

BOARD OF EDUCATION OF THE CITY OF LOS ANGELES  
Governing Board of the Los Angeles Unified School District

SELECT COMMITTEE ON LEGISLATION  
333 South Beaudry Avenue, Board Room  
1:00 p.m., Thursday, June 1, 2006

Board Members Present:

Mr. Jon Lauritzen, Chairperson  
Ms. Marlene Canter  
Ms. Julie Korenstein, Member

Staff Present:

Ms. Vivian Castro, Director, Legislative and Governmental Affairs  
Ms. Peggy Barber, Legislative Advocate  
Mr. Krist Lane, Interim Coordinator of Legislative Analysis and Advocacy  
Mr. Joel Lumunsad, Legislative Analyst, Legislative and Governmental Affairs  
Ms. Barbara Gutierrez, Assistant Superintendent, Early Childhood Education  
Dr. Randy Ross, Board of Education Director of Educational Policy  
Dr. Jon Fullerton, Board of Education Director of Budget and Financial Policy

Outside Committee Persons Present:

Ms. Diana Dixon-Davis, Legislation Director, 31<sup>st</sup> District PTSA  
Ms. Jimmie Woods-Gray, Pace Chair, United Teachers Los Angeles

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The meeting convened at 1:10 p.m.  
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Chairperson Lauritzen highlighted the items that would be discussed.

STATUS OF DISTRICT-SPONSORED LEGISLATION

Ms. Castro introduced Mr. Rand Martin, Contract Lobbyist with Rose and Kindel, Mr. Krist Lane, and Ms. Peggy Barber.

Ms. Castro noted that June 2, 2006, is the legislative deadline for all bills to move out of the house of origin. The Legislature begins its summer recess on July 3, 2006, provided the budget bill has been enacted.

Ms. Castro provided an update on the following legislative bills:

Assembly Bill 494, by Assemblywoman Cindy Montanez, deletes most existing conditions to be met by a school district in order to receive a supplemental grant to demolish a building and replace it with a multistory building. This bill authorizes the provision of a supplemental grant if the school district submits a cost-benefit analysis demonstrating that demolition and replacement would be a less costly alternative method of increasing pupil capacity, and the State Allocation Board agrees with the analysis.

Assembly Bill 2362, by Assemblyman Jerome Horton, would extend the operative date of the Job Order Contracting (JOC) project operated by the District from December 1, 2007, to December 1, 2012. The District is required to report on the JOC by November 1, 2007.

Assembly Bill 2837, by Assemblyman Joe Baca, would continue to allow a speech therapist credentialed by the Commission on Teaching Credentialing (CTC) to provide services and bill for Medi-Cal reimbursements under the Local Education Agency (LEA) Medi-Cal program. It also requires the CTC to issue provisional and professional clear credentials in speech-language pathology to qualified individuals by January 1, 2007.

Assembly Bill 2950, by Assemblywoman Lynn Daucher, exempts Medi-Cal programs for which there is no state General Fund match from the requirement that reimbursements for an original Medi-Cal service claim, submitted for payment between six and twelve months after the month of service, and which doesn't meet an exception, are required to be reduced by 25% to 50%.

Senate Bill 1442, by Senator Martha Escutia, would extend the sunset date for the exam fee waiver under the Advanced Placement Program to January 1, 2013, and would also authorize exam fee waivers for the International Baccalaureate program.

Senate Bill 1674, by Senator Kevin Murray, would provide an annual adjustment to the reimbursement rate for free and reduced-price meals served at schools.

Mr. Martin highlighted the following bills:

Assembly Bill 2153, by Assemblywoman Carol Liu, exempts distance learning programs from a school district's authority to expend up to 5% of their adult block entitlement for implementation of approved adult education demonstration programs.

Assembly Bill 2417, by Assemblyman Mark Wyland, would allow adult education programs to provide remediation to young adults who have not passed the California High School Exit Exam (CAHSEE). It would do so without redirecting existing adult education dollars to CAHSEE remediation.

