The Williams v. California Settlement:

The First Year Of Implementation
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November 2005

A Report by Counsel for the Williams Plaintiffs

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The textbooks and instructional materials section details how the new statutory definition of “sufficient textbooks or instructional materials” is helping make certain that every student has a book to use in class and to take home. A combination of overlapping accountability systems — district textbook hearings; a new Uniform Complaint Process available to students, parents, community members, and teachers; publicly available School Accountability Report Cards; and county superintendent visits to low-performing schools — along with millions of new dollars for instructional materials, have already resulted in students receiving tens of thousands of new books and materials. The clear definition of sufficiency and the emphasis on providing materials to every student has also prompted many districts to improve their textbook ordering, inventory, and distribution systems. However, full compliance has not yet been achieved; everyone will need to redouble efforts this year to ensure that in all core subjects, as well as in foreign language and health, all students have instructional materials to use without sharing in class and to take home.

The facilities section explains how the new “good repair” and “emergency facilities needs” standards were developed through regulations and how the overlapping accountability systems in this area — district facilities inspection systems; the new Uniform Complaint Process available to students, parents, community members, and teachers; publicly available School Accountability Report Cards; and county superintendent visits to low-performing schools — are improving school facility conditions around the state. The monitoring processes have identified
This report then details how the key external accountability systems performed during the first year of implementation. For instance, the State Board of Education approved necessary School Accountability Report Card revisions, requiring districts to provide parents with more current and more specific information. Districts, in turn, compiled in greater numbers with these requirements and with pre-existing publishing deadlines. Parents, students, teachers, and community members learned about the new Uniform Complaint Process to hold schools accountable for complying with the new instructional materials, facilities, and teacher standards. Consequently, they began filing complaints and helped schools and districts identify and resolve critical deficiencies. County superintendents are playing a similar role in low-performing schools, identifying deficiencies and working, often collaboratively with districts and schools, to resolve them swiftly. They are also helping to address the underlying causes of such deficiencies, such as lack of information, poor tracking systems, and limited channels of communication. The positive results of the visit and review process have already been apparent in the county superintendents’ second round of visits in 2005-2006. In general, the county superintendents have embraced the spirit of the settlement and complied with both the intent and the letter of the Settlement Legislation.

Overall, results, observations, and reports from around the State indicate that implementation of the Settlement Legislation is proceeding on schedule and with increasingly positive results. Teachers, principals, district officials, parents, and students have expressed appreciation for the new standards and accountability systems. Now, when a student needs a textbook, or a school facility needs repair, or a teacher is misassigned, the problem must be fixed. The Uniform Complaint Process and county superintendent visits have also demonstrated the critical value of external oversight. Not only have both processes provided added incentive and address insufficiencies, needed repairs, and and safe facilities. Implementation of the Settlement Legislation is making this Constitutional command a reality. Yet all parties remain cognizant that “these thresholds for teacher quality, instructional materials, and school facilities are... a floor, rather than a ceiling, and a beginning, not an end, to the State of California’s commitment and effort to ensure that all California school pupils have access to the basic elements of a quality public education.” (Section 25 of Chapter 900 of the Statutes of 2004 (SB 550).)”

The Legislature finds and the Governor agrees that these minimum thresholds for teacher quality, instructional materials, and school facilities are essential in order to ensure that all of California’s public school pupils have access to the basic elements of a quality public education. However, these minimum thresholds in no way reflect the full extent of the Legislature’s and the Governor’s expectations of what California’s public schools are capable of achieving. Instead, these thresholds for teacher quality, instructional materials, and school facilities are intended by the Legislature and by the Governor to be a floor, rather than a ceiling, and a beginning, not an end, to the State of California’s commitment and effort to ensure that all California school pupils have access to the basic elements of a quality public education.

It is the intent of the Legislature and of the Governor that teachers, school administrators, trustees and staff, parents, and pupils all recommit themselves to the pursuit of academic excellence in California public schools.

— Section 25 of Chapter 900 of the Statutes of 2004 (SB 550) (emphasis added)
The Williams Settlement requires that all California public school students have instructional materials and that their schools be clean, safe, and functional. It also takes steps toward assuring all students have qualified teachers. The Settlement holds schools accountable for delivering these fundamental elements and provides approximately $1 billion to accomplish these goals. The Settlement also expands the number of schools benefiting from the High Priority Schools Grant Program, maintains the High Priority Schools Grant Program’s annual funding of at least $200 million, and phases out the use of the Concept 6 multi-track, year-round school calendar by 2012.

Background and Breakdown of the Settlement

On May 17, 2000 — the 46th anniversary of Brown v. Board of Education — the American Civil Liberties Union (ACLU), Public Advocates, the Mexican American Legal Defense and Educational Fund (MALDEF), and other civil rights organizations, along with Morrison & Foerster LLP, filed a class-action lawsuit on behalf of public school students against the State of California, claiming the State and its agencies were denying thousands of California students their fundamental right to an education under the California Constitution by failing to give them the basic tools necessary for that education. The case was named Williams v. State of California.

The student plaintiffs sought the fundamental educational resources students in other California public schools received — current and undamaged books, clean and safe classrooms, and qualified teachers — so that they too could have a fair opportunity to learn and succeed. “I’m just seeking equality for each and every student,” testified Cindy Diego, who attended Fremont High School in Los Angeles. She said she simply wanted “every student to be treated equal, to get the same resources that everybody else does.” Alondra Jones, who attended Balboa High School in San Francisco, explained that having “old, used-up” textbooks and attending a school in substandard condition with rats running around made her feel like “the State don’t care about public schools” and like her government thought she was worth “less than” other kids. Manuel Ortiz from Watsonville High School summed up the feelings of many plaintiffs when he testified, “All I’m asking is just give us the books we need, proper facilities, and we’ll try our best to, you know, come out on top.”

After more than four years of litigation, the parties announced a settlement agreement on August 13, 2004. Approximately six weeks later, on September 29, 2004, Governor Arnold Schwarzenegger signed into law five bills implementing the legislative proposals set forth in the Settlement Agreement. The Court subsequently approved the Settlement Agreement at a hearing on March 23, 2005.
The five bills implementing the Settlement Agreement were:

- **SB 150 & AB 2727** (establishing minimum standards regarding school facilities, teacher quality, and instructional materials, as well as accountability systems to enforce these standards);
- **AB 1510** (phasing out the use of the Concept 6 multi-track, year-round school calendar by July 1, 2012, and setting benchmarks for districts to reach this goal);
- **AB 3001** (encouraging placement of qualified teachers in low performing schools; enhancing an existing oversight mechanism to ensure that teachers are qualified to teach the subject matter to which they have been assigned and to ensure that teachers of English Learners are properly trained; and streamlining the process for highly qualified teachers from out-of-state to teach in California schools); and

**Resources Provided by the Settlement**

- **New Resources in the 2004-2005 State Budget:**
  - **$118 million** for new instructional materials for students attending schools ranked in the bottom two deciles on the 2003 base API.
  - **$25 million** for a one-time comprehensive assessment of school facilities conditions and needs in decile 1-3 schools. Assessments are to be conducted as soon as possible, but no later than January 1, 2006, with results reported to the Office of Public School Construction.
  - **$15 million** to County Officers of Education for implementation of the **Williams** legislation.
  - **$5 million** for the California Department of Education to purchase instructional materials, qualified teachers, and safe, healthy school facilities.
  - **$250,000** to the State Allocation Board to implement the **Williams** legislation.
  - **$200,000** to the California Department of Education to implement the **Williams** legislation.

**Additional Resources**

- **$800 million** shall be allocated in upcoming years, with a minimum of at least $100 million per fiscal year starting in 2005-2006, for the new School Facilities Emergency Repair Account, which will reimburse districts for emergency facility repairs in decile 1-3 schools.

The 2005 Budget Act, as amended by SB 80 (Chapter 39, Statutes of 2005), allocated **$183.5 million** for this account. Approximately **$203 million** is now available.

The **Williams** Settlement Legislation repealed the June 30, 2006, sunset of the Instructional Materials Program and its contingent funding status. In 2004-2005, the year of the **Williams** settlement, the program provided **$363 million** for school districts to purchase standards-aligned instructional materials. This figure represented an increase of $188 million from the 2003-2004 budget and did not include the $138 million in one-time instructional materials funding for schools ranked in the bottom two deciles on the 2003 base API.

The 2005 Budget Act maintains approximately the same level of funding, providing **$360 million**, or approximately $58 per student, for the Instructional Materials Program this year.

**SB 550 expanded the number of schools benefiting from the High Priority Schools Grant Program (which provides improvement grants to the lowest-performing 10% of schools in the State) by maintaining the program’s annual funding of at least $200 million and adding new schools when current grant recipients are phased out.**

The 2005 Budget Act accordingly provides **$238.6 million** for the High Priority Schools Grant Program.

The new standards and most of the accountability systems established by the **Williams Settlement** apply to all California public schools. Each and every student has a right to "sufficient textbooks," a school in "good repair," and a qualified teacher. Districts must perform self-evaluations to ensure compliance with the textbook and facilities standards, and then share the results of their evaluations and teacher misassignment and vacancy reviews with the public in their annual School Accountability Report Cards. Parents, students, teachers, and others are also empowered by a new Uniform Complaint Process to ensure schools and districts meet the new standards and provide sufficient instructional materials, qualified teachers, and safe, healthy school facilities.

In addition, schools ranked in deciles one to three, inclusive, on the 2003 base Academic Performance Index receive additional funds and oversight. (These schools are referred to "decile 1-3 schools" throughout this report.) Pursuant to the Settlement, the State will provide up to $800 million to districts to reimburse them for emergency repairs in these decile 1-3 schools. Districts also receive $25 million for a comprehensive assessment of the facility conditions and needs in these schools, and $138 million for new instructional materials for students attending schools ranked in the lowest two API deciles. The parent and district accountability mechanisms are also supplemented in decile 1-3 schools by annual county superintendent visits and reviews.
The Williams Settlement Legislation became effective the day it was signed — September 29, 2004. With the 2004-2005 school year already in session, everyone involved with implementation had to work quickly to comply with the new standards and establish the new accountability systems. During the subsequent months, districts, county offices of education, and state agencies received new funds; districts and schools conducted self-evaluations and addressed problem areas; county superintendents and their staffs visited schools and helped identify and correct deficiencies; students, parents, and teachers utilized the new complaint process; state agencies adopted new regulations; and the State Legislature drafted and passed clean-up legislation. The following sections describe how the new standards and accountability systems have been put into action since the Settlement Legislation was enacted. Each section explores the early results of implementation efforts, challenges that emerged, and what lies ahead.

