

Date of Hearing: April 7, 2021

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 599 (Jones-Sawyer) – As Amended March 29, 2021

SUBJECT: Public schools: accountability: county superintendents of schools

SUMMARY: Updates the criteria used for identifying schools required to be reported and reviewed by the county superintendent of schools under existing law. Specifically, **this bill:**

- 1) Requires, commencing with the 2022-23 school year and every third year thereafter, the Superintendent of Public Instruction (SPI) to identify a list of school districts in need of intervention, including charter schools, which the county superintendent, or a designee, inspects annually, and about which they must submit an annual report at a regularly scheduled November board meeting, to the governing board of each school district under the jurisdiction of the county superintendent, the county board of education, and the county board of supervisors. Requires that the list of schools compiled:
 - a) Include all schools identified for comprehensive support and improvement and additional targeted support and improvement pursuant to the Every Student Succeeds Act or identified as low-performing under the federal Elementary and Secondary Education Act of 1965, or any subsequent amendments to the act.
 - b) Include on the list all schools where 15% or more of the teachers are holders of a permit or certificate, such as temporary or short-term permit, a substitute permit, a waiver, or an intern credential, that is a lesser certification than a clear California teaching credential.
 - c) Be reviewed by the State Board of Education (SBE), and make recommendations to the Legislature for further inclusion.

EXISTING LAW:

- 1) Requires the SPI to identify a list of schools ranked in deciles 1-3 of the Academic Performance Index (API) every three years.
- 2) Requires the county superintendent of schools to:
 - a) Provide a report every three years to the county board of education and the board of supervisors that describes the state of schools in the county that are ranked in deciles 1-3 of the API, and include information on teacher misassignments and teacher vacancies.
 - b) Visit schools within the county that are ranked in deciles 1-3 of the API and use the established criteria for the visits, including sufficient textbooks, condition of the facilities, teacher misassignments and vacancies, and the accuracy of the data reported on the SARC. This information must be reported on a quarterly basis to the governing board of the applicable school districts at a regularly scheduled meeting. Provides exceptions for counties with large numbers of identified schools.

- c) Prepare a report and provide the school district with the opportunity to provide a remedy if a deficiency is found during a visit. (Education Code Section 1240)
- 3) Requires in federal law, each state to use a set of indicators as a means to identify the lowest-performing schools for support and improvement. (Every Student Succeeds Act (ESSA) § 1111, 20 U.S.C. § 1111 et seq. (2015)).

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, “California’s commitment in *Williams v. California* was to ensure that the basic conditions that make up a school—facilities in good repair, properly credentialed teachers, and sufficient instructional materials—are being provided to all California students. Without the basic educational necessities, we cannot provide our students with a quality education that prepares them for success in life. By updating references to an outdated system of identifying the lowest-performing schools, AB 599 helps California fulfill its promise to students and reduce disparities in student performance.”

Williams v. State of California. In 2004, a settlement agreement was reached in the case of *Williams v. State of California*. Five bills implementing the agreement were signed into law by Governor Schwarzenegger, and the court approved the agreement in 2005.

The Williams settlement agreement:

- Established minimum standards and accountability systems regarding school facilities, teacher quality, and instructional materials;
- Prohibited the operation of the “Concept 6” calendar program which provided 163 days of classroom instruction, instead of 180 days;
- Required the Uniform Complaint Procedures (UCP) to allow students, teachers, and others to submit complaints about insufficient instructional materials, teacher vacancies and misassignments, and unsafe or unhealthy facilities conditions;
- Required annual inspection visits from the county superintendent of schools ranked in deciles one to three of the API in their counties to determine compliance with the new instructional materials and facilities standards and whether the schools’ School Accountability Report Cards (SARCs) accurately reported this data;
- Required county superintendents of schools to review teacher misassignments;
- Required SARCs to be posted online and in paper form and include accurate and current information regarding sufficiency of instructional materials, the number of teacher misassignments and vacancies, and the condition of school facilities;
- Updated K-12 audits and audit guides; and

- Provided up to \$800 million beginning in the 2005-06 fiscal year for districts to repair facility conditions that threatened health and safety and approximately \$25 million in 2004-05 for a one-time comprehensive facilities needs assessment of schools ranked in the bottom 3 deciles under the 2003 statewide API. Funding for this program became unrestricted pursuant to SBX3 4 (Chapter 12, Statutes of 2009), enacted February 2009.