Assembly Bill 2532, by Assemblywoman Betty Karnette, provides that, commencing with the 2007-08 fiscal year, adult education programs in elementary and secondary basic skills and other courses and classes required for the high school diploma shall not be subject to the authorized limit of adult education average daily attendance if the district has exceeded its authorized limit. The bill would require a school district with an adult education program to provide an option to continuously enrolled high school students to participate in adult secondary education, adult basic education, and English-as-a-second language courses for the purposes of passing the California High School Exit Examination and earning a high school diploma, and would require the average daily attendance of those students to be reimbursed at the statewide average revenue limit of unified school districts, to the extent funds are appropriated for that purpose.

Assembly Bill 2970, by Assemblywoman Fran Pavley, would allow school districts to hire school administrators, teachers and nurses who have been retired 12 months to fill specified roles in public schools. This bill would make permanent the existing exemption of these retired professionals from the State Teachers' Retirement System (STRS) earning limitations. Four days before the bill was to be heard in the Appropriations Committee, STRS came up with a \$290 million cost estimate to this bill.

Senate Bill 368, by Senator Martha Escutia, declares legislative intent to conduct a pilot study to track the educational progress of English language learners with the intent of developing a database, or expanding an existing database, containing information on K-12 pupils.

Senate Bill 1456, by Senator Alan Lowenthal, would authorize a school district to let a contract for public school construction, rehabilitation, or modernization project pursuant to a “best value” bid valuation process established by the school district governing board if the estimated cost of labor, materials, overhead, and profit for the project exceeds \$2,000,000, and the school district determines that taxpayers reasonably can expect a net benefit in the cost of district services if the contract for the project is let in accordance with the best value process.

Senate Bill 638, by Senator Tom Torlakson, would provide that an additional purpose of the before and after school programs would be to assist pupils in passing the high school exit examination. The bill would require a program to operate for a minimum of 15 hours per week.

Assembly Bill 2951, by Assemblywoman Jackie Goldberg, would revise the definition of the term “capital facilities fee” to mean a nondiscriminatory connection fee, as defined, or a nondiscriminatory capacity charge, as defined, or both. The bill would, except with respect to the imposition of a capital facilities fee on a school district, county office of education, community college district, the California State University, the University of California, or state agency, require a public agency that provides public utility service to only charge a public agency rates, charges, surcharges, or fees that are determined on the basis of the same objective criteria and methodology applicable to comparable nonpublic users. The District is opposed to this bill.

#### SIGNIFICANT STATE LEGISLATION

Ms. Castro highlighted the following bills:

Assembly Bill 2221, by Assemblyman Juan Vargas, would prohibit school boards from designating a preferred site prior to receiving additional approval from the California Department of Education. The bill has been amended to require reporting to the State Allocation Board if a school district intends to build within two miles of a military site where there is weapons testing taking place.

Senate Bill 813, by Senator Jeff Denham, would provide that those provisions regarding the priority schedule are in effect only until January 1, 2012, and are repealed as of that date.

Senate Bill 1324, by Senator Alan Lowenthal, would authorize the use of those owned or leased relocatable buildings as a school building until September 30, 2015, if the specified conditions are met. The bill would also include, as additional conditions, that the relocatable building be anchored to the ground to resist earthquake and wind loads and that the school district has certified to the Department of General Services that the relocatable building complies with the conditions.

Assembly Bill 1782, by Assemblyman Gene Mullin, would authorize the California State Lottery Commission to enter into a multistate lottery agreement. The bill would specify that the amount of lottery revenue allocated for the benefit of public education that is required by Proposition 20 to be distributed for the purchase of instructional materials be calculated based on the Proposition 20 formula only for revenue generated by lottery games before January 1, 2007.

Assembly Bill 2531, by Assemblyman Gene Mullin, would, commencing with the 2007-08 fiscal year, change the method for calculating revenue limits for school districts. The bill would use the base revenues for the 2005-06 fiscal year to calculate a base revenue amount per unit of average daily attendance for the 2007-08 fiscal year.

