

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

November 15, 2022

FROM

TED ALEJANDRE, County Superintendent, San Bernardino County Superintendent of Schools

SUBJECT

Williams Settlement, 2021/2022 Annual Report

RECOMMENDATION(S)

Receive the Williams Settlement Fiscal Year 2021/2022 Annual Report as required pursuant to Section 1240(c)(2)(A)(i) of the Education Code describing the state of the schools in the county that are ranked in Deciles 1-3, currently based on the 2012 Base Academic Performance Index. (Presenter: Ted Alejandre, County Superintendent, 386-2407)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

The approval of this action is non-financial in nature, and therefore, does not impact Discretionary General Funding (Net County Cost).

BACKGROUND INFORMATION

The *Williams* Lawsuit Settlement, reached and enacted into law in August 2004, has set the standard for providing equitable educational opportunities and closing the achievement gap in San Bernardino County and throughout California. *Williams* legislation has provided an opportunity for county and district superintendents to work collaboratively to support and assist underperforming schools to improve student achievement.

The American Civil Liberties Union filed *Williams v. California* in 2000 on behalf of the plaintiffs – nearly 100 students from San Francisco County – as a class action lawsuit against the State of California and its educational agencies. The basis of the lawsuit was that public-school agencies failed to provide public school students with equal access to instructional materials, safe and clean school facilities, and qualified teachers. The issue of equity for disadvantaged and minority students, particularly in large and urban school districts, was the crux of the case.

The settlement covered four key areas:

- **Instructional Materials:** All students, including English learners, must have sufficient access to standards-aligned instructional materials or textbooks in all core subject areas for use in class and at home.
- **Facilities:** All schools must be safe, clean, and in good repair.

- **Teacher Credentialing and Assignment:** All schools must have teachers that are appropriately certificated for their specific teaching assignment, including English Learner Authorization.
- **Public Reporting:** All schools must include information on the sufficiency of instructional materials, repair of school facilities, and teacher misassignments and vacancies in their School Accountability Report Card (SARC). Additionally, all schools must post a notice in each classroom informing parents and guardians of their right to file a Uniform Complaint regarding instructional materials sufficiency, facilities repair, and teacher vacancy or misassignments.

In the 2013/2014 fiscal year, the Local Control Funding Formula was implemented and made significant changes to education statute. *Williams* Settlement requirements for all schools remained in effect and were further distinguished as the first of eight state priorities that must be addressed in mandated Local Control Accountability Plans (LCAPs). This means all schools (monitored and those that are not) must continue adhering to *Williams* requirements and all districts must identify and address actions that will be taken each year to achieve and/or correct any deficiencies related to *Williams* compliance in their LCAPs.

For 2021/2022 fiscal year monitoring, the *Williams* legislation required county offices to continue monitoring schools ranked in the lowest Deciles based on the state's former accountability system known as the Academic Performance Index (API), i.e., those ranked in Deciles 1-3 on a 1-10 scale when compared to other schools of the same type across the state. 2021/2022 was the ninth year of the fourth cohort (typically a three-year monitoring cycle) based on the 2012 API. A total of 149 schools in San Bernardino County were subject to review and received at least one site visit. Although a new accountability system is in place, the California School Dashboard, Education Code still requires county monitoring based on the 2012 Base API; however, Assembly Bill 599, changes the criteria beginning with the 2022/2023 fiscal year.

San Bernardino County Superintendent of Schools review teams conducted site visits for instructional materials and facilities at all monitored schools within their first four weeks of the 2021/2022 school year based on district-specific start dates. At the conclusion of the instructional-materials-review process, there was only one school with instructional materials insufficiencies, meaning they could not resolve the shortages identified at the time of visitation by the eight-week deadline specified in the Education Code. Based on this definition, this is only the second insufficiency in the county's monitoring history.

Overall, the county review teams found facilities conditions to be in good repair. Eight emergency or extreme conditions were observed: three scenarios of exposed broken glass or glass-like material was accessible to pupils and staff, two cases of non-functional air conditioning systems, two observances of severe cracks, and one instance where major evidence of a pest infestation existed. Three of the conditions were remedied prior to the end of the site visit.

A separate in-office review was conducted to evaluate each monitored school's SARC for accuracy of information reported to the public pertaining to the sufficiency of instructional materials and the condition of school facilities based on statutory requirements and county monitoring findings. Any preliminary inaccuracies observed were communicated and resolved by the conclusion of the review period.

Included in this report are the 2020/2021 fiscal year teacher assignment monitoring findings. Reviews for the 2020/2021 and 2021/2022 fiscal years were significantly delayed due to

changes in state reporting deadlines that impacted the new California Statewide Assignment Accountability System monitoring process. The 90-day review period for the 2020/2021 fiscal year officially began August 1, 2021, and concluded November 1, 2021, which was not early enough for inclusion in last year's annual report. This was the first year for California to review 100 percent of all certificated assignments at districts and all teaching assignments at charter schools. For the entire county, the review concluded with only 57 classes or classroom periods serving 20 percent or more English Learners (of 7,043 total) where a teacher did not hold the appropriate authorization. Results also reflect a total of 17 teacher vacancies (based on SARC data), all of which were filled. Regarding overall misassignments (which include vacancies as of Census Date and corrected and uncorrected misassignments) there were 209, of which 47 were corrected. The annual assignment monitoring and review process for the 2021/2022 fiscal year began August 1, 2022 and concluded on November 1, 2022.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by Finance (Allegra Pajot, Administrative Analyst, 387-5005) on October 19, 2022; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on October 28, 2022.

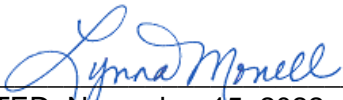
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Janice Rutherford
Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Curt Hagman, Joe Baca, Jr.
Absent: Dawn Rowe

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: November 15, 2022



cc: File - Superintendent of Schools w/attach
CCM 11/23/2022