

August 23, 2006

To: Board Members
From: Tom Bishop
Subject: Review of Board Policy section 6000 (Instruction)

The Superintendent congratulates the Board of Trustees for their successful effort to complete the comprehensive review and revision of all Board policies. Currently the Board has only one board policy section (Instruction) left to review. The Superintendent is seeking two Board members to work with Janet Bernard, Trish Snider, and the Superintendent and complete the review of the 6000 series.

The District has scheduled a meeting with two Board members to review the 6000 series for Friday, October 6 from 1:00-3:00 p.m. OR Tuesday, October 10.

The Superintendent appreciates the dedication of the entire Board of Trustees, as well as the effort of the two Board members who will volunteer to help us review Board policy section 6000.

August 23, 2006

To: Board Members
From: Tom Bishop
Subject: Revised 1st Reading for Board Visitations to sites during the 2006/2007 school year.

Board members will notice that the dates on the attached Visitation Schedule are all Mondays and that the time for the visitations has been shifted to 12:30 p.m. We made the time change to give the Board an opportunity to visit the afternoon program at each site.

If the Board wants to schedule its visitations at 8:30 a.m., then the visitation dates will change to:

*October 10
November 7
December 5
February 6
March 6
April 3
May 15*

RECOMMENDED: Informational Item Only. No Action Required.

***Del Mar Union School District
Board of Trustees
2006/2007 School Site Visitation Schedule***

***** All visitations begin at 12:30 p.m. *****

October 9, 2006	Sycamore Ridge, Emily Disney, Principal
November 6, 2006	Ashley Falls, Shelley Petersen, Principal
December 4, 2006	Sage Canyon, Peg LaRose, Principal
February 5, 2007	Carmel Del Mar, David Jones, Principal
March 5, 2007	Del Mar Hills Academy, Laurie Francis, Principal
April 2, 2007	Del Mar Heights, Wendy Wardlow, Principal
May 15, 2007	Torrey Hills, Gary Wilson, Principal

August 23, 2006

To: Board Members
From: Tom Bishop
Subject: 2nd Reading and Board Approval, Board Policy 3550: Food Service/Child Nutrition Program

The Del Mar Union School District is mandated by the Federal Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265, section 204) to establish a Wellness Policy.

On June 28, 2006, the Board reviewed draft Board Policy 3550 (Food Service/Child Nutrition Program). The draft was reviewed by the District's mandated Wellness Committee back in June, and is recommended for approval tonight. Draft Board Policy 3550 aligns with the actions of the Board on July 24 in approving new Board Policy 5030 (Student Wellness) and also authorizing the District to enter into Agreement with the California Department of Education to participate in the National School Lunch Program. After Board Policy 3550 is approved, a copy will be sent to the California Department of Education.

RECOMMENDED: Superintendent recommends that the Board adopt Board Policy 3550 (Food Service/Child Nutrition Program)

*6.3

**DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NONINSTRUCTIONAL OPERATIONS**

BOARD POLICY 3550: FOOD SERVICE/CHILD NUTRITION PROGRAM

The Governing Board recognizes the important connection between a healthy diet and student's ability to learn effectively and achieve high standards in school. The board also acknowledges that schools play a vital role in childhood nutrition and fitness, and as part of the larger community, schools have a responsibility to promote family health and provide a strong foundation for children's future health and well being. To reinforce the district's nutrition education program, foods and beverages available through any district's food service program shall:

- *Be carefully selected as to contribute to students' nutritional well being.*
 - *Meet or exceed nutritional standards specified in law and administrative regulations.*
 - *Be prepared in ways that will appeal to students, retain nutritive quality, and foster lifelong healthful eating habits.*
 - *Be served in age-appropriate portions.*
 - *Be sold at reasonable prices and make no impact on the general fund.*
1. *The Superintendent or designee shall develop strategies designed to encourage the participation of students and parents/guardians in the selection of foods of good nutritional quality for school menus.*
 2. *The Board desires to provide students with adequate time and space to eat meals.*
 3. *The Superintendent or designee shall periodically review the adequacy of school facilities for eating and serving food. School cafeterias shall comply with the sanitation and safety requirement of the California Uniform Retail Food Facilities Law as set forth in Health and Safety Code 113700-114455.*
 4. *The Superintendent or designee will ensure that food service personnel receive nutrition education and utilize safe food handling techniques.*
 5. *The Superintendent or designee shall develop strategies designed to encourage the participation of students and parents/guardians in the selection of foods of good nutritional quality for school snacks, lunches, celebrations, and curriculum activities involving food.*