Senate Bill 1446, by Senator Don Perata, pertains to the impact on a school's average daily attendance. A pupil enrolled in a grade at a charter school sponsored by the school district shall not be counted if the school district does not offer classes for pupils enrolled in that grade. The bill would also, for the purpose of that computation, prohibit the amount of the attendance counted for any pupil to be greater than the attendance claimed for that pupil by the charter school in the current year.

Senate Bill 1680, by Senator Don Perata, would replace average daily attendance as it is used to compute revenue limits under a specified provision with average monthly enrollment beginning in the 2007-08 fiscal year. The bill would require the Superintendent of Public Instruction to make a one-time adjustment to the revenue limit per unit of average monthly enrollment of each school district, on July 1, 2007, by revising the prior fiscal year revenue limit per unit of average daily attendance and would require the resulting, adjusted revenue limit be used as the revenue limit for the 2007-08 fiscal year for any purpose for which that revenue is needed.

Senate Bill 1717, by Senator Don Perata, would authorize the revenue limit of a unified school district to be recalculated as if the district was an elementary school district for average daily attendance in kindergarten and grades 1 to 8, inclusive, and a high school district for average daily attendance in grades 9 to 12, inclusive.

Mr. Lane highlighted the following bills:

Assembly Bill 2684, by Assemblywoman Cindy Montanez, would require school districts that elect to operate an interscholastic athletic team or teams to include a specified statement regarding no-cost or low-cost local, state, or federally sponsored health insurance programs in offers of insurance coverage and in other letters and printed materials regarding insurance protection that are sent to team members and in any other related letters and printed materials that are sent to team members.

Assembly Bill 2793, by Assemblyman Juan Arambula, would require school districts that provide retired employees health and welfare benefits other than pensions to develop a long-term plan that identifies the manner in which the district will fund those benefits for current and future retired employees.

Senate Bill 1457, by Senator S. Joseph Simitian, would require the State Department of Education, with the assistance of the Controller and the Director of Finance, to develop standards and criteria for actuarial studies of school district liabilities for retired employee health and welfare benefits other than pensions.

Senate Bill 1514, by Senator Abel Maldonado, pertains to retirement benefit liabilities. Under existing law, if a school district or county office of education provides health and welfare benefits for employees upon their retirement and those benefits will continue after the employees reach 65 years of age, the superintendent of the school district or county superintendent of schools is required annually to provide information to the governing board of the school district or the county board of education regarding the estimated accrued but unfunded costs of those benefits. Under existing law, those requirements became inoperative on January 1, 2005. This bill would make those requirements operative on January 1, 2007.

Assembly Bill 2954, by Assemblywoman Carol Liu, adds to the finding that a charter school would have a negative fiscal impact on the school district where it is located to the list of findings that the governing board of a school district may rely on to deny a petition.

Senate Bill 1209, by Senator Jack Scott, is a major revision of credentialing law. Among the many changes are eliminating requirement that duplicate training and certificates required in other states, consolidating testing requirements and strengthening teacher credentialing, intern, induction and mentoring programs.

Senate Bill 1292, by Senator Jack Scott, would authorize a teacher with a designated subjects teaching credential or a service credential with a special class authorization to be assigned to provide specially designed content instruction delivered in English if the teacher completes, or enrolls in, specified staff development training.

Assembly Bill 2109, by Assemblywoman Jackie Goldberg, would require school districts to disaggregate their testing data, find the schools where problems are occurring from this disaggregated data, and then fashion their professional development programs to target those specific school sites. The existing professional development block grant is contingent upon school districts following these procedures.

Senate Bill 1433, by Senator Tom Torlakson, would establish the California Teacher Leadership Pilot Program in order to provide funding to local educational agencies for purposes of training experienced teachers to become instructional coaches.

Ms. Barber highlighted the following bills:

Assembly Bill 2040, by Assemblywoman Judy Chu, would authorize the Superintendent, commencing in the 2006-07 school year, to include summer and Saturday administrations of the high school exit examination, if funding for these purposes is provided in the annual Budget Act.

