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

ELIEZER WILLIAMS, et al.,) Case No. 312 236
)
Plaintiffs,) Hearing Date: September 13, 2001
)
vs.) Time: 8:30 a.m.
)
STATE OF CALIFORNIA, DELAINE) Department: 16
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 WILLIAM L. PADIA IN SUPPORT OF DEFENDANT STATE OF CALIFORNIA'S OPPOSITION TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

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I, William L. (Bill) Padia, declare as follows:

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

2. Since 1988, I have been the Director of the Policy and Evaluation Division with the California Department of Education. The mission of the Policy and Evaluation Division is to develop and implement the statewide accountability system including statistical indicators and a system of awards and interventions for schools and school districts; conduct policy studies and legislatively mandated evaluations; monitor contracts; verify and analyze data; administer various recognition programs including California School Recognition Program and National Blue Ribbon School recognition programs; and provide policy guidance to the Chief Deputy Superintendent on current education issues.

3. I received a Ph.D. in educational research from the University of Colorado at Boulder. I have contributed to the national and state policy dialogue on a wide variety of topics, including accountability, assessment, education technology, student information systems and research and evaluation

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1 methodology. I have two decades of practical experience at the
2 state level with policy analysis and program evaluation.
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4 4. As part of my responsibilities as Director of the
5 Policy and Evaluation Division, I oversee the Academic
6 Performance Index ("API"). The API is the centerpiece of the
7 statewide accountability system in California public education.
8 The Public Schools Accountability Act ("PSAA") of 1999 (Chapter
9 3, Statutes of 1999) requires that the California Department of
10 Education ("CDE") annually calculate API values for California's
11 public schools and publish school rankings based on these values.
12

13 5. The PSAA also requires the establishment of a
14 minimum of 5-percent annual API growth target for each school, as
15 well as an overall statewide API performance target for all
16 schools. A school that meets either API growth or performance
17 targets may be eligible for rewards under the Governor's
18 Performance Award Program. If the school fails to meet its
19 annual growth target and is ranked below the sixth decile on the
20 API, it may be identified for the Immediate Intervention/
21 Underperforming Schools Program ("II/USP").
22

23 6. Eventually, the API will incorporate a number of
24 indicators; however, for 2000 the API consists solely of results
25 from the Stanford 9 norm-referenced assessment that is
26 administered in conjunction with the Standardized Testing and
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1 Reporting ("STAR") Program. Other legally-required indicators
2 were unavailable for inclusion in 2000.
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4 7. The 2000 API summarizes a school's performance on
5 the 2000 STAR. It is on a scale of 200 to 1000. It is based on
6 the performance of individual pupils on STAR content area tests
7 as measured through national percentile rankings (NPRs). API
8 values are also calculated for some student subgroups at a school
9 in order to ascertain whether the school meets the "comparable
10 improvement" criterion.
11

12 8. Most but not all schools received API rankings and
13 growth targets in 1999 and 2000. Specifically, in 2000, of the
14 approximately 8,563 public schools in California, a total of
15 7,367 schools received APIs. (The CDE did not calculate APIs for
16 certain types of schools, including very small schools with fewer
17 than 11 pupils with valid Stanford 9 test scores; county-
18 administered schools; community day schools; alternative schools;
19 continuation schools; or independent schools.)
20

21 9. All schools that receive API values are ranked by
22 decile within grade level of instruction: elementary, middle,
23 and high. A rank of 10 is the highest and one is the lowest.
24 Each decile in each school type contains 10 percent of all
25 schools of that type. Small schools (with less than 100 valid
26 SAT-9 scores but greater than 11) do not receive statewide ranks
27 and are not used in the calculation of the statewide ranks, but
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1 instead receive an "asterisked" API value which denotes the
2 greater statistical uncertainty of the API value.
3

