

CUCPTSA Legislation Newsletter – May 2010

LOCAL

CUSD Budget

Currently the CUSD budget deficit for the 2010/2011 school year is approximately \$34 million. The interim report submitted to OCDE in March was a self-qualified budget (meaning CUSD MAY NOT be able to meet its fiscal obligations) as the district must demonstrate fiscal solvency for the current and two subsequent school years. The CUSD Board of Trustees continues to attempt to identify the needed cuts from the 2010/2011 budget. The contract settlement negotiated with CUEA will have a significant effect on the budget.

In late February, CUSD staff held a budget workshop to review and examine core programs, determine priorities within the programs and activities, and look for ways to maximize efficiency. The results of the workshop were presented at the April 13 CUSD Board meeting and cost savings or revenue opportunities of \$5.5 to \$5.9 million were identified:

Business Division: \$2.3 M
Personnel/Insurance: \$0.3 M
Education Division: \$3.3 M

In addition, the Core programs to be preserved and maintained include:

- Academies (HS)
- Advanced Placement Programs
- Athletics Programs
- Co-curricular activities
- Elective programs
- IB programs
- Keeping all school sites open
- Music programs (including grades 4 and 5)
- Preservation of class size (Grade 1 will convert to similar class size of Grades 2 and 3)
- Preservation of teaching positions
- Sufficient administrative and support staff services on all sites to ensure safety and welfare of students

Negotiations (PTA REMAINS NEUTRAL AT ALL TIMES)

CUEA (Teachers) – On April 26, a tentative agreement was reached between CUSD and CUEA to address items in the resolution passed by the CUSD Board of Trustees on March 31. Changes to the resolution include:

- End Date: A three year contract – July 1, 2009 thru June 30, 2012
- Each party can re-open two Articles in 2011/2012
- Provides the ability to restore teacher compensation cuts based on revenue increases:
 1. CUSD must receive \$1.7 million in state funding above current projections (combination of more dollars per student and/or more students) to begin restoration of cuts.
 2. Teachers would receive 60% of the additional funds. First to be restored would be the furlough days which are student instructional days. One furlough day would be equivalent to an increase of \$35 per ADA, 650 more students, or a combination of the two.
 3. Salary and furlough days are restored when per-pupil funding in the district is \$5,484 (increase of \$500 over projection for next year).
- The maximum health benefit contribution rates for the POS (Point of Service) Plan will be based on the 2010 contribution rate instead of 2009

Ratification elections by CUEA members at school sites are scheduled for May 12 and 13.

CSEA (Classified Staff) – No updates.

Teamsters – No updates.

Furlough Days for 2009/2010:

May 28 – student instructional day
June 1 – student instructional day
June 11 – student instructional day
June 24 – non student instructional day

Furlough Days for 2010/2011:

September 2 – non student instructional day
September 7 – student instructional day; School will now begin September 8
November 1 – non student instructional day
February 17 – student instructional day
June 24 – non student instructional day

Superintendent Search Process

The CUSD Board of Trustees is working with a consultant firm (Hazard, Young, Attea, and Associates) to hire a permanent superintendent. In February, a timeline was established for this process. On April 16 an interview workshop was held for the trustees and a confidential slate of candidates was presented to the trustees. Interviews with the candidates were held the week of April 19 and interviews with two finalists were held the week of April 26. The finalist was identified and notified by the Board of Trustees on May 3, pending a visit to the finalist's home district and a reference check. The public announcement could be made at the May 11 Board meeting.

STATE**State Budget Update**

The projected state deficit for the upcoming fiscal year starting July 1st is approximately \$20 billion. While the state controller reported higher than expected revenues (\$3 billion) in the first three months of 2010, personal income tax revenues in April are lagging behind last year by \$3.6 billion wiping out the previous gain. This information will figure into the governor's May Revision of the 2010/11 Budget due on May 14. In his January proposal for 2010/11, the governor proposed cutting K-12 Education \$2.5 billion on top of cuts made in the current fiscal year.

California State Primary – June 8th

Candidates are competing in races for statewide offices, U.S. Senate and Congress, and county offices. Voters will also see five statewide propositions on the ballot. The general election will follow on November 2nd.