Assembly Bill 2937, by Assemblywoman Fran Pavley, would require the State Department of Education to conduct a study to determine which of the California Standards Tests, or combination of those tests, is equivalent to the English and language arts portion or the mathematics portion of the high school exit examination, and the performance level on the test or tests that is equivalent to a passing score on the pertinent portion of the high school exit examination, and to report its findings to the Legislature.

Assembly Bill 2975, by Assemblywoman Lori Hancock, would require the definition of “proficient” for the purposes of calculating Adequate Yearly Progress under the Federal No Child Left Behind Act as it relates to the requirements for grades 9 to 11, inclusive, shall be set at the level needed to pass the State high school exit examination, as of July 1, 2007.

Senate Bill 1526, by Senator Richard Alarcon, pertains to dropout recovery. It would apply only to schools that are in Academic Performance Index (API) 1 through 3. The bill would establish the Comprehensive Pupil Support Program and would require the Superintendent to administer the program.

Mr. Martin advised that Assembly Bill 2448, by Assemblywoman Loni Hancock, would make the provision that allows adults to attend regional occupational centers and programs inoperative on June 30, 2010, and repeal it as of January 1, 2011. This bill would revise the specified exceptions to the age limit to include pupils who are less than 16 years of age and are referred to the center or program as part of a comprehensive high school plan that has been approved by a school counselor or school administrator and the pupils’ parents or guardians and who have individualized education programs that prescribe occupational training for which their enrollment in a regional occupational center or program is deemed appropriate.

Ms. Barber highlighted the following bills:

Assembly Bill 2117, by Assemblyman Joe Coto, would require the State Department of Education to establish and administer a three-year competitive grant pilot project, commencing on September 1, 2007, to identify existing best practices regarding curriculum, instruction, and staff development for teaching English language learners and promoting English language acquisition and development. The bill would require the department to require each school district that is selected to receive a grant to provide up to \$100 per pupil of its own funds to match the funds provided in the grant.

Assembly Bill 2722, by Assemblyman Joe Canciamilla, would prohibit the State Board from adopting basic instructional materials in language arts or mathematics for the same grade level in successive years. The bill would require the State Board of Education to allow the continued use of certain instructional materials for at least two years following the sixth year after those instructional materials are adopted if specified conditions are met.

Senate Bill 1764, by Senator Sharon Runner, would express the intent of the Legislature that the age at which a child is eligible for admission to kindergarten be increased.

### GOVERNANCE ISSUES

Mr. Martin highlighted the following bills:

Senate Bill 767, by Senator Gloria Romero, would require the California Research Bureau of the State Library to study and examine specified school districts during a certain timeframe and to submit a report to the Legislature on or before October 1, 2007, regarding the bureau's review of specified areas for each of those school districts, including, among others, the structure of school district governance in each district.

Assembly Bill 2921, by Assemblywoman Cindy Montanez, would require the Los Angeles Unified School District, in collaboration with the Superintendent of Public Instruction and upon the release of a certain report of the Bureau of State Audits on the Los Angeles Unified School District, to develop a plan of implementation for the recommendations contained in the report, as appropriate, thereby imposing a state-mandated local program. This bill would declare that due to the unique circumstances relating to the Los Angeles Unified School District, a general statute cannot be made applicable.

Assembly Bill 2215, by Assemblywoman Jackie Goldberg, would require a school district in which the average daily attendance for the prior school year exceeded 500,000 to compensate each member of the city board of education or the governing board of the school district who serves on the board to receive as compensation for his or her services a salary commensurate with time spent on board duties and receive employment benefits on the same terms as certificated teachers of the school district. The bill would require the county board of supervisors to establish a specified salary schedule.

Assembly Bill 2071, by Assemblyman Keith Richman, pertaining to the reorganization of large school districts, failed in the Assembly Education Committee.

Assembly Bill 1326, by Senator George Runner, pertaining to the reorganization of large school districts, was withdrawn by Senator Runner.

