

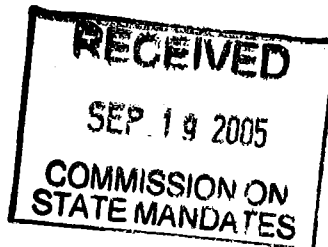
SixTen and Associates

Mandate Reimbursement Services

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September 16, 2005



Paula Higashi, Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: Test Claim of San Diego County Office of Education
and the Sweetwater Union High School District
Statutes of 2004, Chapters 899
Williams Case Implementation

Dear Ms. Higashi:

Enclosed is a copy of resource materials you may find useful for your evaluation of the test claim.

These materials are not part of the filed test claim.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith B. Petersen".

Keith B. Petersen

DECENT SCHOOLS FOR CALIFORNIA

WILLIAMS V. STATE OF CALIFORNIA

HOME

SETTLEMENT INFO

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INFORMACIÓN EN ESPAÑOL

Documents on this website are available in PDF format. You will need Adobe's free Acrobat Reader to view or print them.



Settlement Information

After a period of notice of settlement to the plaintiff class and an opportunity for the class to comment on the settlement, the Court approved the settlement agreement at a hearing on March 23, 2005.

The Settlement in Action and the New Complaint Process

(click for information)

El Acuerdo en Acción y el Nuevo Procedimiento para Hacer Quejas

(oprima aquí para más información)

Williams Settlement Highlights - April 2005

Statutes Implementing the Settlement

- = SB 550
- = AB 2727
- = AB 1550
- = AB 3001
- = SB 6

Amendments to the Settlement Legislation

- = AB 831
- = How AB 831 Affects *Williams* Implementation (July 26, 2005)

Schools Affected by the Settlement

All public schools in California are affected by the settlement. For example, every school district must now provide a uniform complaint process for complaints regarding insufficient instructional materials, unsafe or unhealthy facility conditions, and teacher vacancies and misassignments. In addition, schools ranked in deciles one through three on the 2003 Base Academic Performance Index (API) receive additional funds and oversight.

Court Documents re Settlement

- = Notice of Settlement (attaching the parties' Settlement Agreement documents) (3.3 MB)
 - o Settlement Implementation Agreement (1.8 MB)
 - (also included in above 3.3 MB PDF)
 - o Covenant Not to Sue (11/ KB)
 - (also included in above 3.3 MB PDF)
 - o Provision as to Claims for Attorneys' Fees (51 KB)
 - (also included in above 3.3 MB PDF)
- = Plaintiffs' Motion for Final Approval of Settlement Agreement (148 KB)
 - o Memorandum in Support (2.2 MB)
 - o Declaration of Jack W. Londen in Support (with exhibits) (8.8 MB)
- = Superior Court's Order Regarding Approval of Settlement Notice and Schedule (526 KB)
- = Notice of Support by Defendants SPI, State Department of Education, and SBE for Plaintiffs' Motion for Final Approval of Settlement (283 KB)

- Plaintiffs' Reply Memo in Support of Motion for Final Approval of Settlement (907 KB)
 - Supplemental Declaration of Jack W. Londen in Support (with exhibit) (431 KB)

Press Releases

Announcement of Proposed Settlement

- ACLU Press Release, 8/13/04
- Public Advocates Press Release, 8/13/04
- Office of the Governors Press Release, 8/13/04

Governor Signs Legislation Implementing the Settlement

- Office of the Governor's Press Release, 9/29/04, *Governor Schwarzenegger Signs Landmark Education Reforms*

Notice of Settlement to Plaintiff Class

- Plaintiffs' Press Release, 12/16/04

News Articles

- Big Win for Run-Down Schools Brings Hope
Landmark Accord Still Must Be OK'd by Judge in S.F.
San Francisco Chronicle, 8/12/04
- Landmark Deal Reached for State's Poor Schools
1 Million Low Income Students to Get Equal Access to Good Facilities and Textbooks
San Francisco Chronicle, 8/11/04

WILLIAMS IMPLEMENTATION TIMELINE (revised 8/11/05)

Work Associated with All Schools

Timeline	County Superintendent	District
<p>Beginning 2005-06 and annually thereafter</p> <ul style="list-style-type: none"> ▪ Within first 8 weeks of the school year <p>[E.C. § 60119(a)(1)(B)]</p>	<p><input type="checkbox"/> <u>Hold a public hearing</u> for county office operated schools to determine whether each pupil has sufficient standards-aligned textbooks or instructional materials in the following areas:</p> <ul style="list-style-type: none"> • Core areas: reading/language arts, math, science, and history/social science [E.C. § 60119(a)(1)(A)]; • Foreign language and health; and • Science laboratory equipment for grades 9-12, as appropriate [E.C. § 60119 (a)(1)(C)]. <p><i>Note:</i> Governing boards that declare an insufficiency must <u>specify the percentage of students</u> who lack sufficient standards-aligned textbooks or instructional materials in each subject area for each school in which an insufficiency exists and the reasons for the insufficiency to teachers and the public and take action to ensure that each pupil has sufficient textbooks or instructional materials within two months of the beginning of the school year. [E.C. § 60119(a)(2)(A)].</p>	<p><input type="checkbox"/> <u>Hold a public hearing</u> to determine whether each pupil has sufficient standards-aligned textbooks or instructional materials in the following areas:</p> <ul style="list-style-type: none"> • Core areas: reading/language arts, math, science, and history/social science [E.C. § 60119(a)(1)(A)]; • Foreign language and health; and • Science laboratory equipment for grades 9-12, as appropriate.[E.C. § 60119(a)(1)(C)]. <p><i>Note:</i> Governing boards that declare an insufficiency must <u>specify the percentage of students</u> who lack sufficient standards-aligned textbooks or instructional materials in each subject area for each school in which an insufficiency exists and the reasons for the insufficiency to teachers and the public and take action to ensure that each pupil has sufficient textbooks or instructional materials within two months of the beginning of the school year. [E.C. § 60119(a)(2)(A)].</p>
<p>For 2005-06 and annually thereafter</p>	<p><input type="checkbox"/> <u>Use revised policy adopted in 2004-05 for a Uniform Complaint Procedure</u> to identify and resolve complaints related to deficiencies in:</p> <ul style="list-style-type: none"> • Instructional materials; • Emergency or urgent facility conditions; and • Teacher vacancies and misassignments. [E.C. § 35186(a)] 	<p><input type="checkbox"/> <u>Use revised policy adopted in 2004-05 for a Uniform Complaint Procedure</u> to identify and resolve complaints related to deficiencies in:</p> <ul style="list-style-type: none"> • Instructional materials; • Emergency or urgent facility conditions; and • Teacher vacancies and misassignments. [E.C. § 35186(a)]

Work Associated with All Schools (cont'd.)

Timeline	County Superintendent	District
<p>As soon as possible</p>	<p><input type="checkbox"/> <u>Post a revised notice in each classroom</u> notifying parents/guardians:</p> <ul style="list-style-type: none"> • That there should be sufficient textbooks and instructional materials for each student to use in class and to take home; • That school facilities must be clean, safe, and maintained in good repair; • That there should be no teacher vacancies or misassignments; and • How to obtain complaint forms [E.C. § 35186(f)] 	<p><input type="checkbox"/> <u>Post a revised notice in each classroom</u> notifying parents/guardians:</p> <ul style="list-style-type: none"> • That there should be sufficient textbooks and instructional materials for each student to use in class and to take home; • That school facilities must be clean, safe, and maintained in good repair; • That there should be no teacher vacancies or misassignments; and • How to obtain complaint forms [E.C. § 35186(f)]
<p>Quarterly</p> <ul style="list-style-type: none"> ▪ October 2005 ▪ January 2006 ▪ April 2006 ▪ July 2006 		<p><input type="checkbox"/> <u>Prepare and submit a report of summarized data on the nature and resolution of all complaints</u> to the district board and county superintendent. [E.C. § 35186(d)]</p>
<p>Annually</p>	<p><input type="checkbox"/> <u>Use an amended School Accountability Report Card</u> template, or report data in a manner consistent with the definitions, adopted by the State Board of Education in May 2005 [E.C. §§ 33126, 33126.1, 35256]</p>	<p><input type="checkbox"/> <u>Use an amended School Accountability Report Card</u> template, or report data in a manner consistent with the definitions, adopted by the State Board of Education in May 2005. [E.C. §§ 33126, 33126.1, 35256]</p>
<p>Was to be completed by July 1, 2005 to participate in the School Facilities Program or receive deferred maintenance funding in 2005-06.</p>	<p><input type="checkbox"/> <u>Ensure that a facilities inspection system was established</u> to ensure that all schools are maintained in "good repair." [E.C. § 17070.75(e)]</p>	<p><input type="checkbox"/> <u>Ensure that a facilities inspection system was established</u> to ensure that all schools are maintained in "good repair." [E.C. § 17070.75(e)]</p>
<p>Annually</p> <p><i>Note:</i> For 2004-05 audit results - review occurs in Spring 2006</p>	<p><input type="checkbox"/> <u>Include in the review of audit exceptions</u> additional exceptions related to use of instructional materials program funds, teacher misassignments, information reported on the SARC. [E.C. § 41020(i)(2)]</p>	<p><input type="checkbox"/> Be subject to the <u>review of additional audit exceptions</u> by the County Superintendent related to use of instructional materials program funds, teacher misassignments, and information reported on the SARC. [E.C. § 41020(i)(2)]</p>

Work Associated with Deciles 1-3 Schools

Timeline	County Superintendent	District
<p>Beginning in 2005-06 and annually thereafter</p> <ul style="list-style-type: none"> Completed by the 4th week of the school year (except for counties with 200 or more schools) <p>[E.C. § 1240(i)(3)]</p> <p>Note: Suggest county superintendent review of SARC's published in 2005-06 (based on data collected in 2004-05 or earlier) occur in Spring 2006 to determine accuracy of data based on visits conducted in Fall 2005.</p>	<ul style="list-style-type: none"> Visit schools in Deciles 1-3 on the 2003 API that are not currently under state or federal review to determine: <ul style="list-style-type: none"> Sufficiency of instructional materials; Condition of facility that poses an emergency or urgent threat to health and safety; and Accuracy of data reported on the school accountability report card (SARC) related to sufficiency of materials and the condition of facilities. [E.C. § 1240(c)(2)(E)] Alpine, Amador, Del Norte, Mariposa, Plumas, Sierra, San Francisco Counties shall contract with another county office of education or an independent auditor to conduct the required visits and make all reports required under <i>Williams</i> legislation. [E.C. § 1240(c)(2)(B)] County offices of education shall contract with another county office or independent auditor to conduct the required visits for schools in Deciles 1-3 operated by that county office. [SB 550, Chap. 900, Statutes of 2004] At least 25% of the visits are to be unannounced [E.C. § 1240(c)(2)(D)(iii)] 	<ul style="list-style-type: none"> Ensure students have sufficient instructional materials. Ensure school facilities pose no emergency or urgent threat to health and safety. Ensure accuracy of data reported on SARC related to sufficient materials and the condition of facilities.
<p>Within 5 days of site visit</p>	<ul style="list-style-type: none"> Prepare a report of any deficiencies in instructional materials discovered during site visits. [E.C. § 1240(i)(4)(A)] Submit report to school district and SPL. [E.C. § 1240(i)(4)(B)] 	
<p>2nd month of the school year</p>	<ul style="list-style-type: none"> Provide the school district with an opportunity to remedy the deficiency in instructional materials, but ensure that the deficiency is corrected no later than the second month of the school year. [E.C. 1240(i)(4)(C)] If the deficiency is not corrected by the second month, request that the SPL, with the approval of the State Board of Education, purchase the necessary textbooks on behalf of the school district and deduct those costs from funds that would otherwise be allocated to the district. [E.C. § 1240(i)(4)(D)] 	<ul style="list-style-type: none"> Remedy any deficiencies in instructional materials.

Work Associated with Deciles 1-3 Schools (cont'd.)

Timeline	County Superintendent	District
Quarterly <ul style="list-style-type: none"> ▪ October 2005 ▪ January 2006 ▪ April 2006 ▪ July 2006 By January 1, 2006	<input type="checkbox"/> Report results of county office visits of Deciles 1-3 schools to district board. [E.C. § 1240(c)(2)(C)]	<input type="checkbox"/> Conduct one-time comprehensive needs assessment of school facilities to ensure each school is maintained in "good repair" and submit results to OPSC. [E.C. § 17592.70(d)]
Annually <ul style="list-style-type: none"> ▪ December/January 	<input type="checkbox"/> Present a report on the state of the schools in Deciles 1-3 of the 2003 API to the district board, county board of education, and county board of supervisors. [E.C. § 1240(c)(2)(A)]	
Annually <p><i>Note: If upon review, no teacher misassignments or vacancies are present, future reviews may be conducted on the typical 4-year cycle provided that the school is not likely to have problems with teacher misassignments or vacancies based on past experience.</i> [E.C. § 44258.9(b)(1)(B)]</p>	<input type="checkbox"/> Monitor and review school district certificated employee assignments Decile 1-3 schools on the 2003 API, not currently under review through a state or federal intervention program. [E.C. § 44258.9(b)(1)] <input type="checkbox"/> Submit a report to the CTC and CDE on the certificated employee assignment practices to ensure that teachers are qualified to teach English learners. [E.C. § 44258.9(c)(4)]	



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CALIFORNIA DEPARTMENT OF EDUCATION

1430 N STREET SACRAMENTO, CA 95814-5901

JACK O'CONNELL

State Superintendent of Public Instruction

PHONE: (916) 319-0800

Date: December 20, 2004
To: County Superintendents, District Superintendents
From: JACK O'CONNELL, State Superintendent of Public Instruction
Subject: Notice of settlement in Eliezer Williams, et al. v. State of California, et al.

On December 10, 2004, the San Francisco County Superior Court approved the notice of settlement in Eliezer Williams, et al. v. State of California, et al. The court ordered that CDE make available information regarding the provisions of the settlement and the process by which students on whose behalf the lawsuit was filed may file objections to the settlement. In keeping with the court's order, four documents are included with this memorandum. You will also find them posted and available for downloading on CDE's Web site, http://www.cde.ca.gov/eo/ce/wc/index.asp.

The four documents are:

Notice of Class Action Settlement in the Williams v. State of California Education Lawsuit (English language version)

Notice of Class Action Settlement in the Williams v. State of California Education Lawsuit (Spanish language version)

Summary of Notice of Class Action Settlement in the Williams v. State of California Education Lawsuit (English language version)

Summary of Notice of Class Action Settlement in the Williams v. State of California Education Lawsuit (Spanish language version)

The court also directed CDE to request that your district or county office post either the attached notices or the summaries in the main office of each of your schools. As an alternative to this posting, you may distribute the notices or summaries by any other means that you believe will reach your students.

In addition to this posting of the notices or summaries, CDE requests that you publish the notice, or provide a link to the notice on CDE's Web site, if your county or district maintains a Web site.

Finally, CDE requests that you ask each school in your district or county that maintains a Web site to provide a link to the notices on the CDE Web site, or post the toll-free telephone number to a voicemail information line. That number is 1-877-532-2533. The complete notice of settlement may also be obtained by calling the toll-free voicemail information line.

###

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Last Modified: Wednesday, December 29, 2004



CALIFORNIA
DEPARTMENT OF
EDUCATION

1430 N STREET
SACRAMENTO, CA
95814-5901

JACK O'CONNELL

State Superintendent of
Public Instruction

PHONE: (916) 319-0800

June 20, 2005

Dear County Superintendents of Schools, Auditors, and Treasurers:

**NOTICE OF THE FINAL APPORTIONMENT FOR THE
INSTRUCTIONAL MATERIALS RELATED TO
THE WILLIAMS SETTLEMENT
FISCAL YEAR 2004-05**

This apportionment, in the amount of \$3,006,584, is made from funds provided in Senate Bill 1108 (Chapter 216, Statutes of 2004), SEC.36.(3)(C)(i), as amended by Senate Bill 550 (Chapter 900, Statutes of 2004), SEC.22. in support of the instructional materials program related to the *Williams* settlement.

Funds are allocated at a rate of \$98.80 per pupil enrolled in kindergarten and grades one through twelve as reported in the October 2003, California Basic Educational Data System, in schools ranked in deciles one or two of the 2003 Academic Performance Index (API) based on their 2003 base scores. The amount apportioned to each eligible local educational agency (LEA) is listed on the enclosed schedule of apportionment and reflects 100 percent of each local educational agency's entitlement, less any amounts paid in the February 11, 2005, apportionment.

Eligible charter schools that opted to comply with *Williams* settlement requirements and receive *Williams* funding are included in this apportionment.

The funds and all interest earned must be used exclusively for the purchase of standards-aligned instructional materials in reading/language arts, mathematics, science, and history-social science pursuant to California *Education Code* Section 60605. LEAs must comply with the requirements of California *Education Code* Section 60119 that include, among other things, holding a public hearing and adopting a board resolution as to the sufficiency of textbooks or instructional materials.

Warrants will be mailed to county treasurers approximately four weeks from the date of this Notice. For standardized account code structure coding, use Resource Code 7158, Instructional Materials - *Williams* Case, and Revenue Object Code 8590, All Other State Revenue. County superintendents of schools are requested to inform LEAs immediately of this apportionment.

If you have questions regarding this apportionment, please contact Ging Tucker, Assistant Consultant,

Categorical Programs Unit, at (916) 324-4536 or by e-mail at gtucker@cde.ca.gov. If you have questions concerning expenditure of funds, please contact Susan Martimo, Education Programs Consultant, Curriculum Frameworks and Instructional Resources Office, at (916) 319-0446 or by e-mail at smartimo@cde.ca.gov.

Sincerely,

JACK O'CONNELL

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Last Modified: Friday, July 01, 2005



Williams Settlement Legislation IM FAQs

Williams settlement legislation instructional materials frequently asked questions.

Public Hearing/Resolution on Sufficiency of Instructional Materials

1. Do the new instructional materials provisions of *Education Code* Section 60119 apply to all school c
2. What does a local governing board of education need to do to comply with the new law related to in
materials?
3. Each local school board needs to do some type of board assurance as it relates to the adoption of i
materials. What does this mean?
4. Do the new instructional materials provisions of *Education Code* Section 60119 apply to charter sch
5. When does the district need to hold the hearing? Is it required by December 1 for the 2004-05 year
6. When does the district need to remedy any insufficiency in instructional materials?
7. If we do not provide sufficient health or foreign language instructional materials or science laborator
will our funding for instructional materials be affected?
8. Our board has already adopted a resolution on the sufficiency of instructional materials for 2004-05
have to do this again?
9. What does "sufficiency of instructional materials" mean?
10. What about Special Education students and English Learners? Are there any exceptions?
11. Schools believed that the state-adopted K-6 Open Court or Houghton Mifflin reading/language arts
met the science and history-social science standards, so therefore they did not have to buy K-6 sci
history-social science textbooks. Is this true?
12. For some science and history-social science materials in grades K- 2, districts only bought the Big I
than individual student books, or purchased texts for students to share. Is this acceptable?
13. Some grades in our district do not have history-social science textbooks, yet the next adoption is sc
2005. Can we wait for the next adoption so we don't waste money?
14. What materials should be provided to our English learners?
15. Can the AB 2519 instructional materials, adopted in 1999, meet the "sufficient" definition?
16. Will Web-based or electronic textbooks count as instructional materials?
17. How much of the K- 8 adopted materials for each of the core academic areas must each student h
the *Williams* Legislation requirement?
18. If a local governing board approves a series of novels and a grammar book for high school English
this acceptable?
19. What documentation or evidence of adequate materials purchased do we need to present or have i
20. What if we have not received all of our textbooks from the publisher by the first four weeks of schoo
of the school visit?

Funding

1. If we have insufficient instructional materials, what sources of funds can we use in addition to our IM
to purchase additional instructional materials?
2. Are there funds available to purchase supplementary materials for English Learners to support the
curriculum?
3. Has the state set aside funds solely for the schools to purchase textbooks for *Williams* settlement le
compliance?

4. If a district purchased the required materials using other available funds can they reimburse these c accounts using the new Williams settlement funds?
5. What about API Decile 3 schools? What should they do if they need to purchase materials?
6. Are charter schools included under the Williams settlement to get the additional funding for instructi materials?
7. Will the CDE modify its statement of assurance for the expenditure of instructional materials funds t separate funding for English Learners and the funding for Decile 1 and 2 schools?

Monitoring of Instructional Materials

1. What does the Williams settlement legislation require of API Decile 1- 3 schools?
2. What about the students who don't bring their textbooks when the school visit occurs? Will this cou us?
3. What happens if a district doesn't have sufficient instructional materials for Decile 1 and 2 schools a have sufficient funding either in the district or with the new Williams settlement funding to provide a aligned textbook for each student in the four core areas?
4. If a school is on a multi-track schedule, does the county have to conduct site visits for all tracks?

Public Hearing/Resolution on Sufficiency of Instructional Material

1. **Do the new instructional materials provisions of Education Code Section 60119 apply to all s districts?**
Yes, the provisions of *Education Code* Section 60119 requiring an annual hearing and adoption of i on sufficiency of instructional materials apply to all districts. This section was revised with the passe Bill 550, Chapter 900, Statutes of 2004, which took effect on September 29, 2004. [Back to Top](#)
2. **What does a local governing board of education need to do to comply with the new law relat instructional materials?**
All districts must hold a public hearing by the eighth week of the school year to make a determinatic resolution that every pupil has sufficient textbooks or instructional materials in the four core areas o reading/language arts, mathematics, science, and history-social science. The written determination include whether there are sufficient health and foreign language textbooks for every pupil enrolled, availability of science laboratory equipment for grades 9-12. [Back to Top](#)
3. **Each local school board needs to do some type of board assurance as it relates to the adopt instructional materials. What does this mean?**
There are three separate actions required by school districts related to instructional materials:
 1. Annual public hearing and resolution on sufficiency required by *Education Code* Section 60 following FAQs related to this requirement. A [sample resolution](#) including the new requireme available on our Web site. Districts are not required to use this resolution, it is provided only for district governing boards.
 2. Certification that each pupil has been provided with a standards-aligned textbook or basic ir materials as required by the Instructional Materials Funding Realignment Program (IMFRP) Code Section 60422(b). This certification is required to be completed when the district has r IMFRP requirements and triggers flexibility in the use of IMFRP funds. See the Web page o details.
 3. A *Statement of Assurance for Instructional Materials Funds* is distributed to districts at the e fiscal year and must be signed by the district superintendent indicating that all purchases of materials made by the district for that fiscal year conform to the law and regulations. [Back to](#)
4. **Do the new instructional materials provisions of Education Code Section 60119 apply to cha schools?**
A charter school will only be required to comply with *Education Code* Section 60119 if it "opts in" to settlement. Charter schools receive their IMFRP funds in the Charter School Categorical Block Gra Therefore, they do not come under the Section 60119 requirements unless they receive separate ir materials funding under the Williams settlement. [Back to Top](#)
5. **When does the district need to hold the hearing? Is it required by December 1 for the 2004-0 For 2004-05 only, the governing board should have made a diligent effort to hold the public hearing the resolution by December 1, 2004. For future years, the public hearing must be held by the eighth school year. [Back to Top](#)**
6. **When does the district need to remedy any insufficiency in instructional materials?**
For 2004-05, the deficiencies in instructional materials should be remedied as soon as possible. In :

thereafter, the district will be expected to remediate any insufficiency of instructional materials by the month of the school year. [Back to Top](#)

7. **If we do not provide sufficient health or foreign language instructional materials or science equipment will our funding for instructional materials be affected?**
The provision of textbooks for health and foreign language or science equipment in high schools is condition of receipt of funds. [Back to Top](#)
8. **Our board has already adopted a resolution on the sufficiency of instructional materials for ; we have to do this again?**
To be compliant with SB 550, a new resolution must be adopted that includes the new requirements; example, the sufficiency of instructional materials for the four core areas, foreign language and health suggested resolution. [Back to Top](#)
9. **What does "sufficiency of instructional materials" mean?**
Education Code Section 60119(c)(1) states that sufficient textbooks or instructional materials mean pupil, including English Learners, has a textbook or instructional materials, or both, to use in class at home to complete required homework assignments. This does not require two sets of textbooks or materials for each pupil." This specifically applies to four subject areas: reading/language arts, math science, and history-social science. [Back to Top](#)
10. **What about Special Education students and English Learners? Are there any exceptions?**
Special education resource students should be enrolled in mainstream core classes and should have textbooks in the four core subject areas. Special day students' IEPs may require modified instructional materials. The *Williams* settlement legislation does not circumvent IEPs. English learners are explicitly mentioned in the law and must have state-adopted textbooks in the four core subject areas, including English language development component of an adopted program. [Back to Top](#)
11. **Schools believed that the state-adopted K-6 Open Court or Houghton Mifflin reading/language materials met the science and history-social science standards, so therefore they did not have 6 science or history-social science textbooks. Is this true?**
No. The programs mentioned were adopted as reading/language arts/English language development. K-6 students must have science and history-social science instructional materials in addition to reading/language arts.

The science and history-social science materials in the Open Court and Houghton Mifflin reading/language programs may be used to develop an instructional program consistent with the content and cycles of curriculum frameworks.

To meet the definition of "sufficient" under *Education Code* Section 60119, a district must provide instructional materials that are consistent with the content and cycles of the curriculum frameworks for each student class and to take home for required homework. The district may have developed an instructional program consistent with the content and cycles of the curriculum framework by combining one or more instructional resources. If the local governing board is responsible for adopting materials, then it should have a resolution of sufficiency stating its instructional materials are consistent with the content and cycles of the curriculum framework for that subject area. [Back to Top](#)

12. **For some science and history-social science materials in grades K- 2, districts only bought 1 Books, rather than individual student books, or purchased texts for students to share. Is this acceptable?**
The amount of materials must meet the sufficiency requirement so that each pupil has instructional use in class and to take home for required homework, if needed. [Back to Top](#)
13. **Some grades in our district do not have history-social science textbooks, yet the next adoption scheduled for 2005. Can we wait for the next adoption so we don't waste money?**
No. The intent of the law is to ensure every student has textbooks or instructional materials to complete coursework now. [Back to Top](#)
14. **What materials should be provided to our English learners?**
English learners must be provided standards-aligned instructional materials. For grades K-8 these state-adopted instructional materials in mathematics, science, reading/language arts, and history-social science are consistent with the content and cycles of the curriculum frameworks and include universal access that address the needs of English learners. For grades 9-12 local governing boards should adopt state-aligned materials for all students that include universal access features. [Back to Top](#)
15. **Can the AB 2519 instructional materials, adopted in 1999, meet the "sufficient" definition?**
The instructional materials adopted under AB 2519 may still be used. To meet the definition of "sufficient" *Education Code* Section 60119, a district must provide instructional materials that are consistent with the content and cycles of the curriculum frameworks for each student to use in class and to take home for homework. The district may have developed an instructional program consistent with the content and cycles of the curriculum framework by combining one or more instructional resources. If the local governing board is responsible for adopting materials, then it should have a resolution of sufficiency stating its instructional materials are consistent with the content and cycles of the curriculum framework for that subject area.

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16. **Will Web-based or electronic textbooks count as instructional materials?**
 Yes, if all students have access to the materials both at school and at home for required homework presumes that students who have Web-based materials have access to computers and the Internet and at home and that student who have electronic textbooks have access to computers in school at
[Back to Top](#)
17. **How much of the K-8 adopted materials for each of the core academic areas must each student meet the Williams Legislation requirement?**
 The CDE Web site [Price Lists of K-8 Instructional Materials](#) has lists of the state-adopted K-8 instructional materials. Each district determines which components to purchase based on its students' needs. [Back to Top](#)
18. **If a local governing board approves a series of novels and a grammar book for high school English courses, is this acceptable?**
 Yes, as long as the local board adopted that combination of materials as being standards-aligned. I have to determine whether each pupil has sufficient instructional materials for those courses, including numbers of novels that can be reasonably rotated among pupils. [Back to Top](#)
19. **What documentation or evidence of adequate materials purchased do we need to present or ready?**
Education Code Section 60119 requires documentation of sufficiency of instructional materials to be at the board meeting and public hearing. The CDE has developed [survey forms](#) to use as a self-study county office validation tool for grades K-12. This will include a list of the state-adopted standards-aligned programs for grades K-8. Districts with high schools, grades 9-12, will generate a list of their adopted aligned instructional materials information according to guidelines recommended by the CDE. [Back to Top](#)
20. **What if we have not received all of our textbooks from the publisher by the first four weeks of school and/or time of the school visit?**
 Districts should ensure that textbooks and instructional materials are ordered and available for student use when the school year begins. School districts should make every attempt to prioritize the provision of instructional materials to schools affected by the settlement. Issues such as this are exactly what the Williams settlement legislation attempts to ameliorate. [Back to Top](#)

FUNDING

1. **If we have insufficient instructional materials, what sources of funds can we use in addition to IMFRP funds to purchase additional instructional materials?**
Education Code Section 60119 (a)(2)(B) permits districts to use any of the following funds to remedy insufficiency:
 - i. Any funds available for textbooks or instructional materials, or both, from categorical programs or any funds allocated to school districts that have been appropriated in the annual Budget Act
 - ii. Any funds of the district that are in excess of the amount available for each pupil during the year to purchase textbooks or instructional materials, or both.
 - iii. Any other funds available to the school district for textbooks or instructional materials, or both.

Examples of funds that may be used to remedy the insufficiency include, but are not limited to, lottery Proposition 20 restricted lottery funds, school improvement funds, and general funds. [Back to Top](#)

2. **Are there funds available to purchase supplementary materials for English Learners to supplement the curriculum?**
 In the 2004-05 state budget a total of \$30 million has been set aside for districts to purchase [supplementary instructional materials for English Learners](#). These supplemental materials are to be used in addition to adopted standards-aligned materials. The funding level depends on the number of districts that apply to participate in this one-time only apportionment and is estimated to be between \$18-25 per student in the 2003-04 language census.

Districts must submit their intent to purchase by March 31, 2005, the State Board will approve district funds at their July 2005 meeting, and the funds must be encumbered by June 30, 2006. [Back to Top](#)

3. **Has the state set aside funds solely for the schools to purchase textbooks for Williams settlement legislation compliance?**
 A total of \$138 million has been allocated to districts based on enrollment in schools in API Decile 1. These funds are restricted to the purchase of standards-aligned adopted textbooks, state-adopted kindergarten through grade eight and locally adopted for grades nine through twelve, in reading/language arts, mathematics, science and history-social science.

The allocation is calculated based on the enrollment in Decile 1 and 2 schools, and the intent of the settlement was to ensure that students in these schools have sufficient standards-aligned instructional materials.

This is a one-time appropriation and is not a loan and does not need to be repaid. [Back to Top](#)

4. **If a district purchased the required materials using other available funds can they reimburse accounts using the new Williams settlement funds?**

No. The new funds must be used to purchase standards-aligned instructional materials. [Back to Top](#)

5. **What about API Decile 3 schools? What should they do if they need to purchase materials?** Boards of districts with schools where an insufficiency of instructional materials exists are allowed under *Education Code* Section 60119 (a)(2)(A) to use money in any of the following funds:

- i. Any funds available for textbooks or instructional materials, or both, from categorical program or any funds allocated to school districts that have been appropriated in the annual Budget Act
- ii. Any funds of the school district that are in excess of the amount available for each pupil during fiscal year to purchase textbooks or instructional materials, or both
- iii. Any other funds available to the school district for textbooks or instructional materials, or both

Districts may use existing instructional materials appropriations, lottery, or discretionary funds to purchase instructional materials. Districts may also use the additional instructional materials funding provided by the Williams settlement to purchase standards-aligned adopted instructional materials. See Question 2 for details.

For extraordinary situations, the state has set aside an additional \$5 million to be used when county officials request materials for schools that have insufficient standards-aligned instructional materials and have been unable to remediate the problem using other funds available to the district. In this case, recipient districts may request the CDE to replenish the account. [Back to Top](#)

6. **Are charter schools included under the Williams settlement to get the additional funding for instructional materials?**

Yes, if the charter school decides to "opt-in" to the provisions of the Williams implementing legislation. [Back to Top](#)

7. **Will the CDE modify its statement of assurance for the expenditure of instructional materials to include the separate funding for English Learners and the funding for Decile 1 and 2 schools?**

Yes, CDE will modify the *Statement of Assurance for Instructional Materials Funds* and will distribute the document at the end of the fiscal year. [Back to Top](#)

MONITORING OF INSTRUCTIONAL MATERIALS

1. **What does the Williams settlement legislation require of API Decile 1-3 schools?**

For schools ranked in 2003 API Decile 1-3, an annual site visit will be conducted by the county office during the first four weeks of the school year to determine sufficiency of instructional materials, facility conditions, and School Accountability Report Card accuracy. For 2004-05 only, the site visit will occur within 120 days if the law is funded. [Back to Top](#)

2. **What about the students who don't bring their textbooks when the school visit occurs? Will this be against us?**

Reviewers will use reasonable judgment to deal with situations like this. The visit will triangulate the data collected - the self-study, district documentation, and observations from the visit - to determine whether the school has made good faith attempts to fulfill the legal requirements. [Back to Top](#)

3. **What happens if a district doesn't have sufficient instructional materials for Decile 1 and 2 schools? Will the county provide a standards-aligned textbook for each student in the four core areas?**

The county superintendent would prepare a report documenting the areas of noncompliance and submit it to the district. The district would have an opportunity to remedy the deficiency. If the deficiency is not remedied by the second month of the school term as required, the county superintendent would request the California Department of Education (CDE), with approval of the State Board of Education, to purchase textbooks or instructional materials necessary to comply with the sufficiency requirement. The funds used to make this purchase of instructional materials would be considered a loan that the district would need to repay the CDE. [Back to Top](#)

4. **If a school is on a multi-track schedule, does the county have to conduct site visits for all tracks?**

Yes. [Back to Top](#)



DRAFT Williams Visitation Process

DRAFT

**A Review of the
Williams Annual Visitation
Requirements for
Identified Decile 1-3 Schools**

CCSESA – January 25, 2005

California County Superintendents Educational Services Association

Suggested Process for the County Office Documentation Review and Site Visits to Implement the *Williams* Settlement Legislation

OVERVIEW

Chapter 900, Statutes of 2004 (SB 550) requires the County Superintendent of each county to annually present a report to the Governing Board of each school district under his/her jurisdiction, the County Board of Education of his/her county, and the County Board of Supervisors of his/her county, describing the state of the schools in the county that are ranked in deciles 1 to 3, inclusive, including observations while visiting the schools. The visits must be conducted at least annually. At least 25 percent of the visits must be unannounced. Please note: **The statute declares that county superintendents should conduct their reviews of instructional materials and facilities during the same visit.**

SITE VISITS

The primary objective of the County Superintendent's or the County Superintendent's designee(s) visits will be to determine the status of the following:

1. The sufficiency of textbooks.
2. The condition of facilities that pose emergency or urgent threat to the health or safety of pupils.
3. The accuracy of data reported on the school accountability report card with respect to the availability of sufficient textbooks and instructional materials, and the safety, cleanliness, and adequacy of school facilities including good repair.

“Sufficient” textbooks or instructional materials, or both, means that each pupil, including English Learners, has a textbook or instructional materials, or both, to use in class and to take home to complete required homework assignments.

The term “good repair” is defined to mean a facility that is maintained in a manner that assures that it is clean, safe, and functional as determined pursuant to an interim evaluation instrument (IEI) developed by the Office of Public School Construction. The IEI tool is also intended to assist school districts and county offices in performing these functions.

Presently there are four steps in this DRAFT *Williams* Visitation Protocol.

Williams Review Process	Timeline
1. Orientation Meeting: Communication with Districts and School Sites Regarding Expectations	March/April
2. Documentation Review	March/April
3. Validation Visits	April/May
4. Required Reporting	May/June



1. Orientation Meeting: Communication with Districts and School Sites Regarding Expectations

At the beginning of the process, the county superintendent, or his/her designee, will meet with the district and site representatives to inform them of the *Williams* legislative requirements and emphasize that this a collaborative process that follows a **self-study/validation format**. At this meeting, county office of education staff will inform district and school site staff about the information and documentation that will be required during the review and provide a timeline of events. The County Superintendent will ask for a district liaison and a site liaison to be appointed. All communications and requests will flow to an identified county liaison.

We recommend that the following district/school representatives attend the orientation meeting: 1) District "*Williams*" liaison, 2) Site Principal, 3) County "*Williams*" liaison.

Resources: (Attachments)

- CCSESA *Williams* Power Point
- Copies of all relevant legislation
 - Chapter 900, Statutes of 2004 (SB 550)
 - Chapter 899, Statutes of 2004 (SB 6)
 - Chapter 901, Statutes of 2004 (AB 1550)
 - Chapter 902, Statutes of 2004 (AB 3001)
 - Chapter 903, Statutes of 2004 (AB 2727)
- *Williams* Implementation Timeline (attached)
- Site Inspection Protocol (attached)
- SARC Data Verification Tool
- Instructional Materials Review Templates and Worksheets
- Interim Evaluation Instrument for Facilities
- Suggested Classroom Notice
- Recommended Uniform Complaint Procedure Board Policies
- Changes to Teacher Assignment Reporting



2. Documentation Review

The Documentation Review will be discussed at the orientation meeting. The school(s)/district(s) will be informed of all the requirements and documentation that they need to complete **prior** to a county office team visit to the school. For the Facilities and Instructional Materials Reviews, districts are requested to have all documentation completed and submitted to the County Office Liaison in a timely fashion. **The classroom visits are intended to evaluate and validate what the school site has already determined.**

The school(s)/district(s) should maintain a copy of the following documents for the administrative record. The County Superintendent will also maintain a copy of these documents from which he or she will prepare required reports.

A. General Documentation:

Document	Comments	Documentation Received (✓)
A.1 Statement from each school confirming that they have posted classroom notices and adopted required Uniform Complaint Procedures for instructional materials, facilities, and teacher vacancies or misassignments.		
A.2 A master calendar for the academic year which will help to identify dates on which visits would be most or least productive (for example testing dates, field trips, school assemblies, and for high school dates when there will be science labs occurring.)		
A.3 Copy of the SARC for each <i>Williams</i> -eligible school.		
A.4 School map with room numbers identified and grade level.		
A.5 For elementary schools, general time schedule when the four core subject areas are taught.		
A.6 For middle and high schools, a Master Schedule which shows room numbers, course titles and number of sections for the four core areas, foreign language and health courses and 9-12 science laboratory courses and which periods taught.		

B. Facilities Documentation:

Document	Comments	Documentation Received (✓)
B.1 Completed IEI for each deciles 1 to 3 school		

C. Instructional Materials Documentation:

1. Board Adoption

Document	Comments	Documentation Received (✓)
C.1.1 Board resolution of sufficiency of approved instructional materials in the required four core areas: English Language Arts, Mathematics, History/Social Science, and Science; 9-12 science laboratory equipment; and the elective courses of foreign language and health for middle and high schools.		
C.1.2 (K-8) Board minutes which identify the State Board Approved K-8 textbooks and/or instructional materials approved by the governing local board.		
C.1.3 (9-12) Board minutes which identify the standards-based instructional materials for each course in the four core areas, foreign language and health consistent with the content and cycles of the curriculum frameworks adopted by the state board. Schools will need to include edition information.		

2. Documentation needed from school/district to determine if sufficient quantities of SBE (or high school local board) approved materials have been purchased (and re-supplied) in each of the four core areas, and at middle and high school levels for foreign language and health courses.

Document	Tools/Worksheets Available	Notes Received (✓)
C.2.1 A school list of the specific components of the approved textbooks and/or instructional materials that were purchased for all students.	CDE Templates Worksheets available for district/school to complete.	
C.2.2 Invoices, packing slips, or other purchasing/receiving information that shows that the school does in fact have "sufficient" materials (as listed above) for each pupil as per SB 550 definition.		
C.2.3 Documentation to show how district/school replaced texts/materials that were lost, etc.		

