *Education Code* Section 60010(h) but do not contain print or pictures and, therefore, do not need a legal compliance review.
- Of the 30 percent, up to 5 percent of IMF funds may be spent on any instructional material which has passed a state-level or local-level legal compliance review; instructional television and distance learning; tests (*Education Code* Section 60242[a][3]); in-service training (*Education Code* Section 60242[a][5]); and/or binding basic textbooks (*Education Code* Section 60242[a][4]).

In July 1998, the State Board of Education adopted a policy to allow school districts and county offices of education to spend up to 100 percent of their IMF on core or supplementary instructional materials from any source suitable for instruction in the "structured English immersion" program as enacted pursuant to Proposition 227. This policy will remain in effect from July 1998 to June 30, 2002.

Local educational agencies should note that they have flexibility in using the IMF in addition to materials that will be used for English learners. Local agencies are encouraged to use this flexibility to purchase materials that best help students to meet or exceed the content standards. *Education Code* Section 60200(h) permits local educational agencies to petition the State Board for approval to spend up to 100 percent of their K-8 IMF allocations on non-adopted instructional materials that have passed state-level legal compliance review. The petition process may not be used for instructional materials in a subject area that is under current consideration for a primary adoption. In accord with *Education Code* Section 60245, fiscal year-end unexpended balances in IMF allocations may be carried over separately into the subsequent fiscal year for use by the local agency on instructional materials.

The Schiff-Bustamante Standards-Based Instructional Materials Program¹⁰:

In 1998, the State Legislature—through the 1998-99 Budget Act and AB 2041 (Chapter 333, Statutes of 1998)—made a four-year, \$1 billion commitment to the purchase of new, standards-aligned instructional materials. Each year, beginning in 1998-99, the Legislature will appropriate \$250 million for the purchase of instructional materials aligned with the Board-adopted content standards in the four core curriculum areas of reading/language arts, mathematics, history-social science, and science. The funds are distributed on the basis of prior-year enrollment.

At the K-8 level, the funds may be used only for materials that are aligned with content standards and adopted by the State Board. At the 9-12 level, the funds may be used only for basic instructional materials that have been reviewed and approved, through a resolution by the local governing board, as being aligned with the State Board-adopted content standards.

Those reading/language arts and mathematics materials adopted in 1999 under the AB 2519 additional adoptions process qualify for purchase with these funds as well as the history-social science materials adopted in 1999, the science materials adopted in 2000, the mathematics materials adopted in 2001, and the reading/language arts materials to be adopted in 2002.

Inadequacies in California's Textbook Policies. California textbook policies establish how and which textbooks are to be adopted and how appropriated textbook funds are to be spent. They do not require that students be provided textbooks and materials. Neither do they ensure that the funds allocated to districts for purchasing textbooks and materials are sufficient to provide all students with the textbooks and materials that a California education requires. In fact, in his veto message in 1998 to SB 1412, the Governor has made clear that he considers California's textbook policies as incentives, not mandates, and that if the state mandated textbooks the costs would be significantly higher than the funding existing policies provide. Indeed, categorical funds for textbooks are meant to augment the resources available through general funding. However, the vagaries, inconsistencies, and low levels of funding available through this general source make the categorical funding for texts and instructional materials function as core, rather than supplemental, funds.

The IMF funding for the fiscal year 2001-2002 provided approximately \$22.77 per pupil in grades 9-12 and \$33.06 for students in grades K-8. For three years, 1999-2000 through 2001-2002, the Schiff-Bustamante supplemented these funds with approximately \$41.81 additional per pupil in grades K-12. However, neither the IMF allocations, nor the Schiff-Bustamante supplemental funding has been driven by an analysis of what it would actually cost to provide sufficient textbooks and instructional materials. Furthermore, the amount of state funding is subject to the vagaries of budget surpluses and deficits. For example, although the Schiff-

¹⁰ The material in this section describing these policies is taken from "Curriculum Frameworks and Instructional Resources Adoption Processes," *Fact Book 2002, Handbook of Education Information*. California Department of Education, <http://www.cde.ca.gov/resrc/factbook/curriculum.htm#schi>.

Bustamante program provided additional funding to help remedy a highly publicized shortage of textbooks, the level of funding it provided for three years has not become a permanent allocation. In 2001, the Legislature unanimously approved a bill that would extend the program beyond 2002, but Governor Davis vetoed the measure in 2001 due to a budget shortfall. The need for Schiff-Bustamante to be adequately funded could not compete with other demands on the 2001-2002 state budget. The study conducted by Harris (2002) demonstrates that California public schools continue to experience inadequate supplies and an inadequate quality of textbooks and other instructional materials. Using the Schiff-Bustamante approach of a temporary and politically vulnerable fix for such serious and persistent problems falls far short of providing what schools and students require.

In fact, there is more direct evidence to suggest that California's funding for textbooks and materials has been woefully inadequate to provide the state's schools with the capacity to supply students with adequate textbooks and materials. A study conducted by the American Association of Publishers in 2000 (AAP 2000) and reviewed by several state agencies concluded that the approximately \$1.5 billion available to schools for providing standards-based materials to all students between 2001-2005 would fall short of the amount required by \$1.2 billion. The action plans submitted to the state for the Immediate Intervention/Underperforming School Program provide data connecting these budgetary shortcomings to individual schools and to the experiences of students within those schools. For example, Carson's II/USP plan reports:

Due to budget constrictions, Carson High School has not been able to provide enough textbooks for all students to take home. This situation has prevented teachers from assigning extensive reading for homework, thus limiting students' opportunities to acquire in-depth knowledge of various disciplines and to write across the curriculum based on reading (II/USP Action Plan for Carson Senior High School, Los Angeles Unified School District, 3-30-01, DOE 38429).

The gap between current funding levels and those needed to provide textbooks and materials is also supported by recent data generated to guide Oregon's state policymakers. Oregon's Quality Education Commission issued a report in 2000 establishing the parameters of an educational system in Oregon that would be adequate to improve student achievement. That group used research and public opinion to establish the funding levels for several essential elements of education in public elementary, middle, and senior high schools. Textbooks and classroom materials and equipment are essential elements in their model. The following table provides the Oregon Commission's estimates of adequate funding compared with California's current categorical allocations (Oregon School Boards Association, 2000). Table 24 reveals a both the considerable shortfall between California's categorical funding for textbooks and the resources that adequate materials probably require and the significance of the elimination of Schiff-Bustamante funding.

Table 24: Comparison of California’s Appropriations for Textbooks & Materials with Oregon’s Quality Education Model Standards

	<i>California’s Current Funding 2001-2002 for Textbooks & Instructional Materials (IMF)—without Schiff Bustamante</i>	<i>California’s Current Funding 2001-2002 for Textbooks & Instructional Materials (IMF)—with Schiff Bustamante</i>	<i>Oregon’s Standard for Quality Education (Textbooks only)</i>	<i>Oregon’s Standard for Quality Education (Textbooks + Other Instructional Materials)</i>
Elementary	\$33.06	\$75.00	\$60.00	\$223.00
Middle School	\$33.06	\$75.00	\$60.00	\$136.00
Secondary	\$22.77	\$63.58	\$75.00	\$354.00

Additionally, data collected from Connecticut and analyzed by the Connecticut Office of Legislative Research, displayed below, document that the average levels of spending for textbooks and materials in that state far exceeds those that California sets aside (www.cga.state.ct.us/2000/rpt/olr/htm/2000-r-0956-htm).

Table 25: Comparison of California’s Appropriations for Textbooks & Materials with Reported Levels of Spending in Connecticut Districts in 2000

	<i>California’s Current Funding 2001-2002 for Textbooks and Instructional Materials (IMF)—without Schiff Bustamante</i>	<i>California’s Current Funding 2001-2002 for Textbooks and Instructional Materials (IMF)—with Schiff Bustamante</i>		<i>Connecticut’s 2000 Spending on Textbooks and Instructional Materials as Reported by School Districts</i>
Elementary	\$33.06	\$75.00	Elementary Districts	\$191.00
Middle	\$33.06	\$75.00	Secondary Districts	\$199.00
Secondary	\$22.77	\$63.58	K-12 Districts	\$175.00

California’s Oversight Policies Pay Scant Attention to Textbooks, Materials, Equipment, and Technology

In the past several years, California has used on-site reviews to oversee the quality of the state’s schools and ensure that schools are in compliance with mandates associated with state reform priorities and categorically funded programs. The Program Quality Review (PQR) was designed to review schools participating in school improvement programs. The Coordinated

Compliance Review (CCR) was designed to monitor *all* schools' compliance with state and federal law. It focuses particularly on schools' adherence to the requirements of the many state and federal categorical programs. Below is an analysis of the state's on-site review process with regard to students' access to necessary textbooks, instructional materials, equipment and technology. This analysis concludes that California's oversight processes have not satisfactorily assessed students' access to adequate texts and materials. Neither has it worked to rectify problems related to textbooks and instructional materials' when they become evident. This failure is likely to be a function of the lack of state mandates requiring that students have access to textbooks and instructional materials.

Program Quality Review (PQR). From 1977 until 2001, the PQR was required for all schools receiving funds under a range of state programs for school improvement. Each school was required to undergo an on-site program review by the California Department of Education (CDE) at least once every three years. In 1984, SB1155 shifted the responsibility for the on-site review from the CDE to local consortia of districts.

The PQR was driven by a set of quality criteria. The following description of the PQR process was taken from the website of the Lincoln Unified School District in Stockton, California (www.lincolnusd.k12.ca.us/html/academics.html):

Quality criteria are statements of what an ideal program can look like in operation. These criteria serve as the foundation for a process or cycle of planning, implementing, self-study, and review. In planning, a school compares its current program with the quality criteria, identifies "matches and gaps," and develops specific change initiatives based on its findings. The goal is to establish a program consistent with the criteria. The criteria then serve as frames of reference or reminders of what the program should look like while the school community is systematically implementing the planned changes. After approximately three years of work toward realizing these ideals, the school conducts a self-study of all aspects of its program in comparison with both the curricular and schoolwide quality criteria. Tentative plans for how the school might better align its program with the criteria are identified in the self-study report. Finally, a Program Quality Review (PQR) by an outside team is conducted to review the program using these same criteria. As with the planning and self-study processes, the PQR process identifies "matches and gaps" between the school's current program and the criteria. These comparisons lead to formal suggestions by the PQR team, as well as action plans developed collaboratively by both the team and the school. The action plans drive the content of the school plans that are approved annually by the Board.

As a part of the PQR, schools were encouraged to disaggregate their data to ensure the academic needs of all students were being met. However, little or no attention was paid to whether students had the materials they needed to learn. The 60-page "*Transitional PQR Resource Guide: An **Optional** K-12 Resource Guide for Program Quality Review*" (emphasis added) (California Department of Education, 2002b) suggests that review teams ask about instructional materials. However, there appears to have been no PQR requirement that schools or outside evaluators report to the state any problems with the supply or quality of textbooks or instructional materials available to support teaching and learning.

In 2001, the PQR on-site monitoring process was repealed and replaced by a requirement that schools develop and submit a written Single Plan for Pupil Achievement, discussed in more detail below.

Coordinated Compliance Review.¹¹ With the repeal of the PQR, the Coordinated Compliance Review (CCR) became the only mandated on-site review of California schools. Established in 1983, the CCR seeks to ensure that schools and districts are complying with state and federal law. The CCR process affords the Department and districts the opportunity to complete, in one visit, a single coordinated review of all state and federal programs. Education Code Section 64001, subdivision (b) states:

- On-site school and district compliance reviews of categorical programs shall continue and school plans shall be required and reviewed as part of these onsite visits and compliance reviews.
- The Superintendent of Public Instruction shall establish the process and frequency for conducting reviews of district achievement and compliance with state and federal categorical program requirements.
- The Superintendent shall establish the content of these instruments, including any criteria for differentiating these reviews based on the achievement of pupils, as demonstrated by the API and evidence of district compliance with state and federal law.
- The State Board of Education shall review the content of these instruments for consistency with State Board of Education policy.

The CCR was established in response to Assembly Bill 777 (1982) as a way to “simplify, streamline and coordinate the legally required compliance monitoring of specially funded programs and simultaneously maintain commitment to students with special needs.” (California Department of Education, 1999, *p.* 1). According to the California Department of Education, the goals of the CCR process are as follows: (1) decrease multiple compliance monitoring visits by CDE; (2) increase local responsibility for ensuring compliance through a self-review; (3) ensure that categorically funded students are provided with the school district’s (or Local Educational Agency’s) core curriculum and that the instructional delivery system, and support from supplemental funds, is utilized to assist these students learn the core curriculum; and (4) provide technical and management assistance to districts to prevent and resolve noncompliance problems. In 1984, all California districts were placed and reviewed on a three-year cycle up to and including 1992-1993. Beginning in 1993-1994, all districts were placed on a four-year cycle.

In the 1996-1997 academic year, the CDE made significant changes to the CCR process. First, districts are asked to conduct self-reviews in all of their schools. Schools are given an entire academic year to conduct the self-review. In the majority of cases, according to the CDE,

¹¹ A portion of the material in this section describing the Coordinated Compliance Review process is taken from the *Coordinated Compliance Review Training Guide, 2000-2001* by the California Department of Education (1999).

the school's self-review is considered the official report of findings, and no on-site validation review occurs. Second, greater emphasis was placed on whether or not students at a school are meeting district-adopted standards. This became an important criterion in determining whether or not a school receives an on-site validation review. Schools wherein students are experiencing difficulties in meeting the standards are more likely to be chosen to undergo a review than schools that are making progress towards meeting the standards. According to information provided by the Manager of the Coordinated Compliance Review Management Unit (Eleanor Clarke-Thomas deposed for *Williams vs. State of California*, 4-5-01) approximately 10 percent of schools in the four-year cycle receive an on-site validation review.

According to the CCR Training Guide (1999), the purpose of the self-review is to provide the district with the opportunity to take responsibility for reviewing its programs for compliance, to take corrective action when noncompliance is identified, and to identify areas in which the Department of Education can provide assistance. The Guide outlines 10 steps required to conduct a self-review. Step "six" suggests conducting an "administrative" type of review (a roundtable of knowledgeable staff) to identify items clearly in or not in compliance. Step "seven" suggests conducting a curriculum and administrative review of the district office and of school sites to examine student outcome data for each group of categorical program participants to determine how well that group of students is learning the school district's core curriculum; identify and examine the core curriculum and instructional delivery system provided to all students in the district, each program representative reviews his/her respective program area, including the program's method of providing supplementary resources to help identified students learn the core curriculum and the coordination of the program's services with other categorical program services; review local plans, schools plans, forms, policies, expenditure reports, annual audit reports, student records, complaint procedures, personnel assignments, purchasing practices, inventories, staff development activities, etcetera. Step "seven" outlines the data that needs to be collected. In sum, student work and outcome data need to be examined and whether district standards are being met must be addressed. Techniques for collecting data are provided in the guide. Data collection instruments are also provided by the CDE. Districts are given a preparation year in which they are responsible for conducting both district-level and school-level self-reviews.

After the self-review is submitted to the CDE, the CDE selects school sites for the on-site validation review based on the district's history of compliance, quality of the self-review, student achievement data, and program involvement. According to the training guide (1999), some of the major purposes of the validation review are to: validate the identification of items and tests of compliance and noncompliance for all programs included in the self-review; review the extent of noncompliance when the validation review indicates that an item or test has mistakenly been identified as compliant; work in collaboration with the district staff to prepare to remedy identified noncompliant items; and provide compliance-related technical assistance. To accomplish these goals, the team reviews data, documents, and records, conducts an administrative review at both the county and district level, conducts a district entrance meeting with a focus on curriculum and student learning data, reviews each selected school and conducts interviews with administrators including the principal and other important planners, teachers, aides, students, and parents, and performs observations within the school of all affected programs and services. The team also conducts meetings to solicit opinions from parent advisory groups,

parents, and members of the community. After a pre-exit meeting, CDE team members conduct a district exit meeting with all persons involved in the review process including board members, parents, and community groups to present their findings.

Beginning in September of the validation year, the CDE notifies the district of their review dates and which programs and sites will be reviewed. Between December and June, CCR validation review teams will review selected districts and schools. Depending on the size of the school district, the number of specially funded programs operating within the district, and the number of schools selected for review, most state validation teams are composed of two to seven people and spend from two to four days in the district (CDE, 1999). Department staff assists districts in resolving any noncompliance issues within 45 to 180 calendar days following the review. Districts that are not in compliance are required to submit a “Proposed Resolution of Noncompliance Findings” within the 45-day period following the review. School districts that need additional time (not to exceed 180 days) may enter into a compliance agreement with the department (CDE, 1999).

Single Plan for Pupil Achievement. Senate Bill 374, chaptered October 11, 2001, both ended the PQR and reframed the Coordinated Compliance Review (CCR) process, both in large part because of the increasing emphasis the state is placing on outcomes as an indicator of educational quality (discussed below). It attempts to align current CCR monitoring processes with standards-based reform. SB 374 states:

(2) The state has a legal responsibility to support compliance with state and federal laws and regulations through education, monitoring, technical assistance, and enforcement.

(4) The quality of program monitoring can legitimately be differentiated based on history of compliance with state and federal law and regulations, the number of verified complaints, and valid evidence of current academic achievement.

(4c) It is the intent of the Legislature to enact legislation that requires the State Department of Education to base coordinated compliance reviews and other compliance functions on local educational agencies’ histories of compliance with state and federal law and regulations, the number of verified complaints, and valid evidence of current academic achievement.

The intent of SB 374 is to reduce “unnecessary and redundant activities yet provide districts with the tools to: access categorical funds, direct schools in conducting analyses of school effectiveness relative to local criteria; consolidate plans for school improvement and; be recognized in required compliance monitoring when categorically funded students are doing well” (SB 374).

The Single Plan for Pupil Achievement directs schools operating any programs funded through the Consolidated Application to conduct analyses of school effectiveness relative to local criteria and provide school improvement plans. The Single Plan for Pupil Achievement will be based upon an analysis of verifiable state data, including the API and the California English Language Development Test (CELDT). The Plan should include a School Vision and

Mission (although not required by statute), the School Profile (also not required by statute), and information from the School Accountability Report Card (SARC). Information from the SARC is required for an action plan under the *II/USP*, but not required by statute for other school plans.

According to amended Education Code Section 64001 (effective 1-2002), the plan must:

- Align with school goals for improving pupil achievement based on verifiable data, including the API and CELDT;
- Identify the means of evaluating progress towards those academic performance goals;
- Address how funds will be used to improve the academic performance of all students to the level of the API;
- Identify how state and federal requirements will be implemented, and be consistent with federally required district improvement plans;
- Consolidate all plans required by programs funded through the Consolidated Application for which the school receives an allocation and, when feasible, other categorical programs;
- Be developed, approved and annually reviewed and updated by the school site council, including proposed expenditures of funds allocated to the school through the Consolidated Application;
- Be developed with the review, certification, and advice of applicable school advisory committees;
- Be reviewed and approved by the local governing board whenever there are material changes affecting the progress of students covered by these programs.

