

Public | Advocates

SARC Investigation Report

August 13, 2007

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I. Summary

This report describes the results of Public Advocates' 3rd annual investigation of whether or not school districts statewide are fully complying with their yearly obligation to produce a complete School Accountability Report Card (SARC) for each of their schools. A review of nearly 10 percent of California's public schools reveals that many school districts continue to fail in disclosing legally required information to communities and parents about key school conditions.

The SARC is the only document available to parents and the public that provides a comprehensive assessment of key conditions at individual school sites. Although school districts this year appear to have done a better job of publishing SARCs on time and disclosing some SARC information compared to the previous two years, a significant number of school districts continue to eschew their responsibilities to issue complete SARCs and make them available to parents in multiple languages.

Public Advocates' two-week investigation, encompassing 876 schools in 20 school districts, found that:

- (a) 25 percent of the surveyed schools failed to publish a SARC at all by the end of the school year;
- (b) 65 percent failed to disclose school-level data on per student expenditures;
- (c) 68 percent failed to report school-level data on average teacher salaries;
- (d) 61 percent failed to report the number of teacher misassignments at the school for the 2005-06 and/or 2006-07 school years;
- (e) 62 percent failed to report the number of teacher vacancies at the school for the 2005-06 and/or 2006-07 school years;
- (f) 38 percent failed to report necessary facility repairs; and
- (g) 26 percent failed to report information on percentages of students lacking sufficient textbooks.

Alarming, 61 percent of the schools required by law to make the SARCs available in languages other than English failed to do so.

To improve SARC compliance and ensure that parents and community members receive vital school-site information, Public Advocates recommends, among other things, that:

- (1) The Legislature establish a clear statutory deadline for SARC publication, and
- (2) The California Department of Education (CDE) undertakes affirmative monitoring and enforcement activities with clear penalties for school districts that fail to fulfill SARC obligations.

II. Background

First established by Proposition 98 in 1988, the SARC provides parents and the public with a comprehensive review of an individual school's academic performance and important educational conditions, including per pupil expenditures, test results, graduation rates, school safety, and the quality of the school's teachers. SARC information should be reported in a manner that allows for parents to compare schools within a district, or to compare a school in one school district to schools in other districts [*Cal. Educ. Code* ("EC") § 33126(a)]. With updated information, districts must annually issue and publicize SARCs [(EC §§ 35256(c); 35258; *Cal. Const. Art. XVI*, § 8.5(e))], and those SARCs should be publicly available by May of each year [CDE, *Frequently Asked Questions*, at <http://www.cde.ca.gov/ta/ac/sa/questions.asp> (last visited June 28, 2007)]. The report card must be posted online if the school has access to the Internet [EC § 3525], and paper copies must be made available to parents upon request [EC § 33126.1]. State law requires the document to be translated if 15 percent or more of a school's student population speaks a single primary language other than English [EC § 48985].

State law charges CDE with the duty to "monitor the enforcement" of school district compliance with SARC obligations [EC § 33126.1(m)]. To facilitate compliance and data comparability between schools, the State Board of Education (SBE) adopts, and CDE makes available to all school districts, a SARC template that can be downloaded from CDE's website. When districts download templates for individual schools, the templates are pre-populated with individualized school data collected by the state. CDE is also now providing a SARC template translated into various languages, including Spanish, Chinese, Khmer, Korean, Russian, and Vietnamese. School districts are responsible for adding locally collected data, and making the document available to parents. School districts heavily rely on the state-provided pre-populated templates to comply with their SARC obligations.

As part of the 2004 settlement of the *Williams v. California* lawsuit, the Legislature amended the SARC to include information on essential educational conditions at each school site, including textbook insufficiencies, necessary facility repairs, and the availability of properly assigned and credentialed teachers. In 2005, Senate Bill 687 (SB 687), authored by state Senator Joe Simitian (D- Palo Alto) and co-sponsored by Public Advocates, also amended the SARC to disclose school-level per pupil expenditures and average teacher salaries – the first reporting of its kind in the nation. Prior to SB 687, school districts reported this data using district-wide averages, which concealed differences in student expenditures and teacher salary levels between individual schools within the same school district.

