

The
Williams v. California
Settlement:

The First Year Of
Implementation

DERIVATIVE

classmate

classroom

dents is tau

class struggle

The Williams v. California Settlement: *The First Year of Implementation*

November 2005

A Report by Counsel for the *Williams* Plaintiffs

.....

The Williams v. California Settlement:
The First Year of Implementation

Published November 2005

Written on behalf of counsel for the *Williams* Plaintiffs by
Brooks M. Allen
Williams Implementation Attorney and Staff Attorney
ACLU Foundation of Southern California



ACLU of San Diego and Imperial Counties, Lawyers' Committee for Civil Rights of the San Francisco Bay Area, Asian Pacific American Legal Center, Center for Law in the Public Interest, Professor Karl Manheim, Professor Allan Ides, Professor Peter Edelman, and Newman. Aaronson. Vanaman.

Produced by the ACLU Foundation of Southern California and Public Advocates, Inc., with special thanks to Ramona Ripston, Executive Director, ACLU of Southern California, Jamienne Studley, President and CEO, Public Advocates, Inc., and Jack Londen, Partner, Morrison & Foerster LLP.



Table of Contents

Introduction	5
<i>Williams v. California:</i> The Case and the Settlement	9
Background and Breakdown of the Settlement	9
Scope of the Settlement	10
Resources Provided by the Settlement	11
Implementation of the <i>Williams</i> Settlement Legislation	13
Textbooks and Instructional Materials	13
School Facilities	19
Qualified Teachers	25
Eliminating the Concept 6 Multi-Track, Year-Round School Calendar	27
Timeline of Important <i>Williams</i> Dates	28
Important Annual <i>Williams</i> Dates	29
Implementation: The Key External Accountability Systems	33
School Accountability Report Cards	33
Uniform Complaint Process	34
County Superintendent Visits and Reviews	38
Looking Ahead	41
Conclusion	45
Endnotes	47
Brochures on New Complaint Process	49
Model Complaint Forms	53





Introduction

Books to study. Clean, safe, and functional classrooms. Qualified teachers. Students in all of California’s public schools deserve at least these basic necessities for educational opportunity. The plaintiffs in the historic *Williams v. California* lawsuit fought for this principle, and when they announced a settlement agreement with the State of California in August 2004, they helped usher in a new era for public education in California.

This report reviews how the Settlement Agreement and its subsequent implementing legislation, together with concerted action from parents and community members, teachers, school administrators, and district, county, and state officials fundamentally altered the educational landscape during the first year of implementation. The first section provides a general summary of the case and the Settlement Legislation, breaking down the approximately \$1 billion in new funds and describing how the new legal standards for instructional materials, school facilities, and teachers apply to all public schools. The subsequent sections cover the developments in each substantive area — textbooks and instructional materials, school facilities, teachers, and the Concept 6 multi-track, year-round school calendar:

➤ 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



hundreds of unsafe and unhealthy facility conditions, and districts have made countless repairs to ensure facilities are clean, safe, and functional. Principals and district maintenance officials are reporting multiple benefits from the increased attention to facilities. The \$25 million comprehensive needs assessment program and the \$800 million Emergency Repair Program promise to further improve conditions because districts are just beginning to tap the potential of both programs.

➡ The teacher section highlights how the new definitions for teacher “misassignments” and “teacher vacancies,” combined with other numerous provisions and new and enhanced accountability systems — county superintendent oversight, publicly available School Accountability Report Cards, statewide reports, and the new Uniform Complaint Process available to students, parents, community members, and teachers — are increasing the number of properly trained teachers in classrooms across the

State. During the first year of implementation, county superintendents identified hundreds of schools and tens of thousands of classes in which teachers were teaching English Language Learners without the required training or authorization. As a direct result of these findings and districts’ renewed attention to misassignments in the wake of the Settlement, teachers are obtaining training to teach English Language Learners and administrators are eliminating misassignments.

➡ The Concept 6 section describes how districts began to phase out of their use of the overcrowded Concept 6 multi-track, year-round school calendar, complying with deadlines and requirements established by the Settlement Legislation. Approximately 85,000 students have already moved off the Concept 6 calendar in 2005-2006.

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, complied 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 new legal standards leave no room for debate; 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 for districts and schools to perform self-evaluations, they have also helped districts and schools identify and address insufficiencies, needed repairs, and misassignments that they did not catch themselves. Challenges and areas of confusion emerged during the first year, but clean-up legislation addressed many of

“A Floor, Rather than a Ceiling, and a Beginning, not an End”

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 key issues and participants in the implementation efforts continue to discuss how to make further improvements.

Williams demands that every student in a California public school receive the most basic necessities of education: instructional materials for each and every student; a permanent and appropriately trained teacher in every classroom; and habitable, clean, functional, 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).) ■

Williams v. California: The Case and the Settlement



he *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.

*Photo Opposite Left:
ACLU Foundation of
Southern California Legal
Director Mark Rosenbaum
announces the filing of
Williams v. California at the
ACLU of Southern California
on May 17, 2000.*



Above Photo:
Governor Arnold Schwarzenegger
speaks at Edison Middle School
in Los Angeles, announcing
the settlement of Williams v.
California on August 13, 2004.

The five bills implementing the Settlement Agreement were:

- ⇒ **SB 550 & AB 2727** (establishing minimum standards regarding school facilities, teacher quality, and instructional materials, as well as accountability systems to enforce these standards);
- ⇒ **AB 1550** (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

- ⇒ **SB 6** (providing up to \$800 million beginning in the 2005-2006 fiscal year for districts to repair facility conditions that threaten health and safety and approximately \$25 million in 2004-2005 for a one-time comprehensive facilities needs assessment of schools ranked in the bottom 3 deciles under the 2003 statewide Academic Performance Index).

Scope of the Settlement

The new standards and most of the accountability systems established by the *Williams* Settlement **apply to all California public schools.**² 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 (API) receive additional funds and oversight.³ (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.

Resources Provided by the Settlement

⇒ New Resources in the 2004-2005 State Budget:

- ➔ **\$138 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 Offices of Education for implementation of the *Williams* legislation.
- ➔ **\$5 million** for the California Department of Education to purchase instructional materials when county superintendents report insufficiencies. The funds expended by the Department shall be a loan to the district.
- ➔ **\$5 million** for the new School Facilities Emergency Repair Account (for emergency facilities repairs in decile 1-3 schools.
- ➔ **\$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 facilities 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.