Mr. Martin advised that the focus of District staff has been to educate legislators about this District. A number of questions have been raised in Sacramento about the effectiveness of a mayoral takeover. He pointed out that it is too late to introduce a new bill but that Senator Romero may amend an existing bill to incorporate Mayor Villaraigosa's proposal to take control over the Los Angeles Unified School District.

Ms. Castro, Ms. Barber, and Mr. Martin responded to comments and questions raised by the Committee.

### STATE BUDGET UPDATE

Ms. Castro reported that the Conference Committee began deliberations on May 31. The Constitutional deadline for the Legislature to pass the budget is June 15. The deadline for the Governor to sign the budget is June 30.

Ms. Castro highlighted the following major areas of the budget:

- \$355.3 million for a cost-of-living adjustment
- \$208.5 million that will be used for other Proposition 98 purposes as a result of declining enrollment at the State level
- \$308.6 million for deficit reduction
- \$300 million for revenue limit equalization
- \$133.4 million for ongoing mandates
- \$145.4 million for Reading First
- \$300 million for Economic Impact Aid
- It is anticipated that between \$50 and \$100 million will be funded for special education.
- Funding will be provided for the California High School Exit Exam (CAHSEE) that will cover supplemental instruction, adult education classes for fifth year seniors, individual intervention materials, early intervention for improving academic English in middle schools, and additional administrations.
- Funding will be provided for a school enrichment block grant

Ms. Castro advised that there is a significant amount of one-time funds that the District is lobbying for that would cover the following areas:

- A block grant for fiscal solvency
- Prior year mandate obligations
- Instructional materials
- Educational technology for purchase of laptops in one grade in decile 1-4 schools

- Merit awards for schools in the High Priority Program
- Special education special disability adjustment study

Ms. Castro reported that there are reversion one-time funds. This is funding from current year programs that will go back into the General Fund. The Legislature decided to use these funds for mandates, the Williams emergency repair program, Charter school technical adjustments (SB 319), and Reading First.

Ms. Castro responded to comments and questions raised by the Committee.

#### INITIATIVES ON JUNE 6 PRIMARY ELECTION

Ms. Barber reported that Proposition 81 and Proposition 82 will be on the primary election ballot on June 6.

Proposition 81, California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2006, would allow the state to sell \$600 million of general obligation bonds for local library facilities. The State would use these bond funds to provide grants to local governments to construct new libraries, expand or renovate existing libraries, acquire land for new or expanded libraries, and provide related furnishings and equipment. These grant funds could not be used for books and other library materials, certain administrative costs of the project, interest costs or other charges for financing the project, or ongoing operating costs of the new or renovated facility.

Outside Committee Person Dixon-Davis announced that the California State PTA has voted to support Proposition 81.

Proposition 82, Public Preschool Education, would be funded by taxing individuals that make over \$400,000 a year or couples that make over \$800,000 a year. The new program would provide four-year-olds access to one year of free preschool. The proposition guarantees this service for all children born on or after June 6, 2006. Participation in the new preschool program would be voluntary.

Ms. Barber and Ms. Gutierrez responded to comments and questions raised by the Committee.

#### FEDERAL UPDATE

Ms. Barber reported that on May 18 the House of Representatives voted to adopt the fiscal year 2007 budget resolution. After intense lobbying by education groups, and under the leadership of Rep. Mike Castle, non-binding language was inserted that says the House recognizes the need to increase the President's request for funding for health, education, and labor programs by not less than \$7.15 billion.

Ms. Barber stated that the House Appropriations Committee is expected to take up the Labor-Health and Human Services (HHS) Education appropriations on June 7.

Ms. Barber advised that the U. S. Department of Education granted North Carolina and Tennessee approval to use growth-model assessment systems to meet No Child Left Behind's requirements for showing adequate yearly progress. These are the first states granted approval, under the growth model pilot program, to change the way they determine adequate yearly progress. They will be allowed to measure individual student achievement from one year to the next, instead of measuring an entire grade of different students. Growth models give schools credit for student improvement over time.