A Single School Planning Template is available but its use, in whole or in part, is voluntary. Developed by a district-based advisory committee, the template includes all current state and federal legal requirements and key issues to be addressed in implementing a standards-based educational program. According to the template (see Appendix B, also available at <http://www.cde.ca.gov/ccpdiv/conapp/template.doc>), an “Analysis of Current Educational Practice” is recommended, and a prompt under this heading provides schools with an opportunity to assess the “availability of standards-based instructional materials appropriate to all student groups.” In addition, the template suggests schools provide information regarding “Planned Improvements in Student Performance.” A description for a plan for the “Improvement of instructional strategies and materials” is requested.

In sum, schools and districts have been relieved of conducting an on-site monitoring process as mandated by the PQR process, and while school and districts are still required to create a school improvement plan and monitor programs and student achievement via a Single Plan for Pupil Achievement, districts have broad discretion in setting criteria for the use of data

and establishing an improvement plan. “California has a permissive education code. Thus, districts have broad local discretion in setting criteria for the use of data and the establishment of priorities to be addressed in the Single Plan for Pupil Achievement” (CDE, 2001C). SB 374 shifts the analysis of school effectiveness and planning from state PQR criteria to local criteria for determining how students can best meet the academic content standards.

Inadequacies in the PQR, CCR, and SB 374. The question that needs to be posed is as follows: How well have California’s on-site monitoring processes worked to identify problems in students’ access to textbooks, instructional materials, equipment, and technology, and how effective are these processes in remedying these problems when they are found? This question is extremely difficult to answer. Unfortunately, there is no way of knowing whether and how often items targeted by the review go unreported or undetected at both the district or school level, to say nothing of items such as access to texts and materials that are not included as explicit targets for review.

One obvious inadequacy with the CDE’s now-abandoned PQR policy is that schools were not actually required to comply with the mandated three-year review cycle. As with the requirement for a Public Hearing under 60119 (discussed below), the California Department of Education made it quite easy for schools to request an extension that allowed them to conduct their PQR on a four-year cycle, or longer. In 1998, the Shasta County Office of Education included the following sample letter on its website that schools could use to make the request for a one-year extension.

Anne Daniels, Manager
California Department of Education
PQR - School Support Teams
District and School Support Division
P.O. Box 944272
Sacramento, CA 94244-2720

Our school is requesting to extend our Program Quality Review cycle to four (4) years. Our School Site Council met on _____ and felt that our school is effectively managed as indicated by our annual evaluation of categorical and regular class programs, annual survey of parents, and stability of our staff.

Sincerely,

Acquiring an extension required the approval of a school’s Site Council prior to notifying CDE, but the report of that approval need not be reported in any way other than in a letter such as the above. The simplicity of this letter makes clear that extensions to four years were routinely granted and required no substantive justifications. Schools could also extend their review cycle to five or six years. However, those longer extensions required that the school send a letter to the School Support Teams Office at CDE explaining their rationale, and fifth and sixth year extensions were granted on a case-by-case basis.

The PQR requirement was eased considerably in 2000, when a letter from Delaine Eastin (CDE, State Superintendent of Public Instruction, 2001a, posted on CDE’s website) suggested that schools with low-performing students (which might be read as low-performing schools) should not be distracted by reporting requirements, and high- or better-performing schools had no urgent need for reporting—resulting in something of a reverse “catch-22” in which both low and high performance might justify an extension.

Schools that have students performing below grade level need to do whatever is necessary to help all students meet standards. Given this intense focus on student outcomes, it seems important for the state to reduce process requirements where possible, particularly for schools and districts that are meeting academic growth targets. Toward that end we are streamlining the Consolidated Application, exploring potential changes in the Coordinated Compliance Review (CCR), and seeking legislation to change the PQR.

In light of the demands put on schools by the PSAA and potential revisions to existing PQR requirements I have decided that, for a second year, district should have the option to use one of the following approaches in the implementation of PQR:

Option 1: Districts may require schools to implement the PQR inquiry model you have already begun or have plans to implement.

Option 2: Districts may request an extension for a school to a fourth, fifth, or sixth year based upon evidence that the identified school or school district, as a whole, has a history of operating high-quality categorical programs. Extensions to a fourth year will be granted automatically by making a request to Anne Daniels in the School and District Accountability Division at adaniels@cde.ca.gov. Extensions to the fifth or sixth year will require evidence of progress by students participating in categorically funded programs toward meeting academic growth targets and the absence of non-compliant items in these programs. Other extensions due to extenuating circumstances (natural disaster, labor issues, etc.) will be handled on a case-by-case basis. Any extension beyond the sixth year requires a State Board of Education waiver.

Option 3: You may develop or use alternative inquiry models provided the process includes:

- Use of data to analyze how well students are doing in achieving state academic standards (or enroute benchmarks); and
- An action/improvement plan to remedy the gap between current and desired student academic performance.

Some examples of existing data-driven, standards-based approaches that may be used include, but are not limited to: the 2000 Integrated School Planning model, models from the Statewide System of School Support, California School Leadership Academy, the Coalition of Essential Schools, Focus on Learning/CDE Western Association of Schools and Colleges Joint Process, Schoolwide Programs, Immediate

Intervention/Underperforming Schools, Bay Area School Restructuring Center, Los Angeles Annenberg Metropolitan Project, and Education for the Future.

Option 4: You may elect to use the Transitional PQR Resource Guide which is intended to lead school faculties through a standards-based inquiry. The California Department of Education (CDE) will provide this resource to you upon request and it is posted on the CDE Website at <http://www.cde.ca.gov/ccpddiv>.

As noted above, in fall 2001, the PQR process was repealed entirely, eliminating one of California's potential means for detecting and correcting inadequacies in students' access to textbooks and materials. Notably, the mechanism that replaced the PQR—the Single Plan for Pupil Achievement—is weaker in this regard. The Single Plan for Pupil Achievement relieves districts of conducting an on-site review, and districts under the Single Plan are provided broad discretion in setting criteria for the use of data and establishing an improvement plan. Though a template is provided that inquires about the availability of standards-based instructional materials, districts and schools are not required to use the template and it is not clear what corrections/help or sanctions might be in order if unavailability of such materials were to be reported.

A review of Coordinated Compliance self-reviews and depositional data from *Williams vs. State of California* reveals additional serious problems with the current Coordinated Compliance Review Process. In particular, many questions can be raised about the accuracy and quality of the highly subjective CCR process, and one would expect, at least, to see some sort of external- or self-analysis of the CDE teams. How can the state be confident that these teams are accomplishing what they are setting out to do? How objective and neutral is their reporting, given their dependence on a self-review by those who have a strong interest in looking good to the state? It would seem that the self-reviews could easily be skewed by local educators' desire to establish compliance for their own administrative units, and work against the goal of gathering data in hopes of "detecting and correcting" deficiencies. Do locals see the state assistance as something worth pursuing? In a punitive accountability climate with little money for resources/help as a consequence of a "failed" CCR, it's easy to imagine that schools would be tempted to gloss over even serious problems.

In general, even when the self-review establishes an item out of compliance, it is not clear if or how these issues are remedied. In particular these data establish that the CCR does not provide an adequate monitoring system. While, in general, the CCR is meant to direct districts in a comprehensive analysis of programs serving students eligible for compensatory funding, it does address broader issues of general program quality through the Integrated Program Item (IPI) in the CCR. As established in these data, the CCR does not often inquire about these broader issues. In particular, questions regarding student access to instructional materials such as textbooks, the currency or relevance of textbooks in use, or questions regarding the availability of textbooks or other instructional materials for each child to take home for the purposes of homework are not asked (see Appendix C for CCR Instruments).

Depositional data regarding the CCR process was provided by Manager of the Coordinated Compliance Review Management Unit, Eleanor Clarke-Thomas (Clarke-Thomas,

April 5, 2001). Regarding the information provided to the district and state via the self-review process, Clarke-Thomas made clear that inquiries regarding the availability of instructional materials are not made. She responded negatively to each of the following questions:

“Is there an item on the self-review form that asks whether or not students in classroom receive textbooks?”

“Is there an item on the self-review form that asks whether or not students receive textbooks that are current?”

“Is there an item on the self-review form that asks whether or not student receive materials that they can take home for the purposes of study?”

When asked if any thought has been given to adding the word ‘textbooks and other materials or other supplemental materials’ to the CCR instrument, Clarke-Thomas responded that she did not recall. Yet, in her experiences as a member of a validation team, she did recall being in classrooms where students did not have textbooks. The following interchange, revisiting her experience in a review of the Los Angeles Unified School District (review cycle ending in February, 2000), reminded Manager Clarke-Thomas of one situation:

Q. In your experience, have you been in classrooms where students did not have textbooks?

A. Yes.

Q. What school or district was that?

A. L.A. Unified.

....

Q. Okay. How do you know that the students didn't have textbooks?

A. The teacher told me.

Q. You specifically asked the teacher that?

....

A. She walked outside of the room, asked me to step out, and she told me.

Q. She called you aside?

A. Yes.

....

Q. And what did this teacher say to you?

A. She just said, I don't have any materials, I don't have textbooks. And I hadn't finished my review of the classroom when she asked me if I would step out, and I let her talk and then I went back in and just examined the classroom.

Q. What did you examine? How did you go about that examination?

A. When we are in classrooms, we first look at the work, what the child is doing, we observe the teacher to see that the teacher is teaching what we see the child doing, if it's related, and ask questions of the students, what are you doing, what are you working on at this time, and compare that to what we know of the curriculum that has already been established by the district, which we already have some information on, and just observe the classroom environment and look at the

materials, look at portfolios, samples of work, if there are any, and basically that's it.

Q. And when you were in that classroom, how long had you been in that classroom before the teacher called you aside?

A. Approximately—we usually spend about 20 minutes in a classroom. I had been in there maybe about five minutes.

Q. Okay. And what did you tell her when she said that to you?

A. I said, thank you for your observation, I will go back in and I'll complete my observations and make note of it accordingly, meaning that we usually have a debriefing with the principal and his leadership staff.

Q. Did you make a written notation that students in that classroom did not have textbooks or other materials?

A. You know, I don't recall.

....

Q. Do you have a specific practice as to whether or not you would note that?

A. We have a practice to note what may not be an item in what we call a summary of findings.

Q. Okay. And what she told you, you would classify that as not an item; is that right?

A. It probably was not an item.

Q. And why is that?

A. It was something I could talk to the principal and the district about, and it wasn't a systemic problem because the other team members did not—and I neither found that to be true in other classrooms that we visited.

Q. Did you yourself specifically inquire in other classrooms as to whether or not other students had textbooks?

A. Yes.

Q. How many other classrooms did you visit?

....

A. You know, I can't answer that because we tried to go into all of the classrooms, not me as an individual, but the team, to cover every classroom. I can't remember how many I went into, you know, specifically.

Q. When you say "all the classrooms," do you mean all the classrooms where there are students in these 12 programs?

A. Just all of the classrooms. We try to cover every classroom.

Q. Including the general ed classes?

A. Oh, yes.

Q. Do you know today, you personally know today whether or not that classroom has textbooks?

A. No.

Q. To your knowledge, does anyone on that team, your team, know whether or not there are textbooks in that classroom?

....

A. I don't know. I don't know.

Q. To your knowledge, have you made any inquiry to determine whether or not that classroom now has textbooks?

- A. I have not.
 Q. Why is that?
 A. I haven't gotten around to it.
 Q. Have you directed anyone at CCR to find out if that classroom has textbooks?
 A. No.

In the same Coordinated Compliance Review of the Los Angeles Unified School District, however, Clarke-Thomas claims that the self-review performed at this particular school did not mention the absence of textbooks in classrooms. When asked if she had inquired as to this lack of information in the self-review, the team leader of this validation team claimed she did not: “. . . For one thing, I do not read the self-reviews, my staff reads the self-reviews.”

- Q. Okay. And before you go into a school, your team meets and talks about what you can expect to see, what you need to check on; is that right?
 A. Right.
 Q. Was there any discussion that you recall that there was a classroom that didn't have textbooks?
 A. No.
 Q. Or that there was a mention on any self-review—
 A. No.
 Q. —about textbooks?

These data make clear that self-review of the CCR process does not, in all cases, identify significant problems. Moreover, these data demonstrate that once information about a problem is obtained, the State does not readily act to remedy the issue nor are consistent procedures used to remedy. Another example of this is found in the 1999-2000 CCR Notification of Findings for the Oakland Unified School District. A recommendation is made to modify curriculum materials, including appropriate books based on noncompliance, however, the procedures for assisting schools/districts to remedy the situation is not clear. When asked how a member of the CCR unit assists a district come into compliance with respect to curriculum materials, the Manager responds, “I can only give my personal, professional way of responding to that question. . . . But I would also think that they [other team members] would have the same professionalism and somehow bring together the local boards, the superintendents and everyone in the district who is responsible for this curriculum and these materials and just work with them on where we saw the weaknesses and what needs to be done, maybe describe other models that we have seen throughout the State or ask them to visit other schools or districts, etcetera.” (Clarke-Thomas, April 5, 2001) Additional data emerge from the Inglewood Unified School district, where the district is found to be noncompliant: “with respect to multi-funded students [they] do not receive district core curriculum, multi-funded students do not receive appropriate supplemental services, and multi-funded students do not receive coherent coordinated programs.” These issues have been unresolved since March 25, 1994: As of the date of the deposition, the district was out of compliance for 1,711 days (Clarke-Thomas, April 10, 2001).

As described above, in addition to self-reviews and validation visits, teams are required to conduct community meetings to solicit opinions from parent advisory groups, parents, and other members of the community. While this is a potentially excellent source of data, evidence

again seems to indicate that the state does not respond to issues that stem from these meetings. Again, the deposition of Clarke-Thomas, Manager of the CCR Unit provides evidence (4-10-01). During a community meeting in Oakland, a parent informs the review team that eighth graders at a particular school do not have history books. According to Clarke-Thomas, the whole team conducted follow-up, and confirmed that eighth graders were without history books. However, when asked in deposition if she knew whether eighth graders now had access to history books, she responded, “I don’t know.”

These depositional data make evident that the state does not practice uniform, systematic, nor timely procedures to gain information about school resources. Worse, when a lack of resources becomes evident, the state does not act to ensure that students attending California public schools have access to the instructional materials they need learn the core curriculum. One reason for these lapses is that the CCR process is narrow in its purview. As the CCR instruments demonstrate (see Appendix C), schools are not required to inquire about nor report in their self-study students’ access to necessary instructional materials such as textbooks.

What is most striking here, however, is that the state could quite easily find out whether students have instructional materials, but it doesn’t now ask. The CCR, an instrument already in place, could provide the State with information it needs to detect and to act on problems regarding students’ access to enough textbooks and to textbooks that match the state standards. As discussed further later in this report, if adequately staffed and given a more comprehensive data collection charge, the CCR process could be a valuable tool for collecting school and district level data.

A second reason for this flaw in CCR process is the reliance on districts and schools to uncover and report non-compliance issues through a process of self-study. Though the validation review process requires state officials to visit the school site and gather data, in the majority of cases on-site validations do not occur and the school’s self-review is considered the official report of findings. Additionally, it may not always be in the best interest of teachers, schools, and districts to report problems.

What incentives do schools and/or districts have to report problems to the CCR team? As in the case above described by Clarke-Thomas, the Principal at this school did not support the teacher’s claim of a shortage of textbooks.

Q. Now, did you talk to the principal about what the teacher had told you regarding textbooks and other materials?

A. Yes.

....

Q. That was at the debriefing session?

A. Yes.

Q. What did you say to her?

A. I just said that there is a concern by the teacher, and I observed it, that this particular class does not have appropriate materials, no textbooks, et cetera, et cetera.

Q. And what did she say?

- A. She said, that's not true, we do have textbooks and that teacher has not availed herself. She gave me a reason. I said, oh, you do have textbooks for that particular classroom? And she said, yes. So my assumption then was that because that had been noted verbally, that now that class would have the textbooks and materials they needed prior to our leaving.
- Q. Okay. Did you go back to the teacher and say, the principal said you could have availed yourself of the textbooks, that there were textbooks available and you could avail yourself of those textbooks?
- A. I mentioned it to her, and then I think she was let go.
- Q. The teacher was let go?
- A. (Witness nods head).
- Q. What did the teacher say to you when you said this is what the principal says?
- A. She just became, you know, really silent. She really said nothing. She said, I don't think I have a job anymore, something to that effect.
- Q. Did you ever investigate as to the circumstances of her being let go?
- A. No, I don't [didn't].

Reliance on a self-review monitoring system is problematic in a system wherein a school and/or district may face sanctions such as the withholding of categorical funding for reporting such issues. According to the CCR Training Guide 2000-2001 (1999), "When an LEA or other agency receives official CDE notification of noncompliance findings from a compliance review, the LEA or agency is legally responsible for the timely resolution of these issues" (p. 57). Within 45 calendar days (from the official notification date), the LEA must submit a "proposed resolution of noncompliance findings" (Form CTS-4). However, federal and state laws and regulation permit a LEA and the CDE to enter into a compliance agreement when the issue cannot be resolved within the 45 calendar days. "An approved compliance agreement permits CDE to suspend, for the duration of the compliance agreement, any enforcement actions that it may be obligated to perform in response to noncompliance findings" (p. 57). Not all items may be legally extended beyond the 45 days. In addition, according to the Guide, compliance agreements with the exception of IPI noncompliance findings may not exceed 180 calendar days from the expiration of the 45 calendar days allowed to resolve noncompliance or to submit a proposed compliance agreement. If the actions agreed upon in the compliance agreement do not take place or a new response is not submitted before the end of the compliance agreement period, the compliance status of the district (or LEA) reverts back to noncompliant.

The CCR and Comite Follow-Up Monitoring Units. Having stated that the CCR does not make inquiries as to the availability of textbooks and instructional materials, it must be clarified that the process does require an investigation of the accessibility of instructional materials for populations with special needs. With regard to English language learner students, the CCR includes a checklist of items including appropriate textbooks and instructional materials that must be present and available for this population of students. LAUSD's 1999 CCR, for example, revealed "There are not adequate basic general fund resources to provide each English Learner with learning opportunities in an appropriate program. Insufficient basic ELD materials for English Learners in Model A classrooms were noted" (1998-1999 Coordinated Compliance Review, Notification of Findings for Los Angeles Unified School District, DOE 28379). These problems persist as is evident in findings for the year 2000: "There are an insufficient number of

ELD materials available to teachers and students to provide an effective ELD program” (1999-2000 Coordinated Compliance Review, Notification of Findings for Los Angeles Unified School District, DOE 21799). This lack of materials is addressed in the CCRs of other districts as well as evidenced in the 1998 review of Inglewood Unified School District: “At Crozier there is a lack of materials in all curricular areas available for LEP students” (1997-1998 Coordinated Compliance Review, Notification of Findings for Inglewood Unified School District, DOE 25811), The 1997 CCR for Alhambra High School District finds: “There are insufficient materials in the primary language to support bilingual and SDAIE [Specially Designed Academic Instruction in English] course sections” (1996-1997 Coordinated Compliance Review, Notification of Findings, DOE 25394). While the notation of the presence or absence of these materials is critical, it is seen again that the State does not readily move to remedy issues of noncompliance. The fact that these inadequacies are allowed to persist in some districts from one academic year to another, as in the case of LAUSD, raise questions as to whether/how these reviews are utilized to rectify issues once identified. Hence, although information is collected regarding the availability of textbooks and instructional materials for ELLs, the CCR process makes apparent there is no mechanism in place to ensure these problems will be addressed and resolved.