Textbooks and Instructional Materials

Students need and deserve current and undamaged books to use in class and to take home at night to study. The Williams Settlement Legislation therefore established a legal definition for “sufficient textbooks or instructional materials,” which requires that “each pupil, including English learners, has a standards-aligned textbook or instructional materials, or both, to use in class and to take home.” The Settlement Legislation also enhanced existing accountability systems, such as district textbook hearings and School Accountability Report Cards, and created others, such as annual county superintendent reviews of decile 1-3 schools and enforcement powers for parents, students, and teachers through the new Uniform Complaint Process, to ensure the sufficiency standard is met by all schools. The Settlement provided millions of dollars to help schools buy new books as well.

During the first year of implementation, the standard for textbook and instructional materials sufficiency and the related accountability systems have had significant impact on schools and districts throughout the State. For example, as described below, county superintendents identified over 21,000 missing, damaged, or out-of-date books in more than 395 decile 1-3 schools, helping schools and districts get these needed materials into students’ hands. Furthermore, many districts have re-examined and improved their textbook ordering, inventory, and distribution systems to prevent insufficiencies. These improvements, the new textbook funds, and the growing awareness of the standard for sufficiency and the Uniform Complaint Process should result in further positive changes in the 2005-2006 school year and beyond.
The San Francisco Board of Education held a textbook and instructional materials hearing on October 11, 2005, and adopted a resolution declaring, among other things, that “each pupil in the San Francisco Unified School District did not have sufficient textbooks or instructional materials pursuant to the survey conducted on September 15, 2005, and that the District has taken the remedial action described above and as discussed in the hearing in order to address those insufficiencies.” The District provided detailed information regarding all insufficiencies during the hearing, including results of an exhaustive survey. The survey allowed the District to take prompt and appropriate remedial action to address specific identified insufficiencies.

New Instructional Materials Funds

The Settlement provided $138 million for new instructional materials for students attending schools ranked in the bottom two deciles on the 2003 base Academic Performance Index (API). The California Department of Education apportioned $134,993,416 to districts in February 2005 at a rate of $96.90 per student. The Department of Education apportioned the remaining $3,006,584 in June 2005 at a rate of $98.80 per student.

In addition, the Instructional Materials Program provided $510 million, approved as necessary textbooks or instructional materials, or both, the Legislature clarified in a clean-up bill (AB 831) that district resolutions must now be adopted by the release date of this report.

To help ensure that districts assess whether each student has sufficient textbooks or instructional materials, or both, the California Department of Education apportioned the remaining $3,006,584 in June 2005 at a rate of $98.80 per student. The California Department of Education has posted a model textbook resolution on its Williams website. This model has been revised to help districts identify the instructional materials they have adopted in each subject area and may be further revised to help future districts provide evidence that these materials are standards-aligned and consistent with the content and cycles of the curriculum frameworks adopted by the State Board of Education.

District Textbook/Instructional Materials Hearings and Resolutions

Each school district governing board must now hold a public hearing no later than the eighth week of the school year to determine, through a resolution, whether each pupil in the district has sufficient textbooks or instructional materials, or both. If the governing board determines there are insufficient textbooks or instructional materials, or both, the Board must provide instruction to the text materials or instructional materials, or both, the Legislature clarified in a clean-up bill (AB 831) that district resolutions must now be adopted by the release date of this report.

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County Superintendent Visits

County superintendents must now visit the decile 1-3 schools in their counties annually to determine whether students have “sufficient textbooks or instructional materials.” If a county superintendent determines that any student at a school lacks sufficient textbooks or instructional materials, or both, the Settlement Legislation provides a series of remedial steps. The school or district must remedy the insufficiency by either correcting the distribution error or purchasing and distributing the necessary instructional materials. If the insufficiency is not remedied by the end of the second month of the school year, the county superintendent must request that the California Department of Education, with approval by the State Board of Education, purchase the necessary instructional materials and bill the district.

In the first year of implementation, county superintendents discovered a range of insufficiencies, from a student lacking a book because he was absent when books were distributed to a district-wide lack of science and social science materials. Simple distribution problems accounted for many insufficiencies. In such cases, the necessary instructional materials were available in a book room somewhere, but they were not in the classrooms where they were needed. Sometimes schools had policies in place that required students to pay fines for lost books before checking out replacement books; these policies were changed to comply with the new sufficiency standard, and schools are employing new incentive and penalty systems that do not decline textbooks and instructional materials as a form of punishment. The most common subjects in which county superintendents discovered widespread shortages of materials were science and social science.

Based on their initial round of visits in 2004-2005, 43 county superintendents’ reports indicate that students in at least 360 of the approximately 1300 counties they visited had insufficient instructional materials. In addition, 21,426 books and instructional materials were ordered or distributed as a result. The insufficiencies were not isolated to only a few counties; superintendents from 29 counties report finding at least 1 school with insufficient instructional materials.

Yet these numbers underestimate the impact of the county superintendent visits, largely due to the following three main factors: (1) county superintendent visits do not capture the insufficiencies districts identified and remedied when preparing for the visits; (2) county superintendents often did not report insufficiencies that districts remedied quickly; and (3) county offices of education did not always expand their sample of classrooms when they discovered insufficiencies.

With respect to the first factor, the imminence of county superintendent visits motivated districts and schools to take proactive steps to meet the sufficiency standard. Before county superintendents arrived on campus, many conducted pre-visits and revamped their inventory, ordering, and distribution procedures.

For instance, the San Mateo County Office of Education reports:

The visits and reviews did help improve learning conditions in San Mateo County. The schools that lacked sufficient instructional materials became aware of their deficiencies, and took steps to acquire the necessary materials. In addition, all districts became more aware of the need to implement orderly instructional materials review procedures tied to the state standards, and to have systematic inspections of all facilities.

For example, there was a district that had opened a new Kindergarten class at a school, but did not order materials for this new class. As a result of Williams, the principal was able to prevail upon the district to submit the necessary purchase orders, rather than wait until the following year.

[All districts became more aware of the need to have strong procedures in place to ensure tight linkages in the entire chain of events that start with textbook adoptions by a Board and ends with the student having books ready the day he/she enrolls. Districts have become more

Butte County Superintendent Don McNelis’ team visited seven schools and
found only one K-8 school lacked sufficient instructional materials.
None of the students at that school had social science books. As a result of the County Superintendent visit, the books were ordered, received, and are ready for use.

THE FIRST YEAR

THE FIRST YEAR
conscious of the need to have well defined, written procedures, with timelines and specified accountability. School principals are paying more attention to the end of year inventories done at the close of school, and the re-ordering process in the summer, to ensure that replacement materials are available at the start of school in the fall. In addition, schools are paying more attention to the specifics of ordering sufficient materials as they approach new textbook adoption cycles.

Similarly, a site reviewer for the Los Angeles County Office of Education reports, “As administrators became more familiar with the expectations of the instructional materials visits, they seemed to be more prepared. It seemed that site and district policies changed to align with the expectations.”

The second factor complicating measurement of the visits’ impact is that many county superintendents report that schools and districts often remedied insufficiencies shortly after they were identified by the county superintendent team; such actions eliminated the need for the county superintendent to send an insufficiency report to the district and the Superintendent of Public Instruction within five business days of the review pursuant to the Settlement Agreement. If, for instance, a missing book was supplied while the county superintendent team was still on campus for the visit, an occurrence that accompanied some county superintendent teams, the plaintiffs’ counsel witnessed on multiple occasions while reviewing those materials too during their learning.

The visits also helped identify instructional materials that are not being used in classrooms. For example, in Los Angeles County, a site reviewer reported:

> During the science check it was determined that, although the school had the requisite science materials, science teachers did not always know where they were and, therefore, did not use them. As a result, some students did not have access to these materials. This raised the opportunity for the schools to take stock of their supplies and create a plan that ensured all science teachers had access to these science suppliers so that their students had the benefit of these materials too during their learning.\(^1\)

County superintendent visits also identified model systems that could be shared with other schools and districts. One site reviewer in Los Angeles County visited “a large, inner city elementary school with new student enrollment happening constantly throughout the year” and noted that it has an exemplary system for textbook distribution and tracking that has resulted in a situation where “every new student entered their classroom with a full set of books in their arms on their first day in the school.” As the reviewer comments, “[this system could be used as a model for other schools needing to correct insufficiencies.”

Key Implementation Challenges

**Class Sets.** The issue of “class sets” caused confusion during the early months of implementation and was subsequently addressed in clean-up legislation. A “class set” exists when there are enough books for each student to use one in class, but not enough for all students to take one home. For example, if a teacher teaches five sections of Algebra, with 30 students in each section, and yet only has 30 books, the teacher has a “class set.” A concern arose during implementation that the definition of sufficient textbook or instructional materials was leading some schools or districts to adopt policies against homework because the definition required each pupil to have instructional materials to take home “to complete required homework.” If there was no required homework, then a school or district might argue that it could satisfy the sufficiency standard with a mere class set. Striving to avoid such a perverse

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\(^1\) San Bernardino County Office of Education team
result and maintain the intent of the settlement, the Williams Plaintiffs worked with other parties to the Settlement to clarify the sufficiency standard in AB 831 (the clean-up bill signed into law in July 2005). Accordingly, AB 831 deleted the modifying words — “to complete required homework assignments” — from the statutory definition of “sufficient textbooks or instructional materials.” Although some districts ordered thousands of books in the wake of the Williams Settlement to make it possible for students to take books home — county superintendent reports indicate that others did not because of the “required homework requirement,” schools must at least supplement Open Court or Houghton Mifflin reading/English language arts (ELA) programs with their K-3 students with “sufficient” instructional materials in science and social science if they did not provide science or history/social science textbooks or instructional materials in addition to the ELA materials. The Open Court and Houghton Mifflin programs include some integrated science and history/social science materials, but were adopted as reading/language arts/English language development programs and apparently do not adequately cover the grade level standards for science and history/social science. Based on current CDE guidance, schools must at least supplement Open Court or Houghton Mifflin ELA science and history/social science integrated materials with other standards-based science and history/social science materials to meet science and history/social science instructional materials requirements in grades K-3.

