

## CVES LEGISLATIVE REPORT – January 2011

### LOCAL

#### CUSD Budget:

CUSD filed a positive certified budget to the Orange County Department of Education (OCDE) in mid-December. Although an approximate \$10 million deficit is anticipated for the 2011-2012 school year, this projection could change based on the Governor's January budget proposal. In addition, a \$22 million budget shortfall is anticipated for the 2012-2013 school year.

The development of the CUSD 2011-2012 Budget will be reviewed at the February 8 Board meeting with assumptions based on the January proposal.

2011-2012 CUSD Budget Talking Points include:

- Declining enrollment projected
- Expenditure increases to Step and Column, and Special Education encroachment
- State Budget Structural Imbalance
- Need for continued categorical flexibility
- Payment for County Mental Health services
- Cash flow challenges

#### Two Instructional Days Restored:

Two days of the 2010/2011 school year, which were initially identified as non-working furlough days, have now been restored as instructional days. Thursday February 17 and Friday May 27 have been reinstated according to negotiated agreements with employee associations.

#### Back to the Classroom Tour:

Superintendent Farley will be holding the final three community meetings in January and February to emphasize the district's focus on classroom instruction. He is interested in reinforcing the fundamentals that create the district's high achievement and in maintaining the emphasis on the academic success of every student. Although the community forums are held by High School family or

feeder pattern, they are open to anyone who wants to attend. The remaining community forums begin at 7 p.m. and are scheduled for:

Aliso Niguel HS	January 13
Tesoro HS	January 25
Dana Hills HS	February 2

Waiver Request Update:

A waiver request was submitted to the California Department of Education (CDE) to remove Wood Canyon, Las Palmas, Kinoshita, Viejo, and San Juan Elementary schools from participation in the sanctions of the Romero Bill/Open Enrollment Act. These waiver requests will be heard at State Board of Education (SBE) hearings on January 13/14 and in March.

CUSD Board Meetings:

Board Meeting dates for 2011 have been set. Meeting dates for 2011 will be:

January 11	July 12
February 8	August 9
March 8	September 13
April 12	October 11
May 10	November 8
June 7	December 6
June 21	

**STATE**

## **Governor's Budget for 2011/12**

Jerry Brown was sworn in as governor on January 3, 2011. His first major priority is the State Budget and an expected deficit of \$25-28 billion through the end of the 2011/12 fiscal year. Governor Brown held two budget forums prior to taking office and has also met with legislative leaders and top administration officials in order to best plan for the budget deficit. Brown's budget proposal for 2011/12 will be released January 10<sup>th</sup>.

The governor is cutting his office spending by 20 -25% and will likely call upon the legislature and all state offices to do the same. He would like to fix the budget deficit within the next fiscal year and possibly have the necessary changes/corrections in place within sixty days of releasing his budget proposal. He is not interested in "one-time solutions" but rather solutions that carry over from year to year.

As part of his budget proposal, Brown has said he will propose a realignment of services by shifting responsibility for many state programs to local agencies including welfare, Medi-Cal parole, probation and others. Brown also said the state will direct funding to local agencies to pay for any program shifts.

The budget also will include widespread [spending reductions](#) and a June ballot measure to extend temporary [tax increases](#) on vehicles, sales and income, sources have said. If approved by voters, the revenue from extensions of the vehicle and sales taxes would flow to local government to help finance the restructuring.

According to sources familiar with his proposal, Gov. [Jerry Brown](#) will spare K-12 schools from further drastic cuts in his budget – so long as voters extend higher [income taxes](#) in a special election. The tradeoff wouldn't cure education ills, and many districts would still face another year of fewer school days and larger [class sizes](#). But it could avert even deeper cuts after years of school rollbacks.

Brown does not plan to suspend [Proposition 98](#), the state's minimum guarantee for K-12 and community college funding, though he may seek to do so if the tax hike extensions don't pass.