<p>C.2.4 Enrollment figures (most current CBEDS and current enrollment figures)</p> <ul style="list-style-type: none"> ▪ By total school ▪ By grade level, and ▪ For secondary schools, by each course in the four core areas, foreign language and health courses. 	<p>Worksheets available for schools to complete.</p>	
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3. *Documentation need from school/district to determine availability of sufficient 9-12 science laboratory equipment in locally identified 9-12 science lab courses as appropriate. There are sufficient quantities of science lab equipment for identified courses so that each enrolled pupil has sufficient lab equipment available to use in class. This statement assumes that working in lab groups is acceptable.*

Document	Tools/ Worksheet Available	Notes Received (✓)
<p>C.3.1 A list of science courses in which lab equipment is locally required.</p>		
<p>C.3.2 A school list of the specific science equipment available by each designated course for students to use in the science laboratory classroom; amount of the equipment purchased, number of sections offered in each course and largest class size for each course.</p>	<p>Worksheet available for district/school to list the science courses where lab equipment is required and lab equipment purchased.</p>	
<p>C.3.3 Documentation to show how district/school replaced the laboratory equipment which is used, damaged, etc.</p>		
<p>C.3.4 A copy of the science portion of the master schedule which:</p> <ul style="list-style-type: none"> ▪ Has all science periods and room numbers; and ▪ The courses which require the lab equipment marked. 		

3. Validation Visits



Once the county superintendent has received the required documentation, the county office team will develop a schedule for school visits in the county consisting of 75% announced visits and 25% unannounced. The county superintendent should provide the calendar for the announced visits to each school district and affected school site. The actual visits to the school site will be used to clarify any questions and to observe the condition of school repair and maintenance and the sufficiency of the instructional materials.

Please note:

The statute requires that the visits not disrupt the operation of the school and that all individuals conducting the visits be fingerprinted, per current law requirements. Moreover, the statute declares that county superintendents should conduct their reviews of instructional materials and facilities during the *same* visit.

Visitation of Classrooms: COEs will randomly sample classrooms at a level to be considered statistically valid. Twenty- to twenty-five percent (20-25%) of classrooms (or courses for the secondary schools review) will be visited unless more visitations are needed.

All grade levels are to be visited; and for instructional materials in the case of year round schools with various schedule tracks, all tracks are to be visited.

For this process, two methods for determining classrooms/courses to be visited will be piloted.

For K-8 – 20-25% of the classrooms will be visited with the minimum threshold that each grade level will be visited as well as all restrooms, ancillary support areas, MPR, gym, auditorium, and cafeteria.

For 7-12 (Secondary Level) – Since the visitation is focused on courses rather than classrooms, there are many more opportunities for visits. County Superintendent teams will visit a random sampling of all the possible courses to be reviewed equal to 20% of the courses included. With this method not all courses would necessarily be visited. The facilities review will also ensure that 20% of the classrooms are visited as well as other areas where students and staff are present (all restrooms, ancillary support areas, MPR, gym, auditorium, cafeteria).



4. Reporting Requirements

A. Instructional Materials Deficiencies

If the county superintendent determines that a school does not have sufficient textbooks or instructional materials, the county superintendent shall prepare a report that identifies and documents the areas or instances of noncompliance, provide a copy of the report to the school district, forward the report to the SPI, and provide the school district with the opportunity to remedy the deficiency.

If the deficiency is not remedied, the county superintendent shall request that the California Department of Education, with approval of the State Board of Education, purchase textbooks or instructional materials for the school. The funds necessary for the purchase are considered a loan to the school district to be repaid based upon an agreed-upon schedule with the SPI, or by deducting an amount from the district's next principal apportionment or other apportionment of state funds. (\$5 million fund established for such loans.)

County Superintendent Required Reporting Instructional Materials	Timeline
<p><u>Prepare a report of any deficiencies in instructional materials</u> discovered during site visits to the district governing board and the Superintendent of Public Instruction. [E.C. § 1240(i)(4)(A)]. Submit report to school district and SPI. [E.C. § 1240(i)(4)(B)]</p>	<p>5 days after the site visit</p>
<p>Provide the school district with an opportunity to remedy the deficiency in instructional materials, but <u>ensure that the deficiency is corrected</u> no later than the second month of the school year. [E.C. 1240(i)(4)(C)]</p>	<p>Second month of the school year (what about this first time?)</p>
<p>If the deficiency is not corrected by the second month, request that the SPI, with the approval of the State Board of Education, purchase the necessary textbooks on behalf of the school district and deduct those costs from funds that would otherwise be allocated to the district. [E.C. § 1240(i)(4)(D)]</p>	<p>Second month of the school year</p>

B. Emergency or Urgent Facilities Conditions

If a county superintendent discovers any facilities condition that "poses an emergency or urgent threat to the health or safety of pupils or staff", we recommend that the county superintendent immediately notify the principal.

C. Annual Report Requirements

- Following county office visits to Deciles 1-3 schools, the County Superintendent must report the results and observations to the district board on a quarterly basis.
- Annually, the County Superintendent must present a report on the state of the schools in Deciles 1-3 of the 2003 API to the:
 - Local district board;
 - County Board of Education; and
 - County Board of Supervisors
- The Annual Report must include findings related to:
 - Student access to sufficient instructional materials in four core subjects (English/language arts, mathematics, history/social science, and science), foreign language, health, and science laboratory equipment as appropriate
 - Compliance with facilities maintenance requirements, including determination of the condition of facilities that "pose an emergency or urgent threat to the health or safety of pupils or staff"
 - Accuracy of data reported on annual School Accountability Report Card related to sufficiency of instructional materials and condition of facilities.

RESOURCES

- CCSESA *Williams* Power Point (available at February and March trainings)
- Copies of all relevant legislation (available at February and March trainings)
 - Chapter 900, Statutes of 2004 (SB 550)
 - Chapter 899, Statutes of 2004 (SB 6)
 - Chapter 901, Statutes of 2004 (AB 1550)
 - Chapter 902, Statutes of 2004 (AB 3001)
 - Chapter 903, Statutes of 2004 (AB 2727)
- *Williams* Implementation Timeline (attached)
- Site Inspection Protocol (attached)
- SARC Data Verification Tool (attached)
- Instructional Materials Review Templates and Worksheets(available at February and March trainings)
- Interim Evaluation Instrument for Facilities(available at February and March trainings)
- Suggested Classroom Notice (available at February and March trainings)
- Recommended Uniform Complaint Procedure Board Policies (available at February and March trainings)
- Changes to Teacher Assignment Reporting (available at February and March trainings)

SAMPLE LETTERS

- Annual Report Templates for Letter Re: Schools Visited in Deciles 1-3
(attached)

IMPLEMENTATION TIMELINE

Work Associated with All Schools

Timeline	County Superintendent	District
<p>Annually</p> <p>2004-05</p> <ul style="list-style-type: none"> • Diligent effort to hold hearing on or before December 1, 2004 <p>2005-06 and thereafter</p> <ul style="list-style-type: none"> • Within first 8 weeks of the school year 	<p><input type="checkbox"/> Hold a public hearing for county office operated schools to determine whether each pupil has sufficient textbooks or instructional materials in the following areas:</p> <ul style="list-style-type: none"> • Core areas: reading/language arts, math, science, and history/social science; • Foreign language and health; and • Science laboratory equipment for grades 9-12, as appropriate. [E.C. § 60119] 	<p><input type="checkbox"/> Hold a public hearing to determine whether each pupil has sufficient textbooks or instructional materials in the following areas:</p> <ul style="list-style-type: none"> • Core areas: reading/language arts, math, science, and history/social science; • Foreign language and health; and • Science laboratory equipment for grades 9-12, as appropriate. [E.C. § 60119]
<p>By January 1, 2005</p>	<p><input type="checkbox"/> Adopt a policy for a modified Uniform Complaint Procedure to identify and resolve complaints related to deficiencies in:</p> <ul style="list-style-type: none"> • Instructional materials; • Emergency or urgent facility conditions; and • Teacher vacancies and misassignments. [E.C. § 35186(g)] 	<p><input type="checkbox"/> Adopt a policy for a modified Uniform Complaint Procedure to identify and resolve complaints related to deficiencies in:</p> <ul style="list-style-type: none"> • Instructional materials; • Emergency or urgent facility conditions; and • Teacher vacancies and misassignments. [E.C. § 35186(g)]

Work Associated with All Schools (cont'd.)

Timeline	County Superintendent	District
By January 1, 2005	<input type="checkbox"/> Post a notice in each classroom notifying parents/guardians: <ul style="list-style-type: none"> • That there should be sufficient textbooks and instructional materials for each student to use in class and to take home • That school facilities must be clean, safe, and maintained in good repair • How to obtain complaint forms [E.C. § 35186(g)] 	<input type="checkbox"/> Post a notice in each classroom notifying parents/guardians: <ul style="list-style-type: none"> • That there should be sufficient textbooks and instructional materials for each student to use in class and to take home • That school facilities must be clean, safe, and maintained in good repair • How to obtain complaint forms [E.C. § 35186(g)]
Quarterly		<input type="checkbox"/> Prepare and submit a report of summarized data on the nature and resolution of all complaints to the district board and county superintendent. [E.C. § 35186(d)]
Annually	<input type="checkbox"/> Use an amended School Accountability Report Card adopted by the State Board of Education in January 2005. [E.C. § 33126.1]	<input type="checkbox"/> Use an amended School Accountability Report Card adopted by the State Board of Education in January 2005. [E.C. § 33126.1]
By July 1, 2005		<input type="checkbox"/> Establish a facilities inspection system to ensure that all schools are maintained in "good repair." [E.C. § 17070.75(e)]
Annually	<input type="checkbox"/> Include in the review of audit exceptions additional exceptions related to use of instructional materials program funds, teacher misassignments, information reported on the SARC. [E.C. § 41020(i)(2)]	<input type="checkbox"/> Be subject to the review of additional audit exceptions by the County Superintendent related to use of instructional materials program funds, teacher misassignments, and information reported on the SARC. [E.C. § 41020(i)(2)]

Work Associated with Deciles 1-3 Schools

Timeline	County Superintendent	District
<p>Annually</p> <p>2004-05</p> <ul style="list-style-type: none"> • Within 120 days from receipt of funds <p>2005-06 and thereafter</p> <ul style="list-style-type: none"> • Within first 4 weeks of the school year <p>[E.C. § 1240(i)(3)]</p>	<p><input type="checkbox"/> <u>Visit schools</u> in Deciles 1-3 on the 2003 API that are not currently under state or federal review to determine:</p> <ul style="list-style-type: none"> • Sufficiency of instructional materials; • Condition of facility that poses an emergency or urgent threat to health and safety; and • Accuracy of data reported on the SARC related to sufficient materials and the condition of facilities. [E.C. § 1240(c)(2)(E)] <p><input type="checkbox"/> Alpine, Amador, Del Norte, Mariposa, Plumas, Sierra, San Francisco Counties shall <u>contract with another county office of education or an independent auditor</u> to conduct the required visits and make all reports required under <i>Williams</i> legislation. [E.C. § 1240(c)(2)(B)]</p> <p><input type="checkbox"/> County offices of education shall contract with another county office or independent auditor to conduct the required visits for schools in Deciles 1-3 operated by that county office. [SB 550, Chap. 900, Statutes of 2004]</p> <p><input type="checkbox"/> At least <u>25% of the visits are to be unannounced.</u> [E.C. § 1240(c)(2)(D)(iii)]</p> <p><input type="checkbox"/> <u>Prepare a report of any deficiencies in instructional materials</u> discovered during site visits to the district governing board and the Superintendent of Public Instruction. [E.C. § 1240(i)(4)(A)]</p> <p><input type="checkbox"/> <u>Submit report to school district and SPI.</u> [E.C. § 1240(i)(4)(B)]</p>	<p><input type="checkbox"/> Ensure students have sufficient instructional materials.</p> <p><input type="checkbox"/> Ensure school facilities pose no emergency or urgent threat to health and safety.</p> <p><input type="checkbox"/> Ensure accuracy of data reported on SARC related to sufficient materials and the condition of facilities.</p>
<p>Within 5 days of site visit</p>		

Work Associated with Deciles 1-3 Schools (cont'd.)

Timeline	County Superintendent	District
2 nd month of the school year	<input type="checkbox"/> Provide the school district with an opportunity to remedy the deficiency in instructional materials, but ensure that the deficiency is corrected no later than the second month of the school year. [E.C. § 1240(i)(4)(C)] <input type="checkbox"/> If the deficiency is not corrected by the second month, request that the SPI, with the approval of the State Board of Education, purchase the necessary textbooks on behalf of the school district and deduct those costs from funds that would otherwise be allocated to the district. [E.C. § 1240(i)(4)(D)]	<input type="checkbox"/> Remedy any deficiencies in instructional materials.
Quarterly	<input type="checkbox"/> Report results of county office visits of Deciles 1-3 schools to district board. [E.C. § 1240(g)(2)(C)]	
By January 1, 2006		<input type="checkbox"/> Conduct one-time comprehensive needs assessment of school facilities to ensure each school is maintained in "good repair" and submit results to OPSC. [E.C. § 17592.70(d)(1)]
Annually	<input type="checkbox"/> Present a report on the state of the schools in Deciles 1-3 of the 2003 API to the district board, county board of education, and county board of supervisors. [E.C. § 1240(c)(2)(A)]	
Annually	<input type="checkbox"/> Give priority to schools ranked in Deciles 1-3 of the 2003 API in the exercise of current law to monitor school district certificated employee assignments. [E.C. § 44258.9(b)(1)(A)] <input type="checkbox"/> Submit a report to the CTC and CDE on the certificated employee assignment practices to ensure that teachers are qualified to teach English learners. [E.C. § 44258.9(c)(4)]	

Williams Implementation - Site Inspection Protocol

ANNOUNCED VISIT PROTOCOL

1. Work with district liaison to schedule school visits. During scheduling session provide copies and/or identify web access for all relevant documents guiding the visits; e.g. implementation timelines, facilities and instructional materials evaluation instruments, School Accountability Report Card (SARC) templates, classroom notice samples. Inform the district of the individual(s) who will conduct the visits. Ask the district to provide master schedule (calendar) for all schools subject to review to help identify dates on which visits would be most productive; e.g. most classes are in instructional sessions for the full day, classroom science lab experiences are being provided, etc., and to help identify dates on which visits would **not** be productive; e.g. testing, school assemblies, field trips, etc. Provide oral overview of the scope of the visits and the expected time county personnel will be on campus.
2. Prior to the school visit, contact the principal and set up time for briefing session before visiting classrooms. For Instructional Materials, the Principal also needs to determine what the process will be so that the visitation team will be able to visually verify the 4 core textbooks and/or instructional materials in the K-8 classrooms. (For example, are the teachers and students ready for visitors? Can we ask the students to see the materials not being used? Will materials be under students' desks?....)
3. Provide copies of all relevant documents/instruments which will be completed during the visits. Provide oral overview of the scope of the visits and the expected time county personnel will be on campus. Request an opportunity to meet with the principal upon the conclusion of the visit to review the findings from the visit.
4. Wear identification name tag.
5. Be courteous guests; recognize that school business is being conducted.
6. Refrain from making oral judgments, proclamations, or editorial comments about the school site conditions. Discussion regarding inspection is reserved for debriefing sessions.
7. If you are conducting the visits as a team, remain part of the larger group. Do not split off into smaller groups or individually.
8. Thoroughly complete all relevant evaluation instruments.
9. Meet with principal upon completion of the visit to review evaluation instruments, ask questions and clarify unresolved issues.

UNANNOUNCED VISIT PROTOCOL

1. Inform all district liaisons that 25% of the visits the county superintendent is required to conduct must be unannounced, therefore, they will not be scheduled in advance. Let them know that all evaluation instruments used for announced visits will also be used during the unannounced visits. Assure them that during unannounced visits county personnel will not ask for specific documents nor request a meeting with specific personnel.
2. Upon arrival at the school, check in at the school office and sign in as a visitor. Inform the school office staff of the purpose for your visit and let them know approximately how long county office personnel will be visiting classrooms on the school site.
3. Wear identification name tag
4. Be courteous guests; recognize that school business is being conducted
5. Refrain from making oral judgments, proclamations, or editorial comments about the school site conditions. Discussion regarding inspection is reserved for debriefing sessions.
6. If you are conducting the visits as a team, remain part of the larger group. When possible do not split off into smaller groups or individually.
7. Thoroughly complete all relevant evaluation instruments.

School Accountability Report Card Williams Related Requirements

The School Accountability Report Card (SARC) template and data definitions were recently revised to include additional reporting elements mandated by the Williams settlement. The following is a guide to the sections of the SARC template (<http://www.cde.ca.gov/ta/ac/sa/templates.asp>) and data definitions (<http://www.cde.ca.gov/ta/ac/sa/definitions04.asp>) where these changes can be found:

<i>New or Revised Reporting Element</i>	SARC Template Section	<i>Data Definition No.</i>
“Good repair” condition of school facilities	<u>Section 2</u> School Safety and Climate for Learning—School Facilities	3
Availability of sufficient textbooks and other instructional materials	<u>Section 6</u> Curriculum and Instruction – Availability of Sufficient Standards-Aligned Textbooks And Other Instructional Materials	33

For SARCs prepared in the 2004-05 school year, LEAs are required to collect and report the most recent available data, and identify the year and month in which the data were collected.

County Office responsibility for verifying the SARC under SB 550:

1. A priority objective when visiting decile 1-3 schools is “the accuracy of data reported on the school accountability report card with respect to the availability of sufficient textbooks and instructional materials as defined by Section 60119 and the safety, cleanliness, and adequacy of school facilities, including good repair as required by Sections 17014, 17032.5, 17070.75, and 17089.” (The sections of the SARC template referenced in the chart above.)

Williams SARC Data Verification Tool

District _____ Date _____

School _____ Reviewer _____

Section 2, SARC Template School Safety and Climate for Learning (School Facilities)				
Specific Requirements	Definitions	Accurate		Comments
		Yes	No	
<p>3. Safety, cleanliness, and adequacy of school facilities, including any needed maintenance to ensure good repair.</p> <p>EC Section 33126(b)(9)</p> <p>EC Sections 17014, 17032.5, 17070.75(a), 17089(b)</p>	<p>Description of the school's efforts to keep students safe on school grounds, before, during, and after the school day.</p> <p>Description of the degree to which the school facility supports teaching and learning.</p> <p>Description of the condition and cleanliness of the school grounds, buildings, and restrooms, including the percentage of working toilets.</p> <p>Description of any needed maintenance to ensure good repair as specified in statute. "Good repair" 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 State of California Office of Public School Construction. The instrument shall not require capital enhancements beyond the standards to which the facility was designed and constructed.</p>			

Section 2, SARC Template—School Safety and Climate for Learning (School Facilities)				
Specific Requirements	Definitions	Accurate		Comments
		Yes	No	
	<p>For SARCs published during the 2004-05 school year, because school sites are not required to complete the interim evaluation instrument until the 2005-06 school year, the description should include a report on whether any of the eight emergency facilities needs specified In Education Code Section 17592.72(c)(1) exist at a school site. The eight emergency facilities needs are: (1) gas leaks; (2) nonfunctioning heating, ventilation, fire sprinklers, or air conditioning systems; electrical power failure; (4) major sewer line stoppage; (5) major pest or vermin infestation; (6) broken windows or exterior doors or gates that will not lock and that pose a security risk; (7) abatement of hazardous materials previously undiscovered that poses an immediate threat to pupil or staff; and (8) structural damage creating a hazardous or uninhabitable condition.</p> <p>This description should use the most recent available data collected by the district. The year and month in which the data were collected should also be identified.</p>			

Section 2, SARC Template School Safety and Climate for Learning (School Facilities)

Guidelines and Data Sources

(Examples from California Department of Education's SARC Template)

Narrative is developed by the local educational agency/school.

Are students safe on school grounds before, during, and after school?

- Before and after school supervision
- Limiting/controlling unauthorized access during school day (e.g., entrances, procedures for check-in/visitors, supervision of grounds and buildings)

Does the school facility support teaching and learning?

- Classroom space
- Playground space
- Space for staff

What is the condition and cleanliness of the school?

- Age of school/buildings
- Maintenance and repair
- Cleaning process and schedule for classrooms, restrooms, grounds

Examples of unacceptable summary statements on the condition of school facilities are as follows:

The district has ensured that this school has facilities that are safe, clean, and adequate, and that any needed maintenance to ensure good repair has been or will be repaired.

For more information about the condition of this school's facilities, contact the school principal.

Section 2, SARC Template - School Safety and Climate for Learning (School Facilities)
Guidelines and Data Sources (cont'd.)
(Examples from California Department of Education's SARC Template)

Examples of acceptable summary statements on the condition of school facilities are as follows:

General:

The district takes great efforts to ensure that all schools are clean, safe, and functional. To assist in this effort, the district uses a facility survey instrument developed by the State of California Office of Public School Construction. The results of this survey are available at the school office, at the district office, or on the Internet at [web site address].

Below is more specific information on the condition of the school and the efforts made to ensure that students are provided with a clean, safe, and functional learning environment.

Age of School/Buildings:

This school has 20 classrooms, a multipurpose room, a library, and an administration building. The main campus was built in 1965. Additions were constructed in 1968 and 1972. Two portable classrooms were constructed in 1997 for Class Size Reduction. The school opened in 1990 with all portable buildings. In 1995, permanent classrooms were built. The multipurpose room was built in 1997.

Maintenance and Repair:

District maintenance staff ensures that the repairs necessary to keep the school in good repair and working order are completed in a timely manner. A work order process is used to ensure efficient service and that emergency repairs are given the highest priority.

Cleaning Process and Schedule:

The district governing board has adopted cleaning standards for all schools in the district. A summary of these standards is available at the school office, at the district office, or on the Internet at [web site address]. The principal works daily with the custodial staff to develop cleaning schedules to ensure a clean and safe school.

Section 2, SARC Template - School Safety and Climate for Learning (School Facilities)
Guidelines and Data Sources (cont'd.)
(Examples from California Department of Education's SARC Template)

Deferred Maintenance Budget:

The district participates in the State School Deferred Maintenance Program, which provides state matching funds on a dollar-for-dollar basis, to assist school districts with expenditures for major repair or replacement of existing school building components. Typically, this includes roofing, plumbing, heating, air conditioning, electrical systems, interior or exterior painting, and floor systems. For the 2004-05 school year, the district has budgeted \$[] for the deferred maintenance program. This represents []% of the district's general fund budget.

Deferred Maintenance Projects (if applicable):

For the 2004-05 school year, the district's governing board has approved deferred maintenance projects for this school that will result in the replacement of the roof on the multipurpose room and the installation of a new fire alarm system for all classrooms. The district's complete deferred maintenance plan is available at the district office or on the Internet at [web site address].

Modernization Projects (if applicable):

During the 2004-05 school year, local bond funds [Measure], and state matching funds will be used to install new air conditioning in all classrooms, provide wiring for technology, and provide for an upgraded electrical service. The work on this project is scheduled to begin in June 2005 and be completed prior to the start of the 2005-06 school year.

New Construction Projects (if applicable):

Architectural planning for replacing five portable classrooms with permanent classrooms will begin during the 2004-05 school year. State and local bond funds will be used. The new classrooms are scheduled to be occupied by students in the 2006-07 school year.

Data provided by LEA.

Williams SARC Data Verification Tool

District _____ Date _____

School _____ Reviewer _____

Section 6, SARC Template Curriculum and Instruction			
Specific Requirements	Definitions	Accurate	Comments
		Yes <input type="checkbox"/> No <input type="checkbox"/>	
<p>The availability of sufficient standards-aligned textbooks and other instructional materials for each pupil, including English learners, that are consistent with the content and cycles of the curriculum frameworks adopted by the State Board in the core curriculum areas of reading/language arts, mathematics, science, and History-social science; foreign language and health; and science laboratory equipment for grades 9 to 12, inclusive, as appropriate.</p> <p>EC Section 33126 (b)(6)(B) EC Section 60119 (c)</p>	<p>A description of the extent to which each pupil, including English learners, has a state-adopted (grades K-8) and standards-aligned (grades K-12) textbook or instructional materials, or both, to use in class and to take home to complete required homework assignments. Two sets of textbooks or instructional materials for each pupil are not required. Photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage is not statutorily deemed to be sufficient.</p> <p>This description should use the most recent available data collected by the district. The year and month in which the data were collected should also be identified.</p>		
Guidelines and Data Sources			
Data provided by LEA			

- SAMPLE -

(Template for Annual Letter Regarding Schools Visited in Deciles 1-3
Limited in Scope to the Three Basic Areas Required in the Law)

<Date>

Letter Addressed to:

- President of School Board and Members of the District Board of Trustees of the Decile 1-3 School Visited
- President and Members of the County Board of Education
- President and Members of the County Board of Supervisors

Dear <Insert Appropriate Names>:

California Education Code Section 1240 requires that I visit schools identified in our county and report to you the results of my visit. This report concerns my visit to <Name of Decile 1-3 School> which is in the <Name of School District>. Let me state at the outset that the visit was a positive, professional experience with a focus by the entire staff on seeking to improve the learning of each student in the <Name of School>.

The purpose of my visit as specified in California Education Code 1240 was to ensure

1. That students have access to "sufficient" instructional materials in four core subject areas (English language arts, mathematics, history/social science, science) and, as appropriate, science laboratory equipment, foreign languages, and health;
2. To assess compliance with facilities maintenance to determine the condition of a facility that "poses an emergency or urgent threat to the health or safety of pupils or staff"; and
3. To determine if the school has provided accurate data for the annual school accountability report card related to instructional materials and facilities maintenance.

The standards set forth in the law define "sufficient" instructional materials as meaning that every pupil, including English learners, has a textbook in the four core areas to use in class and take home each night to complete required homework assignments. As regards to facilities standards, each school district who receives state funding for facilities maintenance is required to establish a facilities inspection program and to ensure that each of its schools is maintained in good repair. "Good repair" is defined as maintaining schools that are clean, safe and functional.

In summary, my findings in the three required areas were as follows (details can be seen on the attached visitation documents:

Instructional Materials:

School Facilities:

School Accountability Report Card:

In conclusion, let me assure each of you receiving this report and especially the <Name of School District Board, administration and Name of School staff> that the <Name of County Office of Education> is available to support the actions that need to be taken to address the needs identified in my report.

Sincerely,

<Name of County Superintendent of Schools>

- SAMPLE -

(Template for Annual Letter Regarding Schools Visited in Deciles 1-3 Expanded in Scope to Include the Three Basic Areas Required Plus Teacher Assignment/Misassignment, Uniform Complaint Data and Related Audit Findings)

<Date>

Letter Addressed to:

- President of School Board and Members of the District Board of Trustees of the Decile 1-3 School Visited
- President and Members of the County Board of Education
- President and Members of the County Board of Supervisors

Dear <Insert Appropriate Names>:

California Education Code Section 1240 requires that I visit schools identified in our county and report to you the results of my visit. This report concerns my visit to <Name of Decile 1-3 School> which is in the <Name of School District>.

The purpose of my visit as specified in California Education Code Section 1240 was to insure:

1. That students have access to "sufficient instructional materials in four core subject areas (English language arts, mathematics, history/social science, science) and, as appropriate, science laboratory equipment, foreign languages, and health;
2. To assess compliance with facilities maintenance to determine the condition of a facility that "poses an emergency or urgent threat to the health or safety of pupils or staff; and
3. To determine if the school has provided accurate data for the annual school accountability report card related to instructional materials and facilities maintenance.

The law further requires that the county superintendent annually monitor and review:

1. Teacher assignments in Decile 1-3 schools;
2. Receive quarterly reports on complaints filed with the school district concerning insufficient instructional materials, teacher vacancies and misassignment and emergency or urgent facilities issues under the Uniform Complaint Procedure; and
3. Expanded audit review authority in the areas of use of instructional materials program funds, teacher misassignment and information reported on the school accountability report card.

While the areas enumerated in this paragraph are not mandated to be a part of this report to you, they are being included so that you and the citizens of our community will have a complete understanding of the environment in which <Name of School> is functioning.

Before proceeding with the report, let me define some basic terms:

- “Sufficient instructional materials” means every pupil, including English language learners, has a textbook in the four core areas to use in class and to take home each night to complete required homework assignments.
- “Facilities standards” means that each school district who receives state funding for facilities is required to establish a facilities inspection program and to ensure that each of the schools is maintained in good repair.
- “Good repair” is defined as maintaining schools that are clean, safe and functional.

My findings during my visit to <Name of School> related to the three areas of instructional materials, facilities and the school accountability report card are summarized below (details can be seen in the attached documents):

Instructional Materials:

School Facilities:

School Accountability Report Card:

In reference to the annual review of **Teacher Assignment/Misassignment**, I offer the following information:

<Include information developed by site audit or from annual information supplied by school district>

In reference to the annual <Name of School District> audit related to **use of instructional materials program funds, teacher misassignment and information reported on the school accountability report card**, I offer the following information:

<Include any audit exceptions in these areas and the fact that the exception was corrected or an acceptable plan of correction was received>

In reference to the **Uniform Complaint** information, the quarterly complaint report from the <Name of School District> provides the following information:

<Include information from the required quarterly report>

In conclusion, let me assure each of you receiving this report and especially the <Name of School District Board, administration and Name of School staff> that the <Name of County Office of Education> is available to support the actions that need to be taken to address the needs identified in my report.

Sincerely,

<Name of County Superintendent of School>

Warren

3/24
C Williams
Advisory
Committee
Fyi - Elaine

"Schools that Shock the Conscience"

**What *Williams v. California* Reveals about Research and
the Struggle for Education on Equal Terms**

50 Years after *Brown*

A good read
on the background
of *Williams*

Jeannie Oakes, UCLA

a researcher supporting
the plaintiffs

AERA Distinguished Lecture
Annual Meeting of the American Educational Research Association

San Diego
April 15, 2004

before the
settlement

only about 500 students. Students say they often feel unsafe during the chaotic lunch period, and that there is rarely time to get through the lunch line.

The school's water fountains are dirty, and many don't work at all. The school has no playground equipment, save several basketball hoops without nets. The bathrooms are covered with graffiti, and some teachers won't allow students to use the bathroom because "they get jumped" by students who cut classes, roam the school, and cause problems, including breaking second story windows. The bathrooms opening out onto the schoolyard are considered unsafe, because no one monitors them.

The gates surrounding the school have large gaps connected by chains, and patches cover large holes in the fences. Workmen drive their trucks onto campus and walk around without identification, and no one questions unidentified visitors as they enter and leave the campus. The building is unlocked only from 7:00 am to 4:30 pm during the week and never on weekends. Unlike schools in affluent neighborhoods where committed teachers arrive early and work beyond the "school day," both teachers and students at this school discouraged from doing either.

The students attending middle schools in nearby mostly white, middle-class suburbs experience few, if any, of these problems.

The year is 2002—two years after the state was sued for forcing students to attend schools with substandard conditions.

Legacies of *Brown* and *Plessy*

In 1954, Chief Justice Earl Warren wrote for a unanimous Supreme Court in *Brown v. Board of Education*:

In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

The *Brown* case struck down the 60-year-old *Plessy v. Ferguson* decision.

"The object of the [Fourteenth A]mendment was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political equality, or a commingling of the two races upon terms unsatisfactory to either."

In *Plessy*, the 1896 court had ruled that legally enforced segregation did not violate the constitution, as long as the separate facilities for blacks were equal

The Plaintiffs' argue that, by permitting such schools, California's educational system fails to fulfill its Constitutional obligation. In California, education is a fundamental right. California law also requires basic educational equality—that is, that the State must provide all students with the essential elements of schooling that it provides to most students. Consequently, the *Williams* plaintiffs claim that there is a constitutional floor, below which no California child's education should fall, and that their schools do not meet this test. They also claim that "substandard" schools are attended disproportionately by low-income African Americans and Latinos. The plaintiffs' complaint in *Williams* is fundamentally a *Plessy* complaint: Our schools are both separate and terribly unequal.

Notably, the *Williams* case is not a school funding case. What the plaintiffs seek is qualified teachers, a sufficient supply of instructional materials, and safe and healthy school buildings. They want a state educational system that ensures that all California students have these fundamental tools.

The Plaintiffs' Experts

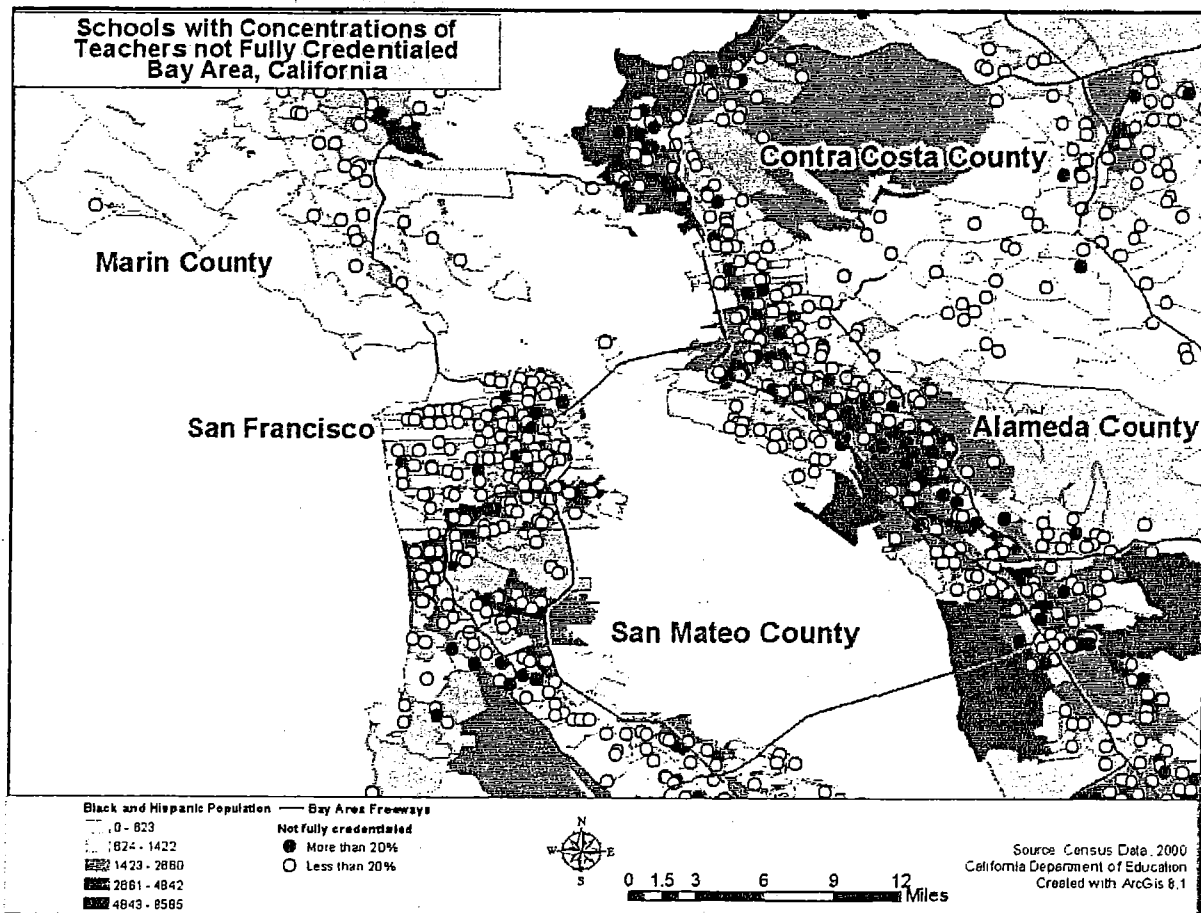
The plaintiffs' attorneys asked a number of researchers to examine California's education system in light of the claims in the case. Over the course of a year or so, Linda Darling-Hammond, Michelle Fine, Norton Grubb, Kenji Hakuta, Rick Mintrop, Gary Orfield, Mike Russell, and myself, among others, used existing research and data about California's schools to address four key questions:

- Are qualified teachers, appropriate instructional materials, and adequate school facilities essential?
- Is California currently providing them equally?
- Are California's policies adequate to prevent such problems, or discover and correct them if they should arise?
- Could the State do better?

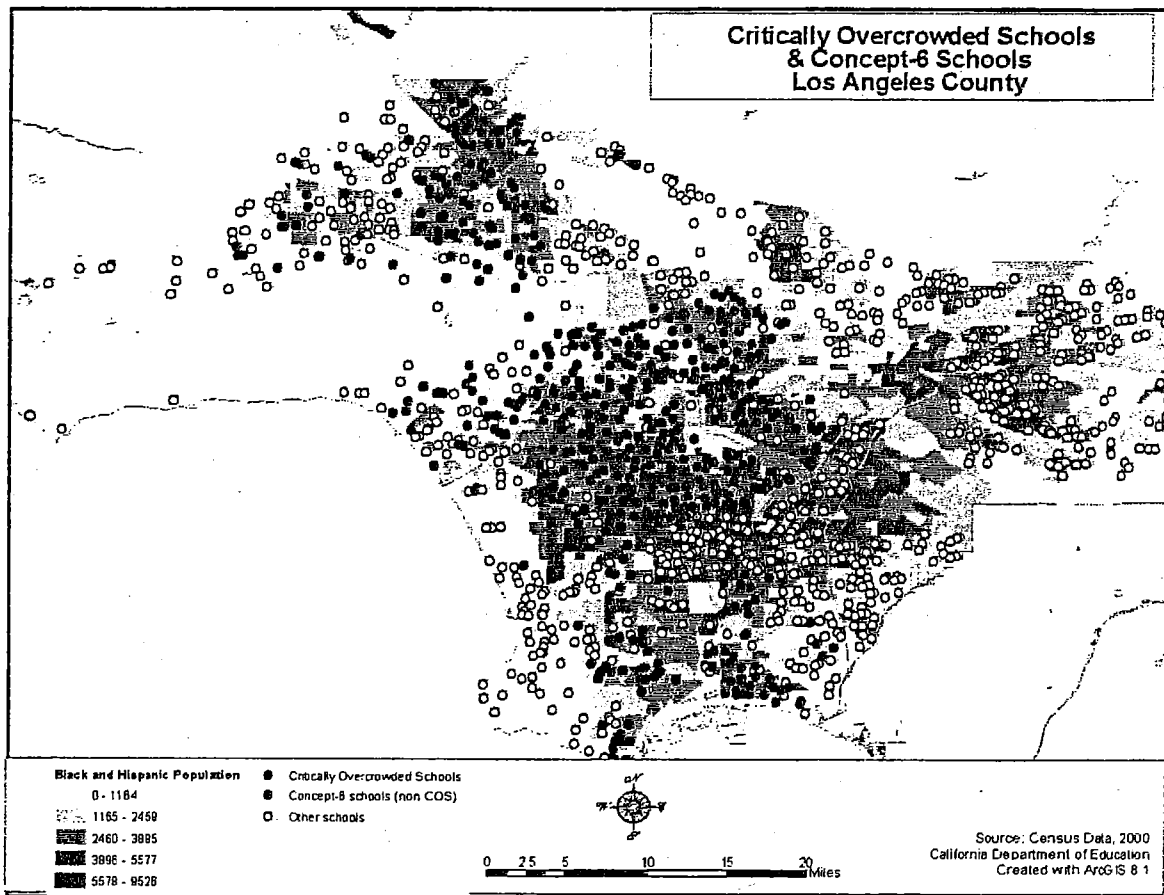
To address the first question, the plaintiffs' experts began with California's content standards, the accountability tests linked to these standards, and the soon-to-be-implemented requirement making the high school diploma contingent upon students passing a standards-based exit exam.

The experts concluded that the essential educational resources and conditions are those necessary to give students a reasonable opportunity to learn the content and skills identified in the State's standards. These opportunities include, at the very least, qualified teachers (as defined by the state's teaching credentials), sufficient standards-aligned instructional materials, and safe, uncrowded facilities. Notably, the experts did not assert that the presence of

This map illustrates these patterns in Los Angeles County. The black dots on the map represent schools where more than 20 percent of the teachers are under-prepared, and the white dots where fewer than 20 percent of teachers are under-prepared. These dots are superimposed on a base map showing the racial composition of the neighborhood in which schools are located. The patterns are clear. The schools with fewer qualified teachers are disproportionately located in neighborhoods where most residents are Latino and African American (shown by the darker colors on the base map). These are also the lowest income neighborhoods in the region.



