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SUPERIOR COURT OF THE STATE OF CALIFORNIA

CITY AND COUNTY OF SAN FRANCISCO

ELIEZER WILLIAMS, et al., ) Case No. 312236  
)  
Plaintiffs, ) Hearing Date: September 17, 2003  
)  
vs. ) Time: 3:30 p.m.  
)  
STATE OF CALIFORNIA, DELAINE ) Department: 20  
EASTIN, State Superintendent )  
Of Public Instruction, STATE ) Judge: Hon. Peter J. Busch  
DEPARTMENT OF EDUCATION, STATE )  
BOARD OF EDUCATION, )  
)  
Defendants. )  
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)  
AND RELATED CROSS-ACTION. )  
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)

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

LA2:60799.1

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

1 and on my background and experience, I am extremely knowledgeable  
2 about California's educational system, both as it has evolved  
3 over the past twenty-five to thirty years and the direction that  
4 the current administration of CDE intends for it to take in the  
5 next few years. Simply put, California has an achievement-based  
6 accountability and assessment system. This is consistent with  
7 the trend nation-wide and with federal law. In fact,  
8 California's accountability system is quite highly regarded for  
9 its well-defined content standards and curriculum frameworks.

10  
11 4. By definition, an achievement-based accountability  
12 and assessment system, such as California's (or such as the  
13 federal No Child Left Behind Act) focuses on student achievement.  
14 This represents a shift away from education policy of  
15 approximately twenty years ago, when California focused solely on  
16 inputs, such as access to core curriculum and instructional  
17 delivery systems. Instructional delivery systems included  
18 personnel, services, materials, equipment, schedules, assessment  
19 process, staff development, and others that support the  
20 district's core curriculum. Inputs, however, fail to take into  
21 account whether students are actually learning. Conversely, an  
22 achievement-based accountability and assessment system directly  
23 measures whether students are learning. California does this  
24 through the Standardized Testing and Reporting (STAR) program,  
25 along with several other tests, such as the California High  
26 School Exit Exam (CAHSEE) and the California English Language  
27 Development Test (CELDT).

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1           5. In 1999, the California Legislature passed the  
2 Public Schools Accountability Act of 1999 (PSAA) in furtherance  
3 of its achievement-based accountability and assessment system.  
4 As stated in the statute, the intent of the PSAA is to hold  
5 schools accountable for students' academic progress and  
6 achievement, to establish an oversight system that provides  
7 awards for schools that demonstrate growth and assistance and  
8 intervention for schools that continuously underperform, and to  
9 encourage the active participation of parents, students,  
10 educators, and the community in improving student achievement by  
11 making the entire system more transparent and accessible.  
12

13           6. The Assessment and Accountability branch is  
14 responsible for programs designed to promote district and school  
15 accountability for improving student achievement; the Assessment  
16 and Accountability Branch implements those aspects of the PSAA  
17 related to these areas. There are four divisions within the  
18 branch: Standards and Assessment, Policy and Evaluation, School  
19 and District Accountability, and Data Management. The Standards  
20 and Assessment Division monitors the development of and  
21 administers state student testing programs, such as the STAR  
22 program, the CAHSEE, and the CELDT. The Policy and Evaluation  
23 Division supports research and analysis activities and develops  
24 the Academic Performance Index (API) that is used to rank school  
25 performance. This division also administers various state and  
26 federal awards programs recognizing outstanding schools and  
27 teachers. The School and District Accountability Division  
28 oversees the state coordinated compliance review process, which

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1 is designed to ensure that the categorically funded programs that  
2 schools and districts run are complying with all necessary state  
3 and federal requirements. Finally, the Data Management Division  
4 collects and disseminates demographic data on California's public  
5 schools and school districts.

6  
7 7. The Policy and Evaluation Division, within my  
8 branch, calculates the API score for every public school in  
9 California. Currently, each school's base API score reflects the  
10 school's performance on the following student assessments that  
11 are part of California's statewide testing administration: the  
12 STAR program and the CAHSEE. The STAR program consists of a  
13 norm-referenced test (in 2002, Stanford 9; in 2003 and  
14 thereafter, California Achievement Test, sixth edition known as  
15 the CAT-6) and the California Standards Tests (CST) in English-  
16 language arts, mathematics, science and history-social science.  
17 The CSTs are not norm-referenced; rather they are standards-based  
18 and are aligned to the California content standards in the  
19 respective subject. Each year, every school receives a base API  
20 score, a statewide ranking, a similar schools rank, and a growth  
21 target. The growth target is the amount of improvement that a  
22 school is expected to make in its API score in a year. Thus,  
23 these scores and ranks allow CDE, districts, schools, and parents  
24 to evaluate and monitor a school's performance for a given year  
25 and over time.