6. *The Superintendent or designee shall annually report to the Board regarding the district's compliance with state and federal nutrition standards for foods and beverages.*

Legal Reference:

EDUCATION CODE

38080-38103 Cafeteria, establishment and use
 45103.5 Contracts for management consulting services; restrictions
 49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001
 49490-49493 School breakfast and lunch programs
 49500-49505 School meals
 49510-49520 Nutrition
 49530-49536 Child Nutrition Act
 49540-49546 Child care food program
 49547-49548.3 Comprehensive nutrition services
 49550-49560 Meals for needy students
 49565-49565.8 California Fresh Start pilot program
 49570 National School Lunch Act

HEALTH AND SAFETY CODE

113700-114455 California Uniform Retail Food Facilities Law

CODE OF REGULATIONS, TITLE 5

15510 Mandatory meals for needy students
 15530-15535 Nutrition education
 15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769h School lunch programs, including:
 1751 Note Local wellness policy
 1771-1791 Child nutrition, especially:
 1773 School breakfast program

U.S. CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program
 220.1-220.21 National School Breakfast Program

August 23, 2006

To: Board Members
From: Trish Snider
Through: Tom Bishop
Subject: Second Reading and Board Approval for Board Policy 6142.7:
Physical Education

Board Policy 6142.7 was presented for a first reading at the May 24, 2006, Board Meeting. This evening the policy is being presented to the Board for a second reading and final approval.

The language was changed in bullet #4 as recommended by the Board at the June 28 meeting.

The administrative regulations for policy 6142.7 developed as part of the work plan for the 2006-07 Physical Education Action Team.

FISCAL IMPACT: N/A

RECOMMENDED: The Superintendent Recommends Approval of Board Policy 6142.7

*6.4

**DEL MAR UNION SCHOOL DISTRICT
INSTRUCTION**

BOARD POLICY 6142.7: PHYSICAL EDUCATION

PHYSICAL EDUCATION

The Governing Board recognized the positive benefits of physical activity for student health and academic achievement. The Board desires to provide a physical education program that gives students the opportunities to engage in healthful levels of vigorous physical activity that promotes and develops the student's physical, mental, emotional, and social well being. In addition, the physical education program builds interest and proficiency in movement skills and encourages students' lifelong fitness through physical activity. Besides promoting high levels of personal achievement and a positive self-image, physical education activities should teach students how to cooperate in the achievement of common goals.

1. The Board shall approve the components of the fitness-based physical education program to develop muscular strength, cardiovascular endurance, and flexibility. The program will include a variety of age appropriate physical activities that focus on the development of basic skills and cooperative play.
2. The Superintendent or designee shall develop effective implementation strategies district-wide to achieve mandated P.E. requirements reflected in State Standards.
3. Appropriate alternative activities shall be provided for students with a physical disability or medically diagnosed health limitations that may restrict excessive physical activities.
4. Physical education staff shall appropriately limit the amount or type of physical exercise required of students during air pollution episodes, hot weather or other inclement conditions.
5. The Superintendent or designee may grant temporary exemption from physical education if the student is ill or injured, unless a modified program to meet his or her needs can be provided.

Legal References on next page

Board Policy 6142.7: Presented to the Board of Trustees for a 2ND Reading and Board Approval, August 30, 2006

Legal Reference:EDUCATION CODE

- 33350 CDE responsibilities re: physical education
- 49066 Grades; physical education class
- 51210 Course of study, grades 1-6
- 51220 Course of study, grades 7-12
- 51222 Physical education
- 51223 Physical education, elementary schools
- 51241 Temporary or permanent exemption from physical education
- 51242 Exemption from physical education for athletic program participants
- 52316 Excuse from attending physical education classes
- 60800 Physical performance test

CODE OF REGULATIONS, TITLE 5

- 1041-1046 Physical performance test
- 3051.5 Adapted physical education for individuals with exceptional needs
- 10060 Criteria for high school physical education programs

UNITED STATES CODE, TITLE 29

- 794 Rehabilitation Act of 1973, Section 504

ATTORNEY GENERAL OPINIONS

- 53 Ops. Cal. Atty. Gen. 230 (1970)

August 23, 2006

To: Board Members

From: Tom Bishop

Subject: Board Approval, Del Mar Union School District's Uniform Complaint Quarterly Report for April 1, 2006 – June 30, 2006

As the Board is aware, the governing boards of school districts in California are now required to review and approve the District's quarterly report of complaints regarding instructional materials, facilities and teacher staffing.