Public Advocates' statewide SARC investigations in 2005 and 2006 revealed that roughly half of all school districts inspected failed to issue current SARCs for those years (2003-04 and 2004-05 SARCs respectively). The reviews also found that a significant number of school districts failed to disclose data required as part of the *Williams* settlement and SB 687. Public Advocates widely publicized the results of its two prior investigations and sent letters to the worst offenders, some 19 districts, demanding compliance with their SARC obligations.

As a result of the demand letters and subsequent negotiations, Public Advocates achieved satisfactory compliance with all but one of the identified districts. Public Advocates is initiating litigation against that district at this time. Overall, we believe, that the heightened scrutiny Public Advocates has brought to bear on districts' SARC obligations has contributed, at least in part, to the improved performance observed in this year's investigation.

The methodology and results of Public Advocates' third SARC investigation are discussed below.

III. The 2007 Compliance Review

A. Methodology

This year's investigation took place from June 11 through June 25, 2007, and covered a total of 876 schools in 20 school districts¹. Some school districts may have remedied their SARC deficiencies after Public Advocates' investigation. In order to obtain a diverse sample of schools, Public Advocates selected school districts for examination based on their size and geographic location. Public Advocates also chose a number of school districts that were reviewed in its 2006 investigation in order to track any changes in SARC compliance behavior. The school districts selected were not intended to provide a scientifically representative sample, but rather a "snapshot" of SARC compliance across the state.

Nine law school interns and one undergraduate intern carried out the 2007 review under the direction and supervision of two attorneys. Those conducting the investigation used the Internet to determine whether each of the 20 school districts selected for examination had posted a current (2005-06²) SARC online for each of their respective schools. If a current SARC was located, the reviewers examined the SARC to determine whether or not it reported required information on the:

- (1) Actual per pupil expenditures (from restricted and unrestricted funds) by the school;
- (2) Actual average of teacher salaries at the school site;
- (3) Number of teacher misassignments and vacancies for the 2005-06 and 2006-07 academic years;
- (4) Safety, cleanliness, and adequacy of school facilities, including any needed maintenance to ensure good repair; and
- (5) Availability of sufficient textbooks and instructional materials, including the percentage of students without sufficient textbooks.

Public Advocates also consulted CDE's DataQuest website (available at: <http://www.cde.ca.gov/dataquest>) to determine whether or not each school investigated had a student population of 15 percent or more that spoke a primary language other than English.

¹ Public Advocates reviewed the SARCs of Alameda Unified School District for compliance after the June 11 - June 25, 2007 time period.

² SARCs for the 2006-07 school year are usually referred to as 2005-06 SARCs

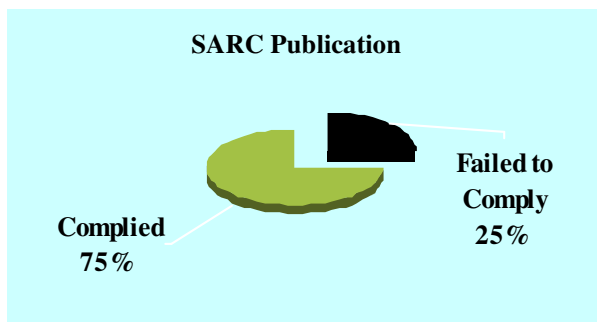
Public Advocates considered a school to be out of compliance with state translation requirements if a school was listed on the DataQuest website as meeting the 15 percent threshold for a language group, but failed to make the SARC available online in that language.

B. General Findings

The results of this year’s SARC investigation demonstrate that many school districts continue to flout their SARC obligations. Nevertheless, there were some significant improvements in the timeliness of SARC publication, SARC translation, and the reporting of some *Williams*-required data. We believe these improvements are a result of a combination factors, including CDE and SBE initiatives and Public Advocates’ advocacy and enforcement activities.