Inequalities in Instructional Materials. The plaintiffs' experts also found that California schools suffer from significant shortages of instructional materials. In a 2002 survey of over 1,000 California teachers, a third reported that they did not have enough textbooks for students to take home to do homework. The distribution of instructional materials is also unequal. The table below shows that



Inequalities Converge. Notably, the plaintiffs' experts also found that the inequalities in students' access to teachers, materials, and facilities converge. As at UCMS, schools with problems in one area tend to have problems in the others. Where you find poor facilities, you find shortages in high-quality materials. These are the very schools that have the most difficulty attracting and retaining qualified teachers.

Flaws in California's Education Policies. The plaintiffs' experts also found serious flaws in the State's educational policies that contribute to all these problems. The state has no policies that ensure that all students have qualified teachers, adequate textbooks, or decent school buildings. For example, California has fairly rigorous State policies governing teacher certification (policies that make clear the State's conviction that that well prepared teachers are an important elements of educational opportunity). But nowhere does the State require that students actually be taught by a fully qualified teacher. In fact,

They also argue that increased productivity results from local school management and parent involvement. Action by the State to make schools equal in their basic resources would not only be ineffective, it might actually make schools worse. They argue that the best approach for the State's to take is to continue its current standards and test-based accountability approach.

Finally, they declare the plaintiffs' case is not only without merit, but that by bringing the case, they seek, illegitimately, to violate democratic processes.

Let's look more closely at this line of argument.

The resources of concern to the plaintiffs haven't been proven to increase school productivity. The first line of argument by the State's experts is that a particular school resource—i.e., qualified teachers, instructional materials, or buildings—is only essential, if there is evidence that the resource has an independent and positive effect on students' achievement. Further, evidence of this independent effect is only credible if produced by research using a narrow range of methods, preferably experiments or econometric statistical analyses.

They then assert that the plaintiffs concerns are misplaced because neither the plaintiffs' experts, nor anyone else for that matter, has been able to show, using the proper methods, that qualified teachers, proper textbooks or decent school buildings actually *cause* test scores to rise. As support, they draw on a tradition of production-function research, following Coleman's 1966 study, that, they claim, find no evidence that increases in educational resources causes increases in students' measured achievement.

It is to this tradition that State expert Erik Hanushek refers when he claims,

“ . . . many of the central theories and arguments advanced [by the plaintiffs] are directly contradicted by extensive research into the determinants of students' achievement.”

Not surprisingly, the State's experts do not discuss the many scholarly critiques of education production research. Moreover, in their own analyses, they depart from this standard they impose on the plaintiffs' experts.

To undermine the importance of teachers, for example, Margaret Raymond of the Hoover Institution argues,

[i]t simply cannot be the case that experienced teachers are important if it is possible to identify cases where they've not influenced the outcome of students.

Expert Eric Hanushek, argues that textbooks only matter in developing countries.

turn, would depresses achievement and provide destructive excuses for students' test scores. Hoxby asserts, for example,

... a good manager may find himself unable to use resources effectively because his local circumstances would dictate a different set of inputs and policies than those forced upon him. He or she may end up spending considerable time and energy finding ways to work around state-determined input policies and reallocate his or her resources toward more productive uses.

In Raymond's opinion, requiring all schools to provide qualified teachers, proper materials and adequate buildings would also jeopardize parent involvement:

Further, plaintiffs' proposals disenfranchise parents. By claiming to know what is best for students, plaintiffs are removing the option for parents to be co-creators of the education programs that best meet the needs of their children. Dictating rigid practices and requirements signals to parents that their role is at best secondary and that the education of their children is best left to experts.

In sum, the State's experts call the plaintiffs' recommendations a return to "failed input policies of the past" that would undermine student achievement.

State's Proper Role is to Create Incentives that Boost Local Productivity.

Using theories of marketplace economics and a reward-and-punishment view of motivation, several of the experts argue strongly that good performance incentives, without new resources, can release the local creativity and effort that will make schools productive. Without such incentives, additional money spent on education will be wasted.

They go on to argue that California's current test-based accountability system has all the right incentives, and that it provides locals the flexibility they require. In fact, expert Herb Walberg judged California's policy system to be "near state of the art."

They do recognize, however, that California schools are not now performing as they should. But they claim that the State's accountability system has not been in place long enough to have its full salutary affect. They also assert that local factors over which the State has no control inhibit schools' performance. They blame

- Local mismanagement and weak motivation on the part of educators.
- Students' backgrounds—i.e., their poverty status, family values and practices, community and neighborhood resources, etc.

Fourteenth Amendment, Houston argued. Similarly, in 1946, Thurgood Marshall offered evidence in *Sweatt v. Painter* that the makeshift law school that Texas had established for Herman Sweatt—with of 3 part-time instructors and 3 small basement rooms—violated Sweatt's right to an education equal to that provided by the all-University of Texas Law School.

Three of the school cases that were consolidated into *Brown* relied on testimony about deep inequalities in school resources and conditions. In *Briggs v. Elliott*, the South Carolina case, Professor Matthew Whitehead testified that his survey of Clarendon County schools showed that the black schools

- were cheaply built, and lacked running water, indoor plumbing, and lunchrooms;
- had overcrowded classrooms with rough unfinished furniture,
- lacked essential instructional materials such as blackboards, charts, maps, globes, stereopticons, and more.

In Wilmington, Delaware, the black plaintiffs in *Belton v. Gebhart*, offered similar evidence. At the white schools

- school facilities were better built and had more space,
- teachers were far better educated, and
- the curriculum was much stronger than what was available at the black schools.

In *Davis v. the School Board of Prince Edward County*, Virginia, the NAACP offered evidence that the black schools, unlike in the white schools had

- holes in the floor and heating problems,
- teachers who were paid less,
- a weak curriculum,
- a scarcity of books and equipment.

Additionally, the black high school had no gymnasium, cafeteria, auditorium with seats, and lockers. The temporary buildings constructed to accommodate the growing number of students were known as "tar paper shacks."

Although the ultimate goal in all of these cases was eliminating segregation, their arguments rested on evidence demonstrating that *Plessy's* requirement of separate-but-equal was not being met—that schools for black and white children were unequal in their most basic features.

Parallels in the Defense—Overriding the Will of the People. Finally, the claim by the *Williams*' defense that the plaintiffs are using the courts to defy democracy—to circumvent the will of the majority—also hearkens to a century-old tradition of excusing civil rights violations in the name of public preferences.

In *Plessy*, for example, once the Court dismissed the claim that racially separate facilities violate the constitutional, it used a majoritarian standard to determine whether or not the segregation policy they were judging was reasonable:

In determining the question of reasonableness, [the court] is at liberty to act with reference to the established usages, customs, and traditions of the people, and with a view to the promotion of their comfort, and the preservation of the public peace and good order.

The same thinking constrained the Court's ruling in *Mendez v. Westminster*—the 1947 case outlawing segregation in California. The Court ordered the desegregation of the Westminster schools on very narrow grounds: Westminster had violated the Fourteenth Amendment, only because California didn't have a law that permitted segregated Mexican schools. The court refrained from ruling on "separate but equal" itself, because it was unwilling to counter prevailing public attitudes. Judge Stevens wrote in the opinion,

"We are not tempted by the siren who calls to us that the sometimes slow and tedious ways of democratic legislation is [sic] no longer respected in a progressive society."

Why is History Repeating Itself?

It's sobering to recognize that the *Williams*' plaintiffs and experts have mounted arguments and evidence as if *Plessy v. Ferguson* was still the prevailing ruling about educational equality. Why might this be the case?

Certainly one explanation is the courts' steady, 30-year retreat from school desegregation as the preferred means for providing education on equal terms. Once we accept that schools are (and will remain) segregated, the next reasonable battle is to ensure equality in resources and conditions: If schools must be separate, then at least they should be equal.

Moreover, in California, the situation has deteriorated so much that civil rights attorneys are cautious about relying on the principled arguments about segregation and equality that lie deep within the structure of *Brown*. Instead, they rely on the mountains of data on tangible inequalities. It should be no surprise, then, that the *Williams* plaintiffs' arguments resemble the cases leading

struggle for education "on equal terms" in 21st century California is decidedly less ambitious, and perhaps less naïve, than it was in pre-Brown south.

The *Williams* case also reflects the nation's shift to the political right regarding the role of government in education. The State's experts not only retreat from the principle that the State must guarantee educational equality, they also reject the idea that the State should be responsible for setting and enforcing basic standards of educational adequacy.

We should not be surprised. In other settings, several of the State's experts question the viability of state-provided education *per se*, preferring privatized, market-based approaches to education. Experts Hoxby, Hanushek, and Walberg, for example, are among the nation's foremost advocates for deregulation, choice, and privatization.

Perhaps we should also not be surprised that the State would adopt such arguments in its own defense. Given the undisputed low attainments of Latino and African American students and the popular rhetoric around the "achievement gap," the focus on schooling outcomes, rather than on resources, is attractive to many. Yet, could it be that the State of California is willing to ignore (or dismiss) the obvious—that teachers, instructional materials and facilities matter to learning? That the Governor and the State's education leaders are content to allow California's increasingly segregated schools to remain so terribly unequal in these most fundamental features of schooling? That they actually consider test-based incentives an effective and constitutional tool to counter gross disparities in what the State provides to children? *

These possibilities are particularly troubling, given that California is a state where education has been ruled a fundamental right under the constitution. California is a state where the law defines educational equality as providing to all children the educational tools that are provided to most.

Today, the *Williams* case is at a standstill. Throughout his campaign for Governor, Arnold Schwarzenegger derided the condition of California public schools, expressing outrage at the failure to provide the most vulnerable children with qualified teachers, sufficient instructional materials, and decent school buildings. Once in office, he made clear that the *Williams* case was not one he wanted to fight. For months now, the plaintiffs' lawyers and the Governor's team have been closeted in negotiations. Yet, it remains to be seen whether a settlement can be reached between the State's Republicans and the ACLU-led litigation team. *So far, however, the Governor has not rejected the defense mounted in by the State's experts and all it implies about the struggle for education on equal terms.*

CSBA Sample Administrative Regulation

Community Relations

AR 1312.4(a)

WILLIAMS UNIFORM COMPLAINT PROCEDURES

Note: 5 CCR 4621 has long required every school district to adopt uniform complaint procedures for the resolution of complaints regarding discrimination or failure to comply with state or federal law in certain categorical programs. As added and amended by SB 550 (Ch. 900, Statutes of 2004) and AB 2727 (Ch. 903, Statutes of 2004), Education Code 35186 **mandates** that the district establish policies and procedures regarding deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff, and teacher vacancy or misassignment. Education Code 35186 requires that the district adopt policies and post notices by January 1, 2005. See the accompanying exhibits for a sample notice and complaint form.

Education Code 35186, as added, requires a district to use the uniform complaint procedure, with modifications, to identify and resolve complaints regarding those issues listed above. However, Education Code 35186 sets forth different timelines for investigation and resolution of complaints than the timelines specified under the long-standing uniform complaint procedures required by 5 CCR 4600-4671. Therefore, the following regulation creates a "supplemental" uniform complaint procedure to investigate complaints filed pursuant to Education Code 35186. It is recommended that districts use this procedure only for those complaints specified in Education Code 35186 and that existing complaint procedures continue to be used for all other issues.

For procedures related to complaints about employees, other than vacancy or assignment, see BP/AR 1312.1 - Complaints Concerning District Employees. For complaints concerning the district's adoption and selection of specific instructional materials, see BP/AR 1312.2 - Complaints Concerning Instructional Materials. For regular uniform complaints, see BP/AR 1312.3 - Uniform Complaint Procedures.

Types of Complaints

The district shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred: (Education Code 35186)

1. Instructional materials
 - a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
 - b. A student does not have access to instructional materials to use at home or after school in order to complete required homework assignments.
 - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)

Note: Education Code 35186, as amended by AB 2727 (Ch. 903, Statutes of 2004), defines vacancy and misassignment, pursuant to Education Code 33126, as specified below.

2. Teacher vacancy or misassignment

- a. A semester begins and a certificated teacher is not assigned to teach the class.

Vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire 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 an entire semester. (Education Code 33126)

- b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner students in the class.

(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)

- c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Education Code 35186)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

Note: Education Code 35186, as amended by AB 2727 (Ch. 903, Statutes of 2004), requires that the supplemental uniform complaint procedure be used for complaints regarding facilities conditions that pose an emergency or urgent threat. Emergency or urgent threat, as specified below, is defined in Education Code 17592.72, as added by SB 6 (Ch. 899, Statutes of 2004).

3. Facilities

- a. A condition poses an emergency or urgent threat to the health or safety of students or staff.

Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of students or staff while

WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)

at school, including but not limited to gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; or structural damage creating a hazardous or uninhabitable condition. (Education Code 17592.72)

Filing of Complaint

Note: Education Code 35186, as amended by AB 2727 (Ch. 903, Statutes of 2004), requires that complaints be investigated and resolved within the timelines specified below.

A complaint alleging any condition(s) specified above shall be filed with the principal or designee. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee within 10 working days. (Education Code 35186)

The principal or designee shall make all reasonable efforts to investigate any problem within his/her authority. He/she shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 35186)

Note: As amended by AB 2727 (Ch. 903, Statutes of 2004), Education Code 35186 specifies that if a complainant has indicated on the complaint form that he/she would like a response to the complaint, then the principal must respond within 45 working days, as specified below.

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to his/her complaint, the principal or designee shall report the resolution of the complaint to him/her within 45 working days of the initial filing of the complaint. At the same time, the principal or designee shall report the same information to the Superintendent or designee. (Education Code 35186)

If a complainant is not satisfied with the resolution of the complaint, he/she may describe the complaint to the Governing Board at a regularly scheduled hearing. (Education Code 36186)

For complaints concerning a facility condition that poses an emergency or urgent threat to the health or safety of students as described in item #3a above, a complainant who is not satisfied with the resolution proffered by the principal, Superintendent, or designee may file an appeal to the Superintendent of Public Instruction. (Education Code 35186)

Complaints and written responses shall be public records. (Education Code 35186)

WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)

(cf. 1340 - Access to District Records)

Reports

Note: Education Code 35186, as amended by AB 2727 (Ch. 903, Statutes of 2004), requires the district to report summarized data regarding complaints as detailed below.

The Superintendent or designee shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the Board and the County Superintendent of Schools. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. These summaries shall be publicly reported on a quarterly basis at a regularly scheduled Board meeting. (Education Code 35186)

Forms and Notices

Note: As amended by AB 2727 (Ch. 903, Statutes of 2004), Education Code 35186 requires that the district's complaint form contain the following specified elements. In addition, Education Code 35186 requires that a notice be posted in each classroom in each school in the district, as specified below. See the accompanying exhibits for a sample form and classroom notice.

The Superintendent or designee shall ensure that the district's complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. (Education Code 35186)

The Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186. (Education Code 35186)

Legal Reference: (see next page)

WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference:

EDUCATION CODE

1240 County superintendent of schools, duties

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School Accountability Report Card

35186 Alternative uniform complaint procedure

60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

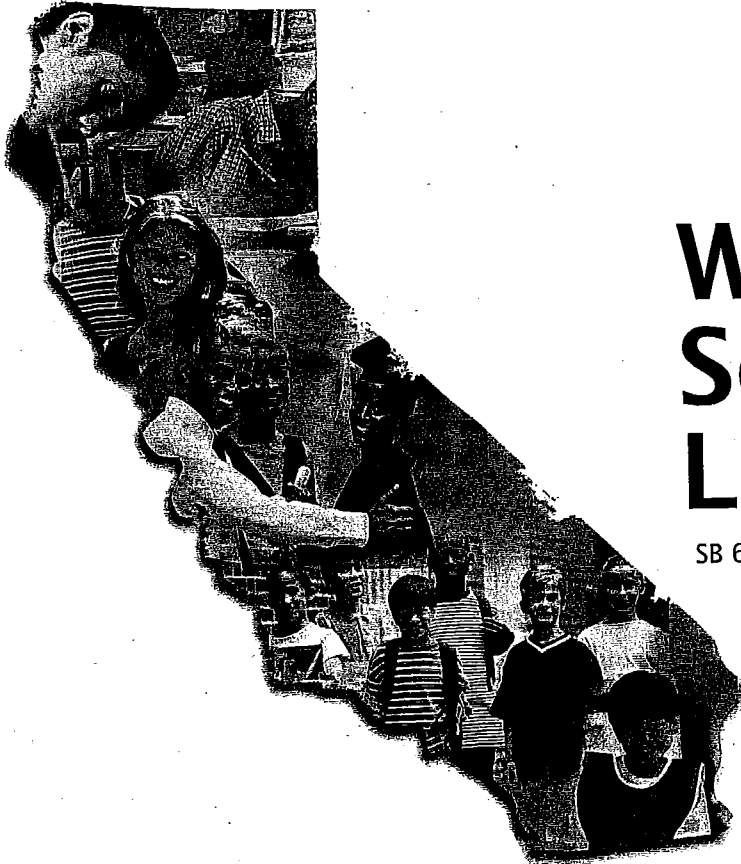
4600-4671 Uniform complaint procedures

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Williams case: <http://www.cde.ca.gov/eo/ce/wc/index.asp>



Williams Settlement Legislation

SB 6, SB 550, AB 1550, AB 2727, AB 3001

<http://www.sdcoe.net/williams>



SAN DIEGO COUNTY OFFICE OF EDUCATION
JANUARY/FEBRUARY 2005

**WILLIAMS SETTLEMENT LEGISLATION
REQUIREMENTS OVERVIEW CHART
(SB6, SB550, AB1550, AB2727, AB3001)**

	All Schools	Deciles 1-3 Schools	School Visit Process	School Accountability Report Card	Uniform Complaint Process (UCP)	High Priority Schools Program
Sufficiency of Instructional Materials/ Textbooks	<p>Order materials before school starts, no later than week 4 of school year</p> <p>Hold public hearing by week 8 of school year</p> <p>Board resolution on textbook sufficiency</p> <p>Statement of assurance sent to CDE on textbook sufficiency</p> <p>Report more detailed info on SARC regarding textbook availability</p>	<p>API Deciles 1-3 schools materials reviewed <i>annually</i> in 4 core areas:</p> <p>reading/language arts, mathematics, science, and history-social science</p> <p>Every pupil, including English learners, has a textbook to use for class and homework</p> <p>Provide documentation on instructional materials at API</p> <p>Deciles 1-3 schools in advance of COE site visit</p>	<p>COE request documentation of district's instructional materials for API</p> <p>Deciles 1-3 schools</p> <p>In 2004-05, site visits conducted within 120 days of COE funding</p> <p>In future years, site visits within first 4 weeks of school</p> <p>25% of site visits unannounced</p> <p>Verify accuracy of SARC data</p>	<p>All schools must document every student has instructional materials in all 4 core content areas</p> <p>Health and foreign language textbooks and science lab equipment must be included</p>	<p>Districts modify uniform complaint process to include insufficient instructional materials</p> <p>Post notice in every classroom notifying parents of ability to file a complaint if there are insufficient instructional materials</p>	<p>Action Plans to address textbook/instructional materials "sufficiency" and compliance</p>

<p>Facilities Maintenance</p>	<p>All Schools</p>	<p>Deciles 1-3 Schools</p>	<p>School Visit Process</p>	<p>School Accountability Report Card</p>	<p>Uniform Complaint Process (UCP)</p>	<p>High Priority Schools Program</p>
<p>Establish facilities inspection system by 6/30/05, as condition to participating in Schools Facilities Program and Deferred Maintenance Program Report more detailed info on SARC's regarding facilities</p>	<p>API Deciles 1-3 schools site visits to assess emergency repair needs and accuracy of facilities SARC data Prepare self-assessment of emergency needs in advance of COE site visit Complete a baseline school facilities needs assessment by 1/1/06 of buildings constructed before 1/1/00 Make repairs and request reimbursement from OPSC for emergency repairs from School Facilities Emergency Repair Account (available 05-06)</p>	<p>Request self-assessment for API Deciles 1-3 schools facility emergency needs prior to site visit In 2004-05, site visits conducted within 120 days of COE funding In future years, site visits within first 4 weeks of school unannounced Verify accuracy of SARC data</p>	<p>All schools must document the safety, cleanliness, and adequacy of school facilities, including maintenance schedules indicating good repair</p>	<p>All districts modify uniform complaint process to include emergency and urgent facilities issues Post notice in every classroom notifying parents of ability to file a complaint if facilities are not in good repair</p>	<p>Action Plans address "good repair"</p>	

Teacher Assignments	All Schools	Deciles 1-3 Schools	School Visit Process	School Accountability Report Card	Uniform Complaint Process (UCP)	High Priority Schools Program
	<p>On 4-year cycle, increased reporting for teacher assignments, including assignments and training for teachers of English learners Report more detailed info on SARCs regarding teacher assignments</p>	<p>Annual reporting of teacher district assignments, including training for teachers of English learners</p>	<p>Not required by legislation County office validates district office review of API Deciles 1-3 schools annually and for all schools every 4 years as part of customary credential monitoring and review process.</p>	<p>All schools must document the misassignments of teachers, including misassignments of English learner teachers, and the number of vacant teacher positions for the most recent 3-year period</p>	<p>Districts modify uniform complaint process to include teacher vacancies and/or misassignment issues</p>	<p>Beginning in 2004-05, action plan for schools initially applying for funding to include component on Highly Qualified Teachers as defined by NCLB and appropriately credentialled teachers for English learners</p>

Williams Settlement Legislation

**San Diego County Schools
2003 Base API School Report**

Provided on the California Department of Education web site:

<http://www.cde.ca.gov/eo/ce/wc>

December 14, 2004

**Williams Settlement Legislation
Glossary of Terms - Acronyms**

API	Academic Performance Index
ASAM	Alternative Schools Accountability Model
CDE	California Department of Education
CCTC	California Commission on Teacher Credentialing
BCLAD	Bilingual Crosscultural Language and Academic Development
CISC	Curriculum and Instruction Steering Committee of the California County Superintendents Education Services Association
CCR	California Code of Regulations
CLAD	Crosscultural Language and Academic Development
CTEL	California Teachers of English Learners
EC	Education Code
EL	English Learner
FCMAT	Financial Crisis and Management Assistance Team
HPSGP	High Priority Schools Grant Program
OPSC	Office of Public School Construction
SAB	State Allocation Board
SARC	School Accountability Report Card
SBE	State Board of Education
SDAIE	Specifically Designed Academic Instruction in English
SDCOE	San Diego County Office of Education
SFERA	School Facilities Emergency Repair Account
SFIS	School Facilities Inspection System
SFNAGP	School Facilities Needs Assessment Grant Program
SPI	Superintendent of Public Instruction

Williams Settlement Legislation Glossary of Terms

AB 75 Principal Training: The Principal Training Program, authorized by AB 75 (Chapter 697, Statutes 2001), *Education Code* Sections 44510-44517, provides incentive funding for local educational agencies to provide professional development for school site administrators using State Board of Education-approved training providers.

Decile: Ranking for schools on the Academic Performance Index of 1 through 10, 1 being the lowest and 10 being the highest.

Deferred Maintenance Program: The state School Deferred Maintenance Program provides state-matching funds, on a dollar-for-dollar basis, to assist school districts with expenditures for major repair or replacement of existing school building components. This includes roofing, plumbing, heating, air conditioning, electrical systems, interior/exterior painting, floor systems, etc. Funds are also provided for emergency hardship projects where the work must be completed within one year.

Emergency Facilities Needs: 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: gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff; structural damage creating a hazardous or uninhabitable condition; and any other emergency conditions that the school district determines appropriate.

English Learner: A student whose primary language is other than English. Depending upon the student's English language proficiency, he/she is placed in a program to meet his/her English language development and core academic instructional needs.

Facilities Needs Assessment: One-time comprehensive assessment of school facilities needs for schools in Academic Performance Index Deciles 1-3.

Financial and Compliance Audit: An audit that ascertains and verifies whether or not funds provided through apportionment, contract, or grant, either federal or state, have been properly disbursed and expended as required, and includes verification of sufficiency of textbooks and instructional materials, teacher misassignments, and the accuracy of data reported on the School Accountability Report Card.

Good Repair: The facility is maintained in a manner that ensures that it is clean, safe, and functional as determined pursuant to an interim evaluation instrument developed by the Office of Public School Construction.

Negative Financial Certification: The County Superintendent can give a school district a negative financial certification if the district will be unable to meet its financial obligations for the remainder of the current fiscal year or for the subsequent fiscal year.

Qualified Financial Certification: The County Superintendent can give a school district a qualified financial certification if it may not be able to meet its financial obligations in the current fiscal year or two subsequent fiscal years.

School Facilities Inspection System: As a condition of participation in the school facilities program or the receipt of deferred maintenance funds, a school district shall establish a facilities inspection system to ensure that each of its schools is maintained in good repair.

School Facilities Program: This program is run by the Office of Public School Construction and is composed of the New Construction program and the State Modernization program. The New Construction program provides state funds on a 50/50 state and local sharing basis for public school capital facility projects in accordance with statute. The State Modernization Program provides state funds on a 60/40 basis for improvements to educationally enhance school facilities. Projects eligible under this program include such modifications as air conditioning, plumbing, lighting, and electrical systems.

Site Visits: The County Superintendent shall visit schools in 2003 Base Academic Performance Index Deciles 1-3 annually to determine if the schools have sufficient textbooks, if there are any emergency or urgent repair needs, and the accuracy of data reported on the SARC regarding textbooks and facilities.

Sufficient Textbooks or Instructional Materials: Each pupil, including English learners, has a textbook or instructional materials, or both, to use in class and to take home to complete required homework assignments.

Teacher Misassignment: The placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

Teacher Vacancy: A position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire 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 the semester for an entire semester.

Uniform Complaint Procedure: A procedure to resolve complaints of violations of state and federal education codes.

**Williams Settlement Legislation
Facilities and Maintenance
Education Code Sections 1240, 17592.70, 17592.71,
17592.72, 17070.75**

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Questions and Answers

Facilities Overview

Q1. What are the elements of legislation that deal with the facility portion of the Williams Settlement?

- A1. SB 6 – Authorizes the School Facilities Needs Assessment Grant Program (SFNAGP) and creates a new School Facilities Emergency Repair Account (SFERA).
SB 550 – Establishes new County Superintendent oversight requirements for Deciles 1-3 schools relative to adequacy of school facilities and accuracy of school facility data reported on the school accountability report card.
SB 550 – Also establishes a School Facilities Inspection System (SFIS) for all schools as a condition of participation in the school facilities program and/or the deferred maintenance program.

Site Visits Conducted by SDCOE

Q2. Which schools will SDCOE visit? When will the visits occur in 2004-05?

- A2. In 2004-05, SDCOE will visit all schools in API Deciles 1-3 within 120 days of funding to determine conditions of school facilities that pose an emergency or urgent threat to the health or safety of pupils or staff as defined by district policy, or as listed below:
- Gas leaks
 - Nonfunctioning heating, ventilation, fire sprinklers, or air conditioning systems
 - Electrical power failure
 - Major sewer line stoppage
 - Broken windows or exterior doors or gates that will not lock and that pose a security risk
 - Hazardous materials previously undiscovered that pose an immediate threat to pupil or staff
 - Structural damage creating a hazardous or uninhabitable condition

Q3. Will the County site visits be different in future years?

A3. Starting in 2005-06, the SDCOE visits to schools in API Deciles 1-3 will occur within the first four weeks of school and will determine conditions of school facilities that pose an emergency or urgent threat to the health or safety of pupils and staff as defined above. The site visit will also verify the accuracy of SARC data relative to the safety, cleanliness, and adequacy of school facilities, including "good repair."

Q4. Is there a sample checklist for determining "good repair"?

A4. Not yet. Good repair means that the facility is maintained in a manner that assures that it is clean, safe, and functional as determined pursuant to an interim evaluation instrument to be developed by OPSC no later than 1/25/05 and established in statute by 9/1/06.

School Facilities Needs Assessment Grant Program (SFNAGP) for API Deciles 1-3 Schools

Q5. What is the School Facilities Needs Assessment Grant Program (SFNAGP)?

A5. The School Facilities Needs Assessment Grant Program (SFNAGP) is a one-time school facilities needs assessment that must contain specific components including a list of necessary facility repairs. The program will provide funding to conduct the facilities needs assessment only for API Deciles 1-3 schools. The assessments must be completed no later than 1/1/06.

Q6. What does a district need to do to establish eligibility to participate in the SFNAGP?

A6. Identify schools in API Deciles 1-3 using the CDE list.

- Obtain CBEDS 2003 enrollment
- Verify that the district has fully funded its deferred maintenance
- Verify that the district has fully funded the routine restricted maintenance account

Q7. How much money will a district receive from SFNAGP?

A7. For all schools that meet the eligibility requirements, the State Allocation Board (SAB) will allocate ten dollars (\$10) per pupil based on the 2003 CBEDS enrollment for that school. The minimum allocation will be \$7,500. The SAB will generate a single apportionment for all of the eligible schools in the school district.

Q8. For what can the SFNAGP funds be used?

A8. The apportionment must initially be used to develop and implement a comprehensive facilities needs assessment for the eligible schools. Funds remaining after the facilities needs assessments are completed must be used to fund repairs identified during the facilities needs assessment process.

Q9. What, if any, governing board action is required?

A9. The regulations to be adopted by SAB no later than 1/31/05 will address this item.

Q10. Can an individual school site receive funds?

A10. Funds will be distributed to individual school districts that have eligible schools.

Q11. Is the assessment a one-time process?

A11. Yes, the facilities needs assessment is a one-time process.

Q12. When can school districts get the funds for SFNAGP?

A12. The State Allocation Board will allocate funds to eligible school districts following adoption of the regulations no later than 1/31/05.

Q13. When can school districts start conducting the facilities needs assessment?

A13. Districts can start conducting the needs assessment following the adoption of regulations and related assessment tool by the SAB on 1/26/05.

Q14. When can districts apply for the funding for the cost of conducting the needs assessment?

A14. Districts will not be required to apply for funds to conduct their needs assessment. OPSC will automatically allocate the funds for the needs assessment to eligible districts following SAB approval on 2/23/05.

Q15. Can a school district receive funding to complete a facilities needs assessment for all its schools, not just the API Deciles 1-3 schools?

A15. Funds for the needs assessment are available only for API Deciles 1-3 schools.

Q16. If a school district recently completed a facilities needs assessment, can that information be used to respond to the SFNAGP?

A16. Yes, if the information is applicable to the SFNAGP.

Q17. Do district staff or consultants conduct the needs assessment? Do the needs assessments need to be done by people who have been fingerprinted?

A17. OPSC has been tasked with identifying the qualifications of persons assigned to complete the needs assessment. These qualifications are expected to be in the regulations to be adopted by the SAB no later than 1/31/05.

Q18. When must the facilities needs assessment be completed?

A18. All school districts with API Deciles 1-3 schools must complete their School Facilities Needs Assessment by 1/1/06.

Q19. To whom does a district submit the facilities needs assessment?

A19. School districts must provide the results of the assessment to OPSC, including a report on the expenditures made in performing the assessment.

Q20. What if a district's API Deciles 1-3 schools change? Can the district add/delete sites from the program?

A20. Only schools that are no longer in operation may be dropped from the CDE-established 2003-04 lists. No new schools may be added.

Q21. How old do the facilities need to be to qualify?

A21. API Deciles 1-3 schools must be constructed prior to 1/1/2000.

Q22. What needs to be included in the facilities needs assessment?

A22. The following list is the minimum reporting requirement and may include more information:

- The year each building that is currently used for instructional purposes was constructed
- The year, if any, each building that is currently used for instructional purposes was last modernized
- The pupil capacity of the school
- The number of pupils enrolled in the school
- The density of the school campus measured in pupils per acre
- The total number of classrooms at the school
- The age and number of portable classrooms at the school

- Whether the school is operating on a multitrack, year-round calendar and if so what type
- Whether the school has a cafeteria, auditorium or other space used for pupil eating and not for class instruction
- The useful life remaining of all major building systems for each structure housing instructional space
- Estimated costs for five years necessary to maintain health, safety, and suitable learning environment including classroom, counseling areas, administrative space, libraries, gymnasiums, multipurpose and dining space, and the accessibility to those spaces
- A list of necessary repairs

Q23. Is there an approved facilities needs assessment form districts should be using?

A23. An approved facilities needs assessment tool will be adopted by SAB no later than 1/31/05.

School Facilities Emergency Repair Account (SFERA) for API Deciles 1-3 Schools

Q24. What is SFERA?

A24. The School Facilities Emergency Repair Account (SFERA) is a savings account to address emergency facilities needs for schools in API Deciles 1-3. The first state deposit into the SFERA is \$5 million in 2004-05. In subsequent fiscal years, the state must transfer the greater of \$100 million or 50% of the Proposition 98 Reversion Account until the amount transferred into the account reaches \$800 million. The funds in the account are for the reimbursement of emergency facility repairs. The process for obtaining these funds will be addressed in regulations to be adopted by the SAB no later 1/31/05.

Q25. What is an emergency facility repair?

A25. Emergency repairs are defined as structures or systems that are in a condition that poses a threat to the health and safety of pupils or staff while at school. Some of eligible emergency repairs include:

- Gas Leaks
- Nonfunctioning heating, ventilation, fire sprinklers, or air conditioning systems
- Electrical power failure
- Major sewer line stoppage
- Broken windows or exterior doors or gates that will not lock and that pose a security risk
- Hazardous materials previously undiscovered that pose an immediate threat to pupil or staff
- Structural damage creating a hazardous or uninhabitable condition

Q26. What school districts are eligible to receive SFERA funds?

A26. Districts having schools in API Deciles 1-3 that were constructed prior to 1/1/00 are eligible to receive funding from the SFERA.

Q27. When can school districts get SFERA funds?

A27. Eligible school districts will be able to seek reimbursement from SFERA funds after 7/05.

Q28. Is there a district match to the funds received for these repairs?

A28. This is a reimbursement program and no district match is required.

Q29. Can SFERA funds be used for schools that are not in API Deciles 1-3?

A29. No. Only schools in API Deciles 1-3 are eligible for funds.

Q30. Can the SFERA funds be used to for replacement and or acquisition or just repairs?

A30. Regulations to be adopted by the SAB no later than 1/31/05 are expected to address this item.

Q31. Are there any restrictions in the use of funds from SFERA?

A31. SFERA funds may only be used for repairs and cannot be used to supplant existing funding.

Q32. What kinds of records should districts keep?

A32. Districts should maintain all records that support the expenditure of SFERA funds, including all bid documents for projects over \$15,000.

Q33. Will the repairs be audited?

A33. Districts should anticipate that the repairs and expenditure of SFERA funds will be audited. Regulations to be adopted by the SAB no later than 1/31/05 are expected to clarify this item.

Q34. How long does the state have to audit the repairs after they are done?

A34. Current regulations require OPSC to conduct an audit within 3 years of the completion of the project. Regulations to be adopted by SAB no later than 1/31/05 are expected to address this item.

Q35. How long will this program be available?

A35. Based on amount of funding allocated, it is anticipated that the program will be available for approximately 8 years. Regulations to be adopted by the SAB no later than 1/31/05 are expected to clarify this item.

School Facilities Inspection System (SFIS) for All School Participating in the SFP and/or DM Program

Q36. What is a School Facilities Inspection System (SFIS)?

A36. Education Code 17070.75 (e) requires school districts to establish an SFIS as a condition to participate in the School Facilities Program or the receipt of funds from the Deferred Maintenance Program. Currently there is no definition in the legislation regarding what constitutes a SFIS. SDCOE will assist districts in developing a generic SFIS that will be available to all districts for their use.

Q37. Are all school sites required to have a SFIS?

A37. Only school districts that participate in the School Facilities Program or Deferred Maintenance Program are required to develop a SFIS.

Q38. When must the SFIS be completed?

A38. Districts must implement a SFIS no later than 7/1/05.

Q39. How will the standards for the SFIS be developed?

A39. Legislation does not address how SFIS standards are to be developed. SDCOE will assist districts in developing standards that can be used by all districts, as they deem appropriate.

Q40. Will the inspection process be simple?

A40. SDCOE will collaborate with all districts and other agencies, as appropriate, to keep the SFIS simple while ensuring clean, safe, and functional facilities for all students and staff.

Q41. Are there funds to implement the SFIS?

A41. Funds for the SFIS are not identified in current legislation.

Q42. How often must the SFIS be done?

A42. Legislation does not address this item. In order for school districts to ensure that its facilities are clean, safe, and functional, an annual SFIS is suggested.

Q43. Does the SFIS apply to district-owned facilities currently leased to other agencies?

A43. The legislation refers only to district facilities utilized for its own instructional program.

Q44. Does the SFIS apply to district-owned Charter facilities?

A44. Current legislation does not address Charter facilities. We anticipate that this item will be addressed in the regulations to be adopted by the SAB no later than 1/31/05.

Q45. What is the standard for “good repair”?

A45. A standard of “good repair” means that the facility is maintained in a manner that assures that it is clean, safe, and functional as determined pursuant to an interim evaluation instrument to be developed by OPSC no later than 1/25/05 and established in statute by 9/1/06.

School Facilities Needs Assessment Grant Program

Forms

DRAFT

ATTACHMENT B

**SCHOOL FACILITIES NEEDS ASSESSMENT GRANT PROGRAM
CERTIFICATION OF ELIGIBILITY**

Local Educational Agency	
Five-Digit Code	County
Name of LEA Representative	Title
E-Mail Address	Telephone Number

Any school that was newly built on or after January 1, 2000, is ineligible for the School Facilities Needs Assessment Program and the Emergency Repair Program funding. Please enter the year of construction of the initial school building(s) on the site for each school listed below.

For purposes of this program, the year of construction shall be considered the date the Notice of Completion was filed with the county recorder, if available. If the date of the Notice of Completion is not available, the LEA may use the year of occupancy as evidenced by documentation of historical record.

School Name ¹	Site Code ¹	Allocation ¹	Is the year of construction ² prior to January 1, 2000?	Eligibility ³
		\$	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Once the LEA has completed the above section for all sites and clicks the submit button, the certification page, below, will open. **The LEA must print, sign and date it, and return to the OPSC in order for funds to be released.**

**SCHOOL FACILITIES NEEDS ASSESSMENT GRANT PROGRAM
CERTIFICATION OF ELIGIBILITY**

I, _____², certify that the information reported to the OPSC on the Certification of Eligibility submitted on _____³ is accurate. Additionally,

I understand that all the sites that received a Needs Assessment Apportionment are eligible and a School Facilities Needs Assessment Report must be performed for each school.

I understand that the LEA has _____³ ineligible sites and is not required to perform a School Facilities Needs Assessment for these sites. Furthermore, I acknowledge that the LEA's Needs Assessment Apportionment shall be reduced by \$ _____³, the total grant funds allocated for ineligible sites.

LEA REPRESENTATIVE NAME (PRINT)	TELEPHONE NUMBER:
LEA REPRESENTATIVE SIGNATURE	DATE

¹Information will be provided automatically from the OPSC database.
²Information must be provided by the LEA.
³Information completed by the on-line form based on the information provided by the LEA.

STATE OF CALIFORNIA
WEB-BASED PROGRESS REPORT SURVEY
 SCHOOL FACILITIES NEEDS ASSESSMENT GRANT PROGRAM

LOCAL EDUCATIONAL AGENCY (LEA)

FIVE-DIGIT DISTRICT CODE

COUNTY

NAME OF THE PERSON COMPLETING THIS SURVEY

TITLE

E-MAIL ADDRESS

TELEPHONE NUMBER

Please note: If the School Facilities Needs Assessment has been completed for all eligible schools under the Jurisdiction of the Local Educational Agency (LEA), this progress report survey does not need to be completed.

Each LEA with jurisdiction over eligible school site(s) shall complete one survey and submit it to the OPSC by April 29, 2005.

