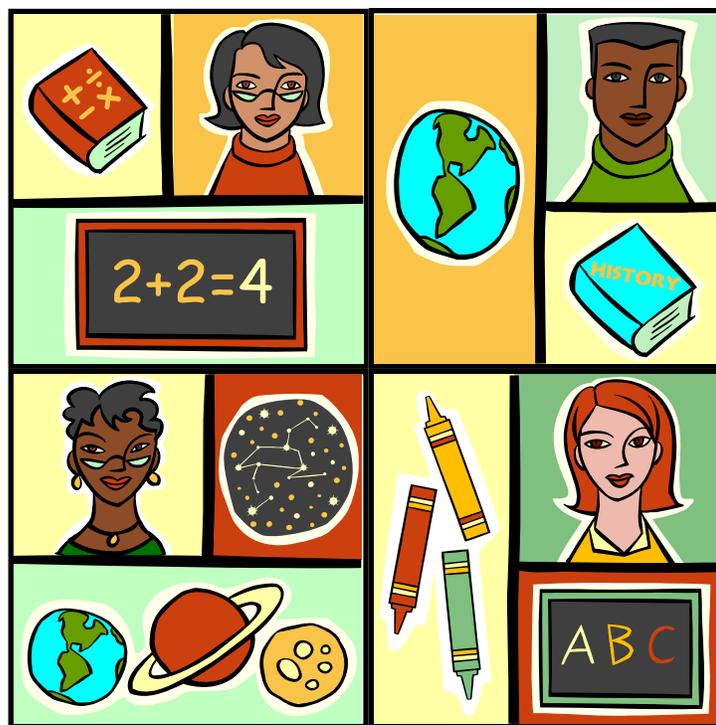


# Public Advocates

## A TEACHER IS KEY

Using the *Williams* Settlement to Monitor  
Teacher Quality



A manual for parents, students,  
teachers, school administrators,  
and other community members



# Public Advocates

**A TEACHER IS KEY**

**Using the *Williams* Settlement to Monitor Teacher Quality**

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**FOR QUESTIONS ABOUT THE *WILLIAMS* SETTLEMENT**

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CALL THE TOLL FREE *WILLIAMS* HOTLINE NUMBER (ENGLISH AND ESPAÑOL) AT 1-877-532-2533

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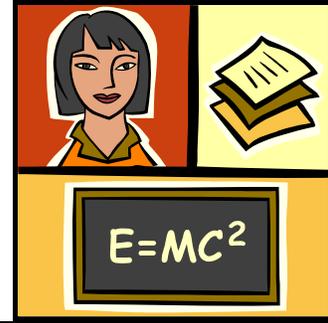
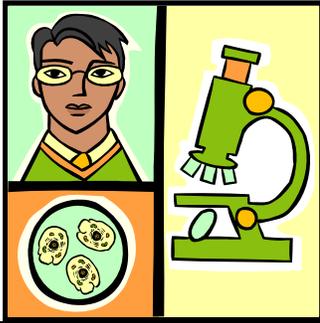
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# NOTES



## INTRODUCTION

Students in California need to pass the California High School Exit Exam (CAHSEE) to graduate from high school. This requirement falls most heavily on the shoulders of low-income students, students of color, and English learners. This is because they are the ones most likely to be taught by underprepared teachers or teachers without the proper credentials to teach the class they are assigned to teach. Sadly, these students often face a string of underprepared teachers throughout their educational careers, leading them to fall further and further behind academically. Access to quality teachers is a major civil rights issue.

Nearly 9% of the class of 2006 — or 37,755 students — were unable to pass both sections of the exit exam and were denied high school diplomas. Overwhelmingly, those who have not passed are low-income students and students of color. Over 60% come from economically disadvantaged families, and 78% are Latino or African American. About 44% of the failing students are English learners. In comparison, just 12% of White students and 5% of Asian students did not pass.

We have long known that the most important factor in improving student achievement is the quality of a child's teacher. Yet far too many students in California's public schools are taught by underprepared teachers who lack the necessary training to educate students effectively.

A class action lawsuit, *Williams v. California*, challenging the State's failure to provide all California students with basic educational necessities was filed in May 2000 on behalf of thousands of public school children. A landmark settlement was announced on August 13, 2004. It defines standards for textbooks, teachers, and facilities, establishes an accountability system to make sure schools provide these basic necessities, and provides new money to support the changes.

The *Williams v. California* settlement and the federal No Child Left Behind Act (NCLBA) create new educational rights and greater power to enforce those rights. These include a student's right to a permanent, qualified teacher and parents' "right-to-know" the qualifications of their child's teacher.

Public Advocates has prepared this manual to provide you with information about concrete tools you can use to monitor and improve teacher quality in your school and district. It is our goal that soon every student in California, regardless of race, language spoken, family income level, or special needs, will be taught by a qualified, effective teacher.

## THE *WILLIAMS* SETTLEMENT

### CREATING NEW STANDARDS AND ACCOUNTABILITY SYSTEMS TO ENSURE THAT ALL CALIFORNIA STUDENTS ARE TAUGHT BY QUALIFIED TEACHERS.



#### NEW STANDARDS

The new standards created by the *Williams* settlement, and the existing standards for teachers under the NCLBA apply to all California public schools. The standards are as follows:

1. All students have a right to a **properly trained, qualified** teacher.
2. There should be **no teacher vacancies or misassignments**.

A teacher is **properly trained and qualified** if he/she meets certain educational requirements, passes a test, and holds an official teaching credential. See further discussion on page 9.

The California Education Code defines “teacher vacancy” as meaning “a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.” (CAL. ED. CODE § 35186(h)(3))<sup>1</sup>

“Beginning of the year or semester” means the first day classes necessary to serve all students enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day students attend classes for that semester. (5 C.C.R. § 4600(b) (2006))

***In other words, a teacher vacancy occurs if, 20 working days after a school semester begins, no permanent teacher has been assigned to teach the class for the entire year/semester. A class with a series of different substitutes is not acceptable.***

The California Education Code defines “teacher misassignment” as meaning “the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.” (§ 35186(h)(2))

For example, a teacher is misassigned if the teacher lacks:

- Subject-matter competency (e.g. a PE teacher teaching math),
- A proper teaching credential, or
- Proper authorization and training to teach English learners (ELs) if there are any in the class.

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<sup>1</sup> Hereinafter, all citations to statutory code sections refer to the California Education Code unless stated otherwise.



## NEW ACCOUNTABILITY SYSTEMS

The *Williams* settlement also created new or improved accountability systems to help districts and individual schools meet the new teacher assignment standards and ensure that teacher vacancies and misassignments are promptly identified and corrected. Some accountability systems are targeted at the lowest-performing schools, while others apply to all schools.<sup>2</sup>

School administrators, parents, and other community members now have access to information about teacher assignments and have the ability to complain about teacher misassignments and vacancies if they discover that a teacher is improperly assigned or lacks the necessary qualifications.

Accountability systems include:

- School Accountability Report Cards (SARC) - Every school in the state must now include in its annual SARC accurate and current information regarding the number of teacher misassignments and vacancies for the last 3 years. The SARC is published on the Internet and should be made available in paper form to parents or legal guardians who request it. (§§ 33126, 33128.1).
- Uniform Complaint Procedure (UCP) - The UCP now allows parents, students, teachers, and other members of the community to complain about teacher vacancies and misassignments, insufficient textbooks and instructional materials, and unsafe or unhealthy facilities conditions. This process applies to all California public schools.
  - Within 45 working days, the principal of the school (or the person designated by the district for *Williams* complaints) must respond in writing to the complainant with a description of how the problem in the complaint was resolved.
  - A complainant who is not satisfied with the response has a right to describe the problem to the district governing board at a regularly scheduled meeting, and, if the complaint is about a facilities issue, to appeal directly to the Superintendent of Public Instruction within 15 days of receiving the response.
  - School districts must report summarized data on the nature and resolution of all UCP complaints on a quarterly basis to the county superintendent and the district governing board. (§ 35186).
- County Superintendent Review of Teacher Misassignments - The *Williams* settlement requirement to review teacher assignments was built upon the pre-existing monitoring system but now requires that on an annual basis, county superintendents review and seek correction of teacher misassignments and vacancies in the lowest-performing schools — decile 1-3 schools — meaning those schools ranked 1 to 3 on the Academic Performance Index (API).<sup>3</sup>

<sup>2</sup> For more information regarding the *Williams* settlement, see <http://www.decentschools.org>.

<sup>3</sup> For purposes of implementation of the *Williams* settlement, the relevant decile 1-3 schools are those ranked in decile 1-3 by the 2003 API. The California Department of Education website at <http://www.cde.ca.gov/eo/ce/wc/ap/williams04a.asp> has a list of these schools. This list will be updated every three years beginning with the 2007-08 school year.

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- All other schools continue to be monitored on a four-year cycle, unless they are likely to have problems with teacher misassignments and vacancies based on past experience or other available information.
- County superintendents must also now review and seek correction of misassignments of teachers who are teaching English learners but lack the proper training.
- Fiscal Crisis and Management Assistance Team (FCMAT) Review - County superintendents (for schools in fiscal distress) and intervention teams (for schools under state review for poor academic performance) are now authorized to assign the FCMAT to a district to review and recommend improvements in teacher recruitment, hiring, assignment, and retention practices.
  - When a county superintendent assigns a FCMAT team, the district must follow FCMAT's recommendations, unless the district demonstrates that a given recommendation is not necessary. (§§ 42127.6(a)(1)(G), 52059(b)(1)(B)).

## THE *WILLIAMS* SETTLEMENT AND NO CHILD LEFT BEHIND AFFIRMING THE “HIGHLY QUALIFIED” TEACHER STANDARD



### HIGHLY QUALIFIED TEACHERS

As part of the *Williams* settlement, the State also reaffirmed its commitment to comply with the NCLBA teacher quality provisions, which require that there be a “highly qualified teacher” teaching every core academic class by the end of the 2005-06 school year.<sup>4</sup> (20 U.S.C. § 6319(a)(2)).

Core classes include English, reading/language arts, mathematics, science, foreign languages, civics/government, economics, arts, history, and geography. As of the 2002-03 school year, all newly hired teachers assigned to Title I classrooms<sup>5</sup> had to be “highly qualified.” (20 U.S.C. § 6319(a)(1)).

According to the California Department of Education’s guidelines on the NCLBA, a “highly qualified” teacher is one who has:

- ***A bachelor’s degree,***
- ***A full state teaching credential*** (or an intern credential for no more than 3 years from a qualifying program), and
- ***Demonstrated subject-matter competency.***

---

<sup>4</sup> Because the U.S. Department of Education granted California a one-year extension in meeting this deadline, California now has until June 30, 2007 to meet this goal.

<sup>5</sup> A Title I school is a school with a high concentration of low-income students that receives extra federal funding to address these students’ educational needs.

Teachers may demonstrate subject-matter competency in one of several ways:

- Taking a subject-matter examination,
- Majoring or obtaining a graduate degree in the subject, or
- Completing California’s High Objective Uniform State Standard of Evaluation (HOUSSE) or obtaining National Board Certification in the subject area (for teachers who obtained their credential before July 1, 2002).<sup>6</sup>

So, under California’s guidelines, most teachers with preliminary and professional clear credentials and district and university intern teachers are considered “highly qualified.” Teachers with emergency credentials, provisional intern permits, and short-term staffing permits are NOT considered “highly qualified.”<sup>7</sup> As a result of the *Williams* settlement, all district and university intern programs must now comply with the NCLBA and its implementing regulations. This means that district and university intern programs must provide rigorous pre-service training and intensive supervision and mentoring for all intern teachers (§§ 44325, 44453).



## THE NCLBA’S PARENTAL NOTIFICATION REQUIREMENTS

The NCLBA also includes important provisions regarding a parent’s right-to-know when his/her child is being taught by a teacher who is not “highly qualified.” Title I schools must notify parents at the beginning of each school year that parents may request information regarding the professional qualifications of their child’s teacher(s) and teacher(s)’ aide(s). (See 20 U.S.C. § 6311(h)(2)(A)(6)).

Parents of students in Title I schools have a right to know:

- The type of state credential that the teacher holds,
- Whether the teacher is teaching on an emergency permit or other provisional status, and
- The education level and subject area of the teacher’s college degree(s).

Title I schools must also notify parents when a teacher who is not “highly qualified” under the NCLBA teaches their child a core subject for **four or more consecutive weeks**. (See 20 U.S.C. § 6311(h)(2)(A)(6))

Many districts in California and nationally have ignored this aspect of the NCLBA. Make sure your district is informing parents in cases where teachers are not “highly qualified.”

Fifty-five percent of California’s schools are Title I schools. To find out whether or not a child attends a Title I school, check the list of Title I schools on the California Department of Education website, available at <http://www.cde.ca.gov/ta/ac/ti/ap/results.asp?allschools=yes>.



<sup>6</sup> See NCLB Teacher Requirements Resource Guide (March 1, 2004), prepared by the California Department of Education, available at <http://www.cde.ca.gov/nclb/sr/tq/>.

<sup>7</sup> For more information about California credentials, see *Appendix D*.

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See Appendix E for a model letter exercising parents' right-to-know the qualifications of their child's teacher pursuant to the NCLBA.



### THE *WILLIAMS* SETTLEMENT IN ACTION RESULTS OF THE FIRST YEAR OF IMPLEMENTATION, MONITORING TEACHER MISASSIGNMENTS

Approximately six weeks after reaching a settlement in *Williams v. California*, Governor Arnold Schwarzenegger on September 29, 2004 signed into law five bills implementing the legislative proposals set forth in the settlement agreement. The new standards and new accountability systems created as a result of the *Williams* settlement were first applied during the latter half of the 2004-05 school year.

County and district administrators are still learning about and working with their new responsibilities under the *Williams* settlement, and community members are continuing to learn about their new rights. The settlement, nevertheless, has already achieved positive results ensuring qualified teachers for all students.

For example, during the first year of implementation of the settlement:

- 19 county superintendents reported that 540 of 735 decile 1-3 schools reviewed had teacher misassignments, including 207 teacher misassignments due to a lack of proper subject matter training.
- 21 county superintendents reported that in 1,378 schools reviewed, they found 32,163 classes where 20% or more of the students were English learners, and the teachers lacked the appropriate authorization to teach ELs.

Partial reports confirm that at least 1,142 of the misassignments found during the 2004-05 school year were corrected. Anecdotal reports from county and district administrators indicate that, as a result of the settlement's spotlight on reporting and correcting teacher misassignments, current teachers are seeking training to teach ELs in greater numbers.



A detailed report entitled *The Williams v. California Settlement: The First Year of Implementation* is available at <http://www.decentsschools.org/settlement/WilliamsReportWeb2005.pdf>.



**YOU BELIEVE A TEACHER IS NOT QUALIFIED  
TO TEACH THE CLASS.  
WHAT CAN YOU DO?**



**GETTING ADDITIONAL INFORMATION**

There are a number of ways to investigate whether a teacher has the proper credential to teach the class, including the certification required to teach English learners if any are present in the class.

- **Talk with the teacher** – Have a friendly conversation with the child’s teacher about the teacher’s background and training. You might ask questions such as:
  - How did you become a biology teacher?
  - What led you to this profession?
  - Where did you do your training?
  - How long have you been with this district/school?

Sharing information about yourself might encourage the teacher to share more information about him or herself.

- **Look up a teacher’s credential status on the California Commission on Teacher Credentialing (CCTC) website at <http://www.ctc.ca.gov/>**
  - Click on “Look up a Credential.”
  - Click on “Search for a Credential of a Public School Teacher.”
  - Type in the last name of the teacher (if there is more than one person with the same name, you will receive information on multiple persons).
  - **NOTE:** This online database does not include information for credentials issued before 1989. If your child’s teacher has been teaching in California public schools for over 16 years, you can obtain information on the teacher’s credential status by calling the CCTC Information Services at (888) 921-2682. Also, it takes the CCTC up to 75 working days to process an application. If the teacher has just obtained a credential, this may not appear online for up to 4 months.
  - See Appendix A for an example of what a teacher record from the  website looks like.
- **Talk with an administrator** - Ask the principal or the district office for a copy of the teacher’s credential and, when the teacher is teaching ELs, authorization to teach ELs.

- If you meet any resistance, and your child attends a Title I school, be sure to remind the school that you have a right-to-know the teacher's qualifications under the NCLBA.
- You may also send a letter to the school asking for this information  a sample letter, see Appendix E.



## MAKING SENSE OF TEACHER CREDENTIAL INFORMATION

Teacher credentialing in California often seems to be a complicated maze of laws and regulations. California currently issues more than twenty different kinds of teaching credentials and has issued many different types of credentials in the past. It can be difficult to understand exactly what kind of teaching or assignment a particular credential authorizes.



Below is an abbreviated guide for determining whether there is a teacher vacancy or misassignment. For more detailed information, see Appendix D (Guide to California Teaching Credentials), which lists the different types of credentials issued by the CCTC.

### ***There is a teacher vacancy when, 20 working days after a semester has begun:***

- No permanent teacher has been assigned to teach the class for the entire semester or year
  - For example, the class is being taught by a series of substitute teachers or by a long-term substitute teacher without a credential for the class subject.
- If the teacher holds only a substitute teaching credential, this constitutes a teacher vacancy.

### ***There is a teacher misassignment if:***

- He or she lacks the proper subject-matter competency to teach the class.
- He or she lacks the specialized training to teach ELs when one or more ELs are assigned to the class.

Different grade levels and circumstances have different requirements for appropriate credential or authorization.