1. One quarter of the schools reviewed failed to issue a current SARC by the end of the school year.

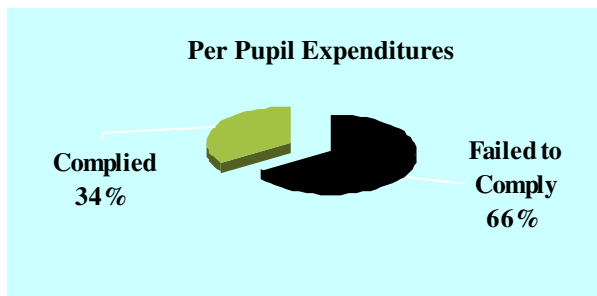
The California Constitution as well as state law require school districts to prepare and publicize annually a SARC for each of their schools. Districts are to fulfill this obligation “sometime during the period of November through May of each year.”³ Of the schools investigated, 25 percent (or 218 schools) failed to prepare and issue a SARC altogether by the May 31st deadline.



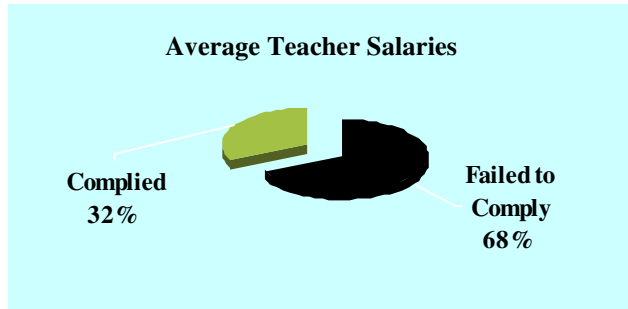
Districts showed significant improvements in preparing and publicizing SARCs by the deadline compared to previous years considered in Public Advocates’ investigations. Public Advocates’ 2005 review found that only 50 percent of the schools investigated publicized their SARCs on time. This number increased slightly to 53 percent at the time of the 2006 investigation. This year, 75 percent issued their SARCs by the May deadline – a welcomed improvement. We believe this gain is due, in part, to Public Advocates’ enforcement activities over the last two years, including the issuance in May 2006 of letters to all school districts in the state to remind them of their SARC obligations and demand letters, threatening suit, to 19 school districts.

2. Over two-thirds of the schools reviewed failed to report SB 687 data on per pupil expenditures and/or average teacher salaries.

Pursuant to SB 687, the SARC must report the amount of funding spent per student at the school, as well as the school’s average teacher salary. Of the schools reviewed, 66 percent (or 575 schools) failed to disclose school-level on per pupil expenditures, and 68 percent (or 596 schools) failed to report the school’s average teacher salary.

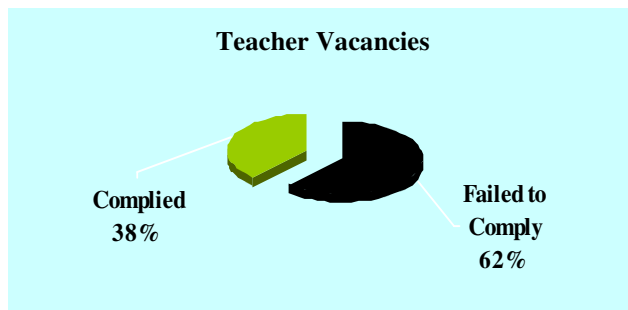
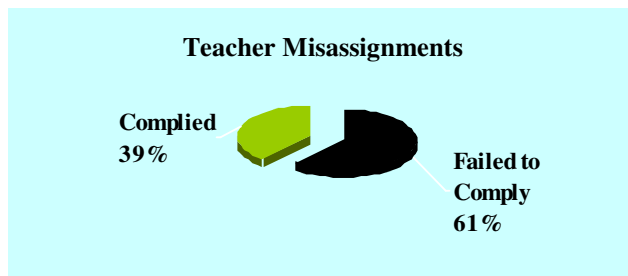


Despite the stark numbers, this area also showed improvement compared to last academic year. Public Advocates' 2006 investigation found that 7 months after SB 687's enactment, virtually no school district reviewed had complied with SB 687's provisions on per pupil expenditures and average teacher salaries. At that time, Public Advocates noted that SBE's failure to amend the 2004-05 SARC template to include the necessary SB 687 data fields likely influenced the widespread noncompliance of school districts. The SBE has since updated the SARC template to accommodate the requirement. We believe this change contributed to improvements in SB 687 reporting.