Please complete the following statements regarding the eligible school sites. Eligible schools meet the following criteria:

- A school identified by the California Department of Education (CDE) as schools ranked in deciles 1 to 3, inclusive on the 2003 Academic Performance Index (see the list of eligible schools on the CDE's Web site at www.cde.ca.gov); and
- A school newly constructed prior to January 1, 2000.

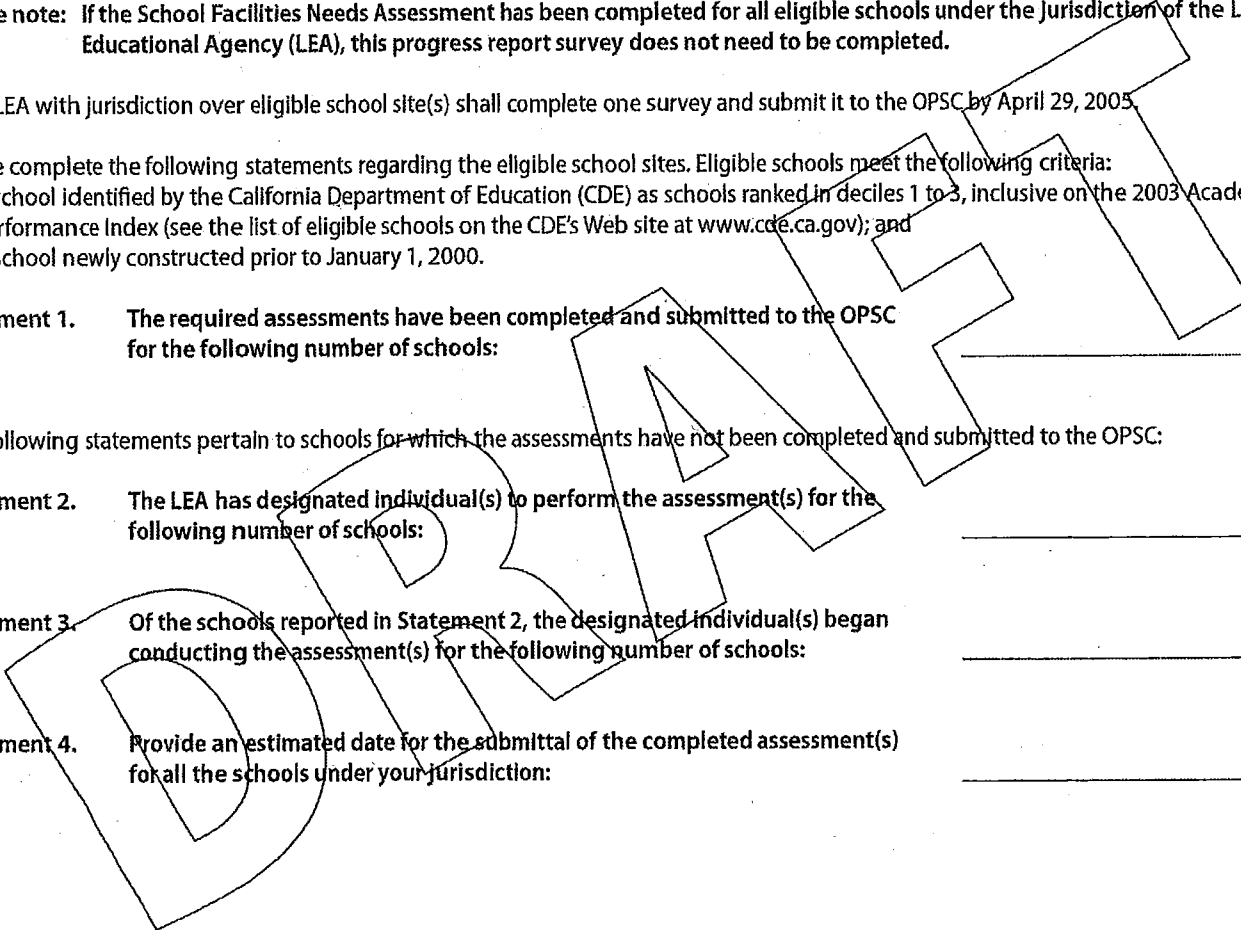
Statement 1. The required assessments have been completed and submitted to the OPSC for the following number of schools:

The following statements pertain to schools for which the assessments have not been completed and submitted to the OPSC:

Statement 2. The LEA has designated individual(s) to perform the assessment(s) for the following number of schools:

Statement 3. Of the schools reported in Statement 2, the designated individual(s) began conducting the assessment(s) for the following number of schools:

Statement 4. Provide an estimated date for the submittal of the completed assessment(s) for all the schools under your jurisdiction:



ATTACHMENT D

GENERAL INFORMATION

This Form is to be used to perform a one-time school site Needs Assessment for each eligible school as defined by Regulation Section 1859.311. Do not complete a Needs Assessment for any school that was newly constructed on or after January 1, 2000.

The Form shall be completed and submitted to the OPSC via the internet with a certification document which requires an original signature to be mailed to the OPSC. Both submittals must be received by the OPSC no later than January 1, 2006.

SPECIFIC INSTRUCTIONS

Part I.

Needs Assessment Identification Number. This number is assigned to each school that is required to submit the School Facility Needs Assessment Report. The number is generated by the OPSC at the time of fund release and is automatically provided by the on-line program.

Section A. Complete the physical site address field. Indicate whether the site is owned or leased by the Local Educational Agency (LEA). For Special Education programs operated in multiple locations under a single County-District-School (CDS) code, indicate "multiple locations" in lieu of a physical site address.

Section B. Indicate the name and contact information for each person that participated in the completion of the assessment.

Section C. Complete this section as follows:

- a. No input required. Information in this field is automatically provided.
- b. Indicate the existing site size measured in Useable Acres as defined by School Facility Program Regulation Section 1859.2.
- c. No input required. Represents pupil density utilizing data from the fields above.
- d. Indicate if this site operates on a multitrack year-round calendar, and, if so, what type.
- e. Indicate what type of facility is used for pupil dining; do not include space also designated for classroom instruction.

Part II. Facility Inventory

List each building separately. Use the "Add Building" button to enter information for additional buildings on site.

- a. Enter the building identification (a number, letter or name) as indicated on the site map to be submitted to the OPSC with the certification page of the Form. The building identification must be unique and cannot be used to identify another building on the same site. Include all buildings on the site that house pupils and staff as part of the regular school curriculum.
- b. Indicate whether the building is owned or leased by the LEA.
- c. Indicate whether the building is of permanent or portable construction. For a definition of portable classroom please refer to Education Code Section 17070.15(j).
- d. Indicate the total enclosed square footage of the building. For multilevel buildings, include the square footage at each level.

- e. Indicate the year of original construction. For purposes of this program, the year of construction shall be considered the date the Notice of Completion was filed with the county recorder, if available. If the date of the Notice of Completion is not available, the LEA may use the year of occupancy as evidenced by historical record.
- f. Indicate the year of the last building modernization project regardless of the modernization project funding source. For purposes of the assessment, modernization means any improvements made to extend the useful life, or to enhance the physical environment of the building. If the building has not been modernized, leave the box blank.
- g. Indicate whether the modernization project was funded with State bond funds (partially or entirely), under the provisions of the Lease-Purchase Program (Leroy F. Greene State School Building Lease-Purchase Law of 1976) or School Facility Program (Leroy F. Greene School Facilities Act of 1998).
- h. Select the type of facility from the drop-down menu provided. If there is more than one type of facility housed in the same building, click the "Add Facilities to Building" button and select from the new drop-down menu.
- i. When indicating "Classrooms" (i), enter the number of classrooms by grade level. For purposes of the assessment, a classroom means a teaching station that was constructed or reconstructed to serve as an area in which to provide pupil instruction including, but not limited to, standard classrooms, industrial arts/art rooms, business educational labs, science labs, homemaking labs, special education classrooms, and music classrooms.

Upon completion of (a) through (i), the on-line system will provide a summary of the following elements:

- The age and number of portable classrooms at the school.
- The pupil capacity of the site measured by multiplying the number of classrooms by the appropriate State loading standard.

Part III. Useful Life of Major Building Systems

Use this section to identify useful life remaining of all major building systems for each building identified in Part II of the Form.

- a. Select from the drop-down box the building inspected. Use "campus-wide" in lieu of a particular building identification for systems that encompass the entire campus. Identify more than one building if necessary for systems that are present throughout multiple buildings on campus. Use the individual building identification for each building that contains a unique building system.
- b. Select from the drop-down box the type of building system inspected.
- c. Select from the drop-down box the type of a sub-system inspected.
- d. Select from the drop-down box the appropriate element or material inspected. If there is no applicable selection listed in the drop-down box, use the option "other."
- e. Enter the number of years representing the useful life remaining of each component. Use zero to indicate whether the component is at the end or past its expected useful life.

Part IV. Five-Year Costs to Maintain Functionality

Part A. Complete this section by estimating the costs for each of the five years to maintain functionality of each building to provide a healthy, safe, and suitable learning environment. When choosing the building from the "Cost Estimate for Building" drop down menu, the "Campus-Wide" option should only be utilized when a single building component is located throughout the entire campus.

For purposes of this section, accessibility includes any needed work to provide for proper accessibility to all instructional spaces including paving and other maintenance of all areas immediately surrounding the building entrance.

Part B. This is a summary page generated from the detailed listing of five-year maintenance costs identified in Part A. No manual input is necessary.

Part V. Necessary Repairs

Use this form to identify the necessary repairs at the school site including any health and safety items. Use the "Add New Item" button to add as many repair items as necessary. Use the drop down box to select the building identification for a location of the repair. Use more than one building identification if the project encompasses more than one building. Use the drop down box to select from the type of building components (the list of items identified in Part IV) or use the option "other" to identify the repair.

Repair cost estimates should include all related project costs. The dollar values assigned to the costs of the repairs are to be included in the district's first year cost estimate to maintain functionality of the facilities in Part IV of the Form.

Part VI. Certification

Complete, print, and sign the certification portion of the Form. Mail the completed certification to the OPSC at the following address:

Office of Public School Construction
1130 K Street, Suite 400
Sacramento, CA 95814

Attach a site diagram of the school which must identify all buildings on the site on paper not to exceed 11" x 17". For Special Education programs operated in multiple locations under a single CDS code, provide a summary of all buildings identified in the assessment with corresponding physical addresses for all buildings as well as the CDS codes of the school sites on which the Special Education buildings are located, if applicable.

Part II - Facility Inventory

a. Building ID	b. Leased/Owned	c. Construction Type	d. Bldg. Square Footage	e. Year of Construction	f. Year of Modernization	g. State Funded Modernization	h. Facility Type*	i. Number of Classrooms					
								K-5	7-8	9-12	Non-Severe	Severe	
A	Owned	Permanent	25,000	1956	1986	Yes	Classrooms	5	15				
B	Owned	Permanent	40,000	1956	1986	Yes	Library Nurse's Office Classrooms Multi-purpose Counseling Admin			10			
C	Owned	Permanent	30,000	1956	N/A	N/A	Classrooms	7					
D	Leased	Portable	1,920	1989	N/A	N/A	Classrooms				2		
E	Owned	Permanent	20,000	1980	N/A	N/A	Gym						

*a drop-down box will be provided for each category with available selections.

EXAMPLE

**A drop-down box will be provided for each building to include as many types of facilities as needed, to accommodate buildings that contain more than one type of facility (classrooms and a library in one building, for example)

Add Building

Add Facility to Building

Portable Classrooms Summary	
Age	15
Number	2
TOTAL	2

Pupil Capacity	K-6		7-8		9-12		Non-Severe		Severe	
	0	324	675	26	0	0	0	0		
TOTAL	1025									

STATE OF CALIFORNIA
SCHOOL FACILITIES NEEDS ASSESSMENT REPORT
 SCHOOL FACILITIES NEEDS ASSESSMENT GRANT PROGRAM
 SAB 61-01 (NEW 01/05)

Part III - Useful Life of Major Building Systems (Refer to the Attachment for list of systems to be evaluated)

a. Building	b. Building System*	c. Sub System*	d. Elements/ Materials**	e. Useful Life Remaining (years)
A	Structural	Foundation	Concrete	0
A	Roofing	Roofing	Single-Ply	0
A	Interior Systems	Flooring	Sheet Vinyl	0
A	Mechanical	HVAC	Central Type (Central Boiler - Hydronic Heating/Cooling Tower)	2
A, B, C, E	Plumbing	Waste Piping	Cast Iron	1
A	Electrical	Building Transformer	Dry Type	2
A	Fire & Life Safety	Auto. Sprinkler System	Other	3
Campus-Wide	Structural	Roof Framing	Wood	12
B	Mechanical	HVAC	Split System	8

*The inspector will be able to select from the list of appropriate systems.

*The inspector will be able to select from the list of appropriate sub-systems.

**The inspector will be able to select from the list of appropriate elements or materials and/or use the option "other" if a specific element or material is not available in the drop-down box.

EXAMPLE

Add an item

SCHOOL FACILITIES NEEDS ASSESSMENT REPORT

SA8 81-01 (NEW 01/05)

Part IV - Five-Year Costs to Maintain Functionality

A. Cost Detail

COST ESTIMATE FOR BUILDING

(A drop down box will be provided with the selection of buildings identified in Part II.)

Building Component	2005/2005	2006/2007	2007/2008	2008/2009	2009/2010	Total Estimate
Roofing						\$
Framing						\$
Flooring						\$
Siding						\$
Windows						\$
Doors						\$
Painting						\$
Potable/Drinking Water						\$
Sewer						\$
Gas						\$
Lighting						\$
Electrical/Power/EOP						\$
HVAC/HV						\$
Fire & Life Safety						\$
Security						\$
Accessibility						\$
Playground & Field Areas						\$
Other						\$
Total Cost Estimate	\$	\$	\$	\$	\$	\$

Summary

The cost estimate information will be automatically compiled and summarized in Part IV -B.

B. Cost Summary

BUILDING	2005/2005	2006/2007	2007/2008	2008/2009	2009/2010	TOTAL
	\$	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$	\$
TOTAL	\$	\$	\$	\$	\$	\$

The building description in Part II, Facility Inventory, provides the detail on facilities housed in each building, such as classrooms, admin. space, etc. The data assembled in the OPSC internal database may be queried to generate cost information for certain facility types, such as classrooms.

Part VI - Certification

Needs Assessment Identification Number

LEA:	COUNTY:
SCHOOL NAME:	CDS CODE:
PHYSICAL SCHOOL ADDRESS:	

PLEASE SUBMIT A SITE DIAGRAM IDENTIFYING ALL BUILDINGS ON THE SITE.

I certify, as the LEA Representative, that the information reported on this form is true and correct and that:

- I am designated as an authorized LEA Representative by the governing board of the LEA or the designee of the Superintendent of Public Instruction;
- The information reported in Part III, IV, V was provided by individual(s) and/or entities which have demonstrated to me that he/she/they/its employees possess(es) the necessary qualifications as specified in the Regulation Section 1859.314.

SIGNATURE	DATE
-----------	------

LEA Representative Contact Information:

NAME:	TITLE:
REPRESENTATIVE OF:	
PHONE NUMBER:	E-MAIL ADDRESS:
MAILING ADDRESS:	

SAVE	EDIT	PRINT REPORT	SUBMIT	PRINT CERTIFICATION
------	------	--------------	--------	---------------------

DRAFT

**ATTACHMENT E
SCHOOL FACILITIES NEEDS ASSESSMENT REPORT**

MAJOR BUILDING SYSTEMS AVAILABLE IN A WEB-BASED NEEDS ASSESSMENT

Form SAB 61-01, School Facilities Needs Assessment Grant Program
Section III. Useful Life of Major Building Systems.

The following table summarizes the types of building systems, sub-systems and corresponding elements and materials that will be available to select in Part III of the web-based Form SAB 61-01. The inspector(s) will be required to estimate useful life remaining of all the components identified in the table below.

Building System	Sub-System	Elements/Materials
Structural	Foundation	Concrete
		Other
	Wall Framing	Wood
		Other
	Floor Framing	Wood
		Other
	Roof Framing	Wood
		Other
Roofing	Roofing	Built-Up Roofing
		Roll Roofing
		Single-Ply Roofing
		Elastomeric Roofing
		Composition Shingles Roofing
		Sheet Metal Roofing
		Foam Roofing
		Tile Roofing
		Other
	Flashing & Sheet Metal	Gutters
		Downspouts
		Expansion Joints
		Other
Exterior Envelope	Siding	Plywood Siding
		Hardboard Siding
		Wood Board Siding
		Lath & Plaster
		Other
	Exterior Doors	Doors
		Frames
		Hardware
		Other
	Windows	Frames
		Glass & Glazing
		Other
	Soffits & Overhangs	

Building System	Sub-System	Elements/Materials
Interior Systems	Wall Finishes	Painted Gypsum Wallboard
		Ceramic Tile
		Paneling
		Tackable Wall Panels
		Other
	Flooring	Carpet
		VCT
		Sheet Vinyl
		Wood
		Tile
	Ceilings	Lay-in Acoustical Tile
		Glue-on Acoustical
		Painted Gypsum Wallboard
		Other
	Interior Doors	Doors
		Frames
Hardware		
Other		
Plumbing	Plumbing Fixtures	
	Water Piping	Galvanized Steel Pipe
		Copper pipe
		Other
	Waste Piping	Cast Iron
		Other
	Water Heater	Gas Fired Water Heater
		Electric Water Heater
		Other
	Gas Piping	Black Steel
Other		
Electrical Equipment	Lighting	Fixtures
		Flood Lighting
		Other
		Bus Duct
	Power	Switchboards
		Panels and Breakers
		Bus Duct
		Capacitor
		Switch Units
		Other
	Building Transformer	Dry Type
		Other
	Low Voltage Systems	Telephone
		Data
		CCTV
		Public Address System
		Security System
Other		

Building System	Sub-System	Elements/Materials
Mechanical	Heating Ventilation and Air Conditioning (HVAC)	Central Type (Central Boiler - Hydronic Heating / Cooling Tower)
		Central Type (Central Boiler - Hydronic Heating/ DX Cooling)
		Multi Zone package roof top unit (Gas Heat/ DX Cool)
		Multi Zone package roof top unit (Electric Heat/ DX Cool)
		Single Zone package roof top unit (Gas Heat/ DX Cool)
		Single Zone package roof top unit (Electric Heat/ DX Cool)
		Split system (Furnace heat/ Condensing unit cool)
	Heating and Ventilation (HV)	Other
		Central Boiler Hydronic Heating with unit heaters
		Central Boiler Hydronic Heating with radiant under floor piping
		Furnace (gas fired)
		Unit Heaters – Electrical
		Unit Heaters - Gas
	Ventilation & Exhaust System	Other
		Exhaust fans
		Kitchen Hood and Exhaust Systems
	Conveying Systems	Other
Elevators		
Chair Lifts		
Fire & Life Safety	Automatic Fire Sprinkler Systems	Other
		Wet Type
		Dry Type
		None
	Fire Pumps	Other
		Diesel Generator
	Fire Alarm System	Manual
		Automatic
		None

STATE OF CALIFORNIA
EXPENDITURE REPORT
 SCHOOL FACILITIES NEEDS ASSESSMENT GRANT PROGRAM
 SAB 61-02 (NEW 01/05)

LOCAL EDUCATIONAL AGENCY (LEA)		FIVE-DIGIT DISTRICT CODE NUMBER
BUSINESS ADDRESS		COUNTY
PREPARER'S NAME (TYPED)	PREPARER'S TITLE (TYPED)	TELEPHONE NUMBER/E-MAIL ADDRESS
LEA REPRESENTATIVE'S NAME (TYPED)	LEA REPRESENTATIVE'S TITLE (TYPED)	TELEPHONE NUMBER/E-MAIL ADDRESS

INSTRUCTIONS

Refer to Title 2, California Code of Regulation Sections 1859.300 through 1859.318

	AMOUNT
1. State Funds Enter the total amount of State apportionments received pursuant to Section 1859312 for all eligible school sites.	\$
2. Interest Earned Enter the amount of interest earned on State funds for all eligible school sites.	\$
3. Expenditure for Performing Needs Assessment Enter the total amount of State funds spent to complete the Form SAB 61-01 for all eligible school sites. Provide a listing of expenditures on page 2 of this form.	\$
4. Expenditures for Repairs Identified on Needs Assessment Enter the total amount of State funds spent for repairs identified in Part IV of the Form SAB 61-01. Provide a listing of each expenditure on page 2 of this form.	\$
5. Remaining Funds	\$

This form is due by September 1, 2006. Additional information may be requested to complete the audit.

Submit completed form to:
 Department of General Services
 Office of Public School Construction
 Attn: Needs Assessment Audits
 1130 K Street, Suite 400
 Sacramento, CA 95814-2928

CERTIFICATION

I certify, as the LEA Representative, that the information reported on this form is true and correct and that:

- I am designated as an authorized LEA representative by the governing board of the LEA; and,
- Under penalty of perjury, under the laws of the State of California, the foregoing statements are true and correct, and that the Public Contract Code was adhered to in the use of these grant funds; and,
- This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction. In the event a conflict should exist, then the language in the OPSC form will prevail.

SIGNATURE OF LEA REPRESENTATIVE	DATE
---------------------------------	------

LOCAL EDUCATIONAL AGENCY (LEA)

COUNTY

LEA NEEDS ASSESSMENT EXPENDITURES

Enter the Date, the Payee, the Amount and Description/Purpose.

DATE	PAYEE	AMOUNT	DESCRIPTION/PURPOSE
TOTAL			

LEA NEEDS ASSESSMENT REPAIR EXPENDITURES

Enter the Date, the Needs Assessment ID Number, the Repair Number, the Amount Paid and Description/Purpose of the repair.

DATE	NEEDS ASSESSMENT ID NO.	REPAIR NO.	AMOUNT PAID	DESCRIPTION/PURPOSE
TOTAL				

Emergency Repair Program

Forms

Certifications

I certify, as the LEA Representative, that the information reported on this form is true and correct and that:

- I am designated as an authorized representative by the governing board of the LEA; and,
- The repairs in this project were necessary to mitigate conditions that posed a threat to the health and safety of pupils or staff while at school; and,
- The LEA has complied with all laws pertaining to the repair of its school facilities;
- The LEA has complied with the Public Contract Code; and,
- The LEA has satisfied the supplement, not supplant requirement as defined in Section 1859.328; and,
- The contracts for services or work in this project were not entered into prior to September 29, 2004; and,
- The LEA understands that expenditures occurring after the submittal of this application are ineligible for reimbursement; and,
- The grant amount provided by the SAB shall be deemed full and final apportionment; and,
- The LEA understands that some or all of the ERP funding for the project may be returned to the SAB as a result of an Audit pursuant to Regulation Section 1859.326;
- The LEA has obtained the Division of State Architect's approval of the plans and specifications, if required; and,
- This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction. In the event a conflict should exist, then the language in the OPSC form will prevail.

I certify under penalty of perjury under the laws of the State of California that the statements in this application and supporting documents are true and correct.

NAME OF LEA REPRESENTATIVE (PRINTED OR TYPED)

TITLE

SIGNATURE OF LEA REPRESENTATIVE

DATE

DRAFT

GENERAL INFORMATION

An Local Educational Agency (LEA) may use this form to apply for reimbursement of Emergency Facilities Needs repairs under the Emergency Repair Program (ERP) at eligible school sites as defined by Section 1859.321. For purposes of this apportionment the following documentation must be submitted with this form:

Part A

- Documentation substantiating the health and safety threat, which may include but is not limited to the following:
 - Photos showing the condition of the project prior to the repair work being performed
 - Copy of the Interim Evaluation Instrument (IEI) Identifying the health and safety hazard
 - Copies of complaints made by parents, students, or staff referencing the problem
- A cost comparison prepared pursuant to Section 1859.323 (if applicable).
- Division of the State Architect (DSA) approved specifications and plans (if applicable). The plans must clearly delineate the scope of eligible ERP work in the project.

Part B

- Copy of all construction contracts and schedule of values
- Copy of all change orders (if applicable)
- Copy of all purchase orders or purchase agreements (if applicable)
- Copy of architect agreement and schedule of fees

The closeout audit will be performed after the final apportionment is made by the Board in accordance with Regulation Section 1859.326. For audit purposes, additional documentation may be requested at a later date.

SPECIFIC INSTRUCTIONS**Part A. Project Information**

- 1. Type of Health and Safety Project**
Check the appropriate box to indicate if the LEA had to repair or replace the building system or component to mitigate the health and/or safety threat. The LEA may only check replacement if the project meets the requirements of Section 1859.323.1.
- 2. Type of Project**
Check the box indicating the type of building system or structural component the application is addressing. The LEA may check only one building system or structural component project per application. Multiple applications may be submitted per school site.
- 3. Type of Facility**
Check the box(es) that identify the location(s) where the repair work was performed.
- 4. School Construction Date**
Indicate the year of construction for the original buildings on campus.
NOTE: The LEA may not submit a Form SAB 61-03 for a school site which was newly constructed on or after January 1, 2000.
- 5. Statement of Condition**
Provide a concise statement of the conditions that posed a threat to the health and safety of the students and staff at the school site.
- 6. Description of Work/Scope of Project**
Provide a detailed narrative of the repairs that were required to mitigate the threat to the health and safety of students and staff as defined by Sections 1859.323 and 1859.323.1.

7. Project Costs

Provide a breakdown of eligible project cost information based on the LEAs actual expenditures. The total should match the total amount of expenditures listed in Part B of the form. This must include only costs directly related to and necessary for the eligible project as defined by Sections 1859.323 and 1859.323.1.

Part B. Expenditure Report

List the total expenditures for the project.

1. Planning

- **School Site:** enter the school site.
- **LEA:** enter the LEA.
- **County:** enter the county.
- **Application Number:** enter the application number.
- **Date:** enter the date.
- **Payee:** enter the payee.
- **Warrant Number:** enter the warrant number.
- **Architect/Engineering Fees:** enter the fees as negotiated in the architect's agreement to design and engineer the construction project.
- **DSA Fees:** enter the fees as determined by the DSA as required by law.
- **Inspections:** enter the amount paid for inspection services provided.
- **Other Costs:** enter any other planning costs.
- **Description/Purpose:** enter the description/purpose.

2. Construction

- **School Site:** enter the school site.
- **LEA:** enter the LEA.
- **County:** enter the county.
- **Application Number:** enter the application number.
- **Date:** enter the date.
- **Payee:** enter the payee.
- **Warrant Number:** enter the warrant number.
- **Main Construction:** enter the amount paid to the main building contractor.
- **Construction Management:** enter the amount paid to the construction manager of the project to supervise the building construction.
- **Demolition:** enter any costs associated with the demolition of existing buildings in preparation for construction.
- **Other Construction:** enter any construction costs not included in the main construction contract.
- **Interim Housing:** enter the amount paid for interim housing units to house students during building modernization.
- **Hazardous Waste Removal:** enter the costs to remove hazardous material from the school site including Department of Toxic Substances Control (DTSC) fees, California Department of Education (CDE) fees, preliminary endangerment assessment costs, phase one environmental site assessment costs, and the response/removal action plan costs as required by DTSC.
- **Description/Purpose:** enter the description/purpose.

Certifications

The LEA representative must complete this section.

LOCAL EDUCATIONAL AGENCY (LEA)	APPLICATION NUMBER
SCHOOL NAME	FIVE-DIGIT CODE (SEE CALIFORNIA PUBLIC SCHOOL DIRECTORY)
COUNTY	SEVEN-DIGIT CODE (SEE CALIFORNIA PUBLIC SCHOOL DIRECTORY)

Part A. Project Information

1. Type of Health and Safety Project (check one)

- Repair Replacement

2. Type of Project (check one)

- Sewer Gas HVAC Other _____
 Water Electrical Fire/Life Safety

3. Type of Facility (check all that apply)

- Classrooms/Instructional Dining Space Multi-Purpose Subsidiary Facilities
 Counseling Area Library Accessibility
 Administrative Space Gymnasium Restrooms

4. School Construction Date

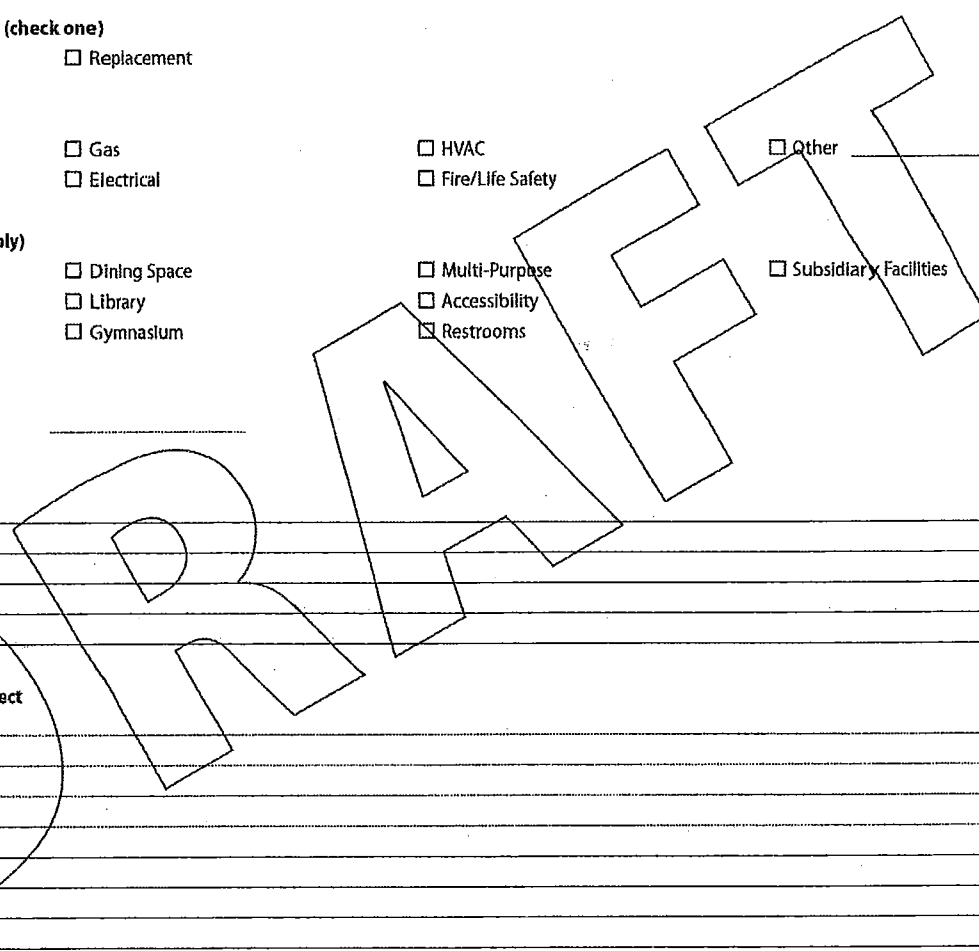
Year of original construction: _____

5. Statement of Condition

6. Description of Work/Scope of Project

7. Project Costs

- I. Planning Cost: \$ _____
 II. Repair/Replacement Cost: \$ _____
 III. Testing: \$ _____
 IV. Inspection: \$ _____
 IV. Total Project Reimbursement: \$ _____



School Facilities Inspection System

Forms

GENERAL INFORMATION

As part of the school accountability report card, school districts and county offices of education are required to make specified assessments of school conditions including the safety, cleanliness, and adequacy of school facilities and needed maintenance to ensure good repair. In addition, beginning with the 2005/2006 fiscal year, school districts and county offices of education must certify that a facility inspection system has been established to ensure that each of its facilities is maintained in good repair in order to participate in the School Facility Program and the Deferred Maintenance Program. Good repair is defined to mean that the facility is maintained in a manner that ensures that it is clean, safe, and functional as determined pursuant to an interim evaluation instrument developed by the Office of Public School Construction [pursuant to Education Code (EC) Section 17002(d)(1)]. This tool is intended to assist school districts and county offices of education in that determination.

County superintendents are required to annually visit the schools in the county of his or her office that are ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index pursuant to EC Section 1240(c) (The California Department of Education published a list of these schools, pursuant to EC Section 17592.70(b) on the department's Web site at www.cde.ca.gov). Further, EC Section 1240(c)(2)(E), states "the priority objective of the visits made shall be to determine the status of the condition of a facility that poses an emergency or urgent threat to the health or safety of pupils or staff as defined in district policy, or as defined by EC Section 17592.72 (c) and the accuracy of data reported on the school accountability report card with the respect to the safety, cleanliness, and adequacy of school facilities, including good repair as required by EC Sections 17014, 17032.5, 17070.75, and 17089." This tool is also intended to assist county offices of education in performing these functions.

SPECIFIC INSTRUCTIONS**Parts I–XIII**

Check the appropriate box that indicates a "yes", "no", or "n/a" (not applicable) response to each part. Note that a "no" response indicates a deficiency. If a deficiency is determined by the evaluator, boxes are provided to indicate additional information. In the building/classroom box, the evaluator will need to provide the location of the problem by indicating a building identification or classroom number. This identifier should correspond to the school's current fire drill site map. In the comment box, the evaluator can provide a description of the issue and any other details necessary to specifically identify the problem.

Emergency facility needs projects, specifically identified in Senate Bill 6, Chapter 899, are noted by an asterisk. If an emergency facility need is identified, school districts that meet the criteria outlined in Emergency Repair Program (ERP) Regulation Section 1859.321 may be eligible for reimbursement for the cost of repairs (see ERP Regulation Section 1859.320, et. seq.).

Part XIV

This section is available for the evaluator to list any other deficiencies found at the school site during the inspection.

Part XV

Complete and sign the acknowledgement (page 6). This form is to be retained for school district or county office of education records.

School Site Information

SCHOOL DISTRICT/COUNTY OFFICE OF EDUCATION	COUNTY	
SCHOOL SITE		
REPRESENTATIVE OF DISTRICT WHO ACCOMPANIED THE EVALUATOR (IF APPLICABLE)	DATE OF REVIEW	TIME OF REVIEW

Evaluator(s) Information

NAME(S)	TITLE	REPRESENTS
1.		
2.		
3.		

Part I. Gas Leaks*

Check the appropriate box that indicates a "yes," "no," or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

A gas leak(s) is not evident. The following are examples:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. There does not appear to be any odor caused by a gas leak.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. There does not appear to be any broken pipes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Part II. Mechanical Systems*

Check the appropriate box that indicates a "yes," "no," or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

Problems with the heating, ventilation, or air conditioning systems as applicable are not evident. The following are examples:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. The heating system is working.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. The facilities are ventilated.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. The ventilation units are unobstructed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
d. The existing air conditioning system is working.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
e. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Part III. Windows/Doors/Gates* (Interior and Exterior)

Check the appropriate box that indicates a "yes," "no," or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

Conditions that pose a security risk are not evident. The following are examples:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. Windows are not broken or missing.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. Doors are not broken or missing.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. Gates are not broken or missing.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
d. Fencing is free of any holes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
e. Locks and other security hardware are functioning.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
f. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

SCHOOL SITE

Part IV. Interior Surfaces (Walls, Floors, and Ceilings)

Check the appropriate box that indicates a "yes", "no", or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

Interior surfaces appear to be clean, safe, and functional. The following are examples:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. Walls are free of hazards from tears, holes, and water damage.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. Flooring is free of hazards from torn carpeting, missing floor tiles, holes, water damage and accumulated refuse.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. Ceiling is free of hazards from missing ceiling tiles, holes, and water damage.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
d. Interior surfaces appear to be free of mildew or mold odor and visual mold.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
e. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Part V. Hazardous Materials* (Interior and Exterior)

Check the appropriate box that indicates a "yes", "no", or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

There does not appear to be evidence of hazardous materials that may pose an immediate threat to pupils or staff. The following are examples:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. There does not appear to be peeling, chipping, or cracking paint.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. There does not appear to be damaged tiles or other circumstances that may indicate asbestos exposure.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. There does not appear to be any indication of mold, such as odor.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
d. Hazardous chemicals and flammable materials are stored properly.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
e. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Part VI. Structural Damage*

Check the appropriate box that indicates a "yes", "no", or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

There does not appear to be evidence of structural damage that has created or has the potential to create hazardous or uninhabitable conditions. The following are examples:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. Severe cracks are not evident.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. Ceilings and floors are not sloping or sagging.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. Posts or beams are not missing.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
d. Dry rot/mold in structural components are not evident.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
e. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

SCHOOL SITE

Part VII. Fire Safety

Check the appropriate box that indicates a "yes," "no," or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

1. The fire sprinklers appear to be in working order. For example:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. Missing or damaged sprinkler heads are not evident.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
2. The emergency equipment and systems appear to be functioning properly. The following are examples:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. Emergency alarms appear to be functional.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. Fire extinguishers are not missing or out-of-date.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Part VIII. Electrical (Interior and Exterior)

Check the appropriate box that indicates a "yes," "no," or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

1. There is no evidence that any portion of the school has a power failure.*	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
2. Electrical hazards are not evident. The following are examples:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. Exposed electrical wires are not evident.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. Outlets, switch plates, junction boxes and fixtures are covered and appear to be working properly.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. Electrical equipment appears to be properly covered and guarded.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
d. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
3. Lighting appears to be adequate and working properly. For example:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. Lighting appears to be adequate.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. Lighting is not flickering.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Part IX. Pest/Vermin Infestation*

Check the appropriate box that indicates a "yes," "no," or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

Major pest or vermin infestation is not evident. The following are examples:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. There are no holes in the walls, floors, or ceilings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. Rodent droppings are not evident.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. Odor caused by a pest or vermin infestation is not evident.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
d. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

SCHOOL SITE

Part X. Drinking Fountains (Inside and Outside)

Check the appropriate box that indicates a "yes", "no", or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

Drinking fountains appear to be accessible and functioning as intended. The following are examples:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. Drinking fountains are accessible.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. Water pressure is adequate.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. A leak is not evident.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
d. Moss or mold is not evident.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
e. The water is clear and tasteless.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
f. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Part XI. Restrooms

Check the appropriate box that indicates a "yes", "no", or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

Restrooms appear to be accessible during school hours, clean, functional and in compliance with SB 892 (EC Section 35292.5). The following are the requirements of being in compliance with SB 892:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. Restrooms are maintained and cleaned regularly.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. Restrooms are fully operational.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. Restrooms are stocked with toilet paper, soap, and paper towels or functional hand dryers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
d. Restrooms are open during school hours.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
e. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Part XII. Sewer*

Check the appropriate box that indicates a "yes", "no", or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

Major sewer line stoppage is not evident. The following are examples:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. Obvious signs of flooding in the facilities or on the school grounds are not evident.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. There does not appear to be any odor.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

SCHOOL SITE

Part XIII. Playground/School Grounds

Check the appropriate box that indicates a "yes", "no", or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

The playground equipment and school grounds appear to be clean, safe and functional. The following are examples:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. Significant cracks, holes and deterioration are not found.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. Accumulated refuse is not found.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. Open "S" hooks, protruding bolt ends, and sharp points/edges are not found in the playground equipment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
d. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Part XIV. Other

BUILDING/CLASSROOM

Part XV. Acknowledgement:

I am a representative of _____, and the information contained herein is true and correct to the best of my knowledge and the above findings were made during my review of this school site on _____ at _____ a.m./p.m.

