

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., Wednesday, December 14, 2005

Board Members Present:

Mr. Jon Lauritzen, Chairperson  
Ms. Julie Korenstein, Member  
Mr. David Tokofsky, Member

Staff Present:

Ms. Vivian Castro, Director, Legislative and Governmental Affairs  
Ms. Peggy Barber, Coordinator, Legislation Implementation  
Ms. Lucy Okumu, Coordinator, Legislative Analysis and Advocacy  
Dr. Randy Ross, Board of Education Director of Educational Policy

External Member Present:

Diana Dixon-Davis, Legislation Director, 31<sup>st</sup> District PTSA

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The meeting convened at 1:10 p.m.  
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Chairperson Jon Lauritzen announced that the purpose of the Select Committee on Legislation is to alert the District and the community to legislative regulations that could affect the District, to review the State budget, and to recommend legislation. He also introduced the members of the Committee.

FEDERAL LEGISLATION STATUS REPORT

Ms. Barber advised that Congress has yet to enact two of its major appropriations bills—those for Defense and Labor/Health and Human Services (HHS)/Education. The affected departments have been operating under continuing resolutions, which expire December 18. The budget reconciliation bill is also outstanding.

Ms. Barber stated that the negotiated conference agreement for the Labor/HHS/Education Appropriations Bill was defeated in the House of Representatives on November 17 by a vote of 209 to 224. Opposition to the conference agreement was strong due to the bill's failure to provide critically needed funding to already underfunded programs that serve the most disadvantaged students. There was a new conference agreement negotiated the evening of December 12, and the House of Representatives just adopted that agreement.

Ms. Barber reported that the Budget Reconciliation Act was passed by the House and is now waiting action by the House-Senate conference. She noted that a group of 23 House Republicans bucked their party's leaders in joining Democrats in defeating an effort to include a private school voucher plan in the House budget reconciliation bill. Their effort led to the defeat of an amendment by Education Committee Chairman John Boehner to create the first national private and religious school voucher program.

Ms. Barber said that Congress approved the Commerce-Justice-State fiscal year 2006 appropriations conference report, which contains language that extends the E-Rate program's exemption from federal accounting rules for a second year. This exemption will allow E-Rate funds to continue to flow to public and private schools and public libraries.

Ms. Barber indicated that No Child Left Behind (NCLB) is scheduled to be reauthorized in 2007. Discussions are in the initial stages among members of Congress and stakeholders regarding suggested revisions. Rep. John Boehner has expressed interest in completing the reauthorization in 2006 so that it will be accomplished during his tenure.

Ms. Barber pointed out that the U.S. Secretary of Education Margaret Spellings announced a pilot program where interested and qualified states can submit proposals for developing growth models that follow the principles of NCLB. As part of the pilot, the Department will approve no more than ten "high-quality" growth models in 2005-06.

The pilots are intended to be used as an alternative to the current methodology in calculating Adequate Yearly Progress and will be available only to those states that are already raising achievement and strengthening accountability and that commit to annual assessment and disaggregation of data that lead to closing the achievement gap and every student reaching grade level by 2014. California is designing a growth model for submission to the U.S. Department of Education for approval.

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

*Committee Member Tokofsky asked for a state by state definition of proficiency in math and English. He also asked for a listing of programs that come to the District through the Federal legislation.*

#### STATE BOARD OF EDUCATION REPORT

Ms. Barber reported that last month the State Board of Education (SBE) approved unanimously the District's request for a waiver to increase by twelve the number of allowable classified senior management employees in the District. This brings the permanent designations to a total of 66.

Ms. Barber advised that the SBE approved new K-8 instructional materials in history-social science for a six-year period.

Ms. Barber stated that the SBE was to have considered renewing the charter for New West Charter School. Due to an audit delay caused by difficulty in obtaining necessary documents, this action has been postponed.

Ms. Barber noted that during a monitoring visit to California to review progress in meeting the highly qualified teacher provisions, the U.S. Department of Education issued a significant finding that the California general social studies credential may not reflect adequate subject-matter preparation for each of the core social studies area (history, geography, civics/government, and economics). The California Department of Education (CDE) has submitted a response defending the credential.