To assist in ensuring districts’ compliance with state and federal statutes regarding English Language Learners, districts are also reviewed by the Comite Compliance Unit. The Comite Compliance Unit was the product of a 1985 case: *Comite de Padres de Familia et al vs. The State Superintendent of Public Instruction*. In the consent decree resulting from the case, the CDE agreed to monitor every school that enrolls English language learners every three years. This changed to every four years in 1996 as part of an agreement to increase the number of consultants assigned to monitor programs for ELLs. After the CCR unit conducts its reviews, the Comite selects ten districts annually for a follow-up monitoring review. These districts are selected based on a number of criteria including the percentage of ELLs the district enrolls and its history of noncompliance with ELL requirements. In the deposition of Burnham-Massey, Manager of the Comite Follow-Up Monitoring Unit, (*Williams vs. State of California*, 7-19-01), she states that while the Comite looks at the same issues the CCR unit reviews, the process is different because the Comite is specifically targeted to English learner services.

There are some significant differences. First of all, up until this year, the CCR unit—or the unit that conducted the CCRs was responsible for reviewing eight programs. When we review a district, we're only reviewing the English learner program. Another difference is the unit that conducts the CCR is part of a bigger team looking at a whole bunch of programs in addition to their eight programs, so they have less time, actually, to devote to English learner issues. Another difference is in the consultants in our unit, the follow-up unit, English learner education is their main expertise. In the CCR unit their expertise is more diversified. They certainly have competency in English learner issues, but it's not necessarily their main focus. It is for some of the consultants, but not for all of them. The CCR unit leaves a report with the districts when they leave. And their reports tend to be short, and they just pretty much list noncompliant issues and why the finding was made. Our unit submits reports later, typically within 45 days of the review, and the reports are generally more extensive and more in depth. The unit that does the CCRs typically goes to one or two or maybe three schools, as a rule. Our unit typically

goes to substantially more schools than that. Even on one review, and certainly over time, we go to a high percentage of district schools. Those are the main things I can think of right now. Clearly, with a review of only 10 districts annually, the Comite falls short of monitoring every school that enrolls ELLs every 4 years.

From the deposition of Laurene Burnham-Massey, Manager of the Comite Follow-Up Monitoring Unit, taken 7-20-01, (pp. 284-285).

The Comite Unit, while required to assess the availability of textbooks and instructional materials for English language learners, fails to evade many of the problems plaguing the CCR process. Burnham-Massey, for example, states that she is aware of districts within the state of California that provide structured immersion yet do not provide texts or materials in the students' native language. In her deposition, it is made evident that in both structured immersion classes and English language mainstream classes, many districts define their program to allow students to either receive some instruction in their primary language, or at a minimum, have some textbooks available in their primary language. Burnham-Massey (7-19-01) asserts that the state does not collect information as to whether or not districts provide materials in the native languages of students in structured immersion classes. Although the state has an opportunity to delve further into the educational opportunities provided to this population, this process fails to ask questions or collect the appropriate data that would make certain these students are supplied with necessary instructional materials. At the time of Burnham-Massey's deposition, 30 of the 54 Comite districts had been out of compliance for over 3 years. Some of these districts, according to testimony, have been out of compliance for up to 10 years on 10 to 12 items. Timely resolutions of noncompliant issues, as discussed by the unit manager, do not take place.

Additional On-site Monitoring Opportunities: WASC, FCMAT and the Bureau of State Audits.

WASC: Western Association of Schools and Colleges and the California Department of Education Program Quality Review. WASC accreditation is a voluntary process whereby a school conducts a self-study that serves as the basis for a review by a team of educators not employed by the district. Team members assist the school in appraising their instructional program. California public high schools can seek accreditation from the Western Association of Schools and Colleges (WASC) or via a joint process developed by WASC and the California Department of Education—Focus on Learning (FOL). California high schools are not required to seek accreditation, and pre-high-school level schools are not provided an opportunity to participate in this voluntary process of a program evaluation. Nevertheless, WASC and the FOL process provide the state with oversight opportunities.

According to the FOL Process Guide 2001 edition (CDE and WASC, 1999), the accreditation process has three stages: the self-study, the visit, and the follow-up. Methods of data collection for the self-study include: reviewing samples of student work; reviewing school documents (student records, course offerings, statement of goals and objectives, procedures, minutes of faculty meetings, department meetings, student government meetings, etc.); observing the lessons teachers are delivering and the nature of student participation in classroom activities; interviewing students about their courses of study; accompanying students during all or part of a

typical school day; *examining regularly used instructional materials* and teachers' lesson plans; discussing issues with staff, students, and parents; reviewing general data about the student population; reviewing results of the Student and Parent/Community Questionnaires; *reviewing the availability of resources* and use of strategies and materials for special needs students; and personal reflection. WASC publishes its own evaluation instruments which have been designed in cooperation with the CDE. These instruments are available for the purposes of the self-study. California high schools are expected to examine all aspects of its program against the following five established categories: vision, leadership and culture; curricular paths; powerful teaching and learning; support for student personal and academic growth; and assessment and accountability. Academic content standards, according to the FOL Process Guide (1999) define what students should know and are considered the measurable indicators of the expected schoolwide learning results.

As a part of the self-study, according to the FOL Process Guide (1999) schools must develop an action plan to address areas of weakness and improve student learning. These plans are provided to the outside visiting team in the form of a written report supported by evidence. After analyzing the self-study report, the visiting committee spends three and one-half days at the school to provide an outside perspective on the quality of the curricular and instructional program provided for students and the degree to which the schools' expected schoolwide learning results are being met. The visiting committee prepares a report for the school which summarizes its findings with respect to the school's self-study, the quality of its program, and its proposed action plan. A school is evaluated on the basis of the degree to which it is accomplishing the purposes and functions outlined in its own statement of purpose, and on the appropriateness of those purposes and functions.

Inadequacies in WASC. One weakness of WASC is that it lacks any enforcement capabilities beyond denying accreditation or reducing the terms of accreditation (some schools identified with critical areas of improvement are on three year terms versus six year terms). Hence, although a school may lack instructional materials and indicate that a shortage exists, the school may still attain accreditation. In fact, all of the high schools named in *William vs. the State of California* are accredited through WASC. The high schools described in *Williams vs. the State of California* are substandard in many respects: many are overcrowded, unsafe, poorly kept facilities, and lacking the essential educational tools needed for students to meet the content standards. Many of these high schools lack textbooks in core academic subjects and students attending these schools do not have access to textbooks for class and or home use. That they are accredited raises serious concerns about the extent to which, if at all, the State should use self-study reports to determine a school's quality. WASC does not place a great deal of importance on the gathering of information relating to the availability of textbooks and instructional materials, and its reliance on self-studies as the source of this information is a serious weakness. The accreditation of these schools also raises questions about the use of site review teams, the composition of those teams, the training teams receive, and about the WASC accreditation criteria themselves. Finally, limiting the terms of accreditation as is done with schools identified by WASC as falling short of accomplishing their purposes and functions, does not generate or trigger any mechanisms to assist schools in need of improvement. As is the case with other oversight policies, the WASC does not work in conjunction with other oversight policies.

An examination of both self-studies and visitation reports provides additional evidence of WASC and FOL inadequacies. For example, Inglewood High School's Visiting Committee Report (WASC, 1999), demonstrates a disregard for the importance of instructional materials. The report recommends, for example, that a task force be created to conceptualize ways to better serve English language learners. While the recommendation includes training for teachers, and new assessment measures, there is no mention of purchasing or adopting materials/resources to provide ELL students with greater access to the curriculum. Similarly, Crenshaw High School in Los Angeles' WASC Re-Visit report (WASC, 1995) ignores instructional materials. The Crenshaw High School report in 1995 is a response to the 1992-1993 recommendations made in the Visiting Committee Report. The 1995 report presents the recommendations alongside the responses. For example, recommendation #2 states: "... site administration and staff, with the support of the District Administration, fully implement the State Frameworks in order to improve the instructional program at Crenshaw High School." The school's response is as follows: "*State frameworks* and copies of *Second to None* were purchased and distributed to each staff member. They were then instructed to meet and address the tenets set forth in these documents" (p. 5). The report indicates that departments met and were developing plans and time-lines for implementation yet details, such as needed materials, are not discussed. Another recommendation states that teachers need to integrate skills into content instruction across the curriculum. The report indicates that staff development days are dedicated to achieving this goal, yet there is no mention of the curricular materials and/or resources that would be needed to make this happen. In a review of the math department, it is stated that "the department seeks ways to buy graphing and regular calculators so that each student has a calculator to use during class time so that the time students spend on computation is decreased while increasing the time they spend on concepts and problem solving." The response is as follows: "the math department investigated various financial resources to purchase calculators. *Most* of the students have a calculator to use during class time." While it is notable that the last WASC visiting committee suggested for the Science Department that "the district administration and site administration allocate the necessary funds to acquire adequate equipment, supplies and textbooks..." (p. 53) it is also noteworthy that in response the school indicated that they received money in the form of contributions for a variety of outside organizations to make this happen (p. 54). Finally, the following recommendation is made in the 1992-1993 Crenshaw High School report (to the resource committee): "the site administration articulate procedures that address textbook control with emphasis on inventory, replacement, and distribution to students to ensure that each student has equal access to the core curriculum and instructional materials." The response is that a textbook "user fee" is in the process of being implemented (p. 51).

These reports do demonstrate that data are collected, data are analyzed, and recommendations are made. Crenshaw High School's report, for example, makes use of survey data: response from a student survey indicates that 43 percent of the students feel the library needs more books to meet curricular demands (p. 65). The Crenshaw Report also demonstrates that the school makes an effort to respond to recommendations made. However, little attention is paid to the importance of instructional materials. When materials are overlooked as an important aspect of instructional programs, when responses indicate that "most students" rather than "all students" have access to important educational materials, or when a textbook "user fee" is seen as a solution to textbook distribution problems, alarms do not ring. WASC could choose to limit the terms of accreditation based on such findings or even deny accreditation, and the CDE could

use these findings as a means of oversight and triggering assistance. However, neither seems to occur.

Fiscal Crisis and Management Assistance Team (FCMAT). AB 1200, 1991, created the Fiscal Crisis and Management Assistance Team (FCMAT), to provide fiscal management assistance to districts in complying with fiscal accountability standards. Assistance comes at the request of school districts or county offices of education. FCMAT also provides training in fiscal management to school districts or county offices of education. County offices can request audits, conducted by FCMAT, of districts believed to be experiencing or approaching financial difficulties. The legislature may also request audits of districts experiencing severe financial problems.

Reviews of available FCMAT reports reveal that the teams do make extensive and thorough assessments that sometimes include consideration of instructional materials. In addition, when problems are detected, they make recommendations for improvement. For example, FCMAT's "Assessment and Recovery Plans," for West Contra Costa Unified School District (FCMAT, 2001), found that "the current structure has led to inconsistencies in the availability and quality of curriculum and materials used throughout the district" (p. 3). In particular, in the area of instructional materials, the district received a score of "1" (out of a possible "10"). It is revealed that various high school sites had a shortage of instructional materials, textbooks are not available for student to take home, principals within the district reported having textbooks that were over ten years old, and problems with distribution procedures (p. 28). The district also received a score of "1" (out of a possible "10") in the area of alignment with the standards. "According to district administrators, an estimated 80 percent or more of the instructional materials in the district are not standards-aligned" (p. 30). In the area of technology, a score of "0" (out of a possible "10") was received. It is noted that the district does not have a plan to incorporate technology, not all classrooms have access to the internet, hardware and software are not distributed equitably across school sites, the district lacks a computer replacement policy, and teachers express a desire to use technology but do not have the proper training nor time to incorporate its use (pp. 32-35). Recommendations include working with principals to mitigate shortages.

Inadequacies in FCMAT. Unlike CCR, FCMAT reviews are limited in their authority to require change. Not surprisingly, given their voluntary character, there is no consistent follow-up. Emphasis is placed on remedying fiscal matters, but other areas of concern seem to be of less interest. FCMAT was created by the legislature to fulfill a specific function. Through a fiscal audit, FCMAT may alert the district, county, and state to critical educational concerns. However, the district, county, and state do not routinely follow-up on either the concerns or the recommendations for remedy.

Bureau of State Audits. In establishing the Bureau of State Audits (Senate Bill 37, 1993), the Legislature recognized the need for state managers to be held accountable for spending public funds and operating government programs. Government Code, Section 8521.5, of the State Auditor's statute states: "The Legislature finds that our system of government is a complex structure of interlocking relationships among all levels of government for managing public funds and programs. Officials and employees who manage and administer these programs must be

accountable for their activities to the public. The legislature recognizes that governmental audits are an important cornerstone in the system of accountability expected by the people of California...” The State Auditor is directed by statute to perform financial audits, compliance audits, performance audits, contract audits and investigative audits. To undertake these audits, the State Auditor is given full access to all records of the state and local agencies, special districts, public contractors and school districts (Bureau of State Audits, available at <http://www.bsa.ca.gov/bsa/statute>). The State Auditor conducts financial and performance audits as directed by statute, and as requested by the Joint Legislative Audit Committee. Audits provide an additional opportunity for the state to gather information regarding school districts, schools within those districts and the availability of textbooks, instructional materials, equipment, and technology made available to students attending those schools.

As noted earlier in this report, an audit of the Los Angeles Unified School District’s program and policies for providing textbooks and instructional materials to its schools was recently completed by the Bureau of State Audits, following a request from the Joint Legislative Audit Committee. The Bureau was charged with determining whether LAUSD’s program and policies regarding textbooks and other instructional materials result in a disparity in the quantity and quality of textbooks for a sample of high- and low-performing schools.

The joint Legislative Audit Committee (audit committee) asked the State Bureau of Audits (bureau) to determine whether LAUSD’s program and policies regarding textbooks and other instructional materials result in a disparity in the quantity and quality of textbooks for a sample of high- and low-performing schools. . . . (California State Auditor, Los Angeles Unified School District, June 2002, p. 14).

In its audit report entitled, *“Los Angeles Unified School District: Outdated, Scarce Textbooks at Some Schools Appear to Have a Lesser Effect on Academic Performance Than Other Factors, but the District Should Improve Its Management of Textbook Purchasing and Inventory”* (June 2002), the Bureau concludes that their audit of 16 schools did not reveal any “significant” disparities in textbook quality and quantity among high- and low-performing schools that would have an impact on the schools’ API scores (note that statistical testing was not performed to determine significant differences).

However, upon close examination of the data presented in the report, alarming differences in student’s access between low- and high-performing schools are found. For example, while the report states that low-performing schools were in fact more likely to experience shortages and restrict textbook use to the classroom, it does not construct a clear representation of these disparities. Low-performing schools fell short of providing an adequate supply of textbooks for core courses by 6 percent compared to less than 1 percent (.41 percent) at high-performing schools (484 books short at the low-performing schools versus 53 books short at the high performing schools). These disparities are more striking when examining student’s access to textbooks for home use. Twenty-one percent of the classes tested in low-performing schools indicated that class sets of textbooks were used and were restricted to classroom use compared to 6 percent at high-performing schools. At one low-performing high school, 62 percent of the core classes tested restricted textbook use to the classroom.

Though it appears clear from these data that students attending low-performing schools are more likely to lack the instructional materials they require to succeed academically compared to students attending high-performance schools, the report concludes that the higher prevalence of textbook shortages has no relation to students' academic performance. The Audit team seems to have drawn this conclusion based on the fact that one of the eight high-performing schools in the audit also lacked books for every student (compared to five of the eight low-performing schools), three of the high-performing schools also used class sets, and classes in both high- and low-performing schools were found to use outdated materials. The report concludes that API ranking must be attributed to something else rather than the lack of access to textbooks and other instructional materials. In fact, the report goes on to attribute differences in performance as measured by the API to other factors such as teacher credentialing, parents' education, student transiency, socioeconomic status, and English proficiency. The report states that while the impact of these other factors could not be measured, "we did note that all seem to be important determinants of student academic success as measured by the API" (California State Auditor, Bureau of State Audits, 2002, *p.* 29). Hence, the audit has the effect of downplaying the disparities found between high- and low-performing schools with regard to students' access to textbooks and other instructional materials and highlighting other factors that are peripheral to the focus of the audit.

Inadequacies in Audits. The recent audit of the Los Angeles Unified School District's programs and policies for providing textbooks and instructional materials to its schools demonstrates the inadequacies in this process. First of all, the report relies on a small sample of schools (16) to make conclusions about the adequacy of resources in the district's 947 schools and centers (including 677 separate schools). More troubling, the report actually minimizes the disparities the audit found between high- and low-performing schools in regard to access to textbooks and other instructional materials. Not only are these findings lessened, but the Auditor went far beyond its charge from the Legislature to determine whether district policies and practices resulted in textbook disparities. Rather than answering the question it was asked with a clear "yes," as the data document, the Auditor responded, "it doesn't matter," implying that that textbooks are irrelevant, in the face of other factors such as SES, English proficiency, parents' level of education. By distracting the reader (the public, legislators and other government officials) it appears that alleviating the disparities that exist and are documented in the report is not of primary concern.

Though the Governor and Legislative leaders to whom the report is addressed may yet reply and/or take action in response to these findings of disparities among LAUSD schools, early indicators seem to demonstrate that very little will result. This pessimism is due primarily to the fact that the report lacks recommendations for the state that could assist in rectifying these disparities. Recommendations provided in the report deal exclusively with ensuring that publishers treat all California schools equitably and LAUSD schools receive the "valuable free instructional materials" that other schools receive when purchasing similar textbooks. These recommendations include modifying its regulations or seeking legislation to require publishers and manufacturers to report offers of free instructional materials, establishing a hot line to receive complaints regarding unfair treatment by a publisher, pursuing cost recovery for any violations of the most-favored-nations-clause, and working with school districts to identify and remove any obstacles preventing the effective monitoring of the most-favored-nations clause.

Though the receipt of additional free materials from publishers would benefit the district, it is not clear that these additional materials would remedy the disparities found. Additional recommendations include ensuring that restricted funds are spent appropriately (by providing training to school accounting staff and by conducting periodic monitoring), improving its textbook-purchasing process, enhancing its textbook inventory system in addition to ensuring the fair treatment of LAUSD schools by publishers. No other actions are taken. The most serious problem, however, is that by minimizing the educational importance of the textbook disparities the audit found, the report does little to prompt a serious response.