New Textbook Adoptions. Questions frequently arise around the following scenario: a district has insufficient instructional materials in a particular subject, yet wants to order new materials because the State Board of Education adoption for that subject is coming up soon. The Settlement Legislation requires that all students have books and that insufficiencies be remedied within 30 working days if identified by a complaint and within the first two months of the school year if identified by a county superintendent or by a district governing board resolution. The remedial timeline does not take textbook adoption dates into account because a missing book is an urgent issue for an individual student and needs to be addressed immediately. Schools and districts may not delay ordering books to align with an adoption cycle.

Conclusion

While the new “sufficient textbooks or instructional materials” standard and the related accountability systems are already significantly improving student access to current and undamaged instructional materials, the full impact of implementation should become more evident this year as the materials purchased with the settlement funds are delivered to classrooms and the insufficiencies identified by school, district, and county superintendent reviews are remedied. For example, the Los Angeles County Office of Education reports finding significant improvements during the second round of annual visits in 2005-2006. Furthermore, district improvements to inventory, ordering, and distribution systems, as well as new school-based procedures to replace lost books quickly, should help make certain that no student goes without a book to use in class and at home.

School Facilities

California’s students deserve, at a minimum, schools that are clean, safe, and functional. The Williams Settlement Legislation therefore created substantive standards for “good repair” and “emergency facilities needs,” and established overlapping accountability systems to ensure schools are maintained in good repair and emergency facilities needs are addressed immediately. By using the new Uniform Complaint Process, parents, students, teachers, and others can now identify threats to health or safety at their schools and make sure they are addressed. Districts must also immediately identify health and safety threats, along with facilities that are malfunctioning, broken, or dirty, through their facilities inspection systems, which the Settlement Legislation required districts to establish by July 1, 2005. 10 County superintendents provide an additional layer of oversight in decile 1-3 schools, which are eligible for millions of dollars in repair funds pursuant to the Settlement Legislation.

Alternative Current Materials. An issue causing some consternation within the county superintendent ranks is how to determine whether certain alternative textbooks and instructional materials are standards-aligned and consistent with the content and cycles of the curriculum frameworks before counting books in the sufficiency review process. SB 550 charged the California Department of Education (CDE) with developing an “instrument to assist county superintendents of schools evaluate the sufficiency of textbooks.” CDE subsequently developed an optional Instructional Materials Survey Form that allows for “Alternative Current Materials.” The Form, however, does not instruct a district to provide the county superintendent with a copy of the Alternative Current Materials (to use for comparison on site visits) or evidence that the materials are standards-aligned and consistent with the content and cycles of the curriculum frameworks.

Without evidence that the district has evaluated the Alternative Current Materials, determined that they are standards-aligned and consistent with the frameworks, and adopted them at a public meeting, county superintendents must assume the instructional materials are not standards-aligned and thus do not count towards the sufficiency standard. The California County Superintendents Educational Services Association and the Williams Plaintiffs have both been working with CDE to develop an improved Survey Form. K-3 Reading/English Language Arts Materials. An early issue in implementation was whether elementary schools using the K-3 State Board adopted Open Court or Houghton Mifflin reading/English language arts (ELA) programs were providing their K-3 students with “sufficient” instructional materials in science and social science if they did not provide science or history/social science textbooks or instructional materials in addition to the ELA materials. The Open Court and Houghton Mifflin programs include some integrated science and history/social science materials, but were adopted as reading/language arts/English language development programs and apparently do not adequately cover the grade level standards for science and history/social science. Based on current CDE guidance, schools must at least supplement Open Court or Houghton Mifflin ELA science and history/social science integrated materials with other standards-based science and history/social science materials to meet science and history/social science instructional materials requirements in grades K-3.

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The following subsections describe how the new facilities standards and related accountability systems are taking shape and cumulatively making a positive impact on schools around California. The pace of improvements should accelerate in 2005-2006 as the Settlement funds are available for repairs, districts complete the one-time comprehensive assessment of facilities needs in their lowest performing schools, schools begin having to report current “good repair” conditions in their School Accountability Report Cards (SARC’s), and more people utilize the new Uniform Complaint Process.

The Evolution and Implementation of the “Good Repair” Standard

“Good repair,” as defined in the Settlement Legislation, means "the facility is maintained in a manner that assures that it is clean, safe, and functional as determined pursuant to an interim evaluation instrument developed by the Office of Public School Construction.” The Office of Public School Construction developed the interim evaluation instrument (often referred to as the “IEI”) with input from the Williams Plaintiffs, school districts, county offices of education, and other interested parties, and the State Allocation Board adopted it on January 26, 2005. The instrument rates thirteen components of a school, ranging from restrooms to mechanical systems and interior surfaces.

Because it determines “good repair,” the interim evaluation instrument instantly became an important tool for school districts and county offices of education. Districts and county offices of education must incorporate the instrument into their facility inspection systems because the inspection systems must ensure that each of their facilities is maintained in “good repair.” Similarly, school officials must fill out interim evaluation instruments in order to complete the “IEI” with input from the Williams Plaintiffs, school districts, county offices of education, and other interested parties, and the State Allocation Board adopted it on January 26, 2005. The instrument rates thirteen components of a school, ranging from restrooms to mechanical systems and interior surfaces.

The Settlement Legislation requires county superintendents to visit the decile 1-3 schools in their counties annually to identify school facilities that pose emergency or urgent threats to the health or safety of pupils or staff as defined in district policy or in the Settlement Legislation.

The Settlement Legislation requires county superintendents to visit the decile 1-3 schools in their counties annually to identify school facilities that pose emergency or urgent threats to the health or safety of pupils or staff as defined in district policy or in the Settlement Legislation. During these visits, county superintendents must also evaluate the “good repair” of school facilities to determine the accuracy of data reported on the schools’ SARC’s. Accordingly, to accomplish both of these goals, they employ the interim evaluation instrument and examine, among other areas, classrooms, common areas, playgrounds, bathrooms, staff areas, and interior surfaces. According to 27 county superintendents’ responses to a survey by the Williams Plaintiffs, they identified emergency threats to health and safety in at least 185 of the 1364 decile 1-3 schools they visited during their inaugural round of visits in 2004-2005. They discovered, among other things, broken windows, hazardous materials, structural damage/dry rot, an electrical power failure, broken heating and air conditioning systems, termite infestations, missing fire extinguishers, blockage of emergency exits, broken sewer lines, and a gas leak, to name some of the “emergency” issues. As with missing textbooks, the emergency facility issues were spread across more than a few counties; 15 of the 27 county superintendents visited at least one decile 1-3 school with emergency facility needs.

The same 27 county superintendents reported that at least 220 of the 1364 decile 1-3 schools they visited needed some type of maintenance before they could be considered to be in “good repair,” i.e., clean, safe, and functional. The most common items in need of attention were: ceiling tiles, floor tiles, roof leaks, drinking fountains and faucets, peeling paint, restroom facilities, and playground facilities. The 220 figure, however, may not indicate the absence of cleanliness or functionality issues at the other 1,144 decile 1-3 schools visited by the 27 county superintendents.

County superintendents also reported on the schools’ SARC’s. Accordingly, to accomplish both of these goals, they employ the interim evaluation instrument and examine, among other areas, classrooms, common areas, playgrounds, bathrooms, staff areas, and interior surfaces. According to 27 county superintendents’ responses to a survey by the Williams Plaintiffs, they identified emergency threats to health and safety in at least 185
“At one large inner-city high school inspectors found many serious facilities issues. A follow-up inspection seven weeks later found all problems fixed and the school received ‘good’ rating.”

—— Site Reviews for the Los Angeles County Office of Education

Overall, the Williams visit process has positively affected communication among site administrators, curriculum departments, and maintenance departments, resulting in improved conditions for students, according to the San Joaquin County Office of Education and other district and county officials. Rhonda Cicolo, Director of School Equity for the San Joaquin County Office of Education, reports that “Communication is a positive outcome for facilities, as district maintenance departments are talking to site administrators and curriculum departments are talking to maintenance.”

Madera County Superintendent Dr. Sally Fraizer similarly reports that “Site staff gained a new appreciation for the work of the district operations staff and the site custodial crew had become an integral part of the instructional process. It was rewarding to sense the pride both site and district staff memberseded in knowing they had worked together to improve upon the school campus.”

Early feedback from the county superintendent visits in 2005-2006 indicate that students are enjoying cleaner, safer, and more functional schools because of the increased attention to facilities needs in the decile 1-3 schools, and the improved communications between school site administrators and district administrators.

For example, a team from the San Bernardino County Office of Education reports:

I have had several (3 or 4) e-mails from principals thanking us for such a positive experience. They all said that they were apprehensive about what to expect from our visit, but felt very relaxed at the results and appreciated our positive, helpful, friendly approach to our visit. Also, during all four visits I’ve conducted so far for the 2005-06 year, the principals said that they were very pleased with the work that their district maintenance crew has done to remedy the Williams facilities issues we found last year. . . . All of our visits have been very positive, and the 2005-06 visits have produced very few deficiencies; the schools and district are prepared for our visits and pleased with the results!

Emergency Repair Program Funded — Over $200 Million Available, with Nearly $600 Million More on the Way

The Settlement Legislation established the School Facilities Emergency Repair Program to reimburse school districts for emergency facilities repairs in decile 1-3 schools that were constructed prior to January 1, 2000. To fund this account initially, the Legislature appropriated five million dollars from the General Fund in 2004-2005. The 2005 Budget Act then added an additional $183.5 million. Subsequent legislation has provided $25 million to comprehensively assess school facilities needs of California’s decile 1-3 schools. The Office of Public School Construction presented the first complete reimbursement application to the State Allocation Board for approval on September 28, 2005.

