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Questions: Kenneth McDonald | [KMcdonald@cde.ca.gov](mailto:KMcdonald@cde.ca.gov) | 916-319-0447

## Williams Settlement Legislation IM FAQs

Williams settlement legislation instructional materials frequently asked questions. The Instructional Materials Funding Realignment Program (IMFRP) FAQ have been revised to include changes due to the Passage of Assembly Bill (AB) 831, Chapter 118, Statutes of 2005, and changes due to the revision of the IMFRP regulations.

### Public Hearing/Resolution on Sufficiency of Instructional Material

1. Do the new instructional materials provisions of *Education Code* Section 60119 apply to all school districts?  
Yes, the provisions of *Education Code* Section 60119 requiring an annual hearing and adoption of a resolution on sufficiency of instructional materials apply to all districts. This section was recently revised with the passage of AB 831, Chapter 118, Statutes of 2005, which took effect July 26, 2005.
2. What does a local governing board of education need to do to comply with the new law related to instructional materials?  
All districts must hold a public hearing by the eighth week of the school year to make a determination through a resolution that every pupil has sufficient textbooks or instructional materials in the four core areas of reading/language arts, mathematics, science, and history-social science. The governing board must also make a written determination as to whether there are sufficient health and foreign language textbooks for every pupil enrolled, and the availability of science laboratory equipment for grades nine through twelve.
3. Each local school board needs to do some type of board assurance as it relates to the adoption of instructional materials. What does this mean?  
There are three separate actions required by school districts related to instructional materials:
  1. Annual public hearing and resolution on sufficiency required by *Education Code* Section 60119. See following FAQ's related to this requirement. A sample resolution including the new requirements is available on our Web site. Districts are not required to use this resolution, it is provided only as a guide for district governing boards.
  2. Certification that each pupil has been provided with a standards-aligned textbook or basic instructional materials as required by the Instructional Materials Funding Realignment Program (IMFRP) in *Education Code* Section 60422(b). This certification is required to be completed when the district has met the IMFRP requirements and triggers flexibility in the use of IMFRP funds. See the Web page on IMFRP for details.
  3. A Statement of Assurance for Instructional Materials Funds is distributed to districts at the end of each fiscal year and must be signed by the district

superintendent indicating that all purchases of instructional materials made by the district for that fiscal year conform to the law and regulations and returned to the California Department of Education in order to receive IMFRP funds for the next fiscal year.

4. Do the new instructional materials provisions of *Education Code* Section 60119 apply to charter schools?

A charter school will only be required to comply with *Education Code* Section 60119 if it "opts in" to the *Williams* settlement. Charter schools receive their IMFRP funds in the Charter School Categorical Block Grant. Therefore, they do not come under the Section 60119 requirements unless they receive separate instructional materials funding under the *Williams* settlement.

5. When does the district need to hold the hearing?

The public hearing must be held between the first day that pupils attend school and the eighth week of the school year. For multi-track year-round districts, the clock starts with the first day pupils attend school in any track that begins in August or September. The public hearing may not take place during or immediately following school hours.

6. If the district has insufficient instructional materials, what does the district need to do?

The district must provide information to classroom teachers and the public setting forth, for each school in which there is an insufficiency:

- o The percentage of pupils who lack sufficient standards-aligned textbooks or instructional materials in each subject area
- o The reasons that each pupil does not have sufficient instructional materials.

The district must then take action to ensure that each pupil has sufficient instructional materials within two months of the beginning of the school year.

7. When does the district need to remedy any insufficiency in instructional materials?

In 2005-06 and thereafter, the district will be expected to remediate any insufficiency of instructional materials within two months of the beginning of the school year.

8. If we do not provide sufficient health or foreign language instructional materials or science laboratory equipment will our funding for instructional materials be affected?

The provision of textbooks for health and foreign language or science equipment in high schools is not a condition of receipt of funds.

9. What does "sufficiency of instructional materials" mean?

*Education Code* Section 60119(c)(1) states that sufficient textbooks or instructional materials means, "each pupil, including English Learners, has a

standards-aligned textbook or instructional materials, or both, to use in class and to take home. This paragraph does not require two sets of textbooks or instructional materials for each pupil." This specifically applies to four subject areas: reading/language arts, mathematics, science, and history-social science.

