

Williams v. California Legislative Update:
SB 512, SB 687, and AB 491

October 11, 2005

This document describes how SB 512, SB 687, and AB 491 affect *Williams* implementation. On Friday, October 7, 2005, Governor Schwarzenegger signed SB 512, one of two omnibus education clean up bills this year that contain amendments to the statutes that implement the *Williams v. California* settlement. The other bill, AB 831, became effective on July 25, 2005. (A previous Legislative Update circulated on July 26, 2005, and now posted on www.decentsschools.org, summarized AB 831's provisions.) SB 512 became effective immediately because it was an urgency bill. Governor Schwarzenegger signed SB 687 on September 28, 2005, and signed AB 491 on October 7, 2005. Both statutes will become effective on January 1, 2006.

County Superintendent Visits and Reviews

SB 512 . . .

- Clarifies that a County Superintendent may conduct separate visits to (1) inspect a school's facilities and (2) determine if students at the school have sufficient textbooks and instructional materials. County Superintendents may still, if they choose, perform these reviews during a single visit. "In determining whether to make a single visit or multiple visits for this purpose, the county superintendent shall take into consideration factors such as cost-effectiveness, disruption to the schoolsite, deadlines, and availability of qualified reviewers." (SB 512, § 1.5; Education Code section ("EC") 1240(c)(2)(F).)
- Allows a County Superintendent to monitor and review teacher assignments in a school ranked in deciles one to three, inclusive, on the 2003 base Academic Performance Index ("API") on the typical four-year cycle, rather than annually, if the County Superintendent's reviews find that the school has no teacher misassignments or teacher vacancies for **two consecutive years**, unless the school is likely to have problems with teacher misassignments and teacher vacancies based on past experience and other available information. (SB 512, § 26.5; EC 44258.9(b)(1)(B).)

Funding for County Superintendent Oversight

AB 491 . . .

- Provides a system, as described in the statutory text below, for County Offices of Education to claim additional funds from the \$15 million appropriated for County Offices of Education by the *Williams* Settlement Legislation (SB 550). The funds not apportioned pursuant to the original statutory formula and available as "savings" as of September 1, 2005, may now be claimed by County Offices of

Education to cover “extraordinary costs” related to their visits to decile 1-3 schools (2003 base API). The State Department of Education shall allocate funds upon a determination by the State Department of Education, the Secretary for Education, and the Department of Finance that a County Office of Education has incurred extraordinary costs and the amount of those costs.

Section 4 of AB 491 states:

“SEC. 4. (a) Notwithstanding any other law, the State Department of Education may allocate any savings available as of September 1, 2005, from the funds appropriated in paragraph (2) of subdivision (a) of Section 23 of Chapter 900 of the Statutes of 2004, to any county office of education for extraordinary costs related to the visits required in subparagraph (E) of paragraph (2) of subdivision (c) of Section 1240 of the Education Code.

(b) The State Department of Education shall only allocate savings pursuant to subdivision (a) upon a determination by the State Department of Education, the Secretary for Education, and the Department of Finance that a county office of education has incurred extraordinary costs in accordance with subdivision (a) and of the amount of those costs incurred.

(c) To the extent that the amount allocated pursuant to subdivision (a) is insufficient to cover those costs, these funds shall be prorated to county offices of education based upon the total costs agreed upon by the State Department of Education, the Secretary for Education, and the Department of Finance.”

List of Schools Ranked in Deciles 1-3 (2003 base API)

SB 512 . . .

- Clarifies the list of schools ranked in deciles one to three, inclusive, on the 2003 base API that is compiled by the California Department of Education (CDE) pursuant to EC 17592.70(b). (SB 512, § 8.5; EC 17592.70(b).) Amendments in AB 831 were intended to remove county-operated special education programs from the list of decile 1-3 schools on CDE’s website; SB 512 simply adds statutory language that makes this change explicit. The amendment states that “schools ranked in deciles 1 to 3, inclusive, on the 2003 base API shall exclude any schools determined by the department to be operated by county offices of education pursuant to Section 56140.” (SB 512, § 8.5; EC 17592.70(b)(4).)

Due to cross-references, the list of schools affects EC 1240 (County Superintendent visits and duties), EC 17592.71 and EC 17592.72 (Emergency Repair Program), EC 44258.9 (County Superintendent reviews of teacher assignments), and EC 17592.70 (School Facilities Needs Assessment Grant Program).

Uniform Complaint Process and Classroom Notices

SB 512 . . .

- Revises the Uniform Complaint Process notice that must be posted in all public school classrooms. Classroom notices must now address students and teachers in addition to parents and guardians. (SB 512, § 8.7; EC 35186(f).)

Commission on Teacher Credentialing's Annual Report on Availability of Teachers in California

SB 512 . . .

- Refines EC 44225.6 to require that the Commission's annual report include, among other information:

“The number of individuals receiving the certificate of completion of staff development in methods of specially designed content instruction delivered in English pursuant to subdivision (d) of Section 44253.10. . . .

Statewide, by county, and by school district, the number of individuals serving in the following capacities and as a percentage of the total number of individuals serving as teachers statewide, in the county, and in the school district:

Certificates issued pursuant to Section 44253.3, 44253.4, or 44253.10, if available. . . .

The number of individuals serving English learner pupils in settings calling for English language development, in settings calling for specially designed academic instruction in English, or in primary language instruction, without the appropriate authorization under Section 44253.3, 44253.4, or 44253.10, or under another statute, if available. The Commission on Teacher Credentialing may utilize data from the department's Annual Language Census Survey to report the data required pursuant to this paragraph.”

(SB 512, § 25; EC 44225.6.)

School Accountability Report Cards and Local Board Resolutions on Sufficiency of
Instructional Materials

SB 687 . . .

- Adds a provision that requires School Accountability Report Cards to include, when the governing board determines pursuant to EC 60119 that there are insufficient textbooks or instructional materials, or both, “the percentage of pupils who lack sufficient standards-aligned textbooks or instructional materials in each subject area” in each school in which an insufficiency exists. The subject areas to be included are reading/language arts, mathematics, science (including science laboratory equipment for grades 9 to 12, inclusive), history/social science, foreign language, and health. (SB 687 § 1.5; EC 33126(b)(6)(B).)