- **Elementary School** - Teacher who teaches a variety of subjects to students in a single classroom must hold a multiple subject credential.
- **Middle School** - Teacher may hold either a multiple subject or a single subject credential in the proper subject, depending on whether the setting is a self-contained classroom,<sup>8</sup> a departmentalized curriculum,<sup>9</sup> or a “core” setting.<sup>10</sup>

<sup>8</sup> A *self-contained classroom* is one in which most or all subjects are taught to a group of students by a single teacher. This is similar to the structure of an elementary school and requires a multiple subject credential.

<sup>9</sup> A *departmentalized curriculum* exists in a middle school that is split into academic departments, where students move from one class to the next. This is similar to the structure of a high school. In this setting, middle school teachers must have a single subject credential for the subject they teach.

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- **High School** - Teacher must hold a single subject credential for the subject being taught.
  - For example, a math teacher must hold a mathematics single subject credential; a chemistry teacher must hold a chemistry credential; a social studies or history teacher must hold a social science credential.
  - A resource specialist (teaching special education students) must hold a “resource specialist” or “education specialist” credential.

### **Classes with English Learners**

A teacher of ELs must have specialized training to teach this population of students and hold a teaching credential that authorizes the teaching of ELs.

- If their credential does not have such authorization, teachers are required to hold a special certificate or authorization to teach ELs in addition to their basic teaching credential.
- Teachers of ELs are required to obtain specialized training in order to achieve a basic understanding of language acquisition as well as methods for teaching English Language Development (ELD) and academic content in English to students not yet fluent in English.

Different teaching credentials or teaching authorizations allow teachers to teach certain methods of EL instruction. There are three primary methods used for the instruction of ELs:

1. **ELD method** refers to teaching strategies designed specifically to help ELs develop their listening, speaking, reading, and writing skills in English.
2. **Specially Designed Academic Instruction in English (SDAIE) method** requires teachers to use special instructional strategies to make grade-level academic content accessible to ELs, even though these students are not yet fluent in English. Through the SDAIE method, ELs should have access to the same level of curriculum as that provided to their native English-speaking peers.
3. **Primary Language Instruction** teaches students using their primary language. Note that the law does **not** require teachers of ELs to speak their students’ native language, unless the teacher is assigned to teach in a bilingual or primary language setting.

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<sup>10</sup> A *core setting* is one in which a teacher teaches two or more subjects to the same group of students for two or more periods a day (see § 44258.1). Typically, a middle school teacher with a multiple subject credential might teach the Math-Science (or Social Studies-English) core to two groups of students over the course of the school day. A teacher with a single subject credential who is assigned to teach in a “core” setting must be authorized to teach both subjects (e.g., a single subject credential in Social Studies with supplementary authorization in Introductory English).

The following chart illustrates some of the most common types of EL authorizations and the type of instruction these authorizations permit the holder to provide. For a more complete list of authorizations to teach ELs issued by the CCTC, see *Appendix B*.



EL Authorization	Can teach:
<b>ELD/SDAIE Only</b>	
Multiple or Single Subject Teaching Credential with EL Authorization or CLAD Emphasis (AB 1059 English Learner Content) (also known as the SB 2042 Credential)	ELD, SDAIE
CLAD (Crosscultural Language and Academic Development) Certificate	ELD, SDAIE
Certificate of Completion of Staff Development (SB 1969)	ELD, SDAIE
Certificate of Completion of Staff Development (SB 395/AB 2913 Training) <sup>11</sup>	ELD, SDAIE
Language Development Specialist Certificate	ELD, SDAIE
Supplementary Authorization in ESL or Introductory ESL	ELD
<b>Primary Language Instruction, ELD, and SDAIE</b>	
Multiple or Single Subject Teaching Credential with BCLAD Emphasis	ELD, SDAIE, Primary Language Instruction
BCLAD (Bilingual Crosscultural Language and Academic Development) Certificate	ELD, SDAIE, Primary Language Instruction
Bilingual Crosscultural Specialist Credential	ELD, SDAIE, Primary Language Instruction
Bilingual Certificate of Competence	ELD, SDAIE, Primary Language Instruction

***Note that if even one student in a class is an EL, the teacher must possess the appropriate credential to teach ELs.<sup>12</sup>***

This requirement applies well beyond English Language Development or English as a Second Language (ESL) classes. It includes all core classes (such as English, mathematics, science, social studies), art and music, other classes required for graduation (such as physical education), and special education classes. In such core content classes, the teacher must be

<sup>11</sup> A teacher in training for the Certificate of Completion of Staff Development (SB 395 training) is considered authorized to serve ELs while undergoing training. See § 44253.10(e). This “in training” exception does not apply to those teachers in the process of completing any other EL certificate, including CLAD or BCLAD. Teachers in the process of completing an EL certificate other than SB 395 training must obtain an Emergency CLAD or BCLAD permit while they complete their training, or they are considered misassigned.

<sup>12</sup> An exception to this rule would be where the EL student receives all of his/her EL services in pull-out sessions with an EL-trained teacher. However, separating EL students from the regular curriculum in this way is not a typical or recommended practice.

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authorized to deliver “specially designed academic instruction in English” (SDAIE), so that students have access to the core content of these classes despite

their lack of fluency in English. See CCTC Coded Correspondence 05-0014, *Changes in Certificated Assignment Monitoring and Data Reporting in Education Code Section 44258.9 as a Result of the Williams Lawsuit*, August 26, 2005.

California law requires a situation to be remedied where even one EL is being taught by a teacher without a proper EL credential or certification.<sup>13</sup> So you should insist that schools correct any misassignment where a teacher teaching **one or more** ELs lacks proper authorization to teach ELs. Note, however, that complaints under the UCP about a teacher without a proper EL credential or certification may be filed only when the class has 20% or more ELs in it.



## FILING A UCP COMPLAINT

The *Williams* settlement established a new Uniform Complaint Procedure so that you can complain about teacher vacancies or misassignments, insufficient textbooks, or unsafe or unhealthy facilities conditions – and get a response! (§ 35186).

The *Williams* complaint process is a significant tool to address these problems. *Anyone* can file a *Williams* complaint, and it can even be filed *anonymously* (though you will not receive a response if filed anonymously). Take the following steps to file a complaint:

1. **Get a complaint form.** By law, a notice should be posted in each classroom informing you of your rights and where to find a complaint form. A complaint form should be available on your district’s website. You can also obtain a form (in English and Spanish) at <http://www.decentsschools.org> (see *Appendix C*). Although you can file a valid complaint without a form, you should always be specific as to the particular class and teacher about which you have a complaint.
2. **Fill out the complaint form.** Add additional pages if needed. Include your name and contact information if you want to be informed of the action taken. A complaint about a teacher vacancy or misassignment should include:
  - The course or grade level where the vacancy/misassignment has occurred,
  - The specific nature of the vacancy or misassignment, (e.g., Does the teacher lack subject-matter competency? Does the teacher lack training to teach English learners? Is the class without a permanent teacher or does the teacher have only a substitute teaching permit?), and
  - For misassignments, the name of the teacher misassigned.

**Note** that a complaint may contain more than one allegation of a teacher vacancy or misassignment. So you may complain about different teachers in a single complaint. (5 C.C.R. § 4682)

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<sup>13</sup> Failure to provide an EL student with appropriate services is also a violation of federal law.

3. **Turn in the complaint form.** The form should tell you where to submit it. Send a copy to your school's principal, the district superintendent, and the county superintendent (ideally by certified mail showing proof of receipt). Keep a copy of the complaint for your records. You can find addresses for your district and county

superintendents in your local telephone book or at the public library. See Appendix F for a list of county superintendents and their addresses.

4. **Wait for a response.**

- Within 30 working days of receiving the complaint, your principal must investigate your complaint and fix the problem. If the principal does not have the authority to fix the problem, she or he must forward the complaint to the school district within 10 days. The school district must provide a solution no later than 40 working days after you first filed the complaint with the principal.
- Within 45 working days of filing your complaint, you should receive a written response from your principal or the school district explaining how the problem was fixed.

**If you are not satisfied with your response, you have the right to speak at a school board meeting to explain why the response to your complaint was unsatisfactory and request that the school board take action.** You may make your appeal to the school board in writing or you may speak at a regularly scheduled school board meeting (or both). If you plan to speak at a school board meeting, try to contact the school board ahead of time to be placed on the agenda, and to request that the principal or district official in charge of teacher assignment be present.



## WORKING WITH YOUR COUNTY SUPERINTENDENT

Prior to the *Williams* settlement, county superintendents reviewed and sought correction of teacher misassignments in each school, for the most part, once every four years (and more frequently for schools that were likely to have problems with teacher misassignments and teacher vacancies based on past experience or other available information). This longstanding duty is ongoing and applies to *all schools*.

As a result of the *Williams* settlement, county superintendents are also now required to:

- Monitor and review *annually* teacher assignments and vacancies at all decile 1-3 schools,
- Report data on EL misassignments to the California Commission on Teacher Credentialing to ensure that patterns of EL misassignments are brought to light,
  - Specifically, county superintendents must report EL misassignments of teachers assigned to teach any class composed of 20% or more ELs in decile 1-3 schools.

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- County superintendents must submit a report on the results of their teacher assignment monitoring all of the schools, including decile 1-3 schools and those on a four-year review cycle, to the CCTC and the California Department of Education (CDE).<sup>14</sup> (§ 44258.9)

When a county superintendent finds that a decile 1-3 school has no teacher misassignments or vacancies for two consecutive years, the next review of that school may be conducted according to the typical four-year cycle, unless the school is likely to have problems with teacher misassignments or vacancies based on past experience or other available information.



If a county superintendent finds that a school has a teacher misassignment or vacancy, the County Office of Education (COE) will work with the school or district to identify ways to correct the situation. For example, the teacher may be removed or reassigned to a proper class. Help may be provided to the teacher to apply for or renew the appropriate credential for the assignment, or obtain a credential waiver, short-term staff permit, or provisional intern permit.<sup>15</sup> For teachers without proper EL authorization, the COE will work with the district to get these teachers the proper training via AB 2913 or an emergency CLAD or BCLAD permit.

Districts must correct misassignments within 30 days of the COE’s notification of the misassignment. If the district does not do so or fails to provide in writing extraordinary circumstances preventing correction, the COE is required to report the misassignment to the CCTC. The CCTC will then contact the district to follow up on correction of the misassignment, and, if necessary, will impose sanctions on the district. (§ 44258.9(e); *see also* 5 C.C.R. §§ 80339-80339.6).

Possible sanctions may include the issuance of a “letter of non-compliance” to the district’s governing board to be read publicly at the next local school board meeting (5 C.C.R. § 80339.4) and/or revocation or suspension of the credential of the person responsible for the misassignment (5 C.C.R. §§ 80331(a); 80339.5).

Parental and community involvement is especially important with regard to monitoring misassignments of teachers of English learners. During the first years of implementation of the *Williams* settlement, some administrators incorrectly interpreted the law to say that county superintendents must monitor a teacher’s EL authorization only when 20% or more of the students in the class are ELs. *This is wrong.* County superintendents must monitor all misassignments, including when a teacher without EL authorization is assigned to teach even one English learner. So monitoring teacher assignment practices (whether on the four-year cycle or annually) must include monitoring of proper EL authorization for all classes with one or more EL student(s).

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<sup>14</sup> For the seven single-district counties, the CTC is responsible for monitoring teacher assignments. These seven counties are: Alpine, Amador, Del Norte, Mariposa, Plumas, San Francisco, and Sierra. (§ 44258.9).

<sup>15</sup> *See Appendix D* for a description of these permits and time limitations on them.

Since 1 in 4 students in California is an English learner, the majority of classrooms in the State will likely have at least one EL student. As a result, county superintendents will be monitoring many classes to see that the teacher has the proper EL authorization. When a county superintendent becomes aware of a possible misassignment (through any of its regular data collection processes) it must investigate the potential misassignment and, if it is a misassignment, report it to the district superintendent for correction. (See CCTC Coded Correspondence 05-0014, *Changes in Certificated Assignment Monitoring and Data Reporting in Education Code Section 44258.9 as a Result of the Williams Lawsuit*, August 26, 2005, at 8.)

County superintendents report to the CCTC and CDE the EL misassignments in decile 1-3 schools of teachers of any class in which 20% or more of the students are ELs. This is a school-by-school, classroom-by-classroom analysis that must be completed on an annual basis. This data collection responsibility for classrooms with 20% or more EL students in decile 1-3 schools is separate from the monitoring, reviewing, and reporting that county superintendents must do for all classes with one or more EL students in all schools (on either the four-year cycle or annually). (See CCTC Coded Correspondence 05-0014, *Changes in Certificated Assignment Monitoring and Data Reporting in Education Code Section 44258.9 as a Result of the Williams Lawsuit*, August 26, 2005, at 8-9)

To summarize, with respect to English learners, county superintendents must:

- Monitor (on a four-year cycle or annually) all classes with one or more EL students,
- Report to the district superintendent for correction any teacher of these classes without a proper EL credential or authorization,
- Report to the CCTC any misassignment that is not corrected within 30 days, and
- Collect and report to the CCTC and CDE data regarding each decile 1-3 school as to the EL authorization of teachers of classes with 20% or more EL students.

## ACCESSING INFORMATION FROM THE COUNTY



There are a number of ways you can access the findings of the county superintendent and use county offices of education as a resource in addressing teacher misassignment problems.

- Ask to see a copy of the county superintendent's annual and quarterly reports on the "state of the schools" in deciles 1-3. Annual reports are presented to the district board, the county board of education, and the board of supervisors, while quarterly reports are presented to the district board. Beginning January 1, 2007, these reports must contain information on teacher misassignments and vacancies. (§ 1240(c)(2); AB 607 (2006)).
- Inform your county superintendent when you believe there is a teacher misassignment or vacancy in your school. You may do this by filing a Williams complaint and sending a copy of the complaint to your county superintendent, or you may contact the county superintendent directly without filing a complaint. Although it is ultimately the school district's responsibility to correct a misassignment, your communication with the county office of education might serve to flag for county staff a possible misassignment for closer review during the county superintendent's regular monitoring process.

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- Contact your county office of education and inquire whether a staff member is available to make a presentation to your community group or answer questions about the teacher assignment monitoring process. The credentials analysts employed by county offices of education are experts on California’s teacher credentialing system and would be able to answer your questions about credentialing requirements in California.
- Contact your county office of education and ask whether or not the county office has completed their review of teacher assignments for the present school year or for the last four-year cycle. If they have, inquire about their findings. Note that the county office of education is not required to file its report to the CCTC until July 1st. See *Appendix F* for a list of county superintendents and their contact information.



## UNDERSTANDING HOW DISTRICTS CORRECT MISASSIGNMENTS

### Emergency and Other Temporary Permits

People commonly expect that a teacher they have complained about will be removed and that a fully-trained, properly-credentialed teacher will be assigned to the class. Although a district/school may correct a misassignment in this way, it is more likely that the district/school will resolve the misassignment by enrolling the existing teacher in the proper credentialing program and helping that teacher to get an emergency, short-term staff, provisional intern, or other temporary permit.

Because emergency permits, short-term staff permits, and provisional intern permits are “credentials” authorized by the California Commission on Teacher Credentialing, it is still acceptable for a class to be taught by a teacher who has not yet completed a professional teacher preparation program (at least until the “highly qualified teacher” provisions of the NCLBA go into effect, pursuant to the U.S. Department of Education’s extension, at the end the 2006-07 school year). Getting the misassigned teacher an emergency or a temporary permit may seem like a paperwork solution to a larger problem. It is, however, important to remember that as a result of the misassignment monitoring, the teacher will now be enrolled in a teacher preparation program and must complete his/her full credential within two years or cannot continue teaching in that role. Also, if the teacher (who has now been identified as in need of training) does not make sufficient progress after one year, the teacher’s emergency or provisional permit will not be renewed.

### Recruitment and Retention of Teachers

District and school administrators often cite the severe teacher shortage in California—particularly in areas such as math, science, special education, and English learner authorization—to justify their practice of assigning teachers to positions they are not authorized to teach. Although it is true that districts face obstacles in recruiting and retaining qualified, credentialed teachers in hard-to-staff schools, this does not make it acceptable or legal for districts to misassign teachers.

You might investigate what policies are in place within the district to recruit and retain highly-qualified teachers and engage district administrators in discussions about how to improve district practices in this area. For example, some districts provide incentives such as smaller class sizes, signing bonuses or mortgage stipends to recruit teachers to hard-to-staff schools. Some districts provide paid leave for teachers to take courses to obtain EL authorization.

Under the terms of the *Williams* settlement, districts are encouraged to give decile 1-3 schools priority in reviewing resumes of teachers. Find out whether your district is doing this. During 2005-06, the State provided \$49.5 million to recruit and retain highly-

qualified teachers in decile 1-3 schools under the Teacher Recruitment and Student Support Program. Additional funding of \$48.3 million was provided in the 2006 Budget Act. Find out whether your district applied for these funds and, if so, how your district is using them.

Legislation signed by Governor Schwarzenegger in September 2006 also provides districts with additional funds to support the recruitment and retention of highly qualified teachers in the lowest-performing schools. For example, SB 1209 (Scott) provides stipends of up to \$6,000 to attract experienced teachers to decile 1-3 schools for purposes of mentoring intern teachers. Pursuant to SB 1209, school districts and county offices of education may also apply for additional funding to improve the quality of their intern teacher training programs. Under SB 1209, districts and counties may receive an additional \$3,500 per intern teacher if they agree to provide improved pre-service training, supervision, and mentoring of intern teachers and to ensure the equitable distribution of intern teachers among schools in the district.

### **Other Concerns about Teaching Qualifications**

You may be concerned about the quality of teaching provided by a teacher who has the proper training and credentials. You may get into a personal conflict with the teacher or feel unfairly treated; you may not like the teacher's teaching style or think the teacher cannot control the class. You may think the teacher discriminates against you or one of his/her students.

Although the *Williams* settlement does not address these types of problems, there are other strategies you can use.