3. Over 60 percent of the schools reviewed failed to report Williams data on teacher misassignments and/or vacancies for the 2005-06 and/or 2006-07 academic years.

As part of the Williams settlement legislation, each SARC must disclose the number of teachers misassigned at the school site for the most recent 3 years, as well as the number of teacher vacancies that exist at the beginning of the school year or semester [EC § 33126(b)(5)]. 61 percent of the schools reviewed (or 538 schools) failed to report teacher misassignment information for either or both the 2005-06 or the 2006-07 academic years. 62 percent (or 543 schools) failed to report teacher vacancy data for either or both of those years.



Again, despite significant non-compliance in this area, there appears to be some increase in satisfying the obligations to report on teacher misassignments and vacancies. Public Advocates' 2006 investigation found that 22 percent and 25 percent of the schools reviewed had satisfied the teacher misassignment and teacher vacancies requirements, respectively. This year, 39 percent of the schools reviewed adequately reported teacher misassignments, and 38 percent adequately reported teacher vacancies. We believe this improvement is at least partially due to the increased role of county superintendents – pursuant to the Williams settlement – in monitoring and reporting on teacher misassignments and vacancies in decile 1-3 schools (currently based on the 2003 API). Further, counsel in Williams, including Public Advocates and the ACLU-SC, have taken an active role in working with county superintendents and the California Commission on Teacher Credentialing to enhance teacher misassignment and vacancy monitoring and reporting.

4. Over one-third of schools reviewed failed to disclose Williams data on needed facility repairs.

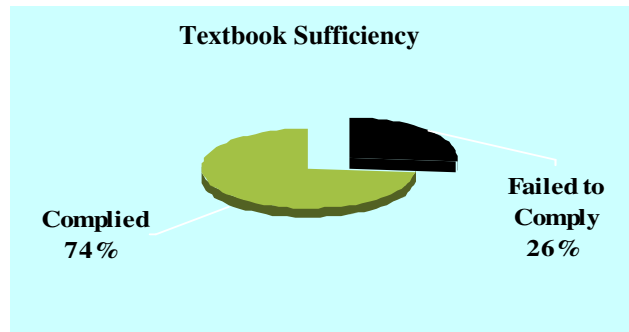
The Williams settlement also requires each SARC to disclose information regarding the safety, cleanliness and adequacy of school facilities, including any needed maintenance to ensure good repair [EC §§ 33126(b)(9); 17002(d)]. Of the schools investigated, 38 percent (or 329 schools) failed to report this information.



Little improvement appears to have been made in this area. The 2006 investigation found that 60 percent of the schools reviewed satisfied this requirement – compared to 62 percent this year.

5. More than a quarter of the schools reviewed failed to report data on textbook sufficiency.

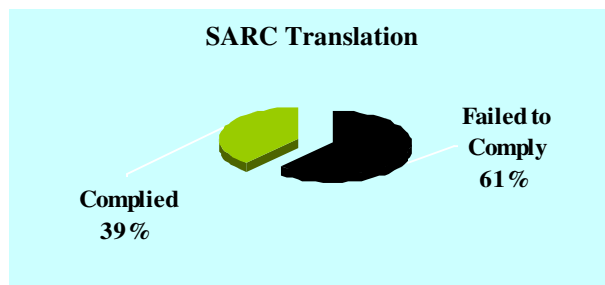
SB 687 improved the reporting of required Williams data regarding the sufficiency of textbooks by requiring the SARC to disclose the percentage of pupils who lack sufficient textbooks and instructional materials if an insufficiency is found. This year, 26 percent of the schools reviewed (or 232 schools) failed to report this data.



