

Williams v. California Legislative Update: AB 607

October 16, 2006

Assembly Bill 607 (Chapter 704, Statutes of 2006) amends some of the statutes that implement the *Williams v. California* settlement. Governor Schwarzenegger signed the bill on September 29, 2006, the second anniversary of the *Williams* Settlement Legislation. The bill will take effect on January 1, 2007. The amendments and how they affect *Williams* implementation are described below.

Emergency Repair Program

AB 607 . . .

- Converts the \$800 million Emergency Repair Program into a grant program, which will allow eligible schools to receive funds before they conduct repairs. Eligible schools will still be able to receive reimbursements if they conduct repairs before applying for funds. (AB 607, § 6; Education Code section (“EC”) 17592.72.)

The list of eligible schools will change at the beginning of the 2007-08 fiscal year to reflect the 2006 base API. The list will then be updated every three years thereafter. (AB 607, § 6; EC 17592.72(a)(3) and 1240(2)(c).)

Good Repair Standard for School Facilities

AB 607 . . .

- Establishes statewide minimum “good repair” standards for school facilities and directs the Office of Public School Construction (OPSC) to develop “a school facility inspection and evaluation instrument” to replace the Interim Evaluation Instrument. The OPSC is required to develop the new instrument and instructions for users by January 1, 2007. The instrument will include a system that will evaluate each facility on a good/fair/poor scale and provide an overall summary of the condition of facilities at each school on a scale of exemplary, good, fair, or poor. The OPSC is required to define objective criteria for determining where a school falls on this summary scale by July 1, 2007. (AB 607, § 4; EC 17002(d).)

Uniform Complaint Process

AB 607 . . .

- Allows students, parents, teachers, and other persons to use the Uniform Complaint Process to complain about violations of Education Code Section 35292.5, otherwise known as SB 892, the Clean School Restroom Legislation. (AB 607, § 7; EC 35186(e)(3).) The Clean School Restroom Legislation requires that:

“(1) Every restroom shall at all times be maintained and cleaned regularly, fully operational and stocked at all times with toilet paper, soap, and paper towels or functional hand dryers. (2) The school shall keep all restrooms open during school hours when pupils are not in classes, and shall keep a sufficient number of restrooms open during school hours when pupils are in classes.” (EC 35292.5(a).)

- Clarifies that if 15 percent or more of the students enrolled in a school speak a single primary language other than English, a parent or guardian who files a complaint written in that primary language and requests a response is entitled to a response written in the language in which the complaint was filed. (AB 607, § 7; EC 35186(a)(1).)

County Superintendent Visits and Reviews

AB 607 . . .

- Clarifies how a County Superintendent may follow up when he or she determines on a site visit that the condition of a facility poses an emergency or urgent threat to the health or safety of pupils or staff or is otherwise not in “good repair.” (AB 607, § 1; EC 1240(c)(2)(K).)

The new statutory provision states:

“[T]he county superintendent may, among other things, do any of the following:

(i) Return to the school to verify repairs.

(ii) Prepare a report that specifically identifies and documents the areas or instances of noncompliance if the district has not provided evidence of successful repairs within 30 days of the county superintendent's visit or, for major projects, has not provided evidence that the repairs will be conducted in a timely manner. The report may be provided to the governing board of the school district. If the report is provided to the school district, it shall be presented at a regularly scheduled meeting held in accordance with public notification requirements. The county superintendent shall post the report on its Internet Web site. The report shall be removed from the Internet Web site when the county superintendent verifies the repairs have been completed.” (EC 1240(c)(2)(K).)

- Provides a County Superintendent in a county with 200 or more schools ranked in deciles one to three, inclusive, on the 2003 base API with up to 10 business days

to provide a copy of the initial insufficiency report to the school district if the insufficiency was discovered through a teacher survey at a school in which the County Superintendent found sufficient textbooks and instructional materials the previous two consecutive years. (AB 607, § 1; EC 1240(i)(3)(B).)

- Eliminates the provision in subparagraph (B) of paragraph (4) of subdivision (i) of Education Code Section 1240 that required County Superintendents to forward a copy of each initial insufficiency report to the Superintendent of Public Instruction (SPI) within five business days of the site visit. (AB 607, § 1; EC 1240(i)(4)(B).) County Superintendents may still forward copies of their initial insufficiency reports, however, and they must continue to request that the California Department of Education purchase textbooks or instructional materials for any district that has not remedied an insufficiency by the end of the second month of the school term. (EC 1240(i)(4)(D).)

County Superintendent Annual and Quarterly Reports

AB 607 . . .