Ms. Barber indicated that the SBE approved new Supplemental Educational Service providers. Among those was the District, with approval contingent upon authorization by the U.S. Department of Education allowing to be a provider despite its status as a Program Improvement district.

Ms. Barber said that the CDE presented information on the \$20 million appropriated through Assembly Bill 128 for California High School Exit Examination (CAHSEE) remediation. SBE members expressed

concern that the amount is insufficient to meet the need. Public speakers stated that alternatives to the CAHSEE should be available for all students who need them and that the CAHSEE violates provisions of the Individuals with Disabilities Education Act of 2004.

Ms. Barber reported that in September, the SBE received a request to establish a second Regional Occupational Program in San Joaquin County. After much opposition, including that of the District, the SBE requested that CDE staff develop criteria for dealing with such requests. CDE staff responded by submitting proposed regulations at the November meeting. After hearing again from various entities, including the District, as to the fiscal implications of approving additional Regional Occupational Programs, the SBE declined to approve the report. Instead, Superintendent O'Connell will seek legislation to allow Regional Occupational Program operators while holding harmless existing programs.

Ms. Barber stated that the SBE approved interventions for Cohort 1 High Priority Schools Grant Program schools that failed to show significant growth.

Ms. Barber pointed out that the SBE approved an expenditure plan to support School Assistance and Intervention Team activities and corrective actions in state-monitored schools.

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

*Committee Member Tokofsky requested that Human Resources provide a listing of the majors of secondary teachers. He also asked for a listing of the Regional Occupational Programs offered by the District and the number of non-District students who attend the programs.*

*Committee Member Korenstein wanted to know the amount of Federal funding that is provided for education.*

*Committee Member Dixon-Davis raised concern over IEP (Individual Education Placement) students being allowed to use calculators and other material to assist them in passing the exam while students who use these items during the Federal testing will receive a failing grade. Chairperson Lauritzen suggested that this issue be reviewed by the Curriculum and Instruction Committee.*

#### STATUS OF DISTRICT-SPONSORED LEGISLATION AND STATE BUDGET

Ms. Castro reported that Senator Martha Escutia, who carried the original Advanced Placement (AP) legislation on behalf of the District, has agreed to author the extension of the AP fee waiver program.

Ms. Castro advised that several meetings with staff from the Personnel Commission, Human Resources, and General Counsel have taken place to discuss alternative mechanisms to address the issue of paraprofessionals who are out of compliance with the high school diploma requirement of NCLB. Based on these meetings, there are options the District could utilize, such as placing the affected employees on administrative leave or laying them off until they are able to meet the NCLB high school diploma or its equivalency requirement. Staff will continue to research whether it will be necessary to sponsor legislation.

Ms. Castro stated that Assembly Member Fran Pavley has been asked to author a bill on CalSTRS earnings limitation exemption.

Ms. Castro spoke about Proposition 49, the After School Education and Safety Program Act. The Legislative Analyst's Office believes that Proposition 49 will trigger in the coming budget cycle

(2006-07). The Department of Finance and the Governor's Office have been seeking ways to conform rates and caps in Proposition 49 with those created and recently revised for the state After School Education and Safety program and the federal 21<sup>st</sup> Century Community Learning Centers program.

Ms. Castro advised that Assembly Member Mark Wyland has been asked to author a bill for the District that would allow adult education programs to provide students with CAHSEE remediation above the adult education cap.

Ms. Castro stated that Assembly Member Carol Liu has been asked to author legislation pertaining to adult education distance learning. She has committed to carry the issue for the District, either in a stand-alone bill or as part of an omnibus adult education bill that she is considering introducing.

Ms. Castro reported that Senator Martha Escutia is committed to proceeding with the renewal of Community Based English Tutoring (CBET) this year through Senate Bill 782. The District and other adult education providers have been engaged in discussions about how to proceed, given the concerns raised during the last legislative session, and have crafted revisions to current law that would make the CBET program more consistent with the mission as defined in Proposition 227 and impose greater accountability on the providers. Discussions are underway with key consultants to educate them about this new approach in order to improve chances of moving the bill beyond the Senate Appropriations Committee in January. Staff is awaiting an opinion from the Legislative Counsel on whether it would be legal to create a new CBET statute that keeps faith with the voters that passed Proposition 227 but does not require a two-thirds vote of the Legislature.