4 10. All schools that receive API values also are
5 ranked in deciles by school type when compared to schools with
6 similar characteristics. The PSAA specifies these
7 characteristics to include: (1) pupil mobility; (2) pupil
8 ethnicity; (3) pupil socioeconomic status; (4) percentage of
9 teachers who are fully credentialed; (5) percentage of teachers
10 who hold emergency credentials; (6) percentage of pupils who are
11 English language learners; (7) average class size per grade
12 level; and (8) whether the schools operate multitrack year-round
13 educational programs.
14

15 11. I am familiar with the Williams v. State of
16 California case, and I have read the Plaintiffs' proposed class
17 definition. I understand that the proposed class includes, among
18 others, all students that are subject to "a year-round,
19 multitrack schedule" and all students that attend schools "in
20 which more than 20% of teachers do not have full, non-emergency
21 teaching credentials." Based on these factors alone, Plaintiffs'
22 proposed class would be extremely large and would include a
23 significant number of students who attend schools that received
24 high rankings - 417 schools have a statewide decile of 6 or
25 better based on their API.
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1 12. If Plaintiffs' proposed class includes all
2 students at multitrack year-round schools and all students at
3 schools with less than 80% full-credentialed teachers, then the
4 students at nearly one-third of the total number of schools that
5 received API values would fall within the proposed class based on
6 those two factors alone. Of the 7,367 schools that received API
7 values, there are 1,003 schools that utilize a multitrack year-
8 round calendar and 1,684 schools with less than 80% full, non-
9 emergency credentialed teachers. Subtracting the 436 schools
10 that fall within both of those categories to avoid double
11 counting, there are a total of 2,251 schools that either follow a
12 multitrack year-round schedule or have less than 80% full, non-
13 emergency credentialed or both. This number - 2,251 schools -
14 represents 31% of all of the schools that received APIs (and
15 approximately 26% of the total number of public schools
16 statewide).

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18 13. If Plaintiffs' proposed class includes all
19 students at multitrack year-round schools and all students at
20 schools with less than 80% full, non-emergency credentialed
21 teachers, then the class would include all students that attend
22 the 417 schools that received high API rankings. There were 208
23 multitrack year-round schools that ranked in the sixth decile or
24 higher (and 414 schools in the fourth decile or higher). At the
25 same time, there were 260 multitrack year-round schools that fell
26 within the bottom decile in the state. With respect to
27 credentialing, there are 225 schools with less than 80% full,
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1 non-emergency credentialed teachers that ranked in the sixth
2 decile or higher (and 524 schools in the fourth decile or
3 higher); 441 such schools fell within the bottom decile.
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5 14. Plaintiffs' proposed class would include schools
6 that have received state and national awards for their
7 outstanding academic achievements. For example, at least three
8 California nominees for National Blue Ribbon Schools (2000-01
9 Elementary Program) apparently fall within Plaintiff's proposed
10 class. El Marino Language Elementary in the Culver City Unified
11 School District and Graystone Elementary in the San Jose Unified
12 School District both have less than 80% fully non-emergency
13 credentialed teachers. And Stevenson Ranch Elementary in the
14 Newhall Elementary School District is a multitrack year-round
15 school.
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17 15. As discussed above, in addition to ranking schools
18 in comparison to all schools throughout the state, schools also
19 are ranked in deciles by school type when compared to schools
20 with similar characteristics. The school characteristic with the
21 highest correlation with test scores is not the number of
22 teachers with full, non-emergency credentials nor is it whether
23 the school is on a year-round, multi-track calendar. Rather, the
24 school characteristic that has the highest correlation with test
25 scores is socioeconomic status (SES). According to the
26 definition adopted by the State Board of Education, a pupil is
27 "socioeconomically disadvantaged" if the pupil meets either one
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of two criteria: (1) neither of the pupil's parents has received a high school diploma; or (2) the pupil participates in the free or reduced price lunch program.

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

Executed this 25th day of July, at Sacramento, California.

William L. Padia
William L. Padia