

FROM: Erin Apte – Public Advocates
TO: Michael Lucien, Marguerite Ries, Sandra Morales, Steve Henderson and Pam Gibbs
CC: John Affeldt, Liz Guillen – Public Advocates
Kathy Sher, Victor Leung – ACLU
RE: Revised Methodology Proposal for Identifying a New *Williams* List in AB 2472
DATE: April 8, 2020

Background

This memo outlines possible new criteria to replace the old API decile 1-3 methodology used to generate the list of schools eligible for *Williams* reviews. California's current oversight system, via its county offices of education, has been funded to support the inspection of approximately 2,300 schools deemed most likely to have one or more *Williams* issues (lack of prepared teachers, instructional materials, decent facilities). The proposed revised criteria seek to maintain the critical role that *Williams* inspections play in California's accountability system towards ensuring all students have access to basic educational necessities but does so in an updated manner that is:

- (1) based on the State's new system of support and multiple measures accountability system;
- (2) aligns *Williams* reviews with schools identified for support and assistance under the federal accountability system (ESSA); and
- (3) incorporates new data around the existence of underprepared educators at the school level in order to identify the schools most likely to have *Williams* issues.

Also, the new criteria include traditional public schools, add charter schools, and continue to exclude DASS schools for similar policy reasons as the original *Williams* settlement.

Once the new selection criteria are determined, the next step will be to address how the new *Williams* list should best merge operationally with the new accountability system's features for support and assistance. Specifically, we will want to refine the steps to be taken if one of more of the three substandard learning conditions is identified during the *Williams* review process. For example, information on key school conditions derived from *Williams* inspections should be highlighted in LEA's priority 1 local indicators. Also, *Williams* schools should be prioritized for quick review and correction of teacher misassignments rather than default to the end-of-year timeframe which the CalSAAS system otherwise employs. Further, county offices of education could provide assistance to districts with *Williams* schools that have high percentages of underprepared teachers in terms of root cause analyses and support in generating district and school-level responses to staffing issues. This assistance could be delivered under various aspects of the current accountability system for which county offices are receiving federal and state support, e.g., as part of Tier 2 interventions, review of CSI school plans, review of ESSA Teacher Equity reports and plans, etc. Additionally, if charter schools are to be inspected for facility fitness, a process for the incorporation of charter schools in *Williams* reviews needs to be added to existing statutes. A future memo will address these issues in greater detail.

Summary of Proposed Criteria & Rationale

We propose that every three years, in the same years in which CSI and ATSI schools are identified, the State generate a list of schools eligible for *Williams* reviews using these criteria:

1. Schools identified for CSI during that three-year cycle.
2. Schools identified for ATSI during that three-year cycle.
3. Schools identified for TSI during that year or the prior two years.¹
4. Schools not identified for support under ESSA (*i.e.*, “General Assistance” schools) where 15% or more of teachers lack a full credential or, when CalSAAS data becomes available, where 15% or more of teachers are either lacking a full credential or are misassigned.

Number of Schools Identified by Criteria²

Proposed Criteria	Total Number of Schools ³	Traditional Schools	Charter Schools
CSI-Low Performance	374	338	36
CSI-Grad Rate	60	33	27
ATSI	1,019	963	56
General Assistance schools ⁴ where 15% or more of the teachers are not fully credentialed	585	327	258 ⁵
TOTAL: CSI or ATSI or 15%+ Non-Fully Credentialed Teachers	2,038	1,661	377

CSI/ATSI/TSI

- These criteria continue the precedent of focusing, first and foremost, on inspecting lower performing schools to investigate and address *Williams* concerns. New school performance data, in the form of CSI, ATSI, and TSI designations, replaces the prior API decile 1-3 data. However, the new multiple measures accountability system, while laudable for expanding the scope of accountability measures, underrepresents the universe of schools likely to suffer *Williams* conditions. This is so both because it arbitrarily limits the number of schools under consideration based on other policy

¹ A not yet generated list of “Targeted Support and Intervention (TSI)” schools will be generated annually beginning in the 2020-2021 school year.

² Based on 2019 data from CDE. Total numbers exclude DASS schools.

³ Total number of schools excludes approximately 50 schools statewide with problematic data (e.g. CDS code mismatches).

⁴ “General Assistance schools” are those not identified for support under ESSA (CSI, TSI, or ATSI).