Public Reporting

Compounding the problems noted above—the lack of mandates, the lack of adequate funding for textbooks and materials, and the failure to include access to textbooks and instructional materials as part of the state’s oversight mechanisms—the state has extraordinarily weak requirements regarding the monitoring and reporting of students’ access to textbooks in core subjects. Further, the requirements that do exist are weakly enforced. Efforts to strengthen reporting have been consistently vetoed by the Governor.

Instructional Materials Public Hearing.¹²

For the school district to receive instructional materials funding, *Education Code* Section 60119 requires a school district's governing board to hold at least one annual public hearing to encourage parents, teachers, community members, and bargaining unit representatives to voice their concerns regarding whether sufficient textbooks and instructional materials are made available for each student. The governing board is required to notify the public of the hearing 10 days in advance and post the notice in three public places in the school district.

Through a resolution, the governing board will determine whether each student in the district will have sufficient textbooks and instructional materials in each subject prior to the end of the fiscal year. The governing board will determine whether the textbooks and instructional materials are consistent with the content and cycles of the curriculum frameworks adopted by the State Board of Education. If there are insufficient textbooks and instructional materials for each student, the governing board must notify classroom teachers and the public and provide the reasons for the lack of these materials.

The governing board is responsible to take any action necessary to provide each student with textbooks and instructional materials within two years of the determination date of insufficient materials. To ensure that each student has sufficient textbooks and instructional materials, the board may draw funds from categorical programs appropriated in the annual budget, prior fiscal-year funds for textbooks and instructional materials, and any other funds available to the school district for textbooks and instructional materials.

California’s School Accountability Report Card (SARC). Parents and the public must be presented with information enabling them to evaluate the condition and the performance of schools attended by their children. “The collection and dissemination of school performance data to parents and the public is perhaps the single most important accountability measure that local school districts can implement” (Center for Community Change, 2001, *p.* 1). In fact, under the reauthorization of the Elementary and Secondary Education Act (1994) as “The No Child Left Behind Act of 2001” (HR 1), all states receiving federal dollars under Title 1 of the act are

¹² The material in this section describing these policies is taken from “Curriculum Frameworks and Instructional Resources Adoption Processes,” *Fact Book 2002, Handbook of Education Information*. California Department of Education, <http://www.cde.ca.gov/resrc/factbook/curriculum.htm#schi>.

required to produce individual school profiles on an annual basis. These profiles must include disaggregated assessment results as a measure of the school's progress in meeting improvement goals. However, assessments are just one component of a school's well-being and of the information communities need.

Under current state law, each California school is required to provide information to their communities about a number of school conditions on a School Accountability Report Card (SARC). The State Board of Education requires that the SARCs include student achievement data (STAR, API, SAT), dropout rates, graduation rates, progress towards reducing class size, number of fully credentialed teachers, availability of qualified substitute teachers, the availability of qualified personnel to provide counseling, suspension and expulsion rates, number of AP courses offered, percentage of graduates who have passed UC, CSU "a-g" requirements, whether a school qualified for *II/USP* or the Governor's Performance Award Program, fiscal and expenditure data, and the *quality and currency of textbooks and other instructional materials*. Senate Bill 1632 (chaptered 8/31/00) required the development and adoption of definitions for the elements required to be included in the school accountability report card. Regarding textbooks and other instructional materials, the requirement states, per SB 1632, Education Code Section 33126 (b) (6):

Quality and currency of textbooks and other instructional materials, including whether textbooks and other materials meet standards and have been adopted by the State Board of Education for kindergarten and grades 1 to 8, inclusive, and adopted by the governing boards of school districts for grades 9 to 12, inclusive, and the ratio of textbooks per pupil and the year the textbooks were adopted.

The definitions currently in use per this requirement include:

For kindergarten and grades 1 to 8, inclusive, are the textbooks used in the core subjects (English-language arts, mathematics, history-social science, and science) from among those adopted by the State Board of Education? If not, identify what is used in these subjects and explain why non-adopted materials are being used.

For grades 9 to 12, inclusive, are the textbooks used in the core subjects (English-language arts, mathematics, history-social science, and science) aligned with the State Board-adopted content standards in the opinion of the local governing board of the school district? If not, explain why non-standards aligned materials are being used.

In keeping with the reporting requirement of Education Code Section 60119, indicate whether each pupil of the school has sufficient textbooks and instructional materials. If not, summarize the reasons for that situation and the actions to acquire the materials over a two-year period.

Though all definitions that have been approved by the state must be used for reports (beginning in the 2001-2002 academic year), it should be noted that the definition regarding the quality and currency of textbooks and other instructional materials was approved on an interim basis and is subject to review and possible revision by July 2002.

California's SB 1632 (chaptered 08-31-00) also required the development and approval of a template for the school accountability report card (SARC) designed so that it can be downloaded from the Internet and data may be entered electronically by schools or districts. The use of the template, however, is voluntary although schools that choose not to use the template are required to "report the data for its school accountability report card in a manner that is consistent with the definitions."

Inadequacies in the 60119 and SARC Public Reporting. Education Code 60119 is the only policy that comes close to suggesting that California students need or should have access to textbooks and other instructional materials, that districts must attend to those needs, and that the public should know when the schools fall short. Code 60119 states if a governing board determines that there are insufficient textbooks or instructional materials, the board is required to provide information to classroom teachers and to the public that explains why each pupil does not have sufficient textbooks or instructional materials, and take any action to ensure that each pupil has sufficient textbooks or instructional materials within a two-year period from the date of the determination. Yet, this policy has several flaws that make it far too weak to ensure that students have the texts and materials they need: (1) it only applies to districts applying for textbook funds; (2) it does not make clear the meaning of "sufficient textbooks or instructional materials," and (3) it allows students to endure this shortage for two years. Not only does the absence of specific criteria to measure textbook adequacy make difficult the reporting of "sufficient textbooks and instructional materials," but the absence of a definition diminishes the value of such a reporting mechanism. Without a clear definition (*i.e.*, one book per student for both class and home use) it is impossible to gather what is meant when a district or school reports an insufficiency of textbooks or materials. The most serious flaw with 60119, however, is that even if a hearing is held, there is no mechanism for ensuring that the problems are solved. Publicly reporting on textbook shortages does nothing, in itself, to trigger assistance or resources. It may prove embarrassing for school officials, but if they or their communities have no avenue to pursue a remedy or resources to fund one, the embarrassment serves no constructive purpose.

Additionally, there have been serious problems in the implementation of 60119 that cast further doubt on the policy's efficacy. The State has no information about how well attended these public hearing are, and whether the districts actually collect data to document whether every student has sufficient textbooks and instructional. The scant evidence about these hearings that does exist suggests that the implementation of the public hearing fall far short of the public participation and accountability that the Legislator might have envisioned. Compliance with the requirement for a public hearing has been uneven: some districts have not held public hearings at all; others have failed to give proper notice. Others have conducted the hearing in the most superficial manner.

For example, on May 28, 2002, the San Francisco Unified School District's Board of Education conducted its public hearing after 10 p.m., near the end of one of its regular Board meetings. The following transcript of this short portion of the Board meeting makes clear the limits of the 60119 hearing process for either airing credible information about textbook availability or providing accurate reports to the public and the state.

President Jill Wynns: As we move now to special orders of business, the first of which this evening is on page 6 of your agenda and is the Public Hearing to Determine the Sufficiency of Textbooks for the Fiscal Year 2001-2002. And this is a requirement of law that we have such a hearing. Umm, we need a motion that the governing board . . . Well, actually, first we have to have a public hearing. So we'll declare the public hearing open. If any member of the public would like to testify on this issue please come to the podium and follow the same rules we've had all evening. Identify yourself for the record. Is there anybody who wishes to testify on this issue? . . . Uh, seeing none, we'll declare the public hearing closed, and umm we now, uh, need a motion that the Board of Education, umm, passed this resolution to determine the sufficiency of textbooks for Fiscal Year 2001-2002. Can we have such a motion, please?

Unidentified speaker: So moved.

Wynns: And, uh we need a second.

Unidentified speaker: Second.

Wynns: Thank you. Umm, so Board Members you have, uh, you've gotten background material on this. Are there any comments members of the Board would like to make? Commissioner Sanchez?

Commissioner Mark Sanchez: Yes, thanks, I just, we did this last year, right? We do it every year?

Wynns: It's a requirement that we do it every year.

Sanchez: It's almost Kafkaesque because umm, it puts us in a position, although we have to pass this, um, to say that we do have sufficient textbooks and instructional materials or both actually, or in each subject that is consistent with the content and cycles of the curriculum framework adopted by the State Board, and I think the ACLU would beg to differ in their Williams case and I would too. I don't think we or any district (URBAN district) appropriately.

Wynns: Thank you. Any other comments? Then can we have a roll call.

[Roll Call proceed with all voting "Aye."]

(San Francisco Unified School District,
Board of Education meeting, May 28, 2002)

In West Contra Costa Unified School District, the Board passed Resolution No. 70-0001 in June, 2001, certifying the availability of textbooks and instructional materials for its pupils for the 2000-2001 fiscal year. However, the textbook analysis for 2001-2002, performed in May, 2001 exhibits an insufficiency of materials. The data gathered from the textbook analysis provides a portrayal of the availability of textbooks and instructional materials for the 2000-2001 academic year. Of the 57 school surveyed, 17 schools clearly indicated that it was *not* the case

that “All teachers have sufficient books for their *present* classes. In L.A. [language arts], Math, Science, and Social Science classes each student was issued a text [italics not in original]” (West Contra Costa Unified School District, Textbook Analysis, 2001-2002, DOE 004462-004464). These schools provided explanations for their insufficient supply of books that included:

“The students have books because I borrowed them from other schools. . .”

“We have no science text.”

“We did not receive all of our books. It was reported and supposed to be traced. We never received the books all year. This was also reported to Mr. Collins by the teachers. I even tried to get books from other schools by e-mailing all elementary schools.”

“We did not have sufficient funds to order a book for every kid.”

“Incoming students. . . do not have texts.”

West Contra Costa Unified School District, Textbook Analysis, 2001-2002 (DOE 004462-004464).

Two schools did not respond to the question regarding sufficiency of books for their present classes, although they did respond to other questions on the survey. In addition, of the schools that indicated that all teachers have sufficient books for their present classes, 4 schools provided explanations indicating that this was not the case: “We do not have science books for each student” (West Contra Costa Unified School District, Textbook Analysis, 2001-2002, DOE 004476). Despite the results of this survey, where as many as 23 of the schools (approximately 40 percent) indicated that they did not have enough books for each student for their current classes or did not respond to the question, the Board passed, at a public hearing, a resolution certifying the availability of textbooks and instructional materials within district schools.

As troublesome as is the conduct of hearings such as the ones cited here, the Legislature and the California Department of Education have gone to considerable lengths to make available a waiver that allows districts to ignore this requirement altogether.

In 2001, Senate Bill 273 provided a remedy for those schools who failed to comply with the requirement of a public hearing with adequate prior posting of public notices. Under SB 273, districts that failed to comply could be relieved of any penalties by filing a waiver request and signing a certification form. On October 16, 2001, a letter notifying districts of the waiver policy was sent from State Superintendent of Public Instruction Delaine Eastin’s office. That letter read as follows:

To All Interested Parties:

Good News! Senate Bill 273 (SB 273)—Education: instructional materials; apportionments, was signed into law on **October 7, 2001 on an “urgency basis”** and authorizes the State Board of Education (SBE) to consider and waive certain provisions of ***Education Code Section 60119*** regarding holding public hearings to make a

determination of the sufficiency of textbooks or instructional materials . . . This bill creates a **waiver provision** . . .

. . . In order to request this waiver, you must certify your district’s governing board has determined that there are sufficient textbooks or instructional materials for each pupil in the district or that there is a plan in place to ensure that any insufficiencies will be rectified within a two-year period . . . [bold in the original] (CDE, 2001b, available at <http://www.cde.ca.gov/waiver/60119let2/eas.doc>).

Because of the lack of monitoring of this policy and a waiver policy that relieves districts from penalties that may result from failing to hold the hearing, some California communities are prevented from voicing their concerns about shortages of poor quality of the textbooks and other instructional materials in their schools.

The SARC reporting scheme is beset with other problems. Given both federal legislation requiring schools to provide an annual report and California legislation that mandates schools to report additional conditions beyond student achievement data including the quality and currency of textbooks and other instructional materials, one might expect that parents, schools, districts, and the state would all be aware of the quality and currency of textbooks and other instructional materials at any given school. This is not the case. A number of inadequacies in its design and availability of the SARC hamper its utility.

First, the use of the template developed by the California Department of Education to report data is voluntary. Though schools that choose not to use the template are expected to provide data that complies and is consistent with the definitions, there is not a mechanism in place to ensure that this happens. In regard to the quality and currency of textbooks and other instructional materials element, many school districts provide a pat response that does not address the definition. The SARC information provided to parents attending schools within the Los Angeles Unified School District provides an example. Although not every SARC within the district was examined, of the numerous reports reviewed—elementary to high school level—each provided the exact text:

The Los Angeles Unified School District has set a priority on ensuring that a sufficient number of textbooks to support the school’s instructional program is available. The instructional materials are chosen primarily from the textbooks adopted by the California Department of Education.

Acquisition of educational technology and access to current additional resources to support the instructional program for all students are priorities in determining the budget expenditures (<http://search.lausd.k12.ca.us>).

This response provided by most schools in the district (if not by all), does not approximate the definition established by the CDE. This response does not address if textbooks used in core subjects are from those adopted by the State Board of Education (for grades 1-8), or if they are aligned with the content standards (for grades 9-12), nor does it address whether each pupil has sufficient textbooks and instructional materials. However, the fact that the reporting requirement established by the CDE does not include a standard or a definition for “sufficient

textbooks and instructional materials” it is not surprising that a response lacking any substance was provided. As per the specific requirement, this response does not address the quality and currency of textbooks and other instructional materials, the year textbooks were adopted, or provide the ratio of textbooks per pupil.

Second, as in the case with many of the state’s oversight measures (the now repealed Program Quality Review, the Coordinated Compliance Review, the Single Plan for Pupil Achievement, and the accreditation process), the SARC depends on a system of self-reporting. As such, it is not clear if accurate information regarding these elements is provided. Further, data regarding the sufficiency of textbooks is to be derived in keeping with the reporting requirement of Education Code Section 60119. As discussed above, poor monitoring of this policy and a waiver policy that relieves districts from holding a hearing makes it difficult for schools to obtain these data.

Another example from LAUSD demonstrates the unreliability of a system that relies on self-reporting. The deposition of Travis Kiel (*Williams vs. State of California*, 5-30-01), high school principal within LAUSD, discloses that he “signs off” on forms indicating that a sufficiency of textbooks exists at his school, but that he has no first-hand knowledge about the availability of textbooks and instructional materials. LAUSD’s Division of Instructional Services provides a form to schools in order to collect information relating to textbooks and other instructional materials. The form requires that the “adequacy and recency” of the textbook collection, procedures and expenditures be reviewed. The form states: “Up-to-date textbooks, in good condition, are vital tools in a sound educational program. It is district policy that, where appropriate, each student will have a suitable and language appropriate textbook for class and home use for each subject being studied.” The principal’s signature certifies, among others, the following:

- The need for textbooks has been considered before any other discretionary expenditures by all school stakeholders in site decision making.
- The use of District, categorical, and state textbook funds for purchasing textbooks and/or supplementary materials has been discussed by all stakeholders in site decision making.
- Textbooks are evaluated and selected to align with state frameworks, District curriculum/standards, and the school’s instructional program for all students.

In deposition, however, Kiel states that he does not visit classrooms and that the determination of sufficient textbooks for pupils is established by the department chairs who survey other department members to determine need. The principal concedes, although he signs the form, that it is possible in the years he has been the school’s principal that students have had to share books in class and/or have been unable to take books home because of insufficiency.

Third, it appears that data compiled through the SARC is not reviewed by the state. SB 1632 requires that the Secretary of Education review the data elements provided by school districts via the SARC to determine the extent to which the data elements may be incorporated

into the Academic Performance Index (API). SB 1632 authorized the Superintendent of Public Instruction to recommend additional data elements found on the SARC for inclusion in the Academic Performance Index. Those elements excluded from the API, it follows, do not play a significant role in state accountability measures. As discussed in greater detail below, the API is the centerpiece of the state's accountability system and as it currently exists relies exclusively on SAT 9 results (California Standards Tests meant to measure students' progress towards mastering California's academic content standards in English-language Arts, mathematics, history-social science, and science are slated for integration into the API as are attendance rates, and graduation rates for pupils in secondary schools). Although schools are meant to provide data on these requirements and definitions to parents and the community to inform them of the conditions of the school, only those elements of the SARC included in the API become a part of the state's accountability system to ensure schools are delivering a quality education. The following exception was found: Information from the SARC is required for the development of an action plan under the Immediate Intervention/Underperforming School Program (*II/USP*). Deemed as "underperforming" based on API scores, these schools are required to make use of these data and submit an action plan summary to the state.

Finally, Rogers (2002), in an examination of the role of California's parents in insuring quality schooling for all students finds that the State falls short in making sure that the SARC is made accessible to all parents and community members. In particular, the SARC is only made available through the Internet. SB 1632 states "Local Educational Agencies shall make these SARC available through the Internet or through paper copies." It also states that schools make a concerted effort to notify parents of the purpose of the SARC and ensure all parents receive a copy and "ensure that the report cards are easy to read and understandable by parents." The CDE interprets these sections to mean that parents must be notified of the posting of the SARC on the Internet and its availability, by request only, on paper. Further, as Rogers (2002) points out, as of this date, the SARC need only be reported in English, making it inaccessible to the parents of a sizeable and growing number of California public school students.

It is often difficult to distinguish among a school district's concerted non-responsiveness to state policies and intentions, the state's creation of exceptions to its policies, and the state's failure to monitor policies for which they have not created exceptions. These practices call attention to a confusion in California's policy and public rhetoric that helps to shape and influence the way that school policy is implemented in local schools and districts. It is easy enough for the State to delegate the *responsibility* for collecting and public reporting data to LAUSD. However, if the state offers no credible or timely response when a school district fails to comply with policy or complies inadequately, it sends a strong message that collecting and reporting to the public useful and meaningful data that help community members provide local oversight is not all that important. Moreover, this sort of "honor system" defies all logic. The state cannot claim that the education system includes accountability for providing texts and materials for students if its policies and implementation strategies are not accompanied by credible protocols and evidence that the state uses effective measures to detect and correct violations.