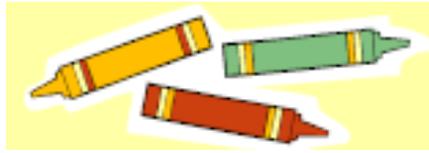
If you feel that a properly credentialed teacher is not adequately serving students' needs, you should first have a private conversation with the teacher to raise your concerns and offer constructive suggestions. If this proves unsuccessful, you might meet with the department head or school principal to share your concerns and inquire about the mentoring, support, and supervision that the teacher is receiving. If you feel your teacher has discriminated against you or a child, you may file a discrimination complaint under the Uniform Complaint Procedure. This is a similar process to filing a *Williams* UCP complaint. Contact your school district for a UCP form for filing a discrimination complaint.

### **Pursuing other Strategies**

The *Williams* settlement represents just one step towards addressing California's significant challenges in providing all students with access to permanent, qualified teachers. Improving teacher quality in California will require a variety of strategies on the part of active

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community members. Along with filing a *Williams* complaint, community members might consider one or more of the following strategies to improve teacher quality.



### Open a Dialogue with Your School or District

*Williams* UCP complaints do not necessarily have to involve an adversarial process with your school or district. Consider meeting with school and/or district officials prior to filing a complaint in order to open a dialogue with school officials about the problem. School officials may be grateful to you for bringing a serious problem to their attention that they would not otherwise have known about and cooperate with you to resolve the complaint quickly and efficiently. You may find that you do not even need to file the complaint.

### Organize as a Group and Inform the Media of Your Complaints

Community members have been very effective in achieving results using the *Williams* complaint process when they file complaints as a group. For example, two student organizations in Oakland trained high school youth leaders about the *Williams* complaint process and then collected hundreds of complaints from student members. The student organizations sent a press release to local media outlets, held a press conference in front of the district headquarters, and requested a meeting with district officials. As a result, district officials attended a rally and “accountability session” organized by the students and committed to concrete changes in school policy as well as immediate repairs of school facilities. See media coverage of this and other *Williams* actions in *Appendix H*.

If you are already an active member of a community group or student organization, consider asking other members of your organization to sign onto your complaint, file their own complaints, or submit the complaint in the organization’s name. If you are not a member of such an organization, consider reaching out to the local Parent/Teachers Association (PTA), a local religious group involved in education issues, or a student organization. You might find that other community members are also concerned about issues of teacher quality and want to join forces with you in your efforts.

To encourage the media to report about the problems with teacher quality at your school, contact the education reporter at local television and newspaper media outlets and provide the reporter with a written press release. Your press release should include a description of the problem at your school/district, who is bringing the complaint, when you plan to file the complaint, and what you believe the solution is. Be sure to include your contact information, as well as contact information for parents of students directly affected by the problem (or contact information for the students themselves, after obtaining permission from their parents). See *Appendix I* for sample press release.



### Support Teachers

Improving students’ access to qualified teachers can take many forms. One of the most concrete steps parents, students, and other community members can take is to encourage

good teachers to stay at their jobs and to recruit well-respected peers to join them. Take steps to thank teachers who are doing a good job and let them know that you hope they will continue in their current positions.

### **Mobilize Local Support for Education Reform**

Support statewide and local political efforts to improve teacher quality. Through Public Advocates and other organizations focused on statewide education reform, community groups can become informed about state legislative proposals to improve teacher quality and mobilize their grassroots base to support these reforms in Sacramento.



Contact Public Advocates at (415) 431-7430 if you would like to be added to our email list for “Action Alerts” related to teacher quality.

In addition, community groups can support local measures to improve teacher quality (and teachers’ salaries—an essential tool for recruiting and retaining qualified teachers), such as local school bond efforts, teacher union negotiations, and changes in district policies to recruit and attract qualified teachers. To support such local measures, community groups might speak at local school board meetings or write letters to school board members.

**YOU ARE A TEACHER WHO BELIEVES YOU HAVE BEEN MISASSIGNED.  
WHAT CAN YOU DO?**



As discussed at length in this manual, it is a violation of the law for a teacher to be assigned to teach a class for which s/he lacks the proper credential or authorization, including lack of subject-matter competency and/or lack of training to teach English learners. In fact, the law requires any teacher who is required to accept an assignment for which s/he lacks the requisite credential or authorization to notify the county superintendent in writing of the illegal assignment after exhausting local remedies. (See § 44258.9(e)(2); 5 C.C.R. § 80335(a)).

A teacher is, by law, protected from retaliation for taking this action. If you believe you have been misassigned to a class, consider taking some or all of the following steps:

- Discuss the situation with your department head and/or principal.
- Contact the representative from your local collective bargaining unit and seek his/her advice on the situation. If applicable, you might consider filing a grievance.

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- File a *Williams* complaint regarding the teacher misassignment. See pages 11-12 of this manual for a step-by-step guide to filing a *Williams* complaint.
- Contact your county superintendent of education and notify him/her in writing of your misassignment. See pages 12-15 of this manual for additional information on the role of county superintendents in monitoring teacher assignments.



## CONCLUSION

We hope this manual serves as a useful resource for you in understanding (a) students' rights to a permanent, properly-credentialed teacher under the *Williams v. California* settlement and (b) parents' rights to know the qualifications of their child's teacher under the federal No Child Left Behind Act. In addition, we hope that this manual illustrates some steps that you may take to enforce these rights.

It bears mentioning that a proper credential does not guarantee a quality teacher. There are some properly-credentialed, veteran teachers who are no longer effective teachers, and there are some underprepared, novice teachers who are achieving outstanding success with their students.

A credential, however, is the best proxy for determining a quality teacher. Academic research shows that the elements of a credential and years of experience are the best predictors of a teacher's effectiveness in producing high levels of student achievement.<sup>16</sup> A credential indicates that the teacher has a basic level of preparation and training, including knowledge about his/her subject matter, knowledge about teaching and learning, and some teaching experience. Furthermore, a properly-credentialed teacher is an enforceable legal right. We hope you will use this manual to exercise this right.

If you have any questions about this manual, need assistance in filing a *Williams* complaint, or are interested in having a representative from Public Advocates present a training for your community group about one or more of the issues raised in this manual, please *contact* Public Advocates at (415) 431-7430 or email [williamsinfo@publicadvocates.org](mailto:williamsinfo@publicadvocates.org).

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<sup>16</sup> Linda Darling-Hammond, *Access to Quality Teaching: An Analysis of Inequality in California's Public Schools*, at 15-23, available at [http://decentschools.org/expert\\_reports/darling-hammond\\_report.pdf](http://decentschools.org/expert_reports/darling-hammond_report.pdf).

## RESOURCES

The following are a list of resources referenced in this manual.

- Williams settlement website: <http://www.decentschools.org>
- *The Williams v. California Settlement: The First Year of Implementation*  
<http://www.decentschools.org/settlement/WilliamsReportWeb2005.pdf>
- *Access to Quality Teaching: An Analysis of Inequality in California's Public Schools:*  
[http://decentschools.org/expert\\_reports/darling-hammond\\_report.pdf](http://decentschools.org/expert_reports/darling-hammond_report.pdf)
- List of decile 1-3 schools: <http://www.cde.ca.gov/eo/ce/wc/ap/williams04a.asp>
- NCLB Teacher Requirements Resource Guide: <http://www.cde.ca.gov/nclb/sr/tq/>
- List of California Title I schools:  
<http://www.cde.ca.gov/ta/ac/ti/ap/results.asp?allschools=yes>
- California Commission on Teacher Credentialing (CCTC): <http://www.ctc.ca.gov/>
- CCTC Information Services: (888) 921-2682
  -

**APPENDICES**

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**APPENDIX B**

Table 1

**Credentials, Certificates, Permits, and Supplementary Authorizations Issued by the Commission that Authorize Instruction to English Learners<sup>1</sup>**

Document	Type of Instruction Authorized <sup>2</sup>		
	ELL <sup>3</sup>	SHSL <sup>4</sup>	Primary Language Instruction <sup>5</sup>
<i>Multiple-Subject Subject Teaching Permit with English Learner Authorization (ELL) Emphasis</i>	■	■	
<i>Multiple-Subject Subject Teaching Certificate with a BC LAD Emphasis</i>	■	■	■
<i>Humanities Cultural Specialist Credential</i>	■	■	■
<i>ELL Certificate</i>	■	■	
<i>BC LAD Certificate</i>	■	■	■
<i>Language Development Specialist (LDS) Certificate<sup>6</sup></i>	■	■	
<i>Human Certificate of Competence (HCC)<sup>7</sup></i>	■	■	■
<i>General Teaching Certificate</i>	■		
<i>Supplementary Authorization in English as a Second Language (ESL) or Immersion (EI)<sup>8</sup></i>	■		
<i>Elementary Teaching Certificate with English Learner Authorization (ELL) Emphasis</i>	■	■	
<i>Elementary Teaching Certificate with a BC LAD Emphasis</i>	■	■	■
<i>Elementary Certificate with English Learner Authorization</i>	■	■	
<i>Elementary Certificate with a BC LAD Emphasis</i>	■	■	■
<i>Special Temporary Certificate with English Learner Authorization (ELL) Emphasis</i>	■	■	
<i>Special Temporary Certificate with BC LAD<sup>9</sup></i>	■	■	■
<i>Emergency ELL Permit</i>	■	■	
<i>Emergency BC LAD Permit</i>	■	■	■
<i>Emergency Multiple-Subject Subject Teaching Permit with English Learner Authorization (ELL) Emphasis<sup>10</sup></i>	■	■	
<i>Emergency Multiple-Subject Subject Teaching Permit with BC LAD Emphasis<sup>10</sup></i>	■	■	■
<i>Private and Nonprofit Permit</i>	■	■	
<i>Young Trainee Staff Permit</i>	■	■	
<i>Certificate of Completion of Staff Development<sup>11</sup></i>	■	■	
<i>Certificate of Completion of Staff Development (SHSL)<sup>12</sup></i>	■	■	

<sup>1</sup> Some of the credentials may have been previously held by the individual(s) and subject. See the appropriate bullet point in the Commission's Catalogue of Credentials for additional information.

ELL: English Language Learner; SHSL: Sheltered Instructional Method in English; BC LAD: Bilingual/Cultural Specialist License; ELL Emphasis: English Language Learner; BC LAD Emphasis: Bilingual/Cultural Specialist License; Immersion: Immersion; ESL: English as a Second Language; Multiple-Subject Subject Teaching Certificate with English Learner Authorization (ELL) Emphasis: Multiple-Subject Subject Teaching Certificate with English Learner Authorization (ELL) Emphasis; Multiple-Subject Subject Teaching Certificate with a BC LAD Emphasis: Multiple-Subject Subject Teaching Certificate with a Bilingual/Cultural Specialist License Emphasis; Emergency ELL Permit: Emergency English Language Learner Permit; Emergency BC LAD Permit: Emergency Bilingual/Cultural Specialist License Permit; Emergency Multiple-Subject Subject Teaching Permit with English Learner Authorization (ELL) Emphasis: Emergency Multiple-Subject Subject Teaching Permit with English Learner Authorization (ELL) Emphasis; Emergency Multiple-Subject Subject Teaching Permit with BC LAD Emphasis: Emergency Multiple-Subject Subject Teaching Permit with Bilingual/Cultural Specialist License Emphasis.

<sup>2</sup> Not all credentials issued may be renewed. All credentials the holder may initially be assigned to teach ELL, the Commission makes the final decision on the renewal of the credential. See the appropriate bullet point in the Commission's Catalogue of Credentials for additional information.

<sup>3</sup> Some of the credentials may have been previously held by the individual(s) and subject. See the appropriate bullet point in the Commission's Catalogue of Credentials for additional information.

<sup>4</sup> Not all credentials issued may be renewed. All credentials the holder may initially be assigned to teach SHSL, the Commission makes the final decision on the renewal of the credential. See the appropriate bullet point in the Commission's Catalogue of Credentials for additional information.

<sup>5</sup> Not all credentials issued may be renewed. All credentials the holder may initially be assigned to teach Primary Language Instruction, the Commission makes the final decision on the renewal of the credential. See the appropriate bullet point in the Commission's Catalogue of Credentials for additional information.

APPENDIX C

WILLIAMS COMPLAINT FORM

(Uniform Complaint Procedures for California Educated Code Section 35186 Complaints)

This form may be used to file a complaint regarding insufficient instructional materials, an unsafe or unhealthy school facility condition, or a teacher vacancy or misassignment. After completing this form, file it with the School Principal. If the problem you are complaining about is beyond the authority of the Principal, he or she shall forward your complaint to the appropriate school district official. If there is not enough space below to describe your complaint in detail, please attach additional pages.

Do you want to receive a written response?

Yes, I request a written response.

Name: \_\_\_\_\_
Street Address: \_\_\_\_\_
City, State, and Zip Code: \_\_\_\_\_
Phone Number: \_\_\_\_\_ (day) \_\_\_\_\_ (evening)
Signature: \_\_\_\_\_

No, I do not request a written response. I am filing this complaint anonymously.

I. School Information (school name and address): \_\_\_\_\_
II. I request immediate action to correct the following problem(s):
(Please check all that apply, provide supporting details, and add additional pages if needed.)
A. Instructional Materials:
- A student does not have required textbooks or instructional materials to use in class.
- A student does not have textbooks or instructional materials to use at home or after school.
- Textbooks or instructional materials are in poor or unusable condition, are missing pages, or are unavailable due to damage.
- Because of a shortage of textbooks or materials, a student was given photocopied sheets from only a portion of a textbook or instructional materials.
Describe the problem (course or grade level where the problem exists, the teacher of the course or grade level, the textbooks or materials that are missing or damaged, and other details): \_\_\_\_\_
B. Teacher Vacancy or Misassignment:
- A semester has begun, and no certified teacher has been assigned to teach the class for the entire semester or year (for example, the class is being taught by a series of substitute teachers or by a long-term substitute teacher).
- A teacher is assigned to teach a class for which the teacher lacks the appropriate credentials or authorization.
- A teacher is assigned to teach a class in which more than 20% of the students are English learners and the teacher lacks credentials or training to teach English learners.
Identify the course or grade level and the teacher: \_\_\_\_\_
C. School Building and Facility Conditions:
- A school building, building system, or part of the school grounds is in a condition that poses a threat to the health and safety of students, teachers, or school employees (for example, the heating, ventilation, fire sprinkler, or AC system does not work, the school is infested with rats or other pests, school windows are broken or exterior gates will not lock and pose a security risk, or a damaged building or structure creates a potential health or safety hazard).
Describe the condition, where it is located, and how it poses a threat to health or safety: \_\_\_\_\_

IMPORTANT: I am mailing / hand-delivering (circle one) this complaint on \_\_\_\_\_ (date) to Principal \_\_\_\_\_ (name) at \_\_\_\_\_ (address).

Please make and keep a copy of this completed (completed) form for your records.

You should also send an informational copy to the local County Superintendent of Schools.

Please visit www.courtesybooks.org or call toll-free 1-877-532-2523 for more information. Form updated August 2, 2005.

## FORMULARIO DE WILLIAMS PARA HACER QUEJAS

(Procedimiento Uniforme para Hacer Quejas del Código de Educación de California Sección 35186 Quejas)

Este formulario puede ser usado para presentar una queja relacionada a insuficiencias materiales de instrucción, instalaciones que presentan una amenaza a la salud y seguridad, o puestos vacantes de maestros o maldesignaciones. **Después de completar este formulario, preséntelo con el/a director/a de la escuela.** Si el problema es más allá de la autoridad de el/la director/a, el o ella debe mandar esta queja al oficial del distrito apropiado. Si no hay suficiente espacio al final para describir su queja en detalle, por favor use páginas adicionales.

¿Usted quiere recibir una respuesta escrita?

Sí, yo solicito una respuesta

Nombre: \_\_\_\_\_  
 Dirección: \_\_\_\_\_  
 Ciudad, Estado, y Código Postal: \_\_\_\_\_  
 Número de Teléfono: \_\_\_\_\_ (día) \_\_\_\_\_ (noche)  
 Firma: \_\_\_\_\_

No, yo no solicito una respuesta escrita. Estoy presentando esta queja anónimamente.

<p><b>I. Información de Escuela (nombre de escuela y dirección):</b> _____</p>
<p><b>II. Yo solicito acción inmediata para corregir los siguientes problemas:</b>  <i>(Por favor marque toda la que aplica, de detalles apoyando a su queja, y marque páginas adicionales si es necesario.)</i></p>
<p><b>A. Libros y Materiales de Instrucción:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Un estudiante no tiene los libros requeridos o materiales de instrucción para usar en clase.</li> <li><input type="checkbox"/> Un estudiante no tiene libros o materiales de instrucción para llevar a casa o después de escuela.</li> <li><input type="checkbox"/> Libros o materiales de instrucción están en malas condiciones, faltando páginas, o son dañados que no puede leerlos.</li> <li><input type="checkbox"/> Por una falta de libros o materiales, un estudiante fue dado copias de páginas de solo una porción de un libro o de materiales de instrucción.</li> </ul> <p>Describe el problema (matrícula o nivel de grado donde existe el problema, el/a maestra/a del curso o nivel de grado, los libros o materiales que le faltan o están dañados, y otros detalles): _____</p> <p>_____</p>
<p><b>B. Puestos Vacantes de Maestros o Maldesignaciones:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Un semestre empieza, y no hay maestros asignados a enseñar el semestre completo o año (por ejemplo, la clase está enseñada por una serie de maestros substitutos o por un substituto de largo plazo)</li> <li><input type="checkbox"/> Un maestro/a es asignado/a a enseñar una clase en cual el/la maestro/a le falta la credencial apropiada o autorización.</li> <li><input type="checkbox"/> Un maestro/a es asignado/a a enseñar una clase en cual más del 70% de estudiantes son estudiantes de aprendizaje inglés y el/la maestro/a le falta credenciales o entrenamiento para enseñarle a los que están aprendiendo inglés.</li> </ul> <p>Identifique el curso o nivel de grado y el maestro/a: _____</p>
<p><b>C. Condiciones de Edificios e Instalaciones de Escuela:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Una instalación, sistema de edificio, o parte de la escuela esta en una condición que presentará una amenaza a la salud y seguridad de estudiantes, maestros, o empleados de la escuela (por ejemplo, el calentador, ventilador, sistema de aspersiones automático, o el sistema del aire acondicionado no trabaja, la escuela está infestada con ratas u otros bichos, ventanas de escuelas que están rotas o puertas exteriores no cierran y presentan un riesgo de seguridad, o un edificio dañado crea un posible riesgo a la salud o seguridad).</li> </ul> <p>Describe la condición, donde está localizada, y como crea un riesgo o una amenaza a la salud o seguridad: _____</p> <p>_____</p>

**► IMPORTANTE:** Yo estoy en la de / entregando en persona (con o sin) esta queja al \_\_\_\_\_ (Un Asera el/a Director/a, \_\_\_\_\_ (nombre) al \_\_\_\_\_, \_\_\_\_\_, California.