LAO Survey on School District Finance and Flexibility

The Legislative Analyst's Office (LAO) surveyed public school districts in California to see how they are responding to the current budget situation. In particular, they asked districts to report on the newly granted flexibility to shift funds among, as well as away from, approximately 40 state-funded categorical programs. The survey also asked districts to report how they were using federal stimulus funding. The LAO found that categorical flexibility is having a positive impact on local decision making and that the majority of districts generally appear to be using freed-up categorical funds to support core classroom instruction. Also, roughly two-thirds of the federal stimulus funds were used to minimize teacher layoffs and the remainder used to backfill reductions to categorical programs and makes various one-time purchases.

To provide more flexibility to school districts, the LAO recommends converting K-3 Class Size Reduction, Home-to-School Transportation (busing), and After School Programs into categoricals with complete flexibility. They also suggest merging the English Language Acquisition Program (ELAP) and Economic Impact Aid (EIA) into one categorical and consolidating five Career Technical Education (CTE) grants into one larger grant. Lastly, it is recommended that the Legislature consider removing restrictions on contracting out of services, hiring/paying of substitute teachers, school improvement activities, and mandated educational activities. The report is available at <http://www.lao.ca.gov/laoapp/PubDetails.aspx?id=2266>. A video summary is available at <http://www.youtube.com/watch?v=KP5jlonQct8>.

Lieutenant Governor sworn in

Senator Maldonado was sworn in on April 27th as the new lieutenant governor of California. Governor Schwarzenegger has called an August 17 special election to fill his seat in Santa Maria. That means a special primary will be held June 22 –two weeks after the June 8th statewide primary. Maldonado will be on the ballot in the June primary running for a full 4 year term.

Governance Reform

Assembly Member Mike Feuer (D-Los Angeles) and Senator Mark DeSaulnier (D - Concord) Chairs of the Assembly Select Committee on Improving State Government, recently announced a major package of reforms based on ideas from the bi-partisan, good government group California Forward.

Nothing would go into effect unless the Constitutional amendments were to pass. The Senate bills are a mirror image of the Assembly bills. Below are some of the highlights of this legislation package:

ACA 4 (Feuer) - As Amended: April 12, 2010

SUBJECT: Process, Legislative Process, and Local Government Finance

SUMMARY: This proposed Constitutional Amendment is the California Forward organization's proposed changes to the state budget and legislative processes. Specifically, this bill:

- 1) Implements a pay as you go system for the majority of legislation, the Governor's Budget, and initiatives;
- 2) Limits how one-time revenues could be expended;
- 3) Requires the Legislature to review state programs once every ten years;
- 4) Lowers the vote threshold for the budget to a majority;
- 5) Increases the vote threshold for fees when they are being used to fund a program, service, or activity that was previously funded by revenue from a tax to two-thirds;
- 6) Forfeits legislator pay, after June 25th, if the Legislature has not passed a budget;
- 7) Provides the Governor with mid-year cut authority if the Legislature does not act prior to the 45th day of a fiscal emergency;
- 8) Eliminates the ability of the state to redirect local property tax to schools;
- 9) Prohibits the state from reallocating any locally-imposed non-ad valorem tax or an assessment levied or imposed by a county, city, city and county, any special district, or any other local or regional governmental entity; and,
- 10) Defines a Countywide Strategic Action Plan as a plan developed by local agencies within a county to effectively use existing and new revenue to accelerate progress toward community goals. In a county where a plan is approved, this Constitutional Amendment would allow a county to increase the sales and use tax by up to 1-cent with a majority vote of the electorate.

ACA 4 has passed out of its first policy committee and is due to be heard on May 10th in the Assembly Budget Committee.

AB 2591 (Feuer) - As Amended: April 8, 2010

SUBJECT: State Budget and Legislative Reform

SUMMARY: This bill would amend statute to fully implement the budget reform provisions of ACA 4 (Feuer). This bill and ACA 4 constitute a state government reform package that is sponsored by the organization California Forward. Specifically, this bill:

- 1) Provides a statutory framework for the implementation of performance-based budgeting;
- 2) Creates the systematic program performance review by the Legislature; and,
- 3) Makes operational "pay-as-you-go" provisions contained in ACA 4.