Ms. Castro said that a potential author has been identified but has not yet been approached to carry the language to address the Medi-Cal billing for licensed and credentialed speech and language pathologists and exemption of school districts from Medi-Cal rate reductions.

Ms. Castro noted that two bills that deal with multi-track year round operational grants and the hit on new construction eligibility (SB 813 (Denham) and AB 1451 (Montanez), are awaiting action in the legislature. Both of these bills aim to remove the multi-track year round eligibility hit but do not address all the District's needs. District staff will work with the authors and sponsors of those two measures to seek amendments that address the District's concerns.

Ms. Castro advised that Senator Alan Lowenthal has been approached to carry legislation for the District on the best value contract for school facilities procurement. Meetings are scheduled in the coming weeks to identify potential cosponsors and to discuss the bill with the State Building Trades Council.

Ms. Castro and Mr. Hugh Tucker, Contracts Administration Manager, Facilities Contracts, responded to comments and questions raised by the Committee.

### STATE BUDGET UPDATE

Ms. Castro reported that on November 16, 2005, the Legislative Analyst's Office (LAO) published California's Fiscal Outlook: LAO Projections 2005-06 through 2010-11. The LAO forecasts that in the current year, 2005-06, the state will end with a reserve of \$5.2 billion that will allow its budget to be in balance in 2006-07.

The two major findings in the report related to K-14 education are:

1. Proposition 49, the After School Education and Safety Program, in the view of the Legislative Analyst, will be implemented in the 2006-07 year. This will require an additional appropriation of \$428 million above the Proposition 98 minimum guarantee.

2. For 2006-07, the growth in the Proposition 98 guarantee is insufficient to cover the costs of COLA (5.2%) and growth (-0.1%). The shortfall will be \$304 million, excluding the Proposition 49 funding requirement,

The total amount needed to fully fund both components will be \$731 million more than the \$2.2 billion projected increase in Proposition 98 funding for 2006-07.

The LAO feels the Legislature and the Governor should consider repealing, delaying, or phasing in Proposition 49.

The Analyst provided the following projections about the Proposition 98 guarantee:

Revised 2005-06 Forecast: The LAO estimates that the Proposition 98 funding requirement decreased from \$50.0 billion to \$48.8 billion. This was due to slightly-lower-than expected K-12 attendance. Because of this revised attendance estimate, funding requirements for revenue limits and various categorical programs will be reduced as well.

2006-07 Forecast: The LAO believes the increase in the Proposition 98 guarantee is insufficient to fund COLA and growth. The Proposition 98 guarantee will grow by \$2.2 billion in 2006-07. To fully fund COLA and growth for all programs will require by \$2.5 billion, resulting in a shortfall of \$303 million. Funding Proposition 49 at \$428 million would increase the overall shortfall to \$731 million.

The Legislative Analyst reports that the current year 2004-05 budget outlook has improved considerably. The 2005-06 year-end reserve will increase from \$1.3 billion to \$5.2 billion. The Analyst points out that the 2005-06 year-end reserve will be needed to offset the operating shortfalls for 2006-07. Forecast revenues will climb to \$91.1 billion but expenditures will total \$95.1 billion. This will result in a \$4 billion operating shortfall, leaving a year-end reserve of only \$1.2 billion in 2006-07. It is within this overall state budget environment that the Legislature and Governor will have to determine whether to over-appropriate Proposition 98 in 2006-07 to fully cover the cost of COLA, growth, and Proposition 49.

Ms. Castro announced that on December 1, Senator Don Perata, the President Pro Tempore of the Senate, outlined the goals of Senate Democrats for the 2006 legislative session. The key K-12 education elements of the plan include teacher quality, school facilities, local control, career technical education, stable funding, and adequate funding.