Academic Performance Index suspended in 2013. The API was one component of California's prior statewide accountability system. The Public Schools Accountability Act (PSAA) of 1999 required that the California Department of Education (CDE) annually calculate APIs for California public schools and to publish statewide school decile ranks. The PSAA also established annual API growth targets for each district, school, and student group.

The Local Control Funding Formula (LCFF), enacted in 2013, and was designed to improve student outcomes by providing more resources to meet the educational needs of low-income students, English learners, and foster youth. The law provides more flexibility to districts on how they choose to spend their money. In exchange, local educational agencies (LEAs) must provide more transparency by developing local control and accountability plans through meaningful community engagement. In addition, LCFF required the SBE to develop a new statewide accountability system. During the development of this new system, the SBE suspended the calculation of the API and the last API report was produced in 2013.

In March 2017, the SBE and the CDE launched a new accountability system to replace the API. This new, multiple-measures system provides a fuller picture of how districts and schools are addressing the needs of their students while also identifying the specific strengths and areas in need of improvement. The new accountability and continuous improvement system was implemented using an online tool known as the California School Dashboard (Dashboard).

Reviews required based on outdated list. The Williams settlement relied on the API to identify schools to be reported and reviewed by the county superintendent of schools, and although the last API report was produced in 2013, county superintendents of schools continue to be required to use this outdated metric to report and review schools within their county boundaries. The list from 2013 included 2,182 schools. The same schools have now been reviewed annually 6 times, regardless if academic, facility, or other conditions have changed. If the existing criteria allowed for annual updates, it is likely that some schools would have been removed from the list, and others added. Therefore, some schoolsites continue to be visited that no longer need an inspection, while those resources could have been targeted to those schools newly added to the list. This bill establishes a new metric, school identification under ESEA, to report and review schools within counties.

Differentiated Assistance. California's public school accountability system is designed to reinforce the expectation that everyone can improve while also ensuring additional support is provided to LEAs that are struggling. It also includes an intentional focus on providing assistance in a manner that builds capacity of the LEA receiving assistance. State law required the SBE to adopt "evaluation rubrics" (which have been implemented as the Dashboard). One purpose of the evaluation rubrics is to determine whether LEAs are in need of additional assistance: a) COEs must offer differentiated assistance to a school district if any student group meets the criteria for two or more LCFF priorities, and b) the CDE must offer differentiated assistance to a COE if any student group meets the criteria for two or more LCFF priorities.

Differentiated assistance is intended not only to help the LEA address the underlying causes that led to its eligibility for assistance, but also to strengthen the LEA's overall ability to evaluate the effectiveness of strategies and programs and make adjustments as appropriate. This approach equips the LEA to improve in areas that were not the focus of differentiated assistance and increases the likelihood that improvements will be sustained when the differentiated assistance ends. County superintendents, charter authorizers, the California Department of Education (CDE), and the California Collaborative for Educational Excellence (CCEE) provide differentiated assistance for eligible LEAs, in the form of individually designed assistance, to address identified performance issues, including significant disparities in performance among student groups.

Under LCFF statutes, LEAs are eligible for differentiated assistance based on:

- 1) Student group performance in two or more LCFF state priority areas (**Method 1**), or, beginning in 2018,
- 2) Performance on local indicators in two or more priority areas (**Method 2**), or,
- 3) A combination of student group and local indicator performance in two or more priority areas (**Method 3**).

The student groups used to identify LEAs for differentiated assistance include:

- English learners
- Socioeconomically disadvantaged
- Foster youth
- Homeless youth
- Students with disabilities
- Racial/ethnic groups, including:
 - American Indian/Native Alaskan
 - Asian
 - Black/African-American
 - Filipino
 - Hispanic/Latino
 - Pacific Islander
 - Two or More Races
 - White

Based on the results of the 2019 Dashboard, 333 districts and COEs are eligible for differentiated assistance. Approximately 179 districts and COEs that were eligible for differentiated assistance in 2018 are no longer eligible for assistance in 2019. An additional 125 new districts and COEs are eligible for assistance in 2019. In this first year of differentiated assistance eligibility for charter schools, 23 charter schools are eligible. Due to the COVID-19 pandemic, LEAs were not identified for differentiated assistance in 2020.

State law requires eligible *LEAs* to be identified for Differentiated Assistance, however federal law requires eligible *schools* to be identified for assistance.

