



## Association of California School Administrators Superintendency Council

Wednesday, January 28, 2009  
Ferrantes Bayview Room, Marriott Hotel, Monterey, CA

**WELCOME / CALL TO ORDER / INTRODUCTIONS:** The meeting, held in conjunction with the annual ACSA Superintendents' Symposium, was called to order at 7:21 am by President Dick Bray. The breakfast was sponsored by Connect-Ed, a system that enables administrators to record, schedule, send and track personalized voice messages to students, parents and staff in minutes.

### HIGHLIGHTS OF THE MEETING

- Committed superintendents to phone legislators now with specific examples of how current and projected state cuts will affect local schools.
- Analyzed with ACSA's governmental affairs staff the current efforts of the governor and the legislature to resolve California's fiscal crisis.
- Reviewed the contents of the House version of American Recovery and Reinvestment Act with close attention to funding for California schools.
- Continued discussion on the flexibility issue including recognizing ROC/P and Adult Education as revenue limit programs, reexamining issues in class size reduction, and encouraging requesting waivers from the State Board of Education.
- Examined the status of ACSA's pending legal cases including charter schools, algebra one, adequacy, and use of mail boxes for political purposes. Noted the importance of district participation in ACSA's Education Legal Support Fund and CSBA's Education Legal Alliance.
- Appointed Dennis Byas, Jeff Hubbard and John Snively to be the nominating committee for selecting the next Superintendency Council president for the 3-year term beginning July 1, 2009.

ATTENDING (signing in)

Council President: Richard Bray, Region 17

### Region Representatives

Region 1:

Region 2: Sherry J. Smith

Region 3: Patrick Godwin

Region 4: Sue Field

Region 5: Emerita Orta-Camilleri

Region 6: Dennis Byas  
Region 7: John Pendley  
Region 8: Don Iglesias  
Region 9: Elaine Cash  
Region 10: Susan Silver  
Region 11: John Snavelly  
Region 12:  
Region 13: Kathy Boomer  
Region 14: Wendy Doty  
Region 15: Amy Enomoto-Perez  
Region 16:  
Region 17: Jeff Hubbard  
Region 18:  
Region 19:

Committee Members:

Tod Anton, Scribe  
Tom Armelino, California County Superintendents Educational Services Association  
Bill Draa, FCMAT  
David Gomez, Latino Superintendents  
Frank Gomez, ACSA Board Liaison  
Gwen Gross, California Association of Large Suburban Districts  
Jeffrey Hearn, High School Districts Association  
Thelma Melendez de Santa Ana, AASA Representative  
Anthony Monreal, CIF Liaison, California Department of Education  
Gil Montano, ROC/P  
Lou Obermeyer, Superintendents Symposium  
Gavin Payne (for Jack O'Connell), California Department of Education  
Bob Price, California League of Middle/High Schools  
Phil Quon, Mid-Sized School Districts  
John Roach, California City School Superintendents  
Jane Russo, Large School Districts  
Catherine Jovicich Walcott, WestEd  
Chuck Weis, ACSA Board Liaison  
Bob Wells, ACSA Executive Director

Others Attending

Frank Ciraci, Blackboard Connect, Inc.  
Marc Ecker, Fountain Valley School District  
Sherry Skelly Griffith, ACSA Governmental Relations  
Adonai Mack, ACSA Governmental Relations  
Brett McFadden, ACSA Governmental Relations  
Laura Preston, ACSA Governmental Relations  
Cary Rodda, ACSA Publications Staff  
Greta Viguie, Chair, Technology Learning Group  
Sal Villaseñor, ACSA Governmental Relations  
Karen Stapf Walters, ACSA Assistant Executive Director

LEGISLATIVE UPDATE – Karen Stapf Walters and Governmental Relations Staff

Budget – Karen Stapf Walters and Adonai Mack

Each council member received a packet on “School Funding in Crisis, Call to Action.” The ACSA staff completed it yesterday. It included a review of the House version of the American Recovery and

Reinvestment Act, directories of federal and state legislators with phone numbers, ACSA "Talking Points" on the need for funding education, action steps for each superintendent to take, a review of the Governor's budget proposal, a sample resolution for school boards, a sample letter to the governor and lawmakers, sample letter to the president and congress members, sample letters to the editor, sample letter to editorial boards, an opinion piece and a sample letter from parents. Later at the luncheon Bob Wells reviewed the contents with the 600 superintendents in attendance. Lou Obermeyer asked each superintendent to make calls to legislators right away as they leave the session.