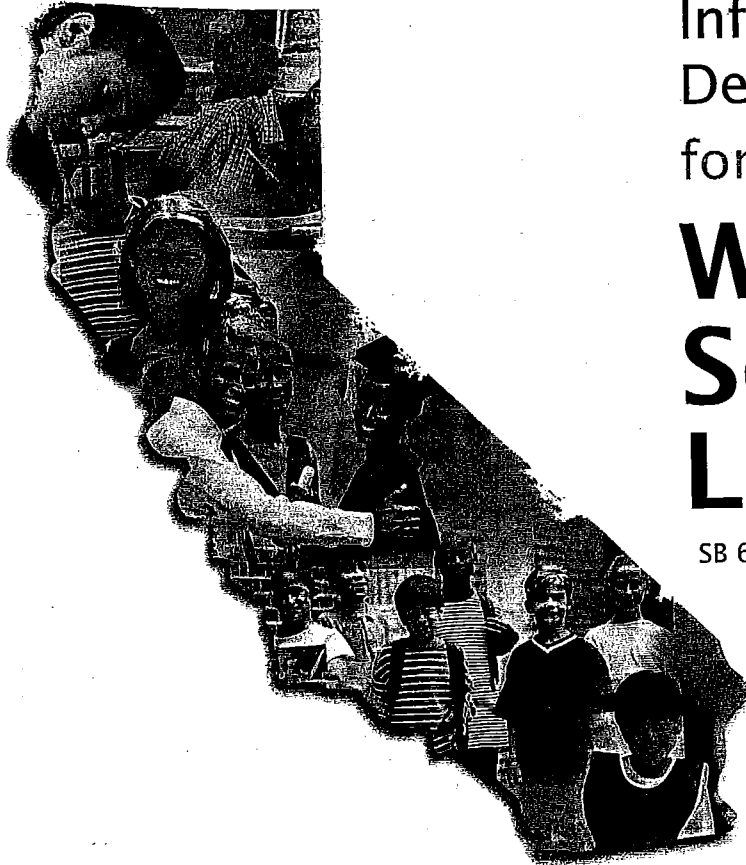
PRINT NAME	TITLE
SIGNATURE	DATE
TELEPHONE NUMBER	E-MAIL ADDRESS

Williams Settlement Legislation

School Facilities Inspection System (SFIS)

School Facility Component	Conditions (good, fair, poor)
Floor Covering:	
Carpeting	
Asphalt Tile and Vinyl Tile	
Hardwood Floors	
Painting:	
Interior of Classrooms	
Interior of Library	
Interior of Offices	
Interior of Hallways	
Interior of Cafeteria	
Interior of Restrooms	
Interior of Other Spaces	
Exterior Stucco	
Exterior Masonry	
Exterior Wood	
Exterior Metal Trim	
Electrical and Communication Systems:	
Panels and Boards	
Signal Systems	
Fire Alarms	
Public Address	
Conductors and Cables	
Classroom Lighting:	
Substandard Incandescent Lighting	
Obsolete Fluorescent Lighting	
Fixtures	
Roofing:	
Large Sections	
Whole Buildings	
Flashings	
Gutters	
Downspouts	
Ceiling Tiles	

School Facility Component	Conditions (good, fair, poor)
Plumbing:	
Piping within boundaries	
Underground Gas	
Underground Water	
Sewer	
Leach Fields	
Well Replacement	
Heating/Ventilation/Air-Conditioning:	
Heating/Ventilation/Air-Conditioning:	
Gas-fired unvented wall heaters	
Other heating systems	
Boilers	
Piping	
Individual heating units except gas-fires wall heaters	
Ventilation and Air-Conditioning Systems	
Central Systems	
Individual Units	
Cafeteria fume exhaust systems	
Automotive fume exhaust systems	
Wall Systems:	
Doors including hardware	
Window Assemblies (including wood sash)	
Indoor gym bleachers that pull out from wall	
Siding	
Restroom partitions (attached to wall)	
Paving:	
Asphalt	
Slurry Coat	
Seal	
Concrete	
Underground Toxic Tank:	
Removal	
Clean-up	
Hazardous Materials:	
Inspection, Sampling, and analysis	
Removal or encapsulation	



Information for
Deciles 1-3 Schools
for the

Williams Settlement Legislation

SB 6, SB 550, AB 1550, AB 2727, AB 3001

<http://www.sdcoe.net/williams>



SAN DIEGO COUNTY OFFICE OF EDUCATION
JANUARY/FEBRUARY 2005



San Diego County Office of Education

Information for Deciles 1-3 Schools
for the
**Williams
Settlement
Legislation**

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**WILLIAMS SETTLEMENT LEGISLATION
REQUIREMENTS OVERVIEW CHART
(SB6, SB550, AB1550, AB2727, AB3001)**

	All Schools	Deciles 1-3 Schools	School Visit Process	School Accountability Report Card	Uniform Complaint Process (UCP)	High Priority Schools Program
<p>Sufficiency of Instructional Materials/ Textbooks</p>	<p>Order materials before school starts, no later than week 4 of school year Hold public hearing by week 8 of school year Board resolution on textbook sufficiency Statement of assurance sent to CDE on textbook sufficiency Report more detailed info on SARC regarding textbook availability</p>	<p>API Deciles 1-3 schools materials reviewed <i>annually</i> in 4 core areas: reading/language arts, mathematics, science, and history-social science Every pupil, including English learners, has a textbook to use for class and homework Provide documentation on instructional materials at API Deciles 1-3 schools in advance of COE site visit</p>	<p>COE request documentation of district's instructional materials for API Deciles 1-3 schools In 2004-05, site visits conducted within 120 days of COE funding In future years, site visits within first 4 weeks of school 25% of site visits unannounced Verify accuracy of SARC data</p>	<p>All schools must document every student has instructional materials in all 4 core content areas Health and foreign language textbooks and science lab equipment must be included</p>	<p>Districts modify uniform complaint process to include insufficient instructional materials Post notice in every classroom notifying parents of ability to file a complaint if there are insufficient instructional materials</p>	<p>Action Plans to address textbook/instructional materials "sufficiency" and compliance</p>

<p>Facilities Maintenance</p>	<p>All Schools</p> <p>Establish facilities inspection system by 6/30/05, as condition to participating in Schools Facilities Program and Deferred Maintenance Program</p> <p>Report more detailed info on SARC's regarding facilities</p>	<p>Deciles 1-3 Schools</p> <p>API Deciles 1-3 schools site visits to assess emergency repair needs and accuracy of facilities SARC data</p> <p>Prepare self-assessment of emergency needs in advance of COE site visit</p> <p>Complete a baseline school facilities needs assessment by 1/1/06 of buildings constructed before 1/1/00</p> <p>Make repairs and request reimbursement from OPSC for emergency repairs from School Facilities Emergency Repair Account (available 05-06)</p>	<p>School Visit Process</p> <p>Request self-assessment for API Deciles 1-3 schools facility emergency needs prior to site visit</p> <p>In 2004-05, site visits conducted within 120 days of COE funding</p> <p>In future years, site visits within first 4 weeks of school</p> <p>25% of site visits unannounced</p> <p>Verify accuracy of SARC data</p>	<p>School Accountability Report Card</p> <p>All schools must document the safety, cleanliness, and adequacy of school facilities, including maintenance schedules indicating good repair</p>	<p>Uniform Complaint Process (UCP)</p> <p>All districts modify uniform complaint process to include emergency and urgent facilities issues</p> <p>Post notice in every classroom notifying parents of ability to file a complaint if facilities are not in good repair</p>	<p>High Priority Schools Program</p> <p>Action Plans address "good repair"</p>
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	<p>All Schools</p> <p>On 4-year cycle, increased reporting for teacher assignments, including assignments and training for teachers of English learners Report more detailed info on SARCs regarding teacher assignments</p>	<p>Deciles 1-3 Schools</p> <p>Annual reporting of teacher district assignments, including training for teachers of English learners</p>	<p>School Visit Process</p> <p>Not required by legislation County office validates district office review of API Deciles 1-3 schools annually and for all schools every 4 years as part of customary credential monitoring and review process.</p>	<p>School Accountability Report Card</p> <p>All schools must document the misassignments of teachers, including misassignments of English learner teachers, and the number of vacant teacher positions for the most recent 3-year period</p>	<p>Uniform Complaint Process (UCP)</p> <p>Districts modify uniform complaint process to include teacher vacancies and/or misassignment issues</p>	<p>High Priority Schools Program</p> <p>Beginning in 2004-05, action plan for schools initially applying for funding to include component on Highly Qualified Teachers as defined by NCLB and appropriately credentialled teachers for English learners</p>
<p>Teacher Assignments</p>						

Williams Settlement Legislation

**San Diego County Schools
2003 Base API School Report**

Provided on the California Department of Education web site:

<http://www.cde.ca.gov/eo/ce/wc>

December 14, 2004

Updated San Diego County Schools in Deciles 1-3, Based on 2003 Base API

District Name	School Name	Enrollment	Rank	Charter	Closed	Method
Cajon Valley Union Elementary	Ballantyne (John) Elementary	521	2		X	2003 Base
Cajon Valley Union Elementary	Cajon Valley Middle	1,085	2			2003 Base
Cajon Valley Union Elementary	Johnson Elementary	606	3			2003 Base
Cajon Valley Union Elementary	Lexington Elementary	784	3			2003 Base
Cajon Valley Union Elementary	Naranca Elementary	800	3			2003 Base
Chula Vista Elementary	Chula Vista Learning Community Charter	557	2	X		2003 Base
Chula Vista Elementary	Feaster-Edison Charter	1,118	3	X		2003 Base
Chula Vista Elementary	Harborside Elementary	734	1			2003 Base
Chula Vista Elementary	Juarez-Lincoln Elementary YR	672	3			2003 Base
Chula Vista Elementary	Lauderbach (J. Calvin) Elementary	863	1			2003 Base
Chula Vista Elementary	Loma Verde Elementary	581	3			2003 Base
Chula Vista Elementary	Los Altos Elementary	391	2			2003 Base
Chula Vista Elementary	Montgomery (John J.) Elementary	421	1			2003 Base
Chula Vista Elementary	Otay Elementary	664	2			2003 Base
Chula Vista Elementary	Silver Wing Elementary	545	2			2003 Base
Chula Vista Elementary	Vista Square Elementary	721	3			2003 Base
Escondido Union Elementary	Central Elementary	870	2			2003 Base
Escondido Union Elementary	Felicita Elementary	916	3			2003 Base
Escondido Union Elementary	Glen View Elementary	816	2			2003 Base
Escondido Union Elementary	Grant Middle	1,465	2			2003 Base
Escondido Union Elementary	Lincoln Intermediate	667	1			2003 Base
Escondido Union Elementary	Lincoln Primary	700	3			2003 Base
Escondido Union Elementary	Pioneer Elementary	1,039	1			2003 Base
Escondido Union Elementary	Rose Elementary	921	3			2003 Base
Escondido Union High	Center City High (Alt)	227	1			2003 Base
Grossmont Union High	El Cajon Valley High	2,230	2			2003 Base
Grossmont Union High	Phoenix High (Alter.)	142	1			Estimated
Grossmont Union High	Special Education Program	306	1			2002 Base
La Mesa-Spring Valley	Kempton Street Elementary	748	3			2003 Base
Mountain Empire Unified	Potrero Elementary	173	3			2003 Base
National Elementary	Central Elementary	794	3			2003 Base
National Elementary	Lincoln Acres Elementary	808	3			2003 Base
National Elementary	New Horizons Elementary	600	3			2003 Base
Oceanside Unified	Ditmar Elementary	612	2			2003 Base
Oceanside Unified	Laurel Elementary	527	3			2003 Base
Oceanside Unified	Libby Elementary	712	3			2003 Base
Oceanside Unified	Mission Elementary	723	3			2003 Base
San Diego Unified	Adams Elementary	749	3			2003 Base
San Diego Unified	Baker Elementary	549	2			2003 Base

Updated San Diego County Schools in Deciles 1-3, Based on 2003 Base API

District Name	School Name	Enrollment	Rank	Charter	Closed	Method
San Diego Unified	Balboa Elementary	817	1			2003 Base
San Diego Unified	Baird Elementary	230	3			2003 Base
San Diego Unified	Birney Elementary	551	3			2003 Base
San Diego Unified	Brooklyn Elementary	548	2			2003 Base
San Diego Unified	Carver Elementary	520	3			2003 Base
San Diego Unified	Charter School of San Diego	1,366	2	X		2003 Base
San Diego Unified	Chavez (Cesar) Elementary	753	2			2003 Base
San Diego Unified	Chollas/Mead Elementary	925	2			2003 Base
San Diego Unified	Crawford Senior High	1,698	2			2003 Base
San Diego Unified	Darnall E-Campus Charter	546	2	X		2003 Base
San Diego Unified	Edison Elementary	631	2			2003 Base
San Diego Unified	Emerson/Bandini Elementary	1,017	1			2003 Base
San Diego Unified	Encanto Elementary	971	1			2003 Base
San Diego Unified	Euclid Elementary	900	1			2003 Base
San Diego Unified	Garfield Elementary	514	2			2003 Base
San Diego Unified	Gompers Secondary	1,833	1			2003 Base
San Diego Unified	Hamilton Elementary	1,103	3			2003 Base
San Diego Unified	Holly Drive Leadership Academy	146	1	X		2003 Base
San Diego Unified	Hoover Senior High	2,160	1			2003 Base
San Diego Unified	Horton Elementary	835	2			2003 Base
San Diego Unified	Jackson Elementary	1,010	2			2003 Base
San Diego Unified	Keiler Middle	643	2			2003 Base
San Diego Unified	Kennedy Elementary	826	1			2003 Base
San Diego Unified	Kimbrough (Jack) Elementary	980	2			2003 Base
San Diego Unified	King (Martin Luther) Elementary	735	1			2003 Base
San Diego Unified	King/Chavez Academy of Excellence	297	3	X		2003 Base
San Diego Unified	Knox Elementary	636	1			2003 Base
San Diego Unified	Logan Elementary	942	1			2003 Base
San Diego Unified	Mann Middle	1,416	2			2003 Base
San Diego Unified	Marshall Elementary	703	2			2003 Base
San Diego Unified	Memorial Academy Charter	1,589	1	X		2003 Base
San Diego Unified	Montgomery Middle	752	3			2003 Base
San Diego Unified	Muir (John)	311	3			2003 Base
San Diego Unified	Parks (Rosa) Elementary	1,500	2			2003 Base
San Diego Unified	Perkins Elementary	402	2			2003 Base
San Diego Unified	Promise Charter	194	2	X		2003 Base
San Diego Unified	Roosevelt Junior High	1,072	2			2003 Base
San Diego Unified	Rowan Elementary	345	2			2003 Base
San Diego Unified	San Diego Senior High	2,776	2			2003 Base

Updated San Diego County Schools in Deciles 1-3, Based on 2003 Base API

District Name	School Name	Enrollment	Rank	Charter	Closed	Method
San Diego Unified	Sherman Elementary	690	2			2003 Base
San Diego Unified	Sojourner Truth Learning Academy	129	1 X	X		2003 Base
San Diego Unified	Washington Elementary	313	2			2003 Base
San Diego Unified	Webster Elementary	560	2			2003 Base
San Diego Unified	Wilson Middle	1,440	2			2003 Base
San Diego Unified	Youth Opportunities Unlimited (Alt.)	258	1			2002 Base
San Marcos Unified	San Marcos Elementary Academy	679	1			2003 Base
San Ysidro Elementary	Beyer Elementary	598	1			2003 Base
San Ysidro Elementary	La Mirada Elementary	579	1			2003 Base
San Ysidro Elementary	San Ysidro Middle	1,051	2			2003 Base
San Ysidro Elementary	Smythe Elementary	783	2			2003 Base
San Ysidro Elementary	Willow Elementary	741	1			2003 Base
South Bay Union Elementary	Bayside Elementary	476	3			2003 Base
South Bay Union Elementary	Berry (Godfrey G.) Elementary	685	3			2003 Base
South Bay Union Elementary	Central Elementary	724	3			2003 Base
South Bay Union Elementary	Nestor Elementary	984	3			2003 Base
South Bay Union Elementary	Nicoloff (George) Elementary	1,220	2			2003 Base
South Bay Union Elementary	Sunnyslope Elementary	761	2			2003 Base
Sweetwater Union High	Castle Park Middle	1,530	3			2003 Base
Sweetwater Union High	Castle Park Senior High	2,387	2			2003 Base
Sweetwater Union High	Chula Vista Middle	1,412	3			2003 Base
Sweetwater Union High	Granger Junior High	1,197	3			2003 Base
Sweetwater Union High	MAAC Community Charter	248	1 X			Estimated
Sweetwater Union High	Mar Vista Senior High	2,296	3			2003 Base
Sweetwater Union High	Montgomery Senior High	2,525	2			2003 Base
Sweetwater Union High	National City Middle	890	3			2003 Base
Sweetwater Union High	San Ysidro High	1,157	1			2003 Base
Sweetwater Union High	Southwest Middle	899	3			2003 Base
Sweetwater Union High	Southwest Senior High	2,513	2			2003 Base
Sweetwater Union High	Sweetwater High	2,682	2			2003 Base
Valley Center-Pauma Unified	Pauma Elementary	240	1			2003 Base
Vista Unified	Bobier Elementary	867	3			2003 Base
Vista Unified	Crestview Elementary	707	2			2003 Base
Vista Unified	Lincoln Middle	1,334	3			2003 Base
Vista Unified	Olive Elementary	764	2			2003 Base
Vista Unified	Vista Focus Academy	156	1			2002 Base
TOTAL	114	100,025		10	2	

Williams Settlement Legislation Implementation Timeline

2004-05 School Year

120 days from receipt of funds	County site visits of schools in API Deciles 1-3 to determine sufficiency of textbooks, emergency or urgent facility needs, and accuracy of School Accountability Report Card (SARC) data with respect to sufficiency of instructional materials and the condition of facilities
Within 5 days of visit	County Superintendent to prepare a report within five days of site visit if there are insufficient instructional materials
December 1, 2004	All school districts hold public hearing and adopt instructional materials resolution by this date
January 1, 2005	All school districts have Uniform Complaint Procedures in place and notice posted in every classroom
January 25, 2005	Office of Public School Construction (OPSC) to develop interim "good repair" evaluation instrument
January 31, 2005	State Allocation Board (SAB) to adopt emergency regulations to administer the School Facilities Needs Assessment Grant Program (SFNAGP)
January 31, 2005	SAB to adopt emergency regulations to administer School Facilities Emergency Repair Account (SFERA)
February 2005	Funds become available for schools in API Deciles 1-3 to conduct assessments under the SFNAGP
April 2005	First quarterly report on complaints received under the Uniform Complaint Procedure due to governing board and SDCOE
June 30, 2005	SAB to submit interim status report to Legislature and Governor on progress of SFNAGP assessments
June 30, 2005	Commission on Teacher Credentialing to report to Legislature and Governor on the comparability and equivalency of the preparation of teachers in other states in the areas of basic skills proficiency and fifth year programs

Annually	County Superintendent presents report on the state of schools in API Deciles 1-3 to the governing board of each school district, county board of education and the county board of supervisors
Annually	County Superintendent to review teacher assignment of schools in API Deciles 1-3 and submit report to the Commission on Teacher Credentialing and California Department of Education (CDE). In addition, information related to misassignment of certificated personnel and teacher vacancies shall be submitted to each affected district within 30 calendar days of the monitoring activity

2005-06 school year and annually thereafter unless otherwise specified

July 1, 2005	Districts that wish to participate in the State Schools Facilities Program and deferred maintenance program in 2005-06 and beyond must establish a facilities inspection program
July 2005	Funds become available for School Facilities Emergency Repair Account. Funding to continue for eight years
First 4 weeks of school	County site visits of schools in API Deciles 1-3 to determine sufficiency of textbooks, emergency or urgent facility needs, and accuracy of SARC data with respect to sufficiency of instructional materials and the condition of facilities
Within 5 days of visit	County Superintendent to prepare a report within five days of site visit if there are insufficient instructional materials. County Superintendent to ensure remediation by second month of the school term
Week 8 of school year	All school districts hold public hearing and adopt instructional materials resolution by this date
Month 2 of school year	School districts must take action to ensure students have sufficient instructional materials by this date
August- December	As part of annual Financial and Compliance Audits, auditor must verify reporting requirements for sufficiency of instructional materials, teacher misassignments, and SARC accuracy
December 31, 2005	OPSC to recommend to Legislature and Governor options for state standards of "good repair" in lieu of interim evaluation instrument
January 1, 2006	API Deciles 1-3 schools complete one time facility needs assessments and provide results to OPSC

January-March	County Superintendents shall include in annual review of audit exceptions from Financial and Compliance Audits, exceptions related to use of instructional materials funds, teacher misassignments, and SARC accuracy
Annually	County Superintendent presents report on the state of schools in API Deciles 1-3 to the governing board of each school district, county board of education and the county board of supervisors
Annually	County Superintendent to review teacher assignment of schools in API Deciles 1-3 and submit report to the Commission on teacher Credentialing and CDE. In addition, information related to misassignment of certificated personnel and teacher vacancies shall be submitted to each affected district within 30 calendar days of the monitoring activity
September 1, 2006	Legislature and Governor must establish in statute a state standard for "good repair"
June 30, 2008	SAB to report to Legislature and Governor on expenditures from SFERA

**Williams Settlement Legislation
Glossary of Terms - Acronyms**

API	Academic Performance Index
ASAM	Alternative Schools Accountability Model
CDE	California Department of Education
CCTC	California Commission on Teacher Credentialing
BCLAD	Bilingual Crosscultural Language and Academic Development
CISC	Curriculum and Instruction Steering Committee of the California County Superintendents Education Services Association
CCR	California Code of Regulations
CLAD	Crosscultural Language and Academic Development
CTEL	California Teachers of English Learners
EC	Education Code
EL	English Learner
FCMAT	Financial Crisis and Management Assistance Team
HPSGP	High Priority Schools Grant Program
OPSC	Office of Public School Construction
SAB	State Allocation Board
SARC	School Accountability Report Card
SBE	State Board of Education
SDAIE	Specifically Designed Academic Instruction in English
SDCOE	San Diego County Office of Education
SFERA	School Facilities Emergency Repair Account
SFIS	School Facilities Inspection System
SFNAGP	School Facilities Needs Assessment Grant Program
SPI	Superintendent of Public Instruction

Williams Settlement Legislation Glossary of Terms

AB 75 Principal Training: The Principal Training Program, authorized by AB 75 (Chapter 697, Statutes 2001), *Education Code* Sections 44510-44517, provides incentive funding for local educational agencies to provide professional development for school site administrators using State Board of Education-approved training providers.

Decile: Ranking for schools on the Academic Performance Index of 1 through 10, 1 being the lowest and 10 being the highest.

Deferred Maintenance Program: The state School Deferred Maintenance Program provides state-matching funds, on a dollar-for-dollar basis, to assist school districts with expenditures for major repair or replacement of existing school building components. This includes roofing, plumbing, heating, air conditioning, electrical systems, interior/exterior painting, floor systems, etc. Funds are also provided for emergency hardship projects where the work must be completed within one year.

Emergency Facilities Needs: 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: gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff; structural damage creating a hazardous or uninhabitable condition; and any other emergency conditions that the school district determines appropriate.

English Learner: A student whose primary language is other than English. Depending upon the student's English language proficiency, he/she is placed in a program to meet his/her English language development and core academic instructional needs.

Facilities Needs Assessment: One-time comprehensive assessment of school facilities needs for schools in Academic Performance Index Deciles 1-3.

Financial and Compliance Audit: An audit that ascertains and verifies whether or not funds provided through apportionment, contract, or grant, either federal or state, have been properly disbursed and expended as required, and includes verification of sufficiency of textbooks and instructional materials, teacher misassignments, and the accuracy of data reported on the School Accountability Report Card.

Good Repair: The facility is maintained in a manner that ensures that it is clean, safe, and functional as determined pursuant to an interim evaluation instrument developed by the Office of Public School Construction.

Negative Financial Certification: The County Superintendent can give a school district a negative financial certification if the district will be unable to meet its financial obligations for the remainder of the current fiscal year or for the subsequent fiscal year.

Qualified Financial Certification: The County Superintendent can give a school district a qualified financial certification if it may not be able to meet its financial obligations in the current fiscal year or two subsequent fiscal years.

School Facilities Inspection System: As a condition of participation in the school facilities program or the receipt of deferred maintenance funds, a school district shall establish a facilities inspection system to ensure that each of its schools is maintained in good repair.

School Facilities Program: This program is run by the Office of Public School Construction and is composed of the New Construction program and the State Modernization program. The New Construction program provides state funds on a 50/50 state and local sharing basis for public school capital facility projects in accordance with statute. The State Modernization Program provides state funds on a 60/40 basis for improvements to educationally enhance school facilities. Projects eligible under this program include such modifications as air conditioning, plumbing, lighting, and electrical systems.

Site Visits: The County Superintendent shall visit schools in 2003 Base Academic Performance Index Deciles 1-3 annually to determine if the schools have sufficient textbooks, if there are any emergency or urgent repair needs, and the accuracy of data reported on the SARC regarding textbooks and facilities.

Sufficient Textbooks or Instructional Materials: Each pupil, including English learners, has a textbook or instructional materials, or both, to use in class and to take home to complete required homework assignments.

Teacher Misassignment: The placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

Teacher Vacancy: A position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire 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 the semester for an entire semester.

Uniform Complaint Procedure: A procedure to resolve complaints of violations of state and federal education codes.

San Diego County Office of Education Williams Settlement

Annual Site Visits

What?

The law requires Deciles 1-3 Schools be visited by SDCOE annually to determine:

- Availability of sufficient textbooks and instructional materials.
- Conditions of the facilities that pose an emergency or threat to the health or safety of pupils or staff.
- Safety, cleanliness and adequacy of school facilities, including "good repair".
- The accuracy of the data reported on the School Accountability Report Card (SARC).

Twenty-five of the annual visits must be unannounced.

The results of the annual visits must be reported to the governing board of each school district, the county board of education and the county board of supervisors.

Why?

The intent of the law is to ensure that all students have equal access to:

- Instructional Materials
- Qualified Teachers
- Safe, clean, adequate schools

When?

In 2004-2005, SDCOE will visit all Deciles 1-3 schools within 120 days of receiving funds from the State to conduct the annual visits.

Starting in 2005-2006, the SDCOE visits to schools must occur within the first four weeks of school.

Who?

The visiting teams will be comprised of 4 to 6 people depending on the size of the campus. Team members will be staff from SDCOE and other school districts. Use of staff from SDCOE staff and other school districts will ensure a peer level review. Team members will receive training on the use of standardized survey checklists and will be trained to minimize the impact on teaching and learning.

How?

- School sites will receive both written and electronic notifications of the school visits. Note at least 25% of the site visits must be unannounced.
- Each site visit will begin with an introductory meeting with the visiting team members and the school site administrator and/ or other school staff members, as deemed appropriate by the site administrator.
- The facility team members will perform a visual inspection of every space to ensure safety, cleanliness and functionality.
- A percentage of classrooms will be visited by the instructional materials team members to ensure sufficiency of textbooks and instructional materials.
- Every effort will be made to minimize the impact on classroom instruction.
- A wrap-up meeting will be held with the site administrator and others as deemed appropriate by the site administrators.

**Williams Settlement Legislation
Facilities and Maintenance
Education Code Sections 1240, 17592.70, 17592.71,
17592.72, 17070.75**

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Questions and Answers

Facilities Overview

Q1. What are the elements of legislation that deal with the facility portion of the Williams Settlement?

- A1. SB 6 – Authorizes the School Facilities Needs Assessment Grant Program (SFNAGP) and creates a new School Facilities Emergency Repair Account (SFERA).
SB 550 – Establishes new County Superintendent oversight requirements for Deciles 1-3 schools relative to adequacy of school facilities and accuracy of school facility data reported on the school accountability report card.
SB 550 – Also establishes a School Facilities Inspection System (SFIS) for all schools as a condition of participation in the school facilities program and/or the deferred maintenance program.

Site Visits Conducted by SDCOE

Q2. Which schools will SDCOE visit? When will the visits occur in 2004-05?

- A2. In 2004-05, SDCOE will visit all schools in API Deciles 1-3 within 120 days of funding to determine conditions of school facilities that pose an emergency or urgent threat to the health or safety of pupils or staff as defined by district policy, or as listed below:
- Gas leaks
 - Nonfunctioning heating, ventilation, fire sprinklers, or air conditioning systems
 - Electrical power failure
 - Major sewer line stoppage
 - Broken windows or exterior doors or gates that will not lock and that pose a security risk
 - Hazardous materials previously undiscovered that pose an immediate threat to pupil or staff
 - Structural damage creating a hazardous or uninhabitable condition

Q3. Will the County site visits be different in future years?

A3. Starting in 2005-06, the SDCOE visits to schools in API Deciles 1-3 will occur within the first four weeks of school and will determine conditions of school facilities that pose an emergency or urgent threat to the health or safety of pupils and staff as defined above. The site visit will also verify the accuracy of SARC data relative to the safety, cleanliness, and adequacy of school facilities, including "good repair."

Q4. Is there a sample checklist for determining "good repair"?

A4. Not yet. Good repair means that the facility is maintained in a manner that assures that it is clean, safe, and functional as determined pursuant to an interim evaluation instrument to be developed by OPSC no later than 1/25/05 and established in statute by 9/1/06.

School Facilities Needs Assessment Grant Program (SFNAGP) for API Deciles 1-3 Schools

Q5. What is the School Facilities Needs Assessment Grant Program (SFNAGP)?

A5. The School Facilities Needs Assessment Grant Program (SFNAGP) is a one-time school facilities needs assessment that must contain specific components including a list of necessary facility repairs. The program will provide funding to conduct the facilities needs assessment only for API Deciles 1-3 schools. The assessments must be completed no later than 1/1/06.

Q6. What does a district need to do to establish eligibility to participate in the SFNAGP?

A6. Identify schools in API Deciles 1-3 using the CDE list.

- Obtain CBEDS 2003 enrollment
- Verify that the district has fully funded its deferred maintenance
- Verify that the district has fully funded the routine restricted maintenance account

Q7. How much money will a district receive from SFNAGP?

A7. For all schools that meet the eligibility requirements, the State Allocation Board (SAB) will allocate ten dollars (\$10) per pupil based on the 2003 CBEDS enrollment for that school. The minimum allocation will be \$7,500. The SAB will generate a single apportionment for all of the eligible schools in the school district.

Q8. For what can the SFNAGP funds be used?

A8. The apportionment must initially be used to develop and implement a comprehensive facilities needs assessment for the eligible schools. Funds remaining after the facilities needs assessments are completed must be used to fund repairs identified during the facilities needs assessment process.

Q9. What, if any, governing board action is required?

A9. The regulations to be adopted by SAB no later than 1/31/05 will address this item.

Q10. Can an individual school site receive funds?

A10. Funds will be distributed to individual school districts that have eligible schools.

Q11. Is the assessment a one-time process?

A11. Yes, the facilities needs assessment is a one-time process.

Q12. When can school districts get the funds for SFNAGP?

A12. The State Allocation Board will allocate funds to eligible school districts following adoption of the regulations no later than 1/31/05.

Q13. When can school districts start conducting the facilities needs assessment?

A13. Districts can start conducting the needs assessment following the adoption of regulations and related assessment tool by the SAB on 1/26/05.

Q14. When can districts apply for the funding for the cost of conducting the needs assessment?

A14. Districts will not be required to apply for funds to conduct their needs assessment. OPSC will automatically allocate the funds for the needs assessment to eligible districts following SAB approval on 2/23/05.

Q15. Can a school district receive funding to complete a facilities needs assessment for all its schools, not just the API Deciles 1-3 schools?

A15. Funds for the needs assessment are available only for API Deciles 1-3 schools.

Q16. If a school district recently completed a facilities needs assessment, can that information be used to respond to the SFNAGP?

A16. Yes, if the information is applicable to the SFNAGP.

Q17. Do district staff or consultants conduct the needs assessment? Do the needs assessments need to be done by people who have been fingerprinted?

A17. OPSC has been tasked with identifying the qualifications of persons assigned to complete the needs assessment. These qualifications are expected to be in the regulations to be adopted by the SAB no later than 1/31/05.

Q18. When must the facilities needs assessment be completed?

A18. All school districts with API Deciles 1-3 schools must complete their School Facilities Needs Assessment by 1/1/06.

Q19. To whom does a district submit the facilities needs assessment?

A19. School districts must provide the results of the assessment to OPSC, including a report on the expenditures made in performing the assessment.

Q20. What if a district's API Deciles 1-3 schools change? Can the district add/delete sites from the program?

A20. Only schools that are no longer in operation may be dropped from the CDE-established 2003-04 lists. No new schools may be added.

Q21. How old do the facilities need to be to qualify?

A21. API Deciles 1-3 schools must be constructed prior to 1/1/2000.

Q22. What needs to be included in the facilities needs assessment?

A22. The following list is the minimum reporting requirement and may include more information:

- The year each building that is currently used for instructional purposes was constructed
- The year, if any, each building that is currently used for instructional purposes was last modernized
- The pupil capacity of the school
- The number of pupils enrolled in the school
- The density of the school campus measured in pupils per acre
- The total number of classrooms at the school
- The age and number of portable classrooms at the school

- Whether the school is operating on a multitrack, year-round calendar and if so what type
- Whether the school has a cafeteria, auditorium or other space used for pupil eating and not for class instruction
- The useful life remaining of all major building systems for each structure housing instructional space
- Estimated costs for five years necessary to maintain health, safety, and suitable learning environment including classroom, counseling areas, administrative space, libraries, gymnasiums, multipurpose and dining space, and the accessibility to those spaces
- A list of necessary repairs

Q23. Is there an approved facilities needs assessment form districts should be using?

A23. An approved facilities needs assessment tool will be adopted by SAB no later than 1/31/05.

School Facilities Emergency Repair Account (SFERA) for API Deciles 1-3 Schools

Q24. What is SFERA?

A24. The School Facilities Emergency Repair Account (SFERA) is a savings account to address emergency facilities needs for schools in API Deciles 1-3. The first state deposit into the SFERA is \$5 million in 2004-05. In subsequent fiscal years, the state must transfer the greater of \$100 million or 50% of the Proposition 98 Reversion Account until the amount transferred into the account reaches \$800 million. The funds in the account are for the reimbursement of emergency facility repairs. The process for obtaining these funds will be addressed in regulations to be adopted by the SAB no later 1/31/05.

Q25. What is an emergency facility repair?

A25. Emergency repairs are defined as structures or systems that are in a condition that poses a threat to the health and safety of pupils or staff while at school. Some of eligible emergency repairs include:

- Gas Leaks
- Nonfunctioning heating, ventilation, fire sprinklers, or air conditioning systems
- Electrical power failure
- Major sewer line stoppage
- Broken windows or exterior doors or gates that will not lock and that pose a security risk
- Hazardous materials previously undiscovered that pose an immediate threat to pupil or staff
- Structural damage creating a hazardous or uninhabitable condition

Q26. What school districts are eligible to receive SFERA funds?

A26. Districts having schools in API Deciles 1-3 that were constructed prior to 1/1/00 are eligible to receive funding from the SFERA.

Q27. When can school districts get SFERA funds?

A27. Eligible school districts will be able to seek reimbursement from SFERA funds after 7/05.

Q28. Is there a district match to the funds received for these repairs?

A28. This is a reimbursement program and no district match is required.

Q29. Can SFERA funds be used for schools that are not in API Deciles 1-3?

A29. No. Only schools in API Deciles 1-3 are eligible for funds.

Q30. Can the SFERA funds be used to for replacement and or acquisition or just repairs?

A30. Regulations to be adopted by the SAB no later than 1/31/05 are expected to address this item.

Q31. Are there any restrictions in the use of funds from SFERA?

A31. SFERA funds may only be used for repairs and cannot be used to supplant existing funding.

Q32. What kinds of records should districts keep?

A32. Districts should maintain all records that support the expenditure of SEFRA funds, including all bid documents for projects over \$15,000.

Q33. Will the repairs be audited?

A33. Districts should anticipate that the repairs and expenditure of SEFRA funds will be audited. Regulations to be adopted by the SAB no later than 1/31/05 are expected to clarify this item.

Q34. How long does the state have to audit the repairs after they are done?

A34. Current regulations require OPSC to conduct an audit within 3 years of the completion of the project. Regulations to be adopted by SAB no later than 1/31/05 are expected to address this item.

Q35. How long will this program be available?

A35. Based on amount of funding allocated, it is anticipated that the program will be available for approximately 8 years. Regulations to be adopted by the SAB no later than 1/31/05 are expected to clarify this item.

School Facilities Inspection System (SFIS) for All School Participating in the SFP and/or DM Program

Q36. What is a School Facilities Inspection System (SFIS)?

A36. Education Code 17070.75 (e) requires school districts to establish an SFIS as a condition to participate in the School Facilities Program or the receipt of funds from the Deferred Maintenance Program. Currently there is no definition in the legislation regarding what constitutes a SFIS. SDCOE will assist districts in developing a generic SFIS that will be available to all districts for their use.

Q37. Are all school sites required to have a SFIS?

A37. Only school districts that participate in the School Facilities Program or Deferred Maintenance Program are required to develop a SFIS.

Q38. When must the SFIS be completed?

A38. Districts must implement a SFIS no later than 7/1/05.

Q39. How will the standards for the SFIS be developed?

A39. Legislation does not address how SFIS standards are to be developed. SDCOE will assist districts in developing standards that can be used by all districts, as they deem appropriate.

Q40. Will the inspection process be simple?

A40. SDCOE will collaborate with all districts and other agencies, as appropriate, to keep the SFIS simple while ensuring clean, safe, and functional facilities for all students and staff.

Q41. Are there funds to implement the SFIS?

A41. Funds for the SFIS are not identified in current legislation.

Q42. How often must the SFIS be done?

A42. Legislation does not address this item. In order for school districts to ensure that its facilities are clean, safe, and functional, an annual SFIS is suggested.

Q43. Does the SFIS apply to district-owned facilities currently leased to other agencies?

A43. The legislation refers only to district facilities utilized for its own instructional program.

Q44. Does the SFIS apply to district-owned Charter facilities?

A44. Current legislation does not address Charter facilities. We anticipate that this item will be addressed in the regulations to be adopted by the SAB no later than 1/31/05.

Q45. What is the standard for “good repair”?

A45. A standard of “good repair” means that the facility is maintained in a manner that assures that it is clean, safe, and functional as determined pursuant to an interim evaluation instrument to be developed by OPSC no later than 1/25/05 and established in statute by 9/1/06.

**Williams Settlement Legislation
Instructional Materials
Education Code 60119**

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Questions and Answers

Q1. Do the new instructional materials provisions apply to all schools districts?

A1. Yes, the provisions of Education Code, Section 60119 apply to all districts. Some of the provisions apply only to API Deciles 1- 3 schools, while other components that apply to all districts. See questions 2 – 16 for the provisions that apply to all districts, schools, and charter schools.

Q2. What does our board of education need to do to comply with the new law regarding the public hearing?

A2. All districts must hold a public hearing by the eighth week of the school year to make a determination through a resolution that every pupil has sufficient textbooks or instructional materials in the four core areas, including sufficient health and foreign language textbooks for every pupil enrolled, and availability of science laboratory equipment *for grades 9 - 12. For 2004 – 05 only, the governing boards must make diligent effort to hold the public hearing and adopt the resolution by December 1, 2004.*

Q3. Our board has already adopted a resolution on sufficient instructional materials for 2004-05. Do we have to do this again?

A3. Yes. This is a new resolution with different requirements than previous years.

Q4. Will CDE modify its statement of assurance for instructional materials?

A4. Yes, CDE will modify the statement of assurance and will distribute a new document when it is available at the end of the fiscal year.

Q5. What does "sufficiency of instructional materials" mean?

A5. The law states, "each pupil, including English learners, has a textbook or instructional materials, or both, to use in class and to take home to complete required homework assignments. This does not require two sets of textbooks or instructional materials for each pupil." This specifically applies to four subject areas: reading/language arts, mathematics, science, and history-social science.

Q6. Are charter schools included in this law?

A6. By Jan. 15, 2005, CDE will be posting requirements for charter schools if they choose to 'opt in' to the Williams settlement requirements.

Q7. What about Special Education students and English learners? Are there any exceptions?

A7. Special Education resource students should be enrolled in mainstream core classes and should have core textbooks in the four areas. Special Day students' IEPs require modified instructional materials. The law does not circumvent IEP's. English learner students are explicitly mentioned in the law and must have state-adopted textbooks in the four core subject areas.

Q8. Our district is missing history-social science textbooks, yet the next adoption is scheduled for 2005. Can we wait for the next adoption?