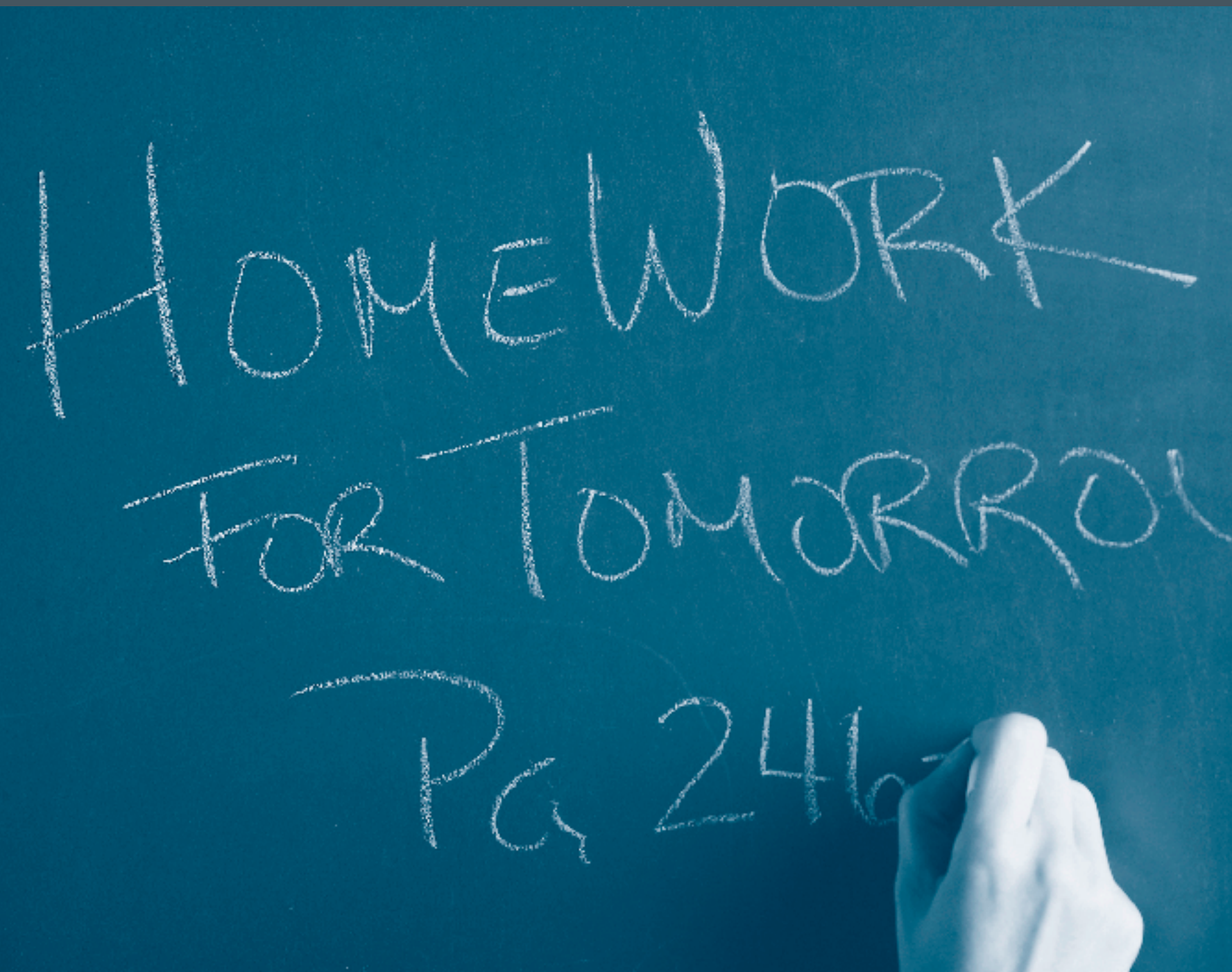
- ⇒ **The *Williams* Settlement Legislation repealed the June 30, 2006, sunset of the Instructional Materials Program and its contingent funding status.** In 2004-2005, the year of the *Williams* settlement, the program provided \$363 million for school districts to purchase standards-aligned instructional 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. ■

Implementation of the Williams Settlement Legislation



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.”⁴ 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 **\$363 million** in 2004-2005 for school districts to purchase standards-aligned instructional materials, up nearly \$188 million from the amount provided in the 2003-2004 State Budget. The 2005-2006 State Budget maintains approximately the same level of funding, providing **\$360 million**, or approximately \$58 per student, for the Instructional Materials Program this year.

This annual source of instructional materials funding was scheduled to be terminated on June 30, 2006, but the *Williams* Settlement preserved the program and repealed the June 2006 sunset date.

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.⁵ If the governing board determines there are insufficient textbooks or instructional materials, or both, the board must provide information to teachers and the public explaining and quantifying the extent of the insufficiency and take action to ensure that each pupil has sufficient textbooks or instructional materials, or both, within two months of the beginning of the school year in which the determination is made.

Last year, during the first year of implementation, SB 550 required districts to “make a diligent effort to hold a public hearing . . . on or before December 1, 2004” because the new sufficiency standard and eight-week requirement were signed into law on September 29, which was after the 2004-2005 school year began. However, for the 2005-2006 school year, all hearings, resolutions, and remedial actions must be completed within the first two months of the school year. Therefore, all districts should have held hearings and adopted resolutions 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 Legislature clarified in a clean-up bill (AB 831) that district resolutions must now quantify insufficiencies by providing, for each school in which an insufficiency exists, the percentage of students in each subject area who lack sufficient standards-aligned textbooks or instructional materials, or both.

The California Department of Education has posted a model textbook resolution on its *Williams* website.⁶ 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 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.

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.”⁷ 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 deny students 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 395 of the approximately 1800 decile 1-3 schools they visited had insufficient instructional materials, and at least 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 understate the impact of the county superintendent visits, largely due to the following three main factors: (1) county superintendent reports 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 samples 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 systems. 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 up 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.

[A]ll 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.

“At one of our middle schools, two teachers waited to speak to us to thank the county for doing this work since they had been concerned about adequate textbooks for their classes. They both believed that this new law would give clearer direction to districts regarding instructional materials. They did not blame their district but felt the regulation was long overdue and that the accountability piece was key to success in the classroom as well.”

“Overall, we have only heard very positive comments from administration and staff alike as to our visiting. We have even had teachers request that we come to their classrooms even though they were not part of the 25 percent random selection. It has been good PR for all of us!”

— San Bernardino County Office of Education team

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.”

These are precisely the types of systemic changes that will ensure students have the books and materials they need and deserve. Nevertheless, even with self-check procedures and knowledge that county superintendents were planning to visit, county superintendent teams identified missing, damaged, or out-of-date instructional materials in over 21% of the schools they visited. This fact highlights the value and importance of county superintendent oversight in addition to district self-evaluations.

“Overall, I think that the process did have a positive effect benefiting students. It certainly got the attention of the districts to pay attention to the adoption and purchasing process for instructional materials.”

— Dr. Susan Magnone, Associate Superintendent, Contra Costa County Office of Education

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 Legislation. If, for instance, a missing book was supplied while the county superintendent team was still on campus for the visit, an occurrence that *Williams* Plaintiffs’ counsel witnessed on multiple occasions while accompanying some county superintendent teams, the teams did not record the insufficiency.