Fourteen states applied to use the growth model for the 2005-06 school year, but only two were ultimately approved. Six states, Alaska, Arkansas, Arizona, Delaware, Florida, and Oregon, have been offered the chance to revise their proposals and resubmit for the 2006-07 school year. The remaining states were rejected because their models did not ensure that all students would reach proficiency by 2014. These states may reapply for the 2006-07 school year as well. California's model was rejected before the application stage because the state does not track individual student data.

Ms. Barber noted that on May 18, the House Committee on Education and the Workforce held the first of a series of hearings on the No Child Left Behind Act (NCLB). The focus of this hearing was "How Innovative Educators Are Integrating Subject Matter to Improve Student Achievement." The panel anticipates three additional hearings over the next several months in anticipation of reauthorization of NCLB in 2007.

Ms. Barber pointed out that for the past two years federal accounting rules have threatened the continued funding of the E-Rate program. Both years Congress passed a one-year exemption for the E-Rate from these rules that allows payments to continue flowing to schools and libraries. Legislation has been introduced that would make this exemption permanent.

Ms. Barber stated that the key provisions of the Voting Rights Act will expire next year unless Congress acts to continue them. The Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 have been introduced to renew these rights for 25 years. Congress enacted the Voting Rights Act in 1965 in response to discrimination such as literacy tests, poll taxes, intimidation, threats, and violence.

Ms. Barber responded to comments and questions raised by the Committee.

Chairperson Lauritzen announced that Ms. Castro was leaving the District on June 30. He expressed his appreciation for her fine work.

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The meeting adjourned at 3:25 p.m.  
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Governing Board of the Los Angeles Unified School District

Select Committee on Legislation  
333 South Beaudry Avenue, Board Room  
1:00 P.M., Thursday, June 1, 2006

**Committee Members**

Jon Lauritzen, Chairperson  
Julie Korenstein, Member  
David Tokofsky, Member

**Superintendent's Representative**

Vivian Castro, Director, Legislative  
and Governmental Affairs  
Tel: (213) 241-2600

**External Committee Members**

George Cole, Mayor Pro-tem, City of Bell  
Diana Dixon-Davis, Legislation Director, 31<sup>st</sup> District PTSA  
Jack Moscovitz, Associated Administrators of L.A.  
Jimmie Woods-Gray, Pace Chair, UTLA

**Committee Contact Person**

Peggy Barber  
Tel: (213) 241-2600

**Board Secretariat Contact**

Dinah Edwards  
Tel: (213) 241-7002

**AGENDA**

<b><u>AGENDA ITEM</u></b>	<b><u>PRESENTER(S)</u></b>	<b><u>TIME</u></b>
1. Introduction	Jon Lauritzen	5 minutes
<b>INFORMATION ITEMS – Oral presentations with written documents</b>		
2. Status of District-Sponsored Legislation	Vivian Castro Rand Martin	10 minutes
3. Significant State Legislation	Vivian Castro Krist Lane Peggy Barber	20 minutes
4. Governance Issues	Rand Martin	10 minutes
5. State Budget Update	Vivian Castro	10 minutes
6. Initiatives on June 6 Primary Election	Peggy Barber	10 minutes
7. Federal Update	Peggy Barber	10 minutes

**OTHER ITEMS**

8. **Public Comment – Persons who wish to address the Committee may Sign up at the Committee meeting.**
  
9. Adjournment

***Please note that if you are being compensated for speaking before the Board or with a Board Member or other District staff – as a salesperson, vendor, advocate, lobbyist, lawyer, or even concerned citizen, you may be required to register as a lobbyist with the LAUSD Ethics Office (check [www.lausd.net/ethics](http://www.lausd.net/ethics) or call (213) 241-1814).***

*Requests for disability related modifications or accommodations should be made 24 hours prior to the meeting to the Board Secretariat at 333 S. Beaudry Ave, 24<sup>th</sup> Floor, Los Angeles, CA, 90017 or by calling (213)-241-7002 or toll free (877)-772-6273.*

*For more information, go to: <http://www.laschoolboard.org>, Select Committee on Legislation website.*