Por favor llame y mande una copia de este formulario completo para sus archivos.

Usted también debe mandar una copia adicional al Se personalmente los al del Condado de Los Angeles.

Por favor visite [www.discal.org](http://www.discal.org) o llame a la línea gratuita 1-877-512-2635 para más información. Formulario actualizado 2 de agosto, 2005

APPENDIX D

**GUIDE TO CALIFORNIA TEACHING CREDENTIALS**

**August 2006**

Below is an alphabetical guide to the current credentials issued by the California Commission on Teacher Credentialing. It is intended to provide an easy reference for each type of credential issued. For additional information on each credential listed below, see the appropriate Commission on Teacher Credentialing leaflet, *available at* <http://www.ctc.ca.gov/credentials/requirements.html> This guide does not include several older credentials that the CCTC no longer issues but are held by veteran teachers and remain valid.

Some of the most common credentials issued are the “multiple subject” and “single subject” credentials. Elementary school teachers typically hold multiple subject credentials, while high school teachers typically hold single subject credentials. The multiple subject and single subject credentials come as both a “preliminary” credential as well as a “professional clear” credential. A “preliminary” credential is valid for 5 years and signifies that the holder has completed all of the coursework and other requirements to obtain a full, valid teaching credential in California. A “professional clear” credential is issued after a beginning teacher has completed additional coursework, participated in a Professional Teacher Induction Program or obtained National Board Certification.

When school districts encounter problems recruiting and retaining fully-credentialed teachers who are considered “highly qualified” pursuant to the federal No Child Left Behind Act, they often hire underprepared teachers with substandard credentials. California received an extension in meeting the “highly qualified” requirement and now has until the end of the 2006-07 school year to ensure that all students are taught by “highly qualified” teachers in their core classes. During the 2006-07 school year, it is likely that many districts will continue to rely on hiring teachers with substandard credentials. Some of the most common substandard credentials are the following:

- Emergency Permits (phased out as of June 30, 2006 for most subjects)
- Short Term Staff Permits
- Provisional Intern Permits
- Substitute Permits
- Special Temporary Certificates
- Waivers<sup>17</sup>

Finally, districts increasingly have turned to hiring “intern” teachers. Intern teachers have demonstrated subject matter competency in the area of their credential and are enrolled in a structured teacher preparation program through either a university (university interns) or their school district (district interns). Interns are authorized to teach while they complete the coursework for their full credential. Currently, under regulations

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<sup>17</sup> “Waivers” are not actually credentials. Rather, districts may grant a short-term waiver for one semester to address an emergency staffing need by assigning a credentialed teacher to teach outside his/her credentialed authorizations, with the consent of the teacher. Waivers may be issued only once to any individual teacher and only once for a given class.

implementing the No Child Left Behind Act, intern teachers are considered “highly qualified.” Public Advocates, along with many other education experts, does not consider intern teachers “highly qualified” as they are still in the process of learning how to teach.

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### 1. Administrative Services Credentials

Credentials that authorize service as principals, vice principals, superintendents, etc.

- Preliminary
- Professional Clear

### 2. Adult and Vocational Education Credentials

*Adult Education Designated Subjects Teaching Credentials* authorize the holder to teach specific academic and non-academic subjects as named on the credential in courses organized primarily for adults, and in adult education programs administered by elementary and secondary school districts. In addition, the holder may serve as a substitute in courses organized primarily for adults for not more than 30 days for any one teacher during the school year.

*Vocational Education Designated Subjects Teaching Credentials* authorize the holder to teach the subjects named on the credential in grades 12 and below, and in classes organized primarily for adults, in technical, trade, or vocational courses which shall be part of a program of technical, trade, or vocational education. In addition, the holder may serve as a substitute in any vocational class for up to 30 days for any one teacher during the school year.

### 3. Child Development Permits (Early Childhood Education)

California offers six levels of Child Development Permits, each with its own set of issuance requirements and each authorizing the holder to perform different levels of service in child development programs:

- Child Development Assistant Permit
- Child Development Associate Teacher Permit
- Child Development Teacher Permit
- Child Development Master Teacher Permit
- Child Development Site Supervisor Permit
- Child Development Program Director Permit

### 4. Clinical or Rehabilitative Services Credentials

Clinical or Rehabilitative Services Credentials authorize the holder to perform the following services at any grade level: preschool, K-12, or in classes organized primarily for adults:

- Language, Speech, and Hearing
- Audiology
- Language, Speech, Hearing, and Audiology
- Orientation and Mobility
- Language, Speech, and Hearing including Special Class Authorization

## 5. Multiple Subject Credentials (generally, elementary school level)

Credential that authorizes teaching in a self-contained setting in grades K-12, including preschool and adults. (A “self-contained” classroom is one in which all subjects are taught by the same teacher, as in elementary schools.)

- Preliminary Credential (valid for 5 years)
- Professional Clear Credential (generally requires additional coursework and participation in Professional Teacher Induction Program or National Board Certification)

## 6. Emergency Permits

An emergency permit allows the holder to teach for up to 5 years, provided the emergency permit is renewed each year and the requirements for renewal are completed (passage of subject-matter exam and/or completion of 6 semester units of coursework in a teacher-preparation program). The employing school/district must apply for this permit with the candidate and must complete a form stating that there is a shortage of fully qualified teachers in the district. The following emergency permits expired on June 30, 2006:

- Single Subject (high school)
  - with or without English learner authorization or CLAD/BCLAD emphasis
- Multiple Subject (elementary school)
  - with or without English learner authorization or CLAD/BCLAD emphasis
- Education Specialist (special education, self-contained setting)

Other Emergency Permits That Are Currently Being Issued:

- Resource Specialist (special education, mainstream setting with pull-out services)
- CLAD/BCLAD
- Library Media Teacher Services

## 7. English Learner Authorizations

**a. ELD/ESL/SDAIE Authorization** - Documents that authorize instruction to English learners in English

--English Language Development (ELD), also known as ESL

--Specially Designed Academic Instruction Delivered in English (SDAIE) (academic content taught in English)

- Multiple or Single Subject Credential with CLAD emphasis or English learner authorization
- CLAD certificate (Crosscultural Language and Academic Development Certificate)
- Language Development Specialist Certificate (no longer issued)
- General Teaching Credential (no longer issued; not recommended unless holder has additional ELD training)
- Supplementary Authorization in ESL or Introductory ESL (no longer issued)
- District or University Intern Certificate with CLAD emphasis or English Learner authorization

- Special Temporary Certificate with English learner authorization or CLAD
- Emergency CLAD permit
- Certificate of Completion of Staff Development
- Certificate of Completion of Staff Development (SB 1969)
- Provisional Intern Permit
- Short-term Staff Permit
- Any of the documents listed below that authorizes content instruction delivered in the students' primary language

**b. Bilingual Instruction Authorization** - Documents that authorize content instruction delivered in the students' primary language

- Multiple or Single Subject Credential with BCLAD emphasis
- Bilingual Crosscultural Specialist Credential
- BCLAD certificate (Bilingual Crosscultural Language and Academic Development Certificate)
- Bilingual Certificate of Competence (no longer issued)
- District or University Intern Certificate with BCLAD emphasis
- Special Temporary Certificate with BCLAD emphasis
- Emergency BCLAD permit

## 8. Intern Credentials

### a. University Internship

University Internship Credentials are issued to individuals who have enrolled in CCTC-approved internship programs. These one- to two-year programs are administered by California colleges and universities in partnership with local school districts and are designed to provide participants with classroom experience while they complete course work requirements for the preliminary or professional clear credential. University Internship Credentials authorize the holder to serve, under the supervision of a CCTC-approved college or university and the holder's employer, in the area or subject listed on the credential. University Internship Credentials are offered in the following areas:

- Multiple Subject Teaching
- Single Subject Teaching
- Multiple Subject Teaching with BCLAD Emphasis
- Single Subject Teaching with BCLAD Emphasis Education Specialist (Mild/Moderate, Moderate/Severe, Physical and Health Impairments, Deaf and Hard-of-Hearing, Visual Impairments, Early Childhood Special Education)
- Pupil Personnel Services (School Counseling and School Psychology)
- Administrative Services

### b. District-sponsored Internship

The District Intern Credential is an alternative route to earn a teaching credential. Individuals must contact the district sponsor for specific program requirements.

**c. Individualized Internship Certificate**

The Individualized Intern Certificate is no longer issued pursuant to legal action in *Californians for Justice v. Commission on Teacher Credentialing*. It has since been replaced with the Special Temporary Certificate (see below).

**9. Library Media Teacher Services Credential**

**10. Limited Assignment Teaching Permits**

Allows a fully credentialed teacher to teach outside of his/her area of certification. Employing district must submit a Declaration of Need for Fully-Qualified Educators. Valid for one year and renewable for a second year provided that applicant works toward completion of requirements for appropriate credential or professional development in that area.

**11. Provisional Internship Permits**

Provisional Internship Permits (PIPs) are only available at the request of an employer. These permits are available in the following areas:

- Single Subject
- Multiple Subject
- Education Specialist Instruction

PIPs essentially were created to replace emergency permits. These permits allow a district to hire an individual who has not yet met the subject matter competence requirement needed to enter an internship program (*i.e.*, has not passed the subject matter exam required to enter internship programs). To obtain a PIP, the applicant must possess a bachelor's degree, pass the CBEST, and have completed coursework in the subject area of the credential (18 semester units for a single subject credential). Unlike Emergency Credentials, which could be renewed for 4 times, for a total of 5 years teaching, PIPs can only be renewed once, for a total of 2 years teaching. To be eligible for renewal, the PIP holder must take *all* subject matter exams needed to enter an internship program, but not have passed. A person who was issued 4 or fewer Emergency Permits may be issued 2 PIPs; persons who were issued 5 Emergency Permits do not qualify for PIPs.

Hiring a person on a PIP must be done through notice to the district governing board in a public meeting.

**12. Pupil Personnel Services Credentials**

- Specialization in School Counseling
- Specialization in School Social Work
- Specialization in School Psychology
- Specialization in Child Welfare and Attendance

**13. Reading Certificates**

The Reading Certificate authorizes the holder to assess student reading and provide reading instruction in response to those assessments. Certificate holders may perform the following services at one or more school sites at the grade levels authorized by their prerequisite teaching credential: develop and implement reading curriculum; adapt reading content curriculum; assist classroom teachers in these areas.

#### 14. School Nurse Services Credential

#### 15. Single Subject Credentials (generally, secondary-level)

Credential that authorizes teaching in a departmentalized setting in grades K-12 including preschool and adults. (A “departmentalized setting” is one in which an single teacher teaches the same subject to different periods of students, as in high schools and most middle schools.)

- Preliminary Clear
- Professional Clear

Available in the following subject areas:

- Agriculture
- Art
- Biological Sciences (Specialized)
- Business
- Chemistry (Specialized)
- English
- Foundational-Level Mathematics
- Geosciences (Specialized)
- Health Science
- Home Economics
- Industrial and Technology Education
- Languages other than English (specify)
- Mathematics
- Music
- Physical Education
- Physics (Specialized)
- Science: Biological Sciences
- Science: Chemistry
- Science: Geosciences
- Science: Physics
- Social Science

#### 16. Short-Term Staff Permits

Short-Term Staff Permits (STSP) are only available at the request of an employer and are meant to allow a district/school to fill an acute staffing need when local recruitment efforts

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have been made and a fully-credentialed teacher cannot be found. These permits are available in the following areas:

- Single Subject
- Multiple Subject
- Education Specialist Instruction

To obtain a STSP, the applicant must possess a bachelor's degree, pass the CBEST, and have completed coursework in the subject area of the credential (18 semester units for a single subject credential). *A STSP is issued for no more than 1 year, is not renewable, and is issued to an individual once in a lifetime.* STSPs are not available to anyone who has been issued five Emergency Permits.

## 17. Special Education Credentials

*Education Specialist:* Authorized to teach in the disability areas of specialization such as Mild/Moderate Disabilities, Moderate/Severe Disabilities, Deaf and Hard of Hearing, Visual Impairments, Physical and Health Impairments, and Early Childhood Special Education. One or more of the authorizations may be listed on the document for service in the following settings: special day classes, special schools, home/hospital settings, correctional facilities, nonpublic schools and agencies, and resource rooms.

- Preliminary Level I Credential (good for 5 years)
- Professional Clear Level II Credential (requires additional coursework)

*Resource Specialist Certificate of Competence:* Authorized to provide resource specialist services to students with IEPs who are assigned to regular classroom teachers for the majority of the school day.

- Preliminary Certificate
- Clear Certificate

## 18. Specialist Instruction Credentials

- Early childhood education specialist
- Gifted education specialist
- Health science specialist
- Mathematics specialist
- Agriculture specialist

## 19. Specialist Credential in Reading and Language Arts

The Reading and Language Arts Specialist Credential authorizes the holder to provide the following services as a reading specialist in any grade level K-12, or in classes organized for adults: assist and support the classroom teacher in reading instruction and teaching strategies; select and adapt reading instruction materials; plan and conduct reading staff development; assess student progress and monitor student achievement in reading;

provide direct reading intervention work with students; and develop and coordinate reading programs at the school, district, or county level.

## 20. Special Temporary Certificate (replacing Individualized Intern Certificates)

Pursuant to the legal action in *Californians for Justice v. California Commission on Teacher Credentialing*, the Special Temporary Certificate replaced the Individualized Internship Certificate. This is a one-time, non-renewable certificate that is only available to former IIC-holders and expires upon the expiration date of the original IIC certificate or the date the holder received another valid teaching credential from the CCTC.

## 21. Supplementary & Subject Matter Authorizations

Holders of valid teaching credentials may add supplementary and subject matter authorizations to an existing credential by verifying completion of additional coursework or a degree major in the subject(s) to be named on the credential.

***Subject matter authorizations satisfy the NCLB requirements of “highly qualified” in the core academic subject area.***

- *Introductory supplementary authorizations* authorize the holder to teach in the subject area named on the credential in departmentalized classrooms in grades 9 and below (requires 20 semester units of additional coursework in that subject). Examples of introductory supplementary authorizations include: Introductory Mathematics, Introductory Science.
- *Specific supplementary authorizations* authorize teaching the specific subject named on the credential at any grade level (requires 20 semester units of additional coursework in that subject). Examples of specific supplementary authorizations include: Chemistry, Literature, and World History.
- *Introductory subject matter authorizations* authorize the holder to teach the subject matter content typically included in curriculum guidelines and textbooks approved for study in grades 9 and below. This allows an employer to assign a teacher with an introductory subject matter authorization to teach a class in which the curriculum is for grades 9 and below but the students in the class may be in grades K-12 (requires 32 semester units of additional coursework in that subject). Introductory subject matter authorizations are available in the following subjects: Art, English, a language other than English (specify), Mathematics, Music, Science, and Social Science.
- *Specific subject matter authorizations* authorize the holder to teach the specific subject in grades preschool, K-12, and classes organized primarily for adults (requires 32 semester units of additional coursework in that subject). Examples of specific subject matter authorizations include: Art History/Appreciation, Chemistry, and Literature.

## 22. Substitute Teaching

- *Emergency 30 Day Substitute Permit*

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- *Emergency Substitute Teaching Permit for Prospective Teachers*  
These credentials allow the holder to serve as a substitute teacher for one year; however, s/he may not substitute for a single teacher for more than 30 days during the school year (20 days in a special education classroom).
- *Emergency Career Substitute Teaching Permit*  
This credential allows the holder to serve as a substitute teacher for one year, but allows the person to substitute for a single teacher for up to 60 days (20 days in a special education classroom).
- *Emergency Vocational Education 30 Day Substitute Teaching Permit*  
This credential allows the holder to serve as a substitute teacher in a vocation education classroom (no more than 30 days for a single teacher).

APPENDIX E**MODEL PARENT’S-RIGHT-TO-KNOW LETTER**

Date

Dear [Insert Name and Address of District Superintendent],

I am writing to exercise my rights as a parent under the federal No Child Left Behind Act (NCLBA) to know the qualifications of my child’s teacher(s). *See* 20 U.S.C. § 6311(h)(2)(A)(6). My child, [insert name of child,] is in the [insert grade level] at [insert name of school]. His/Her teacher is [insert name(s) of teacher(s) and, where applicable, the subject each teacher teaches].