Without any increase in [state revenue](#), K-12 schools and [community colleges](#) stand to lose more than \$2 billion in funding in 2011-12 – roughly 4 percent – because tax rates are scheduled to decline this year, according to the nonpartisan Legislative Analyst's Office.

It is also likely that more cuts will be made to the California State University and University of California.

*Excerpts above from the following articles:*

Read more: <http://www.sacbee.com/2011/01/05/3299751/jerry-brown-pitches-a-shift-to.html#ixzz1ACE9uDC4>

Read more: <http://www.sacbee.com/2011/01/04/3297230/brown-budget-will-spare-schools.html#ixzz1ACHHH7Os>

### **Mental Health Funding Update**

As Governor, Schwarzenegger vetoed \$133 million in mental health funding as part of the final budget. Services to those children must still be rendered, as required by federal law, so the money will have to come from the general fund of a school district.

While the CDE (California Department of Education) was able to provide \$76 million of federal funds for the short term continuation of mental health services, as required by the AB 3632 mandate, that money will have been used up by some point in January 2011.

Three lawsuits have been filed:

1. CSBA et al v. Schwarzenegger is a lawsuit filed in state court that asserts that the governor does not have the authority, despite his line item veto power, to suspend a local mandate. Only the legislature can do that.
2. A. C. et al v. Schwarzenegger is a lawsuit filed in federal courts that asserts that the “suspension” of AB 3632 services has thrown the system into chaos thereby depriving severely emotionally disturbed children of their right to a free, appropriate public education under IDEA.
3. 23 Counties v. Schwarzenegger is a lawsuit filed in state court that seeks a court order or determination that the counties are relieved of their responsibility to provide the mandate because the State of California has not provided the funding to the counties for the mandate.

For CUSD, absent a change in the funding for the remainder of the 2010-11 school year, an additional \$2.8 million would need to come out of the General Fund.

We spoke about this issue when in Sacramento on December 8<sup>th</sup> as part of our advocacy efforts. We are tracking Assembly Member Beall's bill, AB 39, to put \$57 million from Prop 63 into mental health funding for the 2010-11 year. This bill could be heard as early as January 6<sup>th</sup> and requires a 2/3 vote of the legislature.

### **Open Enrollment Update**

One of the other topics of advocacy for us on December 8<sup>th</sup> was to press for changes to former Senator Romero's Open Enrollment bill – SB X5-4. This bill requires the State Superintendent of Public Instruction (SPI) to compile a list of California's 1,000 "low-achieving" schools according to Academic Performance Index (API) scores. In constructing the list, no school district can have more than 10% of its schools deemed as open enrollment/low achieving schools. As a result, schools with an API at or close to 800 were included on the list, including five from CUSD (please see the "local" section of this report and information on the waivers requested).

Assembly Member Huffman has introduced AB 47 which proposes changes to the existing Open Enrollment legislation and which we are also tracking. This bill could also be heard as early as January 6<sup>th</sup>.

AB 47 would provide that the list created by the Superintendent to define low-achieving schools may include up to 1,000 schools, that schools on the list be ranked in Decile 1 on the most current API, and that county offices of education operating a special education program, and state special schools not be included on the list.

### **Update on Robles-Wong vs California**

The State of California filed a motion to dismiss the lawsuit brought by the California School Board Association, the Association of California School Administrators, California State PTA and lawyers for low-income students (Robles-Wong). Alameda County Superior Court Judge Steven Brick will rule this month on whether the lawsuit can proceed and go to trial.

The lawsuit charges that the state does not provide adequate funding of the academic standards of education under the current school finance system. The state argues that there is no constitutional requirement to fund for specific academic requirements or standards.

For complete information and to follow the lawsuit, go to:

<http://www.fixschoolfinance.org/>

### **ACLU lawsuit settlement**

A lawsuit filed by the American Civil Liberties Union (ACLU) on behalf of two Orange County students was recently settled with the State of California to protect students from being charged fees for items such as books, uniforms, and supplies. More than 30 school districts throughout California, including Capistrano Unified were named in the suit. The encompassing agreement calls on the state to monitor school districts for violations, create a complaint system to reimburse families for improper charges, and post notices of new state regulations in schools. The annual district audit will now certify that the district adhered to the requirements.