Efforts to Strengthen Reporting Requirements Have Been Vetoed Consistently. In August 1998, the Legislature passed SB 1412 which was intended to strengthen the Pupil

Textbook and Instructional Materials Incentive Program Act (described above) that requires the governing board of a school district to hold a public hearing or hearings regarding the sufficiency of textbooks or instructional materials for each pupil and determine whether each school in the district has sufficient textbooks and instructional materials. SB 1412 would have added the requirement that the State Auditor annually complete a review of the audits of school districts, using a stratified random sample. The bill would also require the State Auditor to make recommendations for appropriate legislative and executive actions necessary to reach full compliance with these provisions, and to report its findings to the Legislature as prescribed. For example, if the Superintendent of Public Instruction finds that a school district or county office of education has not substantially complied with Section 60119, the Superintendent of Public Instruction would terminate the right of the school district or the county office of education to use any instructional materials funding for any purposes other than those specified in the Instructional Materials Incentive Program, and, if those actions do not result in compliance, then the Superintendent of Public Instruction shall “cause to be purchased and delivered to the school sites sufficient textbooks and other instructional materials to bring that school district into compliance.” Moreover, the Superintendent of Public Instruction would deduct the cost of these materials and an appropriate state administrative cost amount from the apportionments made to the noncompliant school district or county office of education.

Governor Davis vetoed SB 1412, arguing that the bill was unnecessary. His view was that the Instructional Materials Act, in addition to the provisions that were in law previously, are sufficient to ensure that instructional materials funding is spent for the purposes for which they were intended. As noted earlier, he also cautioned that shifting the State’s policies from an incentive to a mandate would be very costly.

In 2000, the Legislature passed SB 81, a measure that would require the Governor, the Superintendent of Public Instruction, and the Legislature to prioritize and align educational resources and funding to ensure that all pupils have an equal opportunity for educational success. It would also require the State Department of Education, in consultation with other appropriate state agencies, to develop guidelines for measuring equal opportunity and to include particular information within those guidelines. The bill would require the Governor to report annually, based on the information available, to the Legislature and the public, on the status of equal opportunity for success in California’s public schools. Among the opportunities that would be measured were “the ratio, by grade level, of contemporary textbooks containing curricula consistent with state standards, to pupils” and “the ratio, by grade level, of contemporary computers and other multimedia technology, to pupils.”

In his veto message, Governor Davis asserted that “California has made substantial efforts at providing equitable resources to all school districts and has been judged to be in compliance with court orders to that effect. Hundreds of millions of dollars have been devoted to equalizing per pupil funding rates among school districts.” He also argued that “appropriate role for the state is to hold districts accountable for their results. . . . the Public Schools Accountability Act of 1999 . . . provides for a system of accountability which ranks schools by the results of their efforts, and provides financial rewards and sanctions for their performance. The High School Exit Examination will also help the state hold school districts accountable for the opportunity they provide their students to learn.” Clearly, the Governor did not believe that

the State has a responsibility to ensure that all students have access to textbooks, instructional materials, equipment, and technology. Further, the implication is strong that minimal performance on the state's seriously flawed tests (discussed elsewhere), could excuse schools and districts from providing a high percentage of the books and materials that nearly all citizens, educators, and policymakers deem crucial for an adequate education. For example, if a school or district provided few working computers, little science laboratory space or equipment, and not enough novels for all students to read, the school might still escape the state's scrutiny if it met its low testing threshold. Even the failure to meet such a threshold would not cause the state to address these serious resource inadequacies. (In fact, a school that is subject to state sanctions, might actually deflect monies from some essential resources in favor of concentrating narrowly on other resources designed to "show improvement" of a few percentage points on one subtest in the state's accountability system. Further, low-performing schools or districts might "take advantage" of exceptions or loopholes (as discussed above) to avoid giving community members the information and opportunities in usable forms so, in the absence of state action, communities could address these problems. This general analysis above is supported by specific instances that have been documented elsewhere (McNeil, 2001).

Test-Based Accountability Policies

In April of 1999, California legislators and the Governor passed their version of a high stakes, incentives-based accountability system—the Public Schools Accountability Act (PSAA). The passing of this law signaled the first time in California history that its schools would be publicly ranked based on an academic performance index (API), with schools facing consequences based on students' performance. According to Senate Bill 1X, the program is intended as an "immediate and comprehensive accountability system to hold each of the state's public schools accountable for the academic progress and achievement of its pupils within the resources available to schools." The indicators to be included in the API are the results of the achievement test administered pursuant to the STAR program as established by Senate Bill 376 in 1997.

Rewards for Test Score Improvement. The state has set an initial goal for all schools to obtain 800 on the API. Each school is expected to increase its API score by 5 percent of the difference between its API score and the statewide target. Through the Governor's Performance Award Program—a component of PSAA to provide awards/incentives to schools for increasing student academic performance as measured by the API—schools that exceed the growth target are eligible for monetary awards. Until 2002, the program included cash awards to certificated employees (up to \$25,000 each), as well as to schools. Funding for the individual awards was cut in response to the recent budget shortfall, and it is uncertain whether this aspect of the program will be restored. The School Performance Awards remain in place.

Underlying California's test-based accountability policies is the belief that the state's regulation of educational resources and conditions should be relaxed in order to give local districts and school considerable autonomy and flexibility in how they meet the state's performance standards (Elmore & Fuhrman, 1995). In California, this accountability-based approach has prompted the reduction of on-sight monitoring (exemplified by the repeal of the PQR, the substitution of the written *Single Plan for Pupil Achievement*, and the extension of the

CCR cycle from three to four years) and the targeting of state oversight on low-performing schools (exemplified by the selection of schools with low API scores for CCR validation reviews). Consequently, incentives and sanctions tied to test performance have weakened efforts by the state to insure that all students have fundamental learning tools, such as texts and instructional materials.

Intervention and Support in Low-Performing Schools—II/USP and HPSG. California's test-based accountability scheme does provide opportunities to monitor whether or not a school is providing high quality education to all students that are triggered by a school's low performance on state's Academic Performance Index (API). A lower than expected API score sets into motion processes of gathering additional information about problems and providing assistance at the school through the *Immediate Intervention/Underperforming Schools Program* and the *High Priority Schools Program*.

Schools with API scores averaging below the 50th percentile are eligible to apply for assistance through the *Immediate Intervention/Underperforming Schools Program (II/USP)*. Schools selected to participate (participation is voluntary, and funds are not available for all schools that do apply), are required to develop an action plan with the assistance of an outside evaluator, and are given additional resources to make improvements over a period of three years. If schools do not improve at the targeted rate, the State may take additional steps that include reassigning the principal or closing the school. Schools scoring at the lowest deciles are eligible to apply for further assistance through the *High Priority Schools Grant (AB 961)*. This program is also voluntary, and not all applicants are granted this additional funding and support. Additionally, low-performing schools are also eligible for the *Comprehensive School Reform Demonstration (CSR D)* program. While *CSR D* is a federal initiative, it has been incorporated into PSAA as a means of creating a federal-state partnership to support standards-based accountability.

The *Immediate Intervention/Underperforming Schools Program* and the *High Priority Schools Program* provide an opportunity for those schools that have not been able to reach their target API scores to receive assistance and support. Schools that receive this assistance are required to create an Action Plan and submit this to the State for review and approval. Funding is based on the approval of action plans. Given this structure and the process involved in creating an action plan, California is provided with additional opportunities, external to the CCR process, to provide oversight.

Schools selected to participate in *II/USP* are provided resources to support the planning and implementation of an action plan aimed at increasing student performance. Districts begin by contracting with an external evaluator who has proven successful expertise in working with low performing schools. As of January 1, 2002, the school must contract with an external evaluator approved by the CDE. As per education code section 52054 (c), among their tasks, evaluators must notify parents and legal guardians of pupils in the school of their opportunity to provide written recommendations of actions that should be taken to improve the performance of students within the school. The evaluator must also complete a review of the school identifying the weaknesses that contribute to the schools' below average performance. The evaluator must

make recommendations for improvement and begin to develop an action plan to improve students' performance.

II/USP action plans must meet the requirements of the legislation and serve to direct the school and community on focused, high impact, school-wide strategies designed to improve the quality of the program provided to students. The *Single School Plan for Pupil Achievement* template may be used in developing or modifying Action Plans provided all the *II/USP* requirements are addressed in the plan. As discussed, while use of the template, in whole or part, is voluntary, a statement regarding the "availability of standards-based instructional materials appropriate to all student groups" is requested as a means of providing a characterization of the educational practices at the school. The Action Plan must address a number of requirements specified in Education Code 52054. One of these requirements discusses instructional materials: "Indicate whether all students have access to complete sets of standards-aligned instructional materials approved by SBE or (for grades 9-12) by the local school board. If indicated, discuss how any lack of instructional materials is being addressed." (CDE, 2002a). This information is derived from the SARC. Schools under *II/USP* must report all information from the SARC in their action plan. Schools are expected to summarize (a five-page limit is imposed), the key elements of the action plan in a narrative. Among the four key elements that must be addressed: How will professional development that addresses standards-based instruction, including state-board approved instructional materials that are in use at the school, be provided to all teachers?

CDE will review the *II/USP* Grant Submission Forms for completeness, accuracy and for meeting the intent of the statute. The Action plan does not need to be submitted (although must be available upon request). Schools that do not meet their growth targets after two years of implementation and have failed to show significant growth shall be subject to state sanctions that may include reassigning the principal and other actions (See Appendix D for *II/USP* Action Plan Requirement Checklist).

High Priority Schools Grants. In 2001, AB 961 (Chapter 747, Statutes of 2001) established the High Priority Schools Grant (*HPSG*) that adds \$300 million to the funds already provided through the *II/USP* for the state's lowest performing schools. However, the Governor delayed funding until July 2002 to offset the shortfall in the state's 2001-2002 budget. Implementation in July 2002 is contingent on Legislative approval of the 2002-2003 state budget.

If *HPSG* is funded, the lowest ranking schools by API score will have the highest priority for funding that will provide \$400 per student (an additional \$200 per student to schools already participating in *II/USP*). Participation, as with the *II/USP*, is voluntary. However, schools whose API places them in the lowest 10 percent (Decile 1) are expected to participate in the program, and districts that elect otherwise must hold a public hearing to explain that decision to their community. *HPSG* recipients will receive three years of funding with the possibility of an additional year of funding.

Unlike the *II/USP* program, the *HPSG* program requires schools to address instructional materials as part of a plan for improvement that focuses on four essential components: pupil literacy and achievement; quality of staff; parental involvement; and facilities, curriculum,

instructional materials, and support services. According to AB961 (Ed. Code Section 52055.625 (f)(1)), the plan must contain a strategy to provide an environment that is conducive to teaching and learning and that includes the development of a high-quality curriculum and instruction aligned with the academic content and performance standards adopted. . . . At a minimum, this strategy must include the goal of providing adequate logistical support including, but not limited to, curriculum, quality instruction, instructional materials, support services, and supplies for every pupil. To accomplish this, “use of most current standards-aligned textbooks adopted by the State Board of Education, including materials for ELL is recommended.”

Additionally, as a condition of the receipt of funds and to ensure that the school is progressing towards meeting the goals of each of the essential components of its school action plan, each year the school district shall submit a report to the Superintendent of Public Instruction that includes the availability of instructional materials in core content areas that are aligned with the academic content and performance standards, including textbooks, for each pupil, including English language learners.

After 24 months of funding for implementation of action plan, schools that have not met growth targets are subject to a public hearing held by the district notifying the school community of school’s status. The State Board shall review the school’s progress and the local district may be required to provide corrective assistance. After 36 months of funding, schools that have not shown significant progress are subject to state intervention. Schools that have made significant progress after 36 months of funding will receive an additional year of funding.

Inadequacies of Test-Based Accountability Policies. While the reform measures stemming from the Public Schools Accountability Act may bring California closer to creating uniform standards and expectations for all students, PSAA has serious limitations as a form of state and local oversight. As established, the Academic Performance Index forms the basis for rewarding schools that do well and sanctioning schools that do poorly. However, the API reveals very little about the problems schools are facing—the cause behind a school’s API score. Because the API relies entirely on school-average scores and subgroup-average scores on a single test, it provides no information that about the conditions under which students are expected to learn and masks the disparities in resources available to students and teachers between schools. It ignores other important indicators at the school level that can provide information regarding students’ opportunities to learn the state’s content standards. For example, do teachers and students have access to textbooks for both class and home use? Do teachers and students have access to necessary supplemental materials? Do teachers and students have access to computers, internet access, printers? Do science teachers have the necessary laboratory equipment to provide students with necessary hands-on experiences?

An equally serious flaw is that, as a state school oversight mechanism is that the API provides the State with very little information about problems *within* schools. Therefore, the API cannot provide information to schools regarding ways of improving teaching and learning, nor can it locate weaknesses within its instructional delivery system, such as insufficient and inadequate textbooks and instructional materials.¹³

¹³ Another serious flaw is that the API score is not currently aligned with the state’s content standards. The indicators to be included in the API are the results of the achievement test administered pursuant to STAR—in other

Through the *II/USP* and the *HPSG*, however, the state and local agency do have opportunity to gather information regarding educational inputs influencing API scores. The action plans should provide information regarding instructional materials and other barriers to student performance. The action plan for Piute Middle School within the Lancaster School District, for example, cites fiscal management as a barrier to academic achievement:

In surveys of Piute Stakeholders, parents, students and staff site a lack of adequate materials and supplies as a major barrier to achievement. Current allotments for textbooks are not sufficient to keep pace of content area adoptions. Content area classes requiring the use of a text have been supplied with classroom sets only. A minimal number are available for home checkout. It is currently beyond the scope of the budget to provide take-home copies for each student. Homework, projects, and test preparation has to be planned outside the use of a text. In addition, the stakeholders cite the lack of math manipulatives, science materials, library books, access to technology, and ELL instructional materials as barriers to achievement (*II/USP Action Plan for Piute Middle School, Lancaster School District, 5-11-01, DOE 39327*).

In Fresno Unified School District, the *II/USP* action plan for one high school found shortcomings with regard to its program for English language learners.

Contributing factors which confound the issue of McLane High School's ELD students include: a lack of teacher training for some staff, the ineffective use of ELD staff who are well-trained, the absence of a district-wide and school wide ELL curriculum, limited availability of materials and supplementary books, the lack of an intensive intervention program, and limited parent support at home (*II/USP Action Plan for McLane High School, Fresno Unified School District, 2000, DOE 49175*).

The action plan for San Jacinto High School, located within the San Jacinto Unified School district identified the lack of textbooks and classroom supplies as a barrier to achievement and solutions and strategies to address this problem were offered:

Teachers reported that more resources (75%) would improve the school. . . Some students in mathematics reported that they had not been given a textbook (31%) or have been given a textbook for class use only (6%). . . The school and district will conduct an inventory to make sure ALL students are provided with standards-aligned textbooks and will address any gaps that are uncovered. . . On an annual basis, site principal, department

words, results of the SAT 9. The State, in an attempt to align the assessment with the content standards, is developing an augmentation component to STAR designed to test knowledge of the standards with multiple-choice, standards-related items. These assessments are referred to as the California Standards Tests and are meant to measure students' progress towards mastering California's academic content standards in English-language arts, mathematics, history-social science, and science. Results from the ELA standards-based tests were integrated into the 2001 base year for the Academic Performance Index (API) and are scheduled to be used for the API growth reported in 2002. Mathematics, history-social science, and science standards-based tests are scheduled to be included in the API by 2003. Attendance rates, and graduation rates for pupils in secondary schools are slated to become part of the API, but as of this date are not.

chairpersons, and district staff will review textbook projections for the coming year to ensure that each student has all the appropriate materials necessary to successfully master each course's standards and instructional goals (II/USP Action Plan for San Jacinto High School, San Jacinto Unified School District, 5-14-01, DOE 41593, 41601).

The action plan for San Jacinto High School also addresses the issue of textbooks, materials and supplies in the grant budget and budget justification.

A review of a number of action plans demonstrate that the issue of textbook availability is not uniformly addressed by districts—some plans identify lack of access as a barrier to achievement, some address remedying a shortage when identified, and others barely make mention of availability. Because *II/USP* requires that schools use the information on the SARC as the basis for its action plan, many plans that address these concerns continue to provide the same pat responses offered on the report card. As discussed, many districts fail to address the quality and currency of textbooks, as well as the sufficiency of textbooks and instructional materials as required by definition on the SARC. And, without a standard or a definition for a “sufficient” quantity of textbooks it can not be determined if all students have access to the materials required to fully acquire the curriculum. Consequently, it is the case that *II/USP* action plans do not systematically address the issue of textbook and instructional material availability. Furthermore, as is the case with other policies and practices, the State does not readily act on these issues once identified. In fact, the State does not require schools to submit the full action plan but rather a five-page summary of the plan is required for submission. Hence, while *II/USP* action plans could provide an opportunity to collect information on schools and the availability of textbooks and instructional materials within those schools, the State fails to make use of these opportunities. Additional problems with the *II/USP* and the *HPSG* create limitations as effective mechanisms for oversight and compliance.

The first limitation is based on the state's restriction of the number of schools receiving additional support—support which is defined in terms of its putative role in correcting relative (as gleaned from scores on normed tests) student deficiencies and entirely independent of empirically set standards for resources, opportunities, or even student health and safety. Support through the *II/USP* and the *HPSG* is limited to a certain number of schools regardless of how many schools are in need or apply. In the 1999-2000 academic year, for example, 1,419 schools applied for the *II/USP* program, however only 430 schools were funded.

A second limitation is based on the sanctions built into these programs. A school's willingness to volunteer is influenced by the punitive nature of these programs. Incentive for participation decreases for many qualifying schools because of the sanctions they will be subject to if API targets are not met. For this reason, eligible schools may opt out of participation in these programs. Districts may see the risks of certain schools participating in these programs and many schools may not want to realize the risk involved through participation in either of these programs. While it is probably not wise to mandate that schools participate in such a punitive program, the State needs to reconsider its reliance on a single output to measure growth and/or improvement. Because of the importance placed on this single measure, many schools, fearing students' scores on the SAT 9 will not produce the needed API growth target, and will forfeit additional support and opportunities for improvement. Further, this focus on meeting API

targets, to avoid sanctions, comes at a price. Schools receiving assistance through *II/USP* may ignore areas of needed improvement to focus on API scores. For example, a strategy utilized by schools is to concentrate on the “19’s” and “29’s”—a focus on those students who are most likely to produce the greatest gains. For participating schools, this means an emphasis is placed on scores rather than on the school’s instructional effectiveness. This problem is further considered in a study focusing on action plans.

In addition to the limitations posed by the design of the *II/USP*, a California Teachers Association study, conducted by researchers at the University of Arizona, found additional problems in the policy’s implementation. The researchers examined approximately 50 action plans picked randomly from small and large schools as well as schools with ethnically diverse student bodies (McKnight & Sechrest, 2001). Analysis of these action plans (from *II/USP*, cohort I) found the following:

- Most plans focused largely on changing teaching practices and increasing Academic Performance Index scores, with little or no attention on the goal of improving actual student learning.
- Evaluators, to a large degree, relied on pre-packaged programs for the action plan, and did not provide a rationale for why such programs were selected or how they would meet the specific needs of students.
- An overwhelming number of action plans reflected an inadequate needs assessment for school sites.

