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SMALL SCHOOL DISTRICTS' ASSOCIATION

NEWSLETTER

Jerry Brown – The Once And Future Governor

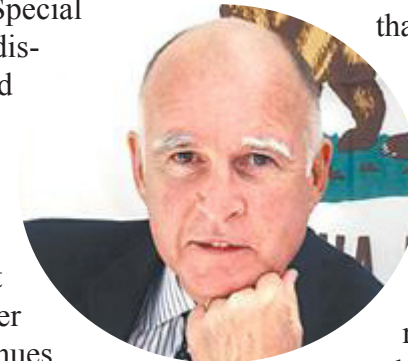
Submitted by: David Walrath - SSDA Legislative Advocate

Now that Attorney General Brown has been elected Governor, what are his positions on K-12 education finance, reform, governance and other K-12 issues?

Jerry Brown's positions and goals for major K-12 education issues:

The First Two Terms – 1975-1983

Jerry's first terms brought Serrano litigation compliance legislation, the Master Plan for Special Education, the authority for school districts to claim state mandate costs, and the funding model that helped CalSTRS reach full funding during the late 1990's.



School Finance:

Implement a simple pupil weighted formula based on specific needs of the students in the school district. The number of categories should be reduced to less than 20.

Extra funding should be provided for English Language Learners, low-income families and other obvious needs.

Complete flexibility for the base funding related to what the state expects students to know and be able to do.

They also brought a significant shift from local control to state control after Proposition 13, limits to state tax revenues equal to or greater than the budget effects from Schwarzenegger's cut of the vehicle license fee, and school district collective bargaining.

On top of the base grant will be a separate targeted amount to school districts based on identifiable needs. This new system would be phased-in over time.

Jerry Brown was Governor during historic school finance litigation and will start office with a historic school finance adequacy suit filed against the state and almost \$3 billion in unfunded state mandate claims from schools.

Charter Schools:

Bad charter schools need to be closed and the good ones need to be encouraged.


Charter school flexibility and innovative programs should also be made available to local schools and districts.

The Third Term – 2011-2015

The campaign website has the following as candidate

Continued on next page.....

New & Returning Members



District Members
Del Mar Union School District
King City Union School District
Mineral Elem. School District
Mountain Elem. School District
Warner Unified School District

Associate Members
KEMPER CPA
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Upcoming Webinars

On-line registration available at: www.ssda.org

All Webinars are archived for attendee's future reference

DEVELOPING AN EARLY RETIREMENT PLAN

Presented by: Bruce Smith - CALPRO
Monday, November 15, 2010
3:30 p.m. - 5:00 p.m.

PROPOSED STATE BUDGET FOR SCHOOL DISTRICTS

Presented by: David Walrath - SSDA Legislative Advocate
Wednesday January 12, 2011
1:30 p.m. - 3:30 p.m.

BUILDING THE LEADERSHIP TEAM & GOVERNANCE TEAM - 2 Part Webinar

Presented by: Al Sandrini
Kristy Garza - KMTG
Thursday, December 2 & 9, 2010
3:30 p.m. - 5:00 p.m.

SSDA EXECUTIVE COMMITTEE

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Governance and Curriculum:

Dramatically simplify the Education Code and give school districts more flexibility on how best to meet state standards.

Hold schools accountable for outcomes, not issue minute prescriptions from Sacramento on how to achieve those outcomes.

Create local and state initiatives to increase school focus on science, history and the humanities--without reducing needed attention to math and English.

Experiment with online and other instructional approaches that will use the available school time in more efficient ways.

Strengthen (STEM) teaching and increase the number of STEM graduates.

Developing good character and the skills of citizenship are fundamental to a democratic society and must be an integral part of what is taught in our schools.

Ensure teachers have effective means to maintain discipline in the classroom.

State Testing Program:

Tests should be reduced in scope and testing time, and results need to be provided to educators and parents far more quickly.

Year-end tests should be supplemented by very short assessments during the school year. The assessment goal should be to help the teachers, students and their families know where they stand and what specific improvements are needed.

Tests should not measure factoids as much as understanding.

Finally, state tests should be linked to college preparation and career readiness, but current tests were not designed to do this.