Attached for your approval is the second quarterly report of 2006 prepared for the period of April 1 through June 30, 2006. No complaints have been received for this period.

The San Diego County Office of Education has created a link on their website for school districts to electronically report the required information, and the Del Mar School District has completed the reporting process for the quarter specified here.

The Superintendent recommends approval of the District's quarterly report as presented.

RECOMMENDED: The Superintendent Recommends Approval of the Del Mar Union School District's Uniform Complaint Quarterly Report for April 1, 2006– June 30, 2006

*6.5

QUARTERLY UNIFORM COMPLAINT REPORT SUMMARY

For submission to Board of Trustees and San Diego County Office of Education

District Name: Del Mar Union School District

Quarter covered by this report: April 1 – June 30, 2006

Please fill in the following table. Enter 0 in any cell that does not apply.

	Number of Complaints received In quarter	Number of Complaints resolved	Number of Complaints unresolved
Instructional Materials	0	0	0
Facilities	0	0	0
Teacher Vacancy and Misassignment	0	0	0
Totals:	0	0	0

Submitted by: Sherry Forte

Title: Exec. Asst. to the Superintendent

SDCOE Williams Settlement
Quarterly Complaint Summary
ADD a new summary record

District Number :

Quarter to Add:

Please fill in the following table. Enter 0 in any cell that does not apply.

Number of Complaints for Quarter			
	Received	Resolved	Unresolved
Instructional Materials	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>
Facilities	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>
Teacher Vacancy and Misassignment	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>

Submitted By:

Title:

Add Quarter Record

Williams Compliant Summary SDCOE Services

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The Complaint Summary Record has been added.

August 23, 2006

To: Board Members
From: Trish Snider
Through: Tom Bishop
Subject: Approval of Interdistrict Attendance Agreement Between the Del Mar Union School District and the Districts Listed Below

Interdistrict Attendance Agreements must be approved by the Board of Trustees in order for students residing in the Del Mar district to attend schools in other districts, and for students residing in other districts to attend Del Mar schools. This is a routine countywide procedure. The District administration is asking for Board approval of Interdistrict Attendance Agreements between the Del Mar Union School District and the following school districts for the 2006-2007 school year.

Cardiff School District
Carlsbad Unified School District
Encinitas Union School District
Escondido School District
Jamul-Dulzura School District
La Mesa-Spring Valley School District
Oceanside Unified School District
Poway Unified School District
San Diego Unified School District
San Marcos Unified
Santee School District
Solana Beach School District
Vista Unified School District

FISCAL IMPACT: There will be no fiscal impact.

RECOMMENDED: The Superintendent Recommends Approval of the School year 2006-2007 Interdistrict Attendance Agreement Between School Districts.

*6.6

August 23, 2006

To: Board Members

From: Tom Bishop

Subject: Acceptance, Education Technology State Grant

Recently the District was notified that we are eligible for a small (\$1,553) Educational Technology State Grant (Award Number S318X050005). One of the conditions of this grant is that we spend at least 25% of the grant proceeds on “ongoing, sustained, and intensive high quality professional development in the integration of advanced technologies into curriculum and instruction...”

The Superintendent recommends that the Board accept this grant and follow the requirements and assurances that come with the grant.

RECOMMENDED: For Information Only; No Action is Required

August 23, 2006

To: Board Members

From: Tom Bishop

Subject: Board Approval of Study Team to Review the Impacts of Current Practice that Allows Sites to Purchase Enrichment Staffing that Exceeds Board Approved Equity Formula

On July 24, the Board directed staff to remove proposed 06/07 Objective 7.2 from the 06/07 Goals and Objectives, and to bring the item back as a "stand alone item".

Tonight the District administration is proposing that the Board approve the concept of a Study Team to review the impacts of the current practice that allows sites to purchase enrichment staffing that exceeds the District equity formula guided by the Board's equity policy. Staff suggests that the Study Team be composed of 14 members, and that seven members be parents and seven members be staff members. One of the staff members will be a Principal or an Assistant Principal. Principals will be asked to forward the names of interested parents and staff to the Superintendent by October 1st, with the first meeting of the Study Team to be scheduled for October 15.

The District wants the Study Team to gather information about the short term and long term impacts (positive and negative) of the current practice, and develop a written report to the Board of Trustees that describes both the positives and negatives of the current practice. The Study Team report will be forwarded to the Board of Trustees who may direct staff to take appropriate action, depending on Board direction.