Finally, the precise number of new books or materials ordered or distributed after a particular county superintendent team found an insufficiency is difficult

to determine because some county superintendent teams reported only the insufficiencies they identified in their initial sample of course subjects and classrooms.⁸ Not all county superintendent teams expanded their samples when they encountered insufficiencies to guarantee that all insufficiencies at the school were identified. The County Superintendents Educational Services Association (CCSESA) has addressed this inconsistency in their latest model protocols by re-emphasizing for county superintendents the need to visit additional classes when insufficiencies become evident.

Moreover, even if absolutely accurate, numbers cannot adequately capture the value of the county superintendent visits. For example, site reviewers from the Los Angeles County Office of Education report that some students appear to have internalized the message conveyed by the *Williams* visits — that it matters and school officials care whether they have adequate instructional materials. One site reviewer reported: “A high school teacher stated his students were taking much better care of their assigned textbooks. The students seemed to value the texts more because the texts were important enough to have a team come to the school to view the texts.”

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 checks 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 supplies so that their students had the benefit of these materials too during their learning.

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, “[t]his system could be used as a model for other schools needing to correct insufficiencies.”

“What we’re seeing is that Williams can be a force for change. It creates a powerful combination of district self-study supported by county office oversight. I believe the new laws are having their intended effect.”

— Dr. Darline Robles, Los Angeles County Superintendent

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



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).⁹

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 addressed their class sets last year — for example, the Sacramento County Office of Education reports that “hundreds of class sets were eliminated” in schools in that county and the Los Angeles County Office of Education reports that districts ordered thousands of books in the wake of the *Williams* Settlement Legislation to make it possible for students to take books home — county superintendent reports indicate that others did not because of the “required homework” provision, and therefore AB 831 will cause the remaining districts to order many more books this year for students who have been limited to class sets.

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.

New Textbook Adoptions. Questions frequently arise around the following scenario: a district has insufficient instructional materials in a particular subject, yet wants to wait 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 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.

A former principal, who is now a *Williams* inspector with the Los Angeles County Office of Education, said a principal told him during a site visit that he thinks “*Williams* is the best thing to a happen to public education in this state.” The inspector said that this comment was consistent with praise he has heard from other principals who are enjoying the new emphasis on accountability and the increased attention to needed facilities repairs at their schools.

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 (SARCs), 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 their SARCs, which must contain an assessment of any needed maintenance to ensure “good repair.” Finally, county superintendents must use the instruments to determine the accuracy of the good repair information decile 1-3 schools provide on their SARCs.

The interim evaluation instrument, however, is designed to live up to its “interim” label. By December 31, 2005, SB 550 requires the Office of Public School Construction to report and make recommendations to the Legislature and Governor regarding options for state standards as an alternative to the interim evaluation instrument, and by September 1, 2006, the Legislature and Governor shall, by statute, determine the state standard that shall apply for subsequent fiscal years.

Consistent with these obligations, the Office of Public School Construction formed a working group that started meeting in September 2005 to evaluate the interim evaluation instrument, examine existing tools used by other states, and use local experiences to compile options for state standards. The product of the working group was then presented to the Implementation Committee of the State Allocation Board on October 7, 2005, for further discussion. The Office of Public School Construction will present its draft recommendations to the State Allocation Board in December, and then will then send the report on to the Legislature and Governor by the end of 2005. The draft report is currently available on the Office of Public School Construction’s website: www.opsc.dgs.ca.gov.

County Superintendent Visits Shine Spotlight on Facilities Issues

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.¹¹ During these visits, county superintendents must also evaluate the “good repair” of school facilities to determine the accuracy of data reported on the schools’ SARCs. 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 major building systems. 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, vermin infestations, missing fire extinguishers, blocked 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 reported at least one decile 1-3 school with emergency facilities needs.

Non-emergency facility issues were more prevalent. 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 superintendent reports and personal observations by the *Williams* Plaintiffs suggest some county office of education staff members may be reticent to state that a school was not in “good repair” due to what these staff members view as relatively minor (in comparison to emergency) cleanliness and functionality issues, even if the issues qualify as deficiencies on the interim evaluation instrument. Therefore, while the *Williams* Plaintiffs understand that county office of education staff typically communicate with district and site maintenance staff regarding all cleanliness and functionality issues, it is unclear at this time how most county offices of education will report on non-emergency issues in their quarterly and annual reports and how they will make certain these “good repair” issues are described in School Accountability Report Cards. Any failure to report facilities maintenance issues disserves the communities whose children attend schools that are not in good repair and

An example of an emergency facilities need identified by a county superintendent

“The school appears to have pressing facilities issues. Specific areas of the school facility involve severe dry rot of structural beams and doorframes. Of particular concern is the two to three inch gap at the base of a structural 4 x 8 inch vertical beam in the doorway of the boys’ bathroom. The beam appears to be rotted at the base and appears to provide no bearing wall support.”

“The nature of the structural concern requires evaluation by a qualified structural engineer to assure that these specific facilities are suitable for occupancy. It is our opinion that the degree of structural damage noted above presents an emergency facilities need pursuant to *Education Code* Section 17592.72(c)(1)(H).”

— *Williams* Report posted on the Sacramento County Office of Education website

Subsequent to this report, the *Williams* Plaintiffs learned that two classrooms at this school were closed as a safety precaution.

makes follow up to ensure good repair difficult if not impossible.

County superintendents are following up on those facility issues they did identify during their visits through a variety of methods. Some plan to follow up when they return for their 2005-2006 visits. Others took a more pro-active approach and verified repairs by making return visits in 2004-2005. Many reviewed work orders and communicated with district maintenance officials to verify that facilities were cleaned, fixed, or replaced. Often, a school or district facilities staff member accompanied county superintendent teams on their visits, so it was not uncommon for facilities staff to arrive and resolve some identified maintenance issues on the day of the visit.

School principals have generally embraced the review process and the increased attention to their facilities

The *Williams* Plaintiffs, the Office of Public School Construction, the California Department of Education, and a well-respected facilities consultant teamed up with the Los Angeles County Office of Education (LACOE) on June 28, 2005, to train maintenance and operations staff from districts around the county regarding the *Williams* facility programs, the Deferred Maintenance Program, and strategies for planning and funding ongoing maintenance. LACOE hosted another training on October 27, 2005, and the *Williams* Plaintiffs are planning to set up a similar training in Northern California.

needs before and after the visits, according to county superintendent reports. Many districts conducted self-evaluations before county superintendent teams arrived, filling out interim evaluation instruments and making some needed improvements. For example, a principal in Los Angeles County reported to a site reviewer that district facilities staff had come to the school and fixed several problems that had been reported much earlier and ignored. Principals also reported that their repair requests received prompt attention in the wake of *Williams* visits, such as in San Bernardino County, where a principal told a site reviewer that if she writes WILLIAMS CASE on her work orders, a repair crew is on site the next day. Similar stories exist around the State.

