

SA2005RF0017

January 10, 2005

VIA PERSONAL DELIVERY

The Honorable Bill Lockyer
Attorney General
1300 I Street
Sacramento, CA 95814

Re: Request for Title and Summary- Initiative Statutory Amendment

Dear Mr. Lockyer:

Pursuant to Article II, Section 10(d) of the California Constitution and Section 9002 of the Elections Code, I hereby request that a title and summary be prepared for the attached initiative statutory amendment. Enclosed is a check for \$200.00. My residence address is attached.

Thank you for your assistance.

Sincerely,

Bonnie Garcia, Proponent

Enclosure: Proposed Initiative

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

SECTION 1. Title

This measure shall be known as the "More Money for the Kids Act."

SECTION 2. Findings and Declarations

- (a) California schools don't spend taxpayer dollars in a way that give children the best education possible. Too much money is wasted on bureaucracy.
- (b) School districts have too much administrative staff. More money should be spent in the classroom on kids.
- (c) On average, as much as 1/3 of every taxpayer dollar for education is diverted from the classroom, much of it into bureaucracy.
- (d) If parents and the public know how education dollars are being spent, school districts will be encouraged to spend them more efficiently.
- (e) The School Accountability Report Card was mandated by the voters in 1988 as part of Proposition 98. The report card requires disclosure of per pupil expenditures but that is usually available only on a district-wide basis, not on a school-by-school basis, and does not distinguish between expenditures for direct classroom instruction and bureaucratic overhead. This Act is intended to improve the School Accountability Report Card.

SECTION 3. Purpose and Intent

In enacting this measure, it is the intent of the people of the State of California to ensure that operating expenditures for elementary and secondary public education be focused to the greatest possible extent on supporting the actual in-classroom education of students, rather than on non-classroom administration, and that parents and the public have ready access to meaningful and informative information about how education funds are budgeted and spent in their local schools.

SECTION 4. Section 14.1 is hereby added to Article IX of the Constitution to read:

Beginning in the first full school year following the enactment of this section, each school district shall allocate and expend not less than 75 per cent of the total operating expenditures on direct classroom instruction. In each subsequent school year for five years, the minimum percentage shall increase by one percent, so that in the sixth year and thereafter, each school district shall allocate and expend a minimum of 80 per cent of the total operating expenditures on direct classroom instruction.

The State Board of Education shall prescribe regulations to implement this section to accomplish the purpose of enhancing support for direct classroom instruction and reducing non-classroom administrative overhead. The State Board of Education may grant waivers from the requirements of this section to recognize the special circumstances of small school districts and county offices of education and to deal with emergencies.

SECTION 5. Section 33126 of the Education Code is amended to read:

(a) The school accountability report card shall provide data by which a parent can make meaningful comparisons between public schools that will enable him or her to make informed decisions on which school to enroll his or her children.

(b) The school accountability report card shall include, but is not limited to, assessment of the following school conditions:

(1)(A) Pupil achievement by grade level, as measured by the standardized testing and reporting programs pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33.

(B) Pupil achievement in and progress toward meeting reading, writing, arithmetic, and other academic goals, including results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period.

(C) After the state develops a statewide assessment system pursuant to Chapter 5 (commencing with Section 60600) and Chapter 6 (commencing with Section 60800) of Part 33, pupil achievement by grade level, as measured by the results of the statewide assessment.

(D) Secondary schools with high school seniors shall list both the average verbal and math Scholastic Assessment Test scores to the extent provided to the school and the percentage of seniors taking that exam for the most recent three-year period.

(2) Progress toward reducing dropout rates, including the one-year dropout rate listed in the California Basic Education Data System or any successor data system for the schoolsite over the most recent three-year period, and the graduation rate, as defined by the State Board of Education, over the most recent three-year period when available pursuant to Section 52052.