Not only do these findings point to problems encountered by a focus on API scores, to the detriment of improving student learning, they also reveal obstacles to improvement based on the lack of experience and expertise—assistance often provided by the external evaluator. While the evaluator often relied on pre-packaged programs, rather than plans tailored to schools’ particular problems, the study reported that “Program selection often appeared to reflect mostly convenience or familiarity” (McKnight & Sechrest, 2001).

Although a study conducted by the California Department of Education, Division of Policy and Evaluation (2001), of the first cohort of 430 *II/USP* schools found that 90 percent of principals indicated that their external evaluators were a “good fit” with the schools’ needs and expectations. Principals gave the external evaluators high marks for the assistance they provided, indicating that the most helpful assistance from external evaluators was “acting as facilitator for the action plan process,” (21 percent), “providing guidance and structure for the action plan,” (18 percent), “providing expert knowledge and experience,” (15 percent), “analyzing data,” (9 percent), “providing leadership/acting as a catalyst for the planning process,” (8 percent), and “writing, or assisting with writing, the action plan,” (8 percent). However, both the survey of school principals and the researchers’ site visits also revealed mismatches between the schools’ problems and the evaluators’ strategies. As a result, the study concluded that school districts should perform their own “due diligence” by screening external evaluators that appear most appropriate for their schools from the state-approved list. Further *II/USP* schools should involve teachers and parents as much as possible in the selection of the schools’ external evaluators.

Given the fact that the *II/USP* is the chief component of the state’s strategy to improve the performance of low-performing schools these findings are discouraging. While both these measures—*II/USP* and *HPSG*—are meant to provide additional assistance and support for schools struggling to meet target API scores, the present structure needs additional evaluation. The *II/USP* and *HPSG* falls short of providing adequate assistance to schools with the greatest need in meeting the state’s API target although this is the intent behind the *II/USP* and the *HPSG*. Because the emphasis is on raising scores rather than addressing the real needs and obstacles facing school sites, the State does not look beyond or behind the scores to determine a school’s needs. While action plans are intended to address certain issues that focus on educational inputs (*i.e.*, a discussion of students’ access to instructional materials), the fact is only “outputs” matter. The State, in most instances does not view the action plan but a short summary describing the plan. Action plans, based on data collected by the team could serve and should serve as a means for the State to understand what is going on at these school sites—the cause behind low API scores. The State, through its emphasis on test scores has not ensured that students attending low-performing schools will have an opportunity to experience an improved instructional delivery system, nor has it ensured that pupils attending these schools have access to the necessary instructional tools to learn the content standards—textbooks, curriculum materials, equipment, and instructional technology.

Inaction When Action Could be Taken

Although the CCR process, the PSAA, and its measures to provide assistance to schools function as the state’s chief oversight mechanisms, the State is not limited to the data uncovered through these processes to evaluate performance goals and to ensure fiscal, staff, and other resources are directed towards helping students meet the state’s standards. Depositional data from *Williams vs. State of California* reveal that the state has not engaged in obvious opportunities to seek information. Testimony provided by William Padia, of the Policy and Evaluation of the Department of Education, Phillip Spears, Director of the Standards and Assessment Division of the Department of Education, Nathan Scott Hill, Chief Deputy Superintendent for the California Department of Education, and Paul Warren, Deputy Superintendent for Accountability provides evidence. According to the testimony of Padia, as Director of the Policy and Evaluation Division, he has never performed an inquiry regarding students’ access to textbooks (Padia, 4-18-01). Further, he has never heard of any inquiry or any study related to textbooks being conducted by the CDE. The impact of textbook availability and/or access to other instructional materials on student learning has never been a topic of discussion with the Superintendents he has worked with (Padia, *p.* 76-77). Nor is Padia aware of any studies or inquiries conducted by the CDE regarding access to school libraries or the relationship between the availability of computers and student performance, API scores, or school performance (Padia, *p.* 95). “It’s not on the list of the sort of areas [technology] that we’re primarily interested in now, nor do I know whether or not the data is even available.” (Padia, *pp.* 95-96).

Testimony provided by Spears explains that his division has not inquired into the availability of textbooks either. His division has not examined the relationship between students’ access to textbooks in schools and STAR results, or individual results of the CAHSEE (results

from March 2001 practice exam) and students' access to textbooks. Nor has his division been directed to inquire about this relationship (Spears, 10-31-01, *pp.* 87-88). Regarding the provision of "opportunity to learn," Spears states that he can not recall his division, or department at the CDE defining or establishing a set of criteria as to what "opportunity to learn" means in reference to the CAHSEE. In other words, the Standards and Assessment division of the Department of Education, has neglected to determine the necessary educational conditions and resources required for students to pass a high-stakes exam in California. While Spears discusses a survey conducted by an independent evaluator, HumRRO, to determine the status of standards implementation in California schools he states that the anonymous nature of the survey did not allow the state to identify which schools were experiencing difficulties in providing opportunity to learn. The department felt, according to Spears, that more accurate information would be obtained if the survey was anonymous because "schools may be hesitant to report to what is seen as an overseeing body, information if they knew that their school or their names or their districts were a part of the survey. . . [they might think] that there might be a consequence for them or there may be some exposure. . ." (*pp.* 226-227). Hence, although the state gathered information regarding the lack of opportunity to learn—lack of necessary conditions and resources—in many California schools, it created no mechanism whereby it could rectify this situation for those schools. Spears states that he is not aware of whether there are students in California schools who do not have textbooks aligned with the math or ELA standards, nor has he ever provided direction to investigate this issue (Spears, *pp.* 100-101).

The deposition of Nathan Scott Hill for *Williams vs. State of California* (1-18-02), Chief Deputy Superintendent for the California Department of Education, further discusses an opportunity to learn standard in reference to the California High School Exit Exam. Hill reports that, since the time the CAHSEE was established, the CDE has held conversations about opportunity to learn. With regard to the CAHSEE, Hill defines opportunity to learn as "the expectation that every student will have every opportunity provided to him/her to learn the material expected of him/her if that material is attached to a high-stakes examination (Hill, 1-18-02, *p.* 154). Hill defines "opportunity" to consist of an instructional program that includes the materials identified (including instructional materials) and expected for students to learn (Hill, *p.* 159). However, Hill asserts that he can not recall a conversation within the CDE or the State Board of Education in which the development of a definition of opportunity to learn with respect to the CAHSEE was considered. In addition, Hill states that he "can't recall" any specific report or study that discusses assurances that students have access to standards-aligned instructional materials (*pp.* 189-192). Nor, can the Chief Deputy Superintendent respond to a question inquiring as to his knowledge of any efforts made by the State to determine if there are students in California who do not have access to standards-based curricula (*pp.* 195-196).

Paul Warren, Deputy Superintendent of Accountability for the California Department of Education, asserts that the state has not come up with a set of criteria as to what students must receive in order to have an opportunity to learn for purposes of a high school exit exam. While Warren describes opportunity to learn as the "lynchpin of defending the high school exit exam in terms of fairness" and states that opportunity to learn is "a set of conditions under which students have received a fair opportunity to learn the material and to show that they understand and have mastered the material," he states that the branch has never been asked to determine a set of requirements as to what students must receive (*pp.* 534-535). Warren affirms that the CDE is

continuing to work on these issues and is trying to define what the state's responsibilities are in terms of opportunity to learn.

The gathering of this information is vital in ensuring that students in California have access to the necessary educational resources required to meet the state content standards and pass high-stakes exams. An inquiry into the relationship between textbook availability and STAR results and/or CAHSEE outcomes could assist in defining and determining a set of opportunity to learn criteria. This is information that the State of California has opportunity to collect and this is information, once gathered, the state must respond to.

Conclusion—The State Bears Responsibility for the State’s Insufficiencies and Inequalities in Textbooks and Instructional Materials.

In sum, California does not have policies in place that mandate that students have access to a textbook to use in the classroom and/or to use at home for the purposes of homework. Neither does state policy require that all students have access to textbooks, instructional materials, equipment, and technology that match the requirements of the California content standards. Rather, California’s textbook policies focus on building the districts’ capacity to acquire high quality materials by providing categorical funds for textbooks and restricting the use of those funds to textbooks and materials that have been reviewed, approved, and/or adopted by the state or local district. However, none of these policies require that any child ever come in contact with textbooks or instructional materials in the classroom or have them available to use at home; none ensure that the state provide an adequate level of funding to enable districts and schools to provide these materials; none establish oversight or intervention strategies that would enable the state to know when problems occur or intervene and assist when they do.

In California, the PSAA, the API in particular, defines how schools are judged. PSAA is the centerpiece of state policy direction for students and educators in California, and STAR and the API set out the expectations for all students’ performance on standards-based tests and assessments. Such an outcome-driven system requires that critical educational inputs be available to students. Under the PSAA the state holds each of the state’s public schools accountable “for the academic progress and achievement of its pupils within the resources available to schools.” Yet, the State does not identify or study resource problems statewide, identify schools with resource problems, or provide remedies to resource problems. Consequently, the State must be judged to be contributing to the schools’ inability to have their students meet the state’s learning standards

As the next section makes clear, California could do far better.

Question 4: Are there policies and practices that California state officials might adopt and follow that would or could lead to better results than we now have with regard to students' access to textbooks, other curriculum materials, instructional equipment, and technology?

Opinion: Yes. California's policies could be modified to mandate the provision of texts and materials, change the way funding is provided so that schools have the capacity to comply with such a mandate, develop and use oversight and accountability mechanisms that monitor and detect problems in students' access to textbooks, instructional materials, equipment, and technology, and intervene and provide assistance when students' access fails to meet the state standard. Examples from other states and from England attest to the feasibility of such policies.

Evidence:

The evidence in the previous sections established that not all California students have access to textbooks, instructional materials or technology that are made available to most students within the State of California. Moreover, state policies (or lack thereof) and accountability or compliance systems currently in place do not ensure that students and teachers, schools and classrooms are equipped with the necessary texts and instructional materials that are necessary to meet the academic content standards. Although California policies provide opportunities to ensure that students have access to the educational inputs necessary to meet the academic content standards, the state has not taken advantage of these opportunities.

California can ensure that all of its students have adequate textbooks, instructional materials, equipment, and technology. To do this California must (1) establish a textbook mandate or a textbook standard; (2) build the capacity of districts and schools to implement the mandate or standard; (3) oversee and report to allow schools, districts and the state to ask "how are we doing?"; and (4) assist and/or enforce compliance when schools do not meet the standard. To enact these policies and practices, California can modify its current policies, and look to the policies and practices of other states or organizations for examples of more effective state strategies.

Although the state is ultimately responsible for ensuring that all children are provided an education, it has many options about how best to carry out that responsibility. Decisions must be made about the level (state, district, or school) at which various textbook policies and practices can best be developed and implemented and at what level(s) accountability for textbook and materials access and quality should be shouldered. As these decisions are made, it will be important for California to frame new policies for ensuring students' access to textbooks and instructional materials as part of a congruent approach to governing and financing the state's K-12 educational system. New policies should help the state move beyond the current fragmentation and incoherence in the state's educational policy system. Moreover, decisions about textbook policies should not be made in isolation from decisions about policies aimed at ensuring high quality staff, facilities, programs for English learners, and so forth.

To accomplish congruity between textbook policies and practices and fiscal measures, the State should move toward the perspectives of the "new" school finance wherein the focus is on

how resources are translated into school and classroom learning opportunities, rather than only on the dollar amount spent. Following this approach, the question becomes: What policies and practices can California officials consider and/or adopt that will improve the State's ability to provide classrooms with the instructional tools necessary for teachers to teach and students to learn the academic content standards? To accomplish congruity between textbook policies and practices and governance policies, the state must develop an accountability system that holds the right levels of government responsible for the necessary learning conditions over which they have control. Students and teachers should not be punished for failing to meet the State standards if the State is not held accountable for ensuring that teachers and student have the resources they need to meet them.

There are many opportunities within California's current policies and examples of policies in other states and nations that could guide policymakers toward inadequate set of textbook and materials policies, within the context of a more coherent approach to governing and financing California's state system of schooling.

Mandate Textbooks and Materials

California must establish as an educational standard access to curriculum materials, instructional equipment, and technology. Several states already do this, and they provide models of policies that California could adapt to its context. The State of Florida's "one book per child" statute (Title XVI, Section 233.34) provides an example:

"each school district must purchase current instructional materials to provide each student with a textbook or other instructional materials as a major tool of instruction in core courses of the appropriate subject areas of mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12."

In South Carolina, State Board Regulation also dictates "one textbook per child." South Carolina's Department of Education provides a 15-page document, *Instructional Materials Management Procedures for Schools*, compiled and written by the State Textbook Office, as a guide for principals and textbook coordinators in the management of their schools' state-owned instructional materials account. The guide is based on State Board Regulation (R43-71) which states:

Section 1: Free Basal Textbook Enabling Act. Pursuant to Section 49-31-360 to provide "free basal textbooks" in Grades K-12, South Carolina State Board of Education does hereby set forth procedures for ordering instructional materials.

Section 2: Requisition for Free Instructional Materials: Requisitions for free instructional materials shall be made only to the State Department of Education, in accordance with *Instructional Materials Management Procedures for Schools*....

According to the document, allocations are calculated primarily using a school's prior year textbook inventory information and reported Average Daily Membership for the current year. A school's eligibility to order instructional materials under Section 49-31-360 (the state's free

textbook program) is determined by “class or course enrollment, the school/district curriculum, and the principle—*one textbook per child*—in a subject area.” State code (section 59-31-75) also states that “a public school may not begin a course if state-approved textbooks or other course material is not available on the first day of class or if the delivery date is after the first two weeks of classes unless the board of trustees determines that the class should be offered.”

Several other states also provide examples of policies that can and do mandate students’ access to textbooks and other instructional materials:

- Rhode Island’s policy states simply that all students must be provided textbooks in the core subjects. In Rhode Island, Title 16, chapter 16-23, section 16-23-2 states (a) “the school committee of every community as it is defined in 16-7-16 shall furnish upon request, at the expense of the community, textbooks to all students in grades K-12 in the fields of mathematics, science and foreign languages and in the fields of English/language arts and history/social studies in grades K-8 only, appearing on the list of textbooks published by the commissioner of elementary and secondary educations as provided in 16-23-3, to all pupils of elementary and secondary school grades resident in the community, the textbooks to be loaned to the pupils free of charge...”
- In Utah, Code Section 53A-12-201.5 mandates that the State Board of Education, in consultation with local school boards and local superintendents, shall design and implement a statewide plan to: (i) provide for an adequate supply of textbooks for students in the state’s public school on an ongoing basis; and (ii) replace outdated textbooks or textbooks in poor condition. In addition, the code states (c)(i) each local school board shall provide an annual report to the State Board of Education by August 1, on the district’s textbook needs for the just completed school year.

While these mandates may not fit the precise needs of California, they do provide examples of states establishing a standard with regard to textbook availability. Further, as discussed in the first section of this paper, the Organization of Economic Cooperation and Development (OECD) has established as its standard for an adequate supply of textbooks as one textbook for each pupil in every subject. This standard has also been used by UNESCO as it works toward the goal of universal education articulated in its World Declaration on Education for All. The State of California might consider the standards established by these organizations or states as it seeks to ensure students’ access to textbooks. It is the establishment of a standard that allows for meaningful monitoring and oversight. With the establishment of a standard, schools and districts can assess their progress and compliance. The use of standards, capacity-building, and indicators as a means of oversight and as a trigger for assistance is explored below.

Adopt New Strategies that Build Capacity

While the first necessary step is establishing a standard that mandates the provision of textbooks and instructional materials to all students, the State must also ensure that districts and schools have the capacity to meet this standard. Tables 23 and 24 in the previous section demonstrate that California provides insufficient funding for textbooks and other instructional materials compared to the amount allocated by other states or compared to estimates of an

“adequate” level of spending on these materials. Moreover, in January 2002, *Education Week* gave California an “F” grade for the adequacy of its educational spending, using an index adjusting per-pupil spending to reflect regional cost differences and student needs. While California was given a higher grade of “C+” for equity (*Education Week*, 2002)—reflecting the degree to which the amount of aid districts receive from the state assists in equalizing funding across districts—the state clearly has a way to go.

Remedying the current inadequacies will require a shift in the state’s approach to funding textbooks and instructional materials. One approach, currently being taken in other states, consists first of determining the amount of funding that is necessary to create adequate conditions in various types of schools (*i.e.*, with different student needs), and second, allocating these funds with incentives to spend these resources effectively (Clune, 1994; Duncombe and Yinger, 1999). With such an approach, California’s first task will be to define and provide “adequate” funding for textbooks and other instructional materials; its second task will be to create incentives that promote the “sufficient” conditions for effective schools by imposing some outcome requirement (measured by conventional test scores) or by requiring reviews and plans. The idea is to incorporate inducements to improve the instructional conditions and to link funding to changes in the classroom.

A report to the California Legislature’s Joint Committee to Develop a Master Plan for Education—Kindergarten through University submitted by its Finance & Facilities Working Group (2002) recommends just such a shift. It argues for the development and implementation of a “Quality Education Model” (QEM) to serve as a benchmark for knowing how much should be spent on education if the goal is to support a high quality education for every student. To assure adequate funding, the Finance and Facilities Working Group proposes that all educational agencies receive funds necessary to provide students with similar needs the services essential to meet those needs, and that differing levels of resources are provided when needed to attain an equitable education for students with differing circumstances (Finance and Facilities Working Group Report, 2002, *p.* 7).

An effective system, according to the Working Group, must identify and allocate a specific level of funding that is appropriate to assure the availability of resources and tools needed for each student to achieve established outcomes (2002). The report recommends the “professional judgement” approach to determine what inputs are most associated with the sort of outcomes envisioned by policy-makers.¹⁴ Based on the quantities of these inputs and the cost of these inputs, the model calculates the cost of operating a hypothetical school meeting all the stipulated conditions for success. A sufficient supply of textbooks and other instructional materials would be a component of the adequacy model. Finally, this proposed approach provides local school districts and schools with the flexibility to determine how best to use those resources to meet state standards. “This flexibility comes with a responsibility to demonstrate that state standards are met through a system of accountability that links resources with appropriate conditions for learning and student outcomes.” (2002, *p.* 12). Oregon currently uses such an approach, and it provides a model that could be adapted to California.

¹⁴ The professional judgement approach sets per-student funding levels based on the costs of a hypothetical school. The hypothetical school is developed by professional judgement panels and education experts.

Oregon.¹⁵ In June of 1999 the Legislative Council on the Oregon Quality Education Model published a report outlining a possible approach to determining the costs of providing a quality education necessary for all of Oregon's students to meet the state's high academic standards. Oregon's Quality Education Model (QEM) was introduced and provided a link between the level of resources the state is devoting to schools and the student outcomes that can be expected by the state. The QEM links school funding to student performance and provides lawmakers with a reliable tool on which to base school budgets.

