

**ANSWERS TO FREQUENTLY ASKED QUESTIONS REGARDING COUNTY SUPERINTENDENT
REVIEWS OF TEXTBOOKS AND INSTRUCTIONAL MATERIALS IN DECILE 1-3 SCHOOLS**

*FAQs provided to ACOE's Williams Task Force May 2005 by ACLU-SC staff Attorney
Brooks M. Allen*

1) What information must County Superintendents collect regarding textbooks and instructional materials in Decile 1-3 schools?

County Superintendents must ascertain whether each pupil in each school has “sufficient” textbooks or instructional materials. Education Code sections 1240(c)(2)(E)(i) and 1240(i). To be “sufficient,” each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home to complete required homework assignments. Education Code section 60119(c). The textbooks and instructional materials must be consistent with the content and cycles of the curriculum framework adopted by the State Board of Education. Education Code sections 1240(i)(4) and 60119(a)(1)(A). Two sets of textbooks or instructional materials are not required for each pupil, but “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. Education Code section 60119(c).

County Superintendents also have a duty to determine the “[q]uality and currency of textbooks and other instructional materials, including whether textbooks and other materials meet state standards and are adopted by the State Board of Education for kindergarten and grades 1 to 8, inclusive, and adopted by the governing boards of school districts for grades 9 to 12, inclusive, and the ratio of textbooks per pupil and the year the textbooks were adopted.” Education Code section 33126(b)(6)(A). This information must be gathered to fulfill the County Superintendents’ duty to verify SARC data pursuant to Education Code sections 1240(c)(2)(E)(iii) and 41020(i)(2).¹

2) If an elementary school does not have social science and science textbooks for its K-3 students and claims science and social science standards-based instruction is embedded within the English Language Arts instructional materials, should the County Superintendent report this as an insufficiency to the district and the SPI and follow the remedial procedures set forth under Education Code section 1240(i)(4)?

Yes, unless the District or school provides all pupils sufficient standards-aligned science and social science instructional materials in addition to the ELA books. The

¹ The data definition for SARC item 33 calls for “[a] description of the extent to which each pupil, including English learners, has a state-adopted (grades K-8) and standards-aligned (grades K-12) textbook or instructional materials, or both, to use in class and to take home to complete required homework assignments.” Data Definition for item 33, SARC template for 2003-2004. Descriptions must be provided for each of the following areas: the core curriculum areas of reading/language arts, mathematics, science, and history/social science; foreign language and health; and science laboratory equipment for grades 9 to 12, inclusive, as appropriate. Education Code section 33126(b)(6)(B).

District or school's textbooks and instructional materials must be consistent with the content and cycles of the curriculum framework adopted by the State Board of Education, and the K-3 ELA textbook only covers 1/3 of the science standards and 1/3 of the history standards for grades K-3. *See* Education Code section 1240(i)(4) (incorporating Education Code section 60119(a)(1)(A)).

3) If an elementary school provides each pupil with a book to use in class and to take home to complete required homework assignments, but the books are not state-adopted textbooks, should the County Superintendent report this as an insufficiency to the district and the SPI and follow the remedial procedures set forth under Education Code section 1240(i)(4)?

Yes, unless the District or school can demonstrate to the satisfaction of the County Superintendent that the books provided are consistent with the content and cycles of the curriculum framework adopted by the State Board of Education. Either way, the County Superintendent should record this information for SARC verification purposes.

4) If a District or school provides each pupil with instructional materials to use in class and to take home to complete required homework assignments, but provides no books, should the County Superintendent report this as an insufficiency to the district and the SPI and follow the remedial procedures set forth under Education Code section 1240(i)(4)?

Not necessarily. The District or school must demonstrate to the satisfaction of the County Superintendent that the instructional materials provided are consistent with the content and cycles of the curriculum framework adopted by the State Board of Education.

5) If a District or school does not provide instruction to students in a particular subject area (e.g. history/social science at the elementary level), should the County Superintendent report the corresponding lack of books in this area as an insufficiency to the district and the SPI and follow the remedial procedures set forth under Education Code section 1240(i)(4)?

Yes. If the subject area is required by law to be included in the course of study (for example, see Education Code section 51210(c), requiring social science instruction in grades 1-6), then "sufficient" standards-aligned textbooks or instructional materials must be provided for this subject.

Also, any lack of textbooks or instructional materials in the following subjects, as appropriate, must be reported on the school's SARC pursuant to Education Code section 33126(b)(6): mathematics, science, history-social science, English/language arts, including the English language development component of an adopted program, foreign language, health, and science laboratory equipment for grades 9-12.²

² *See* footnote 1.

6) If a District or school provides pupils with supplemental books or instructional materials (for example, workbooks and test preparation aids), and yet does not provide a sufficient number for each pupil to use in class and to take home to complete required homework assignments, should the County Superintendent report this as an insufficiency to the district and the SPI and follow the remedial procedures set forth under Education Code section 1240(i)(4)?

Yes. The *Williams* settlement and implementing legislation do not require any specific curricular materials, but once a District or school adopts any textbooks or instructional materials (including workbooks, etc.), then a “sufficient” number must be provided.

7) If a school provides each pupil with a book to use in class, but a teacher does not allow his/her students to take books home after school, should the County Superintendent report this as an insufficiency to the district and the SPI and follow the remedial procedures set forth under Education Code section 1240(i)(4)?

Not necessarily. The County Superintendent’s “sufficiency” inquiry should focus on whether or not each pupil has a book he/she could take home, regardless of teacher policy or homework assignments. If there are not enough books for every student in each class to take one home each night, an “insufficiency” exists.

8) If a District or school provides pupils in kindergarten and/or grades 1 to 8 with books to use in class and to take home to complete required homework assignments, but the books are not from the current SBE adoption, should the County Superintendent report this as an insufficiency to the district and the SPI and follow the remedial procedures set forth under Education Code section 1240(i)(4)?

Yes, unless the District or school can demonstrate to the satisfaction of the County Superintendent that the current school term began within 24 months of the most recent SBE adoption for that subject (see Section 9531(b) of Title 5 of the California Code of Regulations) and that the books are otherwise “consistent with the content and cycles of the curriculum framework adopted by the state board.”