This bill has passed out of its first policy committee and is due to be heard on May 10th in the Assembly Budget Committee.

AB 2272 – Education & Class Size (Block & Fletcher)

As a result of the state budget crisis, the penalties for exceeding an enrollment of 20 students per class in grades K-3 were reduced starting in 2008/09 (mid-year) and lasting through 2011/12. For example, a school district which raises class sizes over 25 students receives 70% of their CSR funding (or a penalty of 30%). Participating schools receive approximately an additional \$1,000 per student for each K-3 classroom with a pupil-student ratio of about 20:1. While the current penalty schedule is considerably more lenient than previous penalties, districts receive funding for no more than 20 students per classroom

AB 2272, co-sponsored by Marty Block (D) and Nathan Fletcher (R), creates a new penalty structure allowing districts which keep their classrooms at or below 24 students to retain full CSR funding. In exchange for this new flexibility, penalties for school districts exceeding 24 students per class will be significantly increased

Comparison of CSR Penalties

Class Size	Up to 2007-08 Old Penalty	2008-09 to 2011-12 New Penalty	2009-10 to 2011-12 AB 2272 Penalty
Up to 20.44	No penalty	No penalty	No penalty
20.45 to 21.44	20%	5%	No penalty
21.45 to 22.44	40%	10%	No penalty
22.45 to 22.94	80%	15%	No Penalty
22.95 to 24	100%	20%	No Penalty
24.1 to 25	100%	20%	50%
25.1 to 26	100%	30%	75%
26.1 to 32	100%	30%	100%

The purpose of the bill is to maintain CSR flexibility while still providing financial incentives for maintaining smaller class sizes. "In these difficult times, we must protect classroom funding by providing our schools with flexibility to address budget challenges," states Assembly Member Nathan Fletcher (co-author). "This legislation will keep classes small, save local school districts money and give teachers and administrators this needed flexibility."

The bill has been passed by the Assembly Education Committee and now heads to the Assembly Committee on Appropriations. California PTA has taken a position of "seeks amendments" with regard to this bill.

Other bills of interest

SB 955 - Huff

This legislation introduced by Senator Bob Huff would allow districts to lay off and transfer teachers based on effectiveness and subject need. Currently state law requires such employment changes to be made based on seniority. The bill would also allow school districts to notify teachers of layoffs by May 15, two months after the current deadline, allowing them to wait until budgets are finalized before making staffing decisions.

The proposal was debated in the Senate and Assembly Education Committees in April in an urgency hearing called by chairwoman Gloria Romero, D-Los Angeles, who supports the legislation. Advocates from all over California converged on the Capitol to voice opinions on education issues. Fiery debate on SB 955 — the main event for the day — raged for more than two hours while advocates on both sides argued over teacher layoff and dismissal policy.

Schwarzenegger and other supporters pointed to the effects of seniority-based layoffs at Markham in Los Angeles Unified as well as two other inner-city schools that lost 50 to 75 percent of their teaching staffs last year.

The schools are the subject of a lawsuit by the ACLU of Southern California, which claims the Los Angeles school district is violating students' constitutional right to a quality education by not adequately staffing classrooms.

(Courtesy of the Sac Bee)

This bill passed out of the Senate Education Committees and is currently in the Senate Rules Committee

SB 1381 (Simitian) Kindergarten: age of admission.

SUMMARY:

SB 1381 would change the date by which a child is required to be admitted to kindergarten at the beginning of the school year (or any time later in the school year) from December 2 of the year in which the child will have his or her 5th birthday to November 1 for the 2012-13 school year, October 1 of the 2013-14 school year, and September 1 for the 2014-15 school year and each year thereafter. A corresponding change for admittance to 1st grade would be made for a child having his or her 6th birthday during the year. The bill would also express the intent of the Legislature to appropriate one-half of the savings resulting from the bill's changes for the purposes of expanding the state's preschool system. The bill further states the intent of the Legislature that children aged four and five that are ineligible for kindergarten admission be allowed to participate in the state preschool program.