A8. No. The intent of the law is to ensure every student has the textbooks/instructional materials to complete coursework now.

Q9. How are we to purchase English learner materials when none have been adopted by the state?

A9. English learners should be instructed in mathematics, science, reading/language arts, and history-social science classes through the use of standards-aligned adopted texts. The legislation does not address English Language Development instructional materials.

Q10. Are there funds available to purchase supplementary materials for English learners to support the core curriculum?

A10. The state has set aside \$30 million for all districts to purchase supplemental instructional materials for English learners. Districts must submit an intent to purchase form by March 31, 2005, the state board will approve materials that can be purchased at its July 2005 meeting, and funds must be encumbered by June 30, 2006.

Q11. Can the AB 2519 instructional materials, adopted in 1999, meet the "sufficient" definition?

A11. The AB 2519 mathematics materials sunsetted in June 2003. The AB 2519 reading/language arts materials can be used until June 2005.

Q12. Will web-based or electronic textbooks count as instructional materials?

A12. Yes, if all students have access to the materials both at school and when they go home for homework.

Q13. How much of each K-8 adopted materials for the core academic areas must each student have to meet the Williams Settlement Legislation requirement?

A13. The CDE website has a list of the state adopted programs. Each district determines which components to purchase depending on their students' needs.

Q14. Schools were told by publishers that the K-6 Open Court or Houghton Mifflin reading/language arts materials met the science and history-social science standards, and that the purchase of K-6 science and history-social science textbooks was not necessary. Is this acceptable?

A14. No. These programs were adopted as reading language arts instructional materials. While they may include some history-social science and science content, they have not been reviewed for standards alignment. Every pupil must have textbooks or instructional materials in the four core areas that are consistent with the content and cycles of the curriculum framework. Therefore, K-6 students must have science and social science instructional materials in addition to reading/language arts.

Q15. For some science and history-social science materials in grades K – 2, we only bought the “Big Books,” rather than the individual student books. Is this acceptable?

A15. Only if the “Big Books” also meet the sufficiency requirement for required homework.

Q16. If a local board approves a series of novels and a grammar book for their high school English courses, is this acceptable?

A16. Yes, as long as there are sufficient numbers of novels so they can be reasonably rotated to all classes in that grade level.

Q17. What does the Williams Settlement Legislation require of API Deciles 1-3 schools?

A17. For schools ranked in 2003 API Deciles 1- 3, an annual site visit will be conducted by the county office during the first four weeks of the school year to determine sufficiency of instructional materials, facility conditions, and SARC accuracy. *For 2004-05 only, the site visit will occur within 120 days after the law is funded.*

Q18. How are the site visit teams going to check the books? We don't want any disruption of instruction or classes.

A18. The site visit teams will be trained to be sensitive and respectful of the classroom environment. They will, however, need to spot check textbooks in classrooms, which will be done as quickly as possible.

Q19. What documentation or evidence of adequate materials purchase do we need to present or have ready?

A19. Current Education Code already requires documentation of sufficiency of instructional materials. CDE is currently developing a survey form for the K-8 SBE instructional materials to use as a self-study and county office validation tool. Grades 9 – 12 schools will generate a list of locally board-adopted standards-aligned instructional materials according to parameters developed by the CDE.

Q20. What about the students who don't bring their textbooks when the school visit occurs? Will this count against us?

A20. Reviewers will use reasonable judgment. The visit will attempt to triangulate the data collected - the self-study, district documentation, and observations from the visit - to determine whether the school has made good faith attempts to fulfill the legal requirements.

Q21. What if we have not received all of our textbooks from the district by the first four weeks of school and/or time of the school visit?

A21. School districts should make every attempt to prioritize the provision of instructional materials to schools affected by the Williams Settlement Legislation. Issues such as this are exactly what the Williams Settlement Legislation attempts to ameliorate.

Q22. Has the state set aside funds solely for the schools to purchase textbooks for Williams Settlement Legislation compliance?

A22. Yes. \$138 million has been set aside solely for 2003 API Deciles 1-2 schools to purchase standards aligned adopted textbooks. API Deciles 3 schools are not eligible. This is a one-time appropriation and API Deciles 1 - 2 schools do not have to repay the funds. These funds will be distributed in an allocation to the district with Deciles 1-2 schools scheduled for January 2005.

Q23. What about API Deciles 3 schools? What should they do if they need to purchase materials?

A23. API Deciles 3 schools may use existing instructional materials appropriations, lottery or discretionary funds to purchase textbooks. The state has set aside an additional \$5 million to be used when county offices request materials for schools. In this case, recipient districts must repay CDE to replenish the account. For 2004 – 05, it is assumed that the deficiencies in instructional materials would be remedied as soon as possible. From 2005 on, if the district fails to remediate insufficiency of instructional materials reported by the county office after the second month of the school year, the county office may then request the SPI to purchase the needed instructional materials.

Q24. If a school is on a multi-track schedule, does the county have to conduct site visits for all tracks?

A24. Yes.

Q25. Will ELD materials be audited for Deciles 1-3 schools?

A25. The Instructional materials that will be monitored are standards-aligned, state adopted materials in the four content areas of language arts, mathematics, science and history-social science. The 2002 language arts adopted materials incorporated English language development.

Q26. Where are the sanctions for textbook companies who do not deliver in a timely fashion or back ordered for months?

A26. The Williams Settlement Legislation is concerned only with the actions of districts and schools; there are no sanctions for textbook companies.

Q27. For a middle school, the health curriculum taught in a science course and the science textbooks have health lessons in the back. Are we required to purchase health books?

A27. : The language of the legislation reads: "...the governing board shall also make written determination as to whether each pupil enrolled in a foreign language or health course has sufficient textbooks or instructional materials that are consistent with the content and cycles of the curriculum frameworks adopted by the state board for those subjects." Pupils must be enrolled in a foreign language or health course for the above stipulations to apply.

Q27. Do we know what the sanctions will be if materials in a core area have not been met?

A27. There are a number of actions that occur if there is insufficiency in instructional materials:

- 1) "If the governing board determines that there are insufficient textbooks or instructional materials, or both, the governing board shall provide information to classroom teachers and to the public setting forth, for each school in which the insufficiency exists, the reasons that each pupil does not have sufficient textbooks or instructional materials, or both, and take any action...to ensure that each pupil has sufficient textbooks or instructional materials...within two months of the beginning of the school year in which the determination is made."
- 2) If the school visit determines insufficiency of instructional materials, a report identifying the areas is generated within five business days of the visit. This report is sent to the district and Superintendent of Public Instruction. The district is given an opportunity to remedy the deficiency by the second month of the school term.
- 3) If the deficiency is not remedied, the county superintendent requests the CDE, with the approval of the SBE, to purchase the necessary materials. If approved, the board issues a public statement indicating that the district superintendent and governing board

has failed to provide sufficient textbooks. The CDE consults with the district to determine the materials to purchase.

- 4) The above actions apply for the school year beginning 2005. For 2004-05, no deadline is stated and the legislation states that "full implementation of some of the provisions...is impracticable."

Q28. In terms of Special Education classrooms, what would the science lab equipment availability requirement look like?

A28. : For Special Education students mainstreamed into regular science classes, availability of science equipment would be the same as for regular education students.

**Williams Settlement Legislation
Teacher Assignment
Credential Monitoring and Review**

Contact: Michele Fort-Merrill, Senior Director, Human Resources
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Contact: Cynthia Free, Credentials Supervisor
Email: crfree@sdcoe.net Phone: (858) 292-3716

Questions and Answers

- Q1.** What is included in the annual monitoring of deciles 1-3 schools?
- A1. The Districts will provide the same information as when they are monitored in the regular 4-year cycle i.e. site master schedules, complete teacher site list by name, social security number, district office site list and district English Learner “plan to remedy” list (J30).
- Q2.** Are there any implications for the districts in the additional reporting requirements of the CCTC regarding the availability of teachers?
- A2. No. The reporting requirements are the responsibility of the CCTC and the data are maintained in the CCTC database.
- Q3.** How will SDCOE monitor English Learner “Teachers-in-Training” to ensure compliance with EL credential authorization?
- A3. SDCOE will be adding the “in-training” field to SDCOE credential report for tracking purposes. Districts will be asked to update that field so that the SDCOE can track the information for its reporting purposes as required by “Williams.”
- Q4.** Do you anticipate site visits?
- A4. No.
- Q5.** Do you anticipate district site visits?
- A5. Yes, as is typically done with the 4-year assignment monitoring and review process.
- Q6.** Do the new provisions for monitoring and review apply to all districts?
- A6. It depends. Annual monitoring and review of assignments is required only for deciles 1-3 schools. The additional reporting of assignments for EL teachers also applies to districts monitored on the current 4-year cycle.
- Q7.** AB 3001 includes the elimination of the teacher proficiency exam (currently CBEST) for out-of-state trained teachers under some circumstances. Does this give a district greater flexibility in hiring out-of-state trained teachers?
- A7. These provisions increase the flexibility for out-of-state teachers to obtain a California teaching credential, and is intended to increase the pool of California credentialed teachers. AB 3001 does not eliminate the proficiency requirement, however, it allows the CCTC to establish California reciprocity for out-of-state proficiency exam certification.

- Q8. Is the Williams monitoring process the same as the 4-year process that district have with the County Office?**
- A8. It is a similar process that reviews teacher assignments and their credentials in the 1-3 decile schools. There is more information that needs to be collected in the area of EL instruction to report to the CCTC and CDE
- Q9. How will districts report to SDCOE?**
- A9. SDCOE HR/credentials office will schedule district site visits like the regular monitoring process and review school site information with credentials data report.
- Q10. How will districts report and SDCOE monitor the classes w/ 20% or more ELs have an assigned teacher who possesses appropriate credential or has completed appropriate training?**
- A10. Through the SB435 CCTC monitoring process districts already report English Learner teacher assignments to SDCOE. The HR/Credentials staff monitor districts through site master schedules, district employee reports, separate teachers "in training" report and SDCOE credentials district reports. All information is reviewed with district HR staff and administration. Any misassignments at the completion of review are documented and submitted to the district HR administrator immediately. Misassignments are then remedied within 30days of report and/or completion of year-end report to CCTC.
- Q11. How will SDCOE monitor Williams's sites for NCLB English Learner compliance?**
- A11. SDCOE will work with district and Williams school sites to provide credentials and certificate information for teachers who have English Learners in their classes and place them on a "plan to remedy" track to meet those requirements for EL classroom compliance. SDCOE will refer to the CCTC chart on EL Authorizations for Proper Assignment of Teachers.
- Q12. How will teachers of English Learners comply with NCLB teacher requirements?**
- A12. Teachers of English Learners assigned to teach core academic subjects must meet the same NCLB requirements as other teachers of core academic subjects.
- There are additional requirements for teachers hired with funds from NCLB, Title III Language Instruction for Limited English Proficient and Immigrant Students, Part A sub-grants. LEAs receiving Title III finds must certify that all teachers are fluent in English and any other language used for instruction, including having written and oral communications skills. (Title III, Section 3116^e).
- In California, the possession of a Bilingual, Cross-cultural, Language and Academic Development (BCLAD) credential or equivalent, authorizes a teacher to provide instruction to English Learners in a language other than English, though this is not a requirement for a teacher to meet the definition of "highly qualified teacher" under NCLB.
- Q13. What authorization qualifies a teacher to teach English Learners (EL)?**
- A13. See CCTC Administrators Assignment Manual, English Learner Authorization Chart.
- Q14. What is the final date by which a teacher must complete ELD/SDAIE training?**
- A14. January 1, 2008.

Q15. If there is one English learner in a classroom, is it the expectation that the teacher have an appropriate EL authorization?

A15. If a district's program design calls for instruction specifically designed for English learners, an appropriate credential/certificate is required. Specifically with regards to the provision of ELD instruction: 1) in a self-contained setting where the student remains with one teacher, that teacher must be authorized to provide EL and core content instruction; 2) in a self-contained setting where the student is sent to another teacher for EL, the teacher providing EL must be authorized for that instruction while the teacher of record must be authorized to provide core content instruction specially designed for English Learners if the program design calls for it; 3) in a departmentalized EL course section, if that is the only teacher identified within the program to provide EL, then that teacher must be appropriately authorized.

Q16. Would SB 395 training be appropriate authorization for ELA teachers at the secondary level who are teaching ELD to mainstreamed English Learners in regular ELA classes?

A16. Yes. A SDAIE/ELD authorization allows ELD instruction in mainstream ELA courses to English learners who are identified to be reasonably fluent. See CCTC Administrators Assignment Manual, English Learner Authorization Chart.

Q17. What credentials or qualifications must teachers have in order to provide required instruction to English Learners who are identified with disabilities?

A17. All linguistic and academic services for English Learners with disabilities described in their IEPs or Section 504 Accommodation Plans, must be provided by qualified teachers who have (or are in training for) credentials that authorize instruction to students with disabilities and to English learners. See CCTC Administrators Assignment Manual, English Learner Authorization Chart.

Q18. If you start the school year with a temporary teacher due to fluctuating enrollment, does that count as a vacancy?

A18. Yes, per the following definition. The definition of teacher vacancy from Education Code 33 126, Williams Legislation, is a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire 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 an entire year.

**Williams Settlement Legislation
School Accountability Report Cards
Education Code Section 33126**

Contact: Dennis Johnston, Director, Assessment and Accountability, and Research
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Questions and Answers

Q1. Do the School Accountability Report Card (SARC) provisions of this legislation apply to all districts?

A1. Yes. They apply to all districts and all schools.

Q2. What new elements must be included in the SARC?

A2. The SARC must now also include:

- The number of teacher misassignments, including misassignments of teachers of English learners, and the number of vacant teacher positions for the most recent three-year period
- The availability of sufficient textbooks and other instructional materials for each pupil including English learners, in each of the following areas:
 - The core curriculum areas of reading/language arts, mathematics, science, and history-social science
 - Foreign language and health
 - Science laboratory equipment for grades 9 to 12, inclusive, as appropriate
- Safety, cleanliness, and adequacy of school facilities, including any needed maintenance to ensure good repair of facilities

Q3. What is a teacher misassignment?

A3. A teacher misassignment is defined as the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services positions that the employee is not otherwise authorized by statute to hold.

Q4. What is the definition of sufficient textbooks and other instructional materials?

A4. The definition of sufficient textbooks and instructional materials is that each pupil, including English learners, has a textbook or instructional materials, or both, to use in class and to take home to complete required homework assignments.

Q5. What is the definition of “good repair”?

A5. “Good Repair” means that a 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 by January 25, 2005. A final state standard must be defined by statute by September 1, 2006.

Q6. Are there any additional requirements for API Deciles 1-3 schools?

A6. During annual county office site visits, SARC data pertaining to instructional materials in the four core academic areas and the safety, cleanliness and adequacy of school facilities, including “good repair,” must be validated for accuracy.

Q7. When will CDE revise the SARC template?

A7. The SARC Template addendum pursuant to the Williams Settlement Legislation was approved by the State Board of Education at the November 2004 meeting. The revised template is available at <http://www.cde.ca.gov/ta/ac/sa>.

Q8. When will county offices begin verifying the accuracy of SARC data?

A8. County office visits of API Deciles 1-3 will include the validation of the new SARC addendum information beginning 04-05.

Q9. Are costs associated with the development and dissemination of the SARC eligible for Mandated Cost Reimbursement?

A9. Yes, this is specified by the Williams settlement legislation. However, SARCs for schools in API Deciles 1-3 found not to contain up-to-date and accurate information during the county office visits will not be eligible for mandated cost reimbursement if the data are not corrected or an acceptable plan of action for making corrections is not in place by May 15.

Q10. Will the SARC be audited as part of the annual Financial and Compliance Audit?

A10. The Financial and Compliance Audit is the annual school district audit done by an independent auditor. It is not the same as the annual county site visit for API Deciles 1-3 schools. Starting with the 2004-05 school district audits, which are done in the fall of 2005, the SARC will be audited for accuracy. All aspects of the SARC will be audited, not just the new elements added by the Williams Settlement legislation.

Q11. Does the new audit requirement apply to all districts or just API Deciles 1-3 schools?

A11. All school districts will be subject to the new SARC audit requirement.

Q12. The 03-04 SARC, which is computed in 04-05, uses Instructional Materials, Facilities and Teacher Assignment data as of what date?

A12. For the 03-04 SARC computed in 04-05 Teacher Misassignments must be documented based upon the 03-04 school year data. This is because the legislation defines misassignments going through the end of the school year. Since SARCs are only produced one a year the information will be one year behind. Regarding Instructional Materials information here will again reflect what was in place during the most recently completed school year, which is 03-04. The Facilities piece is a little different in that it can include completed jobs that occurred in 04-05 if the LEA board approved the work in 03-04. Otherwise the SARC should contain information from the most recently completed school year, namely 03-04.

Q13. Are the Deciles 1-3 Schools expected to have completed their 03-04 SARC computed in 04-05 prior to this year's Williams site visits?

A13. The California Department of Education recommends that the SARCs be completed between November and May. We hope the 03-04 SARC computed in 04-05 will be completed prior to the site visits this spring and must be completed by the first week of the school year for the 05-06 site visits.

**Williams Settlement Legislation
Uniform Complaint Process
Education Code Section 35186**

Contact: Victoria Carreón, Consultant, Business Advisory Services
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Questions and Answers

Q1. Do the new provisions for the Uniform Complaint process apply to all school districts?

A1. Yes. The new law only states that the procedures apply to school districts. We are interpreting the law to also include charter schools since they are part of the existing uniform complaint process.

Q2. Do the new provisions apply to charter schools?

A2. The new law only states that the procedures apply to school districts. The law also likely applies to charter schools since they are part of the existing uniform complaint process. Further clarification will come from CDE.

Q3. What changes are being made to the Uniform Complaint process?

A3. Districts are required to modify the existing Uniform Complaint process to address issues dealing with insufficient instructional materials, teacher vacancies and misassignments, and emergency or urgent facilities issues. The existing Uniform Complaint process and timelines articulated in Title V, Section 4600-4671 of the California Code of Regulations still apply for all other complaint issues. The State Board of Education plans to modify these regulations to include the new provisions.

Q4. Does our district need to adopt a resolution changing the Uniform Complaint process? Is a sample resolution available?

A4. Yes, each district must adopt a resolution articulating the changes to the Uniform Complaint process.

Q5. What types of instructional materials complaints fall under the new Uniform Complaint provisions?

A5. There are three types of instructional materials complaints that fall under the new Uniform Complaint provisions:

- A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state adopted or district adopted textbooks or other required instructional materials to use in class.
- A pupil does not have access to instructional materials to use at home or after school in order to complete required homework assignments.

- Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

Q6. What types of teacher vacancy or missassignment complaints fall under these provisions?

- A6. There are three types of teacher vacancy and missassignment complaints that fall under the new Uniform Complaint provisions:
- A semester begins and a certificated teacher is not assigned to teach the class.
 - A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class.
 - A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Q7. What types of facilities complaints fall under these provisions?

- A7. The only type of facilities complaints that fall under the new Uniform Complaint provisions are those relating to facility conditions that pose an emergency or urgent threat to the health or safety of pupils or staff such as:
- Gas leaks
 - Nonfunctioning heating, ventilation, fire sprinklers, or air conditioning systems
 - Electrical power failure
 - Major sewer line stoppage
 - Major pest or vermin infestation
 - Broken windows or exterior doors or gates that will not lock and that pose a security risk
 - Abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff
 - Structural damage creating a hazardous or uninhabitable condition
 - Any other emergency conditions that the school district determines appropriate

Note that emergency facilities needs do not include any cosmetic or nonessential repairs.

Q8. What if our district receives a complaint relating to instructional materials, teachers, or facilities that is not included in the definitions discussed above?

- A8. The amendments to the Uniform Complaint process apply only to complaints that meet the definitions discussed above for issues relating to instructional materials, teachers, and facilities. If your district receives a complaint for issues outside this process, the existing Uniform Complaint process will apply, as articulated in Title V, Section 4600-4671 of the California Code of Regulations. These procedures have different timelines than the procedures discussed in the new statute. See the following website for a summary of these procedures:
<http://www.cde.ca.gov/re/cp/uc/documents/ucpengbroc.pdf>.

Q9. Does our district's existing Uniform Complaint form need to be modified to comply?

A9. The Uniform Complaint form must: (1) indicate whether a response is requested; (2) provide the location for filing a complaint; and (3) indicate that the complainant can add as much text as he or she wishes.

Q10. Can a complaint be submitted anonymously?

A10. Yes

Q11. Who should receive complaints?

A11. Complaints must be filed with the school principal or his or her designee.

Q12. What if the principal does not have the authority or expertise to solve the complaint?

A12. If the complaint is beyond the authority of the school principal, she or he must forward it to the appropriate school district official within 10 days of receipt of the complaint.

Q13. How long does a district have to solve a complaint?

A13. The principal or designee of the district superintendent must make all reasonable efforts to investigate any problem within his or her authority. Valid complaints must be remedied within 30 working days of receipt. A district has 45 days from the initial filing to report the resolution to the complainant and the designee of the superintendent.

Q14. What is the appeal process for individuals who are not satisfied with the resolution?

A14. If a person is not satisfied with the resolution of the complaint, the person can appeal to the district governing board. If the complaint involves facility issues that pose an emergency or urgent threat, an appeal can be sent directly to the Superintendent of Public Instruction (SPI). The SPI will provide a written report to the State Board of Education describing the complaint and a proposed remedy, as appropriate.

Q15. How are parents notified of the ability to file a complaint?

A15. All school districts must post a notice in each classroom in each school that notifies parents and guardians of the following: (1) there should be sufficient textbooks and instructional materials to use in class and to take home to complete required homework assignments; (2) facilities must be clean, safe, and maintained in good repair; and (3) the location parents can obtain a complaint form.

Q16. Does the notice need to be in languages other than English?

A16. Pursuant to preexisting Education Code Section 48985, notices to parents must be in the parents' primary language when 15% or more of the pupils enrolled in the school speak a primary language other than English.

Q17. What are districts required to report? How often?

A17. Districts must submit a quarterly report to the County Superintendent and the district governing board on the nature and resolution of complaints addressing insufficient instructional materials, teacher vacancies and misassignments, and emergency or urgent facilities issues. The summaries must be publicly reported on a quarterly basis at a regularly scheduled meeting of the school district's governing board. SCDOE will develop a process that allows quarterly reports to be submitted electronically to SDCOE. Districts will be required to submit a report even if there were no complaints in that period.

Q18. What items will be considered public records?

A18. Complaints, responses, and quarterly reports will all be considered public records.

Q19. When do the modifications to the Uniform Complaint process go into effect?

A19. All items discussed in this section go into effect on January 1, 2005. On that date, districts will be required to have all policies and procedures in place to implement the modifications to the Uniform Complaint process. The first quarterly report will be due in April 2005.

Q20. Will funding be available for mandated costs?

A20. It is unknown at this time whether mandated cost funding will be available to cover school district costs resulting from the Williams Settlement. First, a test claim must be filed with the California Commission on State Mandates. Then the Commission determines if the requirements constitute a state mandate and which activities are reimbursable. Funding must then be appropriated for the mandate in the state budget. This process usually takes several years.

1 INTRODUCTION

2 California guarantees an equal education to every student — including the predominantly
3 low-income students and students of color who attend schools that must be improved. This case
4 has been about California’s duty to provide these students with instructional materials, safe and
5 decent school facilities, and quality teachers.

6 Serious and lengthy negotiations conducted by the Office of Governor Arnold
7 Schwarzenegger with dedicated participation by all parties have achieved a settlement in this case
8 that demonstrates the State’s commitment to improving the quality of education at low-
9 performing schools.

10 The settlement implements principles of education reform approved by Governor
11 Schwarzenegger:

12 Regarding management and finance, each school should have more authority in
13 defining and determining its own operation and districts should be provided
14 additional statutory and regulatory relief to increase local control. Although
15 total State expenditures may not matter as much as allocation at the local level
and improvements can result without additional resources, a key goal should be
to maximize resources that reach the classroom in order to enhance student
performance.

16 With respect to school facilities and instructional materials, all schools should
17 be safe and clean. The defendants will prepare a statewide inventory of school
18 facilities to determine the capacity, usage and present physical status of those
19 facilities. Districts should be accountable for providing standards-aligned
instructional materials for every student and adequately maintained school
facilities.

20 With respect to instruction and teaching, instructional programs and practices,
21 as well as teacher training and development, should be pedagogically sound,
22 focused on subject matter content and aligned to the State’s academic content
standards. Every child in California should have access to qualified teachers
within the time frame prescribed by the federal No Child Left Behind Act with
priority given to providing fully credentialed teachers where most needed.

23 As to accountability and intervention, each child in California should receive a
24 quality education consistent with all statewide content and performance
25 standards adopted by the State Board of Education, and with a rigorous
26 assessment system and reporting program. Resources provided to high-priority
27 (low-performing) schools should be prioritized to improving the academic
28 performance of the lowest performing students. The State should improve
districts with schools that consistently fail to meet academic growth targets, or
the goals described above, in order to provide help to those schools and
students with the lowest academic performance.

1 (Letter dated May 14, 2004 from Legal Affairs Secretary Peter Siggins to all counsel at 2,
2 attached as Exhibit B to Declaration of Jack W. Londen (“Londen Decl.”))

3 Plaintiffs, individually and on behalf of the class they represent, seek the Court’s
4 preliminary approval of the settlement described in this Notice. Plaintiffs believe that the
5 Settlement Agreement is fair and reasonable, and that, indeed, the class will greatly benefit
6 from the proposed educational reforms to be enacted by the legislation implementing the
7 settlement. Plaintiffs also hereby approval of the parties’ agreed process for presenting the
8 settlement for final approval, and a continued stay of the litigation pending final approval.

9 Defendants, the State of California, the State Board of Education, the State Department
10 of Education, and the State Superintendent of Public Instruction, as well as the Intervenors, the
11 California School Boards Association, the Los Angeles Unified School District, the Long
12 Beach Unified School District, and the San Francisco Unified School District all have joined in
13 the settlement. The parties’ signed Settlement Implementation Agreement (“Settlement
14 Agreement”) is submitted with this Notice as Exhibit A to the Londen Decl.

15 **I. PROCEDURAL BACKGROUND**

16 **A. Litigation History**

17 This case was filed on May 17, 2000 by nearly one hundred California schoolchildren
18 who attended public schools with substandard learning conditions. Plaintiffs brought claims
19 against the State of California, the California Board of Education, the California Department of
20 Education, and the California Superintendent of Schools (collectively “defendants”). Plaintiffs
21 rely on the State’s constitutional duty to ensure that all public schoolchildren have equal access to
22 the basic educational tools they need to learn. Plaintiffs alleged that the defendants have failed to
23 meet this duty. As evidence of defendants’ failure, plaintiffs alleged that students across the State
24 lacked such basic educational opportunities as textbooks, qualified teachers, and decent facilities.
25 On August 14, 2000, plaintiffs filed a First Amended Complaint (“Complaint”), which added
26 additional plaintiffs and allegations.

27
28

1 On October 1, 2001, the Court certified the case as a class action after extensive briefing,
2 discovery, and presentation of evidence. (Order Granting Motion to Certify a Class.) The class
3 was defined as:

4 All students who are attending or will attend public elementary, middle or secondary
5 schools in California who suffer from one or more deprivations of basic educational
necessities. The specific deprivations are as follows:

6 A) a lack of instructional materials such that the student does not have his or her own
7 reasonably current textbook or educational materials, in useable condition, in each core
subject (1) to use in class without sharing with another student; or (2) to use at home each
evening for homework;

8 B) a lack of qualified teachers such that (1) the student attends a class or classes for which
9 no permanent teacher is assigned; or (2) the student attends a school in which more than
20% of teachers do not have full, non-emergency teaching credentials; or (3) the student is
10 an English Language Learner ("ELL") and is assigned a teacher who has not been
specially qualified by the State to teach ELL students;

11 C) inadequate, unsafe and unhealthful school facilities such that (1) the student attends
12 classes in one or more rooms in which the temperature falls outside the 65-80 degrees
Fahrenheit range; or (2) the student attends classes in one or more rooms in which the
13 ambient or external noise levels regularly impede verbal communication between students
and teachers; or (3) there are insufficient numbers of clean, stocked and functioning toilets
14 and bathrooms; or (4) there are unsanitary and unhealthful conditions, including the
presence of vermin, mildew or rotting organic material;

15 D) a lack of educational resources such that (1) the school offers academic courses and
16 extracurricular offerings in which the student cannot participate without paying a fee or
obtaining a fee waiver; or (2) the school does not provide the student with access to
17 research materials necessary to satisfy course instruction, such as a library or the Internet;
or

18 E) overcrowded schools such that (1) the student is subject to a year-round, multi-track
19 schedule that provides for fewer days of annual instruction than schools on a traditional
calendar provide; or (2) the student is bused excessive distances from his or her
20 neighborhood school; or (3) the student attends classes in one or more rooms that are so
overcrowded that there are insufficient seats for each enrolled student to have his or her
21 own seat or where the average square footage per student is less than 25 square feet.

22 (Memorandum of Points and Authorities in Support of Motion for Class Certification at 3-4.)

23 B. Settlement Process and History

24 On October 22, 2001, the Court ordered the parties to engage in settlement negotiations,
25 recommending that the Honorable Patrick J. Mahoney act as mediator. (Pretrial Scheduling
26 Order dated Oct. 22, 2001.) Judge Mahoney held mediation sessions on December 17, 2001,
27 January 3, 2002, January 16, 2002, January 26, 2002, and January 31, 2002. (Londen Decl. at
28 ¶ 6.) During these sessions, lead counsel for the parties were present and negotiations generally

1 lasted the entire day. (*Id.*) When it appeared that progress toward settlement was possible, the
2 parties agreed to stay the litigation. (*Id.*)

3 On February 1, 2002, the Court ordered a stay of the litigation to allow the parties an
4 opportunity to focus exclusively on mediation. (*Id.* at ¶ 7.) Over the following seven months, the
5 parties continued to attend mediation sessions with Judge Mahoney. (*Id.*) The parties met on:
6 February 22, 2002, March 1, 2002, April 8, 2002, April 17, 2002, May 20, 2002, June 24, 2002,
7 July 12, 2002, August 9, 2002, and August 29, 2002. (*Id.*) The parties negotiated vigorously,
8 prepared lengthy submissions to the mediator responding to his questions, and exchanged
9 multiple settlement proposals. (*Id.*) The parties also held many discussions regarding settlement
10 among the entire group and among subsets of the group. (*Id.*) Ultimately, however, the parties
11 were unable to reach agreement on settlement and decided to return to litigation in October, 2002.
12 (*Id.*)

13 While litigation continued at a fast pace, the parties agreed to continue mediation
14 discussions with Judge Mahoney in the Spring of 2003. (*Id.* at ¶ 8.) There were mediation
15 sessions with Judge Mahoney on March 3, 2003, June 2, 2003, June 18, 2003, August 1, 2003,
16 and September 5, 2003. (*Id.*) In addition to the in-person meetings, the parties also engaged in
17 extensive telephonic meetings both among the entire group and among subsets of the group
18 whom Judge Mahoney brought together. (*Id.*) In September, Judge Mahoney asked that a
19 representative for plaintiffs and for the State meet with him without counsel's participation in an
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21 time to meet with Judge Mahoney, but, before that meeting took place, Governor Arnold
22 Schwarzenegger was voted into office. (*Id.*) The parties postponed pending settlement
23 discussions until the new administration had an opportunity to review the substance and status of
24 the litigation. (*Id.*) On November 24, 2003, at the request of the parties, the Court ordered
25 another stay of the litigation again to focus on settlement. (*Id.*)

26 With the approval of Judge Mahoney, plaintiffs accepted the invitation of the Office of
27 Governor Schwarzenegger to negotiate directly. (*Id.* at ¶ 9.) From the start, the new
28 administration manifested a determination to deal with problems in public education and to settle

1 this litigation. (*Id.*) During the discussions, the administration's team included senior officials in
2 the Office of the Governor with regular direct supervision by Governor Schwarzenegger, himself.
3 (*Id.*)

4 In May, the Governor's Legal Affairs Secretary notified counsel for the parties that these
5 discussions had progressed to the point where an agreement to resolve the litigation was possible
6 and within reach. (*Id.* at ¶ 10.) His letter set forth Governor Schwarzenegger's principles of
7 educational reform, which the parties agreed would form the basis for legislative solutions to
8 specific problems facing California schools. (*Id.* & Letter dated May 14, 2004 from Peter Siggins
9 to all counsel at 2 attached as Exhibit B.) Throughout May and June, the parties held settlement
10 meetings in which they continued to discuss various proposals that would further the Governor's
11 principles. (*Id.*)

12 On June 30, 2004, counsel for all parties appeared before this Court for a status
13 conference regarding the parties' efforts to settle this case. (*Id.* at ¶ 11.) The parties reported on
14 their work together to draft proposals for legislation on the substantive issues raised by plaintiffs'
15 case. (*Id.*) The parties further reported that, on several issues, the proposals had reached the
16 stage that plaintiffs' counsel could recommend to the plaintiff class representatives that the
17 proposals should be the basis for a settlement. (*Id.*) At that time, other issues were the subject of
18 continuing negotiations that were being conducted in the Governor's office by his Legal Counsel
19 with plaintiffs' counsel, counsel for the intervenors, and counsel for the State Agency defendants.
20 (*Id.*) The parties agreed to keep Judge Mahoney apprised of the status of the proposals and, if
21 necessary, to submit the outstanding issues to the Court for further discussion and resolution.
22 (*Id.*)

23 The parties continued to negotiate after the status conference, meeting many times and
24 circulating numerous drafts. (*Id.* at ¶ 12.) Settlement negotiations were attended by lead counsel,
25 negotiations were vigorous, and proposals were thoroughly analyzed and debated. (*Id.*) Counsel
26 for all parties worked hard to advocate for their clients' positions on how best to improve
27 California's schools. (*Id.*) In late July, the State's counsel presented the parties with the State's
28 final proposal for settling the case. (*Id.*) This proposal provides benefits to the class that far

1 exceed those that the State had agreed to previously. (*Id.*) The intervenors' advocacy for
2 increased funding to support education reform strongly benefited the class. (*Id.*) In addition,
3 LAUSD, in particular, has committed significant effort and resources to expanding its facilities
4 capacity in order to phase out the use of Concept 6. (*Id.*) All of the school districts and the
5 California School Boards Association should be commended for their dedication to improving the
6 schools on behalf of the children in their care. (*Id.*)

7 In late July and early August, counsel for plaintiffs spoke with nine of the class
8 representatives about the Settlement Agreement.¹ (*Id.* at ¶ 13.) Counsel explained the settlement
9 terms and the settlement process, and discussed why they believed the settlement to be a fair and
10 reasonable resolution of the case. (*Id.*) All of the available class representatives approve the
11 proposed settlement and have authorized plaintiffs' counsel to move forward with the proposed
12 agreement. (*Id.*)

13 II. TERMS OF THE PROPOSED SETTLEMENT

14 The Settlement Agreement provides for a package of legislative proposals to ensure that
15 all students will have books and that their schools will be clean and safe. (*Id.*) It takes steps
16 toward assuring they have qualified teachers. (*Id.*) The legislative proposals would create
17 measures to confirm that schools are delivering these fundamental elements to students, and
18 provide very substantial funding for these purposes: a program to authorize districts to spend up
19

20 ¹ Plaintiffs' counsel have discussed settlement with Cindy Diego; Lizette Ruiz; the
21 guardians for Moises Canel; the guardian for Krystal Ruiz; Manuel Ortiz and his guardian; the
22 guardian for Carlos and Richard Ramirez; and D'Andre Lampkin, Delwin Lampkin, and their
23 guardian. (Londen Decl. at ¶ 13.) Plaintiffs' counsel have been unable to schedule meetings with
24 Silas Moultrie and Samuel and Jonathan Tellechea, or their guardians. (*Id.* at ¶ 14.) Plaintiffs'
25 counsel recently notified these individuals regarding the possibility of settlement and intend to
26 continue efforts to reach them in person. (*Id.*) Plaintiffs' counsel also have sent a letter to their
27 last known address notifying them of the Settlement Agreement. (*Id.*) In addition, plaintiffs'
28 counsel has been informed by the guardian for Carlos Santos, Marcelino Lopez, that he does not
feel comfortable discussing the details of the Settlement Agreement because he is now a member
of the Ravenswood District school board, and lawyers for the district have advised him that there
is an appearance of a conflict. (*Id.*) Accordingly, he has stated that he trusts that counsel will do
what is right for the class and approves of settlement. (*Id.*)

1 to \$800 million over a period of years for repairs of emergent facilities conditions in the lowest
2 performing schools (those ranked in the bottom 3 deciles under the statewide Academic
3 Performance Index [API]); \$138.7 million for new instructional materials for students attending
4 schools in the bottom two API deciles, in addition to the funding for instructional materials to
5 all schools; and \$50 million to conduct an assessment of facilities conditions, supplement the
6 County Superintendents' capacity to oversee low performing schools, fund emergency repairs in
7 those schools, and cover other costs of implementation. (*Id.*) The legislative proposals also
8 include extending funding of at least \$200 million for the High Priority Schools Grant Program
9 (HPSGP) at current HPSGP and Immediate Intervention/Underperforming Schools Program
10 (II/USP) levels and by appropriating savings achieved as low performing schools are phased out
11 of the program to new grants for eligible schools. (*Id.*)

12 The settlement's implementing legislation is to:

- 13 • Provide financial assistance to repair low performing schools through a new \$800 million
School Facilities Emergency Repairs Account;
- 14 • Create a School Facilities Needs Assessment program;
- 15 • Create standards for instructional materials and facilities, and require the Concept 6
16 (shortened school year) calendar be eliminated no later than 2012;
- 17 • Post instructional materials and facilities standards in all classrooms;
- 18 • Collect data on compliance with these standards, and teacher requirements;
- 19 • Verify this data;
- 20 • Require a uniform complaint process in every district for complaints on inadequate
21 instructional materials, teacher vacancies and misassignments, and emergency facilities
problems;
- 22 • Intervene in decile 1-3 schools if the instructional materials and facilities standards are not
met, and in districts having difficulty attracting, retaining or properly assigning teachers;
- 23 • Improve the teacher supply by streamlining requirements for out-of-state credentialed
24 teachers to earn California credentials;
- 25 • Require each district to implement a facilities inspection system; and
- 26 • Include new schools in the High Priority Schools Grant Program when current schools are
phased out.

27 (*Id.* at ¶ 2 & Exhibit A.)

28

1 The 2004-05 State budget includes funding for some of the financial terms of the
2 settlement by including \$138.7 million for new instructional materials in decile 1-2 schools and
3 \$50 million to implement other settlement goals. (*Id.* at ¶ 3.) The budget also maintains the
4 instructional materials categorical program, with funding for this year of \$363 million before the
5 addition of the new instructional materials funding for decile 1 and 2 schools. (*Id.*)

6 **III. THE PROPOSED SETTLEMENT MORE THAN SATISFIES THE**
7 **STANDARDS FOR PRELIMINARY APPROVAL.**

8 **A. The Proposed Settlement Is Fair and Within the Range of Possible**
9 **Final Approval.**

10 Pursuant to California Rule of Court 1859(c), “[a]ny party to a settlement agreement may
11 submit a written notice of motion for preliminary approval of the settlement.” Cal. Rule of Ct.
12 1859(c). In ruling on class action settlements, this Court has broad discretion to determine
13 whether the settlement proposed by the parties is fair and reasonable. *Mallick v. Superior Court*,
14 89 Cal. App. 3d 434, 438 (1979).