10. What about Special Education students and English Learners? Are there any exceptions?

Special education resource students should be enrolled in mainstream core classes and should have core textbooks in the four core subject areas. Special day students' Individualized Education Programs (IEPs) may require modified instructional materials. The *Williams* settlement legislation does not circumvent IEPs. English learners are explicitly mentioned in the law and must have state-adopted textbooks in the four core subject areas, including the English language development component of an adopted program.

11. Schools believed that the state-adopted kindergarten through grade six Open Court or Houghton Mifflin reading/language arts materials met the science and history-social science standards, so therefore they did not have to buy kindergarten through grade six science or history-social science textbooks. Is this true?

No. The programs mentioned were adopted as reading/language arts/English language development programs. kindergarten through grade six students must have science and history-social science instructional materials in addition to reading/language arts.

The science and history-social science materials in the Open Court and Houghton Mifflin reading/language arts programs may be used to develop an instructional program consistent with the content and cycles of the curriculum frameworks.

To meet the definition of "sufficient" under *Education Code* Section 60119, a district must provide instructional materials that are consistent with the academic content standards and the content and cycles of the curriculum frameworks for each student to use in class and to take home. The district may have developed an instructional program consistent with the content and cycles of the curriculum framework by combining one or more instructional resources. If the local governing board is responsible for adopting materials, then it should have a resolution of sufficiency stating its instructional materials are aligned to the content standards and consistent with the content and cycles of the curriculum framework for that subject area.

12. May a district purchase the Big Books for use in class and a Student Practice Book for every student and be compliant with the requirements of the *Williams* settlement?

Districts should determine and specify in their sufficiency resolutions those materials which meet the definition of sufficiency. *Education Code* Section 60119

defines "sufficient textbooks or instructional materials" to mean that each pupil, including English learners, has a standards-aligned textbook or instructional materials, or both, to use in class and to take home.

If a district determines that the Practice Book covers the standards, and so indicates in its sufficiency resolution, it may provide the practice books for each student to use in class and to take home. In this circumstance, the district is not required to buy an individual textbook for each student.

13. Some grades in our district do not have history-social science textbooks, yet the next adoption is scheduled for 2005. Can we wait for the next adoption so we don't waste money?

No. The intent of the law is to ensure every student has textbooks or instructional materials to complete coursework now. There are a number of ways you can meet the requirement for sufficiency of instructional materials. See the questions above.

14. The 1999 History Adoption list expired June 30, 2005. How can we purchase materials if there is no current adoption list?

You may not use IMFRP funds to purchase materials from an expired adoption list. However, you may use other funds to purchase these materials, such as Proposition 20 restricted lottery funds, general funds, or other funds that are allowed to be used to remedy insufficiencies. (See FAQ #21)

If you have schools in Decile 1 and 2 and received *Williams* instructional materials funds in 2004-05, you may use those funds to purchase materials from an expired standards-aligned adoption list to fill any gaps in instructional materials at those schools. The intended use of these funds was to remedy any instructional materials insufficiencies at the lowest performing schools.

15. What materials should be provided to our English learners?

English learners must be provided standards-aligned instructional materials. For grades kindergarten through grade eight these are state-adopted instructional materials in mathematics, science, reading/language arts, and history-social science that are consistent with the content and cycles of the curriculum frameworks and include universal access features that address the needs of English learners. For grades nine through twelve local governing boards should adopt standards-aligned materials for all students that include universal access features.

16. Can the AB 2519 instructional materials, adopted in 1999, meet the "sufficient" definition?

Though the AB 2519 adoption lists have expired the instructional materials adopted under AB 2519 may still be used by districts. To meet the definition of "sufficient" under *Education Code* Section 60119, a district must provide instructional materials that are aligned to the academic content standards and consistent with the content and cycles of the curriculum frameworks for each

student to use in class and to take home. The district may have developed an instructional program aligned to the academic content standards and consistent with the content and cycles of the curriculum framework by combining one or more instructional resources. If the local governing board is responsible for adopting materials, then it should have a resolution of sufficiency stating its instructional materials are aligned to the academic content standards and consistent with the content and cycles of the curriculum framework for that subject area.