The information gathered will help state policymakers to target resources where they are most needed, provide districts with useful data for facilities maintenance planning, and give experts and the community a detailed picture of facilities conditions in approximately one-third of the State’s public schools. The Needs Assessment Program provides school districts with a $10 per student enrollment in each eligible school, with a minimum of $500 per school, to develop this assessment. Districts must obtain the services of a qualified independent individual to perform the assessment. The assessments must contain information such that facility inventories, the estimated costs for five years to maintain functionality of the school buildings, remaining life of major building systems by building, and lists of any necessary repairs. The completed assessments must be submitted to the Office of Public School Construction by January 1, 2006, using the on-line submittal program developed by the Office of Public School Construction and must be used as the baseline for facilities inspection systems. The information reported in the completed assessments will be available for public viewing on the Office of Public School Construction’s website.

Districts may expend any funds not used to perform the assessment on necessary repairs reported in the assessment so long as they expend the funds by January 1, 2007, and do not supplant existing maintenance funds. Some districts, such as those working in

For purposes of this article, “emergency facilities needs” means structures or systems that are in a condition that poses a threat to the health and safety of pupils or staff while at school. These projects may include, but are not limited to, the following types of facility repair or replacements of:

(A) Gas leaks.
(B) Nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems.
(C) Electrical power failure.
(D) Major sewer line stoppage.
(E) Major pest or vermin infestation.
(F) Broken windows or exterior doors or gates that will not lock and that pose a security risk.
(G) Abatement of hazardous materials previously undiscovered that pose an immediate threat to pupil or staff.
(H) Structural damage creating a hazardous or uninhabitable condition.

—— California Education Code section 17592.72(c)(1) (emphasis added)
collaboration with the San Diego County Office of Education, are reporting that they are going to be able to use up to a third of their assessment funds on repairs.

The Needs Assessments are separate and distinct from the Williams-related inspections conducted by district personnel and county superintendents. District facility inspection systems and county superintendent review involve at least annual visits to school sites to monitor continuously the status of the facilities; the Needs Assessment Grant program funds a one-time baseline assessment. Independent experts complete Needs Assessments, whereas district personnel and county superintendents oversee the district inspection systems and county superintendent visits respectively. Needs Assessments are also much more comprehensive than county superintendent reviews because they involve estimates of five-year costs to maintain facilities and the remaining life of major building systems. Finally, Needs Assessments focus only on decile 1-3 schools, while district facility inspection systems must address the facilities needs of all schools.

The Office of Public School Construction developed the regulations for the Needs Assessment Program over the course of four separate public implementation Committee meetings with significant input from school districts, the Williams Plaintiffs, and other interested parties. The State Allocation Board adopted the proposed regulations on January 26, 2005, and February 21, 2005. As part of this system, counties and counties subsequently approved the regulations and filed them with the Secretary of State on May 31, 2005, at which point they became immediately effective.

On February 23, 2005, the State Allocation Board apportioned $22,829,500 to eligible school districts from the $25 million allocated for the Needs Assessment Program. The remaining funds must be transferred to the Education Repair Program Account pursuant to the Settlement Legislation. All districts submitted the progress reports the Settlement Legislation required from them on time by April 29, 2005. The OPSC and State Allocation Board collected this information, produced a thorough “Report on the Progress of the School Facility Needs Assessments Required by the Williams Settlement” (approved by the State Allocation Board on June 22, 2005) that 540 of the 735 decile 1-3 schools they reviewed had misassignments, including 207 misassignments resulting from a lack of proper subject matter training. Only four of the 21 county superintendents reported that they found no misassignments. Overall, in their reviews of approximately 1,378 schools, the 21 County Offices of Education identified at least 32,163 classes where 20% or more of the students were English Language Learners. Shelly Spiegel-Coleman, the Executive Director cards based on the new standards. Additionally, county superintendents have enhanced teacher assignment monitoring responsibilities with respect to decile 1-3 schools, their reports from the first year of implementation describe some of the most striking and immediate effects of the Settlement Legislation. The Settlement Legislation built on an existing monitoring system and requires county superintendents to annually review and correct teacher misassignments in decile 1-3 schools and that are likely to have problems with teacher misassignments and teacher vacancies based on past experience or other available information. This system requires county superintendents must review and correct assignments of teachers who are assigned to teach English Language Learners but lack the proper training.

Teacher misassignments are all too common according to the county superintendent reviews of decile 1-3 schools in 2004-2005. Of the 21 county superintendents who provided the results of their 2004-2005 misassignment reviews for this report, 19 broke their numbers down by school and reported that 540 of the 735 decile 1-3 schools they reviewed had misassignments, including 207 misassignments resulting from a lack of proper subject matter training. The Settlement Legislation built on an existing monitoring system and requires county superintendents to annually review and correct teacher misassignments in decile 1-3 schools and that are likely to have problems with teacher misassignments and teacher vacancies based on past experience or other available information. This system requires county superintendents must review and correct assignments of teachers who are assigned to teach English Language Learners but lack the proper training.

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Anecdotal reports from district and county office of education officials indicate that the Settlement’s spotlight on reporting and correcting misassignments has had two primary benefits in the first year of implementation. First, current teachers are seeking training to teach English Learners in greater numbers. Second, districts are more aware of the pre-existing training to teach English Learners in greater numbers. As part of the Williams Settlement, the State reaffirmed its commitment to comply with the teacher quality provisions of the federal No Child Left Behind Act, which require that there be a “highly qualified teacher” teaching every core academic class in all schools by the 2005-2006 school year. The Settlement Legislation, however, took additional steps to improve students’ access to qualified teachers, including a number of measures designed to help California schools attract and retain qualified teachers. For example, the Legislature encouraged school districts to follow Los Angeles Unified School District’s practice of giving decile 1-3 schools first priority to review resumes and job applications received by the district from credentialed teachers. Also, the Superintendent of Public Instruction was required to incorporate into the Principal Training Program (AB 75) new training for principals to improve the hiring, recruitment, and retention of qualified teachers and reduce the misassignment of unqualified teachers. (The California Department of Education accordingly recommended revisions to the Principal Training Program Provider Guidelines and Criteria, which were approved by the State Board of Education on July 6, 2005.) The Settlement Legislation, in addition, eliminated duplicative and unnecessary requirements for out-of-state teachers seeking California credentials (namely, a health requirement, a fifth year of study, and a basic skills test requirement where comparable requirements have already been met). This latter change should increase the pool of experienced out-of-state teachers available to teach in California.

Eliminating the Concept 6 Multi-Track, Year-Round School Calendar

The Settlement Legislation established standards and procedures for phasing out school districts’ use of Concept 6 multi-track, year-round school calendar, which provides only 163 days of classroom instruction instead of the normal 180 days. The Legislation prohibits the operation of a Concept 6 program after July 1, 2012, and bars districts from starting new Concept 6 programs. Any district that has operated a Concept 6 multi-track, year-round school calendar, which provides only 163 days of classroom instruction instead of the normal 180 days. The Legislation prohibits the operation of a Concept 6 program after July 1, 2012, and bars districts from starting new Concept 6 programs. Any district that has operated a Concept 6 program continuously since the 2003-2004 school year does not have to desist immediately, but must develop a comprehensive action plan to eliminate use of Concept 6 and comply with progress benchmarks in the meantime.

In 2005-2006, schools and districts began the year for the first time with the teacher misassignment and vacancy definitions in place. Misassignments and vacancies should therefore decline this year and should be corrected more quickly when they are identified. As the prevalence of misassignments shows, swift action to correct this persisting problem is essential.

**“It does not matter whether there is one student or all the students in a class requiring English learner services, the teacher must hold the appropriate basic and English learner authorization.”**

— California Commission on Teacher Credentialing

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**Additional Steps to Improve Students’ Access to Qualified Teachers**

As part of the Williams Settlement, the State reaffirmed its commitment to comply with the teacher quality provisions of the federal No Child Left Behind Act, which require that there be a “highly qualified teacher” teaching every core academic class in all schools by the 2005-2006 school year. The Settlement Legislation, however, took additional steps to improve students’ access to qualified teachers, including a number of measures designed to help California schools attract and retain qualified teachers. For example, the Legislature encouraged school districts to follow Los Angeles Unified School District’s practice of giving decile 1-3 schools first priority to review resumes and job applications received by the district from credentialed teachers. Also, the Superintendent of Public Instruction was required to incorporate into the Principal Training Program (AB 75) new training for principals to improve the hiring, recruitment, and retention of qualified teachers and reduce the misassignment of unqualified teachers. (The California Department of Education accordingly recommended revisions to the Principal Training Program Provider Guidelines and Criteria, which were approved by the State Board of Education on July 6, 2005.) The Settlement Legislation, in addition, eliminated duplicative and unnecessary requirements for out-of-state teachers seeking California credentials (namely, a health requirement, a fifth year of study, and a basic skills test requirement where comparable requirements have already been met). This latter change should increase the pool of experienced out-of-state teachers available to teach in California.

If a school is in fiscal distress or is under state review, its Coded Correspondence on Williams Changes to Assignment Monitoring and Data Reporting on August 26, 2005, stating: “It does not matter whether there is one student or all the students in a class requiring English learner services, the teacher must hold the appropriate basic and English learner authorization.”
Within First Four Weeks of the School Year
County Superintendents determine sufficiency of textbooks and instructional materials in decile 1-3 schools

Within Two Months of the Beginning of the School Year
All districts must conduct textbook/instructional materials hearings, adopt resolutions, and remedy any insufficiencies

Every Quarter
County Superintendents report on Williams visits to decile 1-3 schools to district governing boards

Every Quarter
All districts report summary data on Williams Complaints to district governing boards and County Superintendents

Annually
County Superintendents visit decile 1-3 schools to determine compliance with textbook/instructional materials and facilities standards and to determine the accuracy of related data reported on School Accountability Report Cards

Annually
County Superintendents report on the state of the decile 1-3 schools in their counties, including, among other things, their observations from their Williams visits and reviews to district governing boards, the county boards of education, and the county boards of supervisors

Annually
County Superintendents review and correct teacher misassignments in decile 1-3 schools, with a report on teacher misassignments to the CCTC by July 1

Annually
Districts operating schools on the Concept 6 calendar must submit progress reports to the Superintendent of Public Instruction

Annually
Schools, districts, and county offices of education publish School Accountability Report Cards

At Least Annually
Pursuant to their facilities inspection systems, districts inspect their school facilities to ensure they are maintained in “good repair”
The State Board of Education’s July Agenda Report included a summary of the districts’ comprehensive action plans:

“The LAUSD has proposed the construction of 76,333 new seats. Of this, 50,853 seats will be used to relieve the District of the multitrack year-round Concept 6 calendar. The additional seats will be used to relieve the critically overcrowded schools, enrollment growth, and to allow students to attend the schools within their resident area. The District is recommending student assignment to indicate the number of students who will attend their neighborhood schools without the need for busing the students more than 40 minutes away from the student’s school of residence as a means to eliminate the Concept 6 program.”