California Needs to Know: Everyone in the community needs to be upset about what will happen to schools if budget cuts are sustained. Legislators need to feel demands of the community. They may indicate support for schools locally in their districts, but not voting as such in Sacramento. Legislators need to bring up the schools' needs in the Democratic caucus. When cuts are detailed with the parents, they may first get mad at local administrators. Maybe we have to get through this before we can in turn locate actual responsibility to the governor and legislature. The state has reduced funding throughout this decade; now major, severe cuts are imminent. How do we get the simple message through to the legislature? Will we roll over and just accept massive cuts resulting in a reduction in education quality and the state's economic future?

Slashing Funds: There was \$58.1 billion for education in the enacted budget. It is recognized that the budget was built on sand. The governor's proposal is to reduce Prop 98 funding in mid year to a base of \$51.5 billion, an 11.4% decrease. The plan would include eliminating the maintenance factor, the requirement to repay when Prop 98 guarantee is reduced. The plan would eliminate the Cost of Living Adjustment by not funding the 5.02% statutory COLA. This would result in a \$55.5 billion budget for the 2009-10 fiscal year. This will be contested in court. The plan would defer the last apportionment payment to the following year; this would go on forever. This is more than a cash flow issue. One payment would be gone forever. This needs to be explained to legislators. Most legislators seem to believe that schools can get by, putting a teacher in front of students. The legislature could save everybody else, not education. They must understand what the schools must have.

Updated Information: Is there a deal in sight? This depends on whom you ask. Some believe there would be a deal this week. The controller is planning on issuing IOUs, now backing off a bit, maybe holding off another two weeks into mid February. Major players are unsure of what will happen. Expect at least a \$2.5 billion cut to education. They will try to reduce minimum to \$51.5 billion. It is not easy for legislators to understand the maintenance issue. Can the federal stimulus package backfill cuts? Will the legislature assume that one-time federal cash infusion will eliminate the need for new revenue?

Flexibility Discussion – Adonai Mack and Laurie Preston

ACSA supports flexibility. Most discussions have been about class size reduction and categorical programs. There have been internal concerns raised. Adult education and ROC/P generate their own revenue based on students served. There is a fear that blanket flexibility may result in funds being channeled to other programs. If programs are cut, it will be difficult to restore because funds won't be available to restart. Some programs have reserve funds that are being saved for facilities. Managers fear these funds will be swept up. ACSA has clarified its position. The position on flexibility was to treat all categorical programs evenly and fairly in any reduction action. The real issue is that we are not getting traction in the legislature on the flexibility issue. Adonai presents one position and the individual programs' efforts have resulted in legislative confusion. Federal funding for vocational education could be in jeopardy if state funds are shifted to other programs. Wanting flexibility was a quest to allow each district to allocate limited funds to meet local needs the best. Stakeholders in categorical programs are passionate about serving their students. Laurie was hailed for her ability to make sense of a complex issue. Bob Wells offered language to clarify separate treatment of revenue

limit generated funds and categorical funding. Adult education and ROC/P are in the revenue generating part. Bob will describe the issue to the total symposium as he urges superintendents to contact legislators on the flexibility issue. We haven't seen any legislative language yet on the flexibility issue. The Department of Finance staff is giving attention to the issue, a priority of the governor.