(3) Estimated operating expenditures per pupil and types of services funded for the individual school itself and the average for the district, a summary of the budget for operating expenditures for the school, broken into types of services and programs, with a separate category for direct classroom instruction at the school and the school district and a subcategory of salary expenditures, broken out by category of teachers, teachers aides, administrative staff and other employees at the school, and a summary of total operating expenditures and how the funds were

expended on the same services and programs, and for direct classroom instruction, in the previous school year. The intent is to make available budget and expenditure information that is school specific and is both informative and easily understood by parents, teachers and the public. School districts shall supply sufficient school specific budget information to each school to comply with this intent.

(4) Progress toward reducing class sizes and teaching loads, including the distribution of class sizes at the schoolsite by grade level, the average class size, and, if applicable, the percentage of pupils in kindergarten and grades 1 to 3, inclusive, participating in the Class Size Reduction Program established pursuant to Chapter 6.10 (commencing with Section 52120) of Part 28, using California Basic Education Data System or any successor data system information for the most recent three-year period.

(5) The total number of the school's fully credentialed teachers, the number of teachers relying upon emergency credentials, the number of teachers working without credentials, any assignment of teachers outside their subject areas of competence, misassignments, including misassignments of teachers of English learners, and the number of vacant teacher positions for the most recent three-year period.

(A) For purposes of this paragraph, "vacant teacher position" means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

(B) For purposes of this paragraph, "misassignment" means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

(6)(A) Quality 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.

(B) The availability of sufficient textbooks and other instructional materials, as defined in Section 60119, for each pupil, including English learners, in each of the following areas:

(i) The core curriculum areas of reading/language arts, mathematics, science, and history/social science.

(ii) Foreign language and health.

(iii) Science laboratory equipment for grades 9 to 12, inclusive, as appropriate.

(7) The availability of qualified personnel to provide counseling and other pupil support services, including the ratio of academic counselors per pupil.

(8) Availability of qualified substitute teachers.

(9) Safety, cleanliness, and adequacy of school facilities, including any needed maintenance to ensure good repair as specified in Section 17014, Section 17032.5, subdivision (a) of Section 17070.75, and subdivision (b) of Section 17089.

(10) Adequacy of teacher evaluations and opportunities for professional improvement, including the annual number of schooldays dedicated to staff development for the most recent three-year period.

(11) Classroom discipline and climate for learning, including suspension and expulsion rates for the most recent three-year period.

(12) Teacher and staff training, and curriculum improvement programs.

(13) Quality of school instruction and leadership.

(14) The degree to which pupils are prepared to enter the workforce.

(15) The total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per school year required by state law, separately stated for each grade level.

(16) The total number of minimum days, as specified in Sections 46112, 46113, 46117, and 46141, in the school year.

(17) The number of advanced placement courses offered, by subject.

(18) The Academic Performance Index, including the disaggregation of subgroups as set forth in Section 52052 and the decile rankings and a comparison of schools.

(19) Whether a school qualified for the Immediate Intervention Underperforming Schools Program pursuant to Section 52053 and whether the school applied for, and received a grant pursuant to, that program.

(20) Whether the school qualifies for the Governor's Performance Award Program.

(21) When available, the percentage of pupils, including the disaggregation of subgroups as set forth in Section 52052, completing grade 12 who successfully complete the high school exit examination, as set forth in Sections 60850 and 60851, as compared to the percentage of pupils

in the district and statewide completing grade 12 who successfully complete the examination.

(22) Contact information pertaining to any organized opportunities for parental involvement.

(23) For secondary schools, the percentage of graduates who have passed course requirements for entrance to the University of California and the California State University pursuant to Section 51225.3 and the percentage of pupils enrolled in those courses, as reported by the California Basic Education Data System or any successor data system.

(24) Whether the school has a college admissions test preparation course program.

(25) When available from the department, the claiming rate of pupils who earned a Governor's Scholarship Award pursuant to subdivision (a) of Section 69997 for the most recent two-year period. This paragraph applies only to schools that enroll pupils in grade 9, 10 or 11.