“As detailed in Attachment 2, the LAUSD has acquired the sites for 59 new schools that will house 56,361 students. The District has awarded construction contracts for 51 new schools with a total capacity of 48,356.”

“The LUSD is proposing to build one additional school and classroom additions . . . at several existing schools in order to eliminate the use of the Concept 6 calendar. The District is also planning to decrease the attendance area at several of the schools to reduce the schools’ enrollment. The District, in their comprehensive action plan, used California Basic Educational Data System (CBEDS) enrollment since the pupils within the district attend the schools within their resident area. LUSD has a need for an additional 1,422 seats and has planned capacity additions of 1,631 new seats, as outlined in their comprehensive action plan. The additional seats would relieve the use of the Concept 6 program and accommodate enrollment growth. The district has been funded through the State Allocation Board for 1,575 seats. The new seats funded by the state with the District’s contribution will provide adequate housing for the students being displaced as a result of the elimination of the use of the Concept 6 program.”

Lodi Unified School District (LUSD) and Los Angeles Unified School District (LAUSD) continued to operate schools on the Concept 6 calendar in 2004-2005, so the Settlement Legislation required them to submit comprehensive action plans to the California Department of Education by January 1, 2005, detailing strategies and steps to be taken annually to eliminate the use of the Concept 6 program as soon as practicable and no later than July 1, 2012. LAUSD operated 130 Concept 6 schools with a total enrollment of 255,431 in 2004-2005, and LUSD operated nine Concept 6 schools with a total enrollment of 6,385.

California Department of Education staff reports that they worked extensively with the districts on the comprehensive action plans, beginning in September 2004. In the course of doing so, they evaluated the plans pursuant to the Settlement Legislation, consulting with the Office of Public School Construction regarding whether the districts identified adequate sources of funding for the projects necessary to eliminate the program.

In June 2005, Department of Education staff provided an Information Memorandum and the districts’ comprehensive action plans to the State Board of Education. One month later, they presented the plans to the State Board of Education as an action item with a recommendation to approve them. The State Board of Education followed staff’s recommendation and voted unanimously to approve LUSD and LAUSD’s comprehensive action plans. Now LUSD and LAUSD must submit annual progress reports to the Superintendent of Public Instruction and meet other periodic “substantial progress” deadlines. The California Department of Education, State Board of Education, Superintendent of Public Instruction, Office of Public School Construction, and State Allocation Board are responsible for ensuring the districts make satisfactory progress toward the final statewide elimination date of July 1, 2012.

Conditions are already improving for approximately 85,000 students in Los Angeles who are moving off the Concept 6 calendar in 2005-2006. Parents, students, teachers, and administrators cheer this development, as detailed in a September 6, 2005, article in the Los Angeles Times by Jean Merl and Erika Hayasaki titled, “L.A. Cuts Back Year-Round Schools.” Merl and Hayasaki quote Jesus Angelo, a former assistant principal at South Gate High School and now principal of the new South East High School, which just opened on September 6, 2005: “The traditional single-track school year ‘is going to maximize learning. I foresee a reduced number of dropouts and more kids entering universities.’ ” Similarly, Susan Liao Ancarlas, principal of Ramona Elementary School in east Hollywood, which is switching to a traditional calendar this year, told Merl and Hayasaki, “It’s going to be wonderful to have everybody in the same place in the instructional program at the same time.” Larry Carletta, administrative coordinator in LAUSD’s school management services office, may have summed it up best with the following quote: “Over 13 years, that 17 days translates into nearly a year less of instruction, so this is really good news.”
since November 1988, state law has required all public schools to generate and distribute School Accountability Report Cards (SARCs) to provide parents with data they can use to make meaningful comparisons between public schools, which will enable them to make informed decisions about where they want to enroll their children. The Williams Settlement Legislation accordingly requires that each school’s SARC, which must be published on the Internet and made available in paper form to parents who request it, provide accurate, specific, and current information regarding the availability of sufficient textbooks and instructional materials, the number of teacher misassignments and vacancies, and the condition of school facilities, including any needed maintenance to ensure “good repair.”

The Settlement Legislation established two mechanisms for verifying the accuracy of this information. The first modifies the county superintendents’ annual independent compliance audit procedures. Starting with the 2004-2005 audits, county superintendents’ review of audit exceptions must include exceptions related to use of instructional materials program funds and the reporting requirements for the sufficiency of textbooks and instructional materials, teacher misassignments, and information reported on the SARC. County superintendents shall determine whether the exceptions are either corrected or an acceptable plan of corrections has been developed. If the county superintendent certifies to the Superintendent of Public Instruction and the Controller that the audit exception was corrected or that an acceptable plan of correction was submitted to the county superintendent, the local educational agency is not required to repay the apportionment based on the significant audit exception. School districts are not eligible for reimbursement of SARC-related costs if the annual audit finds that the information in the SARC is inaccurate and the district does not correct the information by May 15th in that year.

The second form of verification involves the county superintendents’ annual visits to decile 1-3 schools. As described in the sections above, county superintendents gather information on these annual visits regarding the availability of sufficient textbooks and instructional materials and the safety, cleanliness, and adequacy of school facilities, including “good repair.” The Settlement Legislation requires that the Superintendents use that information to determine the accuracy of the data reported on decile 1-3 schools’ SARCs.

To implement the Settlement Legislation’s SARC provisions, the State Board of Education has approved three sets of revisions to the SARC template and data definitions and should adopt more changes shortly in response to Williams clean-up legislation. The State Board approved the first set of revisions in November 2004, and, in response to concerns raised by the Williams Plaintiffs, approved further revisions in
January 2005. During the annual approval process of the SARC template and data definitions in May 2005, the plaintiffs reported that some Amendments II and III districts provide specific and current data. The next set of revisions will officially incorporate the clarified definition of “sufficient textbooks or instructional materials” in AB 811 and SB 687’s requirement that districts quantify any textbook or instructional materials insufficiencies.19

County superintendents have expressed frustrations regarding their efforts to verify the accuracy of decile 1-3 schools’ SARCs during the first year of implementation. Some districts did not use the new template and data definitions; others provided only vague, ambiguous statements on seven facilities and textbooks; and others did not publish SARCs at all. For example, the San Mateo County Office of Education reports that five schools in that county did not have SARCs in 2004-2005, and 17 County Offices of Education report that 173 of 453 SARCs they cumulatively reviewed provided inconsistent or inaccurate data. Even when districts provided the most recent available information, as required, some county superintendents found the data difficult to compare to the data they gathered on site visits because the districts and County Offices of Education did not gather their data at the same time. This is one of the reasons that some County Offices of Education, including Los Angeles, Alameda, and Riverside, did not verify any SARCs during 2004-2005. However, in 2005-2006, these County Offices of Education plan to comply with their statutory duty to verify the decile 1-3 schools SARCs.

Overall, the Williams Settlement Legislation’s SARC amendments and new monitoring systems are already producing positive results. For instance, a recent study by Public Advocates found that 24 of the 27 districts they identified as having SARCs one to three years out-of-date a year ago are no longer out of compliance. However, Public Advocates also found that nearly 9% of the approximately 900 schools they reviewed lacked current SARCs by the start of the 2005-2006 school year, and half of the districts they reviewed, published their SARCs late, after the May deadline set by the California Department of Education. Further, anecdotal evidence suggests that schools are failing to make SARCs available in languages other than English pursuant to California Education Code section 48985, which applies where 15% or more of the students speak a language other than English. Virginia, Texas, and other districts are making progress, there is plenty of room left for improvement.

Uniform Complaint Process

Students, parents, teachers, and community members can hold schools accountable for complying with the new instructional materials, textbook, and facilities standards. The new Uniform Complaint Process created by the Williams Settlement Legislation requires schools and districts to remedy complaints about insufficient textbooks or instructional materials, unsafe or unhealthy facility conditions, and teacher vacancies and misassignments. (A brochure describing the complaint procedures is detail is provided at the end of this report, along with a sample complaint form.) Once a complaint is filed, the principal or district official must make all reasonable efforts to investigate the problem and provide a remedy — and not merely a response — within a reasonable time, not to exceed 30 working days. Complainants may file anonymously, but if they choose to provide names and contact information, districts and schools must provide them with written responses within 45 working days. A complainant who is not satisfied with the response has a right to describe the problem to the governing board of the school district at a regularly scheduled meeting. A complainant may also appeal a decision regarding an unhealthy or unsafe facilities condition directly to the Superintendent of Public Instruction. Each school district must report summarized data to the county superintendent and the district governing board, thereby providing public accounting for district responsiveness.

The Settlement Legislation required all districts in California to have this new complaint process up and running by January 1, 2005, along with notices posted in every classroom describing the new standards and where to obtain complaint forms.

Unfortunately, not all districts complied with this legal requirement. Newspaper articles from Sacramento to Los Angeles reported that some amendments II and III districts are making progress, there is plenty of room left for improvement.

Some districts are apparently unaware of their new duty to report summarized data on complaints to their governing boards and county superintendents every quarter. Williams Plaintiffs called 202 school districts throughout California this past summer to request quarterly reports. In response to these calls, officials at more than a dozen districts claimed that they did not know they had to produce any such reports or that they did not produce a report because they did not receive any complaints. County superintendents reportedly report that while most districts are in compliance, some are failing to produce quarterly reports on time. Every school district must file a quarterly report even if the district receives zero complaints in the quarter; the district must include all complaints in the summary, even those the district does not deem “valid.”

