

CCSESA
AB 347 Summary
Settlement of the *Valenzuela v. O'Connell* Case

AB 347 (Nava), Chapter 526 / 2007, enacts statutory changes to codify provisions of the settlement agreement for the *Valenzuela v. O'Connell* lawsuit. It also establishes new oversight and monitoring responsibilities for county superintendents.

Background

The *Valenzuela* case is a class action lawsuit filed against the Superintendent of Public Instruction and the State Board of Education alleging that some students, especially those living in poverty, do not have equal opportunity to learn the materials tested on the California High School Exit Examination (CaHSEE), and that some schools do not offer a curriculum fully aligned with state standards and the test. Plaintiffs further assert that the lack of adequate preparation has a disproportionate impact on English learners. The trial court decision in favor of the plaintiffs was reversed on appeal, but with the stipulation that the case be remanded back to the trial court with direction that the parties to the suit reach an agreement that would assure that all students can receive instructional services that prepare them to pass the exam.

New Requirements

AB 347 is an urgency statute that took effect when it was signed by the Governor on October 12, 2007. The bill provides that school districts and county superintendents of schools that participate in the intensive supplemental instruction and services program must now offer students intensive instruction and services for up to two additional years if they have not passed one or both parts of the CaHSEE by completion of the 12th grade. To implement this provision, the bill requires:

- Posting a notice in the classrooms of schools with grades 10, 11, and 12 informing pupils of their right to receive intensive instruction and services for up to two additional years, or until passage of the exit exam, if they fail to pass the CaHSEE by the end of the twelfth grade.
- Providing a method as part of the Uniform Complaint Process for students to file a complaint.
- Providing written notice of eligibility to each pupil that is eligible for continued instructional services after the 12th grade. This notice must be sent to the last known address by the end of each term.
- Ensuring that eligible pupils have the opportunity to receive intensive instruction and services as needed, and that eligible English learners have services as needed to improve English proficiency.

County Superintendents must perform the following oversight and monitoring functions:

- Annually verify both of the following:
 - Eligible pupils are informed that they are entitled to receive intensive instruction and services.
 - That pupils who elect to receive services are being served.

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- Determine, as part of the site visits required for deciles 1 through 3 schools:
 - The extent to which eligible pupils are informed that they are entitled to receive intensive instruction and services.
 - The extent to which pupils who have elected to receive services are being served.
- Include information regarding compliance with these requirements in the annual “Williams” report to the district governing board, county board of education and county board of supervisors.
- Receive annual reports from school districts that describe the manner and frequency in which eligible pupils were notified of the intensive instruction and services provided, and the number of pupils in the school district who successfully pass the high school exit examination by each type of service provided.

Funding

AB 347 draws on two specific sources of funding, one for requirements related to providing extended services to 12th graders failing to pass CaHSEE and one for county superintendent oversight responsibilities:

- A school district or county office of education that participates in the program of intensive instruction and services for students who have not passed the CaHSEE by grade 12 may receive up to \$522 per pupil for each eligible student. Eligible students are in grade 12 and have failed to pass one or both parts of the CaHSEE. AB 347 extends the scope of services required to be offered to eligible students to include up to two years of additional instruction for 12th grade students who have not passed the exit exam.

School districts and county offices of education are eligible to apply annually for participation in the program, and 51 of 58 county superintendents of schools are taking part in the program for the 2007-08 school year.

In addition to this specific source of program funding, students receiving instructional services following 12th grade can generate revenue through average daily attendance, provided they meet all other conditions for claiming ADA funding. They may also be eligible for other categorical funding if they meet existing criteria for the programs.

- AB 347 sets aside up to \$1.5 million of the funds appropriated in 2007-08 for *Williams* oversight responsibilities to, instead, be allocated for AB 347 oversight according to a formula recommended to the Superintendent of Public Instruction by CCSESA.