A prototype school at the elementary, middle, and high school level lists the characteristics of a high-quality school and assigns a "price tag" to providing those elements. The prototypes also enable schools to forecast reasonable educational outcomes based on the resources received. It is then possible to add or subtract for specific programs or resources that are specific to the schools' needs. Hence, a description of a high-performing school is created and then the costs required to fund those schools are calculated. Oregon uses a statewide data collection system that allows the state to know how much districts are spending and how they are spending these funds (Maine and Wyoming, for example, have comparable models, but they lack reliable data to base funding). Like Maine and Wyoming (and the proposal made by the Finance and Facilities Working Group), Oregon uses the "professional judgement model" to determine how to define an "adequate" education. The "professional judgement model" sets persistent funding levels based on costs of the prototypes. These prototypes are developed by professional judgement panels and education experts.¹⁶ The QEM is a powerful tool for estimating how much should be spent through this system. Oregon has attempted to figure out how much it costs to achieve desired outcomes and then uses that information to determine how much to spend.

The Oregon Commission recognized that creating a system of high performing schools requires both adequate resources and educational practices based on research and local decision-making. The model assumes that the three prototype schools incorporate what research and practice declare are the most important in assisting students improve achievement and provide the necessary level of resources that sustains that goal. In each prototype school, for example, adequate classroom supplies are deemed necessary. The Commission found that while the QEM provides an effective means for determining the cost of new education initiatives, it does not, however, determine the responsiveness and efficiency of the local school district. This is related to the method of distribution of funds to schools, and how much performance discipline is exerted by accountability policy and the governance structure of the education system.

The case of Oregon provides an exemplary example of fiscal capacity building. The establishment of prototype schools defines adequacy levels and determines the necessary inputs. Adequate textbooks and classroom materials are recognized as a necessary input. Schools and the state then estimate how much should be spent to achieve this level of adequacy. The

¹⁵ Some of the material in this section describing Oregon's Quality Education Model is taken from *Quality Education Model 2000* by Oregon's Quality Education Commission, (December 2000).

¹⁶ Ohio, Illinois, and Tennessee have used several models. Ohio's plan bases funding on cost information from "educationally efficient" schools, but the courts later struck down that proposal. Tennessee uses a minimum foundation approach to fund a "basic" education, supplemented at the local level according to local preferences.

effectiveness of Oregon’s model rests not only on capacity-building but on accountability measures that assure and assist schools in this process.

Implement More Effective Oversight and Accountability Strategies

To ensure that resources are spent on the improvement of conditions within schools and classrooms, it is necessary that schools monitor whether their policies and resources related to texts and materials are being properly implemented. Utah’s provides one example of a straightforward way to do this—require an annual report.

- Utah, Code Section 53A-12-201.5 mandates that (c)(i) each local school board shall provide an annual report to the State Board of Education by August 1, on the district’s textbook needs for the just completed school year.

The Finance and Facilities Working Group (2002) offers proposals to accomplish these ends in California. In addition to a funding formula that allocates more resources to schools with higher student needs receiving more resources, the state would specify targets for both outputs and inputs that it expects districts to meet. While outputs would include API targets, they would also include input standards—for example, the “adequacy” standard for textbooks and other instructional materials. Each district would generate an annual report documenting for each school in the district whether it has met each of the input and output standards. If the district fails to meet one or more of these standards, it would be required to submit a plan for meeting such standards within a certain time period.

This report and plan should function as a trigger for a state-sponsored investigation and corrective action based on *either* input or output problems. Additionally, any group of citizens must have access to information about whether or not a district meets these standards, with a process in place that would also make citizens’ concerns a may trigger external actions to remedy.

The remedy could/must be tailored to meet the specific needs of the school—including the need of a certain resource—which would be apparent in the report. This strategy would place much more responsibility on district or state officials to monitor performance and evaluate improvement plans than current state policies. This triggering response would similar to what is now in place under AB 1200, where a FCMAT investigation can be set off. The PSAA, through the *II/USP*, is also a triggering policy. Low API scores trigger assistance through the *II/USP*. However, because schools have to apply to the program the response is not automatic.

Finally, the development of a Quality Education Model, and the resources necessary for its implementation, should be driven by an assessment of the conditions of education and resources revealed by this accountability system (p. 33). Hence, the QEM “generates input and output standards, which serve as targets for districts and schools, which provide information to citizens and others on their ability to meet these standards, which in turn may serve to modify the QEM in the future.” (p. 33) Under such a plan, the accountability system should include the following:

- A set of state standards, defined in terms of both inputs and outcomes (including textbooks and other instructional materials).
- A consistent system and format for reporting the inputs and outcomes required by state standards on a school-by-school basis, in a standard format that allows comparison among schools, accompanied by a process to certify compliance with state minimum requirements.
- Procedures for reviewing school and district performance under state standards including information for public review and a process for local complaints to trigger a mechanism for external review of district and school performance.
- The development of an ongoing process for evaluating and refining the QEM in the light of information from district and school performance.

Each district should annually prepare a report describing whether they meet each of the input and output standards, for each school within a district. Additionally, they should be required to report their expenditure and programmatic decisions, to compare them with the state's guidelines, minimum standards, and outcome goals, and to clarify the trade-offs implicit in the decisions they have made

Independent Reviews. The establishment of a professional cadre of external evaluators that would provide oversight measures to all schools within the state is another option the state could pursue that would provide far greater oversight than is now the case. This approach would gather data from all schools (not just those performing below expected API target levels) that would be used to inform the state, the district, the school, and the public about the status of schools and the educational system as a whole. Such a system is in place in England. Her Majesty's Inspectorate of Schools (HMI) is a model of oversight that is carried out by a cadre of well-educated, highly qualified individuals who evaluate schools for accountability, program quality, and effectiveness. Inspectors do not enforce regulations or compliance, but collect information. The chief inspector is required to produce an annual report summarizing and commenting on inspections carried out over an academic year. The report may focus on a different component of schooling from year to year. For example, the report may focus on mathematics and science one year, language arts and humanities the next. The report could take on the focus of the availability of instructional materials, or the availability of instructional materials within a subject area, or the currency of available textbooks, et cetera. Variations of HMI are common in other countries, and could be adapted to the California context.

Improve Current Oversight Measures

The fundamentally different approaches to oversight suggested above are strongly recommended, both because of the potential effectiveness and policy coherence that such strategies would bring. Problems such as lack of enforcement, inability to detect and/or monitor shortages, a narrow focus, et cetera, plague many of the oversight measures currently in place in California. However, it is not inconceivable that California's current oversight mechanisms could provide better results than they have in the past or currently do. How might the state make

better use of its CCR process or the accreditation process through WASC to monitor students' access to textbooks, curriculum materials, instructional equipment, and technology, and ensure that these educational inputs are made available to all students?

Broaden the Focus of the Coordinated Compliance Review (CCR). Problems with the CCR process with regard to monitoring students' access to textbooks and other instructional materials center around its narrow focus on categorical programs, the design of the instruments used (for both the self-study and the validation review), and the lack of incentive in the case of the self-study to report issues of non-compliance. These instruments do not inquire about or request the collection of data concerning textbooks and/or other instructional materials. The absence of incentives to report issues of non-compliance and a narrow focus on categorical programs are problems requiring a re-examination of the entire monitoring system. The design of the instruments currently used, however, is a shortcoming that seems to have a relatively simple solution. A modification of the instruments that guide the team conducting both the self-review and the validation review to examine educational inputs such as textbook availability seems reasonable. The instruments provided by WASC illustrate a better design that could lead to the collection of meaningful data.

Make WASC Mandatory, Provide Training and Oversight for Review Teams, and Ensure that WASC Data Trigger Intervention and Improvement. Currently, accreditation through WASC and/or the joint Focus on Learning Process is voluntary, lacks any enforcement mechanism (other than denial of accreditation or limiting the terms of accreditation), lacks meaningful data collection or analysis through the self-study process, and results in an ineffective process in terms of improving teaching and learning at the school site. The WASC process rarely looks beyond a school's ability to meet the minimum standards and grants accreditation accordingly. However, an examination of the instruments provided through the joint process to assist in the collection of data and analysis reveals that schools are expected to collect data regarding students' access to textbooks and other instructional materials. In addition, the rubric provided through WASC allows schools to analyze their findings in respect to a target performance standard.

According to the instruments (the rubrics, the guide questions, and the "Suggested Evidence" used to determine the appropriate response to the guide questions) schools seeking accreditation are expected to examine the availability of instructional materials. For example, in determining whether schools meet the criteria regarding "Powerful Teaching and Learning," PTL-C3 asks "to what extent do students routinely use a variety of resources for learning and engage in learning experiences beyond the textbook and the classroom?" (CDE and WASC, 1999, p. 203). Suggested evidence to examine includes "student work that reflects the materials and resources beyond the textbook available to students, such as: utilization and availability of library/multimedia resources and services; availability of and opportunities to access data bases, original source documents and computer information networks; and experiences, activities and resources which link students to the real world" (p. 203). A rubric is available that depicts four stages of development, allowing schools to assess their current stage and their stage target. The least developed stage consists of learning experiences that are based primarily on textbook-defined activities.

To assist the school in assessing whether it meets the criteria regarding, “Support for Student Personal and Academic Growth,” S-D4 asks “to what extent are the human, material, and financial resources as well as facilities available to the school?” Suggested evidence to examine includes, “availability of materials, space, and equipment to support student learning.” S-D4 also asks, “To what extent are these resources sufficient and effectively used to support all students in accomplishing the expected schoolwide learning results?” Suggested evidence to examine includes, “the procedures for maintaining the physical facilities, acquiring and maintaining adequate instructional materials, and hiring and nurturing a well-qualified staff; and the school plan which describes how resources will be utilized.” According to the rubric, the most developed stage states, “there is an adequate supply of current textbooks, other resource materials and reference materials for every classroom. The library is well supplied with up-to-date materials and technology. There is a plan in place to stay current and update essential technology.” (CDE and WASC, 1999). The least developed stage depicts a situation wherein, “textbooks are out-of-date, in poor condition and in short supply. Other resources are not available in the classroom, and those available in the library are not current.” These guided questions make clear that it is assumed students have access to textbooks and of interest to WASC is how these textbooks are being used. However, these questions and the rubrics provided clearly provide an opportunity to examine and address accessibility.

The availability of instruments that assist schools (and external evaluators or validation teams) in the collection of meaningful data is critical, however, the existence of these instruments does not ensure that they will be used well (or at all), or that the data collected will be put to good use. If WASC is to be a central part of the State’s policy system, it should be mandatory; not be limited to minimum compliance with the criteria; be conducted by well-trained, independent reviewers; and used to trigger significant intervention and improvement.

Public Reporting

As an important means for describing whether schools and school districts have met all of the defined input and output standards, the Master Plan Finance and Facilities Working Group Report (2002) recommends that each district generate an annual report describing whether standards have been met for each school within the district. The report would function as a triggering mechanism to a state-sponsored investigation based on either inputs or outputs. The reporting system, as proposed, would not only describe programmatic decisions, minimum standards, outcome goals, but would also describe expenditures and budgetary decisions. California can look to the State of Rhode Island to see such a system currently in place.

Rhode Island.¹⁷ Rhode Islands’ *Information Works! State Analysis* (2001) states, “...a singular focus on tests obscures rather than illuminates the information necessary to design a corrective response.” Due to this, Rhode Island has avoided high stakes student testing and relies on multiple accountability measures. Since 1997, Rhode Island has been developing (and refining) multiple lenses to assess the work being done at schools and in districts. These data examined include: basic school-level statistics; the state assessments; the Rhode Island Statistical Model (a comparison of similar students statewide according to certain demographic and

¹⁷ The material in this section describing Rhode Island’s reporting system is taken from *Information Works! State Analysis* by the Rhode Island Department of Education (2001).

educational program characteristics); the SALT (School Accountability for Learning and Teaching) survey; the SALT self-study; the SALT visit and the New England Association of School and Colleges (NEASC) high school accreditation; and financial data (these data include tax and income statistics, InSite financial data, and “Form 31” financial information). In sum, using these multiple sources of data, the goal of the state is to collect, analyze, and return to schools and communities information that will allow them to determine how each school might improve given its own educational need and unique student population.

The SALT survey is administered to students, teachers, parents, and administrators. Rhode Island is unique in its desire to look at the specific beliefs, practices, and conditions that influence a school’s climate. After survey data is analyzed, the results are returned to schools which may focus on whatever areas they feel are appropriate. The survey was given on an annual basis since 1998 to 2000 in order to create a baseline. It is now administered every other year. Selected SALT survey findings are grouped together to help the schools and the public get a sense of this particular item. In 2001, the focus was on the school climate and unlike most of the survey results, which have no correct answers or ideal levels of practice, these items do have ideals.

- Ideally, the percent of students reporting that they feel that they can talk to a teacher or another staff about either academic or personal issues always or most of the time is 100 percent.
- Ideally, the percent of students reporting that they have a problem getting along with teachers, been robbed, harassed or offered drugs is 0 percent.

It is conceivable that a state using a similar survey technique could focus on an item such as access to instructional materials and provide an ideal.

The SALT self-study requires every school to be engaged in a self-study every year on an ongoing basis. Schools are expected to focus on student learning and produce the School Improvement Plan based on findings. The self-study should identify both areas of concern and action steps to address and correct the concerns. A school improvement team (SIT) usually conducts or oversees the self-study process. The Department of Education requires that schools analyze their assessment and SALT survey results, but strongly suggests that the school engage in other self-study activities such as looking at student work, “following a student,” and conducting “walkthroughs” (p. 31). Information Works! and the financial data were specifically designed to ease the process of obtaining critical information for purposes of the self-study. While other states conduct self-studies for accreditation purposes or for compliance purposes (*i.e.*, California), Rhode Island’s self-study process is attempting to shift the schools’ outlook regarding the process: from a single self-study that happens periodically and is over, to an ongoing process of self-reflection. In addition to the aforementioned processes, schools in the state receive either a New England Association of School and Colleges (NEASC) or a week-long SALT visit every five years. The visits are conducted by people external to the school, providing the school with an opportunity to receive information from a different perspective (60 visits were made in the 2000-2001 school year). After the visit, the team provides a report containing conclusions, commendations, and recommendations to the school and its district. The NEASC

process is more prescriptive than SALT with clearly articulated standards which the schools are supposed to meet, according to the Department of Education, for a school to receive accreditation. SALT visit reports do not summarize their findings into a final grade, ranking or status statement.

Rhode Island's focus on financial data suggests that a dollar figure attached to per-pupil expenditures is not meaningful by itself, but needs to be seen in a larger educational context. "Form 31" provides sources of revenue data. Tax information assists in demonstrating the relative tax burden on each community needed to support schools. And, In\$ite shows how each school spends its money, which is then aggregated to examine district level investments and equity issues within and between districts. Data collected analyzed and provided through In\$ite is immense, but is found broken down by school both in summary form on the Information Works! website and district pages, and more comprehensively through the In\$ite website. The In\$ite data—collected at both the district and school level—provides an opportunity to focus on those dollars spent directly on the classroom. Hence, it is possible to examine per-pupil expenditures on particular items such as textbooks, classroom technology, and other classroom materials.¹⁸

The final piece of this accountability strategy provides assistance to schools and "systems" who "can not or will not" improve. As these schools become known, the Department of Education provides supportive interventions. The State becomes "a full partner" in the transformation process when the district is plagued by fiscal or resource difficulties, or by the number of schools in need. In the case of a single low-performing school within a district, the Department of Education will direct the district to be the support and "intervention partner" for that school. Through these processes, the Department of Education is able to detect schools and districts which appear to have persistent problems in terms of the following: high percentages of students below proficiency; students consistently under-performing compared to similar students statewide; large gaps between the performance of students with different characteristics (*i.e.*, race or language background); high suspension rates; and high drop out rates. Districts with 40 percent or more of their schools in this category are designated "Progressive Support and Intervention (PSI) districts." Schools unable to improve these problems become a PSI school. If a PSI school has not received a SALT visit, a visit is the first means of addressing the problems. The Department of Education will assemble a "Support and Intervention Team" to monitor the intervention work. The team will diagnose the impediments to improvement and enter into a negotiation process which will result in an agreement that may impact the school and district's fiscal structure, administrative structure, personnel, hiring, or purchasing practices.

Although Rhode Island does not have defined targets such as an API, schools must set targets in terms of the percentage of students they will move from categories below "achieving the standard," to "achieving the standard" or "achieving the standard with honors." Schools must also set targets in terms of the percentage of students they will move out of the lowest

¹⁸ Rhode Island's In\$ite process categorizes each district expenditure into one of five broad categories. The "Instruction" category is sub-divided into "face-to-face teaching," and "classroom materials." Classroom materials consist of technology and software available to pupils and instructional materials, trips, and supplies. Textbooks are incorporated into this latter group.

levels of achievement into higher levels over the three-year period. The state, districts, and schools use three-year rolling out averages to report progress toward targets.

Rhode Island's information-gathering and reporting system possesses a wide variety of accountability facets. This reporting system provides the state with more opportunities to view the functioning of schools, and an opportunity to examine the "inputs" of a school. Information stems from both the school-site (surveys and self-study) and through external sources (SALT and/or NEASC visits every five years). Financial data, collected at both the school and district level, provides an opportunity to focus on those dollars spent directly on the classroom on items such as textbooks, other instructional materials, equipment and technology. Rhode Island depends on these multiple sources of information and the state's policy to "give the schools good information to allow them to determine how they might best improve, given their unique student population" (infoworks.ride.uri.edu/2001/state/intro.asp). Further, the system is designed to help all schools improve, not just those targeted as "underperforming" or in need of improvement.

With a total population of 156,454 student (1999-2000 data), Rhode Island may seem like an odd source, given California's current student population of 6 million. However, the example of Rhode Island has much to offer. Rhode Island demonstrates that it is feasible to create a comprehensive information-gathering system that focuses on both inputs and outputs, demonstrates that this information can be used to trigger a response from the state for those schools and districts that require assistance, and demonstrates that it is possible to create congruency between these measures and fiscal measures. Clearly, overseeing such a process will be more difficult in a state the size of California. Again, the State has options to make such a system work. It is possible, for example, to create a number of "Rhode Island-sized" regions in the state of California that would oversee districts? The important role of oversight and monitoring could be distributed to "regions" created throughout the state, allowing for such a system to work in California.

Intervention and Support in Low-Performing Schools

Schools in California that have been identified through PSAA as "underperforming" qualify for assistance through *II/USP* and *HPSG*. Both voluntary programs require the use of an outside evaluator and the creation of an action plan. The discussion of the inadequacies of these programs (described above in response to question three of this report) casts doubt on the effectiveness of processes that rely on external evaluators and the appropriateness of recommendations for improvement made by external evaluators. FCMAT reviews (an outside evaluator) also play a role in assisting schools that have been identified in need of assistance (through AB 1200), and, like the existing *II/USP* has failed to adequately provide needed assistance and enforcement.