State Legislature Still Democratic

Governor-Elect Jerry Brown will be able to work with a solidly Democratic Legislature. Democrats picked up one Assembly seat to be at 52 to 28 in that body. They are just two members away from the magic 2/3 needed to override vetoes, pass taxes and place bonds and constitutional amendments on state ballots.

The State Senate essentially did not change and has 24 Democrats and 15 Republicans and one vacancy due to Senator Oropeza's death. After the Special Election to elect Senator Oropeza's replacement, they will be two members away from the 27 votes needed to reach 2/3 majority of the State Senate.

While the Attorney General race still is close, it appears that all statewide offices will be Democratic.

Tom Torlakson Elected Superintendent of Public Instruction

After a very close, hard-fought race, former State Senator and Assembly Member Tom Torlakson will succeed Jack O'Connell as the Superintendent of Public Instruction. Former school district superintendent, Larry Aceves, was unsuccessful in his bid for election to the non-partisan office. Tom Torlakson's major themes were adequacy of funding for public education; while Larry Aceves' major theme was education reform and improvement. Both candidates shared many of the same positions on the need for public education reform and funding, it was a question of emphasis between the two candidates.

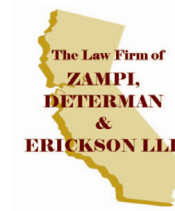
SSDA looks forward to working with Superintendent of Public Instruction-elect Torlakson on education funding and reform issues important to small school districts.



*Superintendent of Public Instruction
Tom Torlakson*

Districts Can Preclude Unions From Using District Mailboxes To Distribute The Union's Choice of Candidates For An Upcoming Election

Submitted by: Randy Erickson - Zampi, Erickson & Determan LLP



In *United Association of Conejo Teachers v. Conejo Valley Unified School District*, PERB Dec. No. 2054 (Conejo Valley), PERB recently upheld a board agent's dismissal of an unfair practice charge in which a union unsuccessfully contended that the district violated the EERA by prohibiting the distribution of union newsletters containing information on the union's political recommendations in district mailboxes. In that matter, the union attempted to place a newsletter it created into faculty mailboxes at the District. The newsletter contained, among other things, a list of candidates recommended by the Association for the upcoming school board and gubernatorial election. The District refused to permit the use of the District mailboxes, relying on Education Code section 7054(a), which states "no school district or community college district funds, services, supplies, or equipment shall be used for the purpose of urging the support or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the governing board of the district." The Association subsequently filed an unfair practice charge.

In upholding the dismissal of the charge, PERB found that it was not unlawful interference for a district to prevent the distribution of a union newsletter containing political endorsements in the district and agreed that such material is prohibited by Education Code section 7054(a). Relying on the decision in San Leandro Unified School District (2005) PERB Dec. No. 1772, PERB found that mailboxes do not fall under "services, supplies, or equipment" as the boxes were permanent fixtures to the building walls and did not require specialized maintenance or service. Finally, the Board found that the newsletter in question did not simply inform Association members, but was in effect an endorsement actively advocating on behalf of the candidates, and therefore, was prohibited by Education Code section 7054(a).

The Law Firm of Zampi, Determan & Erickson LLP is proud to be a new Platinum Member with the Small School Districts' Association. For the past 25 years, our primary practice has consisted of providing legal

services to school and college districts throughout the State of California. We also offer a special billing plan for our smaller district clients. For a nominal yearly fee based upon ADA, district officials have unlimited telephone access to our attorneys regarding all non-mandated cost matters. For matters eligible for mandated cost reimbursement (e.g., labor negotiations, defending grievances and unfair practice charges, contract administration, Brown Act issues, etc.), we bill at the mandated cost reimbursement rate (\$135.00 per hour). For all other matters that cannot be resolved in a telephone call, our rate is slightly higher. We believe you will find our rates to be among the most competitive in California, especially given the level of experience and quality of legal service provided.

Again, we are proud to be a new member of the Small School Districts' Association and look forward to working with its members in the future. If you have any questions or would like more information regarding our billing plan or the legal services that we offer, please call or e-mail Randy Erickson at (619) 231-9920 or at rerickson@zde-law.com.