As you know, the NCLBA provides that any school district receiving Title I funds must notify the parents of children at any school that receives Title I funding that the parents may request and receive from the district information about the professional qualifications of their child’s teachers, including, at a minimum, the following:

- the type of state credential that the teacher holds,
- whether the teacher is teaching on an emergency permit or other provisional status,
- the education level and subject area of the teacher’s college degree(s), and
- whether the child is receiving services from a paraprofessional, and, if so, the paraprofessional’s qualifications.

This information must be provided “in a timely manner.” In addition, the NCLBA provides that schools receiving Title I funding must notify parents whenever their child has been taught for four or more consecutive weeks by a teacher who is not “highly qualified” pursuant to the NCLBA definition of this term.

Please provide me with the information requested above for my child’s teacher. Thank you for your prompt attention to this matter.

Sincerely,

[Your name and contact information]

cc: Name and Address of Principal of Your Child’s School

**APPENDIX F**

**LIST OF CALIFORNIA COUNTY SUPERINTENDENTS OF SCHOOLS AND THEIR CONTACT INFORMATION  
(IN ALPHABETICAL ORDER BY COUNTY)**

When addressing a county superintendent on teacher assignment issues, put “attention: Teacher Assignment Monitoring Unit” in the heading. Recall that for the seven single-district counties, the California Commission on Teacher Credentialing is responsible for monitoring teacher assignments. These seven counties are: Alpine, Amador, Del Norte, Mariposa, Plumas, San Francisco, and Sierra. For these seven counties, all correspondence should also be addressed to the California Commission on Teacher Credentialing, Attention: Monitoring Unit for \_\_\_ County: P.O. Box 944270, Sacramento, CA 94244-2700.

<p><b><i>Ms. Sheila Jordan, Superintendent</i></b>  <u>Alameda</u> County Office of Education                  313 West Winton Avenue                  Hayward, CA 94544                  Tel: (510) 670-4140                  Fax: (510) 670-4101                  E-mail: <a href="mailto:sheilaj@acoe.org">sheilaj@acoe.org</a></p>	<p><b><i>Dr. James W. Parsons, Superintendent</i></b>  <u>Alpine</u> County Superintendent of Schools                  43 Hawkside Drive                  Markleeville, CA 96120                  Tel: (530) 694-2230                  Fax: (530) 694-2379                  E-mail: <a href="mailto:parsonsjw@aol.com">parsonsjw@aol.com</a></p> <p style="text-align: center;"><i>Be sure to cc the CCTC!</i></p>
<p><b><i>Mr. Michael Carey, Superintendent</i></b>  <u>Amador</u> County Office of Education                  217 Rex Avenue, Suite 7                  Jackson, CA 95642                  Tel: (209) 257-5353                  Fax: (209) 257-5360                  Email: <a href="mailto:mcarey@amadorcoe.k12.ca.us">mcarey@amadorcoe.k12.ca.us</a></p> <p style="text-align: center;"><i>Be sure to cc the CCTC!</i></p>	<p><b><i>Mr. Don McNelis, Superintendent</i></b>  <u>Butte</u> County Office of Education                  1859 Bird Street                  Oroville, CA 95965                  Tel: (530) 532-5761                  Fax: (530) 532-5762                  E-mail: <a href="mailto:dmcnelis@bcoe.org">dmcnelis@bcoe.org</a></p>
<p><b><i>Mr. John Brophy, Superintendent</i></b>  <u>Calaveras</u> County Office of Education                  185 South Main Street                  P.O. Box 760                  Angels Camp, CA 95221                  Tel: (209) 736-6007                  Fax: (209) 736-2138                  E-mail: <a href="mailto:jbrophy@ccoe.k12.ca.us">jbrophy@ccoe.k12.ca.us</a></p>	<p><b><i>Ms. Kay Spurgeon, Superintendent</i></b>  <u>Colusa</u> County Office of Education                  146 Seventh Street                  Colusa, CA 95932                  Tel: (530) 458-0350 ext. 10365                  Fax: (530) 458-8054                  E-mail: <a href="mailto:kspurgeon@ccoe.net">kspurgeon@ccoe.net</a></p>
<p><b><i>Dr. Joseph A. Ovick, Superintendent</i></b>  <u>Contra Costa</u> County Office of Education                  77 Santa Barbara Road                  Pleasant Hill, CA 94523                  Tel: (925) 942-3432                  Fax: (925) 472-0875                  E-mail: <a href="mailto:jovick@cccocoe.k12.ca.us">jovick@cccocoe.k12.ca.us</a></p>	<p><b><i>Ms. Jan Moorehouse, Superintendent</i></b>  <u>Del Norte</u> County Unified School District                  301 W. Washington Blvd.                  Crescent City, CA 95531                  Tel: (707) 464-0200                  Fax: (707) 464-0238                  E-mail: <a href="mailto:jmoorehouse@delnorte.k12.ca.us">jmoorehouse@delnorte.k12.ca.us</a></p> <p style="text-align: center;"><i>Be sure to cc the CCTC!</i></p>

<p><b>Dr. Vicki L. Barber, Superintendent</b>  <u>El Dorado</u> County Office of Education          6767 Green Valley Road          Placerville, CA 95667-9357          Tel: (530) 295-2229          Fax: (530) 642-1832          E-mail: <a href="mailto:vlbarber@edcoe.k12.ca.us">vlbarber@edcoe.k12.ca.us</a></p>	<p><b>Mr. Larry Powell, Superintendent</b>  <u>Fresno</u> County Office of Education          1111 Van Ness          Fresno, CA 93721-2000          Tel: (559) 265-3010          Fax: (559) 237-0733          E-mail: <a href="mailto:lpowell@fcoe.k12.ca.us">lpowell@fcoe.k12.ca.us</a></p>
<p><b>Dr. Joni Samples, Superintendent</b>  <u>Glenn</u> County Office of Education          311 S. Villa Avenue          Willows, CA 95988          Tel: (530) 934-6575 ext. 20          Fax: (530) 934-6576          E-mail: <a href="mailto:jsamples@glenncoe.org">jsamples@glenncoe.org</a></p>	<p><b>Dr. Garry Eagles, Superintendent</b>  <u>Humboldt</u> County Office of Education          901 Myrtle Avenue          Eureka, CA 95501          Tel: (707) 445-7030          Fax: (707) 445-7143          E-mail: <a href="mailto:geagles@humboldt.k12.ca.us">geagles@humboldt.k12.ca.us</a></p>
<p><b>Mr. John D. Anderson, Superintendent</b>  <u>Imperial</u> County Office of Education          1398 Sperber Road          El Centro, CA 92243          Tel: (760) 312-6440          Fax: (760) 312-6568          E-mail: <a href="mailto:janderson@icoe.org">janderson@icoe.org</a></p>	<p><b>Mr. George Lozito, Superintendent</b>  <u>Inyo</u> County Office of Education          135 S. Jackson Street          P.O. Drawer G          Independence, CA 93526          Tel: (760) 878-2426          Fax: (760) 878-2903          E-mail: <a href="mailto:george_lozito@inyo.k12.ca.us">george_lozito@inyo.k12.ca.us</a></p>
<p><b>Dr. Larry E. Reider, Superintendent</b>  <u>Kern</u> County Superintendent of Schools          1300 17th Street, City Centre          Bakersfield, CA 93301-4533          Tel: (661) 636-4630          Fax: (661) 636-4130          E-mail: <a href="mailto:lareider@kern.org">lareider@kern.org</a></p>	<p><b>Mr. John Stankovich, Superintendent</b>  <u>Kings</u> County Office of Education          1144 W. Lacey Blvd.          Hanford, CA 93230          Tel: (559) 584-1441 ext. 2903          Fax: (559) 589-7001          E-mail: <a href="mailto:johnls@kings.k12.ca.us">johnls@kings.k12.ca.us</a></p>

Public Advocates

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<p><b>Dr. Darline Robles, Superintendent</b>  <u>Los Angeles</u> County Office of Education          9300 Imperial Highway          Downey, CA 90242          Tel: (562) 922-6127          Fax: (562) 922-6678          E-mail: <a href="mailto:robles_darline@lacoed.edu">robles_darline@lacoed.edu</a></p>	<p><b>Dr. Sally L. Frazier, Superintendent</b>  <u>Madera</u> County Office of Education          28123 Avenue 14          Madera, CA 93638          Tel: (559) 673-6051 ext. 274          Fax: (559) 673-7318          E-mail: <a href="mailto:sfrazier@maderacoe.k12.ca.us">sfrazier@maderacoe.k12.ca.us</a></p>
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APPENDIX G

IMPORTANT STATE AND FEDERAL STATUTES AND REGULATIONS  
REGARDING TEACHER ASSIGNMENTS

CALIFORNIA STATUTES

**CAL. EDUC CODE § 35186**

(a) A school district shall use the uniform complaint process it has adopted as required by Chapter 5.1 (commencing with Section 4600) of Title 5 of the California Code of Regulations, with modifications, as necessary, to help identify and resolve any deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment.

(1) A complaint may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if he or she indicates that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. All complaints and responses are public records.

(2) The complaint form shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as he or she wishes.

(3) A complaint shall be filed with the principal of the school or his or her designee. A complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner but not to exceed 10 working days to the appropriate school district official for resolution.

(b) The principal or the designee of the district superintendent, as applicable, shall make all reasonable efforts to investigate any problem within his or her authority. The principal or designee of the district superintendent shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days from the date the complaint was received. The principal or designee of the district superintendent shall report to the complainant the resolution of the complaint within 45 working days of the initial filing. If the principal makes this report, the principal shall also report the same information in the same timeframe to the designee of the district superintendent.

(c) A complainant not satisfied with the resolution of the principal or the designee of the district superintendent has the right to describe the complaint to the governing board of the school district at a regularly scheduled hearing of the governing board. As to complaints involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of Section 17592.72, a complainant who is not satisfied with the resolution proffered by the principal or the designee of the district superintendent has the right to file an appeal to the Superintendent, who shall provide a written report to the State Board of Education describing the basis for the complaint and, as appropriate, a proposed remedy for the issue described in the complaint.

(d) A school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. The complaints and written responses shall be available as public records.

## Public Advocates

(e) The procedure required pursuant to this section is intended to address all of the following:

(1) A complaint related to instructional materials as follows:

(A) A pupil, including an English Learner, does not have standards-aligned textbooks or instructional materials or state-adopted or district-adopted textbooks or other required instructional material to use in class.

(B) A pupil does not have access to instructional materials to use at home or after school.

(C) Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

(2) A complaint related to teacher vacancy or misassignment as follows:

(A) A semester begins and a teacher vacancy exists.

(B) A teacher who lacks credentials or training to teach English Learners is assigned to teach a class with more than 20-percent English Learner pupils in the class. This subparagraph does not relieve a school district from complying with state or federal law regarding teachers of English Learners.

(C) A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

(3) A complaint related to the condition of facilities that pose an emergency or urgent threat to the health or safety of pupils or staff as defined in paragraph (1) of subdivision (c) of Section 17592.72 and any other emergency conditions the school district determines appropriate.

(f) In order to identify appropriate subjects of complaint, a notice shall be posted in each classroom in each school in the school district notifying parents, guardians, pupils, and teachers of the following:

(1) There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials each pupil, including English Learners, must have a textbook or instructional materials, or both, to use in class and to take home.

(2) School facilities must be clean, safe, and maintained in good repair.

(3) There should be no teacher vacancies or misassignments as defined in paragraphs (2) and (3) of subdivision (h).

(4) The location at which to obtain a form to file a complaint in case of a shortage. Posting a notice downloadable from the Web site of the department shall satisfy this requirement.

(g) A local educational agency shall establish local policies and procedures, post notices, and implement this section on or before January 1, 2005.

(h) For purposes of this section, the following definitions apply:

(1) "Good repair" has the same meaning as specified in subdivision (d) of Section 17002.

(2) "Misassignment" means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

(3) "Teacher vacancy" means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

### **CAL. EDUC. CODE § 44258.9**

(a) The Legislature finds that continued monitoring of teacher assignments by county superintendents of schools will ensure that the rate of teacher misassignment remains low. To the extent possible and with funds provided for that purpose, each county superintendent of schools shall perform the duties specified in subdivisions (b) and (c).

(b)(1) Each county superintendent of schools shall monitor and review school district certificated employee assignment practices in accordance with the following:

(A) Annually monitor and review schools and school districts that are likely to have problems with teacher misassignments and teacher vacancies, as defined in subparagraphs (A) and (B) of paragraph (5) of subdivision (b) of Section 33126, based on past experience or other available information.

(B) Annually monitor and review schools ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index, as defined in subdivision (b) of Section 17592.70, if those schools are not currently under review through a state or federal intervention program. If a review completed pursuant to this subparagraph finds that a school has no teacher misassignments or teacher vacancies for two consecutive years, the next review of that school may be conducted according to the cycle specified in subparagraph (C), unless the school meets the criteria of subparagraph (A).

(C) All other schools on a four-year cycle.

(2) Each county superintendent of schools shall investigate school and district efforts to ensure that any credentialed teacher serving in an assignment requiring a certificate issued pursuant to Section 44253.3, 44253.4, or 44253.7 or training pursuant to Section 44253.10 completes the necessary requirements for these certificates or completes the required training.

(3) The Commission on Teacher Credentialing shall be responsible for the monitoring and review of those counties or cities and counties in which there is a single school district, including the Counties of Alpine, Amador, Del Norte, Mariposa, Plumas, and Sierra, and the City and County of San Francisco. All information related to the misassignment of certificated personnel and teacher vacancies shall be submitted to each affected district within 30 calendar days of the monitoring activity.

(c) County superintendents of schools shall submit an annual report to the Commission on Teacher Credentialing and the department summarizing the results of all assignment monitoring and reviews. These reports shall include, but need not be limited to, the following:

## Public Advocates

(1) The numbers of teachers assigned and types of assignments made by the governing board of a school district under the authority of Sections 44256, 44258.2, and 44263.

(2) Information on actions taken by local committees on assignment, including the number of assignments authorized, subject areas into which committee-authorized teachers are assigned, and evidence of any departures from the implementation plans presented to the county superintendent by school districts.

(3) Information on each school district reviewed regarding misassignments of certificated personnel, including efforts to eliminate these misassignments.

(4)(A) Information on certificated employee assignment practices in schools ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index, as defined in subdivision (b) of Section 17592.70, to ensure that, at a minimum, in any class in these schools in which 20 percent or more pupils are English Learners the assigned teacher possesses a certificate issued pursuant to Section 44253.3 or 44253.4 or has completed training pursuant to Section 44253.10 or is otherwise authorized by statute.

(B) This paragraph shall not relieve a school district from compliance with state and federal law regarding teachers of English Learners or be construed to alter the definition of "misassignment" in subparagraph (B) of paragraph (5) of subdivision (b) of Section 33126.

(5) After consultation with representatives of county superintendents of schools, other information as may be determined to be needed by the Commission on Teacher Credentialing.

(d) The Commission on Teacher Credentialing shall submit biennial reports to the Legislature concerning teacher assignments and misassignments which shall be based, in part, on the annual reports of the county superintendents of schools.

(e)(1) The Commission on Teacher Credentialing shall establish reasonable sanctions for the misassignment of credential holders.

Prior to the implementation of regulations establishing sanctions, the Commission on Teacher Credentialing shall engage in a variety of activities designed to inform school administrators, teachers, and personnel within the offices of county superintendents of schools of the regulations and statutes affecting the assignment of certificated personnel. These activities shall include the preparation of instructive brochures and the holding of regional workshops.

(2) Commencing July 1, 1989, any certificated person who is required by an administrative superior to accept an assignment for which he or she has no legal authorization shall, after exhausting any existing local remedies, notify the county superintendent of schools in writing of the illegal assignment. The county superintendent of schools shall, within 15 working days, advise the affected certificated person concerning the legality of his or her assignment. There shall be no adverse action taken against a certificated person who files a notification of misassignment with the county superintendent of schools. During the period of the misassignment, the certificated person who files a written notification with the county superintendent of schools shall be exempt from the provisions of Section 45034. If it is determined that a misassignment has taken place, any performance evaluation of the employee under Sections 44660 to 44664, inclusive, in any misassigned subject shall be nullified.

(3) The county superintendent of schools shall notify, through the office of the school district superintendent, any certificated school administrator responsible for the assignment of a certificated person to a position for which he or she has no legal authorization of the misassignment and shall advise him or her to correct the assignment within 30 calendar days.

The county superintendent of schools shall notify the Commission on Teacher Credentialing of the misassignment if the certificated school administrator has not corrected the misassignment within 30 days of the initial notification, or if the certificated school administrator has not described, in writing, within the 30-day period, to the county superintendent of schools the extraordinary circumstances which make this correction impossible.

(4) The county superintendent of schools shall notify any superintendent of a school district in which 5 percent or more of all certificated teachers in the secondary schools are found to be misassigned of the misassignments and shall advise him or her to correct the misassignments within 120 calendar days. The county superintendent of schools shall notify the Commission on Teacher Credentialing of the misassignments if the school district superintendent has not corrected the misassignments within 120 days of the initial notification, or if the school district superintendent of schools has not described, in writing, within the 120-day period, to the county superintendent of schools the extraordinary circumstances which make this correction impossible.

(f) An applicant for a professional administrative service credential shall be required to demonstrate knowledge of existing credentialing laws, including knowledge of assignment authorizations.

(g) The Superintendent shall submit a summary of the reports submitted by county superintendents pursuant to subdivision (c) to the Legislature. The Legislature may hold, within a reasonable period after receipt of the summary, public hearings on pupil access to teachers and to related statutory provisions. The Legislature may also assign one or more of the standing committees or a joint committee, to determine the following:

(1) The effectiveness of the reviews required pursuant to this section.

(2) The extent, if any, of vacancies and misassignments, as defined in subparagraphs (A) and (B) of paragraph (5) of subdivision (b) of Section 33126.