The lawsuit was the result of a survey of school websites that revealed the practice of requiring students to purchase textbooks, workbooks, and assigned novels for academic classes; to pay lab fees for science classes; and to pay for extracurricular activities. The ACLU charged that these fees are discriminatory against lower-income students whose families are not able to afford to pay.

The Constitution of the State of California (1879) guarantees all children the right to a free and equal public education. In 1984 *Hartzell vs. Connell*, the California Supreme Court found that a school that charges fees to participate in activities is not a free school as required by the Constitution. On-going budget demands may have led to the need for fees. Mandatory fees, however, are illegal. Note that voluntary fundraising is legal.

In the coming months, CUSD will analyze current practices related to student fees and will do what is appropriate to comply with state law.

<http://articles.latimes.com/2010/sep/11/local/la-me-aclu-20100911>

<http://articles.latimes.com/2010/dec/10/local/la-me-school-fees-20101210>

<http://www.ocreger.com/news/aclu-265945-unified-fees.html>

### **State Board of Education appointees**

On January 5<sup>th</sup>, Brown announced the following appointees to the [State Board](#) of Education:

Former schools superintendent [Carl Anthony Cohn](#), former Superintendent of Public Instruction Louis "Bill" Honig, Stanford University Professor Emeritus Michael Kirst, Bakersfield schools official Aida Molina, chairman of the San Manuel Band of Indians [James Ramos](#), California Teachers Association legislative advocate [Patricia Ann Rucker](#), and EdSource executive director [Trish Boyd Williams](#).

Honig and Kirst served on the [state Board](#) of Education during Brown's previous terms as governor.

Below is the link to the full press release of these and other appointments:

<http://blogs.sacbee.com/capitolalertlatest/Governor%20Brown%20Announces%20Appointments.doc>

### **Education Reform Efforts**

#### **Michelle Rhee**

Michelle Rhee, former Chancellor of the Washington, DC public schools, has begun a national effort to reform American schools. She has created, **StudentsFirst**, an advocacy organization that according to the website is a “*grassroots movement...designed to mobilize parents, teachers, students, administrators, and citizens throughout the county, and to channel their energy to produce meaningful results on both the local and national level*”. The goal is to raise \$1billion in the first year. The funds will be used to support candidates who will support their reform agenda which is not yet completely defined.

Rhee believes that schools are failing kids because of ineffective practices and bloated bureaucracies. StudentsFirst promotes “great teachers”, “effective instructional programs”, and parent and family involvement as key to student achievement. Rhee is a strong advocate for an open enrollment system based on a family’s choice of the best school for their children not “on a lottery or a certain zip code”.

Rhee has appeared on Oprah and in the documentary “Waiting for Superman” to promote her efforts. The film highlighted the failings of several major urban school districts including Los Angeles. She has the support of LA Mayor Antonio Villaraigosa and former State Senator Gloria Romero. She recently spoke to the Sacramento Bee’s editorial board and stated that Sacramento would be in a much better place if California allowed mayors to take control of schools. She is engaged to marry Sacramento Mayor Kevin Johnson who created a non-union charter high school in Sacramento.

The link below is the article she wrote for Newsweek on December 6, 2010.

<http://www.newsweek.com/2010/12/06/why-michelle-rhee-isn-t-done-with-school-reform.html>

### **Grassroots Parent Group**

Support CA Kids was founded in October, 2009 by Catherine Goddard and Marie Correa in response to budget cuts in Education over the last several years. Membership has grown to over 1,700 members, primarily in the Elk Grove area. Support CA Kids will be merging another new parent group of 568 members in San Francisco. The merged organization will take the name of the San Francisco group – Educate Our State.