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SSDA 2010 Accomplishments

David Walrath - SSDA Legislative Advocate



State - Successfully amended bills to provide exemptions for small school districts:

- AB 2560 exempted small school districts from the requirement to have voter approved bonds in order to be eligible for federal qualified school construction bonds which are tax credit low interest bonds.
- AB 635 dealing with requirements for roofing projects.
- SB 258 dealing with qualification requirements also exempted small school districts. The bill was held in committee.

Successfully amended SB 1381 to ensure continued funding for students affected by the bill.

The budget funding for prior mandates was allocated as a per ADA amount, this means small school districts that have been precluded from filing claims would still receive funding for those mandated costs. This has been a goal for SSDA for the past five years.

Successfully opposed allocating Tier 3 categorical funds based on current year average daily attendance. This would have severely hurt declining enrollment small districts.

The budget included provisions for waivers of revenue limit deferrals for those school districts that are most affected by cash flow problems, primarily small school districts and charter schools.

Successfully protected small school bus replacement from budget action that would have terminated the program.

Federal - SSDA was a founding sponsor for the Formula Fairness campaign regarding Title 1 Part A allocation formulas. The Formula Fairness campaign is working on a new Title 1 formula that would stop the number weighting allocation of new Title 1 funding. The number weighting methodology advantages large low poverty districts compared to small school districts.

SSDA actively participated in the lobbying the Cali-

fornia House of Representatives and the United States Senate for the federal EduJobs bill. The jobs bill was passed with the type of flexibility SSDA advocated.

SSDA is a cofounder of the National Rural Education Advocacy Coalition (NREAC) and continues to participate in Coalition activities regarding the reauthorization of the Elementary and Secondary Education Act (ESEA), the Child Nutrition program, as well as issues related to E-Rate and other federal programs. SSDA also is working with NREAC on opposition to the Administration's budget proposals that reduce formula grant funding and convert that funding into competitive grants.

SSDA is working with the national coalition for extending the Secure Rural Schools and Community Self-Determination Act which is scheduled to sunset in 2012.



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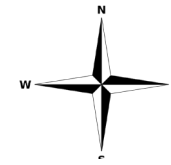
⇒ **Local Facility Funding Options**

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Can You Hope To Survive This Storm Without A Navigator?

Submitted by: Steve Lund - School Wise Press



To help you sail to success through these turbulent times, I would like to share some thoughts that have served me well. First, set your course deliberately. Second, check your compass. Third, get the help of a real navigator.

Set Your Course

I've known scores of superintendents in my time. While most knew what they wanted to accomplish each year, some only aimed to avoid controversy. These were the risk avoiders who aimed mainly to avoid an accident, a lawsuit, and labor strife, but they lacked intention, direction, and conviction. Hard times like these require not only that you know where you're going but that you prepare for controversy. Good superintendents do not aim to win popularity contests.

Get The Best Navigational Instruments and Learn How to Read Them

A good compass, in the hands of a good navigator, gets you safely to your destination. Good assessments, in the right hands, measure the progress of learning, but there are three ways you can go astray.

1. If your assessments aren't accurate, you can be rowing in the wrong direction. Inaccurate benchmark tests, for instance, can result from teacher-created items that are ambiguous, misaligned to texts, or out of sync with pacing plans. Even purchased benchmark programs (or free ones) can be grossly inaccurate.
2. If your assessments are accurate but you're interpreting them poorly, you can also veer off course. You may be scoring your benchmark results incorrectly, clustering results in the wrong way. You may be unaware of the degree of imprecision in a student's score that results from the standard error of measurement.
3. You may be failing to measure the factors that matter most. When students start school, do you know what they already have learned? Do you use diagnostic tests to help teachers understand why half of their eighth grade students are failing algebra by the time the first report card is issued? What are you doing to evaluate writing now that the fourth grade writing assessment is done?

If you don't know where you're starting from, how will you set a course that gets you quickly and safely to your destination? Unfortunately, instructional leaders often lack a navigational system to guide them. While accountability measures like the API can help you see where your schools and district are relative to state goals, this is only one measure. Superintendents should triangulate. To do this, you need two more points of reference. Assessment and analysis can help you pinpoint your location (a) relative to other schools and districts, and (b) relative to your own history.