.....
“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 Reviewer 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 Cicolani, 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 Frazier 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 members exuded 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 relieved at the results and appreciated our positive, helpful, friendly approach to our visit. Also, during all four visits I’ve conducted so far this 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 Account to reimburse 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 and the transfer of the remaining Needs Assessment funds (see below) raised the total to approximately \$203 million. The Settlement Legislation requires that each subsequent State Budget provide at least \$100 million more until a total of \$800 million has been disbursed.¹²

The Office of Public School Construction developed regulations for the Emergency Repair Program with significant input from school districts, the *Williams* Plaintiffs, and other interested parties. Consistent with the Settlement Legislation, the regulations define eligible project costs, how districts may obtain reimbursements, and restrictions on expenditures (for example, Emergency Repair funds must supplement, not supplant funds already available for maintenance of school facilities). The State Allocation Board adopted the regulations on January 26, 2005, and February 23, 2005. The Office of Administrative Law approved the regulations and filed them with the Secretary of State on May 31, 2005, at which point they became immediately effective.¹³

The Office of Public School Construction presented the first complete reimbursement application to the State Allocation Board for approval on September 28, 2005. Staff estimates that checks should be issued within 10 days of approval and that the entire reimbursement process should take approximately 45 days. The Office of Public School Construction’s *Williams* website — www.opsc.dgs.ca.gov/Programs/Williams_Default.htm — contains more detailed information.

School Facilities Needs Assessment Grant Program Up and Running

The Settlement Legislation established the School Facilities Needs Assessment Grant Program and provided \$25 million to comprehensively assess the school facilities needs of California’s decile 1–3 schools.¹⁴ 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 \$10 per student enrolled in each eligible school, with a minimum of \$7,500 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

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)

such as 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 districts’ 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

Statewide Outreach by the Office of Public School Construction

“After the successful implementation process, the focus quickly changed to spreading the word throughout the State of the requirements of this Program.”

“The OPSC, in conjunction with CDE, conducted a series of Statewide workshops on the facility pieces of the Williams Settlement in Santa Clara, Sacramento, Los Angeles, Fresno, San Bernardino, San Diego, Costa Mesa, and Redding to inform both LEAs [Local Educational Agencies] and potential inspectors about the new program. Attendees at the workshops received information about the eligibility requirements, funding availability, requirements of the assessment, and a demonstration of the on-line system developed to capture the information gathered in the assessment, in addition to information about other Williams programs. Participation and attendance at all locations was good and the overall message was well received by the attendees. Average attendance at the workshops was 51.”

— “*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)

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 reviews involve at least annual visits to school sites to monitor continuing 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 functionality 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 23, 2005. The Office of Administrative Law 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 Emergency 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, 2005.¹⁵ 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,” and submitted it to the Legislature and Governor in late June 2005, pursuant to statute. The report is available on the OPSC website: www.documents.dgs.ca.gov/Legi/Publications/2005LegislativeReports/WilliamsSettlement.pdf.

The report contains the apportionment totals for each school district and the districts’ responses to the progress survey. According to the report, as of April 29, 2005, 1,174 schools (56% of the eligible schools) had a designated inspector for the assessment and assessments of 455 schools (22% of the eligible schools) had begun.

The Office of Public School Construction recently reported that as of September 13, 2005, districts had only submitted 125 assessments, therefore many districts should be busy completing and submitting their assessments during the final months of 2005. When the results are posted on the Office of Public School Construction’s website in early 2006, experts and policymakers will have access to an unprecedented database on school facilities needs around the State.

Conclusion

County superintendents’ reports of improved school facilities conditions provide evidence that the new “good repair” and “emergency facilities needs” standards, along with the accountability systems, are making a difference for students and teachers. The next year should bring more positive attention to school facilities needs as districts now must have their facilities inspection systems up and running, Emergency Repair Funds will start reaching districts, the results of the Needs Assessments will be reported, and a new statutory standard for “good repair” will be established. In addition, as described later in the School Accountability Report Cards section, all schools will start reporting current “good repair” conditions in their School Accountability Report Cards, and more teachers, students, and parents will learn how to utilize the new Uniform Complaint Process.

Qualified Teachers

Teacher Misassignments and Vacancies

Seeking to improve students’ access to qualified teachers, the Settlement Legislation created new standards in teacher quality by establishing definitions for teacher “misassignments” (i.e., where a teacher lacks subject matter, English Language Learner or other required training or authorization) and “teacher vacancies” (i.e., where a classroom has no single, designated full-time teacher, but is instead staffed by a series of substitutes). The new Uniform Complaint Process put these definitions into action by allowing parents, students, teachers and community members to hold schools accountable for properly assigning

teachers. Districts must also report misassignments and vacancies in their School Accountability Report 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 schools that are likely to have problems with teacher misassignments and teacher vacancies based on past experience or other available information.¹⁶ As part of this system, 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. 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 and the teachers did not have appropriate authorization to teach English Learners. Partial reports confirm that at least 1,142 of the misassignments were corrected last year. Many County Offices of Education were unable to confirm corrections at the time of their reports, though the *Williams* Plaintiffs understand from officials that in the wake of the Settlement Legislation there has been an upsurge in the number of veteran teachers enrolling in classes to obtain the necessary training and authorization to teach English Language Learners. Shelly Spiegel-Coleman, from the Los Angeles County Office of Education, reports a “tremendous increase.”

Some districts, such as San Diego Unified and Santa Ana Unified, are ensuring that all of their schools receive the benefits of a needs assessment. They are using district funds to pay for their non-decile 1-3 schools to be assessed at the same time as their decile 1-3 schools. Ideally, a comprehensive needs assessment of all schools across the State will be conducted in future years.



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 requirement that if even one student in a class requires English language services, the teacher must hold appropriate English learner authorization. Early on during implementation, the requirement in the Settlement Legislation that county superintendents report on teacher misassignments in classes in which 20% or more of the students are English Learners was misconstrued by some district and county office of education officials as a new threshold for when English Learner authorization is required. One of the clean-up bills (AB 831) therefore clarified that the new reporting requirement did not change existing misassignment standards. The California County Superintendents Educational Services Association subsequently revised its protocols to highlight the pre-existing authorization requirement, which the California Commission on

Teacher Credentialing reiterated when it released 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.”¹⁷

“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*

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.

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 for poor academic performance, county superintendents

and state intervention teams, respectively, are now authorized to assign the Fiscal Crisis and Management Assistance Team (FCMAT) to review and recommend improvements in teacher recruitment, hiring, assignment, and retention practices. If a county superintendent assigns a FCMAT team, the district must follow the team’s recommendations unless it can show good cause for not doing so.