17. Will Web-based or electronic textbooks count as instructional materials?  
Yes, if all students have access to the materials both at school and at home. This presumes that students who have Web-based materials have access to computers and the Internet in school and at home and that student who have electronic textbooks have access to computers in school and at home.
18. How much of the kindergarten through grade eight adopted materials for each of the core academic areas must each student have to meet the *Williams* Legislation requirement?  
The CDE Web site [Price Lists of kindergarten through grade eight Instructional Materials](#) has lists of the state-adopted kindergarten through grade eight instructional materials. Each district determines which components to purchase based on its students' needs.
19. If a local governing board approves a series of novels and a grammar book for high school English courses, is this acceptable?  
Yes, as long as the local board adopted that combination of materials as being standards-aligned. Districts will have to determine whether each pupil has sufficient instructional materials for those courses, including sufficient numbers of novels that can be reasonably rotated among pupils.
20. What documentation or evidence of adequate materials purchased do we need to present or have ready?  
*Education Code* Section 60119 requires documentation of sufficiency of instructional materials to be presented at the board meeting and public hearing. The CDE has developed [survey forms](#) that may be used as a self-study and county office validation tool for grades kindergarten through grade twelve. This includes a list of the state-adopted standards-aligned programs for grades kindergarten through grade eight. Districts with high schools, grades nine through twelve, will generate a list of their locally adopted standards-aligned instructional materials information according to guidelines recommended by the CDE.
21. How should a district document that it has alternative sufficient materials in grades kindergarten through grade eight as defined in the instructional materials survey form?  
Current law calls for a district to have sufficient materials that are consistent with the content and cycles of the curriculum frameworks. In the standards-based

areas of history-social science, reading/language arts, science, and mathematics, a district may choose to provide a number of ways of documenting how its materials are consistent with a current curriculum framework. The CDE does provide standards maps (a matrix of standards) at:

- o History-Social Science
- o Mathematics
- o Reading/language arts
- o Science

22. What if we have not received all of our textbooks from the publisher by the first four weeks of school and/or time of the school visit?

Districts should ensure that textbooks and instructional materials are ordered and available for students before the school year begins. School districts should make every attempt to prioritize the provision of instructional materials to schools affected by the settlement. Issues such as this are exactly what the *Williams* settlement legislation attempts to ameliorate.

## Funding

23. If we have insufficient instructional materials, what sources of funds can we use in addition to our IMFRP funds to purchase additional instructional materials? *Education Code* Section 60119 (a)(2)(B) permits districts to use any of the following funds to remedy an insufficiency:

- i. Any funds available for textbooks or instructional materials, or both, from categorical programs, including any funds allocated to school districts that have been appropriated in the annual Budget Act.
- ii. Any funds of the district that are in excess of the amount available for each pupil during the prior fiscal year to purchase textbooks or instructional materials, or both.
- iii. Any other funds available to the school district for textbooks or instructional materials, or both.

Examples of funds that may be used to remedy the insufficiency include, but are not limited to, lottery funds, Proposition 20 restricted lottery funds, school improvement funds, and general funds.

24. Are there funds available to purchase supplementary materials for English Learners to support the core curriculum?

In the 2004-05 state budget a total of \$30 million has been set aside for districts to purchase supplemental instructional materials for English Learners. These supplemental materials are to be used in addition to the adopted standards-aligned materials. The funding level depends on the number of districts that apply to participate in this one-time only apportionment and is estimated to be between \$18-25 per student based on the 2003-04 language census.

Districts must submit their intent to purchase by March 31, 2005, the State Board will approve distribution of the funds at their July 2005 meeting, and the funds

must be encumbered by June 30, 2006.

25. Has the state set aside funds solely for the schools to purchase textbooks for *Williams* settlement legislation compliance?