In the 2006 investigation, virtually no school district complied with this requirement. The improvement appears also be the result of SBE’s updating of the SARC template to incorporate data fields for SB 687 information.³

6. Over 60 percent of the schools reviewed failed to translate their SARCs into additional primary languages as required by law.

State law requires SARCs to be made available in languages other than English if 15 percent or more of a school’s student population speaks a primary language other than English [EC § 48985]. Of the 876 schools reviewed, 531 schools were required to translate their SARCs into at least one



³ Compliance with this requirement may have been greater than the 74% reported here as some districts may have ignored providing information on the percentage of textbook insufficiencies (*i.e.*, by reporting “0%”) when they elsewhere reported experiencing no insufficiencies.

additional language. 61 percent of these schools (or 326 schools) lacked translated copies.

Despite widespread non-compliance with the translation requirement, notable improvements in SARC translation appear to have occurred. Public Advocates' 2006 SARC report found that only 20 percent of the schools reviewed satisfied this obligation – compared to the 39 percent that complied this year.

One of the key recommendations of Public Advocates' 2006 investigation requested that CDE facilitate translation by making the SARC template available in multiple languages, including Vietnamese, Cantonese, Khmer, Russian, Hmong, and Tagalog. Public Advocates also advocated before the Translation Advisory Group of CDE's Clearinghouse for Multilingual Documents to secure funding for the translation of the SARC template. Earlier this year, the CDE made the SARC template available in four of the languages Public Advocates had identified, as well as in Korean. We believe that the increase in school district compliance with the translation requirement is likely a result of Public Advocates' advocacy and this new CDE service.

IV. Policy Recommendations

To improve SARC compliance, and produce a better tool for parents to make informed decisions and be able to hold schools and school districts accountable, Public Advocates provides the following specific recommendations:

Recommendation No 1: The Department of Education should engage in enforcement activities and penalize school districts that fail to abide by SARC statutes.

Although SARC publication is a constitutional mandate, intended by Proposition 98 to “guarantee accountability for dollars spent,”⁴ state enforcement of SARC laws has been lax. CDE provides invaluable guidance to school districts and facilitates compliance; however there is no affirmative monitoring of SARC compliance by the CDE such as Public Advocates has now carried out three years in a row. Also, there appear to be no penalties for school districts that violate SARC requirements. So long as school districts can avoid any penalty for failure to comply, district violations will predictably persist, denying parents and the public access to essential information about California public schools. The CDE should identify resources to carry out SARC monitoring and enforcement activities. If necessary, CDE should seek legislation to procure these resources, and the Administration and the Legislature should support such efforts.

Recommendation No 2: The Legislature should establish a statutory deadline for SARC compliance.

A common release date established by legislation would likely encourage greater compliance with school district obligations to update annually their SARCs, and would provide parents and the public with a reliable date by which they can begin to make

⁴ California Instructional Improvement Act of 1988, § 2.

assessments and comparisons of schools. Public Advocates is collaborating with members of the Legislature and other education stakeholders to pursue legislation that would establish a clear deadline for school districts to issue their SARC.

Recommendation No. 3: CDE should continue to facilitate SARC translation.

Public Advocates commends CDE for making the SARC template available in Spanish, Khmer, Russian, Vietnamese, Cantonese, and Korean. We recommend that CDE also make the SARC template available in Hmong and Tagalog. In addition, we reiterate our previous recommendation that all SARC templates, regardless of language, be made available to school districts for download with pre-inserted (or “pre-populated”) data, to facilitate translation and decrease local costs.

Recommendation No. 4: The Legislature and CDE should continue efforts to improve the readability of the SARC.

Parents and education stakeholders continue to criticize the SARC for its length and complexity, as well as for the technical jargon used in presenting data. In 2006, after input from a CDE-convened advisory group, SBE amended the SARC to include an executive summary that gives parents a quick snapshot of key data about the school. CDE also carried out focus groups with parents across the state to understand the information that parents value the most and the areas in the SARC that are difficult to understand. Public Advocates and other stakeholders are also working with members of the Legislature to advance legislation that would streamline the SARC by removing duplicative and outdated requirements. Public Advocates recommends that the CDE reconvene an advisory group to improve SARC readability and content delivery.