⁵ Per AB 1505, new charter school teachers are required to meet certification and assignment standards beginning July 1, 2020. Teachers employed during the 2019-2020 school year have until July 1, 2025 to meet those standards. Similarly, per AB 1219 charter schools have until July 1, 2025 to meet proper assignment standards for teachers employed during the 2019-20 school year. This delay in full implementation of certification standards in charter schools may affect the timing for using certification status to identify charter schools for inclusion on the list of schools identified for *Williams* inspections.

objectives (e.g., a bottom-5% performance level statewide) and casts a more diffuse net for performance intervention that does not align as directly with *Williams* concerns. That is, the prior API system, with its singular focus on standardized test scores, identified well the schools with concentrated poverty and English Learners that evidence in the litigation demonstrated were likely to suffer one or more *Williams* problems. California's CSI/ATSI/TSI list of schools are not as concentrated with high poverty and EL students as the prior API-generated list.

- The smaller CSI/ATSI/TSI list of schools, while also worthy of inspection for possible *Williams* issues due to their under-performance on the new multiple accountability measures, does not by itself ensure that the state would be inspecting the full universe of schools likely to suffer one or more deficiencies in the basic educational necessities of fully prepared teachers, adequate instructional materials and decent facilities. One or more additional criteria need to be added to the federal intervention list of schools to meaningfully replace the *Williams* settlement list and address its underlying concerns.

Under-Credentialed Teachers

- The best candidate for an additional criterion is direct evidence of under-prepared teachers at the school site. We now have better data on teacher credentials than we did when *Williams* reviews were first implemented. Soon we will also have data on teacher misassignments (via CalSAAS). We previously used API performance data as a proxy for identifying school sites that might be struggling to provide adequate facilities, sufficient instructional materials, and fully qualified teachers. With currently available teacher data, we can more readily identify school sites struggling to attract or retain fully prepared teachers. By including schools with identified teacher preparation issues on the list for inspections, we can provide meaningful support to ensure deficiencies are timely remedied. Data from CDE demonstrates that several hundred low-performing schools with a high percentage of under-credentialed teachers will not be identified for review using CSI/TSI/ATSI criteria alone.

As well, teacher preparedness is the single most important indicator of student success and should remain a priority when selecting criteria for *Williams* reviews.

- "Teacher qualifications are the most important school-related predictors of student achievement...Underprepared teachers—those teaching on emergency permits, waivers, and intern credentials—are associated with decreased achievement for all students, especially for students of color."⁶
- "[T]eachers teaching on substandard credentials (i.e., intern, permit, or waiver credentials), are often more likely to be found in relatively lower paying districts, and they tend to be the least experienced and effective."⁷
- "[S]chools serving the most vulnerable students often get the least experienced and least qualified teachers, those who are also the most likely to leave."⁸

⁶ Podolsky, A., Darling-Hammond, L., Doss, C., & Reardon, S., *California's Positive Outliers: Districts Beating the Odds Research Brief*, Learning Policy Institute, 4-5 (2019).

⁷ Learning Policy Institute, *California's Positive Outliers*, 16 (2019) (internal citation omitted).

⁸ Christopher Edley, Jr. and Hayin Kimner, *Education Equity in California, A Review of Getting Down to Facts II Findings*, 11 (2018).

- “Whatever the sources of substandard credentials, this finding [‘the percent of teachers holding substandard credentials is significantly and negatively associated with student achievement’] highlights the importance of teacher characteristics as indicators of both the teaching and learning conditions within a district and as correlates of student achievement.”⁹
- Schools with a shortage of fully credentialed teachers are more than three times more likely to be among the top 20% of schools with the most at-risk students.¹⁰
- In 2019, there were 925 schools in California with 15% or more under-credentialed teachers serving 385,156 students of whom 78% are historically underserved students of color (Latinx, Black, Pacific Islander, Filipino, or Native) and 81% of students are unduplicated.¹¹
- Of the 925 schools with 15% or more under-credentialed teachers, 788 are non-DASS. Of those 788 schools, only 203 were identified for CSI/ATSI in 2019. Of the 585 General Assistance schools (*i.e.* schools not identified under ESSA), very few (only 76) were blue or green on the Dashboard for English Language Arts and Math for all students. Positive test performance was even more rare among socio-economically disadvantaged students (37 schools) and English learners (21 schools).¹² *In other words, 585 schools with high concentrations of students of color and low-income students, who disproportionately experience underprepared teachers, would not receive Williams inspections using CSI/TSI/ATSI criteria alone despite having known teacher preparation and support issues and multiple low-performing student groups.*