(3) The need, if any, to assist schools ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index, as defined in subdivision (b) of Section 17592.70, to eliminate vacancies and misassignments.

## CALIFORNIA REGULATIONS

### UNIFORM COMPLAINT PROCEDURE, 5 CALIFORNIA CODE OF REGULATIONS §§ 4600-4687

#### 5 CCR 4600 (2006)

#### § 4600. General Definitions

As used in this chapter, the term:

(a) "Appeal" means a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body's decision.

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(b) "Beginning of the year or semester" means the first day classes necessary to serve all the students enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day students attend classes for that semester.

(c) "Complainant" means any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination in programs and activities funded directly by the state or receiving any financial assistance from the state.

(d) "Complaint" means a written and signed statement alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination. If the complainant is

unable to put the complaint in writing, due to conditions such as a disability or illiteracy, the public agency shall assist the complainant in the filing of the complaint.

(e) "Complaint investigation" means an administrative process used by the Department or local educational agency for the purpose of gathering data regarding the complaint.

(f) "Complaint procedure" means an internal process used by the Department or local educational agency to process and resolve complaints.

(g) "Days" means calendar days unless designated otherwise.

(h) "Department" means the California Department of Education.

(i) "Direct state intervention" means the steps taken by the Department to initially investigate complaints or effect compliance.

(j) "Educational institution" means a public or private preschool, elementary, or secondary school or institution, the governing board of a school district, or any combination of school districts or counties recognized as the administrative agency for public elementary or secondary schools.

(k) "Facilities that pose an emergency or urgent threat to the health or safety of pupils or staff" means a condition as defined in paragraph (1) of subdivision (c) of section 17592.72 and any other emergency conditions the school district determines appropriate.

(l) "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 pursuant to Education Code section 17002(d)(2), and is available from the Department of General Services, Office of Public School Construction.

(m) "Instructional materials" means all materials that are designed for use by pupils and their teachers as a learning resource and help pupils to acquire facts, skills, or opinions or to develop cognitive processes. Instructional materials may be printed or nonprinted, and may include textbooks, technology-based materials, other educational materials, and tests.

(n) "Local agency" means a school district governing board or a local public or private agency which receives direct or indirect funding or any other financial assistance from the state to provide any school programs or activities or special education or related services.

(o) "Local educational agency" (LEA) includes any public school district and county office of education or direct-funded charter school.

(p) "Mediation" means a problem solving activity whereby a third party assists the parties to the dispute in resolving the complaint.

(q) "Misassignment" means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

(r) "Public agency" means any local agency or state agency.

(s) "State agency" means the State Departments of Mental Health or Health Services or any other state administrative unit that is or may be required to provide special education or related services to children with disabilities pursuant to Government Code section 7570 et seq.

(t) "State mediation agreement" means a written, voluntary agreement approved by the Department, which is developed by the parties to the dispute, which resolves the allegations of the complaint.

(u) "Subject matter competency" means the teacher meets the applicable requirements of Chapter 6, article 1, subchapter 7 of these regulations, commencing with section 6100, for the course being taught.

(v) "Sufficient textbooks or instructional materials" means that each pupil, including English learners, has a textbook or instructional materials, or both, to use in class and to take home but does not require two sets of textbooks or instructional materials for each pupil. Sufficient textbooks or instructional materials does not include photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage.

(w) "Superintendent" means the Superintendent of Public Instruction or his or her designee.

(x) "Teacher vacancy" means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

**AUTHORITY:**

Note: Authority cited: Sections 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 200, 201, 210.1, 220, 17002(d), 17592.72, 33126(b)(5)(A) and (B) and 60010, Education Code; and Sections 11135 and 11138, Government Code.

**5 CCR 4610 (2006)**

§ 4610. Purpose and Scope

(a) This Chapter applies to the filing, investigation and resolution of a complaint regarding an alleged violation by a local agency of federal or state law or regulations governing educational programs, including allegations of unlawful discrimination. The purpose of this chapter is to establish a uniform system of complaint processing for specified programs or activities that receive state or federal

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funding.

(b) This chapter applies to the following programs administered by the Department:

(1) Adult Education programs established pursuant to Education Code sections 8500 through 8538 and 52500 through 52616.4;

(2) Consolidated Categorical Aid Programs as listed in Education Code section 64000(a);

(3) Migrant Education established pursuant to Education Code sections 54440 through 54445;

(4) Career Technical and Technical Education and Career Technical and Technical Training Programs established pursuant to Education Code sections 52300 through 52480;

(5) Child Care and Development Programs established pursuant to Education Code sections 8200 through 8493;

(6) Child Nutrition Programs established pursuant to Education Code sections 49490 through 49570; and

(7) Special Education Programs established pursuant to Education Code sections 56000 through 56885 and 59000 through 59300.

(c) This chapter also applies to the filing of complaints which allege unlawful discrimination against any protected group as identified under Education Code section 200 and 220 and Government Code section 11135, including actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by a local agency, which is funded directly by, or that receives or benefits from any state financial assistance.

(d) Nothing in these regulations shall prevent a local educational agency from using its local uniform complaint procedure to address complaints not listed in this section.

(e) The Department will develop a pamphlet for parents that will explain the Uniform Complaint Procedures in a user friendly manner and post this pamphlet on the Department's Web site.

### AUTHORITY:

Note: Authority cited: Sections 221.1, 8261, 33031, 49531, 49551, 54445, 52355, 52451, and 56100(a) and (j), Education Code; and Section 11138, Government Code. Reference: Sections 200, 220, 260, and 49556, Education Code; Sections 11135 and 11138, Government Code; and 34 CFR 106.1- 106.8 and 299.10- 299.11.

### **5 CCR 4611 (2006)**

#### § 4611. Referring Complaint Issues to Other Appropriate State or Federal Agencies

The following complaints shall be referred to the specified agencies for appropriate resolution and are not subject to the local and Department complaint procedures set forth in this chapter unless these procedures are made applicable by separate interagency agreements:

(a) Allegations of child abuse shall be referred to the applicable County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency. However, nothing in this section relieves the Department from investigating complaints pursuant to section 4650(a)(8)(C) herein.

(b) Health and safety complaints regarding a Child Development Program shall be referred to Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.

(c) Employment discrimination complaints shall be sent to the State Department of Fair Employment and Housing (DFEH) pursuant to title 22, CCR, section 98410. The complainant shall be notified by first class mail of any DFEH transferral.

(d) Allegations of fraud shall be referred to the responsible Department Division Director who may consult with the Department's Legal and Audits Branch.

AUTHORITY:

Note: Authority cited: Sections 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 200, 220 and 48987, Education Code; Sections 11135, 11136, 11138 and 12960, Government Code; Section 11166, Penal Code; and 34 CFR 106.1- 106.8.

**5 CCR 4620 (2006)**

§ 4620. Local Educational Agency Responsibilities

Each local educational agency shall have the primary responsibility to insure compliance with applicable state and federal laws and regulations. Each local educational agency shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, and seek to resolve those complaints in accordance with the procedures set out in this chapter and in accordance with the policies and procedures of the governing board.

AUTHORITY:

Note: Authority cited: Sections 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Section 200, 220 and 260, Education Code; Section 11135, Government Code; and 34 CFR 106.8.

**5 CCR 4621 (2006)**

§ 4621. District Policies and Procedures

(a) Each local educational agency shall adopt policies and procedures not inconsistent with sections 4600-4695 of this chapter for the investigation and resolution of complaints. Local policies shall ensure that complainants are protected from retaliation and that the identity of a complainant alleging discrimination remain confidential as appropriate. School Districts and County Offices of Education shall submit their policies and procedures to the local governing board for adoption.

(b) Each local educational agency shall include in its policies and procedures the person(s), employee(s) or agency position(s) or unit(s) responsible for receiving complaints, investigating

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complaints and ensuring local educational agency compliance. The local educational agency's policies shall ensure that the person(s), employee(s), position(s) or unit(s) responsible for compliance and/or investigations shall be knowledgeable about the laws/programs that he/she is assigned to investigate.

(c) Except for complaints under sections 4680-4687 regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments, the local educational agency may provide a complaint form for persons wishing to file a complaint to fill out and file. A complaint form shall be provided for complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments.

However, a person is not required to use the complaint form furnished by the local educational agency in order to file a complaint.

### AUTHORITY:

Note: Authority cited: Sections 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 200, 220 and 260, Education Code; Section 11135, Government Code; and 34 CFR 106.8 and 299.10- 299.11.

## **5 CCR 4622 (2006)**

### § 4622. Notice

Each local educational agency shall annually notify in writing, as applicable, its students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties of their local educational agency complaint procedures, including the opportunity to appeal to the Department and the provisions of this chapter. The notice shall include the identity (identities) of the person(s) responsible for processing complaints. The notice shall also advise the recipient of any civil law remedies that may be available under state or federal discrimination laws, if applicable, and of the appeal pursuant to Education Code section 262.3. This notice shall be in English, and when necessary, in the primary language, pursuant to section 48985 of the Education Code, or mode of communication of the recipient of the notice. Copies of local educational agency complaint procedures shall be available free of charge.

### AUTHORITY:

Note: Authority cited: Sections 200, 220, 221.1, 262.3 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 200 and 220, Education Code; Sections 11135 and 11138, Government Code; and 34 CFR 106.8 and 299.11.

## **5 CCR 4630 (2006)**

### § 4630. Filing a Local Complaint; Procedures, Time Lines

(a) Except for complaints under sections 4680-4687 regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments, and complaints that allege discrimination, any individual, public agency or organization may file a written complaint with the district superintendent or his or her designee alleging a matter which, if true, would constitute a violation by that local educational agency of federal or state law or regulation governing a program listed in section 4610(b) of this chapter.

(b) An investigation of alleged unlawful discrimination shall be initiated by filing a complaint not later than six months from the date the alleged discrimination occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination unless the time for filing is extended by the district superintendent or his or her designee, upon written request by the complainant setting forth the reasons for the extension. Such extension by the district superintendent or his or her designee shall be made in writing. The period for filing may be extended by the district superintendent or his or her designee for good cause for a period not to exceed 90 days following the expiration of the six month time period. The district superintendent shall respond immediately upon a receipt of a request for extension.

(1) The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, or by one who believes an individual or any specific class of individuals has been subjected to discrimination prohibited by this part.

(2) The complaint shall be filed with the local educational agency in accordance with the complaint procedures of the local educational agency.

(3) An investigation of a discrimination complaint shall be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process.

**AUTHORITY:**

Note: Authority cited: Sections 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 200 and 220, Education Code; Sections 11135, 11136, and 11138, Government Code; and 34 CFR 106.8.

**5 CCR 4631 (2006)**

§ 4631. Responsibilities of the Local Educational Agency

(a) Except for complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments, which must be processed in accordance with sections 4680-4687, within 60 days from the date of the receipt of the complaint, the local educational agency person responsible for the investigation of the complaints or his or her designee shall conduct and complete an investigation of the complaint in accordance with the local procedures adopted pursuant to section 4621 and prepare a written Local Educational Agency Decision. This time period may be extended by written agreement of the complainant.

(b) The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations of non-compliance with state and federal laws and/or regulations.

(c) Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

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(d) Refusal by the local agency to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

(e) The local educational agency should issue a Decision (the Decision) based on the evidence. The Decision shall be in writing and sent to the complainant within 60 days from receipt of the complaint by the local educational agency. The Decision should contain:

(1) the findings of fact based on the evidence gathered,

(2) conclusion of law,

(3) disposition of the complaint,

(4) the rationale for such disposition,

(5) corrective actions, if any are warranted,

(6) notice of the complainant's right to appeal the local educational agency Decision to the Department, and

(7) procedures to be followed for initiating an appeal to the Department.

(f) Nothing in this chapter shall prohibit the parties from utilizing alternative methods to resolve the allegations in the complaint, including, but not limited to, mediation.

(g) Nothing in this chapter shall prohibit a local educational agency from resolving complaints prior to the formal filing of a written complaint.

### AUTHORITY:

Note: Authority cited: Sections 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 200 and 220, Education Code; Sections 11135, 11136, and 11138, Government Code; and 34 CFR 106.8.

### **5 CCR 4632 (2006)**

#### § 4632. Appeal of Local Educational Agency Decision -- Grounds

(a) Except for complaints under sections 4681 and 4682 regarding instructional materials and teacher vacancies or misassignments, a complainant may appeal a Decision to the Department by filing a written appeal within 15 days of receiving the Decision.

(b) The complainant shall specify the basis for the appeal of the Decision and whether the facts are incorrect and/or the law is misapplied.

(c) The appeal shall be accompanied by:

(1) a copy of the locally filed complaint; and

(2) a copy of the Decision.

(d) If the Department determines the appeal raises issues not contained in the local complaint, the Department will refer those new issues back to the local educational agency for resolution as a new complaint under section 4630 or 4631.

(e) If the Department determines that the Decision failed to address an issue raised by the complaint, the Department shall refer the matter to the local educational agency to make the necessary findings and conclusions on any issue not addressed. The local educational agency will address the issue within 20 days from the date of the referral.

**AUTHORITY:**

Note: Authority cited: Sections 200, 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 11135, 11136 and 11138, Government Code; 34 CFR 106.8; and 34 CFR 299.10(a)(2).

**5 CCR 4631 (2006)**

§ 4631. Responsibilities of the Local Educational Agency

(a) Except for complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments, which must be processed in accordance with sections 4680-4687, within 60 days from the date of the receipt of the complaint, the local educational agency person responsible for the investigation of the complaints or his or her designee shall conduct and complete an investigation of the complaint in accordance with the local procedures adopted pursuant to section 4621 and prepare a written Local Educational Agency Decision. This time period may be extended by written agreement of the complainant.

(b) The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations of non-compliance with state and federal laws and/or regulations.

(c) Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

(d) Refusal by the local agency to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

(e) The local educational agency should issue a Decision (the Decision) based on the evidence. The Decision shall be in writing and sent to the complainant within 60 days from receipt of the complaint by the local educational agency. The Decision should contain:

(1) the findings of fact based on the evidence gathered,

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(2) conclusion of law,

(3) disposition of the complaint,

(4) the rationale for such disposition,

(5) corrective actions, if any are warranted,

(6) notice of the complainant's right to appeal the local educational agency Decision to the Department, and

(7) procedures to be followed for initiating an appeal to the Department.

(f) Nothing in this chapter shall prohibit the parties from utilizing alternative methods to resolve the allegations in the complaint, including, but not limited to, mediation.

(g) Nothing in this chapter shall prohibit a local educational agency from resolving complaints prior to the formal filing of a written complaint.

### AUTHORITY:

Note: Authority cited: Sections 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 200 and 220, Education Code; Sections 11135, 11136, and 11138, Government Code; and 34 CFR 106.8.

### **5 CCR 4640 (2006)**

§ 4640. Filing a State Complaint That Has Not First Been Filed at the Local Educational Agency; Time Lines, Notice, Appeal Rights

Referral to the Local Educational Agency for Local Resolution.

(a) If a complaint is erroneously filed with the Department without first being filed with and investigated by the local educational agency, the Department shall immediately forward the complaint to the local educational agency for processing in accordance with article 4 of this chapter, unless extraordinary circumstances exist necessitating direct state intervention as described at section 4650.

(b) A letter shall be sent by first class mail to the complainant(s) notifying him, her, or them that:

(1) The Department does not have jurisdiction, at this time, over the complaint and that the complaint should have been filed with the local educational agency in the first instance;

(2) That the complaint has been transferred to the local educational agency requesting the local educational agency to process and investigate the allegation in the complaint; and

(3) That the complainant may file an appeal to the Department following the issuance of the Decision, if he or she believes as a matter of fact or law the Decision is incorrect.

### AUTHORITY:

Note: Authority cited: Sections 221.1 and 33031, Education Code; and Section 11138, Government

Code. Reference: Sections 200 and 220, Education Code; Sections 11135, 11136, and 11138, Government Code; 34 CFR 106.8; and 34 CFR 299.10(a)(2).

**5 CCR 4650 (2006)**

§ 4650. Basis of Direct State Intervention

(a) Except for complaints under sections 4680, 4681, 4682 and 4683 regarding instructional materials, teacher vacancies or misassignments, and condition of a facility, the Department shall directly intervene without waiting for local educational agency investigation if one or more of the following situations exist:

(1) The complaint includes an allegation, and the Department verifies, that a local educational agency failed to comply with the complaint procedures required by this Chapter and its local rules and regulations, including, but not limited to, the failure or refusal of the local educational agency to cooperate with the investigation;

(2) The complaint relates to an agency that is not a local educational agency funded through the Child Development or Child Nutrition Programs;

(3) The complainant requests anonymity because he or she would be in danger of retaliation and would suffer immediate and irreparable harm if he or she filed a complaint with the local educational agency;

(4) The complainant alleges that the local educational agency failed or refused to implement the final decision resulting from its local investigation or local mediation agreement;

(5) The complainant alleges and the Department verifies that through no fault of the complainant, no action has been taken by the local educational agency within 60 calendar days of the date the complaint was filed. Prior to direct intervention, the Department shall attempt to work with the local educational agency to allow it to complete the investigation and issue a Decision.

(6) The complainant alleges and the Department verifies that he or she would suffer immediate and irreparable harm as a result of an application of a district-wide policy that is in conflict with state or federal law covered by this Chapter, and that filing a complaint with the local educational agency would be futile.

(7) For complaints relating to special education, any one of the following shall be a condition for direct state intervention:

(A) The complainant alleges that a public agency, other than a local educational agency, as specified in Government Code section 7570 et seq., fails or refuses to comply with an applicable law or regulation relating to the provision of free appropriate public education to individuals with disabilities;

(B) The complainant alleges that the local educational agency or public agency fails or refuses to comply with the due process procedures established pursuant to federal and state law and regulation; or has failed or refused to implement a due process hearing order;

(C) The complainant alleges facts that indicate that the child or group of children may be in immediate physical danger or that the health, safety or welfare of a child or group of children is

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threatened.