(c) If the Commission on State Mandates finds a school district is eligible for a reimbursement of costs incurred complying with this section, the school district shall be reimbursed only if the information provided in the school accountability report card is accurate, as determined by the annual audit performed pursuant to Section 41020. If the information is determined to be inaccurate, the school district is not ineligible for reimbursement if the information is corrected by May 15.

(d) It is the intent of the Legislature that schools make a concerted effort to notify parents of the purpose of the school accountability report cards, as described in this section, and ensure that all parents receive a copy of the report card; to ensure that the report cards are easy to read and understandable by parents; to ensure that local educational agencies with access to the Internet make available current copies of the report cards through the Internet; and to ensure that administrators and teachers are available to answer any questions regarding the report cards. Budgets for each school district and school and the report under subdivision (b)(3) shall be filed with and subject to audit by the State Controller.

(e) For purposes of this section, section 33128 and Article 14.1 of the Constitution, expenditures for "direct classroom instruction" shall include only "instruction" and "support services-instruction" as these terms are defined in Financial Accounting for Local and State School Systems, 2003 Edition, U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, NCES 2004-318 at pages 121 and 122, and "operating expenditures" as used in this section, section 33128 and Article 14.1 of the Constitution shall be as defined on page 69 of NCES 2004-318. Qualifying expenditures for direct classroom instruction must include only personnel and other expenses that take place at school sites. School materials and related expenses that are provided by district staff who do not work regularly at a school site may not be counted in this total unless those expenditures are incurred at the discretion of and upon the written request of the principal of a school or his or her designee.

SECTION 6. Section 33128 of the Education Code is amended to read:

(a) The standards and criteria to be adopted by the State Board of Education pursuant to Section 33127 shall include, but not be limited to, comparisons and reviews, including appropriate methods of projection, of all of the following:

(1) Average daily attendance.

(2) Revenues and current expenditures-, with school specific enumeration of operating expenditures broken down by services and programs, including a detailed breakdown of support for direct classroom instruction, in the same manner as required in the school accountability report card pursuant to section 33126(a)(3) and (e).

(3) Reserves and fund balance.

(4) Multiyear commitments, including cost-of-living adjustments.

(b) In addition to the requirements of subdivision (a), the standards and criteria to be adopted by the State Board of Education pursuant to Section 33127 shall include, but not be limited to, all of the following:

(1) Clear definitions and guidelines for positive, qualified, and negative interim financial certifications pursuant to Sections 42130 and 42131.

(2) District financial health indicators to provide a comprehensive review and assessment of the financial condition of districts and to help identify districts that are developing financial problems before the problems become severe. The indicators shall take into account issues including, but not limited to, all of the following:

(A) Increasing or decreasing balances available for general purposes and general purpose reserve size relative to the standard for the district.

(B) Long-term commitments for rates of increase in significant cost centers that are more or less than current revenue growth rate projections, including the projected cost change of the workforce taking into account the progression of newer hires and existing staff through the salary schedule and likely turnover, and all compensation for the superintendent of the school district and executive positions reporting directly to the superintendent of the school district.

(C) Use of one-time revenues for ongoing costs.

(D) Use of ongoing revenues for one-time costs.

(E) Appropriate recognition and amortization of future commitments including any district-

created benefit program.

(F) Facilities maintenance funding adequate to preserve functionality of facilities for their normal life.

SECTION 7. Conflicting Ballot Measures

In the event that this measure and another measure or measures relating to the allocation and reporting of school funds shall appear on the same statewide election ballot, the provisions of the other measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measures shall be null and void.

SECTION. 8. Severability

If any provisions of this act, or part thereof, are for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions are severable.

SECTION. 9. Amendment

Sections 5 and 6 of this measure may be amended to further their purposes by a bill passed by a two-thirds vote of the membership of both houses of the Legislature and signed by the Governor, provided that at least 14 days prior to passage in each house, copies of the bill in final form shall be made available by the clerk of each house to the public and the news media.