Based on reports from 43 County Offices of Education, it appears outreach efforts have increased participation in the new Uniform Complaint Process. Districts must report summarized data on the nature and resolution of all complaints on a quarterly basis to their county governing boards and county superintendents.20 Of the 43 county superintendents reporting on the first quarter (January - March 2005) summaries that were received, 33 stated that none of their districts reported receiving a complaint. Districts were not always swift to post notices, and students and parents were just learning about the Uniform Complaint Process, so these numbers are not surprising. In contrast, counties in which community groups swiftly organized around the Uniform Complaint Process, such as Los Angeles, San Francisco, and Santa Clara Counties, reported significant activity. For example, 38, 47, and 24 facilities complaints were filed in these three counties respectively during the first quarter.

Not as many county superintendents provided information from second quarter reports (April - June 2005) reports. Yet we know that the total number of counties reporting at least one complaint filed rose from at least 10 to at least 15 in the second quarter and that in all
Of Substitutes and Other Temporary Teachers. The teacher assigned to each class and not a series of substitutes or other temporary teachers. Such a classroom notice might look like this:

Dear Students, Teachers, Parents and Guardians:

Pursuant to California Education Code Section 35186, you are hereby notified that:

1. There should be sufficient textbooks and instructional materials. This means each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.

2. School facilities must be clean, safe, and maintained in good repair.

3. There should be no teacher vacancies or misassignments. This means there should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential and subject matter training to teach the class, including training to teach English Learners if present.

4. A complaint form may be obtained at the school office, district office, or downloaded from the school's Web site at [Web site address]. You may also download a copy of the California Department of Education complaint form from the following Web site: http://www.cde.ca.gov/eo/ce/wc/index.asp. Complainants report, however, that district and school responses have not been uniformly positive. For instance, some of the parent leaders with CADRE report that they did not receive responses to their complaints, and others report that they received late responses. Moreover, when they filed complaints in Spanish, they received responses in English. The Williams Plaintiffs have heard similar stories from around the state — parents concerned that districts are ignoring the translation requirements of California Education Code section 48985, which applies where 15% or more of the students speak a single primary language other than English, and teachers and parents receiving responses to their complaints that are so vague and brief that they do not convey any useful information or address the concerns raised in the complaints. The Plaintiffs are helping to monitor and follow up on such issues. All persons concerned about students learning in a safe environment with required books and properly trained teachers must remain vigilant to ensure that the Uniform Complaint Process is an effective tool for parents, students, and teachers. Notices must be posted in all classrooms, parents and students must be informed, and responses to complaints must be swift and positive.

State Regulations
The State Board of Education has spent nearly a year on the Williams-related amendments to the Uniform Complaint Procedures regulations. The Board approved the commencement of the regulatory process and released proposed revised regulations in November 2004 for public comment. The proposed revisions included many non-Williams-related amendments, and generally prompted a significant number of critical comments from the public and the Williams Plaintiffs. In response to comments made in writing, at a public hearing in January 2005, and during a follow-up discussion with interested parties in February, the California Department of Education recommended substantial revisions. The State Board of Education approved the revisions and released the proposed amendments for a 15-day public comment period in March 2005. The Williams Plaintiffs and others subsequently submitted additional comments. As a result, the Department of Education recommended more revisions, and the State Board released the proposed regulations for another 15-day public comment period in May 2005. Finally, in September 2005, the State Board approved additional amendments required by AB 831 (one of the Williams clean-up bills) and released those regulations for a third 15-day public comment period. If no negative comments are received regarding the latest revisions, the Department of Education shall complete the rulemaking file and submit the adopted regulations to the Office of Administrative Law.

One of the important provisions in the proposed regulations is the definition of “beginning of the year or semester,” which bears on when responses are to be measured. The regulations define “beginning of the year or semester” as “the first day classes necessary to serve all the students enrolled are established with a single designated certificated employee and not to exceed the duration of the class, but not later than 20 working days after the first day students attend class that semester.” This definition, which was drafted with input from the Williams Plaintiffs, directly affects the definition of a teacher vacancy because a teacher vacancy is “a position to which a single designated certificated employee has not been assigned at the beginning of the year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for the entire semester.” (California Education Code section 35186(h)(3)).
By the numbers:

- 58 California County Superintendents of Schools
- 45 County Superintendents have schools on the California Department of Education’s (CDE) list of decile 1-3 schools (2003 API) 16
- 32 County Superintendents have more than five schools on CDE’s list
- 2 Single school district counties have schools on CDE’s list (San Francisco and Del Norte)
- 53 County Superintendents are elected
- 2115 Schools are on CDE’s list of decile 1-3 schools
- 1453 Schools on CDE’s list are in one of nine counties (Los Angeles, San Bernardino, Fresno, Riverside, San Diego, Orange, Alameda, Kern, and Sacramento)
- 598 schools must be visited at least annually by the Los Angeles County Office of Education
- 153 is the second-highest total of schools any county office of education must visit (San Bernardino County)
- 2 million students are enrolled in the 2115 schools on CDE’s list of decile 1-3 schools

County Superintendent Visits and Reviews

County superintendents provide an additional layer of oversight in decile 1-3 schools. As described in earlier sections of this report, the Settlement Legislation established new county superintendent responsibilities, consistent with the preexisting duty of each county superintendent to “supervise[20]” and “visit and examine each school in his or her county at reasonable intervals to observe its operation and to learn of its problems.” (California Education Code section 1240.) County superintendents now must visit each decile 1-3 school in its counties annually to determine compliance with the new instructional materials and facilities standards and to determine whether the schools’ School Accountability Report Cards accurately report this data.22 They must also annually review and help correct teacher misassignments in these schools. At least 25% of their visits must be unannounced, and they must report the results of their visits to each school district’s governing board on a quarterly basis at a regularly scheduled meeting. Each county superintendent must also make an annual report on the state of these schools, including, among other things, his or her observations while visiting the schools, to the county board of education, the county board of supervisors, and each district governing board in the county.

Schools “Under Review” Defined in New Regulations

Schools “currently under review through a state or federal intervention program” are exempt from county superintendent reviews of textbooks and instructional materials. The State Board of Education proposed and adopted a regulation defining schools “under review” as “schools undergoing interventions pursuant to Sections 52055.2, 52055.3, 52055.4, or 52055.5(b) or (c) of the Education Code.” (Section 17101 of Title 5 of the California Code of Regulations (operative June 8, 2005).) This regulation effectively exempted 82 schools on the California Department of Education’s list of decile 1-3 schools from county superintendent textbook and instructional materials reviews because they have been assigned School Assistance and Interventions Teams that should address the sufficiency of their textbooks and instructional materials. County superintendents are still required to visit these schools to determine compliance with the new facilities standards and the accuracy of data reported on the schools’ School Accountability Report Cards.

County Superintendents Move Quickly to Implement Williams Settlement Legislation

California County Superintendents, largely led by the California County Superintendents Educational Services Association (CCSESA), quickly mobilized to implement the Williams Settlement Legislation and establish statewide protocols for visits and reviews. CCSESA released an overview of the Settlement Legislation the day after it was signed, declaring it “An Opportunity to Further Equity” and highlighting how the Settlement “offers an opportunity for county and district superintendents to work collaboratively to support and assist underperforming schools to improve student performance.” CCSESA and the county superintendents generally seized this opportunity and worked collaboratively with state agencies, school districts, principals, and the Williams Plaintiffs over many months. They circulated draft protocols, templates, and procedures for comments. They conducted a pilot training and coordinated pilot visits in counties across the state. They solicited feedback from the pilots and revised the templates and protocols. Finally, in March, they provided trainings in northern and southern California for all county office staff involved in Williams visits and reviews. The training materials, along with updates and other resources, are posted on CCSESA’s website: www.ccsesa.org/ccsesaAtWork/stories/storyReader33.

The majority of the county superintendent visits occurred in March, April, and May 2005. Despite scheduling difficulties due to the large number of testing days in the spring, all County Offices of Education except one reported that they visited all their decile 1-3 schools in 2004-2005. The one exception, the Los Angeles County Office of Education, visited 288 schools to check on instructional materials and 350 schools to inspect facilities. Although the Los Angeles County Office of Education did not get to all 598 decile 1-3 schools in Los Angeles County (445 more than any other county office of education), its staff visited 197 more schools than any other county office of education in the State and satisfied its statutory duty for the first year of implementation.

The results and lessons of the 2004-2005 visits and reviews are discussed in the earlier sections of this report. The results of a particular county superintendent’s Williams visits in 2004-2005 or 2005-2006 can be found in the quarterly reports the county superintendent is required to deliver to each district governing board, as well as in the county superintendent’s annual report on the state of the county’s decile 1-3 schools which must include, among other things, the county superintendent’s observations from the Williams visits and reviews. Some county offices of education, such as the Sacramento County Office of Education, have assisted parents, students, and community members by sharing the results of their Williams visits on their websites. Such posting furthers the goal of public reporting and accountability and promotes parent involvement in schools.

“The districts and sites view our visitations as positive with significant and timely outcomes.”

~ San Joaquin County Office of Education

CCSESA gathered information on the first round of visits through a survey and hosted a series of meetings with county office of education staff, state agencies, Williams plaintiffs, and other interested parties to discuss best practices and clean-up legislation. Building on these efforts, CCSESA updated its templates and protocols and conducted a training session in August 2005 for county office of education staff preparing for the 2005-2006 visits.

The Williams Plaintiffs participated in all the CCSESA trainings, accompanied county office of education teams in southern, central, and northern California for site visits, and participated in county trainings for district personnel. Some officials initially expressed skepticism about the visit and review processes, but many of these officials are changing their minds as they visit schools in 2005-2006 and witness the improvements that have taken place since the first round of visits in late 2004-2005. For example, Dr. Gary Thomas from the San Bernardino County Office of Education says he has “seen a tremendous response” in San Bernardino County and that the process has been “rewarding.” Similar stories from around the State should be captured in the county superintendents’ 2005-2006 reports.