(D) The complainant alleges that an individual with a disability is not receiving the special education or related services specified in his or her individualized educational program (IEP).

(E) The complaint involves a violation of federal law governing special education, 20 U.S.C. section 1400 et seq., or its implementing regulations.

(b) The complaint shall identify the basis, as described in subdivision (a) above, for filing the complaint directly to the Department. The complainant must present the Department with clear and verifiable evidence that supports the basis for the direct filing, except as in subdivision (a)(7).

### AUTHORITY:

Note: Authority cited: Section 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 200 and 220, Education Code; Sections 11135, 11136, and 11138, Government Code; 34 CFR 106.8; and 34 CFR 299.10(a)(2).

## **5 CCR 4651 (2006)**

### § 4651. Notification

When the Department receives a complaint requesting direct State intervention, the Department shall determine whether the complaint meets one or more of the criterion specified in section 4650 for direct State intervention and shall immediately notify the complainant by first class mail of the determination to accept the complaint without a local educational agency investigation and/or Decision. If the complaint is not accepted, it shall be referred to the local educational agency for local investigation, or referred to another agency pursuant to section 4611.

### AUTHORITY:

Note: Authority cited: Sections 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 200 and 220, Education Code; Sections 11135, 11136 and 11138, Government Code; 34 CFR 106.8; and 34 CFR 299.10(a)(2).

## **5 CCR 4652 (2006)**

### § 4652. Appealing Local Agency Decisions

### AUTHORITY:

Note: Authority cited: Sections 232 and 33031, Education Code; Section 11138, Government Code. Reference: Sections 11135, 11136, and 11138, Government Code; 34 CFR 76.780- 76.783 and 106.8.

## **5 CCR 4660 (2006)**

§ 4660. Department Resolution Procedures

(a) When the Department determines that direct State intervention is warranted pursuant to any provision of section 4650, the following procedures shall be used to resolve the issues of the complaint:

(1) The Department shall consider alternative methods to resolve the allegations in the complaint.

(2) If both parties request mediation, the Department shall offer to mediate the dispute which may lead to a state mediation agreement.

(3) The Department shall conduct an investigation, including an on-site investigation if necessary, into the allegations in the complaint unless a settlement agreement has been reached between the parties that disposes of all the issues in the complaint.

AUTHORITY:

Note: Authority cited: Sections 200, 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 11135, 11136 and 11138, Government Code; 34 CFR 106.8; and 34 CFR 299.10(a)(2).

**5 CCR 4661 (2006)**

§ 4661. Mediation Procedures; State Mediation Agreements; Notice

AUTHORITY:

Note: Authority cited: Sections 232 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 11135, 11136, and 11138, Government Code; and 34 CFR 106.8.

**5 CCR 4662 (2006)**

§ 4662. Investigation Timeline

(a) Each party in the dispute shall be sent written notification by the Department of the name(s) of the investigator(s) and the investigation date(s), if known. The notice shall explain the investigation process.

(b) An investigation will be completed within 60 days after receiving a request for direct intervention or an appeal request, unless the parties have agreed to extend the time lines. The Department may grant extensions for the investigation if exceptional circumstances exist that constitute good cause with respect to the particular complaint, and provided that the complainant is informed of the extension and the reasons therefore and provided that the facts supporting the extension are documented and maintained in the complaint file.

AUTHORITY:

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Note: Authority cited: Sections 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 200 and 220, Education Code; Sections 11135, 11136, and 11138, Government Code; 34 CFR 106.8; and 34 CFR 299.10(a)(2).

### **5 CCR 4663 (2006)**

#### § 4663. Department Investigation Procedures

- (a) The investigator(s) shall request all documentation and other evidence regarding the allegations in the complaint.
- (b) The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations of non-compliance with state and federal laws and/or regulations.
- (c) Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegations.
- (d) Refusal by the local educational agency to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

#### AUTHORITY:

Note: Authority cited: Sections 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 200 and 220, Education Code; Sections 11135, 11136 and 11138, Government Code; 34 CFR 76.1 and 106.8; and 34 CFR 299.10(a)(2).

### **5 CCR 4664 (2006)**

#### § 4664. Department Investigation Report

- (a) An investigation report shall be issued. The investigation report shall include the following:
- (1) A summary of the allegations in the complaint;
  - (2) A description of the general procedures of the investigation;
  - (3) Citations of applicable law and regulations;
  - (4) Department findings of facts;
  - (5) Department conclusions;
  - (6) LEA required actions, if applicable;
  - (7) LEA recommended specific actions, if applicable;

(8) Time line for corrective actions, if applicable; and

(9) Notice that any party may request reconsideration of the Department's report from the Superintendent of Public Instruction within 35 days of the receipt of the report.

(10) For those programs governed by Part 76 of Title 34 of the Code of Federal Regulations, the parties shall be notified of the right to appeal to the United States Secretary of Education.

(b) An investigation report shall be mailed to the parties within 60 days from the conclusion of the investigation.

**AUTHORITY:**

Note: Authority cited: Sections 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 200 and 221, Education Code; Sections 11135, 11136 and 11138, Government Code; 34 CFR 106.8; and 34 CFR 299.10(a)(2).

**5 CCR 4665 (2006)**

**§ 4665. Discretionary Reconsideration of Department Investigation Report**

(a) Within 35 days of receipt of the Department investigation report, either party may request reconsideration by the Superintendent. The request for reconsideration shall designate the finding(s), conclusion(s), or corrective action(s) in the Department's report to be reconsidered and state the specific basis for reconsidering the designated finding(s), conclusion(s) or corrective action(s). The request for reconsideration shall also state whether the findings of fact are incorrect and/or the law is misapplied.

(b) Within 35 days of the receipt of the request for reconsideration, the Superintendent or his or her designee may respond in writing to the parties modifying the specific finding(s), conclusion(s), or corrective action(s) for which reconsideration is requested, or denying the request for reconsideration. Pending the Superintendent's reconsideration, the Department report remains in effect and enforceable.

(c) Appeals by private agencies regarding Child Care Food Programs shall be made to the State Office of Administrative Hearings in accordance with applicable laws and regulations.

(d) Appeals from investigations of complaints involving Child Development contractors, whether public or private, shall be made to the Superintendent of Public Instruction as provided in subsection (a) except as otherwise provided in division 19 of title 5 of the Code of California Regulations.

(e) For those programs governed by part 76 of title 34 of the Code of Federal Regulations, the parties shall be notified of the right to appeal to the United States Secretary of Education.

**AUTHORITY:**

Note: Authority cited: Sections 200, 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 200 and 220, Education Code; Sections 11135, 11136 and 11138, Government Code; 34 CFR 76.1 and 106.8.

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### **5 CCR 4670 (2006)**

#### § 4670. Enforcement

(a) Upon determination that a local agency violated the provisions of this chapter, the Department shall notify the local agency pursuant to section 4664(b) that it must take corrective action to come into compliance. If corrective action is not taken, the Department may use any means authorized by law to effect compliance, including, but not limited to:

(1) The withholding of all or part of the local agency's relevant state or federal fiscal support in accordance with state or federal statute or regulation;

(2) Probationary eligibility for future state or federal support, conditional on compliance with specified conditions;

(3) Proceeding in a court of competent jurisdiction for an appropriate order compelling compliance.

(b) No decision to curtail state or federal funding to a local agency under this chapter shall be made until the Department has determined that compliance cannot be secured by other means.

(c) If the Department determines that a Child Development Contractor's Agreement shall be terminated, the procedures set forth in sections 8257(d) or 8400 et seq. of the Education Code and the regulations promulgated pursuant thereto (chapter 19 of title 5, CCR, commencing with section 17906), shall be followed.

(d) If the Department determines that a local educational agency has failed to comply with any provision of sections 49550 through 49554 of the Education Code, the Department shall certify such noncompliance to the Attorney General for investigation pursuant to section 49556 of the Education Code.

#### AUTHORITY:

Note: Authority cited: Sections 200, 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Section 49556, Education Code; Sections 11135, 11136 and 11138, Government Code; and 34 CFR 76.783 and 106.8.

### **5 CCR 4671 (2006)**

#### § 4671. Federal Review Rights

#### AUTHORITY:

Note: Authority cited: Sections 232 and 33031, Education Code; Section 11138, Government Code. Reference: 34 CFR 76.780- 76.783.

### **5 CCR 4680 (2006)**

#### § 4680. Complaints Regarding Instructional Materials, Teacher Vacancy or Misassignment, and School Facilities

(a) Complaints regarding instructional materials, emergency or urgent facilities conditions that pose a

threat to the health or safety of pupils or staff, and teacher vacancy or misassignment shall be filed with the principal of the school, or his or her designee, in which the complaint arises. A complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner, but not to exceed 10 working days, to the appropriate school district official for resolution.

(b) Complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancy or misassignment may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if he or she indicates that a response is requested. If a response is requested, the response shall be made to the mailing address of the complainant indicated on the complaint.

(c) The school shall have a complaint form available for such complaints. The complaint form shall identify the place for filing the complaint and include a space to indicate whether a response is requested. However, the complainant need not use a complaint form.

(d) All complaints and responses are public records.

**AUTHORITY:**

Note: Authority cited: Section 33031, Education Code. Reference: Section 35186, Education Code.

**5 CCR 4681 (2006)**

§ 4681. Contents of Complaints Regarding Instructional Materials

(a) A complaint related to instructional materials may allege as follows:

(1) A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state adopted or district adopted textbooks or other required instructional materials to use in class.

(2) A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.

(3) Textbooks or instructional materials are in poor or unusable condition, having missing pages, or are unreadable due to damage.

(4) A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

(b) A complaint related to instructional materials shall identify:

(1) the school;

(2) the course or grade level in which the deficiency(ies) in instructional materials exist;

(3) the teacher of the course or grade level; and

(4) the specific nature of the deficiency or deficiencies as specified in subsection (a).

(c) A complaint may include as much text to explain the deficiency or deficiencies in instructional

## Public Advocates

materials as complainant feels necessary. A complaint may contain more than one allegation of deficiency or deficiencies in the instructional material.

### AUTHORITY:

Note: Authority cited: Section 33031, Education Code. Reference: Section 35186, Education Code.

### **5 CCR 4682 (2006)**

#### § 4682. Contents of Complaints Regarding Teacher Vacancy or Misassignment

(a) A complaint related to teacher vacancy or misassignment may allege as follows:

(1) A semester begins and a teacher vacancy exists (a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester).

(2) A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class. This subparagraph does not relieve a school district from complying with state or federal law regarding teachers of English learners.

(3) A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

(b) A complaint regarding a teacher vacancy or misassignment shall identify:

(1) the course or grade level in which the teacher vacancy or misassignment exists;

(2) the specific nature of the vacancy or misassignment as specified in subdivision (a); and

(3) if it is a misassignment, the name of the teacher who is misassigned.

(c) A complaint may include as much text to explain the teacher vacancy or misassignment as complainant feels necessary. A complaint may contain more than one allegation of teacher vacancy or misassignment.

### AUTHORITY:

Note: Authority cited: Section 33031, Education Code. Reference: Section 35186, Education Code.

### **5 CCR 4683 (2006)**

#### § 4683. Contents of Complaints Regarding the Condition of a Facility

(a) A complaint related to the conditions of facilities that pose an emergency or urgent threat to the health or safety of pupils or staff shall identify the specific school in which the condition exists. The complaint shall specify:

(1) the location of the facility;

(2) describe emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff; and

(3) how the condition poses a threat to the health or safety of pupils or staff.

(b) A complainant may include as much text to explain the emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, as complainant feels necessary. A complaint may contain more than one allegation of emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff.

AUTHORITY:

Note: Authority cited: Section 33031, Education Code. Reference: Section 35186, Education Code.

**5 CCR 4684 (2006)**

§ 4684. Notice

(a) In order to identify appropriate subjects of complaint, a notice shall be posted in each classroom in each school in the school district notifying parents and guardians of the following:

(1) There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.

(2) School facilities must be clean, safe, and maintained in good repair.

(3) There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners if present.

(4) The location at which to obtain a form to file a complaint in case of a shortage. Posting a notice downloadable from the Web site of the Department shall satisfy this requirement.

AUTHORITY:

Note: Authority cited: Section 33031, Education Code. Reference: Section 35186, Education Code.

**5 CCR 4685 (2006)**

§ 4685. Investigation

The principal or the designee of the district superintendent, as applicable, shall make all reasonable efforts to investigate any problem within his or her authority. The principal, or, where applicable, district superintendent or his or her designee shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days from the date the complaint was received. The principal, or where applicable, district superintendent or his or her designee, shall report to the complainant the resolution of the complaint within 45 working days of the initial filing, if complainant identifies himself

## Public Advocates

or herself and requested a response. If the principal makes this report, the principal shall also report the same information in the same timeframe to the district superintendent or his or her designee.

### AUTHORITY:

Note: Authority cited: Section 33031, Education Code. Reference: Section 35186, Education Code.

### **5 CCR 4686 (2006)**

#### § 4686. Responsibilities of Governing Board

(a) A complainant who is not satisfied with the resolution of the principal or the district superintendent or his or her designee, has the right to describe the complaint to the governing board of the school district at a regularly scheduled meeting of the governing board.

(b) A school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.

(c) The complaints and written responses shall be available as public records.

### AUTHORITY:

Note: Authority cited: Section 33031, Education Code. Reference: Section 35186, Education Code.

### **5 CCR 4687 (2006)**

#### § 4687. Appeal of Facilities Complaint to Superintendent

(a) A complainant who is not satisfied with the resolution proffered by the principal, or the district superintendent or his or her designee, involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of section 17592.72, has the right to file an appeal to the Superintendent of Public Instruction within 15 days of receiving the report.

(b) Complainant shall comply with the appeal requirements of section 4632.

(c) The Superintendent of Public Instruction or his or her designee shall comply with the requirements of section 4633.

(d) The Superintendent of Public Instruction shall provide a written report to the State Board of Education describing the basis for the complaint, the school district's response to the complaint and its remedy or proposed remedy and, as appropriate, a proposed remedy for the issue described in the complaint, if different from the school district's remedy.

### AUTHORITY:

Note: Authority cited: Section 33031, Education Code. Reference: Sections 17592.72 and 35186, Education Code.

## FEDERAL STATUTES

**20 U.S.C. § 6319**

(a) Teacher qualifications and measurable objectives.

(1) In general. Beginning with the first day of the first school year after the date of enactment of the No Child Left Behind Act of 2001 [enacted Jan. 8, 2002], each local educational agency receiving assistance under this part [20 USCS §§ 6311 et seq.] shall ensure that all teachers hired after such day and teaching in a program supported with funds under this part are highly qualified.

(2) State plan. As part of the plan described in section 1111 [20 USCS § 6311], each State educational agency receiving assistance under this part [20 USCS §§ 6311 et seq.] shall develop a plan to ensure that all teachers teaching in core academic subjects within the State are highly qualified not later than the end of the 2005-2006 school year. Such plan shall establish annual measurable objectives for each local educational agency and school that, at a minimum--

(A) shall include an annual increase in the percentage of highly qualified teachers at each local educational agency and school, to ensure that all teachers teaching in core academic subjects in each public elementary school and secondary school are highly qualified not later than the end of the 2005-2006 school year;

(B) shall include an annual increase in the percentage of teachers who are receiving high-quality professional development to enable such teachers to become highly qualified and successful classroom teachers; and

(C) may include such other measures as the State educational agency determines to be appropriate to increase teacher qualifications.

**20 U.S.C. § 7801(23)**

Except as otherwise provided, in this Act [20 USCS §§ 6301 et seq.]:

(23) Highly qualified. The term "highly qualified"--

(A) when used with respect to any public elementary school or secondary school teacher teaching in a State, means that--

(i) the teacher has obtained full State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing examination, and holds a license to teach in such State, except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the State's public charter school law; and

(ii) the teacher has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis;

(B) when used with respect to--

(i) an elementary school teacher who is new to the profession, means that the teacher--

(I) holds at least a bachelor's degree; and

(II) has demonstrated, by passing a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum (which may consist of passing a State-required certification or licensing test or tests in reading, writing, mathematics, and other areas of the basic elementary school curriculum); or

(ii) a middle or secondary school teacher who is new to the profession, means that the teacher holds at least a bachelor's degree and has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by--

(I) passing a rigorous State academic subject test in each of the academic subjects in which the

## Public Advocates

teacher teaches (which may consist of a passing level of performance on a State-required certification or licensing test or tests in each of the academic subjects in which the teacher teaches); or

(II) successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing; and

(C) when used with respect to an elementary, middle, or secondary school teacher who is not new to the profession, means that the teacher holds at least a bachelor's degree and--

(i) has met the applicable standard in clause (i) or (ii) of subparagraph (B), which includes an option for a test; or

(ii) demonstrates competence in all the academic subjects in which the teacher teaches based on a high objective uniform State standard of evaluation that--

(I) is set by the State for both grade appropriate academic subject matter knowledge and teaching skills;

(II) is aligned with challenging State academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators;

(III) provides objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which a teacher teaches;

(IV) is applied uniformly to all teachers in the same academic subject and the same grade level throughout the State;

(V) takes into consideration, but not be based primarily on, the time the teacher has been teaching in the academic subject;

(VI) is made available to the public upon request; and

(VII) may involve multiple, objective measures of teacher competency.

### **20 U.S.C. § 6311(h)(2)(A)(6)**

(6) Parents right-to-know.

(A) Qualifications. At the beginning of each school year, a local educational agency that receives funds under this part [20 USCS §§ 6311 et seq.] shall notify the parents of each student attending any school receiving funds under this part [20 USCS §§ 6311 et seq.] that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

(i) Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.