The administration will ask the Study Team to deliver its report by February 15.

The Superintendent recommends that the Board approve the establishment of a Study Team to review the positives and negatives associated with the current practice of allowing sites to purchase enrichment staffing that exceeds the District equity formula.

FISCAL IMPACT: None. It is anticipated that the Study team will be composed of volunteers.

August 23, 2006

To: Board Members

From: Tom Bishop

Subject: November 7, 2006 School Board election

The following individuals have completed the filing process for the November 7, 2006 School Board election:

Annette Easton, Current Trustee

Steven McDowell, Financial Officer/Parent

Martha Murphy, Community Volunteer

Barbara Myers, School Board president

Katherine White, Retired Executive/Parent

Good luck to all candidates on November 7, 2006

RECOMMENDED: For Information Only; No Action is Required

August 23, 2006

To: Board Members

From: Tom Bishop

Subject: Approval, Change in date of March 2007 Board meeting

During the final months of the 05/06 school year, staff searched for a location to hold the 06/07 District Music Festival which is one of the highlights of the entire school year. More than five hundred choral and band students from all sites attend this event, as well as one or two parents of each student. We have used the auditorium at Carmel Valley Middle School in the past two years, but the program continues to attract more students and parents.

During the summer, staff located a very large room at the Del Mar Fairgrounds that has the capacity to meet our needs for performance space, audience space, and parking. Staff scheduled the 2007 Music Festival for Wednesday night, March 28, which is also the date of the regular March school board meeting.

By changing the date of the March 28 Board meeting to March 27, the Board and District staff will be able to attend the 2007 Music Festival.

RECOMMENDED: Superintendent recommends that the date of the March 2007 Board meeting be changed from March 28 (Wednesday) to March 27 (Tuesday).

August 23, 2006

To: Board Members

From: Tom Bishop

Subject: Resolution 2006-20 in opposition to AB 1381 (Nunez)

Attached is a Board resolution in opposition to AB 1381 (Nunez) that would undermine the locally elected school board of the Los Angeles Unified School District (LAUSD) by creating a costly and confusing bureaucracy that would shift authority to the mayors of 27 cities that are within the boundaries of the LAUSD. If signed into law, AB 1381 will establish a confusing management and administrative structure that would reduce, instead of increase accountability.

Also attached are articles from CSBA and ACSA that urge the defeat of AB 1381.

Superintendent recommends that the Board approve Resolution 2006-16 which opposes AB 1381

**RESOLUTION 2006-20 OF THE BOARD OF TRUSTEES OF THE DEL MAR
UNION SCHOOL DISTRICT OPPOSING AB 1381**

WHEREAS, locally elected boards of education are committed to ensuring student achievement and success through the uniquely American tradition of local school governance; and

WHEREAS, local boards of education are the accountable point of contact between the schools and the communities they serve; and

WHEREAS, Assembly Bill 1381 (Nunez) would disenfranchise voters, families, and whole communities by stripping away authority from the locally elected school board; and

WHEREAS, AB 1381 contains the twin evils of more bureaucracy and less accountability because it would specifically take away authority from the Los Angeles Unified School District board and divide it up among four different authorities---the LAUSD governing board, the mayor, a superintendent whose appointment would be subject to approval by the mayor, and a Council of Mayors; and

WHEREAS, under AB 1381, authority for budgets, fiscal management, collective bargaining, personnel decisions and facilities would be split among all four authorities---creating a bureaucratic nightmare that the editors of the Los Angeles Times described as convoluted and "would lead to more confusion and less accountability"; and

WHEREAS, AB 1381 disregards the state Constitution, which says that no school shall be, directly or indirectly, transferred from the public school system or placed under the jurisdiction of any authority; and

WHEREAS, AB 1381 would set a dangerous precedent for school boards throughout California because it would signal a green light for other mayors to vie for control of their locally elected school board;

NOW, THEREFORE BE IT RESOLVED that Board of Trustees of the Del Mar Union School District opposes AB1381 because it would seriously erode the authority of the locally elected school board and greatly diminish opportunities for meaningful parent and community input into local school policy-making.

PASSED AND ADOPTED by the Governing Board of the Del Mar Union School District at Del Mar, California, on the 30th Day of August, 2006, by the following vote:

AYES: _____
NOES: _____
ABSENT: _____
ABSTENTIONS: _____

STATE OF CALIFORNIA)
) SS.
COUNTY OF SAN DIEGO)

I, Linda Crawford, Clerk of the Governing Board of the Del Mar Union School District of San Diego County California, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by said board at the regularly scheduled and conducted meeting held at the time and place stated, which resolution is on file and of record in the office of said board.