The success or failure of these measures and the misassignment and vacancy monitoring efforts should be reflected in the annual report the Commission on Teacher Credentialing must deliver to the Legislature and the public on the quality of California’s teaching force, specifically reporting by county and school district, the number and percentage of teachers with full or sub-standard credentials or authorizations. The first report to capture a post-Settlement year (2004–2005) will be published in April 2006. The Settlement Legislation specifically provides that the Legislature may hold hearings in the future on the teacher quality data that will now be collected. In such hearings, the Legislature may consider how to improve reviews to correct teacher misassignments and vacancies and how to help low-performing schools eliminate misassignments and vacancies.

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

The Settlement Legislation established standards and procedures for phasing out school districts’ use of the 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.

The Los Angeles County Office of Education’s review of teacher misassignments in Palmdale School District’s 19 decile 1–3 schools revealed that close to half — 301 of 684 — of the classes in which 20% or more of the students were English Language Learners were taught by teachers lacking the proper authorization.

TIMELINE OF IMPORTANT *WILLIAMS* DATES

May 17, 2000	<i>Williams v. California</i> filed
August 13, 2004	Settlement Agreement Announced
September 29, 2004	Settlement Legislation Enacted
November 9, 2004	State Board of Education adopts first set of <i>Williams</i> revisions to School Accountability Report Card template and data definitions; State Board also approves commencement of regulatory process for proposed Uniform Complaint Procedures regulations
January 1, 2005	Deadline for all school districts to establish new Uniform Complaint Process and post notices in all classrooms
January 1, 2005	District Comprehensive Action Plans to Eliminate Concept 6 due
January 4, 2005	Notice of Apportionment for County Superintendent Oversight for 2004-05 Issued by Superintendent of Public Instruction
January 26, 2005	Interim Evaluation Instrument Adopted by State Allocation Board
February 8, 2005	Deadline for Charter Schools ranked in deciles 1-3 by the California Department of Education to “Opt In” to Settlement Benefits and Responsibilities
February 11, 2005	Notice of Apportionment for Instructional Materials (decile 1 & 2 schools) for Fiscal Year 2004-05 Issued by Superintendent of Public Instruction
February 23, 2005	Needs Assessment Apportionments Made by State Allocation Board
March 23, 2005	San Francisco Superior Court Judge Busch approves Settlement Agreement
May 31, 2005	Regulations for Needs Assessment Program and Emergency Repair Program Approved by Office of Administrative Law and filed by Secretary of State
June 20, 2005	Notice of Final Apportionment for Instructional Materials (decile 1 & 2 schools) for Fiscal Year 2004-2005 Issued by Superintendent of Public Instruction
June 22, 2005	Needs Assessment Report Submitted to State Allocation Board
June 30, 2005	Deadline for the Office of Public School Construction to Submit Needs Assessment Progress Report to Governor and Legislature
July 1, 2005	Deadline for Districts and County Offices of Education to establish Facilities Inspection Systems
July 6, 2005	The State Board of Education approved revisions to the Principal Training Program Provider Guidelines and Criteria.
July 25, 2005	Clean-up legislation improving the settlement implementation enacted (AB 831)
October 7, 2005	Additional clean-up legislation improving the settlement implementation enacted (SB 512)
December 31, 2005	Deadline for the Office of Public School Construction to report and make recommendations to Governor and Legislature regarding options for state standards as an alternative to the Interim Evaluation Instrument
January 1, 2006	Deadline for Districts to Submit Needs Assessments to the Office of Public School Construction
September 1, 2006	Deadline for Legislature and Governor to determine statutory state standard for “good repair” of school facilities
January 1, 2007	Needs Assessment Expenditure Reports due to the Office of Public School Construction
July 1, 2008	The Office of Public School Construction Conducts Concept 6 Survey
June 30, 2008	Emergency Repair Program Expenditure Report Due to Governor and Legislature
July 1, 2012	Deadline for Phasing Out Use of Concept 6

IMPORTANT ANNUAL *WILLIAMS* DATES

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 <i>Williams</i> visits to decile 1-3 schools to district governing boards
Every Quarter	All districts report summary data on <i>Williams</i> 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 <i>Williams</i> 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 used resident enrollment to indicate the number of students who will attend their neighborhood schools without the need for busing the students more than 40 minutes. AB 1550 stipulates that a district may not transport students to another school 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 have 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 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 total resident 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.¹⁸

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 Angulo, 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 Lio Arcarias, principal of Ramona Elementary School in east Hollywood, which is switching to a traditional calendar this year, told Merl and Hayashi, “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.” ■

Implementation: The Key External Accountability Systems

School Accountability Report Cards



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 Board approved additional amendments to ensure 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 831 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 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 single primary language other than English. While 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, teacher, 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 in 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 must 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 their 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 on the nature and resolution of all complaints on a quarterly basis 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 districts missed the January 1st deadline. Although anecdotes suggest that many eventually posted the notices, the pace of compliance was slow enough in some districts to prompt student activists with Californians For Justice (CFJ) to stage protests around the State on February 8th to bring attention to the issue. Later in the school year, when county superintendents conducted their visits to decile 1-3 schools, at least 106 schools across 7 different counties did not have notices posted in their classrooms. The fact that these decile 1-3 schools were out of compliance despite knowing that county superintendents were going to visit suggests that some of the schools ranked in the other seven deciles may still be lacking the required notices on their classroom walls. Anecdotal reports indicate this is the case.

Vigilant students, parents, and teachers can ensure that all districts are in full compliance, but only if they know about the Settlement and what it provides. Accordingly, the *Williams* Plaintiffs and allied community organizations such as CFJ have been actively educating students, parents, teachers, and other advocates about the Settlement and how they can exercise their rights under the new Uniform Complaint Process. During the first year of implementation, the Plaintiffs, CFJ, and others made over 100 presentations across the State to advocates, local community groups, and interested teachers, students, and parents regarding the *Williams* Settlement and how they can use the Uniform Complaint Process to identify and remedy issues at their schools. The *Williams* Plaintiffs also established a toll-free information and assistance hotline (1-877-532-2533) and printed and distributed thousands of brochures about the settlement and complaint process. The brochures and sample complaint forms are available on the *Williams v. California* website, www.decentschools.org, along with information about the case and the Settlement. The website also has an email link to Plaintiffs’ counsel (feedback@decentschools.org). Through the hotline, email link, and direct contacts, the *Williams* Plaintiffs responded to well over a hundred individual inquiries and requests for assistance in the first twelve months of implementation. The Plaintiffs

are continuing to build on these efforts, working with existing partners and unions, schools of education, and others to ensure the notices are posted and districts are complying with the new standards.

“This is such a relief. Now there is a process that we can follow to make schools better and be sure my daughter has a good teacher and homework every night. Parents never had a clear way to make any improvements in our schools.”

— *A mother of three students at 28th Street Elementary School in Los Angeles*

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 district governing boards and county superintendents.²⁰ Of the 43 county superintendents reporting on the first quarter (January - March 2005) summaries they 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 (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

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 report or that they did not produce a report because they did not receive any complaints. County superintendents similarly 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.”