A review of FCMAT reports reveal extensive and thorough assessments and appropriate recommendations for improvement. Due to its deficiency in enforcement capabilities, however, FCMAT remains ineffective in providing successful interventions to low-performing schools. Schools/districts are not required to act on the recommendations or take action in response to FCMAT findings. *II/USP* and *HPSG*, on the other hand, are both state programs that promise sanctions if API growth targets are not met within a given amount of time. Though these

programs, in their current state, need to be re-examined in terms of their effectiveness, they provide opportunities for improvement for schools that have failed to meet both input and output targets (once defined). Below is a unique example of effective school and district-wide improvement involving FCMAT. Charged by the State and by the Consent Decree (2000), FCMAT and the Compton Unified School District have created change. Additionally, as part of the recovery plan a focus was placed on textbook availability. FCMAT and the Compton Unified School District not only exemplify the potential usefulness of an outside evaluator as a means of providing assistance and enforcement, but also provide an example of successful textbook policy, monitoring and enforcement.

The Potential of FCMAT. In a report completed by the Los Angeles County Office of Education and submitted to the Legislature in the spring of 1993, the Compton Unified School District (CUSD) was portrayed as a district in virtual collapse. Following the report, special legislation was enacted addressing the authority of the state in CUSD and the conditions of recovery. In Assembly Bill 657/ Murray, Statutes of 1993, the Superintendent of Public Instruction received authority to appoint an administrator. September 1993, Assembly Bill 33/Murray (Statutes of 1993, Chapter 455) stipulated the state administrator retain authority for the operation of the Compton Unified School District until such time as the Superintendent of Public Instruction determines the district has met the fiscal requirements and has made demonstrated academic progress. This occurred after the Compton Unified School District (CUSD) and the Los Angeles County Office of Education determined CUSD would need as much as \$10.5 million to meet its payroll and other immediate fiscal responsibilities (the review under AB 33 revealed the district would need an additional \$9.5 million to remain solvent). These conditions called for a state management review and recovery plan.

Assembly Bill 52, statutes of 1997, provided further clarity, conditions, and intent regarding the return of the designated legal rights, powers, and duties to the Compton governing board. AB 52 requires FCMAT and the state-appointed administrator, in consultation with other specified entities, to conduct comprehensive assessments and to develop specified recovery plans in five designated areas: pupil achievement; financial management; facilities management; personnel management; and community relations. In addition to a systematic, district-wide assessment and the development and implementation of a recovery plan, FCMAT was required to determine whether the school district had made substantial and sustained progress in these five designated areas. When substantial and sustained progress was determined, FCMAT was required to recommend to the Superintendent of Public Instruction the functional areas of school operation that should be returned to the governing board of the CUSD. Progress reviews occurred at six-month intervals due to this requirement.

In February 2000, the CUSD, and the CDE entered into a consent decree as a result of *Serna vs. Eastin*. The Consent Decree required continued improvement in school facilities/sites and the classroom environment. FCMAT was appointed by the parties to oversee compliance with the stipulations of the Consent Decree. Progress reviews continued at six-month intervals. A comprehensive facilities plan was developed by CUSD and an implementation plan that discussed CUSD's strategy to implement recommendations within the plan including specific timelines was submitted to FCMAT. FCMAT, according to the Consent Decree, was to approve (with modifications as it deemed appropriate), the plan. In addition, in each of the five

designated areas, FCMAT identified specific legal and professional standards by which to assess CUSD's compliance. In connection with each standard, FCMAT measured CUSD's progress using a 10-point scale, with a scaled score of "0" representing a standard that is not implemented and a scaled score of "10" representing a standard that is fully implemented. The standards of the "Pupil Achievement" Recovery plan and "Facilities" Recovery Plan form part of the Consent Decree and are subject to the compliance requirements of the Consent Decree. Any standard that has achieved a scaled score of "8-10" will be deemed to have been implemented. Scores of less than "8" will be addressed and improved by the district.

"Pupil Achievement: 1.25" addresses instructional materials. It states, "the district will ensure that all instructional materials are accessible to all students." In 1999, the district received a score of "4." Compliance for this standard is not achieved until it has received a score of at least "8." Compliance is measured (a score is provided) through the following means: review of CUSD documents; measuring compliance with the standards in the Pupil Achievement and Facilities recovery plan; inspecting each CUSD school at least once during every six month period; conducting semi-annual community meetings in which parents and students comment on the status of compliance with the Consent Decree; review how local bonds or other borrowing instruments have been issued and expended; and meetings with CUSD and CDE every two months. CDE or CUSD may file a complaint with the "Special Master" to review any FCMAT decision or any failure to comply with the Consent Decree. If CUSD does not comply with decisions made by the "Special Master," the court may enforce the decision. The Consent Decree will terminate when FCMAT certifies that CUSD has fully complied and have implemented the facilities plan and have met the scaled scores for Pupil Achievement and Facilities recovery plan.

With regard to textbooks and instructional materials, the Consent Decree states:

- Appropriate textbooks and instructional materials in the core subject areas will be provided to all children in the CUSD. It is understood by the parties that this requirement does not apply to courses of study, such as performing or fine arts, that do not use textbooks.
- Appropriate instructional materials are those textbooks and materials identified by the teacher consistent with the adopted curriculum and approved by the principal and the Deputy Superintendent of Education Support Services. Core subject areas are those areas of study described for grades 1-6 in Education Code Section 51210 and for grades 7-12 in Education Code Section 51220.
- Children will be able to take home either a textbook used in each core subject class or a reproduced portion of the textbook in order to prepare for class, study for examinations, and complete homework. By February 1 of each year, defendants shall prepare an inventory of all existing textbooks and identify the number and type of textbooks that need to be acquired in order to implement this requirement during the following school year.

- Students will be assigned one textbook at the beginning of a course of study for the entire duration of the course. If a student’s textbook is lost or destroyed for any reason during the course, a replacement textbook need not be assigned unless the students pays the cost of replacement.

As part of the pupil achievement assessment and recovery plan, student accessibility to instructional materials was examined. The school district was to achieve the following professional standard: “The district will ensure that all instructional materials are accessible to all students.” FCMAT found the CUSD provides every classroom with a set of textbooks for student use. However, at the secondary level, where students move from class to class, and teachers teach five or six classes, books are often not available for students to take home. Administrators claim this is due to a constant high turnover rate of students—large numbers of books are not returned by these students each year. The recommendation: “provide every student access to textbooks to take home when appropriate.” (FCMAT, *p.* 42/Pupil Achievement). The district, as of the time of this report, had initiated efforts to remedy the problems of textbook access.

These efforts include the development of detailed textbook policy guidelines and a textbook management plan. The guidelines and management plan are premised on the belief that textbooks are important educational tools and every student should have access to textbooks for both class and home use.¹⁹ The management plan outlines procedures for the site administrator, teachers, students, and parents to ensure the distribution, maintenance and recovery of textbooks. The plan conforms to, but is not limited to Education Code 48904 which establishes that lost and/or damaged textbooks must be paid for or the result could be the denial of school activities including withholding of grades, diplomas, and transcripts. In addition, the plan revolves around a system of accurate inventory on an annual basis (June inventory, September inventory prior to issuance of texts to students, and a complete inventory in February). The parent or guardian of each pupil receives a letter stating, “one of the district’s priorities is to ensure that all students have textbooks. Textbooks are an important tool in the education of every student.” Responsibilities for caring for and the return of the textbooks are listed. Student and parent/guardian are required to sign a “textbook responsibility form” prior to issuance of books for home use. Further, surveys are conducted. The librarian is surveyed regarding the receipt of “all of the school library books or equipment ordered in March of the previous year?” Classroom teachers are surveyed regarding the receipt of classroom books ordered in March. In addition, all teachers are surveyed in the fall regarding the sufficiency of textbooks in the class (see Appendix E for CUSD’s letter to parents/guardians, responsibility form, and the CUSD’s

¹⁹ A textbook management plan has been identified by schools as critical. The lack of a centralized management system is seen by some schools as a barrier to providing students with the textbooks and instructional materials required to fully implement the curriculum as evidenced by *II/USP* action plans:

Each student at Norte Vista High is issued a set of instructional materials. Due to the number of students that leave during the year many books are not returned. The school does not have a system to recover books that are lost. Therefore, there is a need for additional materials. There is no central storage for textbooks; no centralized checkout system and the books are not bar-coded (*II/USP* Action Plan for Norte Vista High School, Alvord Unified School District, 4-27-01, DOE 40921-40922).

survey). Teachers are asked if they have all of their textbooks and if not, the survey inquires about the title of book and the number of textbooks needed.

As an oversight measure, the district practices a “Campus/Facilities Review.” The form (see Appendix F) is a check-list of sorts that lists a criteria assessment for the physical plant. Fifteen items are assessed and include the status of restrooms; operable, safe and clear windows; electrical, heating and ventilation; playground equipment, landscaping, litter, et cetera. Item fifteen on the review inquires about textbook availability, “one per child,” as per consent decree, Section 8. A reviewer must determine if one is provided per child in core subjects; if a take home copy or reproductions are available, if replacement copies have been ordered, and if textbooks are consistent with adopted curriculum. A “yes” or “no” response is required for each item and sub-item. The number of “no,” and “yes” scores are tallied, and the school is given an “A-F” grade based on the number of “yes” scores received. A failing grade or a “no” response next to any major Consent Decree Issue such as textbook availability is cause for action—a complaint to the “Special Master.” Unlike FCMAT’s relationship with other districts it has evaluated, FCMAT has enforcement power in CUSD.

The February 2002, six-month progress report provides FCMAT’s review of the standards and stipulations identified in the Consent Decree. In Pupil Achievement, the current average rating of all Pupil Achievement standards is 6.97, and two of the 14 identified Pupil Achievement standards have reached a rating of “8” or better. Summary of Findings and Recommendations concerning Consent Decree Stipulations related to Pupil Achievement found that Consent Decree, Section 8 (Textbooks) are being met by the district. “The district has purchased class sets of texts in English and mathematics, as well as sufficient texts in English, mathematics and history/social science to assign a text to each student for use at home.” (FCMAT, 2002, p. 4). In addition, “Standard 1.25” regarding student accessibility to instructional materials reached a rating of “6” (2002), however, it needs to reach a rating of “8” to be compliant.” Also included in the report is the progress made on recommendations and recovery steps. In addition to the status of textbook availability and textbook replacement plans, establishment of a library book volume goal, and how textbook availability is monitored, the report also discusses resource allocation to these critical materials. The report states, “The district continues to expend a large part of its budget on instructional materials for students. Textbooks are purchased annually with district funds allocated for this purpose . . .” (p. 23).

Compton Unified School District is showing improvement and progress. In the area of instructional materials, it is continuously making gains. In the August 2001 progress report, the CUSD met the requirements for return of governing authority to the CUSD governing board under AB52. This example of FCMAT’s relationship with the Compton Unified School district demonstrates the potential effectiveness of FCMAT and the role of an outside evaluation team. FCMAT’s strategy for improvement involved the entire community and district, and unlike schools that undergo the WASC, the CCR, *III/USP* and/or *HPSG* processes (also requiring external evaluation teams to play a role in the development of an improvement or action plan), CUSD benefited from extensive and thorough reports at six-month intervals, and an ongoing relationship with the FCMAT team.

Regarding its' strategy to ensure textbook accessibility, FCMAT set a professional standard—"The district will ensure that all instructional materials are accessible to all students"—and then used a series of well-designed instruments to gauge the CUSD's progress towards meeting this standard. In addition, enforcement measures as defined by the Consent Decree are in place when a school fails to meet the professional standard or mandate.

Kentucky.²⁰ The State of Kentucky provides another example of successful assistance and enforcement measures provided to schools that fall below expected performance levels. Kentucky, like the FCMAT example, has a system in place that requires an outside evaluation team to assess the school's progress and to provide recommendations where necessary.

In 1998, the General Assembly passed KRS 158.6455. The intent of the legislation was to ensure that schools succeed with all students and receive the "appropriate consequences" in proportion to that success. Section 3 of the statute charged the Kentucky Board of Education to adopt administrative regulations to establish consequences for schools whose assessment index fell below its assistance line. In Kentucky's accountability system, these consequences may include a scholastic audit, eligibility for Commonwealth School Improvement Funds, school improvement plans, assistance for a Highly Skilled Educator, evaluation of school personnel and student transfer to successful schools. While the Scholastic Audit is considered a consequence for poor performance, it is of interest because of the tools provided to collect data and the school's ability (willingness) to make use of these data. This allows schools, according to the Kentucky Department of Education, to focus on their specific needs. "Together, they will help schools answer the question, 'what are we not doing that we need to do to reach proficiency?'" The scholastic audit is usually performed by a team comprised of individuals external to the school including a Highly Skilled Educator, as well as individuals pertaining to the school.

All schools with an index score that places them below the assistance line are divided into three categories: those in the lowest one-third are classified as "level 3" and receive a scholastic audit (the audit team is comprised of a university faculty member and a Highly Skilled Educator as well as administrators, a parent and teacher); those with scores that place them in the middle third are classified as "level 2" and receive a scholastic review (review teams consists of representatives from the district and the regional service center); schools with assessment scores that place them in the upper third are classified as "level 1" and must conduct self-reviews using *The Standards and Indicators for School Improvement: Kentucky's Model for Whole School Improvement*. Kentucky's *Standards and Indicators for School Improvement* document is the primary assessment and evaluation instrument used for all audits and reviews. Teams also compile information from surveys, examination of documents provided in the school portfolio (the portfolio includes the consolidated plan, state assessment results, student achievement data, school survey data, district technology inventory, examples of student work, et cetera), team experiences, interviews and observations. The audit and review teams evaluate these data in comparison to the performance descriptors for Kentucky's *Standards and Indicators for School Improvement* for each indicator, under each standard, and then agree upon a score. Audit and

²⁰ The material in this section describing Kentucky's assistance and enforcement measures are taken from *The Scholastic Audit: A Report on School Improvement in Kentucky 2001* by the Kentucky Department of Education (2001b).

review teams also offer recommendations and next steps to improve performance in each standard.

Section 4 of the statute directs the Kentucky Board of Education to establish guidelines for conducting scholastic audits, which include a process for appointing and training team members and reviewing a school's learning environment, efficiency, and academic performance of students. The Scholastic audit and review teams are charged with making recommendations on: strategies to improve teaching and learning for incorporation into the schools' improvement plan; assistance and resources needed to revise the school's consolidated plan and priorities and strategies which the school or district may adopt to support the improvement effort. A set of common standards is used to base recommendations for assistance. See Chart 1 below. Chart 1 provides an example of how Kentucky's Department of Education has created a standard surrounding instruction. As an indicator of meeting this particular standard, audit and review teams are expected to examine supporting evidence. Examples of evidence include textbook/instructional resources purchasing plans, surveys, interviews, inventories, and review of budgets. Further, performance levels are defined. Audit and review teams are provided with a rubric to guide their investigations.

The state provides indicators that allow the school (in the case of a self-study) or the scholastic audit team to provide meaningful assessment regarding a school's progress in meeting the standard.

Chart 1: Kentucky’s Academic Performance Standards

<u>ACADEMIC PERFORMANCE STANDARD 3 – INSTRUCTION</u>				
Standard 3: The district’s instructional program actively engages all students by using effective, varied and research-based practices to improve student academic performance.				
Indicator	Performance Levels			
	4 <i>Exemplary level of development and implementation.</i>	3 <i>Fully functioning and operational level of development and implementation.</i>	2 <i>Limited development or partial implementation.</i>	1 <i>Little or no development and implementation.</i>
<p>DSO 3.If Instructional Resources are sufficient to effectively deliver the curriculum.</p> <p>Samples of Supporting Evidence:</p> <ul style="list-style-type: none"> • Textbook/ instructional resources purchasing plans • Surveys – Students & teachers • Interviews – students & teachers • Inventory of furniture and equipment • Media center inventory • Budgets • District consolidated plan 	<p>The district assists in the identification, selection, and acquisition of instructional resources that reflect diversity and are developmentally appropriate for students.</p> <p>The districts fully implements the local board policy that defines its intention to allocate resources based on an analysis of data. District allocation of resources is based on an analysis of student achievement data and reflects the developmental needs of students.</p>	<p>The district assists schools in identifying materials that reflect diversity and are developmentally appropriate for all students.</p> <p>The district supports the effective successful delivery of curriculum through intentional assignment of human, fiscal, and physical resources.</p>	<p>The district provides some assistance in identifying materials and resources that appropriately reflect diversity and/or are developmentally appropriate for all students.</p> <p>Adequate instructional resources are available in some schools, or some content areas to support schools’ curriculum.</p>	<p>The district provides little assistance in identifying materials and resources that appropriately reflect diversity and are developmentally appropriate for all students.</p> <p>Sufficient instructional resources are not available.</p>

DSO – denotes standards and indicators used for assessing district support only.
 (Kentucky Board of Education, available at <http://www.kde.state.ky.us/olsi/improve/schaudit/performance%20-desc-11-01.doc>).

Kentucky's school improvement plan, a data-driven and research-based framework developed by the school, contains specific recommendations for the scholastic audit team for improving teaching and student learning and identifies priority needs for strengthening the school's instructional and organizational effectiveness. A school portfolio is created and consists not only of the school's consolidated plan, state assessment results, but student survey data, and district technology inventory. The *Standards and Indicators for School Improvement* is the evaluation tool used in the audit process to determine the appropriateness of the school's classification and to make recommendations to improve teaching and learning for inclusion in the existing consolidated school improvement plan.

Conclusions

The hope of standard-based reform strategies is that they will begin to change the level of expectations held for so many of our state's students. However, without the textbooks, equipment, and technology required to meet the state's academic standards, many students will experience difficulties in meeting these levels of expectations. Access to textbooks, instructional materials, equipment, and technology are essential to a child's academic progress. Students who lack access to these materials are not only forced to confront severe academic challenges, but these students are also required to tackle the psychological effects of being denied access to the tools required to succeed academically. What message is being sent to a child who isn't allowed to take home a book to complete a homework assignment? How does a student maintain a belief in an educational system that fails to provide him/her with an opportunity to achieve? That fails to provide a book? In a monthly newspaper written for and produced by Bay Area youth, a young author complains that the textbook shortage can be seen as a sign that the system doesn't care about their education:

“Without textbooks, students say they feel like they're left with crumbs. And the message of their empty backpacks comes through loud and clear, ‘If you don't care about our education, why should we?’” (Dedomenico, 10-22-97)

Williams vs. State of California provides an opportunity to establish “adequate” levels of important instructional conditions such as access to textbooks and other instructional materials. California has many opportunities for improvement. Some of these opportunities stem from sources it already has at hand—the CCR, Comite Monitoring, the WASC, FCMAT, and *II/USP* and *HPSG*. Other opportunities will require the state to look abroad and determine how best to deliver an instructional system, including critical instructional materials such as textbooks, other curriculum materials, instructional equipment and technology to students. At a minimum, this structure must include the development of a state mandate regarding students' access to these vital educational inputs, capacity-building to ensure every school can meet the mandate, and more forceful approaches to oversight, public reporting, and intervention. Such measures will enable California to prevent the disparities that now plague the state and to detect or correct them should they occur. Such measures will not only ensure that all students of California are provided with the opportunity to meet the state's standards, but will assist students in maintaining a belief that teachers, schools, districts, and the state have an interest in their academic achievement.

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