

# Implementing the Williams Settlement



**Legislative Analyst's Office**

**August 23, 2004**

# Background on Williams Lawsuit

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- In May 2000, a class-action lawsuit claimed the state was not meeting its constitutional obligation to provide necessary educational inputs.
- On August 12, 2004, the administration and plaintiffs entered an agreement contingent upon the Legislature enacting legislation in either the 2004 or 2005 legislative session.

# What Is the Problem?

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- ▶ **Plaintiffs contend state not ensuring adequate facilities, textbooks, and trained teachers.**
- ▶ **Anecdotal evidence suggests:**
  - Districts failing (compliance and process)
  - State failing (oversight and accountability)
- ▶ **School level culpability is minimal.**

# Basic Elements of the Settlement

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- **A new Compliance Process for teachers, instructional materials, and facilities (TIF Process).**
- **Three new facilities programs.**

# Goals of the Compliance Process

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- **Ensure all students have needed textbooks and instructional materials.**
- **Ensure all students have teachers with the appropriate credentials.**
- **Ensure school facilities meet health and safety standards.**

# The State Role in Compliance

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- **The Superintendent of Public Instruction (SPI) required to purchase textbooks for districts with insufficient supply (after approval by the State Board).**
- **The SPI resolves appeals of parent complaints of school-level TIF issues.**

# County Office Role in Compliance

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- Visit all decile 1 through 3 schools annually to determine whether TIF standards are met.
- Visit these schools within first four weeks of year to ensure adequate textbooks.
- Report to districts and the SPI on textbook shortfalls.
- Review and follow-up on required district audits of TIF .

# District Role in Compliance

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- **Meet new state textbook standard (adequate textbooks).**
- **Meet new facilities standard (local health and safety standards).**
- **Expand audit requirements to include textbooks and teacher assignments.**
- **Manage school complaint process and respond to parent TIF complaints.**



# School Role in Compliance

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- **Parent complaint process expanded to include TIF issues.**
- **Additional information on TIF required in School Accountability Report Card (SARC).**

# New Facilities Programs

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- **Maintenance plan**—provides funding for schools in deciles 1 through 3 to develop a five-year maintenance plan.
- **Emergency repairs**—provides at least \$100 million annually for health and safety repairs in deciles 1 through 3 schools.
- **Concept 6**—phases out use of this longer day/shorter year calendar by 2012.

# LAO Concerns—Governance

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- **Which level of government is responsible for success of overall compliance program?**
  - **Who will set standards for adequacy?**
  - **Is the State Department of Education responsible for county office effectiveness?**
  - **Who is empowered to intervene when districts consistently fail to achieve standards?**

# LAO Concerns—Governance (Continued)

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- Does the state need to assume greater responsibility for local administrative actions?
- Should the State Board be able to assume control of district school construction programs (Concept 6)?
- Mandates are fiscally inefficient and programmatically less effective than other direct funding approaches.

# LAO Concerns—Complexity

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- **Complex regulatory structure will be very difficult to implement successfully.**
- **TIF process treats all districts uniformly, no matter how severe the problems.**
- **New regulatory structure independent of existing compliance monitoring.**
- **Implementation in 2004-05 is not realistic.**

# LAO Concerns—Cost Elements

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- **Identifiable annual costs are significant.**
  - Mandated local costs in the hundreds of millions of dollars —new audits, complaint processes, county office reviews, school report card data.
  - Facility programs of at least \$100 million.
  - Concept 6 and textbook standards may be reimbursable mandated costs.
- **Significant new cost pressures—  
instructional materials, deferred  
maintenance, and school construction.**

# LAO Concerns—Miscellaneous

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- Rewards districts that have failed to do the right thing.
- Using API excludes alternative education schools, and includes charter schools.
- State would provide more funding for maintenance while districts have recently provided less.

# Integrate Solution With Other District Accountability Efforts

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- **The state could build on existing state/county oversight and intervention of districts:**
  - Fiscal accountability through AB 1200 process.
  - Academic accountability (AB 2066, Steinberg).
- **Williams settlement could expand existing compliance and process accountability (CCR process).**



# Recognize These Are District Problems, Not School Problems

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- **Facilities, teacher hiring, and textbooks are district responsibilities not schools.**
- **Generally the state funds districts not schools, so districts have fiscal tools to fix problems.**
- **Problems in these areas may be symptoms of larger managerial issues.**

# Alternative: Two-Tiered Coordinated Compliance Review

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- Districts conduct a self assessment of their compliance with state law including textbooks, facilities and qualified teachers
- State performs audit of districts.
- Compliance problems trigger intervention by county regions and/or FCMAT.
- Continued compliance problems trigger sanctions.

# Benefits of Reformed CCR Process

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- Over time, helps districts solve structural problems, not just symptoms of larger problems.
- Focus intensive resources on districts that need the most help.
- Can integrate with fiscal and academic accountability.

# Benefits of Reformed CCR Process (Continued)

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- **Consistent with existing governance structure.**
- **More cost effective:**
  - Build on existing CCR process.
  - Direct funding would eliminate bureaucratic costs of mandate reimbursement process.
- **Improves existing compliance monitoring process.**