Classroom Notices Revised by
Clean-up Legislation (AB 831 and SB 512)

Thanks to clean-up amendments, the Uniform Complaint Process classroom notices must now address students and teachers as well as parents and guardians, and must state that there should be no teacher vacancies or misassignments. 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>.

eight counties for which we have complaint data from both quarters, the numbers of complaints filed rose in the second quarter. For example, the number of complaints filed in Los Angeles County rose from 50 to 216.

The stories behind these numbers highlight the value of the Uniform Complaint Process and its potential for helping students, parents, and teachers improve learning conditions. Early in 2005, students at James Lick High School in San Jose filed a complaint with their principal and copied the Santa Clara County Office of Education, claiming that students could not sit beneath a gaping hole in the classroom ceiling when it rained because rainwater dripped down through the hole. The ceiling was fixed before the month was out. Similarly, Bruce Ravenscroft, a sixth-grade teacher at Sky Country Elementary School in the Jurupa Unified School District, filed a complaint in May 2005 about a severe shortage of science books that prompted the school board to authorize \$325,000 to provide every student in the district with a science textbook. Parent leaders with CADRE (Community Asset Development Re-defining Education) filed complaints with five schools in South Los Angeles in April 2005 and subsequently reported that their children received new books and that their immediate health and safety concerns were addressed (for example, at Gompers Middle School, the air conditioning in two classrooms was repaired and a major fly infestation problem was eliminated).

“I’ve taught for over 17 years and it’s great to know that there is now a support system out there.”

— A teacher in Palm Springs Unified School District, discussing the Williams Settlement and the Uniform Complaint Process

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

Williams Plaintiffs Actively Engaged in
Implementation and Monitoring

The Williams Plaintiffs are actively engaged at the state, county, and local levels to ensure the promise of the Settlement is realized and the Settlement Legislation is implemented consistent with the intent of the Settlement. Team members are visiting decile 1-3 schools with county offices of education, training parents, students, and advocates on the new Uniform Complaint Process, checking on district compliance efforts, and advocating for effective regulations and clean-up legislation. If you would like to learn more about the Settlement, the new Uniform Complaint Process, the clean-up legislation, or our other implementation efforts, please contact us at 1-877-532-2533 or visit www.decentschools.org.

amendments required by AB 831 (one of the Williams clean-up bills) and released the regulations for a third 15-day public comment period.²¹ 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 teacher vacancies 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 assigned for 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 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)²⁴
- ➔ 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 “superintend” 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 their 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 52055.5(b)(2), 52055.51, or 52055.650(e) of the Education Code.” (Section 17101 of Title 5 of the California Code of Regulations (operative June 8, 2005).)²³ 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 Intervention 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 achievement.” 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/storyReader\\$33](http://www.ccsesa.org/ccsesaAtWork/stories/storyReader$33).

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 on 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. ■

Looking Ahead



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.) ■



Conclusion



AP WIDE WORLD PHOTOS



Lead 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. ■

Opposite Left Photo: Lead Plaintiff Eliezer Williams, together with his father Pastor Sweetie Williams, at the press conference at the ACLU of Northern California announcing the Williams case on May 17, 2000. Above Photo: Lead Plaintiff Eliezer Williams speaking at the press conference at Edison Middle School in Los Angeles announcing the settlement of Williams on August 13, 2004.

Clockwise from Top:
Williams counsel, plaintiffs,
and supporters celebrating the
announcement of the Williams
Settlement on August 13, 2004;
Williams counsel, John Affeldt
of Public Advocates, testifying
before the State Board of
Education; ACLU Foundation
of Southern California Williams
Implementation Attorney
Brooks M. Allen and Racial
Justice Organizer Teresa Virgen
at a community presentation
regarding implementation;
Williams plaintiffs
Alondra Jones, Eliezer Williams,
Beatriz Lizarraga, and Manuel
Ortiz; Williams plaintiffs
Delwin and D'Andre Lampkin
together with ACLU Foundation
of Southern California Williams
counsel, Catherine Lhamon



(ENDNOTES)

- 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.
- ⁹ A detailed description of this clean-up legislation is available on the *Williams v. State of California* website, at http://www.decentschools.org/settlement/Williams_Legislation_Update_AB_831.pdf.
- 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.

- 15

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.
- 16

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/settlement/Williams_Legislation_Update_Oct_11_2005.pdf.
- 17

<http://www.ctc.ca.gov/notices/coded/050014/050014.html>.
- 18

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.
- 19

A detailed description of SB 687 and other recent clean-up legislation is available on the *Williams v. State of California* website, at http://www.decentschools.org/settlement/Williams_Legislation_Update_Oct_11_2005.pdf.
- 20

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).)
- 21

The proposed regulations are available at <http://www.cde.ca.gov/re/lr/rr/index.asp>.
- 22

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.
- 23

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>.
- 24

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.

WHAT IS *Williams v. California*?

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 v. California* 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 these bare minimum necessities to all public school students in California violates the state constitution, as well as state and federal requirements that all students be given 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 students. The settlement provides nearly \$1 billion to accomplish these goals.

For more info, please visit www.decentschools.org and www.aclu-sc.org

All public school students, parents, and teachers are affected by this settlement.

FAQs

- Q. Can anyone file a complaint?

A. Yes. Any person or organization may file a complaint.
- 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.
- Q. Do I have to use a particular form to file a complaint?

A. No. Your school must have complaint forms available, but you may use any form you want. An easy to use complaint form is available at www.decentschools.org. Alternatively, you can call the toll-free phone number below and request one.
- Q. What days do not count as “working days”?

A. Saturdays, Sundays, and holidays.
- Q. How do I find my County Superintendent’s name and contact information?

A. Visit www.ccsesa.org and click the “County Superintendents” link, or call the toll-free number below and leave a message asking for assistance.
- Q. Who can I contact if I want more information or would like help filing a complaint or an appeal?

A. Email williamsinfo@aclu-sc.org or call the toll-free number below.

WILLIAMS TOLL-FREE HOTLINE
1-877-532-2533



1616 BEVERLY BLVD. LOS ANGELES, CA 90026
PHONE (213) 977-9500 FAX (213) 250-3980
WWW.ACLU-SC.ORG

KNOW YOUR RIGHTS

YOU HAVE THE RIGHT
TO A CLEAN AND
SAFE SCHOOL

YOU HAVE THE RIGHT
TO HAVE A BOOK TO USE
IN CLASS AND AT HOME

YOU HAVE THE RIGHT TO
A QUALIFIED TEACHER

*This brochure explains
how to use the new
Williams complaint process
to enforce these rights.*

WILLIAMS v. CALIFORNIA

CURRENT AS OF OCTOBER 14, 2005

NEW COMPLAINT PROCESS

Cal. Education Code Section 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 receiving the complaint (but no later than 40 working days after you first filed your complaint with the principal).