Linda Crawford, Clerk of the Board of Trustes



What's At Stake?

HELP STOP AB 1381 - THE LAUSD TAKEOVER BILL!

CSBA believes that AB 1381 sets a bad precedence for school governance that will harm, not improve student achievement. This bill is about who should make decisions regarding school district governance, not what decisions are made. Further recent amendments only add to the diffusion of accountability and make the bill more complicated raising further questions as to how it will be possible to implement such a governance scheme. The bill will result in the following:

It would reduce-not increase-accountability. Under AB 1381, LAUSD would be governed by a four-headed Hydra consisting of the elected governing board, a superintendent whose appointment would be subject to approval by the mayor, the mayor himself, and a Council of Mayors. Authority for the approval of budgets, fiscal management, collective bargaining, personnel decisions, facilities, and other matters would be split among the four heads. In addition, a fifth entity, "The Los Angeles Mayor's Community Partnership for School Excellence," (Community Partnership) would have "oversight" over three clusters of schools. Recent amendments interject a new role for a sixth entity, the Los Angeles County Superintendent who would be responsible for authorizing the partnerships and withdrawing that authorization if they find certain conditions exist.

All of this would result in a complex spider's web of administrative and managerial confusion in which accountability would be blurred at best and nonexistent at worst. It's no wonder the Los Angeles Times concluded that "this deal spreads responsibility so thin that it's hard to know who has it." Under AB 1381, the district would become a virtual Petri dish for passing the buck.

It shuts the public out of input and review of the details of the district budget.

Recent amendments to the bill state that the budget prepared and presented to the board and council of mayors can be no more detailed than fund, resource code and major object code level. Previously the limitation was placed on what the board could adopt,

but not the information provided to the board. This establishes a policy of prohibiting public disclosure and discussion of how taxpayer dollars will be spent in support (or not) of specific district services, program and priorities.

It allows mayors to sidestep liability for their actions. The bill specifically assigns liability for the actions and decisions of the Council of Mayors and Partnership to the district. This bifurcation of authority and responsibility allows the council of mayors and the Mayor's Partnerships to have the authority and influence on the operation of schools but allows them to pass the buck when it comes to being responsible for their actions.

It disenfranchises families and voters. By stripping authority away from the elected school board, voters will have their voices weakened. The bill establishes a council of mayors that must ratify all decisions regarding the hiring and firing of the district superintendent. Amendments that were accepted by the author, though they are not in print yet, adopt a convoluted approach to how this would work by requiring approval of 90 percent of the vote of the council. With votes proportional to each city's population in LAUSD, the Los Angeles mayor with 80 percent of the vote would have significant control over the council, but be required to have get the support of at least a few of the other mayors to act. This is a weak substitute for true representation.

It would disrupt a six-year trend of impressive student gains in LAUSD. Contrary to conventional wisdom and much of the rhetoric surrounding this issue, LAUSD has outperformed not only other urban districts in California but the state as a whole in terms of improvements on the state's Academic Performance Index. LAUSD has achieved these impressive results despite serving a student population that has higher risk factors than students elsewhere in California, such as increased homelessness, poverty, hunger, undiagnosed and/or untreated health problems, and a greater likelihood to be English language learners. The changes contained in AB 1381 are likely to be highly disruptive and run the risk of slowing—or even reversing—the gains that have already been realized.

It disregards the state Constitution. The state Constitution states "No school or college or any other part of the Public School System shall be, directly or indirectly, transferred from the Public School System or placed under the jurisdiction of any authority other than one included within the Public School System (Article IX, Section 6)."

In an effort to bypass this prohibition, the bill includes a two provisions: the first says the Council of Mayors and the Community Partnership are agencies authorized to maintain public schools and therefore part of the school system and the second requires authorization by the Los Angeles County Superintendent for the partnership schools, though the transfer of authority would still be to the Los Angeles mayor. Making changes to the state constitution is rightfully a difficult process and requires a vote of the people. As a result, provisions in the constitution are rooted in a strong belief about what citizens think the foundation of state laws should be and these provisions ought not be rendered meaningless by any provision that says this applies, except when it doesn't serve our purpose.