NOTE: Many county superintendents have already completed all of their 2005-2006 visits, but because of timing, and for the sake of consistency, this report focuses almost entirely on the results from the 2004-2005 visits.
Implementation of the Settlement Legislation entered a new phase with the beginning of the 2005-2006 school year. Whereas the Settlement Legislation’s enactment date and the timing of some appropriations and regulations made full implementation of some of the provisions impracticable last year, the new standards, funding, and accountability systems were in place before schools opened this year. Therefore, all members of the school community should expect compliance with the new standards and results from the new funds and accountability systems. Four areas in particular bear watching:

**The Emergency Repair Program.** Over $200 million is now available for districts to claim for health and safety related repairs in their low-performing schools, yet the Office of Public School Construction (OPSC) reports low numbers of applications so far. The Williams Plaintiffs and the OPSC are reaching out to districts to encourage them to apply because reports indicate that many districts have repairs that would qualify for funding. The OPSC is trying to alleviate concerns that they will construe the definition of “emergency facilities needs” too narrowly. If the pace of applications does not pick up, or applications consistent with the intent of the program are not successful, regulatory changes may be needed.

**District and County Superintendent Reports.** The Williams Settlement Legislation requires that districts and county superintendents make multiple public reports, including textbook resolutions, quarterly summaries on the nature and resolution of complaints, School Accountability Report Cards, district progress updates on phasing out the use of Concept 6, reports on misassignments to the California Commission on Teacher Credentialing, county superintendent quarterly reports on visits to decile 1-3 schools, and annual county superintendent reports on the state of decile 1-3 schools. These reports should provide public accountability and critical information to parents and community members. The quality and accuracy of these reports in 2005-2006 should be a key indicator of whether the statutes governing these reports need to be amended or additional enforcement mechanisms are necessary.

**The Uniform Complaint Process.** Too many parents, teachers, students, and community members are still unaware of the new standards and the new Uniform Complaint Process. Therefore, additional outreach, such as the training conducted by the Williams Plaintiffs and allied organizations, is needed to make certain that any time a student needs instructional materials, a facility condition
poses a health or safety threat, a teacher is misassigned, or a teacher vacancy exists, a complaint is filed.

**Implementation in All Schools.** Some individuals use the moniker "Williams Schools" when discussing decile 1-3 schools because they receive additional funds, needs assessments, and county superintendent visits. This label unfortunately contributes to ongoing confusion surrounding the fact that the new Williams standards apply equally to all public schools and most of the related accountability systems apply as well (e.g., the Uniform Complaint Process). **All schools** are "Williams schools." Accordingly, it remains important to ensure that all counties, districts, and schools understand the new standards and accountability systems. (As for the decile 1-3 schools, legislation in 2006 will likely update the list of schools to be visited by county superintendents and should provide the next round of funding for county superintendent oversight.)
ead plaintiff Eliezer Williams graduated from high school on June 8, 2005, more than eight months after the Settlement Legislation forever tied to his name was enacted. As a result of his courage, his parents’ courage, and the courage of the other student and parent plaintiffs, he left the California K-12 public school system better off than he found it. Tens of thousands of students have new books and materials. School facilities are being inspected and repaired. Districts are correcting teacher misassignments and vacancies. The Concept 6 school calendar will soon be a thing of the past. Moreover, education officials at the state, county, district, and school levels are revamping their internal systems to ensure that all students receive the most basic necessities for a quality education. 

What should not be lost in the midst of the identified deficiencies and improvements is the positive news from many school sites, to say nothing of the extraordinary efforts of many teachers, administrators, custodians, and others who work every day to provide students in California with a quality education. The majority of decile 1-3 school classrooms have sufficient instructional materials according to county superintendent reports, and some even enjoy an abundance of books that allows students to keep a separate set of books at home. Most teachers are properly assigned. Many facilities are well maintained even under challenging conditions. The premise of the Williams Settlement Legislation is not that most students do not have the basic necessities; it is that we must take all necessary steps to ensure that no student in California is deprived of educational opportunities because he or she is not fortunate enough to be among the majority of students in the State who have plentiful instructional materials; clean, safe, and functional facilities; and properly trained teachers in every class. The new standards and accountability systems, as detailed above, provide necessary safeguards and are producing immediate tangible results.

This report is dedicated to the students, parents, and teachers who demanded that the State live up to its constitutional duty to provide every student with the basic necessities for educational opportunity, and to the countless individuals who have worked, and continue to work, tirelessly to implement the new statutory requirements that will make the Settlement’s promise a reality.
1 For more information, please visit www.decentschools.org.

2 Charter schools are the one exception to this rule. However, those charter schools that were ranked in deciles 1-3 by the California Department of Education and chose to opt in to the Williams Settlement benefits and responsibilities by February 8, 2005, are not exempt.

3 The California Department of Education has compiled a list of these schools pursuant to Education Code section 17592.70(b). The list is posted on the Department’s Williams website: http://www.cde.ca.gov/eo/ce/wc/index.asp.

4 This definition included the phrase “to complete required homework assignments” at the end of the sentence and did not include the adjective “standards-aligned” before it was amended by the clean-up bill in July 2005 (AB 831). This amendment is discussed in more depth below under “Class Sets” in the “Key Implementation Challenges” subsection.

5 County boards of education must follow the hearing and resolution requirements for county-operated schools.

6 http://www.cde.ca.gov/eo/ce/wc/index.asp.

7 County superintendents must conduct their visits to determine the sufficiency of instructional materials within the first four weeks of the school year. A county superintendent with 200 or more schools to visit may use a combination of visits and teacher surveys within the first four weeks, so long as the county superintendent’s staff visits all surveyed schools later in the year to verify the survey results.

8 County superintendents visited a random sample of classrooms and courses when they visited the decile 1-3 schools, covering all grade levels and required subject areas.


10 If a district does not participate in the School Facilities Program or the Deferred Maintenance Program, it is exempt from this requirement.

11 The statutory definition is provided in the sidebar on page 23.

12 The expectation is that emergency facilities needs will arise over time, and therefore the funding is incremental.

13 The regulations, related forms, and all meeting minutes are available on the OPSC website: www.opsc.dgs.ca.gov.

14 The Settlement Legislation excludes decile 1-3 schools that were constructed on or after January 1, 2000, from the assessment.
Only the Los Angeles County Office of Education and the Madera County Office of Education did not submit progress surveys, citing on-going discussions to remove county-operated special education programs from the list of decile 1-3 schools produced by the California Department of Education. Clean-up legislation (AB 831) later removed county-operated programs from the list.

Schools currently under review through a state or federal intervention program are excluded. If a school has no misassignments or vacancies for two consecutive years, it will move from the annual review list to a four-year review cycle pursuant to an amendment in clean-up legislation, SB 512, unless the school is likely to have problems with teacher misassignments and teacher vacancies based on past experience and other available information. A detailed description of SB 512 and other recent clean-up legislation is available on the Williams v. State of California website, at http://www.decentschools.org/Williams_Legislation_Update_Oct_11_2005.pdf.


The comprehensive action plans are available in the State Board of Education office, along with the letters from the Office of Public School Construction regarding the districts’ respective Financing Plans.


The summaries must be publicly reported on a quarterly basis at a regularly scheduled meeting of the district governing board. The report “shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. The complaints and written responses shall be available as public documents.” (California Education Code section 35186(d).)

The proposed regulations are available at http://www.cde.ca.gov/re/lr/rr/index.asp.

For single-school-district counties, including Alpine, Amador, Del Norte, Mariposa, Plumas, Sierra, and the City and County of San Francisco, the legislation provides that the county superintendent must contract with another county office of education or an independent auditor to satisfy these obligations. Similarly, the Commission on Teacher Credentialing shall be responsible for teacher assignment monitoring and reviews in such counties or cities and counties.

Although this regulatory definition only applies expressly to textbook and instructional materials reviews, Joint Correspondence issued on August 26, 2005, from the State Superintendent of Public Instruction and the Executive Director of the Commission on Teacher Credentialing, claims that the regulatory definition also effectively defines the decile 1-3 schools that are exempt from the annual teacher assignment reviews because they are “under review through a state or federal intervention program.” http://www.ctc.ca.gov/notices/coded/050014/050014.html.

All references in this sidebar to CDE’s list of decile 1-3 schools refer to the list as amended by AB 831 and SB 512.

On May 17, 2000, the American Civil Liberties Union (ACLU), along with other civil rights organizations, filed a lawsuit against the State of California because of the terrible conditions in many of its public schools (the Williams case). Parents, students, and teachers argued that the State is failing to provide thousands of public school students, particularly those in low-income communities and communities of color, with the basic necessities required for an education. They argued that the State’s failure to provide equal access to public education without regard to race, color, or national origin.

In August 2004, a settlement (legal agreement) was announced. The settlement requires that all students have books and that their schools be clean and safe. It takes steps to make sure that students have qualified teachers and that schools deliver these important resources to all students. To accomplish these goals, the settlement provides funding for schools to:

- Provide the necessary books and other instructional materials
- Hire qualified teachers
- Improve school safety
- Improve school and classroom conditions

For more info, please visit www.decentschools.org.

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Q. Can anyone file a complaint?
A. Yes. Any person or organization may file a complaint. The complaint must include:
- The name and address of the complainant
- A description of the problem
- The date and circumstances surrounding the problem
- A statement of the complainant’s request
- The complainant’s contact information

Q. Do I have to use a particular form to file a complaint?

Q. What do the letters in the complaint form mean?

Q. How do I find my county superintendent’s name and contact information?
A. Visit www.ccsesa.org and click the “County Superintendent” link.

Q. How do I know if my complaint was resolved?
A. You can call the toll-free number below or email williamsinfo@aclu-sc.org for more information. You will be provided with the name and contact information of the official to report to you how the problem was fixed, if applicable.

Q. Do I have to put my name on my complaint?
A. No. However, if you want the principal or district official to report to you how the problem was fixed, you must include your name and contact information.

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Q. Do I have to use a particular form to file a complaint?
NEW COMPLAINT PROCESS Cal. Ed Code Sect 35186

You can file a complaint with your school if:
(1) You do not have a book or instructional materials to use in class and to take home; or
(2) The condition of a school building or facility creates an emergency or urgent threat to the health and safety of students or persons working at the school; or
(3) You do not have a permanent teacher assigned to your class at the beginning of the year or semester; or your teacher is not qualified to teach your class.

If you file a complaint, the principal must investigate and fix the problem within 30 working days. If the principal does not have authority to fix the problem, she or he must forward the complaint to the school district. The district must then provide a solution within 30 working days of reviewing the complaint but no later than 40 working days after you have filed your complaint with the principal.

If you pose a threat to health and safety
(2) The condition of a school building or facility creates an emergency or urgent threat to the health and safety of students or persons working in the school.