26  
27 8. API scores have important implications and  
28 outcomes for schools, because CDE uses the scores to determine

1 awards and interventions. If a school meets testing  
2 participation and API criteria, it may be eligible to receive  
3 monetary or non-monetary awards. If a school is ranked in the  
4 bottom half of the statewide distribution (based on its statewide  
5 ranking) and does not meet or exceed its growth target, it is  
6 identified as eligible for oversight, assistance and intervention  
7 programs.

8  
9 9. These oversight, assistance, and intervention  
10 programs include the Immediate Intervention Underperforming  
11 Schools Program (II/USP) and High Priority Schools Grant Program  
12 (HPSG), among others. It is through these programs that an  
13 evaluator or team of evaluators goes into the school to determine  
14 what the problems and/or barriers are, and to assist the school  
15 to overcome these. This includes determining what inputs, such  
16 as instructional materials, may be lacking. For example, the  
17 evaluator might determine whether there are insufficient numbers  
18 of standards-aligned instructional materials and if this is a  
19 factor in the school's underperformance.

20  
21 10. Similar to the API, Adequate Yearly Progress (AYP)  
22 provides another oversight mechanism. AYP is required by the  
23 federal No Child Left Behind Act (NCLB) and is based on  
24 expectations for growth in student achievement that is continuous  
25 and substantial, such that all students are proficient in  
26 reading/language arts and mathematics no later than 2013-2014.  
27 In order to make AYP, a school must meet or exceed the State's  
28 annual measurable objectives in English-language arts and

1 mathematics, demonstrate progress on the API, and have a  
2 participation rate in each applicable assessment of 95 percent or  
3 higher. Additionally, each required student subgroup within the  
4 school must meet these same criteria. Participation rate is the  
5 first criterion applied.

6  
7 11. Like the API, AYP has important implications and  
8 outcomes for schools. Using these data, CDE will identify for  
9 Program Improvement any Title I school that fails to make AYP for  
10 two consecutive years on the same measure. Program Improvement  
11 is a federal oversight, assistance and intervention program like  
12 those described above.

13  
14 12. I believe that California's achievement-based  
15 accountability and assessment system, though still evolving,  
16 provides an excellent approach for California to take regarding  
17 education. It appropriately focuses on what matters--student  
18 achievement. But it also monitors and oversees inputs and  
19 addresses those when a school is underperforming. Schools and  
20 districts have differing circumstances and populations that  
21 frequently dictate differing allocations of their resources and  
22 choices of inputs. In other words, schools and districts may  
23 choose to take different approaches based on their circumstances.  
24 Our achievement approach operates on the maxim, that "if it is  
25 not broken, don't fix it." Or put in more sophisticated terms,  
26 it is easier to judge the adequacy of the school's program by its  
27 achievement results, not by the inputs.

28

1           13. California's accountability and assessment system  
2 is evolving and is a work-in-progress. We are currently working  
3 to align all of our intervention programs so that they are  
4 consistent with each other and so that schools and districts are  
5 clear as to what the expectations are for growth in student  
6 performance, what assistance is available when sufficient growth  
7 fails to occur, and what sanctions may apply if assistance still  
8 does not foster more growth. This alignment is mandated by NCLB.  
9 As noted above with respect to AYP, the requirements of NCLB  
10 complement our system. Moreover, NCLB requires the type of  
11 outcomes-based testing that California already has in place.  
12

13           14. The School and District Accountability Division of  
14 my branch conducts the Coordinated Compliance Review (CCR)  
15 process. One of the goals of the CCR process is to ensure that  
16 categorically-funded students have access to the school  
17 district's core curriculum and that the instructional delivery  
18 system is used to help these students learn the district's core  
19 curriculum. As with interventions, my branch is in the process  
20 of streamlining the CCR process to make it more effective and  
21 efficient. Our goal is to target lower performing schools for  
22 review and to minimize the review process in schools and  
23 districts that are higher performing.  
24

25           15. Taken as a whole, California's accountability and  
26 assessment system effectively determines whether students are  
27 learning and if not, why not. Our oversight, assistance, and  
28 intervention programs are helping underperforming schools rise to

1 an acceptable level of performance. Although it is not the  
2 primary focus of our system, California's system examines inputs  
3 at several levels, perhaps most intensively at the level of  
4 assistance and intervention. I believe that California's  
5 accountability and assessment system, in conjunction with the  
6 rest of the State's programs and processes, effectively monitors  
7 and oversees instructional materials to the extent necessary. As  
8 stated in the PSAA, the Legislature desires that each child  
9 receive a high quality education. By showing how students and  
10 schools are doing and making this information available to all  
11 stakeholders, especially through the School Accountability Report  
12 Cards (SARC), California's accountability system has the  
13 requisite oversight to ensure that all schools are moving toward  
14 this goal.

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

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19 Executed this 20th day of August 2003, at Sacramento,  
20 California.

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Geno Flores

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