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## Latest *Williams* Lawsuit Regulations and Requirements by the Department of Education

Coalition of Adequate School Housing Workshop  
January 28, February 1 and 3, 2005

*Fred Yeager, Assistant Director  
School Facilities Planning Division*

CALIFORNIA DEPARTMENT OF EDUCATION  
Jack O'Connell, State Superintendent of Public Instruction



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## Topics

- The list of schools in deciles 1-3 of the Academic Performance Index
- School Accountability Report Card
- Facilities Complaint Appeal Process



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## The List

- Senate Bill 6 (Alpert) *Education Code* Section 17592.70(b)(2)(B)(3)
- CDE to post list of schools in 2003 Academic Performance Index (API) deciles 1-3
- Schools on list eligible for Facility Needs Assessment Grant and Emergency Repair Programs administered by OPSC



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## The List

- 2,208 schools
- 2,063,273 students
- <http://www.cde.ca.gov/eo/ce/wc/wmsschools.asp>

January 11, 2005



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## School Accountability Report Card (SARC)

The SARC is intended to: "...provide data by which parents can make meaningful comparisons between public schools..."

*Education Code Section 33126.1*

Information for 26 areas such as:

- Quality of instruction
- Enrollment
- Safety, cleanliness and adequacy of facilities



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## School Accountability Report Card (SARC)

- Senate Bill 550 (Vasconcellos) amends *Education Code* Sections 33126 and 33126.1 and requires:
  - Expanded information on the condition of a school's facilities, teachers and textbooks.
  - Examples of acceptable and unacceptable statements on facilities



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## School Accountability Report Card (SARC)

District to provide a statement on the:

“Safety, cleanliness, and adequacy of school facilities, including any needed maintenance to ensure good repair.”

“Good repair” means the facility is maintained in a manner that assures that it is clean, safe, and functional as determined pursuant to an interim evaluation instrument developed by ... the Office of Public School Construction.



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## School Accountability Report Card (SARC)

For SARCs published during the 2004-05 school year the description should include a report on whether any of the eight emergency facilities needs specified in Education Code Section 17592.72(c)(1)



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## “Emergency Facilities Needs”

- gas leaks
- nonfunctioning heating, air-conditioning, ventilation, fire sprinklers
- electrical power failure
- major sewer line stoppage
- major pest or vermin infestation
- broken windows, exterior doors, gates
- abatement of hazardous materials previously undiscovered
- structural damage that poses a safety threat



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## School Accountability Report Card (SARC)

### Acceptable and Unacceptable facility statements

- Acceptable statements provide specific information for a school.
- Unacceptable statements are broad and non-specific or district-wide summaries.



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# School Accountability Report Card (SARC)

## Acceptable Statements

### **Age of School Buildings**

This school has 20 classrooms, a multipurpose room, a library, and an administration building. The main campus was built in 1965. Additions were constructed in 1968 and 1972. Two portable classrooms were constructed in 1997 for Class Size Reduction.



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# School Accountability Report Card (SARC)

## Acceptable Statement

### **Cleaning Process and Schedule**

The district governing board has adopted cleaning standards for all schools in the district. A summary of these standards is available at the school office, at the district office, or on the Internet at [Web site address]. The principal works daily with the custodial staff to develop cleaning schedules to ensure a clean and safe school.



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# School Accountability Report Card (SARC)

## Acceptable Statement

### **Maintenance and Repair**

District maintenance staff ensures that the repairs necessary to keep the school in good repair and working order are completed in a timely manner. A work order process is used to ensure efficient service and that emergency repairs are given the highest priority.



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# School Accountability Report Card (SARC)

## Unacceptable Statements

The district has ensured that this school has facilities that are safe, clean, and adequate, and that any needed maintenance to ensure good repair has been or will soon be completed.

For more information about the condition of this school's facilities, contact the school principal.



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# School Accountability Report Card (SARC)

## How does the SARC fit into Williams?

- Provides information
- Uses the Interim Evaluation Instrument to define "good repair"
- Annual report, information may not be timely
- Data not verified by CDE
- COE review of information?



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## SARC Contact

(916) 319-0421

[sarc@cde.ca.gov](mailto:sarc@cde.ca.gov)

<http://www.cde.ca.gov/ta/ac/sa/>

***State Board of Education Action***

<http://www.cde.ca.gov/be/ag/ag/yr05/supplement0105.asp>

***Template***

<http://www.cde.ca.gov/ta/ac/sa/templates.asp>

***Data Definitions***

<http://www.cde.ca.gov/ta/ac/sa/definitions04.asp>



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# Facilities Complaint Appeal Process

- **Senate Bill 6 (Alpert)**  
***Education Code Section 17592.72***
  - defines “emergency facilities needs” for appeals
- **Senate Bill 550 (Vasconcellos)**  
***Education Code Section 35186***
  - Expands the Uniform Complaint Process (UCP) to include urgent facility needs.
  - allows “emergency facilities needs” appeals to be filed with the Superintendent of Public Instruction
  - requires classroom notice
- ***California Code of Regulations, Title 5***
  - establishes UCP and appeal process
  - State Board of Education to consider changes prepared by the Department



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# Facilities Complaint Appeal Process

1. Filed with school principal
  - forwarded to school district within ten days if beyond principal’s authority
2. Reasonable efforts of investigation made
3. Remedied within 30 working days from date complaint was received
4. Resolution reported to complainant within 45 working days from date complaint was received



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## Facilities Complaint Appeal Process

- Submitted to CDE within 15 calendar days of receiving local agency's resolution
- Includes:
  - Basis for appeal
  - Explanation of how condition poses a health and safety threat
  - Copy of filed complaint
  - Copy of LEA's resolution



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## "Emergency Facilities Needs"

### Includes:

- gas leaks
- nonfunctioning heating, air-conditioning, ventilation, fire sprinklers
- electrical power failure
- major sewer line stoppage
- major pest or vermin infestation
- broken windows, exterior doors, gates
- abatement of hazardous materials previously undiscovered
- structural damage that poses a safety threat



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## Department Role

- Determine if substantial evidence exists
  - review complainant and LEA documents
  - contact parties
  - research state and federal law and regulation
- Propose Remedy
- Notify complainant and LEA of decision
- Report to State Board of Education



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## Facilities Complaint Appeal Process Contact

Lianne Akaki (916) 324-8188

*Lakaki@cde.ca.gov*



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## Concept 6 Phase Out

- Assembly Bill 1550 (Daucher) amended *Education Code* Section 37670 et seq.
- Phase out of the Concept 6 Multi-Track Year Round Education Calendar by 2012
- Two districts—Lodi and Los Angeles
- Follow up legislation may commit un-apportioned COS funds to projects that will decrease the use of Concept 6