Find a Seasoned Navigator to Help Triangulate

While I believe you should be a fair navigator yourself, I have always sought the guidance of the best navigators in town. Student success and the prudent use of time and resources are much too important to go it alone. I am pleased to now be part of a team of experts that is providing this expertise to small district leaders. We are the Owl Corps. I'm eager to share what we are doing to help small district leaders like you survive these turbulent times by putting assessment wisdom to work.



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Mid-Term Elections

Submitted by: David Walrath - SSDA Legislative Advocate



Mid-term elections are approaching and most major education issues will be deferred until the next Congress. The next Congress will be significant for California schools and particularly for small school districts. On the plate at the federal level:

facts of competitive grants for small and rural school districts. Small school districts do not have grant writers on staff which means there is no competitive equity. Shifting more federal funds into competitive grants places these districts at a disadvantage and provides larger school districts with a greater advantage for federal funding.

This problem is exacerbated if the competitive grant funds are carved out of existing formula grant funds. The effect of a carve out is that all districts have less funding. For small districts, "less of less" restricts their ability to offer quality programs. SSDA opposes shifting more resources into competitive grants, then both the "less of less" issue and the competitive equity issues need to be addressed.

Potential Requirement for All New Public Employees to be in Social Security

The Commission for Fiscal Responsibility and Reform (the President's deficit reduction committee) is considering recommendations to reduce future federal spending obligations and to increase federal revenues. One of the recommendations being considered is to require all new public employees to join Social Security. Because California educators are not currently required to be in Social Security, a new requirement would create significant costs for employers and employees. The new cost is estimated to be at least an additional four percentage points increase (from 8.25% to 12.25%) in the employer contribution to the California State Teachers' Retirement System, if current benefit levels are not reduced.

The SSDA Legislative Advocate has given testimony to the Commission and the House of Representatives Ways and Means Committee opposing a mandatory inclusion of California educators in Social Security.

Reauthorization of Secure Rural Schools and Community Self-Determination Act

This Act, at one time referred to as Forest Reserve, is very important to many small rural school districts and county offices of education.

Continued on next page.....

Reauthorization of Elementary and Secondary Education Act (ESEA)

The primary small school district issues are defining poverty through free and reduced cost meal support eligibility – this ensures that new Title I funding is not allocated through the number weighted formula – and continuing with expansion the Rural Education Achievement Program (REAP).

SSDA supports shifting the ESEA definition of poverty away from the current census poverty counts. This is because the census is done every ten years and is inaccurate for rural areas. Free and reduced cost meals eligibility, on the other hand, is verified annually and is on actual data rather than estimated data.

The current number weighted Title 1 formulas (the Education Finance Incentive Grant formula and the Targeted Assistance Grant formula) discriminate against small, high poverty school districts. SSDA supports all new Title 1 funds being allocated through the Basic Grant and the Concentration Grant formulas as these formulas do not discriminate against small high poverty school districts. Please visit www.formulafairness.com for more information on this issue.

The REAP has been a very successful program for small, rural school districts. It needs to be continued and expanded to more small districts with the minimum allocations being significantly increased. The minimums have not been adjusted since the last ESEA reauthorization.

Shifting Federal Funding From Formula Grants to Competitive Grants

SSDA has met with and appreciates the United States Department of Education for being sensitive to the ef-

.....Continuation from page 4

The Act provides funding to the schools in lieu of the revenues that would have been received from timber operations on federal lands. Because of federal forest management policies restricting timber harvests, without the Act's funding the schools and counties would be financially decimated. SSDA expects the Act's reauthorization to be an issue in the next Congress. The last reauthorization resulted in less money for a shorter period. The federal deficit problems will make the next reauthorization even more difficult.

Potential Effect of the Federal Deficit

Because of the federal deficit issues, federal education funding will be under a microscope. The last time the federal government addressed the deficit, they instituted

a three-year freeze on discretionary program funding. Additionally, the pay-as-you-go (paygo) requirements for either expenditure cuts or new revenue for funding increases will start pitting education programs against each other until the federal budget is brought under control. Maintaining and increasing small school district funding will be a challenge in this fiscal climate.

SSDA has an active federal advocacy program because of the need to influence federal policies and funding. The SSDA Legislative Advocate, the National Rural Education Advocacy Coalition, the forest Counties Coalition and other rural advocacy coalitions actively lobby Congress and the Administration to support small school district funding.

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