Prevalence of Under-Credentialed Teachers is Linked With Poor Facilities and Inadequate Instructional Materials

- Further, we know from evidence generated in the *Williams* case and through *Williams* inspections over time that school sites struggling to address one of the *Williams* factors often also struggle to provide one or both of the other basic educational necessities. Poor working conditions leads to higher rates of turnover and inability to attract and retain stable, prepared, and experienced educators. Moreover, evidence from *Williams* and recent reports demonstrates that under-credentialed teachers are more likely to teach in schools with higher populations of unduplicated and historically underserved minority students. These economically and racially segregated schools are also disproportionately denied access to equitable and adequate facilities and instructional materials. *In summary, using underprepared teachers as a criterion for generating the list of schools eligible for Williams reviews is a reasonable way to identify schools that are likely to also have facility and textbook/instructional materials issues.*
 - “Many California students do not have the teachers, materials, and facilities that are fundamental to their learning and that are enjoyed by the majority of California students. The burdens of these serious shortfalls are borne most heavily in high-poverty schools, disproportionately attended by children of color and students still learning English. Such students are often housed in overcrowded, deteriorating facilities. Their schools frequently

⁹ Learning Policy Institute, *California’s Positive Outliers*, 17 (2019) (internal citation at 16).

¹⁰ “At-risk” students are defined here as those from low-income households and English learners. See Lous Harris, *Report on the Status of Public School Education in California, With Special Emphasis on The Status of Equality in Public School Education, A Survey of a Cross-Section of Classroom Teachers in California Public Schools*, 25 (2004).

¹¹ Based on 2019 data from CDE.

¹² Based on 2019 data from CDE.

lack critical instructional resources. Often these are also schools with the fewest qualified teachers and the schools in which student achievement and college-going rates remain very low.”¹³

- Teachers are twice as likely to be teaching on an emergency-style permit in high poverty schools than in low-poverty schools.¹⁴
- Teachers are three times more likely to have emergency-style permits in high minority schools than in low-minority schools.¹⁵
- Teachers in the 20% of schools with the highest percentages of underrepresented minority students (Black, Brown, Latinx, and Native) are twice as likely to rate the working conditions for teachers as poor or only fair compared to teachers at schools with fewer minorities.¹⁶
- Teachers in the 20% most highly concentrated schools of underrepresented minority students are 3.3 times more likely to report that teacher turnover is a serious problem.¹⁷
- “Teachers at schools with the most at-risk students are 1.5 times more likely than the teachers at schools with the fewest at-risk students to rate the adequacy of their school's physical facilities as poor or only fair.”¹⁸
- “The fact that half (50%) of teachers at schools with the most at-risk students rate their physical facilities as inadequate represents a serious problem.”¹⁹
- Teachers in schools with the high concentrations of underrepresented minority students are 40% more likely to report negatively on the state of their school’s textbooks and instructional materials than teachers in schools with lower concentrations of minority students.²⁰

School Site Demographics and Teacher Shortages Do Not Create an Insurmountable Challenge to Recruiting and Retaining Fully Prepared Teachers

- While evidence shows that schools with high percentages of low-income and high needs students disproportionately lack basic educational necessities, including access to fully credentialed teachers, a school site’s demographic makeup does not make these conditions inevitable. The recent *Positive Outliers* series profiles 156 school districts with concentrated populations of students of color and students from low-income families where all students consistently outperform similarly situated students in other districts. A common theme among the positive outlier districts’ strategies to improve student outcomes was an emphasis on attracting, developing and retaining well-prepared teachers. Despite the state’s severe teacher shortage, these districts employed more fully credentialed teachers and had relatively low rates of turnover compared to their similarly-situated counterparts.²¹ This further underscores the importance of using teacher preparation as a criterion

¹³ Jeannie Oakes, *Education Inadequacy, Inequality, and Failed State Policy*, 1 (2002).

¹⁴ Christopher Edley, Jr. and Hayin Kimner, *Education Equity in California, A Review of Getting Down to Facts II Findings*, 4 (2018).