If you put your name on your complaint and ask for a response, the principal or district official must report to you within 45 working days how the problem was fixed. If you are worried about giving your name, you may file an anonymous complaint, but you will not receive a response.

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.*

HOW TO FILE A COMPLAINT

- 1. Find a complaint form: By law, a NOTICE should be posted in each classroom describing these rights and where to find complaint forms.

- 2. Fill out the form: Add additional pages if necessary. Include your name if you want to receive a response.

- 3. Turn in the complaint form: The form should tell you where to turn it in. Send a copy to your County Superintendent (see FAQs) and make a copy for your records.

Williams COMPLAINT TIMELINE



***Please contact us if you would like help with filing an appeal.**

POSSIBLE REASONS FOR FILING A COMPLAINT

(Note: These are examples, not the only possible reasons.)

INSUFFICIENT TEXTBOOKS/INSTRUCTIONAL MATERIALS

- You don't have a book to use in class, or you have to share a book.
- You don't have a book to use at home.
- Your book is in poor condition, missing pages, or so damaged that you can't read it.

EMERGENCY OR URGENT FACILITIES CONDITIONS THAT POSE A THREAT TO HEALTH AND SAFETY

- The heating, ventilation, fire sprinkler, or air-conditioning system is broken.
- The school is infested with pests or vermin (for example, rats).
- School windows are broken or exterior doors or gates will not lock and pose a security risk.
- A building is damaged, creating a hazardous or uninhabitable condition.

TEACHER VACANCIES OR MISASSIGNMENTS

- A semester begins and a permanent teacher has not been assigned to teach your class (for example, you have a series of substitute teachers).
- A teacher is assigned to teach a class for which the teacher lacks subject matter competency.
- A teacher who lacks proper credentials or training to teach English learners is assigned to teach a class in which more than 20% of the students are English learners.

¿QUÉ ES?

Williams contra California?

El 17 de mayo, 2000, la Unión Americana de Libertades Civiles (conocida por su siglas ACLU), junto con otras organizaciones de derechos civiles, presentaron una demanda contra el estado de California por las terribles condiciones en muchas de sus escuelas públicas (el caso *Williams contra California*). Padres, estudiantes, y maestros argumentaron que el estado esta fracasando en proveerle a miles de estudiantes en escuelas publicas, particularmente esos en comunidades de bajos recursos y comunidades de color, las necesidades básicas requeridas para una educación.

Ellos argumentaron que la falta del estado de proveer estas necesidades mínimas a todos los estudiantes en escuelas públicas en California viola la constitución del estado, y también los requerimientos estatales y federales que todos los estudiantes tengan el mismo acceso a la educación pública sin tomar en cuenta la raza, el color, o el origen nacional.

En agosto del 2004, un acuerdo fue anunciado.

El acuerdo requiere que todos los estudiantes tengan libros y que sus escuelas estén limpias y sean seguras. El acuerdo toma pasos para asegurar que estudiantes tengan maestros calificados y que las escuelas proporcionen estos recursos tan importantes para estudiantes. Este acuerdo proveerá casi mil millones de dólares para lograr estas metas.

Para más información, por favor visite

los sitios de internet
www.decentschools.org y
www.aclu-sc.org

Todo estudiante, padre, y maestro en escuelas públicas serán afectados por este acuerdo.

PREGUNTAS FRECUENTES

P. ¿Puede cualquier persona presentar una queja?

R. Sí. Cualquier persona o organización puede presentar una queja.

P. ¿Tengo que incluir mi nombre en mi queja?

R. No. Sin embargo, si usted quiere que el/la director/a o oficial del distrito le reporte cómo el problema fue arreglado, tiene que incluir su nombre y cómo comunicarse con usted.

P. ¿Tengo que usar un formulario en particular para presentar una queja?

R. No. Cada escuela tiene que tener formularios disponibles, pero usted no necesita usarlos. Para un formulario para presentar quejas ejemplar, visite www.decentschools.org o llame a la línea gratuita abajo para solicitar uno.

P. ¿Que días no son "días de trabajo"?

R. Sabados, domingos, y días festivos.

P. ¿Cómo puedo informarme de quién es mi Superintendente del Condado y cómo comunicarme con el o ella?

R. Visite www.ccsesa.org y oprima "County Superintendents" o llame a la línea gratuita abajo y pida ayuda.

P. ¿Con quién puedo comunicarme si quiero más información o me gustaría ayuda presentando una queja o una apelación?

R. Escribanos por correo electrónico a williamsinfo@aclu-sc.org o llame a la línea gratuita abajo.

LINEA GRATUITA DE WILLIAMS

1-877-532-2533



1616 BEVERLY BLVD. LOS ANGELES, CA 90026
PHONE (213) 977-9500 FAX (213) 250-3980
WWW.ACLU-SC.ORG

CONOZCA SUS DERECHOS

USTED TIENE EL DERECHO
A UNA ESCUELA
LIMPIA Y SEGURA

USTED TIENE EL DERECHO
A UN LIBRO PARA USAR
EN CLASE Y PARA
LLEVAR A CASA

USTED TIENE EL DERECHO
A UN MAESTRO CALIFICADO

Este folleto explica como usar el nuevo proceso para hacer quejas sobre los temas de Williams para hacer cumplir estos derechos.

WILLIAMS contra CALIFORNIA

ACTUALIZADA EL 14 DE OCTUBRE, 2005

NUEVO PROCEDIMIENTO PARA HACER QUEJAS

Código de Educación de California Sección 35186

Usted puede presentar una queja con su escuela si:

- (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 o edificios causan una amenaza de emergencia o urgente a la salud y seguridad de los estudiantes o personas trabajando en la escuela; o
- (3) Usted no tiene un/a maestro/a permanente asignado/a a su clase al principio del semestre, o su maestro/a no esta calificado/a para enseñar a su clase.

Si usted presenta una queja, el/la director/a debe de investigar y resolver el problema dentro de 30 días de trabajo. Si el/la director/a no tiene la autoridad para resolver el problema el/ella debe dirigir la queja al distrito de la escuela. El distrito entonces tiene que proveer una solución a los 30 días de trabajo de 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 puso su nombre en su queja y pidió una respuesta, el/la director/a o oficial del distrito debe reportarle dentro de 45 días de trabajo en como el problema fue solucionado. Si usted esta preocupado/a por dar su nombre, usted puede presentar una queja anónima, pero usted no recibirá una respuesta.