15 The procedure for obtaining court approval of a class action settlement consists of three
16 steps:

- 17 1. Preliminary approval of the proposed settlement at an informal hearing;
- 18 2. Dissemination of notice of settlement to the class; and
- 19 3. A final settlement approval hearing, at which class members may be heard
20 regarding the settlement, and at which the parties present evidence concerning the fairness,
21 adequacy, and reasonableness of the settlement. *See* Cal. Rule of Ct. 1859; *Manual for Complex*
22 *Litigation Third* (1995) at § 30.41; *see also* 4 Newberg on Class Actions 4th (2002) §§ 11.24, *et*

23 In making a decision to grant preliminary approval, the Court must “evaluate the proposed
24 settlement agreement with the purpose of protecting the rights of absent class members who will
25 be bound by the settlement.” *Wershba v. Apple Computer, Inc.*, 91 Cal. App. 4th 224, 245 (2001)
26 (citing *Dunk v. Ford Motor Co.*, 48 Cal. App. 4th 1794, 1801 (1996)). It must “scrutinize the
27 proposed settlement agreement to the extent necessary to reach a reasoned judgment that the
28 agreement is not the product of fraud or overreaching by, or collusion between, the negotiating

1 parties, and that the settlement, taken as a whole, is fair, reasonable and adequate to all
2 concerned.” *Id.* (citations and internal quotations omitted). “If the preliminary evaluation of the
3 proposed settlement does not disclose grounds to doubt its fairness or other obvious
4 deficiencies . . . and appears to fall within the range of possible approval,” the standard for
5 preliminary approval is satisfied, and the Court should move to the step of approving notice to the
6 class. *Manual for Complex Litigation* at § 30.41; *see also Dunk*, 48 Cal. App. 4th at 1802. Courts
7 have held that approving dissemination of notice to the class “is at most a determination that there
8 is what might be termed ‘probable cause’ to submit the proposal to class members and hold a full-
9 scale hearing as to its fairness.” *See, e.g., In re Traffic Executive Association-Eastern Railroads*,
10 627 F.2d 631, 634 (2d Cir. 1980).

11 Finally, the settlement is presumed fair where: “(1) the settlement is reached through
12 arm’s-length bargaining; (2) investigation and discovery are sufficient to allow counsel and the
13 court to act intelligently; (3) counsel is experienced in similar litigation; and (4) the percentage of
14 objectors is small.” *Dunk*, 48 Cal App. 4th at 1802 (citations omitted). The Settlement
15 Agreement before this Court fully satisfies these requirements.

16 As discussed in more detail above, the settlement was the product of extensive and hard-
17 fought adversarial negotiations by experienced counsel. (Londen Decl. at ¶¶ 15-28.) An
18 experienced and well-respected Judge of the Superior Court served for years as a neutral
19 mediator. (Londen Decl. at ¶ 5; Statement of Mediation Judge (to be submitted to the Court).)
20 The parties engaged in discovery and motion practice. (Londen Decl. at ¶5.) Discovery was
21 aggressive and hotly contested, and continued during and even following the parties’ mediation
22 efforts. (*Id.*)

23 Plaintiffs’ experienced counsel and the Mediation Judge believe that this settlement
24 represents a very favorable resolution of plaintiffs’ claims. (Londen Decl. at ¶ 2; Statement of
25 Mediation Judge (to be submitted to the Court).) The Mediation Judge has reviewed the terms of
26 the proposed settlement and says: “[The settlement] represents a major advancement in services
27 that the State previously had been willing to provide to the class.” (Statement of the Mediation
28 Judge (to be submitted to the Court).) He concludes: “I commend the parties and counsel for

1 their good faith efforts in reaching this settlement. It represents a significant step forward and is a
2 thoughtful resolution of this complex case.” (*Id.*)

3 **B. The Parties’ Proposed Schedule for Providing Notice and Holding A**
4 **Final Hearing Serves the Best Interests of the Class.**

5 The settling parties have agreed to seek the enactment of the legislation set forth in the
6 Settlement Agreement. (*See* Londen Decl. at ¶ 4 & Exhibit A.) The parties will keep the Court
7 apprised of the status of the legislation. (*Id.* at ¶ 4.) Since the settlement depends upon the
8 provisions being enacted into law in substantial conformity with the legislative proposals, the
9 exact content of the notice to the class will depend on the results of the legislative process. (*Id.*)
10 Thus, plaintiffs propose to submit, after enactment of the legislation, a motion for approval of the
11 content, form, and manner of giving notice to the class, and for approval of a schedule for
12 comment by class members, submissions by the parties, and a final approval hearing. (*Id.*)

13 **CONCLUSION**

14 The goals pursued in this case deserve, and have received, an enormous investment of
15 time and energy from all parties and all counsel. The parties have reached an outcome reflecting
16 compromise, but we believe that the proposed settlement is more than a fair and reasonable
17 compromise. It is a significant achievement on the part of all settling parties. We expect that the
18 enactment and implementation of the settlement will greatly improve California’s public schools.

19 Plaintiffs respectfully request the Court to grant preliminary approval of the proposed
20 settlement and enter the proposed Order submitted with this motion.

21 Dated: August 13, 2004

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23 CATHERINE E. LHAMON (BAR NO. 192751)
24 PETER J. ELIASBERG (BAR NO. 189110)
25 ACLU Foundation of Southern California
26 1616 Beverly Boulevard
27 Los Angeles, California 90026
28 Telephone: (213) 977-9500

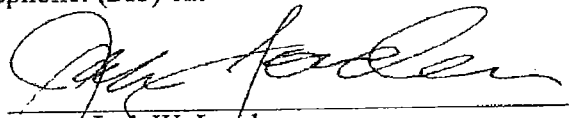
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17 SUPERIOR COURT OF THE STATE OF CALIFORNIA

18 COUNTY OF SAN FRANCISCO

19 ELIEZER WILLIAMS, a minor, by Sweetie
20 Williams, his guardian ad litem, et al., each
individually and on behalf of all others
similarly situated,

21 Plaintiffs,

22 v.

23 STATE OF CALIFORNIA, DELAINE
EASTIN, State Superintendent of Public
Instruction, STATE DEPARTMENT OF
24 EDUCATION, STATE BOARD OF
EDUCATION,

25 Defendants.
26

No. 312236

DECLARATION OF JACK W. LONDEN

Department: 210
Judge: Hon. Peter J. Busch
Date Action Filed: May 17, 2000

CLASS ACTION

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DECLARATION OF JACK W. LONDEN

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I, JACK W. LONDEN, declare as follows:

1. I am a partner in Morrison & Foerster LLP, and a member of the State Bar of California. I make this declaration in support of Plaintiffs' Notice of Settlement, to show that (1) plaintiffs' counsel have sufficient expertise in litigation of this sort to recommend to the class that the proposed settlement is a very favorable resolution of plaintiffs' claims; and (2) the settlement was the product of extensive and hard-fought adversarial negotiations.

The Proposed Settlement

2. I believe the proposed Settlement Agreement represents a very favorable resolution of plaintiffs' claims. The settlement's implementing legislation is to:

- Provide financial assistance to repair low performing schools through a new \$800 million School Facilities Emergency Repairs Account;
- Create a School Facilities Needs Assessment program;
- Create standards for instructional materials and facilities, and require the Concept 6 (shortened school year) calendar be eliminated no later than 2012;
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- Improve the teacher supply by streamlining requirements for out-of-state credentialed teachers to earn California credentials;
- Require each district to implement a facilities inspection system; and
- Include new schools in the High Priority Schools Grant Program when current schools are phased out.

Attached to my declaration as Exhibit A is a true and correct copy of the parties' signed Settlement Implementation Agreement ("Settlement Agreement"). The agreement includes the parties' legislative proposals, a Covenant Not To Sue, and a provision regarding attorneys fees.

1 continued to attend mediation sessions with Judge Mahoney. The parties met on: February 22,
2 2002, March 1, 2002, April 8, 2002, April 17, 2002, May 20, 2002, June 24, 2002, July 12, 2002,
3 August 9, 2002, and August 29, 2002. The parties negotiated vigorously, prepared lengthy
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5 proposals. The parties also held many discussions regarding settlement among the entire group
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16 he has stated that he trusts that counsel will do what is right for the class and approves of
17 settlement.

18 **Experience of Plaintiffs' Counsel**

19 15. Plaintiffs' counsel in this case consist of a coalition of civil rights organizations,
20 public interest law groups, and private lawyers. Lead counsel are the ACLU Foundation of
21 Southern California, the ACLU Foundation of Northern California, Public Advocates, the
22 Mexican American Legal Defense Fund (MALDEF), and Morrison & Foerster. The lawyers
23 responsible for handling the case at these organizations have extensive experience litigating
24 similar cases and have the background and expertise to make the determination that the proposed
25 settlement is a fair and reasonable resolution of the claims brought by plaintiffs. I highlight the
26 experience and expertise of counsel in the following paragraphs.

27

28

1 cases in state and federal courts, including the following: *International Molders Union v. U.S.*
2 *Immigration & Naturalization Service* (class action challenge to INS practices), *Brown v. Jordan*
3 (class action for damages on behalf of persons arrested ruing Rodney King verdicts); *Lazenby v.*
4 *City of Vallejo* (class action challenge to law enforcement searches of home of welfare
5 recipients), and *Golden Gateway Center v. Golden Gateway Tenants Association* (action
6 involving challenge to free speech).

7 **Morrison & Foerster**

8 24. Morrison & Foerster LLP is a large international law firm that has for many years
9 maintained one of the most extensive pro bono public interest law practices of any private law
10 firm. This action has been the largest pro bono case in our history in terms of resources
11 committed. Our legal team has spent over 73,000 hours on this case.

12 25. Michael Jacobs and I have acted as the managing partners of this case on behalf of
13 Morrison & Foerster. In addition to Mr. Jacobs and me, the Morrison & Foerster team
14 representing the class includes: Matt Kreeger, Anthony Press, Michael Feuer, Leecia Welch, and,
15 at various points in the case, nearly twenty associates, legal assistants, and other support staff.
16 Morrison & Foerster has undertaken this case as part of its commitment to rendering *pro bono*
17 legal services. Our firm has an active and well-supported *pro bono* program, which has for at
18 least fifteen years included a focus on issues affecting children, and education in particular.
19 Morrison & Foerster was one of counsel for the plaintiffs in *Butt v. State of California*, including
20 the appellate proceedings resulting in the opinion reported at 4 Cal. 4th 668, 688 (1992).

21 26. I associated with Morrison & Foerster in 1980, and became a partner of the firm in
22 1984. I have been involved in a general litigation practice for more than twenty years, including
23 complex civil rights cases and class actions. I have been involved in a number of class actions on
24 both the plaintiff and defendants' sides. I have also been involved in previous *pro bono* cases on
25 conditions in public schools. Among other cases, beginning in 1991, my partner, Matthew
26 Kreeger and I served as counsel to a certified plaintiff class of Latino students in a federal
27 desegregation case, *Vasquez v. San Jose Unified School District*, Civil No. 71-2130 RMW

28

1 (Northern District of California). Our work in that case has included litigation and negotiation
2 that resulted in a comprehensive Remedial Order, which was approved by the Court in 1994.

3 27. Mr. Jacobs joined Morrison & Foerster in 1983 and is a partner in its San Francisco
4 office. He served as co-head of the firm's 140-person Intellectual Property Group since its
5 founding in 1990 until February 2003. He also served as the firm's worldwide Managing Partner
6 for Operations from 1995 to 1997.

7 **Other Co-counsel**

8 28. In addition to the attorneys listed above, other cooperating co-counsel listed on the
9 pleadings have provided expertise in issues relating to civil rights, public education, and class
10 action advocacy throughout the litigation. The class has been ably represented by counsel with a
11 range of experience and expertise in similar cases.

12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct. Executed on August 12, 2004 in San Francisco, California.

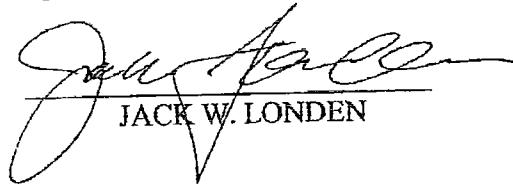
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15 JACK W. LONDEN
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EXHIBIT A

SETTLEMENT IMPLEMENTATION AGREEMENT

It is hereby agreed among the Defendants (the State of California, the State Board of Education, the Superintendent of Public Instruction, and the State Department of Education), the plaintiff class representatives ("Plaintiffs"), and the undersigned Intervenor (the "Settling Intervenor") (collectively, the "Settling Parties") in *Williams v. State of California*, Case Number 312236 in the Superior Court in and for the City and County of San Francisco ("the Action") that:

1. Promptly after the Settling Parties execute this Settlement Agreement, Plaintiffs (or, at the State's option, the State and Plaintiffs jointly) shall file a Notice of Settlement. The Notice of Settlement will describe the terms of the settlement; seek the Court's preliminary approval of the settlement; provide a procedure for giving notice to the members of the Plaintiffs' class and seek approval to proceed according to the process established in this Settlement Agreement, including a continued stay of the litigation, pending final court approval. Plaintiffs' counsel shall circulate the Notice of Settlement to the Settling Parties for their review and comment before the Notice is filed with the Court. Upon execution of this Settlement Agreement, Defendant State of California will file a notice of dismissal without prejudice of its cross-complaint in the Action (the "Cross Complaint").

2. The Settling Parties agree to engage in good faith efforts to obtain the enactment of legislation that implements the legislative proposals attached to this Settlement Agreement (the "Legislative Proposals") during the current legislative session and, to the extent that goal is not attained, as soon as possible thereafter. Consistent with this commitment, the Settling Parties also agree that they will not advocate or support any

legislative measures relating to the Legislature's consideration of the proposed legislation to implement the settlement which do not substantially conform to the Legislative Proposals. A legislative measure does not "Substantially Conform" to the Legislative Proposals if it: (1) is inconsistent with the language and intent of the Legislative Proposals, including all duties, limitations, and deadlines set forth therein; or (2) contains any revisions or modifications that add significant costs or cost pressures.

3. No later than October 15, 2004, Plaintiffs shall notify the Defendants and the Settling Intervenors whether they agree that the legislation that has been enacted by the Legislature in 2004 and signed by the Governor (the "2004 Legislation") Substantially Conforms to the Legislative Proposals, which agreement shall not unreasonably be withheld. If Plaintiffs agree that the 2004 Legislation Substantially Conforms, they shall promptly submit a motion for final approval of the settlement and dismissal of the Action as provided in this Settlement Agreement.

4. In the event that Plaintiffs, the State Board of Education, the Superintendent of Public Instruction, the State Department of Education, or any of the Settling Intervenors believe that the 2004 Legislation does not Substantially Conform to the Legislative Proposals, they shall engage in consultation (as described in paragraph 7 below), giving written notice to all Settling Parties of the alleged deficiencies and providing the State with an opportunity to cure any alleged shortcoming by any means available, including fiscal, programmatic, or administrative solutions. The State may give notice of the intention to seek enactment of the substance of the Legislative Proposals during the 2005 legislative session; and if so, Plaintiffs shall await the outcome of the efforts to enact the proposals during 2005. If Plaintiffs, the State Board of Education, the Superintendent of

Public Instruction, or any of the Settling Intervenors contend that what has been enacted during the 2005 legislative session (the "2005 Legislation") does not substantially conform to the Legislative Proposals then, after consultation, they may apply to the Court for leave to withdraw from the Settlement Agreement based on a showing of substantial and material differences between the 2004 Legislation/2005 Legislation and the Legislative Proposals.

5. In the event the Court grants final approval of the settlement:

a. The Action shall be dismissed without prejudice; and Plaintiffs and, subject to approval by the Court pursuant to Cal. Civ. Proc. §581(k), members of the Plaintiffs' class shall be bound by the separate Covenant Not To Sue which is, by this reference, incorporated into and made a part of this Settlement Agreement.

b. Defendant State of California will file a notice of dismissal with prejudice of the Cross Complaint.

c. The Settling Intervenors will file notices of dismissal without prejudice of their complaints in intervention in the Action.

d. As consideration for the Settling Parties' execution of this Agreement, there shall be no application for an award of attorneys' fees or costs to be paid by any party, except as provided in the separate Provision As To Claims for Attorneys' Fees agreed between the State and plaintiffs. Settling Intervenors shall have no liability for any fees or costs related to or arising from the Action.

6. Any dismissal and any covenant not to sue that applies to members of the Plaintiff class shall be subject to Court review pursuant to Cal. Civ. Proc. §581(k). In the event of disapproval by the Court at any stage of such proceedings, the Settling Parties

shall meet and confer in the attempt to correct any deficiencies. This Settlement Agreement shall not be enforceable after a final order declining to approve the settlement.

7. Plaintiffs, Defendants and Settling Intervenors agree to engage in consultation with each other before taking an action that could provoke a reasonable objection based on the letter or spirit of this Settlement Agreement. This duty of consultation shall apply to any party who applies to the Court to withdraw from or modify the settlement, for relief from a covenant not to sue, or for any order in connection with the settlement.

8. Nothing in this Settlement Agreement and no action taken by any Settling Party in the course of the negotiation of this Settlement Agreement and its attachments, or the drafting of and lobbying for the Legislative Proposals, the 2004 Legislation or the 2005 Legislation shall waive or be construed as a waiver of any party's claim for reimbursement of a state mandate or entitlement to State payment pursuant to Cal. Const. Art. 13B § 6 and all implementing statutes. The Settling Intervenors expressly reserve their rights to seek reimbursement for any state mandate pursuant to Cal. Const. Art. 13B § 6 and all implementing statutes.

9. Requests by defendants or Settling Intervenors for funding to meet workload is consistent with this agreement and shall not be a breach of the covenant to support legislation. A request by any Settling Party to clarify a proposal is not inconsistent with this commitment.

10. Except where specifically so noted in this Settlement Agreement, the defendants take no position regarding the plaintiffs' contentions in this suit or regarding the ultimate conclusions that would follow from those contentions.

11. Pursuant to California Code of Civil Procedure § 583.330, the Settling Parties stipulate to waive the right to dismissal of this action if it has neither been resolved nor proceeded to trial by May 17, 2005, five years from the date of the commencement of this litigation.

Dated: August 12, 2004

DEFENDANT THE STATE OF CALIFORNIA

By: _____

David M. Verhey
Deputy Legal Affairs Secretary
Office of Governor Arnold
Schwarzenegger

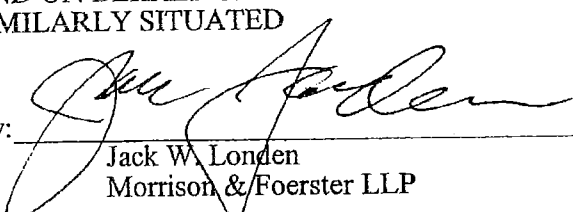
DEFENDANTS THE STATE
SUPERINTENDENT OF PUBLIC
INSTRUCTION, STATE DEPARTMENT OF
EDUCATION, STATE BOARD OF
EDUCATION

By: _____

Joseph O. Egan
Deputy Attorney General

PLAINTIFFS ELIEZER WILLIAMS, A MINOR,
BY SWEETIE WILLIAMS, HIS GUARDIAN
AD LITEM, ET AL., EACH INDIVIDUALLY
AND ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED

By: _____


Jack W. Londen
Morrison & Foerster LLP

Mark D. Rosenbaum
Catherine E. Lhamon
Peter J. Eliasberg
ACLU Foundation Of Southern
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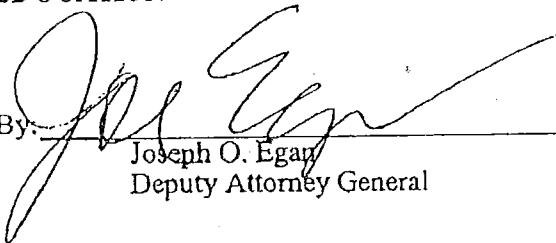
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Thomas Saenz
Hector Villagra
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Educational Fund

Attorneys for Plaintiffs

INTERVENOR AND CROSS-DEFENDANT
LOS ANGELES UNIFIED SCHOOL DISTRICT

By:

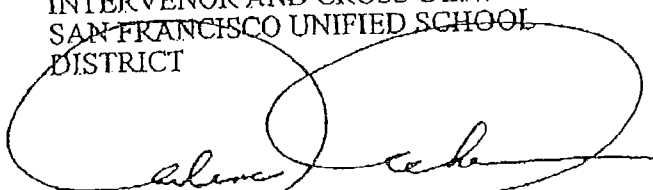


Kevin Reed
General Counsel

INTERVENOR AND CROSS-DEFENDANT
LONG BEACH UNIFIED SCHOOL DISTRICT

By: _____
David Grossman
LOEB & LOEB
Attorneys for

INTERVENOR AND CROSS-DEFENDANT
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DISTRICT

By:  _____
Arlene Ackerman
Suprintendent of Schools

INTERVENOR CALIFORNIA SCHOOL
BOARDS ASSOCIATION

By: _____
N. Eugene Hill
Olson, Hagel & Fishburn, LLP

By: _____
Abe Hajela
Olson, Hagel & Fishburn, LLP


INTERVENOR AND CROSS-DEFENDANT
LONG BEACH UNIFIED SCHOOL DISTRICT

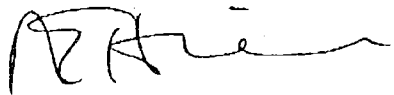
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Arlene Ackerman
Superintendent of Schools

INTERVENOR CALIFORNIA SCHOOL
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By: _____

Abe Hajela
Special Counsel, California School
Boards Association

By: _____

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LEGISLATIVE PROPOSALS

STANDARDS, BENCHMARKS, AND CORRECTIVE ACTION:

Parts I & II

August 12, 2004

“Districts should be accountable for providing standards-aligned instructional materials for every student and adequately maintained school facilities.” (May 14, 2004 letter from Peter Siggins, page 2 point 2.)

Instructional Materials:

The following language represents the Administration’s proposal to ensure that every student is provided with standards-aligned instructional materials. Rather than a narrative format as has been used to date in our discussion, the concept language has been placed into appropriate Education Code sections to facilitate a more specific discussion of the concepts. The code section references are arranged in numerical order for easy reference.

1240. The superintendent of schools of each county, shall do all of the following:

* * *

(c) **(1) (A)** Visit and examine each school in his or her county at reasonable intervals to observe its operation and to learn of its problems. He or she may annually present a report of the state of the schools in his or her county, and of his or her office, including, but not limited to, his or her observations while visiting the schools, to the board of education and the board of supervisors of his or her county.

(B) As a condition of receipt of funds, the county superintendent, or his or her designee, must annually present a report describing the state of the schools ranked in deciles 1 to 3, inclusive, of the Academic Performance Index pursuant to Section 52056 in his or her county, and of his or her office, including, but not limited to, his or her observations while visiting the schools to the school district governing board and the board of supervisors of his or her county. For Amador, Alpine, Del Norte, San Francisco, Sierra, Mariposa, and Plumas Counties, these county offices of education shall contract with a neighboring county office of education or an independent auditor to conduct the required visits and make all required reports. The results of the visit shall be reported to the school district governing board on a quarterly basis at a regularly scheduled meeting, in accordance with public notification requirements.

The visits shall be conducted at least annually and must meet the following criteria:

(1) Not disrupt the operation of the school

(2) Be performed by individuals who meet the requirements of Section 45125.1, including an independent auditor that conducts the visits.

(3) Consist of not less than 25 percent unannounced visits. During unannounced visits the superintendent shall not demand access to documents or specific school personnel. Unannounced visits shall only be used to observe the condition of school repair and maintenance and the sufficiency of or instructional materials, as defined by Section 60119.

(4) The priority objective of the visits for schools ranked in deciles 1 to 3, inclusive, shall be to determine if there are all of the following:

(A) Sufficient textbooks as defined in Section 60119, and as provided for in (i) of this section.

(B) Emergency or urgent facilities conditions that pose a threat to the health or safety of pupils.

(C) Accurate data reported on the school accountability report card with respect to the availability of sufficient textbooks and instructional materials as defined by Section 60119 and the safety, cleanliness, and adequacy of school facilities including good repair as required in sections 17014, Section 17032.5, subdivision (a) of Section 17070.75, and subdivision (b) of Section 17089.

* * *

(i) (1) Enforce the use of sufficient state textbooks or instructional materials and of high school textbooks or instructional materials regularly adopted by the proper authority. For purposes of this subdivision, sufficient textbooks or instructional materials has the same meaning as in subdivision (c) of Section 60119. In enforcing the use of textbooks or instructional materials, the superintendent shall specifically review at least annually schools in deciles 1 to 3, inclusive, of the Academic Performance Index as a priority if those schools are not currently under review through a State or federal intervention program. The reviews shall be conducted within the first four weeks of the school year.

If the superintendent determines that the district does not have sufficient textbooks or instructional materials pursuant to subdivision (a)(1)(A) of 60119 and as defined by subdivision (c) of Section 60119, the superintendent shall do the following:

(1) Prepare a report that specifically identifies and documents the areas or instances of non-compliance.

(2) Promptly provide a copy of the report to the district, as provided in subdivision (c), and forward the report to the Superintendent of Public Instruction.

(3) Provide the district with the opportunity to remedy the deficiency.

However, the county superintendent shall ensure resolution no later than the second month of the school year.

(4) If the deficiency is not remedied pursuant to paragraph (3), the county superintendent shall request the State Department of Education, with approval by the State Board of Education, to purchase textbooks or instructional materials, necessary to comply with sufficiency requirement of this section. If the State Board approves a recommendation from the department to purchase textbooks or instructional materials for the district, the Board shall issue a public statement at a regularly scheduled meeting indicating that the district superintendent and the governing board failed to provide pupils with sufficient textbooks or instructional materials as required by this section. Prior to the purchase of textbooks or instructional materials, the department shall consult with the school district superintendent to determine the districts selection of textbooks or instructional materials. All purchases of textbooks or instructional materials shall comply with Chapter 3.25 (commencing with Section 60420). The funds necessary for the

purchase shall be considered to be a loan to the school district receiving the textbooks or instructional materials. Unless the district repays the amount owed based upon an agreed upon schedule with the Superintendent of Public Instruction, the Superintendent of Public Instruction shall notify the Controller and the Controller shall deduct an amount equal to the total amount used to purchase the textbooks, from the district's next principal apportionment or other apportionment of state funds.

It is the intent of the Legislature to appropriate any savings achieved as a result of schools being phased out of from the High Priority Schools Grant Program to provide High Priority Schools Grant awards to eligible schools, pursuant to Section 52055.605, that have not previously received a grant under this program.

* * *

52055.625. (a) It is the intent of the Legislature that the lists contained in paragraph (2) of subdivisions (c), (d), (e), and (f) be considered options that may be considered by a school in the development of its school action plan and that a school not adopt all of the listed options as a condition of funding under the terms of this act. Instead, this listing of options is intended to provide the opportunity for focus and strategic planning as schools plan to address the needs of high-priority pupils.

(b) As a condition of the receipt of funds, a school action plan shall include each of the following essential components:

(1) Pupil literacy and achievement.

(2) Quality of staff, including highly qualified teachers as required by the No Child Left Behind Act and provision of appropriately credentialed teachers for English learners.

(3) Parental involvement.

(4) Facilities in good repair as specified in subdivision (a) of Section 17014, Section 17032.5, subdivision (a) of Section 17070.75, and subdivision (b) of Section 17089, and curriculum, instructional materials, at a minimum, consistent with the requirements of Section 60119, and support services. The amendments to this paragraph shall apply only to schools entering the program on or after the 2004-05 fiscal year.

52055.640. (a) As a condition of the receipt of funds for the initial and each subsequent year of funding pursuant to this article and to ensure that the school is progressing towards meeting the goals of each of the essential components of its school action plan, each year the school district shall submit a report to the Superintendent of Public Instruction that includes the following:

(1) The academic improvement of pupils within the participating school as measured by the tests under Section 60640 and the progress made towards achieving English language proficiency as measured by the English language development test administered pursuant to Section 60810.

(2) The improvement of distribution of experienced teachers holding a valid California teaching credential across the district.

(3) The availability of instructional materials in core content areas that are aligned with the academic content and performance standards, including textbooks, for each pupil, including English language learners, as defined in subdivision (c) of Section 60119. The amendments to this section shall apply only to schools entering the program on or after the 2004-05 fiscal year.

(4) The number of parents and guardians presently involved at each participating schoolsite as compared to the number participating at the beginning of the program.

(5) The number of pupils attending afterschool, tutoring, or homework assistance programs.

(6) For participating secondary schools, the number of pupils who are enrolled in and successfully completing advanced placement courses, by type, and requirements for admission to the University of California or the California State University, including courses in algebra, biology, and United States or world history.

* * *

60119. (a) For the 1999-2000 fiscal year and each fiscal year thereafter, in order to be eligible to receive funds available for the purposes of this article, the governing board of a school district shall take the following actions:

(1)(A) The governing board shall hold a public hearing or hearings at which the governing board shall encourage participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders, and shall make a determination, through a resolution, as to whether each pupil in each school in the district has, or will have prior to the end of that fiscal year, sufficient textbooks or instructional materials, or both, in each subject (mathematics, science, history -social science and English/language arts (including any English Language Development component of an adopted program)) that are consistent with the content and cycles of the curriculum framework adopted by the State Board of Education. The public hearing shall take place on or before the end of the eighth week from the first day in which pupils attended school for that year, except for districts that operate schools on multitrack, year-round calendars, the hearing shall take place on or before the end of the eighth week from the first day in which pupils attended school for that year on any tracks that begin school years in the months of August or September.

(B) As part of the hearing required in this section, the governing board shall also make a written determination as to whether each pupil enrolled in Foreign language and Health courses in the district has sufficient textbooks or instructional materials, for those subjects that are consistent with the content and cycles of the curriculum framework adopted by the state board. The governing board shall also determine the availability of laboratory science equipment as applicable to science laboratory courses in grades 9 to 12, inclusive. However, the provision of the textbooks or instructional materials or science equipment specified in this subparagraph shall not be a condition of receipt of funds as provided by this subdivision.

(2) (A) If the governing board determines that there are insufficient textbooks or instructional materials, or both, the governing board shall provide information to

classroom teachers and to the public setting forth, for each school in which an insufficiency exists, the extent of the insufficiency, the reasons that each pupil does not have sufficient textbooks or instructional materials, or both, and take any action, except an action that would require reimbursement by the Commission on State Mandates, to ensure that each pupil has sufficient textbooks or instructional materials, or both, within a two-year period two months of the beginning of the school year in which the determination is made from the date of the determination.

* * *

(b) The governing board shall provide 10 days' notice of the public hearing or hearings set forth in subdivision (a). The notice shall contain the time, place, and purpose of the hearing and shall be posted in three public places in the school district. The hearing shall be held at a time that will encourage the attendance of teachers and parents and guardians of pupils who attend the schools in the district and shall not take place during or immediately following school hours.

(c) (1) For purposes of this section sufficient textbooks or instructional materials means that each pupil, including English Learners, has a textbook or instructional materials, or both, to use in class and to take home to complete required homework assignments. This shall not be construed to require two sets of textbooks or instructional materials for each pupil.

(2) Sufficient textbooks or instructional materials as defined in paragraph (1), does not include photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage.

* * *

60252. (a) The Pupil Textbook and Instructional Materials Incentive Account is hereby created in the State Instructional Materials Fund, to be used for the Pupil Textbook and Instructional Materials Incentive Program set forth in Article 7 (commencing with Section 60117) of Chapter 1. All money in the account shall be allocated by the Superintendent of Public Instruction to school districts maintaining any kindergarten or any of grades 1 to 12, inclusive, that satisfy each of the following criteria:

(1) A school district shall provide assurance to the Superintendent of Public Instruction that the district has complied with Section 60119.

(2) A school district shall ensure that the money will be used to carry out its compliance with Section 60119 and shall supplement any state and local money that is expended on textbooks or instructional materials, or both.

(3) A school district shall ensure that textbooks or instructional materials are ordered before the school year begins, to the extent practicable.

(b) The superintendent shall ensure that each school district has an opportunity for funding per pupil based upon the district's prior year base revenue limit in relation to the prior year statewide average base revenue limit for similar types and sizes of districts. Districts below the statewide average shall receive a greater percentage of state funds, and districts above the statewide average shall receive a smaller percentage of state funds, in an amount equal to the percentage that the district's base revenue limit varies from the

statewide average. Any district with a base revenue limit that equals or exceeds 200 percent of the statewide average shall not be eligible for state funding under this section.

~~—(c) This section shall become inoperative on January 1, 2003, and, as of January 1, 2007, is repealed, unless a later enacted statute that becomes operative on or before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.~~

Repeal Education Code Section 62000.4

~~**62000.4.** The Instructional Materials Program shall sunset on June 30, 2006. The implementation of the Instructional Materials Program during the 2002-03, 2003-04, 2004-05, and 2005-06 fiscal years shall be contingent upon funding in the annual Budget Act.~~

Additional Legislation

The Administration proposes to require publishers of instructional materials to provide high school districts and unified districts with a standards map related to the instructional materials with verification by the California Department of Education (CDE) with approval by the State Board of Education (SBE). However, the verification process is contingent upon the payment of a fee by the publisher, to be determined by CDE. Thus, the verification process is made available to publisher on a voluntary basis (fee vs. tax issues). Because of the great value in the State endorsement of materials, it is expected that the publishers will voluntarily submit their materials for verification. Currently Superintendent O'Connell is pursuing a similar proposal through Senate Bill 1405 (Karnette), which we would request be amended to reflect this proposal.

Audit Guide Changes

14501. (a) As used in this chapter, "financial and compliance audit" shall be consistent with the definition provided in the "Standards for Audits of Governmental Organizations, Programs, Activities, and Functions" promulgated by the Comptroller General of the United States. Financial and compliance audits conducted under this chapter shall fulfill federal single audit requirements.

(b) As used in this chapter, "compliance audit" means an audit which ascertains and verifies whether or not funds provided through apportionment, contract, or grant, either federal or state, have been properly disbursed and expended as required by law or regulation or both.

(c) Compliance audit shall also include the verification of each of the following:

- (1) the reporting requirements for the sufficiency of textbooks or instructional materials, or both, as defined in Section 60119,
- (2) teacher missassignments pursuant to Section 44258.9 and

(3) the accuracy of information reported on the School Accountability Report Card required by Section 33126. These requirements shall be added to the audit guide requirements pursuant to Section 14502.1 (b).

* * *

41020 (i) (1) Commencing with the 2002-03 audit of local education agencies pursuant to this section, each county superintendent of schools shall be responsible for reviewing the audit exceptions contained in an audit of a local education agency under his or her jurisdiction related to attendance, inventory of equipment, internal control, and any miscellaneous items, and determining whether the exceptions have either been corrected or an acceptable plan of correction has been developed.

(2) Commencing with the 2004-05 audit of local education agencies pursuant to this section, each county superintendent of schools shall be responsible for reviewing the audit exceptions contained in an audit of a local education agency under his or her jurisdiction related to attendance, inventory of equipment, internal control, use of Instructional Materials Program funds, teacher missassignments pursuant to Section 44258.9, information reported on the School Accountability Report Card required by Section 33126 and any miscellaneous items, and determining whether the exceptions have either been corrected or an acceptable plan of correction has been developed.

* * *

41344.4 Notwithstanding any other provision of law, a local education agency shall not be required to repay an apportionment based on a significant audit exception related to the requirements specified in subdivision (c) of 14501, if the county superintendent of schools certifies to the Superintendent of Public Instruction and the Controller that the audit exception has been corrected by the local education agency or that an acceptable plan of correction has been submitted to the county superintendent of schools, pursuant to Section 41020(k). With respect to textbooks and instructional materials the plan shall be consistent with the requirements of section 60119 (a)(2)(A).

* * *

Uniform Complaint Process

The Administration proposes that each district use its existing uniform complaint process, as set forth in Chapter 5.1 (commencing with Section 4600) of Title 5 of the California Code of Regulations, with modifications, as necessary, to help identify and resolve any deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment. The process shall include, but is not limited to, each of the following components:

(A) Complaints may be filed anonymously. Complainants who identify themselves are entitled to a response, if they indicate they request a response (forms to include a check off if a response is requested). All complaints and responses shall be public records.

(B) The complaint form shall specify the location for filing these complaints and complainants may add as much text to expand on the complaint as they wish.

(C) Complaints should be filed with the Principal of the school or his or her designee. Complaints about problems beyond the authority of the school Principal shall be forwarded in a timely manner but not to exceed 10 working days to the appropriate district official for resolution.

The Principal or district superintendent's designee, as applicable, shall make all reasonable efforts to investigate any problem within his or her authority. The Principal or district superintendent's designee shall remedy the problem within a reasonable time period but not to exceed 30 working days from the date the complaint was received. The Principal or district superintendent's designee shall report to the complainant of the resolution of the complaint within 45 working days of the initial filing. If the Principal makes this report, then the Principal shall also report the same information in the same timeframe to the district superintendent's designee.

Complainants not satisfied with the resolution of the Principal or superintendent's designee shall have the right to describe the complaint to the governing board of the district at a regularly scheduled hearing thereof. As to complaints involving emergency or urgent school facilities conditions, a complainant not satisfied with the resolution of the Principal or superintendent's designee shall have the right to file an appeal to the Superintendent of Public Instruction, who shall provide a written report to the State Board of Education describing the basis for the complaint and, as appropriate, a proposed remedy for the issue described in the complaint.

Districts shall report summarized data on the natures and resolutions of all complaints on a quarterly basis to the county superintendent of education and the school governing board. The summaries shall be publicly reported on a quarterly basis at regularly scheduled school board meeting. 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 records.

These procedure are intended to address all of the following:

Complaints related to Instructional Materials where:

- Consistent with Section 60119:
 1. A student, including an English Learner, does not have standard-aligned textbooks or instructional materials, State Board adopted or district-adopted (for grades 9-12) text or other required instructional material to use in class.

2. A student does not have access to instructional materials to use at home/after school as needed to meet homework assignments.

- Materials are in poor or unusable condition, e.g. pages are missing, books are unreadable due to damage.

Complaints related to Teacher Vacancy or Misassignment:

- A semester begins and no permanent teacher is assigned to teach a class.
- A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20% English learner students in the class.
- A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

For purposes of this section "vacant position" means a position that is budgeted but not filled by a permanent or probationary employee.

For purposes of this section "misassignment" means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential, or is otherwise authorized by law.

Complaints related to Facilities:

- Emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff.

In order to identify appropriate subjects of complaint, a notice shall be posted in each classroom in each school in the district notifying parents and guardians of the following:

(1) Sufficiency of textbooks or instructional materials as defined in section 60119.

(2) School facilities must be clean and safe and in good repair pursuant to Sections 17014, Section 17032.5, subdivision (a) of Section 17070.75, and subdivision (b) of Section 17089.

(3) The location from which to receive a form to file a complaint in case of a shortage. Posting the notice downloadable from the CDE website satisfies this requirement.

School Facilities

Good repair is determined by local health standards applicable to similar facilities. Sections 17014, 17032.5, 17070.75, and 17089 shall be amended to define "good repair" to mean, until at least July 31, 2005, satisfaction of local health standards applicable to restaurants, rental housing, and other similar facilities.

17070.75. (a) The board shall require the school district to make all necessary repairs, renewals, and replacements to ensure that a project is at all times kept in good repair, working order, and condition.

* * *

(e) As a condition of participation in the school facilities program and the receipt of funds pursuant to Section 17582, each district shall establish a facilities inspection system to ensure that school are in good repair **consistent with local health standards applicable to restaurants, rental housing and other similar facilities (Health & Safety Code Section 16500).**

* * *

TEACHERS

Part III

August 12, 2004

“With respect to instruction and teaching, instructional programs and practices, as well as teacher training and development, should be pedagogically sound, focused on subject matter content and aligned to the State’s academic content standards. Every child in California should have access to qualified teachers within the time frame prescribed by the federal No Child Left Behind Act with priority given to providing fully credentialed teachers where most needed.” (May 14, 2004 letter from Peter Siggins, page 2 point 3.)

The following language represents the Administration’s proposal to ensure that every student is provided with a qualified teacher who is also a highly qualified teacher under the federal No Child Left Behind Act (NCLB). The code sections are set forth in numerical order. For clarity, only changes related to teachers are presented in this document.