The goal of these parents is to protect education funding and push for school reform through letter-writing campaigns to legislators and by making its presence felt around the Capitol. Of course, these goals and others are already being addressed by California State PTA which represents 6 million members throughout the state.

For more information on these newly formed parent groups, visit [www.supportcakids.com](http://www.supportcakids.com) and [www.educateourstate.org](http://www.educateourstate.org).

Also visit [www.capta.org](http://www.capta.org) for updates on the advocacy efforts of California State PTA.

Source: [www.sacbee.com/2011/01/02/3293459/support-kids.html](http://www.sacbee.com/2011/01/02/3293459/support-kids.html)

### **Links to articles well worth reading if you have the time:**

- **Stop Pretending: California's public schools are being asked to do more even as funding is cut. It can't be done. Editorial, Los Angeles Times - December 20, 2010**  
<http://www.latimes.com/news/opinion/editorials/la-ed-schools-20101220,0,2566331.story>
- Darrell Steinberg: Solving California's Jobs crisis. Op-Ed, LA Times – Jan 3, 2011  
<http://www.latimes.com/news/opinion/commentary/la-oe-steinberg-education-20101225,0,3381488.story>

### **FEDERAL**

#### **Federal Budget Update**

Congress has not yet passed a budget bill for federal fiscal year 2011, which began Oct. 1, 2010. Currently, most programs are being funded at 2010 funding levels through a temporary appropriations bill passed in late December. With the new Congress beginning its session, House Republicans are expected to call for budget cuts to 2008 spending levels for nondefense discretionary spending, which would represent a \$100 billion dollar reduction in spending. There is no indication yet regarding how these cuts would affect education.

#### **National Commission on Fiscal Responsibility and Reform**

President Obama created a bipartisan commission, the National Commission on Fiscal Responsibility and Reform, to study the nation's fiscal situation and make recommendations designed to balance the federal budget by 2015. The Commission released its report on December 1, 2010. The report calls for cuts to overall spending, with the majority of the initial cuts coming from discretionary spending in 2012, 2013, and 2014. The report recommends cuts to discretionary spending of 7.1% in 2012, 12.8% in 2013, 14.6% in 2014, with similar or greater cuts in years 2015 through 2020.

Although the report does not go into detail about how these cuts would impact specific programs, some analysts have concluded that the Commission's proposal would result in cuts to Title I spending of about \$2.1 billion in 2013, and cuts to funding for special

education of about \$1.7 billion in 2013. For more information about the Commission's report, please see the full report at [http://www.fiscalcommission.gov/sites/fiscalcommission.gov/files/documents/TheMomentofTruth12\\_1\\_2010.pdf](http://www.fiscalcommission.gov/sites/fiscalcommission.gov/files/documents/TheMomentofTruth12_1_2010.pdf)

### **U.S. Department of Education Releases Memo Regarding Best Practices of Bullying Policies**

On December 16, 2010, the U.S. Department of Education released a Technical Assistance memorandum outlining key components of strong state laws and policies regarding bullying. The memo was sent to state leaders, including governors, chief state education officers, and state education boards, with the intention that it would be used to help develop bullying legislation and policies in various states. California was included in the list of states with some form of bullying legislation, with specific mention of its legislation requiring schools to maintain written records of bullying incidents and their resolution. The Department of Education is also preparing a comprehensive summary of state anti-bullying laws and is conducting a study of how those laws are implemented. For more information about the federal bullying resources, see <http://www.bullyinginfo.org>, and to read the Technical Assistance Memo go to <http://www2.ed.gov/policy/gen/guid/secletter/101215.html>

### **Federal Task Force Invites Public to Submit Comments on Ways to Combat Bullying**

The Federal Partners in Bullying Prevention Task Force has begun accepting public submission of field-based best practices to combat bullying. The approved entries will be posted on the federal interagency bullying resources website at <http://bullyinginfo.org>, and can include a variety of materials from research articles to student-produced public service announcements. To submit practices and resources, please visit <http://www.findyouthinfo.gov/resourcesubmission.aspx>.