

Date of Hearing: April 28, 2021

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Lorena Gonzalez, Chair
AB 599 (Jones-Sawyer) – As Amended April 15, 2021

Policy Committee: Education Vote: 7 - 0

Urgency: No State Mandated Local Program: Yes Reimbursable: Yes

SUMMARY:

This bill updates the criteria under existing law used for identifying schools in need of inspection by the county superintendent of schools.

Specifically, this bill requires the Superintendent of Public Instruction (SPI), commencing with the 2022-23 fiscal year and every third year thereafter, to identify a list of low-performing schools using an updated criteria. The bill also requires the SPI to include additional information on its low-performing schools list to identify schools where 15% or more of teachers do not hold a “clear” teaching credential. The bill requires a county superintendent of each county to annually inspect those schools in their county and submit a report that describes the state of those schools.

FISCAL EFFECT:

- 1) Minor Ongoing GF costs to the California Department of Education (CDE) to identify schools and generate the lists required by this bill. The CDE indicates existing data capture most of the data components.
- 2) Ongoing Proposition 98 GF costs, of an unknown thought likely minor amount, to county offices of education (COEs) for any increased workload associated with inspections required by this bill. The state’s 58 COEs already inspect low-performing schools using outdated criteria (discussed in more detail below). Using the outdated criteria, 2,421 schools are identified statewide for inspection. Under this bill, with its updated criteria, an estimated 2,015 schools would be identified statewide for inspection. To the extent distribution of schools to be inspected has shifted or the Commission on State Mandates determine the requirements of this bill to exceed the requirements of current law, this bill could be a reimbursable state mandate.

COMMENTS:

- 1) **Purpose.** 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 By updating references to an outdated system of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.

- 1) **Background.** The Williams vs. State of California case was filed as a class action in 2000 in San Francisco County Superior Court. Plaintiffs included students represented by the American Civil Liberties Union who claimed the state had failed to provide public school students with equal access to instructional materials, safe and decent school facilities and qualified teachers. A settlement agreement was reached in 2004 and nearly \$1 billion was awarded to schools to address issues raised by the lawsuit. In addition, the settlement established minimum standards and accountability systems regarding school facilities, instructional materials and teacher quality; and required annual inspection visits of schools ranked in deciles one to three of the Academic Performance Index (API) in their counties from the county superintendent of schools to determine compliance with the new instructional materials and facilities standards.

The API was one component of California's prior statewide accountability system. It was a number each school was assigned by CDE based on student performance on assessments. The API was suspended in 2013 with the creation of the education funding reform known as the Local Control Funding Formula and its subsequently reformed accountability system. During the development of this new accountability system, the SBE suspended the calculation of the API and the last API report was produced in 2013. In March 2017, the CDE launched a new state accountability system to replace the API. At a similar time, the federal government reauthorized the federal K-12 education act as the Every Student Succeeds Act (ESSA). Under both the state and federal accountability systems, low-performing educational entities are identified for targeted intervention and support. However, under the state's system, local educational agencies are identified, while under the federal system, individual schools are identified.

The Williams settlement relied on the API to identify schools to be inspected by the county superintendent of schools, and although the last API report was produced in 2013, county superintendents of schools continue to use this outdated metric to determine which schools to inspect. The list from 2013 included about 2,182 schools.

This bill removes API as the indicator inspection of a school is needed and instead uses a school identified under federal ESSA for targeted intervention and support to fulfill Williams settlement requirements. (The bill uses ESSA because the state system requires local education agencies be identified rather than individual schools.) Approximately 1,421 schools were identified by ESSA in 2019 as those that would need inspection if this bill were law.

- 2) **Charter Schools.** Under current law, charter schools are not automatically subject to Williams settlement inspections and are given the option of participating. Only a very few charter schools volunteer to participate. Charter schools, however, would be subject to Williams settlement inspections under this bill.
- 3) **Clear Teaching Credentials.** A clear teaching credential indicates a teacher has completed all steps necessary to become a fully credentialed teacher. Teachers may teach in the classroom with a lesser certification than a clear teaching credential. Most commonly, if a classroom teacher does not have a clear credential, they will have a preliminary credential, which a teacher typically has for five years before gaining their clear credential. In addition,

a teacher in a classroom may hold a permit or certificate, such as temporary or short-term permit, a substitute permit, a waiver or an intern credential. Research from the Learning Policy Institute indicates the percent of teachers holding a standard less than a clear credential is negatively associated with student achievement.

This bill requires CDE to identify schools where 15% or more of the teachers do not hold a clear teaching credential as in need of Williams settlement inspection. This is estimated to be 594 schools statewide.

- 4) **COE Funding.** COEs receive the vast majority of their state funding as unrestricted Proposition 98 GF to carry out a number of state-required activities, such as Williams settlement inspections, and non-state-required activities, such as internet connectivity and technology assistance. Funding allocations to a COE are based on three variables: (a) the number of students and districts in its county; (b) the number of alternative school students it serves; and (c) two hold harmless provisions from the education funding reforms of 2013. COE funding is unrestricted (that is, funds can be used for any purpose). COEs received \$1.1 billion in Proposition 98 GF in the 2020-21 fiscal year, with the majority of funding generated from alternative school students and the hold harmless provisions.
- 5) **Prior Legislation.** AB 1716 (Jones-Sawyer) and AB 2472 (Jones-Sawyer), both of the 2019-20 Legislative Session, would have established a process for identifying schools for inspection by a county superintendent. Both bills were held in the Assembly Education Committee.

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