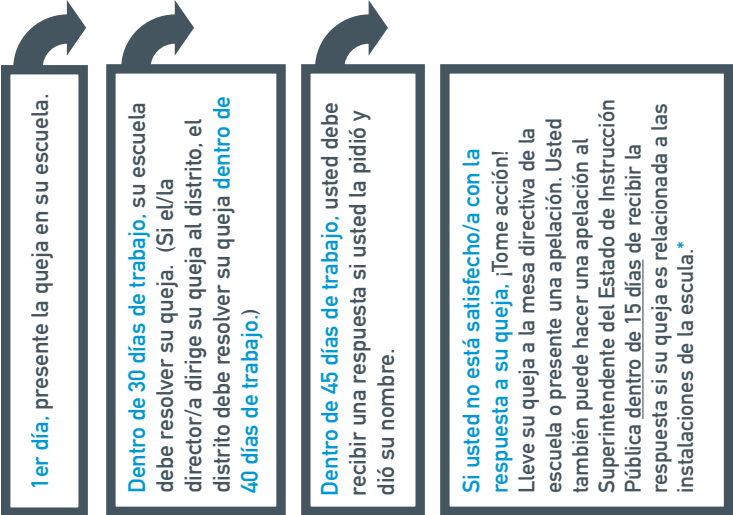
Si usted está insatisfecho/a con la respuesta a su queja (del/de la director/a o distrito), usted puede:

- (1) hablar en una junta de la mesa directiva para explicar porque la resolución fue insatisfactoria y pedirle a la mesa que tome acción; y
- (2) presentar una apelación con el Superintendente del Estado de Instrucción Pública si su queja tiene que ver con una condición de emergencia o amenaza urgente relacionada a las instalaciones de la escuela.*

COMO 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.
- 2. Llene el formulario: Agregue páginas adicionales si es necesario. Incluya su nombre si usted quiere ser informado/a de la acción tomada.
- 3. Presente el formulario para hacer quejas: El formulario debe decirle donde presentarlo. Mándele una copia a su Superintendente del Condado (vea Preguntas Frecuentes) y haga una copia para sus archivos, si es posible.

TRANSCURSO DE TIEMPO DESPUES DE PRESENTAR UNA QUEJA DE WILLIAMS



*Por favor comuníquese con nosotros si quiere ayuda presentando una apelación.

RAZONES POSIBLES PARA PRESENTAR UNA QUEJA

(Nota: Estos son ejemplos, no las únicas razones posibles.)
INSUFICIENTES LIBROS DE TEXTOS/MATERIALES DE INSTRUCCIÓN

- Usted no tiene un libro para usar en clase, o usted tiene que compartir un libro.
- Usted no tiene un libro para usar en casa.
- Su libro está en mala condición, le faltan páginas, o está tan dañado que no puede leerlo.
- CONDICIONES DE EMERGENCIA URGENTES EN INSTALACIONES QUE PRESENTAN UNA AMENAZA A LA SALUD Y SEGURIDAD
- El calentador, ventilación, sistema de aspersión automático, o el sistema de aire acondicionado no trabaja.
- La escuela está infestada con insectos y bichos (por ejemplo, ratas).
- Las ventanas de la escuela están rotas o las puertas exteriores no cierran y presentan un riesgo de seguridad.
- Instalaciones están dañadas, creando peligro o en condiciones deshabitables.

- PUESTOS VACANTES DE MAESTROS/AS O MALASIGNADOS/AS
- El semestre empieza y un/a maestro/a permanente no está asignado/a para enseñar la clase (por ejemplo, usted tiene una serie de maestros sustitutos).
- Un/a maestro/a está asignado para enseñar una clase en cual el/la maestro/a le falta competencia en la materia.
- Un/a maestro/a que le faltan credenciales o entrenamiento para enseñarle 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.

WILLIAMS COMPLAINT FORM

(Uniform Complaint Procedures for California Education Code Section 35186 Complaints)

This form may be used to file a complaint regarding insufficient instructional materials, an unsafe or unhealthy school facility condition, or a teacher vacancy or misassignment. After completing this form, file it with the School Principal. If the problem you are complaining about is beyond the authority of the Principal, he or she shall forward your complaint to the appropriate school district official. If there is not enough space below to describe your complaint in detail, please attach additional pages.

DO YOU WANT TO RECEIVE A WRITTEN RESPONSE?

☐ Yes, I request a written response.

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

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

I. 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 does not have textbooks or instructional materials to use at home or after school.
- ☐ Textbooks or instructional materials are in poor or unusable condition, are missing pages, or are unreadable due to damage.
- ☐ Because of a shortage of textbooks or materials, a student was given photocopied sheets from only a portion of a textbook or instructional materials.

DESCRIBE THE PROBLEM (course or grade level where the problem exists, the teacher of the course or grade level, the textbooks or materials that are missing or damaged, and other details):

B. TEACHER VACANCY OR MISASSIGNMENT:

- ☐ A semester has begun, 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: _____

► IMPORTANT: I am ☐ mailing ☐ hand-delivering this complaint on (date) _____
to Principal (name) _____ at (address) _____

Please make and keep a copy of this completed complaint form for your records.
You should also send an informational copy to the local County Superintendent of Schools.
Please visit www.decentschools.org or call toll-free 1-877-532-2533 for more information.

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 malassignaciones. Después de completar este formulario, preséntelo con el/la directora/a de la escuela. Si el problema es más allá de la autoridad de el/la director/a, el o ella debe mandar está 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.

Nombre		
Dirección		
Ciudad	Estado	Código Postal
Número de Teléfono (día)	(noche)	
Firma		

☐ 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 esta 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 está 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 mandarle una copia informal al Superintendente local del Condado de las Escuelas.

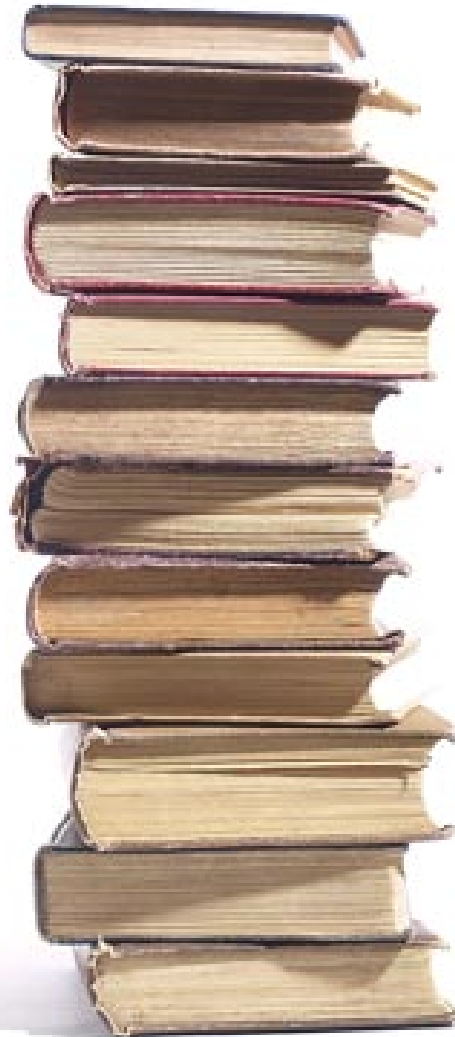
Por favor visite www.decentschools.org o llame a la línea gratuita 1-877-532-2533 para más información.

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