A total of \$138 million was allocated in 2004-05 to districts based on enrollment in schools in API Decile 1 and 2. These funds are restricted to the purchase of standards-aligned adopted textbooks, state-adopted for grades kindergarten through grade eight and locally adopted for grades nine through twelve, in reading/language arts, mathematics, science and history-social science.

The allocation was calculated based on the enrollment in Decile 1 and 2 schools, and must be spent to ensure that students in these schools have sufficient standards-aligned instructional materials.

Note: Assembly Bill 831, Chapter 118, Statutes of 2005, which took effect July 26, 2005, restricts the use of these funds. Purchases made with these funds after July 26, 2005, are restricted to the purchase of standards-aligned instructional materials only for students in Decile 1 and 2 schools.

This is a one-time appropriation and is not a loan and does not need to be repaid.

26. If a district purchased the required materials using other available funds can they reimburse these other accounts using the new *Williams* settlement funds?

No. The new funds must be used to purchase standards-aligned instructional materials.

27. What about API Decile 3 schools? What should they do if they need to purchase materials? Governing boards of districts with schools where an insufficiency of instructional materials exists are allowed under *Education Code* Section 60119 (a)(2)(A) to use money in any of the following funds:

- i. Any funds available for textbooks or instructional materials, or both, from categorical programs, including any funds allocated to school districts that have been appropriated in the annual Budget Act.
- ii. Any funds of the school district that are in excess of the amount available for each pupil during the prior fiscal year to purchase textbooks or instructional materials, or both
- iii. Any other funds available to the school district for textbooks or instructional materials, or both.

Districts may use existing instructional materials appropriations, lottery, or discretionary funds to purchase instructional materials. Districts may also use the additional instructional materials funding provided under the *Williams* settlement to purchase standards-aligned adopted instructional materials. See Question 23 for more details.

For extraordinary situations, the state has set aside an additional \$5 million to be

used when county offices request materials for schools that have insufficient standards-aligned instructional materials and have not been able to remediate the problem using other funds available to the district. In this case, recipient districts must repay the CDE to replenish the account.

28. Are charter schools included under the *Williams* settlement to get the additional funding for instructional materials?

Yes, if the charter school decides to "opt-in" to the provisions of the *Williams* implementing legislation.

29. Will the CDE modify its statement of assurance for the expenditure of instructional materials funds to include the separate funding for English Learners and the funding for Decile 1 and 2 schools?

Yes, CDE will modify the *2004-05 Statement of Assurance for Instructional Materials Funds* and will distribute a new document at the end of the fiscal year.

### **Monitoring of Instructional Materials**

30. What does the *Williams* settlement legislation require of API Decile 1- 3 schools? For schools ranked in 2003 API Decile 1- 3, an annual site visit will be conducted by the county office during the first four weeks of the school year to determine sufficiency of instructional materials, facility conditions, and School Accountability Report Card accuracy.

In counties with more than 200 schools in Deciles 1-3, the county office may use a combination of visits and written surveys of teachers. This may include paper, electronic or online surveys. If a survey is used, the county office must visit the school within the same academic year to verify the accuracy of the information reported on the surveys.

31. What about the students who don't bring their textbooks when the school visit occurs? Will this count against us?

Reviewers will use reasonable judgment to deal with situations like this. The visit will triangulate the data collected - the self-study, district documentation, and observations from the visit - to determine whether the school has made good faith attempts to fulfill the legal requirements.

32. What happens if a district doesn't have sufficient instructional materials for Decile 1 and 2 schools and doesn't have sufficient funding either in the district or with the new *Williams* settlement funding to provide a standards-aligned textbook for each student in the four core areas?

The county superintendent would prepare a report documenting the areas of noncompliance and share that report with the district. The district would have an opportunity to remedy the deficiency. If the deficiency is not remedied by the second month of the school term as required, the county superintendent would



request that the California Department of Education (CDE), with approval of the State Board of Education, purchase the textbooks or instructional materials necessary to comply with the sufficiency requirement. The funds used to make this purchase of instructional materials would be considered a loan that the district would need to repay to the CDE.

33. If a school is on a multi-track schedule, does the county have to conduct site visits for all tracks?  
Yes.