(Courtesy of the Senate Education Analysis)

This bill has passed out of both its first policy and first budget committee and has now been placed in the Senate Appropriations Suspense file.

Common Core Standards

The decision of whether California should join other states in adopting common-core standards in math and English will have a monumental impact on K-12 education. And yet neither the governor nor the Legislature has made any appointments to the 21-member commission that's supposed to make the recommendation on common core to the State Board of Education by July 15, which is less than three months away.

If California rejects common core in favor of keeping its current standards, then it will also be making the de facto decision not to join the \$350 million federally funded initiative to replace 50 states' standardized tests, like California's yearly STAR exams, with uniform assessments. For better or worse, California would go its own way while other states are banding together with common standards and tests. As part of its effort to improve its chances of winning Race to the Top money, the Legislature committed California to moving toward common-core adoption by Aug. 2, the federal deadline; in doing so, California scored extra points on its application. In the end, that didn't make much difference; California ranked 27th out of 40 states in the first round.

Role of Standards Commission

The Academic Standards Content Commission would compare California's standards with common core and decide which is better. If it basically liked common core, then, in line with federal guidelines, it could alter no more than 15 percent of them. The State Board of Education, once getting the commission's recommendation by July 15, must then vote the package up or down.

Teachers will have a strong voice. They must comprise at least half of the 21 members. Schwarzenegger will name 11 members; the Senate Rules Committee and Assembly Speaker John Perez each will name five. The common-core standards are still in draft form; with so much nationwide reaction to them, the final version has been delayed until May. Some of the issues that will be at play once the commission start its work:

Standards: Most states will benefit from the rigor of common core. But backers of California's current standards can argue that ours are already good, and new standards aren't worth the expenses of new textbooks, teacher training and tests.

The flash points in the debate of common core vs. California standards are over whether Algebra I should be taught in eighth grade and how demanding to make Algebra II. But the bigger question is whether common core, and accompanying curriculum guides, would improve the odds of students' academic success. Despite the state's rigorous standards, most students aren't ready for college or career by the time they graduate. If common core isn't worth adopting in total, then what pieces should be incorporated into the state standards?

Assessments: The future of the state's standardized tests isn't part of the commission's charge. But it inevitably will be part of the back-room discussions, and the fight promises to be heated.

Stanford School of Education Professor Linda Darling-Hammond is leading one of two groups that the federal Department of Education will pay \$160 million to devise new national year-end tests and formative assessments for teachers. Her consortium, called SMARTER BALANCED, and affiliated with SCOPE (Stanford Center for Opportunity Policy in Education), is promising more complex performance assessments that will downplay multiple choice exams they say lead to low-level learning and teaching to the test.

Defenders of the California State Standardized tests reject those criticisms and believe Darling-Hammond and others are over-promising. They also suspect that the performance assessments will unravel the federal government's commitment to high-stakes accountability for schools and districts.

Teachers who don't like the current state tests will favor Darling-Hammond's approach. If so, then common core is the way to get to it. Defenders of STAR will see killing common core as a way to uphold accountability.

(Excerpted from The Educated Guess article by [John Fensterwald](#) on April 21st, 2010)

Digital textbooks are coming!

Few high schools have yet to put them to use, but free digital textbooks keep on coming. There are now 27 textbooks, partly or completely aligned with state standards, with two more in the works, following completion last week of the second phase of textbook review by a state agency, the California Learning Resource Network (CLRN). All but one that went through the review process are math and science textbooks, primarily written by college professors. The exception is an outline of American history.

It'll be a few years before digital texts find their way into the classroom, but the first wave is coming and inexorable. And it's not just because these 27 are free. What's attractive are digital texts' flexibility and interactivity. Teachers can mix and match content – pick a chapter from one book and combine it with another to meet individual and groups of students' needs. Soon digital textbooks will incorporate videos and Internet links. And e-text readers – Apple's iPad, Amazon's Kindle – will be getting cheaper and more versatile. Gov. Schwarzenegger gave a big boost to digital texts a year ago with his Free Digital Textbook Initiative – an invitation to publishers to align their texts to state standards. Sixteen textbooks were rated for adherence to standards in the first round; four were updated and 11 new texts were added in the second.