It creates conflicts of interest. Especially with respect to facilities and litigation, AB 1381 gives the mayor, or his/her superintendent, carte blanche over matters where the city and school district might come into conflict. Decisions regarding the selection of new school sites, for example, are often the subject of intense negotiations between school districts and cities. The outcomes of these negotiations typically contain compromises in which the interests of the district's students and families are balanced against the interests of the city. By shifting all authority for such decisions to the mayor, no one will

have responsibility for standing up for the students and their families—or the authority to do so.

It removes mandated costs, but retains bad policy. The bill attempts to minimize the costs of the proposals by changing the language to make some of the provisions permissive, in doing so it does not change the policy and that policy still has a cost associated with it. Stating that the cities in LAUSD are not required to spend resources on services to students or the district without approval of the city council doesn't mean that the cities will not incur personnel costs for the time it takes to serve on the council and prepare for meetings. Allowing cities to opt out of participation on the council only serves to exacerbate the disenfranchisement of communities.

The most egregious example of trying to minimize mandated costs is subjecting the program evaluation to a budget appropriation. This could allow the act to escape the objective review that is necessary to ensure that these changes achieve their stated goal and don't, in fact, reduce achievement levels. This can be achieved through lack of funding or insufficient funding appropriated for a thorough assessment. This evaluation is an important component to gauging the effectiveness of the program and must be used to guide decisions regarding extending the sunset date should the bill become law.

Mayors can help now

Mayors and other civic leaders can help remove obstacles to learning. The need for mayors to work together with school districts is most profound in urban districts and particularly in LAUSD where the concentration of children who are at risk is greater than in any other urban district in California. These children are more likely to be homeless, poor, victims of violence, lack adequate health care, and nearly half are still learning to speak English and expected to meet the highest academic standards in the country. Mayors within LAUSD and other local leaders can use their authority and resources to support children outside of school in order for children to be successful in school.

Mayors can build consensus, form partnerships and collaborate. Mayors and other locally elected officials can build community consensus, form partnerships, and collaborate with LAUSD.

Mayors can use the bully pulpit. Mayors, by virtue of their office and visibility, are primed to be the most vocal advocates for their city's schools. Mayors within LAUSD can constructively use their presence and voice to ensure that education is an important city priority.

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Maintainer: California School Boards Association (webmaster@csba.org)





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MAYORAL TAKEOVER OF LAUSD

August 17, 2006
Author: Laura W. Jeffries
Source: ACSA Governmental Relations

AB 1381 (Nunez) shifts control of LAUSD from the locally-elected governing board to the mayor, council of mayors and their appointed superintendent. Keep up to date on Los Angeles Mayor Antonio Villaraigosa's proposed takeover of the Los Angeles Unified School District on ACSA's website by clicking on the links below for talking points, letters, and other news on this important legislation.

As you know, ACSA has been very involved in trying to defeat AB 1381 (Nunez) -- the mayor takeover of LAUSD. AB 1381 has been a moving target. The bill language was not released until two days before the Senate Education hearing. The bill was amended on August 8 and is awaiting another set of amendments that were adopted on Monday, August 14th in the fiscal committee. The bill was moved to the Senate Appropriations "Suspense File", where all bills go if they have a significant cost, but the bill is certain to be taken off the suspense file and will then go directly to the Senate Floor. It has had only one policy hearing will have only one fiscal hearing and then, if and when it passes, will go to the Senate Floor. Discussions continue to take place with the Mayor and legislative and union leadership without the involvement of any management organizations or representatives. This bill is legislation that is not about policy, but about politics-- making it a very difficult bill to fight or kill.

I encourage you to contact your State Senator and let them know how bad this bill is. Many members of the Legislature who are not part of LAUSD just don't seem to care too much about the bill. It doesn't impact them or their districts. Many members of the Los Angeles delegation of legislators believe the bill is better than it was and therefore are leaning toward supporting the bill. The leadership in both the Assembly and Senate are pushing for passage and the Governor has stated publicly that he will sign whatever bill gets to him. It has been difficult at best to get legislators engaged in discussions surrounding AB 1381 and to realize that this bill sets a precedent that all school districts (therefore all legislators) and they should be concerned about the bill. What will stop another mayor from pushing similar legislation and using AB 1381 as the model for their takeover?

The language of the bill is written by individuals who have never run a school district or school site. Much of the bill is unworkable from simply a procedural view. All of the accountability problems are worsened in this bill. I have reviewed the amendments and have made the following observations. In addition, I have amended my letter of opposition to reflect these changes, so feel free to use any or all of it when writing your letter of opposition.