(ii) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.

(iii) The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.

(iv) Whether the child is provided services by paraprofessionals and, if so, their qualifications.

(B) Additional information. In addition to the information that parents may request under subparagraph (A), a school that receives funds under this part [20 USCS §§ 6311 et seq.] shall provide to each individual parent--

(i) information on the level of achievement of the parent's child in each of the State academic assessments as required under this part [20 USCS §§ 6311 et seq.]; and

(ii) timely notice that the parent's child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who is not highly qualified.

(C) Format. The notice and information provided to parents under this paragraph shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

## FEDERAL REGULATIONS

### **34 CFR 200.56:** Definition of "highly qualified teacher."

To be a "highly qualified teacher," a teacher covered under § 200.55 must meet the requirements in paragraph (a) and either paragraph (b) or (c) of this section.

(a) In general. (1) Except as provided in paragraph (a)(3) of this section, a teacher covered under § 200.55 must --

(i) Have obtained full State certification as a teacher, which may include certification obtained through alternative routes to certification; or

(ii)(A) Have passed the State teacher licensing examination; and

(B) Hold a license to teach in the State.

(2) A teacher meets the requirement in paragraph (a)(1) of this section if the teacher --

(i) Has fulfilled the State's certification and licensure requirements applicable to the years of experience the teacher possesses; or

(ii) Is participating in an alternative route to certification program under which --

(A) The teacher --

(1) Receives high-quality professional development that is sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction, before and while teaching;

(2) Participates in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers or a teacher mentoring program;

(3) Assumes functions as a teacher only for a specified period of time not to exceed three years; and

(4) Demonstrates satisfactory progress toward full certification as prescribed by the State; and

(B) The State ensures, through its certification and licensure process, that the provisions in paragraph (a)(2)(ii) of this section are met.

(3) A teacher teaching in a public charter school in a State must meet the certification and licensure requirements, if any, contained in the State's charter school law.

(4) If a teacher has had certification or licensure requirements waived on an emergency, temporary, or provisional basis, the teacher is not highly qualified.

(b) Teachers new to the profession. A teacher covered under § 200.55 who is new to the profession also must --

(1) Hold at least a bachelor's degree; and

(2) At the public elementary school level, demonstrate, by passing a rigorous State test (which may consist of passing a State certification or licensing test), subject knowledge and teaching skills in reading/language arts, writing, mathematics, and other areas of the basic elementary school curriculum; or

(3) At the public middle and high school levels, demonstrate a high level of competency by --

(i) Passing a rigorous State test in each academic subject in which the teacher teaches (which may consist of passing a State certification or licensing test in each of these subjects); or

(ii) Successfully completing in each academic subject in which the teacher teaches --

(A) An undergraduate major;

(B) A graduate degree;

(C) Coursework equivalent to an undergraduate major; or

(D) Advanced certification or credentialing.

(c) Teachers not new to the profession. A teacher covered under § 200.55 who is not new to the

## Public Advocates

profession also must --

(1) Hold at least a bachelor's degree; and

(2)(i) Meet the applicable requirements in paragraph (b)(2) or (3) of this section; or

(ii) Based on a high, objective, uniform State standard of evaluation in accordance with section 9101(23)(C)(ii) of the ESEA, demonstrate competency in each academic subject in which the teacher teaches.

APPENDIX H

TUESDAY  
May 23, 2006

# Oakland Tribune

"It's hard to concentrate when you don't have heat or have mice running around."

## Students demand school fixes



ANN TIPA - Staff photo

**EWET RODRIGUEZ** cleans up the girls' locker room at Skyline High School on Monday. School district staff member Kimberly White says repairs in the girls' showers will begin within a week. Hundreds of Oakland students met with district officials last week to demand they fix conditions in schools.

### Feed-up teens vent their frustrations

Officials with Oak and District acknowledge they 'need to do a better job'

By Marie Chung  
Staff Writer

Oakland teens vented their frustrations at a school district meeting last week, demanding that officials do a better job of fixing problems in schools. The meeting was held at Skyline High School, where hundreds of students gathered to voice their concerns about the state of their schools. Many students expressed frustration over issues such as lack of heat, poor ventilation, and pest problems. They demanded that the district take immediate action to improve these conditions.



**SCHOOL SECURITY CITIZEN**  
Michele Phillips works with police officers at Skyline High School in Oakland. She says repairs and maintenance need to be expedited in Oakland.

...and the school district officials...  
...the meeting...  
...the students...  
...the district...  
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...the conditions...  
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TUESDAY, May 22, 2006

# Students shed light on poor conditions

► **FDL, local News 1**

Kristen Vidal, chief of community accountability, and Timothy White, assistant superintendent of facilities, to ask what has been done about students filing the complaint forms last month.

Students mailed their forms for the metropolitan. And the two district representatives answered each in turn.

Some answers were met with lukewarm nods, others with cheers, and others with tears. Vidal promised to address all of the complaint forms, which were collected by two Oakland-based youth organizations, AYAL and Youth Together.

Tracy Lindsay, 18, saw the forms as an opportunity to hold district officials accountable for fixing the problems and a chance for students to shed light on the conditions under which Oakland students are expected to learn.

"I think the resources that are consistently being taken out of our schools should be put back in, especially for students in urban communities and in (poorer) schools," said the junior from Castlemont Leadership Academy and a member of Youth Together.

The process has proved to be burdensome, district staff say. Each complaint must be logged into the district's system by Oshric Valenzuela, district coordinator. A miscommunication, said Valenzuela, is that the more complaint forms that are filed, the more money the district will ask.

"The way (the state) did it is, you have to spend the money first before you get reimbursed," Valenzuela said. "That's a problem for districts like us that don't have a lot of extra funds to make repairs."

As of Wednesday, White, who is in charge of overseeing the

district's buildings, said he received complaint forms from some of the high schools — Skyline and Oakland — but not others such as Mt. Diablo and Oakland Technical.

White sent paperwork to the state asking for \$2 million in reimbursements from Williams settlement money beginning in April, he said. It is the first time the district has tried to access the funds.

"It is an overly bureaucratic process," he added.

Vidal promised students she would address almost all of their concerns about the conditions of their buildings.

When asked whether it is fair that students are expected to learn and graduate under the schools' current conditions, Vidal said, "No, it's not fair. We need to do a better job than we're currently doing."

Students looked to the representatives for answers to their questions.

"We have exactly what we needed," Lindsay said. "The conditions of the schools are something we experience every day. I feel like our voices really got out there, and our voices were heard."

White said the district is prioritizing issues such as renovating old fire alarm systems that date to the 1970s, replacing roofs and fixing bathrooms. Vidal and White promised to follow through with student requests.

"Hopefully, they'll go through with our demands," Lindsay said.



October 28, 2005

## School Matters – Legal Settlement Gives California Parents A Chance To Reform School

*EDITOR'S NOTE: A South Los Angeles parents group have taken the dire conditions in their children's schools into their own hands, and they are teaching other parents to do the same. The authors are members of CARRS, a parent-led campaign in South Los Angeles with a mission to rally and advance parent leadership to ensure that all children are rightfully educated regardless of where they live.*

**By Adrian Angulo,  
Roslyn Broadnax,  
Earlette Elzy,  
Naomi Hayward and  
Hekima Jaliwa**

**LOS ANGELES** It's been just over a year since California state legislators finalized key provisions for the settlement of *Williams v. California*, a lawsuit brought forth to hold the state accountable for schools that failed to provide qualified teachers, sufficient instructional materials and safe, uncrowded classrooms, particularly to low-income students of color.

The Williams settlement offers new and practical tools for parents, students and community members to play a vital role in holding schools that are failing in these areas accountable. By filing formal complaints that must be investigated and resolved by local districts, parents can directly improve their schools and seize a unique opportunity to foster relationships with school administrators through a transparent problem-solving process.

As members of a grass-roots parent group in South Los Angeles, we felt it was crucial to fulfill the Williams settlement in low-income communities of color, where students have endured poor, unfair learning conditions for too long.

Communication between schools and parents, however, has been far from effective, and we knew many parents would miss the opportunity to improve their children's schools unless information about Williams was accessible beyond the school campus. We knew that information on the Williams settlement would not easily make its way into parent's homes, so we took it to them. We spent time knocking on doors, and did phone follow-up to educate many South Los Angeles parents about their

new rights within the settlement.

For a long time we heard accounts of textbooks not arriving until the second semester, grossly overcrowded classrooms and substitute teachers that were kept in the classroom year round – all in our students’ most important subjects such as math and English. Until Williams, we felt we could do little about unequal resources in our schools. If we chose to voice our concerns to school personnel, we were often met with excuses, unfulfilled promises or bureaucratic red tape. The settlement, however, gave us new hope.

With a legal opportunity to close the resource gap in South Los Angeles schools, parents from our group, Community Asset Development Redefining Education, (CADRE), this past April, presented Williams complaints to Fremont and Locke High Schools, Compton Middle School and 107th Street School in the Los Angeles Unified School District. As a result of the two dozen complaints we filed this spring, two important things happened: our observations about the basic resources that were lacking in our children’s schools were formally recognized and investigated, and we renewed our faith in parent involvement when we saw responses to our complaints.

Our formal complaints added urgency for schools to fulfill their mandate to have the right instructional materials for students to do their schoolwork in class and at home. And we got results: more students got their books at two of the four schools. An unsanitary stairwell, frequently used by students was cleaned up. Air conditioning in a classroom was repaired. Teachers’ qualifications to teach their subjects were checked and verified.

The Williams process gave voice to parents who have worked hard to establish positive relationships with their children’s schools. We were faced with the challenges of school administrators who did not respect us or take our input seriously. But we now had a legal mechanism with which to pursue our complaints.

Now, students, teachers, anyone, can make positive changes in their schools. Williams provides accountability to anyone willing to take the time to file a complaint. It is absolutely necessary to take such action. Our children deserve to learn at a high level, pass the tests that are gateways to their futures, and have equal access to college. We must, therefore, ensure our children have the basic necessities to do so.

CADRE strongly encourages more parents to experience this new role as participants in concrete school improvement as soon as possible. The steps to filing a Williams complaint are not adversarial, but exactly what schools have asked parents to do all along: know our children’s teachers, examine their learning conditions and the adequacy of their learning materials, protect the health and safety of our children, and above all, stand up for our children. It takes work, but it is our obligation to our kids as well as our right as parents. We must no longer hesitate to visit our schools, ask questions, and be the eyes and ears of the community.

Our timing is critical: the Williams settlement requires that from now on, our children’s basic learning conditions must be met within the first two months of the school year. So file your complaints early. No longer is it acceptable that entire semesters go by with children not having books or teachers. Parents must submit more complaints so that all children benefit from this settlement. If we continue to act with steady momentum, we expect to see even greater accountability and results in our children’s schools.

Posted on 15. Jul 27, 2006

## Teens march for schools

### STUDENTS DEMAND TEACHERS, TEXTBOOKS, CLEAN TOILETS

By Luis Zaragosa  
Harrison Clark

It all comes down to not enough teachers, toves or textbooks

Students who rallied Wednesday in San Jose asked why three school essentials are so often in short supply in campuses in some of Silicon Valley's most impoverished neighborhoods. Potential remedies -- provided in the settlement of a 2000 lawsuit, Williams vs. California -- are not being used as widely as they could be, the students say.

So about 25 of them, organized by Californians for Justice, put aside summer break fun and marched a mile in blazing heat from the agency's offices to East Foothill High School, District headquarters. Their goal: to make the point that provisions in the Williams case can be used to fix campus problems faster.

"Who has substitute teachers who are there for weeks and don't teach anything?" said Dakota Yu, 15, an incoming sophomore at Independence High in San Jose. "Who has seen a round toilet never get fixed? And what to lets that one attempt and unsanitary?"

Such conditions at schools in East Foothill, San Jose, Oakland and San Francisco were noted when Public Advocates, the American Civil Liberties Union and the Mexican American Legal Defense and Education Fund sued the state concerning faster fixes to chronic problems. When the state agreed in late 2004 to settle the case, it acknowledged that specific problems in public schools needed to be addressed promptly.

The marchers were greeted at East Foothill offices by administrator Aurora Quevedo, who said the district takes the provisions of the Williams case seriously.

"We have a long way to go," especially when it comes to facilities, she said. "High schools just don't receive sufficient resources."

Although millions of dollars were set aside by the settlement to address problems outlined in the Williams lawsuit, that money is often tied up only when formal complaints are filed with the state.

Quevedo said a new approval trail had been selected and should be available next month -- in two years. She declined to answer additional questions outside of her statements during the rally.

Williams complaints can be lodged by anyone on any public school. Agencies outlining the complaint procedure are supposed to be posted in every classroom, and complaint forms should be available in school offices. Complaint forms are available online at [www.ca.gov](http://www.ca.gov). Although a school form is not necessary, complaints can also be lodged by telephone and can be made anonymously.

#### The settlement's cases

"You have the right to have a book to use in class and at home."

"You have the right to a qualified teacher."

"You have the right to a clean and safe school."

Before I got involved in this, I thought everything was done," said Harrison Clark, 17, an incoming senior at Oak Grove High in San Jose. Now, he said, he realizes the extent in which students must take the initiative to improve campus conditions.

He credits his improved understanding to the training he's received at Californians for Justice, a statewide non-profit organization that coaches high school students on how to exercise their rights.

Maura Vilanueva, 17, an incoming senior at Independence High, said she's spending part of her summer working with the agency even though she felt pressure to get a paying summer job.

The work is meaningful, she said, and in the end -- will help the community."

#### FOR MORE INTEREST:

For information on the settlement, visit [www.ca.gov](http://www.ca.gov) or call 415-779-5200, ext. 5000.

Contact Luis Zaragosa at [lzaragosa@publicadvocates.org](mailto:lzaragosa@publicadvocates.org) or (408) 929-5897.

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APPENDIX I

SAMPLE PRESS RELEASE FOR *WILLIAMS* ACTIONS

310-8<sup>th</sup> Street, Suite 201  
Oakland, CA 94607



PH 510.869.6062  
FAX 510.268.0202

PRESS RELEASE

Contact: John Doe (510) 555-5555

Embargoed for:  
April 26, 2006

Over 700 COMPLAINTS FILED AGAINST BAY AREA SCHOOL DISTRICTS

Students Want Williams Settlement Implemented in Bay Area Schools  
Race and Class a Factor in Unequal Educational Resources

**OAKLAND – High school students released the results of a month long complaint form drive where 700 complaints were gathered. The complaints highlight a lack of basic educational resources in Bay Area schools including- - a lack of textbooks, unsafe facilities and non-credentialed teachers. Complaints that met Williams’ settlement criteria were gathered from schools in Oakland, Hayward, and Richmond, schools that have low scores on the Academic Performance Index (API). The Academic Performance Index ranks schools’ performance level based on the results of statewide tests.**

Parents, teachers and youth from Asian Pacific Islander Youth Promoting Advocacy and Leadership (AYPAL) and Youth Together delivered over 500 complaints to the Oakland school district’s ombudsperson and to state-appointed administrator Randy Ward while youth rallied outside the Oakland School district office. Similar deliveries were made earlier in the day to Richmond and Hayward school districts.

In 2000, a class action lawsuit, *Williams v. California*, was filed on behalf of thousands of public school children challenging the State’s failure to provide all California students with basic educational resources. The case was settled in 2004, resulting in new accountability systems to ensure students have access to basic educational resources and \$1 billion in increased funding for schools. Students hope to get improvements made to their schools in accordance with the settlement by filing complaints using a new complaint process created as part of the settlement.

One of the major complaints students filed was not having a textbook for class. “In Physiology, there weren’t enough textbooks to take home. We didn’t even have enough for class,” said Cheo Saetern a senior at Fremont High School.

A mock graduation was held outside the school district, where a somber commencement speech was given, noting the number of students that will not graduate this year. As students were denied diplomas they complained of not having the resources they need to succeed in school.

The complaints are being filed just before the implementation of the California High School Exit Exam (CAHSEE), and students say that inequality in resources among California schools has an impact on who passes.

According to a study by UC All Campus Consortium on Research for Diversity (ACCORD) and UCLA Institute for Democracy, Education and Access (IDEA), 90-100% of students of color are located in California school districts that spend an average of \$6,634 per student compared to California’s majority white schools that spend \$7,268 per student and the national average of \$8,041 per student.

“The API index shows that schools in the poorest areas with the most youth of color have the most trouble passing the exit exam; the same schools that don’t have enough textbooks, qualified teachers and safe facilities. We want the school district to implement the *Williams* Settlement so that students will have a better education and be prepared for the future,” said Chio Tang a senior at Fremont High School.

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# Public Advocates

## MISSION

Public Advocates challenges the systemic causes of poverty and discrimination by defending and expanding civil rights through advocacy, litigation, and partnership with low-income communities, people of color, and immigrants.

## VISION

Communities that were once excluded and marginalized are energized by their collective power to shape public decisions and achieve justice. As a result of that engagement, all Californians have the building blocks to thrive and to create vibrant communities – excellent public schools, affordable housing, reliable public transportation, quality health care, good job opportunities, and economic security.

## EDUCATION PROGRAM

Over its thirty-five years, Public Advocates has had a long-standing commitment to improving educational opportunities for low-income students, students of color, and English Language Learners. Through litigation and other means, Public Advocates has had significant success in guaranteeing the fundamental right to education for all. Public Advocates was a lead counsel in *Serrano v. Priest*, the landmark lawsuit that caused California to fund school districts more equitably. Public Advocates also served as a lead counsel in the educational equity class action, *Williams v. State of California*, which resulted in the August 2004 landmark settlement that takes important steps toward providing all California students with basic educational necessities.

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