Riverside Unified has taken the lead in California, with at least one class in every high school trying a digital textbook and reader out this year. Charter schools and private schools, unencumbered by lengthy approval processes, will be the other early adopters.

It's not surprising that districts haven't adopted digital texts yet, even though they could simply print and hand out copies of CK-12 Flexbooks and save thousands of dollars in textbook costs. Schwarzenegger launched his initiative too late for schools to incorporate the texts this year. And it will take at least three or four years for districts to study digital texts, train their teachers in using them and figure out how to make digital readers available to students.

The state or a private foundation could jump-start the process by underwriting the cost of creating teacher workshops for digital textbooks. Professional development by county offices of education for all 30 books could be done for a little more than \$500,000, according to CLRN Director Brian Bridges. The Legislature has frozen textbooks adoption for first through eighth grades for five years. Most districts don't have money to update textbooks anyway these days. That has created opportunities for publishers of open-source digital texts, like CK-12. Teachers with outdated physics books can download CK-12's chapters on nanotechnology, for example.

Bridges believes digital textbooks will replace printed texts when the next round of textbook adoption resumes, probably around 2017. And the behemoths of for-profit textbook industry, like Pearson Learning and Houghton-Mifflin, will be in the mix. They've learned the lessons of the music industry, Bridges says, and are already embracing, not fighting, digital texts. CK-12 and other electronic publishers are the catalysts behind a paradigm shift in learning.

(Excerpted from The Educated Guess article by [John Fensterwald](#) on May 6th, 2010)

PTA Advocacy

It has been a busy year for PTA advocacy efforts in our own school district and throughout the state through the "9 Million Reasons to Speak Up" campaign. Visit www.cucptsa.com, and www.capta.org throughout the summer to stay abreast of ongoing events.

FEDERAL

Race To The Top Update

The California Department of Education announced on April 30 that California will apply for up to \$700 million in federal funds during Phase 2 of the federal Race to the Top (RTTT) program. For this application, the state has

asked six school districts to take the lead in formulating a detailed reform plan for the application. The six districts are: Clovis Unified, Fresno Unified, Long Beach Unified, Los Angeles Unified, San Francisco Unified, and Sanger Unified. The Memorandum of Understanding (MOU) that documents the proposed reforms will be available mid-May for other districts to review. The RTTT Phase 2 application is due June 1, 2010.

Proposed Education Stimulus Fund

In December, the House passed an education stimulus fund that would provide billions of dollars nationwide to save education jobs. The Senate is currently considering a similar education stimulus bill, (Keep Our Educators Working Act, Harkin, S. 3206) that would provide \$23 billion dollars in federal stimulus funds to save and restore and estimated 300,000 jobs in K-12 schools. California would receive an estimated \$2.5 to \$3.0 billion if the bill passes. California State Superintendent of Public Instruction Jack O'Connell recently released a statement urging support for the proposed bill.

ESEA (Elementary and Secondary Education Act) Reauthorization Update

The U.S. Department of Education has released a series of documents containing research to support the administration's plan for ESEA Reauthorization. Those documents can be found at <http://www.ed.gov/blog/2010/05/research-behind-the-obama-administration%e2%80%99s-proposal-for-reauthorizing-the-elementary-and-secondary-education-act-esea/>.

Secretary of Education Arne Duncan spoke before the Council for Exceptional Children on April 21 to discuss the importance of aligning ESEA with the Individuals with Disabilities Education Act (IDEA), and measuring student growth in accountability systems. Duncan noted plans to develop alternative assessments for students with disabilities in a competition that will take place later this year.

Federal Budget Hearings

Secretary of Education Arne Duncan testified before the Senate Appropriations Subcommittee on April 14 to discuss the FY2011 proposed education budget. Duncan discussed the substantial budget cuts that schools districts are facing, and requested support for an education stimulus jobs fund as well as support for the administration's education programs. The webcast for this hearing can be viewed at <http://appropriations.senate.gov/webcasts.cfm?method=webcasts.view&id=089d3b21-5bc6-4f18-89bf-b3fccb2b981b/>