Recommendation No. 5: County Superintendents should closely monitor SARC compliance of decile 1-3 schools.

Pursuant to the *Williams* settlement and related clean-up legislation, county superintendents are responsible for: (a) reviewing on an annual basis the SARCs of decile 1-3 schools to determine whether the school has provided accurate data related to instructional materials and facilities maintenance [EC § 1240(c)(2)(E)(iii)], and (b) reporting the findings of these reviews in an annual report [EC § 1240(c)(2)(A)-(B)]. Because Public Advocates’ SARC investigations of the last two years have found many schools to be delinquent in reporting on needed facility repairs and the percentage of students lacking sufficient textbooks, we encourage county superintendents to monitor more closely and publicly disclose SARC noncompliance of decile 1-3 schools.

V. Conclusion

As the primary means by which parents and the public are informed about the conditions and quality of our children’s schools, SARCs are a vital tool for obtaining knowledge about and participating in the ongoing discussions over one of our State’s most important functions — providing an effective public education system. Important new information has been added to

the SARC in recent years concerning academic performance, learning conditions and, most recently, per pupil expenditures, raising the potential ability of SARCs to contribute to informed discussion of critical education policy to new levels. Yet, as long as school districts continue to ignore their SARC obligations altogether, or fail to publish key information, or fail to translate the information that is provided, California will remain uninformed of the views of many critical segments of the public school community – contrary to our best notions of an engaged, participatory democracy.

For additional information, please contact Jenny Pearlman or Guillermo Mayer at (415) 431-7430.

Public Advocates, Inc. is a public interest law firm founded in 1971 to challenge systemic causes of poverty and discrimination and to defend and expand civil rights by partnering with low-income communities, people of color, and immigrants.

We would like to express our special thanks to Jessica Paz-Cedillos for leading this year's SARC investigation. We would also like to thank Priya Baskaran, Nicholas Durham, Taína Gómez, Connie Hsiao, Grace Lee, Chaandi McGruder, Liz Morris, Fabián Rentería, and Daniel Shin for their special contributions to this report.

Appendix A

Total Number of School Districts Surveyed: 20⁵

Alameda City Unified School District (Alameda County)
Alisal Union Elementary School District (Salinas Monterey County)
Chula Vista Elementary School District (San Diego County)
Coachella Valley Unified School District (Riverside County)
Coalinga Huron Unified School District (Fresno County)
Eastside Union High School District (Santa Clara County)
Fresno Unified School District (Fresno County)
Hawthorne School District (Los Angeles County)
Hayward Unified School District (Alameda County)
Inglewood Unified School District (Los Angeles County)
Long Beach Unified School District (Los Angeles County)
Oakland Unified School District (Alameda County)
Oxnard Elementary School District (Ventura County)
Pajaro Valley Unified School District (Santa Cruz County)
Pasadena Unified School District (Los Angeles County)
Sacramento Unified School District (Sacramento County)
Salinas Union High School District (Monterey County)
Sweetwater Union High School District (San Diego County)
Stockton Unified School District (San Joaquin County)
Terra Bella Union Elementary School District (Tulare County)

Total Number of Schools Surveyed: 876

⁵ All school districts, except Alameda Unified School District, were reviewed for compliance between June 11 and June 25, 2007. Some school districts may have remedied deficiencies identified in this report after the period of June 11 to June 25, 2007.

Appendix B

School Districts that did not publish a SARC for each of their schools by June 25, 2007:

Total Number of School Districts: 9

Alameda City Unified School District
Alisal Union Elementary School District
Chula Vista Elementary School District
Coachella Valley Unified School District
Hayward Unified School District
Oakland Unified School District
Sacramento Unified School District
Sweetwater Union High School District
Terra Bella Union Elementary School District

Total Number of Schools: 263

Appendix C

School Districts that failed to translate their SARCs, when required by law, by June 25, 2007:

Total Number of School Districts: 13

Alameda City Unified School District
Alisal Union Elementary School District
Chula Vista Elementary School District
Coachella Valley Unified School District
Coalinga Huron Unified School District
Eastside Union High School District
Hayward Unified School District
Inglewood Unified School District
Oakland Unified School District
Sacramento Unified School District
Stockton Unified School District
Sweetwater Union High School District
Pajaro Valley Unified School District

Total Number of Schools: 326

Appendix D

School Districts that failed to report *Williams* data on school facilities for each of their schools by June 25, 2007:

Total Number of School Districts: 16

Alameda City Unified School District
Alisal Union Elementary School District
Chula Vista Elementary School District
Coachella Valley Unified School District
Coalinga Huron Unified School District
Eastside Union High School District
Hawthorne School District
Hayward Unified School District
Inglewood Unified School District
Pajaro Valley Unified School District
Pasadena Unified School District
Sacramento Unified School District
Salinas Union High School District
Stockton Unified School District
Sweetwater Union High School District
Terra Bella Union Elementary School District

Total Number of Schools: 329

Appendix E

School Districts that failed to report the number of misassigned teachers for the 2005-06 and/or the 2006-07 school year at each of their schools by June 25, 2007:

Total Number of School Districts: 16

Alameda City Unified School District
Alisal Union Elementary School District
Chula Vista Elementary School District
Coachella Valley Unified School District
Fresno Unified School District
Hawthorne School District
Inglewood Unified School District
Oakland Unified School District
Sacramento Unified School District
Stockton Unified School District
Sweetwater Union High School District
Terra Bella Union Elementary School District
Pajaro Valley Unified School District
Hayward Unified School District
Salinas Union High School District
Oxnard Elementary School District

Total Number of Schools: 538

Appendix F

School Districts that failed to report the number of vacant teacher positions for the 2005-06 and/or the 2006-07 school year for each of their schools by June 25, 2006:

Total Number of School Districts: 16

Alameda City Unified School District
Coachella Valley Unified School District
Fresno Unified School District
Hawthorne School District
Inglewood Unified School District
Oakland Unified School District
Sacramento Unified School District
Stockton Unified School District
Sweetwater Union High School District
Chula Vista Elementary School District
Alisal Union Elementary School District
Terra Bella Union Elementary School District
Pajaro Valley Unified School District
Hayward Unified School District
Salinas Union High School District
Oxnard Elementary School District

Total Number of Schools: 543

Appendix G

School Districts that failed to report school level information on per pupil expenditures for each of their schools by June 25, 2007:

Total Number of School Districts: 16

Alameda City Unified School District
Coalinga Huron Unified School District
Coachella Valley Unified School District
Eastside Union High School District
Fresno Unified School District
Hawthorne School District
Inglewood Unified School District
Oakland Unified School District
Sacramento Unified School District
Chula Vista Elementary School District
Sweetwater Union High School District
Alisal Union Elementary School District
Terra Bella Union Elementary School District
Pajaro Valley Unified School District
Hayward Unified School District
Salinas Union High School District

Total Number of Schools: 575

Appendix H

School Districts that failed to report information on average teacher salaries for each of their schools by June 25, 2007:

Total Number of School District: 16

Alameda City Unified School District
Coalinga Huron Unified School District
Coachella Valley Unified School District
Eastside Union High School District
Fresno Unified School District
Hawthorne School District
Inglewood Unified School District
Oakland Unified School District
Sacramento Unified School District
Sweetwater Union High School District
Chula Vista Elementary School District
Alisal Union Elementary School District
Terra Bella Union Elementary School District
Pajaro Valley Unified School District
Hayward Unified School District
Salinas Union High School District

Total Number of Schools: 596

Appendix I

School Districts that failed to report information on the availability of textbooks for each of their schools by June 25, 2007:

Total Number of School Districts: 9

Alameda City Unified School District

Alisal Union Elementary School District

Chula Vista Elementary School District

Coachella Valley Unified School District

Hayward Unified School District

Oakland Unified School District

Sacramento Unified School District

Sweetwater Union High School District

Terra Bella Union Elementary School District

Total Number of Schools: 232