33126. (a)

* * *

(b) The school accountability report card shall include, but is not limited to, assessment of the following school conditions:

* * *

(5) The total number of the school's fully credentialed teachers, the number of teachers relying upon emergency credentials, the number of teachers working without credentials, and any assignment of teachers outside their subject areas of competence, **misassignments, including misassignments of English learner teachers, and the number of vacant teacher positions** for the most recent three-year period.

For purposes of this section "vacant position" means a position that is budgeted but not filled by a permanent or probationary employee.

For purposes of this section "misassignment" means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential, or is otherwise authorized by law.

* * *

42127.6 (a) If at any time during the fiscal year the county superintendent of schools determines that a school district may be unable to meet its financial obligations for the

current or two subsequent fiscal years or if a school district has a qualified certification pursuant to Section 42131, he or she shall notify the governing board of the school district and the Superintendent of Public Instruction in writing of that determination and the basis for the determination. The notification shall include the assumptions used in making the determination and shall be available to the public. The county superintendent of schools shall do any or all of the following, as necessary, to ensure that the district meets its financial obligations:

(7) Assign the Fiscal Crisis and Management Assistance Team to review district teacher hiring practices, teacher retention rate, percentage of provision of highly qualified teachers, and extent of teacher misassignment and provide the district with recommendations to streamline and improve the teacher hiring process, teacher retention rate, extent of teacher misassignment, and provision of highly qualified teachers. If a district is assigned this review, the district shall follow the recommendations made unless the district shows good cause for failure to do so.

* * *

44258.9. (a) The Legislature finds that continued monitoring of teacher assignments by county superintendents of schools will ensure that the rate of teacher misassignment remains low . To the extent possible and with funds provided for that purpose, each county superintendent of schools shall perform the duties specified in subdivisions (b) and (e) (e).

(b) (1) Each county superintendent of schools shall annually monitor and review school district certificated employee assignment practices according to the following priority:

(A) Schools and school districts that are likely to have problems with teacher misassignment **and teacher vacancies** based on past experience or other available information. **However, priority shall be given to schools in deciles 1 to 3, inclusive, based on the Academic Performance Index ranking established by Section 52056, if those schools are not currently under review through a State or federal intervention program.**

(B) All other schools on a four-year cycle.

(2) Each county superintendent of schools shall investigate school and district efforts to ensure that any credentialed teacher in an assignment requiring a CLAD, BCLAD or SB 1969/395 training, completed the necessary requirements, for these certificates.

(3) The Commission on Teacher Credentialing shall be responsible for the monitoring and review of those counties or cities and counties in which there is a single school district, including the Counties of Alpine, Amador, Del Norte, Mariposa, Plumas, and Sierra, and the City and County of San Francisco. All information related to the misassignment of certificated personnel **and teacher vacancies** shall be submitted to each affected district within 4530 calendar days of the monitoring activity.

(e) County superintendents of schools shall submit an annual report to the Commission on Teacher Credentialing **and the Department of Education** summarizing the results of

all assignment monitoring and reviews. These reports shall include, but need not be limited to, the following:

(1) The numbers of teachers assigned and types of assignments made by local district governing boards under the authority of Sections 44256, 44258.2, and 44263 of the Education Code.

(2) Information on actions taken by local committees on assignment, including the number of assignments authorized, subject areas into which committee-authorized teachers are assigned, and evidence of any departures from the implementation plans presented to the county superintendent by school districts.

(3) Information on each school district reviewed regarding misassignments of certificated personnel, including efforts to eliminate these misassignments.

(4) Information on certificated employee assignment practices in schools in deciles 1 to 3, inclusive, based on the Academic Performance Index ranking established by Section 52056, to ensure that, at a minimum, in any classes in these schools in which 20 percent or more students are English learners the assigned teachers possess CLAD or BCLAD credentials or have SB 1969/395 training, or is otherwise authorized by law.

(4-5) After consultation with representatives of county superintendents of schools, other information as may be determined to be needed by the Commission on Teacher Credentialing.

* * *

(i) The State Superintendent of Public Instruction shall submit a summary of the reports submitted by county superintendents pursuant to subdivision (e) of this section to the Legislature. The Legislature shall hold, within a reasonable period after receipt of the summary, public hearings on student access to teachers and to related statutory provisions. The Legislature may also assign one or more of the standing committees or to a joint committee, to determine: (a) the effectiveness of the reviews required pursuant to this section; (b) the extent, if any, of vacancies and misassignments; and (c) the need, if any, to assist schools in deciles 1 to 3, inclusive, based on the Academic Performance Index ranking established by Section 52056, eliminating vacancies and misassignments.

* * *

44274. (a) The commission shall conduct periodic reviews, beginning in 1998, to determine whether any state has established teacher preparation standards, **including standards for teachers of English learners**, that are at least comparable and equivalent to teacher preparation standards in California.

* * *

(c) The commission shall grant an appropriate credential to any applicant from another state who has completed teacher preparation that is at least comparable and equivalent to preparation that meets teacher preparation standards in California, as determined by the

commission pursuant to this section, if the applicant has met the requirements of California for the basic skills proficiency test pursuant to subdivision (d) of Section 44275.3 and teacher fitness pursuant to Sections 44339, 44340, and 44341.

* * *

44275.3. Notwithstanding any other provision of law:

* * *

(b) Notwithstanding any other provision of this chapter, the commission shall issue a five-year preliminary multiple subject or single subject teaching credential or a five-year preliminary education specialist credential to any out-of-state prepared teacher who meets all of the following requirements:

* * *

~~(c) An out-of-state prepared teacher who has been issued a California five-year preliminary multiple subject, single subject, or education specialist teaching credential shall pass the state basic skills proficiency test, administered by the commission pursuant to Section 44252, within one year of the issuance date of the credential in order to be eligible to continue teaching pursuant to this section.~~

(d) The commission shall issue a professional clear credential to an out-of-state prepared teacher who has met the requirements in subdivision (b) and who meets the following requirements:

~~(1) Passage of the state basic skills proficiency test administered by the commission pursuant to Section 44252.~~

* * *

~~(5) Completion of the study of health education pursuant to subparagraph (A) of paragraph (3) of subdivision (c) of Section 44259. Completion of coursework in another state determined by the commission to be comparable and equivalent shall meet this requirement.~~

~~(8) Completion of a fifth-year program at a regionally accredited institution of higher education, except that the commission shall eliminate this requirement for any candidate who has completed an induction program for beginning teachers.~~

44325 (e): The California Commission on Teacher Credentialing shall ensure that each district internship program in California provides program elements to its interns as required by the No Child Left Behind Act, 20 USC Section 7801, and its implementing regulations, 34 CFR Section 200.56.

44453: add: The California Commission on Teacher Credentialing shall ensure that each university internship program in California provides program elements to its

interns as required by the No Child Left Behind Act, 20 USC Section 7801, and its implementing regulations, 34 CFR Section 200.56.

44511. (a) From funds appropriated for the purpose of this article, the Superintendent of Public Instruction shall award incentive funding to provide schoolsite administrators with instruction and training in areas including, but not limited to, the following:

(1) School financial and personnel management. This training shall specifically provide instruction related to personnel management, including hiring, recruitment and retention practices and misassignments of certificated personnel.

* * *

(3) Curriculum frameworks and instructional materials aligned to the state academic standards, including ensuring the provision of textbooks or instructional materials as defined in Section 60119.

* * *

52055.640. (a) As a condition of the receipt of funds for the initial and each subsequent year of funding pursuant to this article and to ensure that the school is progressing towards meeting the goals of each of the essential components of its school action plan, each year the school district shall submit a report to the Superintendent of Public Instruction that includes the following:

* * *

(2) The improvement of distribution of experienced teachers holding a valid California teaching credential across the district. Commencing with fiscal year 2004-05, for any districts with schools entering the program on or after July 2004, the report shall include whether the school does not have at least 80 percent of its teachers credentialed and the number of classes in which 20 percent or more students are English learners and assigned to teachers who do not possess that CLAD/BCLAD credentials or SB 1969/395 training, or is otherwise authorized under current law.

(c) The report on the quality of staff component shall include, but not be limited to, the following information:

* * *

52059.

* * *

(b) The system shall provide assistance to school districts and schools in need of improvement by:

(1) Reviewing and analyzing all facets of a school's operation including:

(A) Design and operation of the instructional program offered by the school, and by assisting;

(B) Recruitment, hiring and retention of principals, teachers and other staff, including vacancy issues. The system may access the assistance of the Fiscal Crisis and Management Assistance Team to review district or school recruitment, hiring and retention practices.

(C) Roles and responsibilities of district and school management personnel.

(2) Assisting the school district and its schools in developing recommendations for improving pupil performance and school operations.

(3) Assisting schools and districts in efforts to eliminate misassignments of certificated personnel.

* * *

Audit Guide Changes:

See Standards and Benchmarks I & II

Additional Legislation

- The annual report to the Legislature concerning the teaching force in California (Education Code section 44225.6) shall also include data on the extent to which pupils receive instruction from teachers who do not have a preliminary or professional clear credential, the extent to which English learners receive instruction by teachers without CLAD, BCLAD, or SB1969/395 authorization and if available, the percentage and distribution throughout the state of teachers possessing the different types of credentials set forth in section 44225.6 and including CLAD, BCLAD, and SB 1969/395 credentials. [If data is available, the report shall also include information on the number of teacher vacancies.]
- In an effort to meet the highly qualified teacher timelines of NCLB, districts are encouraged to provide first priority in the receipt of resumes and job applications from credentialed teachers, with hiring priority to all schools in deciles 1 to 3, inclusive, based on the API rankings established by Education Code section 52056(a). Thereafter, any school in the district may review and offer a position to a new applicant. Applicant teachers are not required to accept the offers from first priority schools as a condition for employment in the district.

FACILITIES INVENTORY & GRANT PROGRAM

Part IV

August 12, 2004

"The defendants will prepare a statewide inventory of all school facilities to determine the capacity, usage and present physical status of those facilities." (May 14, 2004 letter from Peter Siggins, page 2, point 2.)

The Administration is committed to identifying and resolving urgent facilities needs that effect the health and safety of students and staff at schools to assist schools in deciles 1 to 3, inclusive, based on the Academic Performance Index ranking established by Section 52056. To that end, the Administration proposes an assessment of these schools as well as a state grant program to reimburse school sites and districts for costs associated with the resolution of specified facilities needs.

School Facilities Needs Assessment Grant Program

SEC. 1. Section 17591.500 is added to the Education Code to read:

(a) There is hereby established a School Facilities Needs Assessment Grant Program to provide for a comprehensive assessment of school facilities needs. The grant shall be administered jointly by the Superintendent of Public Instruction and the State Allocation Board.

(b) The grants shall be awarded to schoolsites ranked in deciles 1 to 3, inclusive, of the Academic Performance Index, pursuant to Section 52056, based on the 2003 base Academic Performance Index for each school.

(c) The Superintendent shall allocate funds pursuant to subdivision (b) of this Section to school districts with jurisdiction over eligible schoolsites, based on schoolsite enrollment, with a minimum allocation of _____ thousand dollars (\$X,XXX) and a maximum allocation of _____ thousand dollars (\$XX,XXX) for each schoolsite.

(d) As a condition of receiving funds pursuant to this Section, school districts shall:

(1) use the funds to develop a comprehensive needs assessment of all schoolsites eligible for grants pursuant to subdivision (b). The assessment shall contain, at minimum, all of the following for each school building that is currently used for instructional purposes:

1. the year each building was constructed
2. the year, if any, it was modernized
3. the capacity of the school

4. the number of students actually enrolled in the school
5. the density of the school campus measured in students per acre
6. the total number of classrooms at the school
7. the number of portable classrooms at the school
8. whether the school is operating on a multi-track, year-round calendar, and if so, what type; and
9. whether the school has a lunchroom, or an auditorium or other space used for student eating and not for class instruction.
10. Useful life remaining of all major building systems for each structure housing instructional space including but not limited to sewer, water, gas, electrical, roofing, fire and life safety protection.
11. Estimated costs for five years necessary to maintain functionality of each instructional space to maintain health and safety and suitable learning environment, as applicable, including classrooms, counseling, administrative space, libraries, gymnasiums, multi-purpose and feeding space, and the accessibility to such spaces.

(2) The district shall provide the data currently filed with the State as part of the process of applying for and obtaining facilities modernization or construction funds, or information that is available in CBEDS for the element required in 4, 5, 6 and 7.

(3) Districts shall use the assessment as the baseline for the facilities inspection system required pursuant to subdivision (e) of Section 17070.5.

SEC. 2. Section 17591.501 is added to the Education Code to read:

17591.501 From any moneys in the State School Deferred Maintenance Fund, the board shall make available to the Director of General Services such amounts as it determines necessary to provide the assistance to complete the comprehensive assessments pursuant to this section.

School Facilities Emergency Repairs Account (FERA)

SEC. X Section 17594 is added to the Education Code to read:

(a) There is hereby established in the State Treasury the School Facilities Emergency Repairs Account. The Office of Public School Construction in consultation with the Superintendent of Public Instruction shall administer the account. A total of \$800 million shall be made available for this account as funds become available from the sources described in this paragraph. Beginning with the 2005-06 budget, at least 50 percent of the unappropriated balance, but not less than \$100 million, from the Proposition 98 Reversion Account shall be annually transferred to this fund. In addition, any other one-time Proposition 98 General Fund sources as well as any monies donated by private entities may be transferred to this account. The amounts deposited into the account shall be used for the purpose of addressing unforeseeable emergency facilities needs at schools, ranked in deciles 1 to 3, inclusive, of the Academic Performance Index, pursuant to Section 52056, based on the 2003 base Academic Performance Index for each school. Any donations to the account shall be tax exempt and treated as a charitable contribution to the extent allowed under both federal and state law.

(b) (1) All monies in the Facilities Emergency Repairs Account are available for reimbursement to schools, ranked in deciles 1 to 3, inclusive, of the Academic Performance Index, pursuant to Section 52056, based on the 2003 base Academic Performance Index for each school, to cover the school district's cost repair projects that meet the criteria specified in paragraph (c) and as approved by the State Allocation Board.

(2) As a condition of reimbursement, districts shall complete the projects and shall certify to the Office of Public School Construction that the repair or replacement could not have been avoided as part of their ongoing maintenance or deferred maintenance programs. The Office of Public School Construction shall conduct random reviews of certifications submitted by school districts to ensure that the repairs are consistent with the intent of this section.

(c) For the purpose of this Section, unforeseeable emergency facilities needs shall mean structures or systems which are unusable for their current purpose and which, as a result, pose a threat to the health and safety of pupils or staff while at school. Such needs may include the following types of facility project repair or replacements:

1. Gas Leaks
2. Existing non-functioning heating, ventilation, fire sprinklers, air conditioning systems
3. Electrical power failure
4. Major sewer line stoppage
5. Major pest or vermin infestation
6. Broken windows or exterior doors, gates, that will not lock and that pose a security risk.
7. Abatement of hazardous materials previously undiscovered that pose an immediate threat to pupil or staff
8. Unforeseen structural damage creating a hazard or uninhabitable condition

For the purpose of this section, structures or components shall only be replaced if it is more cost effective than repair.

(d) For the purpose of this Section, unforeseeable emergency facilities needs shall not include any cosmetic, or non-essential repairs or repairs that would already be addressed in the districts' 5 year deferred maintenance plan or through ongoing scheduled maintenance.

SEC. X Section 17594.1 is added to the Education Code to read:

(a) In addition to all other powers and duties as are granted to the State Allocation Board by this chapter, other statutes, or the California Constitution, the board shall do all of the following:

(1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter. The initial regulations adopted pursuant to this chapter shall be adopted by _____, X, 2004. If the initial regulations are not adopted by that date, the board shall report to the Legislature by that date, explaining the reasons for the delay.

(2) Establish and publish any procedures and policies in connection with the administration of this chapter as it deems necessary.

(3) Apportion funds to eligible school districts under this chapter.

(b) The board shall review and amend its regulations as necessary to adjust its administration of this chapter. Regulations adopted pursuant to this subdivision shall be adopted by _____ X, 2004, and shall be adopted as emergency regulations in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of any emergency regulation pursuant to this subdivision filed with the Office of Administrative Law shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare. Notwithstanding subdivision (e) of Section 11346.1 of the Government Code, any emergency regulation adopted pursuant to this section shall remain in effect for no more than 365 days unless the board has complied with Sections 11346.2 to 11348, inclusive, of the Government Code.

CONCEPT 6 PROPOSAL

August 12, 2004

1. Education Code section 37670 shall be amended to provide that no district not currently operating a school on a three-track year-round calendar providing fewer than 180 days of school per year ("Concept 6 Calendar") shall be allowed to begin using any such calendar and no school not currently operating on a Concept 6 calendar may be converted to that calendar. No school district may open a school on a Concept 6 calendar if doing so would increase the number of schools in the district operating on that calendar beyond the number in operation in the district, on average, over the preceding two school years.
2. Education Code section 37670 shall be amended to prohibit the use of the Concept 6 calendar after July 1, 2012 or such earlier date as may be prescribed by the Legislature under AB 560. Section 37670 shall also be amended to state that, while 2012 is the formal end of the authority to use the Concept 6 calendar, it is the intent of the state that all schools cease using it as soon as practicable.
3. As a condition of operating any school on a Concept 6 calendar in the 2004-05 school year or thereafter, a district must, by January 1, 2005, present to the State Department of Education a comprehensive action plan detailing the strategy and steps to be taken annually to eliminate the use of the Concept 6 calendar as soon as practicable.
 - a. This action plan shall include an analysis of the district's demographic forecasts, space use and needs, class sizes, programmatic constraints, facilities construction status, the amount of funding needed to create additional classroom space, and the proposed sources of that funding. A district may not rely upon the use of involuntary busing of more than 40 minutes each way, other than that otherwise done pursuant to a desegregation plan, as a means for achieving elimination of the Concept 6 calendar.
 - b. The action plan shall also contain (i) a detailed description of the multiple phases of planning and construction (e.g., site identification, site acquisition, construction commencement, construction completion/ occupancy) of projects designed to eliminate use of the Concept 6 calendar, including a reasonable projection of the number of additional seats to be provided through each of the multiple phases of planning and construction, and (ii) reasonable, district-wide numerical goals against which annual progress towards eliminating the use of the Concept 6 calendar can be measured (e.g., number of new seats added to reduce reliance on the Concept 6 calendar), including a reasonable projection of the number of students, if any, it estimates will remain on a Concept 6 calendar on July 1 of each year through 2012. However, where a district projects that it will cease use of the Concept 6 calendar before July 1, 2008, the district's comprehensive action plan need not include a detailed description, as required in (i), but only a narrative explanation of how it will accomplish the end of the use of the Concept 6 calendar and project the date that each school currently using it will cease to do so.

4. The Superintendent of Public Instruction shall evaluate the comprehensive action plans submitted by each district and shall make recommendations to the State Board of Education for approval or disapproval of the plans. The Superintendent's evaluation shall be based on the reasonableness of the district's plan in eliminating Concept 6 calendars by the earliest practicable date and no later than July 1, 2012, including whether adequate sources of funding have been identified to accomplish this end. In considering whether a district has identified adequate sources of funding, the Superintendent shall consult with the Office of Public School Construction. If the Board disapproves a plan, it shall specify the reasons for disapproval and require the district to submit a revised plan, within a specified time frame, to address the Board's concerns.

5. Each district operating a Concept 6 calendar shall report each January to the Superintendent of Public Instruction, who shall report to the State Board of Education, on progress made in reaching the annual numerical goals established in its comprehensive action plan.

Any failure to meet an annual goal shall require the district to identify the specific cause(s) of that failure and will necessitate the amendment of the comprehensive action plan showing the specific steps that will be taken to remedy that failure such that the district will still eliminate the use of the Concept 6 calendar by the ending date originally specified in the action plan.

Each district operating a Concept 6 calendar shall file a supplementary, mid-year report where the district's progress toward its numerical goals has or is projected to change materially. The report shall describe the nature and cause of the material change(s) and show the specific steps that will be taken, and detail state technical assistance needed, if any, to address the change(s).

The Superintendent of Public Instruction shall evaluate the supplementary, mid-year reports, if any, and make recommendations to the State Board of Education for approval or disapproval of the reports. The Superintendent's evaluation shall be based on the reasonableness of the district's supplemental plan to reach its annual numerical goals and eliminate Concept 6 by the earliest practicable date and no later than July 1, 2012. If the Board disapproves a supplemental report, it shall specify the reasons for disapproval and require the district to submit a revised report, within a specified time frame, to address the Board's concerns.

6. Districts planning to operate a Concept 6 calendar after June 30, 2006 must, by July 1 of 2006 and any succeeding year in which it will operate a Concept 6 calendar, as a condition of operating that calendar, prove to the satisfaction of the Superintendent of Public Instruction that substantial progress has been made toward moving all schools to a calendar of at least 180 days. The Superintendent shall submit its written evaluation (of each district's submission) to the State Board of Education, which shall determine whether substantial progress has been made.

Substantial progress shall be defined as having come within 10% of the annual numerical goals set forth in the district's comprehensive action plan.

If a district has failed to make substantial progress toward its annual numerical goals, as defined above, for any two consecutive years between 2005 and 2012, the district shall be precluded from approving any new construction or portable classroom project other than a project directly designed to eliminate the use of the Concept 6 calendar or reduce capacity-related busing that transports students more than 40 minutes to or from school; designating developer fees revenue for any purpose not directly related to eliminating Concept 6 or reducing capacity-related busing; and approving the issuance of any Certificates of Participation for any facilities-related purpose not directly related to the elimination of the Concept 6 calendar or the reduction of capacity-related busing. Construction deemed eligible and necessary by the State Allocation Board under 2 Cal. Code Regs. 1859.82(a)(1) shall not be precluded.

These restrictions on the approval of new school or portable classroom projects, designation of developer fees, and issuance of Certificates of Participation shall remain in effect until such time as the district has achieved substantial progress as determined by the State Board of Education.

7. Districts planning to operate a Concept 6 calendar after June 30, 2009 must, by July 1 of 2009 and any succeeding year in which it will operate a Concept 6 calendar, prove to the satisfaction of the Superintendent of Public Instruction that it has developed specific school building planning to deliver classroom seats sufficient to eliminate Concept 6 by the earliest practicable date and no later than July 1, 2012. The Superintendent shall submit its written evaluation (of each district's submission) to the State Board of Education, which shall determine whether the district has developed specific school building planning.

"Specific school building planning" shall mean, at a minimum, that the district has identified preferred sites and approved as required under CEQA the project(s) needed to create the capacity required, and that the district has identified and obtained the funding necessary to complete the project(s) required. If state funding is part of the funding so identified, "obtained" shall mean that the district has received 1) an apportionment from the state for the project, or 2) a preliminary apportionment for the project under the Critically Overcrowded School Facilities program.

8. If on or after July 31, 2008 and any succeeding year in which a district operates a Concept 6 calendar, the State Board of Education finds that a district has failed to make substantial progress in eliminating the Concept 6 calendar, or if on or after July 31, 2009 and any succeeding year in which a district operates a Concept 6 Calendar, the State Board of Education finds that a district has failed to develop specific school building planning, the Board shall hold a public hearing to determine the causes of such failure and the remedies to be undertaken by the state or imposed on the district to ensure elimination of the Concept 6 calendar by the earliest practicable date and no later than July 1, 2012.

9. Before the public hearing, the Superintendent of Public Instruction and the State Allocation Board shall each provide a written analysis and opinion to the State Board of Education as to the causes of the failure and the remedies proposed to be undertaken. The

State Allocation Board shall render its opinion acting upon a written analysis prepared by the Office of Public School Construction. Any affected district may submit its own analysis as to the causes of the failure and remedies it proposes to be undertaken. After the public hearing, the State Board of Education shall adopt a remedial plan -- to ensure elimination of the Concept 6 calendar by the earliest practicable date and no later than July 1, 2012 -- that the district shall follow.

10. If the State Board of Education determines that a district's failure to achieve substantial progress or develop specific school building planning is due to circumstances beyond the control of the district and despite the district's good faith efforts, the Board's remedial plan may include the provision of technical assistance to the district from the Department of Education, the Office of Public School Construction and/or the Division of the State Architect. "Technical assistance" may include, but is not limited to, assistance in identifying and acquiring school sites, guidance in maximizing access to funding necessary to create alternative student housing, and facilitation of the process of obtaining state approval for new construction projects. The Board's remedial plan may also recommend action for state financial assistance necessary to enable the district to eliminate the Concept 6 calendar by the earliest date practicable and no later than July 1, 2012.

If the State Board of Education determines, however, that a district's failure to achieve substantial progress or develop specific school building planning is not due to circumstances beyond the control of the district, but due to its failure to act diligently to plan for the elimination of the Concept 6 calendar or to execute the plan, the Board's remedial plan must mandate regular (at least quarterly) review and oversight of the district's efforts by the State Department of Education. In the exercise of the Board's discretion, such review and oversight may be weekly, monthly, quarterly, or whatever other regular interval the Board deems appropriate. The Board's remedial plan may also include any of the measures described in the paragraph above or other such measures as it deems necessary to enable the district to eliminate the Concept 6 calendar by the earliest date practicable and no later than July 1, 2012.

If on or after July 1, 2009, the State Board of Education determines that a district's failure to achieve substantial progress or develop specific school building planning is not due to circumstances beyond the control of the district, but due to its failure to act diligently to plan for the elimination of the Concept 6 calendar and/or to execute the plan, the Board shall hold a public hearing to determine whether the Board should implement direct oversight of the district's facilities construction program. If, in the exercise of its discretion, the Board determines implementation of direct oversight is needed to ensure elimination of the Concept 6 calendar no later than July 1, 2012, the Board shall implement such oversight within 90 days of its determination.

Direct oversight by the Board of Education shall consist of assigning to the district a monitor, who shall report to the Board at each of its regularly scheduled meetings on progress made by the district in working towards the elimination of the Concept 6 calendar. The monitor shall have relevant experience in engineering, construction or management of major public works projects and shall have the resources and authority to contract with appropriate

professionals in the fields of program management, project management and finance. In selecting any monitor, the State Board of Education shall receive nominees from, and consult with, the superintendent of the district subject to the monitor, the Office of Public School Construction, and the bond oversight committee of such district as has been established under Education Code section 15278.

The Board-appointed monitor shall make recommendations to the district with respect to the planning and implementation of its school-building program. The district shall follow the recommendations of the monitor unless the district shows, to the satisfaction of the State Board of Education, good cause for not doing so. Any recommendation of the monitor that is mandatory, as opposed to prohibitory, shall be stayed during the time the district contests the recommendation before the State Board. The Board shall meet to hear and decide any such contest within 30 days of the district's submitting its contest. The monitor shall report to the State Board of Education regarding the district's implementation of the monitor's recommendations. The Board shall have the authority to direct the district to implement the monitor's recommendations in the absence of the district showing good cause for not doing so. Any order of the Board directing the district to implement the monitor's recommendations and any determination of the district's good cause in failing to implement such recommendation shall be made upon recommendation of the Office of Public School Construction, with reasonable notice to the district, at a meeting of the Board, with an opportunity for the district to show in writing or in oral testimony the grounds for its position. The monitor's reports shall be made available to the district's superintendent, governing board and bond oversight committee at least 10 days before the meeting of the Board at which they are presented and the district and the bond oversight committee shall be given an opportunity to address the Board regarding such reports.

11. "Circumstances beyond the control of the district" shall be strictly defined and interpreted and the definition shall include at minimum the following:

- a. any increase in student population beyond district demographic projections set forth in the district comprehensive action plan or any amendments to the plan shall constitute a circumstance beyond the control of the district only if the district can demonstrate that the increase was not reasonably foreseeable through the use of annual, informed re-estimation of demographic projections;
- b. any cost escalation, shortages in construction material or capacity, delay in completion of environmental reviews, or natural or human-made disaster materially affecting the district's facilities program shall constitute a circumstance beyond the control of the district only if the district can demonstrate that the delay or increased cost was not reasonably foreseeable and the district exercised due diligence in planning for such risk;
- c. lack of sufficient state or local funding to complete necessary school construction shall not constitute a circumstance beyond the control of the district unless the district can demonstrate that from July 1, 2004 to date, it has not approved the expenditure of any state or local funds designated for new school construction for any purpose other than the construction of additional school seats to reduce reliance on the Concept 6 calendar and such additional

education-related facilities as are reasonably necessary to construct a new school, with the exception of construction deemed eligible and necessary by the State Allocation Board for funding under 2 Cal. Code Regs. 1859.82(a)(1).

12. The Critically Overcrowded Schools program shall be amended to ensure that any project that will relieve overcrowding at a Concept 6 school will meet the definition of, and be eligible for funding, as a Critically Overcrowded School Facilities Program project.

13. Reports mandated of districts operating on a Concept 6 calendar shall be made available to the public, and all interested parties shall be permitted the opportunity to submit comments to such reports within a reasonable time following the reports' submission to the appropriate state agency.

COVENANT NOT TO SUE

COVENANT NOT TO SUE

It is hereby agreed between the Defendants (the State of California, the State Board of Education, the Superintendent of Public Instruction, the State Department of Education), and the representatives of the plaintiff class that:

1. Members of the plaintiff class shall be bound by a covenant not to sue the defendants on the claims pursued in *Williams v. State of California*, Case Number 312236 in the Superior Court in and for the City and County of San Francisco ("the Action") for a period of four years from the date the Court grants final approval of the Settlement Agreement; subject to the conditions and exclusions in paragraphs 2 through 5 below.

2. Members of the plaintiff class shall be bound by a covenant not to sue the defendants for constitutional violations based on allegations as to deficiencies in the quality of teachers, with this covenant not to sue in effect for the following periods: (a) through September 30, 2006 (three months after the current compliance deadline for States under the No Child Left Behind Act) for claims with regard to public schools that are not subject to an extended compliance deadline under the No Child Left Behind Act for schools in rural settings ("Extended NCLB Deadline Schools"); and (b) for a period of four years from the date the Court grants final approval of the Settlement Agreement as to claims with regard to Extended NCLB Deadline Schools.

3. Actions pending as of August 9, 2004 brought by parties other than the named plaintiffs in the Action will not be affected by the covenant not to sue.

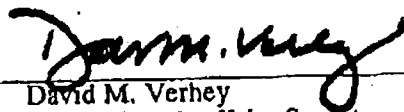
4. The covenant not to sue shall not apply to an action contesting the denial of graduation from High School based on the results of the High School Exit Examination.

5. If, after final approval of the settlement and during the period of the covenants, plaintiffs contend that the implemented settlement no longer Substantially Conforms to the Legislative Proposals because of actions by the defendants, plaintiffs shall consult with the State and Settling Intervenors and provide defendants with an opportunity to cure any alleged shortcoming by any means available, including fiscal, programmatic, or administrative solutions. After such consultation, plaintiffs may petition the Court to relieve them of the covenant not to sue, provided that such a petition shall be rejected absent clear and convincing evidence that affirmative actions of the defendants after enactment of the 2004 and/or 2004 Legislation caused the implemented settlement no longer to Substantially Conform to the Legislative Proposals. In addition, defendants shall not be required to respond to such a petition unless plaintiffs present a written offer of proof and obtain an order from the Court that the offer of proof is potentially sufficient to carry plaintiffs' ultimate burden as defined above.

Dated: August 12, 2004

DEFENDANT THE STATE OF CALIFORNIA

By: _____


David M. Verhey
Deputy Legal Affairs Secretary
Office of Governor Arnold
Schwarzenegger

DEFENDANTS THE STATE
SUPERINTENDENT OF PUBLIC
INSTRUCTION, STATE DEPARTMENT OF
EDUCATION, STATE BOARD OF
EDUCATION

By: _____


Joseph O. Egan
Deputy Attorney General

PLAINTIFFS ELIEZER WILLIAMS, A MINOR,
BY SWEETIE WILLIAMS, HIS GUARDIAN
AD LITEM, ET AL., EACH INDIVIDUALLY
AND ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED

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ACLU Foundation Of Southern
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Alan Schlosser
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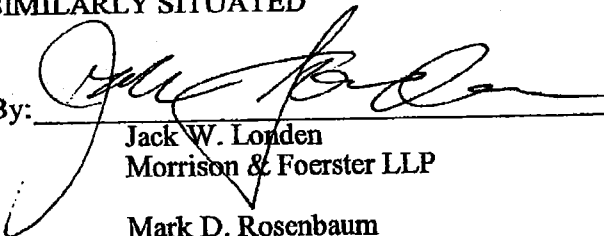
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Attorneys for Plaintiffs

DEFENDANTS THE STATE
SUPERINTENDENT OF PUBLIC
INSTRUCTION, STATE DEPARTMENT OF
EDUCATION, STATE BOARD OF
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Attorneys for Plaintiffs

PROVISION RE ATTORNEYS' FEES

PROVISION AS TO CLAIMS FOR ATTORNEYS' FEES

It is hereby agreed between the State of California and the representatives of the plaintiff class that:

1. Plaintiffs' counsel will be entitled to recover reasonable attorneys' fees and costs from the State in an amount to be agreed between plaintiffs' counsel and the State or, if not agreed after consultation, to be determined by the Court. After dismissal of the Action in other respects the Court will retain jurisdiction to make that determination, if necessary.

2. Time and costs spent by all of plaintiffs' counsel, including Morrison & Foerster LLP, will be submitted to the Court to justify the amount of an award of attorneys' fees and costs if the Court is asked to determine the reasonableness of such an award. However, whether the amount is determined by agreement or Court award, the firm of Morrison & Foerster LLP will not seek to be paid for its time spent on the *Williams* case except for an amount, if the State agrees, that the firm will donate for charitable uses related to the goals of the settlement.

Dated: August 12, 2004

DEFENDANT THE STATE OF CALIFORNIA

By: _____


David M. Verhey
Deputy Legal Affairs Secretary
Office of Governor Arnold
Schwarzenegger

PLAINTIFFS ELIEZER WILLIAMS, A MINOR,
BY SWEETIE WILLIAMS, HIS GUARDIAN
AD LITEM, ET AL., EACH INDIVIDUALLY

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EXHIBIT B



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May 14, 2004

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Re: Williams v. State of California

Dear Counsel:

Discussions among some of the parties have progressed to the point where an agreement to resolve this litigation is possible and within reach. For this reason, I write to ensure that all interested parties are aware of those discussions and the concepts that have the Governor's support.

At present, our proposal to resolve this case consists of two parts. The first is a commitment by the Governor to support four principles of educational reform, along with good faith efforts to obtain legislative solutions implementing those principles during the current legislative session. Those principles may be summarized as follows:

GOVERNOR ARNOLD SCHWARZENEGGER • SACRAMENTO, CALIFORNIA 95814 • (916) 445-2841

May 14, 2004

Page 2

1. Regarding management and finance, each school should have more authority in defining and determining its own operation and districts should be provided additional statutory and regulatory relief to increase local control. Although total State expenditures may not matter as much as allocation at the local level and improvements can result without additional resources, a key goal should be to maximize resources that reach the classroom in order to enhance student performance.
2. With respect to school facilities and instructional materials, all schools should be safe and clean. The defendants will prepare a statewide inventory of all school facilities to determine the capacity, usage and present physical status of those facilities. Districts should be accountable for providing standards-aligned instructional materials for every student and adequately maintained school facilities.
3. With respect to instruction and teaching, instructional programs and practices, as well as teacher training and development, should be pedagogically sound, focused on subject matter content and aligned to the State's academic content standards. Every child in California should have access to qualified teachers within the time frame prescribed by the federal No Child Left Behind Act with priority given to providing fully credentialed teachers where most needed.
4. As to accountability and intervention, each child in California should receive a quality education consistent with all statewide content and performance standards adopted by the State Board of Education, and with a rigorous assessment system and reporting program. Resources provided to high-priority (low-performing) schools should be prioritized to improving the academic performance of the lowest performing students. The State should improve districts with schools that consistently fail to meet academic growth targets, or the goals described above, in order to provide help to those schools and students with the lowest academic performance.

We recognize that these solutions will be subject to negotiation and may include programs or school funding methodologies that have been proposed by interested parties during the course of this litigation. Your position on these proposals is important to us and we invite you to communicate any immediate concerns to our office as soon as possible.

The second part of our proposal consists of an agreement by all parties with respect to the following:

1. The education portion of the 2004-2005 budget for education will include funding for the Instructional Materials Block Grant in the amount of \$275 million dollars. All settling parties will support these budget bill provisions and work in good faith for their passage.

May 14, 2004

Page 3

2. The education portion of the 2004-2005 budget for education will include funding in the amount of \$138.7 million dollars, on a one-time basis, for instructional materials for schools identified in the bottom two deciles, as defined by Education Code section 52052. All settling parties will support this funding augmentation and work in good faith for its passage.
3. In addition to the requirements of Education Code section 17078.20, the Office of Public School Construction (OPSC) shall contact all school districts by mail to inform them of the availability of funds through Proposition 55, the basic eligibility requirements for funding, and all relevant deadlines. The mailing will advise that OPSC staff are available to provide reasonable assistance in applying for funds to districts that meet the school site density requirements for the Critically Overcrowded Schools program (Ed. Code, § 17078.10) and that are housing more than five (5) percent of their student population in portable classrooms leased pursuant to Education Code sections 17085-17096.
4. All settling parties will support legislation which repeals or renders inoperative Article 3 (commencing with § 42260) of Chapter 7, Part 24 of the Education Code, so that the increase in maximum school building capacity required by Education Code section 17071.35 is no longer required.

In closing, we note that the parties may be developing procedural mechanisms that will facilitate settlement of the suit along these lines, and we expect to resolve any questions that may arise in connection with those mechanisms in an expeditious manner. As this process unfolds, we will inform the assigned mediator of the status of our discussions, work with the parties to arrive at a final agreement for settlement and continue to work with the Legislature to develop legislative solutions that correspond to the Governor's policy objectives.

If you have any questions or concerns, please feel free to contact David M. Verhey, Deputy Legal Affairs Secretary, at (916) 445-0873.

Sincerely,


PETER SIGGINS
Legal Affairs Secretary

cc: Richard J. Riordan, Secretary for Education
Donna Arduin, Director of the Department of Finance
Joseph Egan, Deputy Attorney General
John Daum, Esq., O'Melvney & Myers

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17 SUPERIOR COURT OF THE STATE OF CALIFORNIA

18 COUNTY OF SAN FRANCISCO

19 ELIEZER WILLIAMS, a minor, by Sweetie
Williams, his guardian ad litem, *et al.*, each
20 individually and on behalf of all others
similarly situated,

21 Plaintiffs,

22 v.

23 STATE OF CALIFORNIA, DELAINE
EASTIN, State Superintendent of Public
Instruction, STATE DEPARTMENT OF
24 EDUCATION, STATE BOARD OF
EDUCATION,

25 Defendants.
26

No. 312236

[PROPOSED] ORDER REGARDING
PROPOSED SETTLEMENT

Department: 210
Judge: Hon. Peter J. Busch
Date Action Filed: May 17, 2000

CLASS ACTION

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[PROPOSED] ORDER REGARDING PROPOSED SETTLEMENT

1 The Court having considered the Notice of Proposed Settlement and supporting papers,
2 the oral argument of counsel, and the other papers of record in this action; good cause appearing,

3 **IT IS HEREBY ORDERED** that:

4 The proposed settlement satisfies the standards for preliminary approval, and such
5 approval is **GRANTED**.

6 The process set forth in paragraphs 2 through 4 of the Settlement Implementation
7 Agreement for moving toward final approval of the settlement, subject to the outcome of the
8 parties' efforts to achieve enactment of the agreed legislative proposals, is **APPROVED**. The
9 parties are directed to keep the Court apprised of the status of the legislation. When according to
10 the agreed procedures, legislation has been enacted that is the basis for a final settlement,
11 plaintiffs are further directed to submit, after consultation with the other parties, a motion for
12 approval of the content, form, and manner of giving notice to the class, and a proposed schedule
13 for submission of comments by class members, submissions by the parties, and a final approval
14 hearing.

15 The Court further **ORDERS** that the stay on this litigation shall continue in effect pending
16 the final approval hearing or further order of this Court.

17 Dated: August __, 2004

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Peter J. Busch
Judge of the Superior Court