1. Amendments were added to remove some of the mandates. For example, the Inspector General may be appointed by LAUSD instead of being required.
2. The processes the Inspector General uses to perform audits and investigations has been autonomous from the school district enabling that person to conduct investigations however he/she sees fit. AB 1381 places the processes the Inspector General uses to conduct an audit, who is interviewed to determine any wrong doing, etc. under the Public Records Act. This can have a chilling effect on the work of the independent Inspector General.
3. Continues in the legislative intent and evaluation sections of the bill very subjective statements that the legislation is based on. These generalities are nearly impossible to measure and are certainly undefined in the bill. For example, there is a change that a principal was required to have high quality professional development to appropriate professional development. Parent involvement has been added to the parental satisfaction language, other school state have been added to teachers and parents as full partners in the decisions that affect schools (to try and address one of our concerns regarding the lack of principals mentioned in the bill). Once again, who determines if the professional development is appropriate or not? Who measures parental involvement? These statements are much too subjective and without any true measurement.

4. Again, in both the legislative intent and evaluation sections of AB 1381 is a statement that the district is decentralized to reduce management bureaucracies and increase resources to schools and classrooms. While these provisions don't mandate that this happens, to simply have the language in the bill as one of its goals lends itself to the belief this should occur and will be one of the measurements in the evaluation. ACSA believes this is an end-run around the 95:5 attempts by UTLA from years past.

5. Liability to the school district is increased. The new language actually states that there is no requirement of any city to expend city resources to implement the provisions of AB 1381 and furthermore any liability incurred by any member of the council of mayors or the Mayor's Community Partnership for School Excellence must be borne by the school district. This means that the Mayor or the council of mayors could do anything they want, misconduct, misappropriation of funds, etc. and be shielded from expending any resources to implement their decisions or have any liability.

6. The bill has been amended to give the district superintendent the authority to assign or reassign principals and may consult with community leaders, school site personnel and parents of pupils enrolled in the school. Prior language required the consultation and dealt with the hiring and dismissal of the principal. However, the new amendments do require the inclusion of the mayor and city council members in the area that the school site is located if the district superintendent opts to consult with the school community.

7. The new amendments add the assigning or reassigning of the local area superintendent to the bill. The district superintendent is required to consult with the locally-elected mayor(s) and city council members representing the local area. What happens if the mayor in the area is not elected, but appointed by the city council? Is he/she able to participate?

8. The superintendent may ask the State Board of Education for a waiver of some of the provisions of the bill except for anything that limits SB 1419 (contracting out) and food service consulting services.

9. AB 1381 amendments expand the provisions of SB 1419. Remember this is the bill dealing with contracting out that ACSA vigorously opposed. You might recall several unsuccessful attempts by the Republican members of the Legislature and the Governor to try and repeal this law. (Interestingly, the Governor has stated publicly several times that he is going to sign any bill relating to the mayor takeover of LAUSD no matter what is in the bill.) AB 1381 adds a prohibition to going to the State Board of Education for a waiver of the provisions of SB 1419. It also adds a requirement that the district superintendent give at least 30 days written notice of the intent to renew or re-bid to each exclusive representative of district employees.

10. The budget process outlined in AB 1381 is completely disconnected from how a school budget is actually put together. The governing board is limited to looking at a budget that is presented by the district superintendent that is no more detailed than the major object code level. This will result in no one seeing anything in public below the object code level (which is very broad). This provision keeps the public out of any real discussions about the proposed budget, significantly reducing accountability. "Also, additional timelines are added to the budget process. The council of mayors is given at least 30 day to review and comment on the budget prior to its adoption. If LAUSD waits until after the May Revision to put the finishing touches on their budget, give the council of mayors 30 days to review and comment, the district is left with less than 2 weeks to finalize the budget prior to the beginning of the next fiscal year beginning on July 1st. The LAUSD budget is approximately \$8 billion. This is a difficult task for any district but especially unworkable with a budget of this magnitude.

11. Adds a provision that authorizes each school site with the participation of the principal, classroom teachers, and parents, to develop a plan for implementing curriculum that meets the individual needs of its pupils. This does not prevent the board from requiring that the same basic instructional materials be used in all schools. This is very problematic in many ways. It adds inconsistency throughout the district. LAUSD used to have this type of system in place when it wasn't performing well. Once Superintendent Romer demanded consistency, test scores improved. LAUSD is a very mobile district with students moving from school to school. It is imperative that any student move to any school in the district and receive the same educational program. This amendment is counter to the standards adopted in California. In addition, there is no ultimate decision-making authority. If the teachers, parents and principal can't agree, then what happens? The teachers can always go to their exclusive representative. Where do the parents go? If the principal is ultimately held accountable, shouldn't the principal have final say in any decisions taking place at the site?