- Establishes a common release month for County Superintendent Annual Reports and clarifies the required contents of the reports. County Superintendents shall submit their Annual Reports in November. The reports shall include, “among other things, [the County Superintendent’s] observations while visiting the schools and his or her determinations for each school regarding the status of [sufficient textbooks and instructional materials, school facility conditions, the accuracy of data reported on the School Accountability Report Card with respect to sufficient textbooks/instructional materials and school facility conditions], and teacher misassignments and vacancies.” County Superintendents shall use a standardized template that the California County Superintendents Educational Services Association (CCSESA) will design unless the County Superintendent already uses a report template that includes the required details for each school visited and reviewed. (AB 607, § 1; EC 1240(c)(2)(A)-(B).)
- Clarifies the required contents of County Superintendent Quarterly Reports. Each quarter, the County Superintendent must report the results of the site visits and reviews conducted that quarter to the district governing board at a regularly scheduled board meeting. The results must include, when applicable, specific determinations at each school regarding sufficiency of textbooks and instructional materials, school facility conditions, teacher misassignments and teacher vacancies, and the accuracy of data reported on the School Accountability Report Card with respect to sufficient textbooks/instructional materials and school facility conditions. If the County Superintendent conducted no visits or reviews during the quarter, the quarterly report shall report that fact. (AB 607, § 1; EC 1240(c)(2)(G).)

List of Schools County Superintendents Must Visit and Review Annually

AB 607 . . .

- Updates the list of schools to be visited and reviewed annually by county superintendents. Commencing with the 2007-08 fiscal year, county superintendents will visit and review schools ranked in deciles one to three, inclusive, on the 2006 base Academic Performance Index (API), as determined by the California Department of Education (CDE) pursuant to subparagraphs (B)-(D) of paragraph (2) of subdivision (c) of Education Code Section 1240. The CDE is required to post the API scores on its website on or before May 1, 2007. (AB 607, § 1; EC 1240(c)(2)(B)-(D).) The list will be updated every three years to reflect the most recent base API. Accordingly, the list will be updated again for fiscal year 2010-11 based on the 2009 base API. (AB 607, § 1; EC 1240(c)(2)(E).)

State Remedies of Textbook/Instructional Materials Insufficiencies

AB 607 . . .

- Authorizes the California Department of Education (CDE) to immediately respond to county superintendent requests and purchase textbooks or instructional materials for school districts that have not remedied insufficiencies by the end of second month of the school term. The CDE is no longer required to wait until it receives approval from the State Board of Education before making a purchase. Now, if the CDE purchases textbooks or instructional materials for a school district, the CDE shall issue a public statement at the first regularly scheduled State Board of Education meeting following receipt of the county superintendent request indicating that the district superintendent and the district governing board failed to provide pupils with sufficient textbooks or instructional materials. The amount of funds necessary to purchase the textbooks or instructional materials is a loan to the school district. (AB 607, § 1; EC 1240(i)(4)(D).)

Local Board Resolutions on Sufficiency of Instructional Materials

AB 607 . . .

- Clarifies that if a governing board determines that there are insufficient textbooks or instructional materials, or both, the governing board shall inform the public by setting forth “in the resolution” the percentage of pupils in each school who lack sufficient standards-aligned textbooks or instructional materials in each subject area and the reasons that each pupil does not have sufficient textbooks or instructional materials, or both. (AB 607, § 8; EC 60119(a)(2)(A).)

Funding for County Superintendent Site Visits

AB 607 . . .

- Provides the allocation formula for the \$10 million appropriated in the 2006 Budget Act for County Superintendent site visits pursuant to EC 1240. (AB 607, § 2; EC 1242.) Also, Section 9 of the bill preserves the remaining unencumbered balance of funds from the \$15 million appropriated in the original Settlement Legislation (SB 550) and makes the funds available for expenditure through June 30, 2008, for “extraordinary costs” incurred by County Offices of Education related to the *Williams* site visits.

This “extraordinary cost pool” was created last year by Assembly Bill 491 (specifically, Section 4 of Chapter 710 of the Statutes of 2005). The California Department of Education (CDE) may allocate the funds in this pool based upon a determination by the CDE, the Secretary of Education, and the Department of Finance that a County Office of Education has incurred extraordinary costs and the amount of those costs. The full text of Section 4 of Chapter 710 is included in the *Williams v. California* Legislative Update dated October 11, 2005.

Finally, Section 3 of the bill adds Section 1242.5 to the Education Code. Education Code Section 1242.5 requires the CDE to review the actual costs of the 2005-06 site visits by March 31, 2007. If the CDE determines that a County Office of Education did not expend all of the funds it received for site visits during the 2006-07 fiscal year, the excess funds shall revert to the “extraordinary cost pool.” Education Code Section 1242.5 then states that funds from this pool shall be allocated to a County Office of Education by June 30, 2007, if the CDE and the Department of Finance determine that it was necessary for the County Office of Education to incur the extraordinary expenses to conduct the site visits. This provision appears to be slightly inconsistent with the procedures established by Section 4 of Chapter 710 of the Statutes of 2005, which involve the Secretary of Education and do not require a finding that the extraordinary costs were “necessary.”

For more information, including the full text of AB 607 and previous *Williams v. California* legislative updates, please visit www.decentschools.org and click on “Settlement Info.”