¹⁵ Edley, Jr. and Kimner, *Education Equity in California, A Review of Getting Down to Facts II Findings*, 4 (2018).

¹⁶ Harris, *Report on the Status of Public School Education in California*, 11 (2004).

¹⁷ See Harris, *Report on the Status of Public School Education in California*, 3-4 (2004).

¹⁸ Harris, *Report on the Status of Public School Education in California*, 3 (2004).

¹⁹ Harris, *Report on the Status of Public School Education in California*, 34 (2004).

²⁰ See Harris, *Report on the Status of Public School Education in California*, 3-4 (2004).

²¹ Linda Darling-Hammond, et. al, *Closing the Opportunity Gap, How Positive Outlier Districts in California Are Pursuing Equitable Access to Deeper Learning*, vi (2019).

for *Williams* reviews to identify schools struggling to recruit and retain fully prepared teachers. By providing such schools with resources via *Williams* inspections and the new accountability system to perform a deeper root cause analysis, they will be better positioned to develop and implement meaningful strategies to enhance the quality of their teacher workforce and improve performance for all students.

- Although many of the positive outlier districts are high-poverty districts, they generally avoided teacher shortages by “proactively creat[ing] strong pipelines for educator hiring, often through partnerships with universities and “Grow-Your-Own” programs. They also worked hard to develop and retain teachers.”²²
- Positive outlier districts placed high value on workforce stability and continuity. Low rates of teacher and leadership turnover “contributed to the clarity of the vision and to the long-term coherence of programs. It also allowed districts to build on their successes, fine-tune their efforts over time, and build strong capacity.”²³
- “As a result of low attrition and strong recruitment, the proportion of underprepared teachers was generally low across positive outlier districts, despite the growing shortages of teachers in most districts.”²⁴
- “Positive outlier districts used collaborative professional learning as a key to improvement...[they] invested in teacher coaching, often accompanied by professional learning cycles. They also analyzed student learning, using data to inform instruction, and building teacher capacity to drive improvement. Districts established strategic partnerships with external professional development organizations, sustained over time to introduce and develop specific skills.”²⁵

Assembly Member Jones-Sawyer, AD 59

Legislative District Demographics

AD 59 represents Los Angeles Unified School District (25 sq. miles of the district, covering 4% of LAUSD)

	AD 59	LAUSD
Number of school sites	141	1,002
Number of charter schools and percentage compared to total number of schools	46 (33%)	271 (27%)
Percentage of historically underserved students of color (Latinx, Black, Pacific Islander, Filipino, or Native)	98%	85%
Percentage of unduplicated students (low-income, English	95%	80%

²² Linda Darling-Hammond, *et. al*, *Closing the Opportunity Gap*, vi (2019).

²³ Linda Darling-Hammond, *et. al*, *Closing the Opportunity Gap*, vi (2019).

²⁴ Linda Darling-Hammond, *et. al*, *Closing the Opportunity Gap*, 26 (2019) (citing Linda Darling-Hammond, *et. al*, *Addressing California’s emerging teacher shortage: An analysis of sources and solutions*, Learning Policy Institute (2016)).

²⁵ Linda Darling-Hammond, *et. al*, *Closing the Opportunity Gap*, vi (2019).

learner, and/or foster youth)		
Number and percent of schools with 15% or more non-fully credentialed teachers	21 (15%)	119 (12%)

School Identification / Performance

	AD 59	LAUSD
2012 Williams	60 (43%)	298 (30%)
2019 CSI or ATSI	36 (26%)	154 (15%)
CSI or ATSI or General Assistance schools with 15% or more non-fully credentialed teachers	46 (34%)	291 (23%)

Criteria as Applied to AD 59

- Assembly Member Jones-Sawyer's legislative district has 141 school sites of which 98% of students are historically underserved students of color and 95% are unduplicated. Of the General Assistance schools in 2019 (*i.e.* those not identified for support under ESSA), 28 were red or orange on the Dashboard for English Language Arts and Math among socio-economically disadvantaged students. Thus, 20% of schools in AD 59 have underperforming low-income students who would not benefit from *Williams* reviews if only CSI/ATSI/TSI are used as criteria to generate the list of schools.²⁶

²⁶ Based on 2019 data from CDE.