You don't have a book to use in class, or you don't have a permanent teacher assigned to your class at the beginning of the year or semester; or your teacher is not qualified to teach your class.

This agreement requires that all students, regardless of race, ethnicity, or income, have access to the education materials required to learn. The agreement also requires that all schools have qualified teachers and that all schools provide a safe and clean learning environment.

If you are unsatisfied with the response to your complaint from the principal or district, you may:
(1) Speak at a school board meeting to explain why the resolution was unsatisfactory and request that the board take action; and
(2) File an appeal with the State Superintendent of Public Instruction within 15 days of receiving the response if your complaint is related to school facilities.

If you file a complaint, the principal must investigate and fix the problem within 30 working days. If the principal does not have authority to fix the problem, she or he must forward the complaint to the school district. The district must then provide a solution within 30 working days of reviewing the complaint, but no later than 40 working days after you have filed your complaint with the principal.

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NUEVO PROCEDIMIENTO PARA COMO PRESENTAR UNA QUEJA
RAZONES POSIBLES PARA PRESENTAR UNA QUEJA

1. Busque el formulario para hacer quejas: Por ley, un AVISO debe ser puesto en cada salón informándole de estos derechos y donde encontrar formularios para hacer quejas.

(Nota: Estos son ejemplos, no las únicas razones posibles.)

2. Llene el formulario: Agregue páginas insuficientes libros de textos/materiales adicionales si es necesario. Incluya su nombre si usted quiere ser informado/a de la acción tomada.

(1) Usted no tiene un libro o materiales de instrucción para usar en clase y para llevar a casa; o
(2) Las condiciones de las instalaciones de la escuela están dañadas, creando peligro o en condiciones deshabitables.

Si usted presenta una queja, el/la director/a debe de investigar y resolver el problema dentro de 30 días de trabajo. Dentro de 30 días de trabajo, su escuela recibirá su queja (pero no después de 40 días de trabajo después de que usted haya presentado su queja con el/la director/a).

Si usted puso su nombre en su queja y pidió una respuesta, el/la director/a o oficial del distrito debe recibir la queja (pero no después de 40 días de trabajo después de que usted haya presentado su queja con el/la director/a). Si usted esta preocupado/a por dar su nombre, usted puede presentar una queja anónima, pero usted no recibirá una respuesta. ¡Tome acción!

Lleve su queja a la mesa directiva de la escuela o presente una apelación. Usted puede: (1) hablar en una junta de la mesa directiva para pedirle a la mesa que tome acción; y (2) presentar una apelación con el Superintendente del Distrito Público dentro de 15 días de recibir la respuesta si su queja es relacionada a las condiciones de emergencia u urgente a la salud y seguridad de los estudiantes o personas trabajando en la escuela; o

IDENTIFIQUE EL CURSO O NIVEL DE CLASE Y EL MAESTRO/A: 

- Un/a maestro/a está asignado para enseñar una clase con más de 20% de estudiantes que están aprendiendo inglés y es asignado/a a enseñar a una clase con más de 20% de estudiantes que están aprendiendo inglés.
- Un/a maestro/a que le faltan credenciales o entrenamiento para enseñar a los que están aprendiendo inglés y es asignado/a a enseñar a una clase con más de 20% de estudiantes que están aprendiendo inglés.
- Un/a maestro/a está asignado para enseñar a una clase en que más de 20% de los estudiantes son estudiantes que están aprendiendo inglés y es asignado/a a enseñar a una clase en que más de 20% de los estudiantes son estudiantes que están aprendiendo inglés.

DO YOU WANT TO RECEIVE A WRITTEN RESPONSE?

Yes, I request a written response.

Name
Street Address
City State Zip Code
Phone Number: (day)
(wearing)
Signature

No. I do not request a written response. I am filing this complaint anonymously.

I. SCHOOL INFORMATION

School Information (school name and address):

II. I request immediate action to correct the following problem(s): (Please check all that apply, provide supporting details, and add additional pages if needed.)

A. TEXTBOOKS AND INSTRUCTIONAL MATERIALS:

- A student does not have required textbooks or instructional materials to use in class.
- A student has not received textbooks or instructional materials to use at home or after school.
- Textbooks and instructional materials are not in sufficient condition, are missing pages, and are unrepairable due to damage.
- A teacher needs to teach a class where more than 20% of the students are English learners.
- A student does not have required textbooks or instructional materials.
- Because of a shortage of textbooks or materials, a student was given a set of photocopied sheets from only a portion of a textbook or instructional materials.

B. TEACHER VACANCY OR MISASSIGNMENT:

- A semester has passed and no certificated teacher has been assigned to teach the class for the entire semester or year for example, the class is being taught by a series of substitute teachers or by a long-term substitute teacher.
- A teacher is assigned to teach a class for which the teacher lacks the appropriate credential or authorization.
- A teacher is assigned to teach a class in which more than 20% of the students are English learners and the teacher lacks credentials or training to teach English learners.

IDENTIFY THE COURSE OR GRADE LEVEL AND THE TEACHER:

C. SCHOOL BUILDING AND FACILITY CONDITIONS:

- A school building, building system, or part of the school grounds is in a condition that poses a threat to the health and safety of students, teachers, or school employees (for example, the heating, ventilation, fire sprinkler, or AC system doesn’t work; the school is infested with rats or other pests; school windows are broken or exterior gates will not lock and pose a security risk; or a damaged building or structure creates a potential health or safety hazard).

DESCRIBE THE CONDITION, WHERE IT IS LOCATED, AND HOW IT POSES A THREAT TO HEALTH OR SAFETY:

DESCRIBE THE CONDITION WHERE IT IS LOCATED, AND HOW IT POSES A THREAT TO HEALTH OR SAFETY:

IMPORTANT: I am mailing this hand-delivering this complaint on (date)

To Principal (name) at (address)
FORMULARIO DE WILLIAMS PARA HACER QUEJAS
(Procedimiento Uniforme para Hacer Quejas del Código de Educación de California Sección 35186 Quejas)

Este formulario puede ser usado para presentar una queja relacionada a insuficientes materiales de instrucción, instalaciones que presentan una amenaza a la salud y seguridad, o puestos vacantes de maestros o malasignaciones. Después de completar este formulario, presente con el/la directora/a de la escuela. Si el problema no es más allá de la autoridad de el/la directora/a, el/ella debe mandar esta queja al oficial del distrito apropiado. Si no hay suficiente espacio abajo para describir su queja en detalle, por favor use páginas adicionales.

¿USTED QUIERE RECIBIR UNA RESPUESTA ESCRITA?

- [ ] Sí, yo solicito una respuesta.
- [ ] No, yo no solicito una respuesta escrita. Estoy presentando esta queja anónimamente.

---

I. Información de Escuela (nombre de escuela y dirección):

II. Yo solicito acción inmediata para corregir los siguientes problemas:

(Por favor marque todo lo que aplica, de detalles apoyando a su queja, y agregue páginas adicionales si es necesario.)

A. LIBROS Y MATERIALES DE INSTRUCCIÓN:

- [ ] Un estudiante no tiene los libros requeridos o materiales de instrucción para usar en clase.
- [ ] Un estudiante no tiene libros o materiales de instrucción para llevar a casa o después de escuela.
- [ ] Libros o materiales de instrucción están en malas condiciones, faltando páginas, o tan dañados que no puede leerlos.
- [ ] Por una falta de libros o materiales, un estudiante fue dado copias de páginas de solo una porción de un libro o de materiales de instrucción.

DESCRIBA EL PROBLEMA (materia o nivel de grado donde existe el problema, el/la maestro/a del curso o nivel de grado, los libros o materiales que le faltan o están dañados, y otros detalles):

B. PUESTOS VACANTES DE MAESTROS O MALASIGNACIONES:

- [ ] Un semestre empieza, y no hay maestros asignados a enseñar el semestre completo o año (por ejemplo, la clase está enseñada por una serie de maestros substitutos o por un substituto de largo plazo).
- [ ] Un maestro/a es asignado/a a enseñar una clase en cual el/la maestro/a le falta la credencial apropiada o autorización.
- [ ] Un maestro/a es asignada a enseñar una clase en cual más del 20% de estudiantes son estudiantes de aprendizaje inglés y el/la maestro/a le falta credenciales o entrenamiento para enseñarle a los que están aprendiendo inglés.

IDENTIFIQUE EL CURSO O NIVEL DE GRADO Y EL MAESTRO/A:

C. CONDICIONES DE EDIFICIOS E INSTALACIONES DE ESCUELA:

- [ ] Una instalación, sistema de edificio, o parte de la escuela está en una condición que presenta una amenaza a la salud y seguridad de estudiantes, maestros, o empleados de la escuela (por ejemplo, el calentador, ventilación, sistema de aspersión automático, o el sistema del aire acondicionado no trabaja, la escuela está infestada con ratas u otros bichos, ventanas de escuelas que están rotas o puertas exteriores no cierran y presentan un riesgo de seguridad; o un edificio dañado crea un posible riesgo a la salud o seguridad).

DESCRIBA LA CONDICIÓN, DONDE ESTÁ LOCALIZADA, Y COMO CREA UN RIESGO O UNA AMENAZA A LA SALUD O SEGURIDAD:

> IMPORTANTE: Yo estoy [ ] enviando [ ] entregando en persona esta queja el (fecha)

[ ] [ ] [ ]
a el/la Director/a (nombre)     al (dirección)

Por favor haga y mantenga una copia de este formulario completo para sus archivos.

Usted también debe mandar una copia informal al Superintendente local del Condado de las Escuelas.

Por favor visite www.decentschools.org o llame a la línea gratuita 1-877-532-2533 para más información.

FORMULARIO ACTUALIZADO 2 DE AGOSTO, 2005.
FOR MORE INFORMATION

Visit:  www.decentschools.org

Call:   1-877-532-2533
       Toll Free Williams Hotline
       (English and Español)

Email:  WilliamsInfo@aclu-sc.org

Or Contact:

ACLU Foundation of Southern California
1616 Beverly Boulevard
Los Angeles, CA 90026
213-977-9500 x370

Public Advocates
131 Steuart Street, Suite 300
San Francisco, CA 94105
415-431-7430