School identification under the Every Student Succeeds Act. The 2018–19 school year was the first time that states are required under the ESSA to determine which schools are eligible for Comprehensive Support and Improvement (CSI) based on the criteria in the State Plan. Such identification must occur at least once every three years and include at least the lowest performing five percent of all schools receiving Title I funds. In addition, any public high school whose graduation rate has fallen below 67 percent for three consecutive years will be automatically eligible for CSI, regardless of its Title I status.

ESSA also requires that states determine which schools are eligible for Targeted Support and Improvement (TSI), based on student group performance. Under California’s ESSA Plan, schools that are not eligible for CSI will be eligible for TSI regardless of their Title I funding status if they have one or more student groups(s) that, for two consecutive years, meet the criteria applied to identify the lowest performing five percent of Title I schools. Normally, TSI eligibility will be determined annually.

School identification for Additional Targeted Support and Improvement (ATSI) occurs on a three-year cycle. The criteria used to identify schools for TSI and ATSI are essentially identical. Since California’s ESSA State Plan also states that schools will be identified for ATSI in the 2018–19 school year, all schools that met the criteria for TSI in 2018 have been moved into the ATSI category.

A school can only be eligible for one category of assistance. In other words, a school cannot be eligible for CSI and TSI (or ATSI) at the same time. In addition, schools in all three categories have the opportunity each year after their initial identification to exit support and improvement by meeting the exit criteria included in the ESSA State Plan.

Table 1: Summary Results of Schools Eligible for CSI, and ATSI in 2019

Identification status	Total number of schools
CSI (Based on Graduation Rate Only; Title I and non-Title I Schools)	58
CSI (Based on State Indicator Results; Title I Schools Only)	362
ATSI (Title I and non-Title I Schools)	1,001

School identification under the ESSA was not required for the 2019-20 due to the COVID-19 pandemic due to an assessment and accountability waiver granted by the U.S. Department of Education in April 2020. In February, the SBE approved a federal waiver application of school identification and related accountability provisions for the 2020-21 school year due to ongoing concerns related to the pandemic.

Nearly two decades have passed since the Williams Case settlement was reached. Since 2004, California’s entire K-12 public school funding and accountability systems have been reimagined and reformed, with a greater emphasis on local control to close student achievement and opportunity gaps with supports as opposed to sanctions. The Elementary and Secondary Education Act of 1965 has been twice reauthorized during this time period: first to the No Child Left Behind (NCLB) Act from 2002-2015, and then to the current law of the Every Student Succeeds (ESSA) Act, moving from required prescriptive models for school improvement, to a

reliance on local plans for school continuous improvement. Given the shifts in accountability systems, this bill proposes to change and update the following:

List criteria. Current law requires the criteria for school identification to include school performance under the former state accountability metric, the API. This bill proposes to use two new criteria:

- 1) School identification under federal law, the ESSA (specifically, CSI and ATSI). Unlike the API, the current state accountability system identifies LEAs for differentiated assistance, rather than specific schools. Although the API and the criteria for school identification under the ESSA are not identical, the federal law is the closest proxy available to use.
- 2) Schools where 15% or more of the teachers are holders of a permit or certificate, such as temporary or short-term permit, a substitute permit, a waiver, or an intern credential, that is a lesser certification than a clear California teaching credential.

The California State Assignment Accountability System (CalSASS) was established by AB 1219 (Jones-Sawyer) of the 2019-20 Session. The Commission on Teacher Credentialing developed and implemented a statewide-automated system for the annual monitoring of teacher misassignment in schools, including charter schools, and revised the responsibilities of LEAs for the monitoring of teacher misassignments.

According to a 2019 report by the Learning Policy Institute, *California's Positive Outliers Districts Beating the Odds*, "The percent of teachers holding substandard credentials is significantly and negatively associated with student achievement. In our analyses, we used credentialing and experience as proxies for this knowledge and skill base (i.e., whether teachers hold a full credential, rather than an intern credential, temporary or short-term permit, or waiver for their teaching position). We recognize that a concentration of such teachers is also a sign of difficulty recruiting and retaining staff, which may signal broader differentials in teaching and learning conditions as well as teacher quality. Districts that have been able to avoid the effects of the widespread teacher shortages by recruiting and retaining fully prepared teachers are much more likely to produce strong student achievement for African American and Hispanic students as well as for White students."