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

#### REPORTS ON VARIOUS MEETINGS

Ms. Okumu advised that on December 6, 2005, the State's education and business leaders participated in the California Education Planning Summit in Oakland. The discussion focused on the 2002 Master Plan for Education which provides nonpartisan recommendations to overhaul pre-kindergarten through higher education. The purpose of the summit was to renew and reinvigorate interest in the Master plan and its recommendations. The discussion focused primarily on three issues: teacher quality, the State's individual student tracking data system, and the need for a coherent and coordinated accountability system.

Ms. Okumu reported that on November 16, 2005, the Policy Analysis for California Education held a seminar in Sacramento on Reforming California's High Schools. The seminar included presentations on the current status of California high schools and alternative strategies that have resulted in improved student outcomes. Seminar participants included a presentation by the Legislative Analyst's Office on

their recent report *Improving High School: A Strategic Approach*. Major discussion centered around the report's recommendations to include the dropout rate in the Academic Performance Index, improve curricular choices for students, and creating incentives for improved collaboration on career and technical education programs between high schools, community colleges, and regional occupational centers.

Ms. Okumu stated that Assembly Member Joe Coto, Chair of the Select Committee on Urban Education, held two hearings in Southern California which focused on best practices and strategies to improve educational outcomes of urban students. District staff gave presentations on the District Intern Program, the Paraprofessional Career Ladder program, Full Day Kindergarten Program, and A-G Implementation Strategy. Assembly Member Coto has expressed an interest in carrying legislation to support the District's A-G implementation efforts and Full Day Kindergarten program.

Ms. Okumu said that the Assembly Republican Caucus invited Superintendent Romer to provide an update on the District's success and to discuss potential legislative and regulatory changes to support the local reform efforts. Superintendent Romer provided the caucus members with the District's steps to success which included setting high standards, raising the capacity of teachers through professional development, adopting and implementing rigorous curriculum, and implementing the largest building program in the county. He also shared the District's five-year growth success on the Academic Performance Index in all grade levels. The members indicated their interest in continuing to work with the Superintendent to support local efforts to reform secondary schools.

Ms. Okumu pointed out that recently the independent evaluator of the California High School Exit Examination (CAHSEE), the Human Resources Research Organization (HumRRO), released an independent evaluation report, as required by law. HumRRO recommended to keep the CAHSEE requirement in place for the Class of 2006 and beyond. HumRRO also recommends the consideration of options for those students who may be unable to satisfy the CAHSEE requirement by June 2006.

School districts and other parties have been invited to meet with Department of Education staff to provide information on options for students to satisfy the CAHSEE requirement. The public meeting will be held on December 15, 2005, in Sacramento. If the Superintendent of Public Instruction Jack O'Connell is convinced that an alternative would ensure students are able to demonstrate their competency on the standards assessed by the CAHSEE at the same level of rigor and that such alternatives would be in the best interest of all California's students, he will work with the Governor, the State Board of Education, and the Legislature to implement such options by June 2006.

The District will present testimony at the public meeting. The District will also propose an additional administration of the CAHSEE be given in August 2006, with results reported within two weeks, to enable students to graduate in September.

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

#### LEGISLATIVE SCHEDULE

Ms. Okumu presented the Committee with a copy of the tentative legislative calendar for the 2005-06 regular session. She noted that in January, the Senate Education Committee will hold an informational hearing on career and technical education. Dr. Santiago Jackson, Assistant Superintendent, Division of Adult and Career Education, and Mr. Robert Collins, Chief Instructional Officer, Secondary, will participate at that hearing.

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

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The meeting adjourned at 3:37 p.m.  
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Select Committee on Legislation  
333 South Beaudry Avenue, Board Room  
1:00 P.M., Wednesday, December 14, 2005

**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 Moscowitz, Associated Administrators of L.A.

**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. Federal Legislation Status Report	Peggy Barber	20 minutes
3. State Board of Education Report	Peggy Barber	20 minutes
4. Status of District-Sponsored Legislation and State Budget	Vivian Castro	30 minutes
5. Reports on Various Meetings Seminar on Reforming California's High Schools Select Committee on Urban Education Meeting of Assembly Republican Caucus California High School Exit Examination Alternatives	Lucy Okumu	20 minutes

**WRITTEN REPORT FOR INFORMATION**

6. Legislative Schedule

## OTHER ITEMS

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