12. In addition to district-wide staff development, principals and teachers at individual schools, with the input of parents, are authorized to develop professional development programs supportive of the individual needs of pupils at their school sites. The same issues apply to this as to #11. Who is ultimately responsible for the final decision on what if any staff development is to take place? If everyone shares equal responsibility, the principal is held accountable, the principal is the educational leader at the school, then at a minimum, the principal should have a more significant role.

13. The council of mayors is still a big problem. The amendments give a mayor or his or her designee the ability to participate in the council, unless the city elects not to participate by adopting a resolution. The mayor of LA still controls 80% of the vote within the council. This will result in the parents of students outside the LA city limits having a very little voice. If their elected governing board member's duties are significantly diminished and the mayor of LA controls a super majority of the decisions being made, how does a parent, city council mayor, mayor, student, etc. within the 26 surrounding cities have a voice?

14. The council of mayors and district superintendent are required to finalize a memorandum of understanding on how to provide an efficient and effective process to ensure that the LAUSD and each city or the county have every opportunity to consult and agree upon joint-use projects, propose alternative sites or modify construction options without "unreasonably delaying the completion and opening of a newly constructed school.". What happens if the joint-use project is on a school that is being modernized? Can the council delay as long as they want any joint-use project if it is not part of a newly constructed school?

15. In an attempt to get around one of the constitutional issues that clearly states that California's public education system can not be transferred to any body that is not part of the public education system, AB 1381 is to be amended to say the community partnership, directed by the mayor of LA, may request that the County Superintendent of the Los Angeles County Office of Education, LACOE, authorize the demonstration projects. These projects can not move forward without that authorization. The county superintendent must grant the authorization of these clusters unless he/she finds that the mayor and the partnership are incapable of implementing a sound educational program, the mayor and the partnership have an irremediable and significant conflict of interest, or the mayor and the council are incapable of providing sufficient financial oversight.

16. The Partnership for School Excellence is being drafted and touted as mirroring the charter school legislation. In this manner, the mayor could be granted oversight of many schools and the LACOE is the authorizing agent. Unfortunately, the charter school law and what AB 1381 is attempting to do are in conflict. Charter school law requires a separate board to oversee the school. The superintendent of LACOE has no oversight capability under AB 1381. In addition, as mentioned before, the county superintendent must authorize the partnership unless the mayor can be found to be incapable of performing these tasks.

17. AB 1381 adds early childhood programs and centers, continuation schools, and adult schools to the cluster of oversight by the partnership. Remember, the clusters include a high school that is decile 1 and its feeder elementary and middle schools. The new amendments add early childhood, continuation schools and adult schools into the list of programs to be included in the cluster.

18. Schools in the demonstration projects are to be considered public schools and must maintain all the rights of the district's employees.

19. The interim report by the Legislative Analyst's Office has now been made contingent upon a budget appropriation or other legislation to pay for their work of the review of the district.

20. There is new language throughout the bill that states the obvious. For example, the mayor is encouraged to solicit funds for public education. Why is legislation necessary to restate the obvious and something that the Mayor can do without legislative oversight or authorization?

21. A severability clause has been added which means if the bill is signed into law and is challenged in court, only those provisions that are found to be unconstitutional will be invalidated, not the entire bill.



August 23, 2006

To: Board Members
From: Tom Bishop
Subject: Reminder of Upcoming Events and Schedules

Thursday, August 31, 2006

Back to School Night

Monday, September 4, 2006

Holiday – Labor Day

Friday, September 8, 2006

Dedication of Canyon Crest High School, 10:00 – 11:00 a.m.

Tuesday, September 13, 2006

4th annual “Closing the Achievement Gap Press Conference”, 10:00 – 11:00 a.m.
at the San Diego County Office of Education.

Wednesday, October 4, 2006

International Walk to School Day

Friday, October 6, 2006

Salute to Teachers, Civic Theatre, 7:00 p.m.

Monday, October 16, 2006

Del Mar City Council, Proclamation – Red Ribbon Week

Monday, October 23 – Friday, October 27, 2006

Red Ribbon Week and Parent/Teacher Conference Week

Thursday, November 2- 4, 2006

ACSA 2006 Annual Conference, Hyatt Hotel, San Diego

RECOMMENDED: Information Item Only; No Action Required