Number of schools identified. The Williams list from 2013 that requires county superintendents of schools to report and review schools within their county boundaries based on the API includes 2,182 schools. According to data provided by the author's office, this bill would identify the following estimated number of schools:

Proposed identification criteria	Estimated number of schools based on 2019 data
CSI (Based on Graduation Rate Only; Title I and non-Title I Schools)	58
CSI (Based on State Indicator Results; Title I Schools Only)	362
ATSI (Title I and non-Title I Schools)	1,001
15% or more of the teachers are holders of a permit or certificate, such as temporary or short-term permit, a substitute permit, a waiver, or an intern credential, that is a lesser certification than a clear California teaching credential	594
TOTAL	2,015

Charter schools. All non-charter schools in deciles 1 through 3 on the 2003 base API were automatically subject to the *Williams* settlement provisions, including increased monitoring. Charter schools were given the option of participating. Only a very few charter schools volunteered to participate in the *Williams* settlement. Given the significant increase in the number of charter schools in since 2003, it is reasonable to include them as eligible under the criteria as proposed by this bill.

Funding. As a key part of the *Williams* settlement, funds were provided to COEs for oversight purposes, including reviewing, monitoring and reporting on the state of schools ranked in deciles 1 to 3 of the API. Funding was provided appropriated based on the number of identified schools within a particular county. Funding for this program became unrestricted pursuant to SBX3 4 (Chapter 12, Statutes of 2009), in 2009. It is likely that the distribution of identified schools has changed since the last appropriation, and the funding levels flexed in 2009 may not match an increased or decreased COE responsibility.

Recommended Committee Amendments. *Staff recommends that the bill be amended as follows:*

- Update reference to EC 52072(a) in EC 1240(c)(2)(A)(i).
- Require that the list of schools created by the SPI be aligned with the three-year cycle of school identification for CSI and ATSI.
- Remove provision for the SBE to review the list of schools and make recommendations to the Legislature for further inclusion.

Arguments in support. The Los Angeles County Office of Education writes, “The list of schools inspected by counties has been frozen in place since 2013 when the API was last produced. As such, the same schools are being evaluated annually as were in 2013, even though there has been much change in school performance over the last 6 years. AB 599 will align the way schools are identified for inspections by county offices of education with the schools identified in the state’s new system of support.”

Prior legislation. AB 1716 (Jones-Sawyer) and AB 2472 (Jones-Sawyer) of the 2019-20 Session both would have established a process for identifying schools required to be reported and reviewed by the county superintendent of schools. Both bills were held in the Assembly Education Committee.

AB 1219 (Jones-Sawyer), Chapter 782, Statutes of 2019. This bill requires the Commission on Teacher Credentialing to develop and implement a statewide automated State Assignment Accountability System for annual monitoring of teacher misassignment in schools, including charter schools, and revises local responsibilities for the monitoring of teacher misassignments.

SB 6 (Alpert), Chapter 899, Statutes of 2004, provided up to \$800 million beginning in the 2005-06 fiscal year for districts to repair facility conditions that threaten health and safety and approximately \$25 million in 2004-05 for a one-time comprehensive facilities needs assessment of schools ranked in the bottom 3 deciles under the 2003 statewide API.

SB 550 (Vasconcellos), Chapter 900, Statutes of 2004. Established minimum standards regarding school facilities, teacher quality, and instructional materials.

AB 1550 (Daucher), Chapter 901, Statutes of 2004. Phased out the use of the Concept 6 calendar by July 1, 2012, and set benchmarks for districts to reach the goal.

AB 3001 (Dymally), Chapter 902, Statutes of 2004. Encouraged the placement of qualified teachers in low performing schools; enhanced an existing oversight mechanism to ensure that teachers are qualified to teach the subject matter to which they have been assigned and to ensure that teachers of English learners are properly trained; and streamlined the process for highly qualified teachers from out of state to teach in California schools.

AB 2727 (Daucher), Chapter 903, Statutes of 2004. Established accountability systems to enforce the new minimum standards regarding school facilities, teacher quality, and instructional materials.

REGISTERED SUPPORT / OPPOSITION:

Support

American Civil Liberties Union (ACLU), Center for Advocacy & Policy CA
California County Superintendents Educational Services Association (CCSESA)
Los Angeles County Office of Education
Public Advocates Inc.

Opposition

None on file

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