Adonai is in the Capitol every day and is persevering on keeping the flexibility issue alive. ACSA has pages of language on the budget and the flexibility issue developed from e-mails from superintendents and others. When convenient, it is wise to support components of the governor's position. Is there a list of the flexibility issues that are desirable? It may not be wise to publish such a list. We don't want the legislature to pick and choose where flexibility may be allowed. Don't enable the legislature make our efforts to save money more complicated. It is better to get maximum wide-open flexibility to allow each district to do what is best in its own situation. Flexibility alone will not solve the state's fiscal problem. Some, maybe most, legislators do not understand that districts are different. Term limits give us new legislators who need understanding of what their school districts require.

Class Size Reduction: This is an issue that seemingly refuses to come up. Teacher groups and some parent groups do not want this to occur. The Speaker does not want this to come up. Talk to your legislators specifically how flexibility in CSR would save funds in your district. Explain what the numbers are in your district and how flexibility would work. Without flexibility, some districts may have to give up CSR. There are some compelling arguments for flexibility. Rigid CSR has caused more combination classes and transporting students to another school. Can the State Board of Education waive CSR penalties? Probably not unless the district is meeting API goals. Some question the cost/benefit ratio of CSR. Some suggest suspending CSR for a year or two. There are no allies in Democratic caucus for CSR flexibility. It is not even on the radar screen. There are some Republicans that see benefit in flexibility. It could be a factor in a compromise measure.

#### EDUCATION LEGAL SUPPORT FUND – Brett McFadden

There are four active cases on the table for the ACSA Education Legal Support Fund. The charter schools case was lost at the trial court; it is now being appealed. The algebra one argument prevailed with the court seeing high merit in the open meeting and jurisdiction issues. ACSA partnered with CSBA on this vital issue. It does appear that the state board will be wasting money on an appeal. We are awaiting a Supreme Court date on whether teacher mailboxes can be used for political purposes. ACSA and CSBA attorneys have drafted arguments on the adequacy issue and are ready for filing, probably in February. We are forming an advisory committee regarding the adequacy lawsuit. Brett distributed a list of 48 school districts that are members of the Education Legal Support Fund. It is vital to have more districts participate. We are facing times that may require legal action to support education for children and youth. It may be the only way to counter improper actions of the governor and/or legislature.

#### FEDERAL STIMULUS PACKAGE – Adonai Mack and Sherry Griffith

Council members received a copy of the package now before congress. Sherry distributed the House version of the American Recovery and Reinvestment Act. The short term task is to try to prevent loss of jobs and get the economy moving again. Education is a major part of the stimulus package. Funding for education is upward of \$100 billion. The printout included a list of each California school district and the projected funds to be distributed using the Title I formula.

How will California education be affected? California's education share is estimated to be close to \$10 billion. There will be funds for Title I, IDEA, school modernization and repair, technology along

with fiscal relief for local public schools and universities. There will be some funding for child care and head start.

If this bill is passed in next 30 days, when would funds be received? The formula driven funds could quickly pass through the SDE to the districts before June 30, 2009. The federal government wants the funds to get out quickly to help save and create jobs. We must not let the state hold up these funds. We cannot allow the state to say that these funds will be applied to replace Prop 98 funding. Will the funds be tied up in the California legislature? Jack O'Connell is working to avoid this; ACSA will be right there to support him.

This is not a long term solution. The federal stimulus would be a stream of money for two years only. Will this federal funding undermine California's need to resolve its budget structure inadequacy?

#### STATE BOARD OF EDUCATION WAIVER WORKGROUP UPDATE -- Sherry Griffith

The council reviewed a memo from Debbi Rury, deputy executive director for the SBE, to members of the Waiver Study Group. The group identified many areas where Education Code sections may be impediments to efficient operation. Among these were instructional minutes requirements, class size reduction, categorical program requirements, seat time, full-time principal in low enrollment programs, instructional materials, teacher/student ratios, monitoring of categorical programs, attendance accounting, QEIA, online courses, employer-employee relations, personnel commission and uniform salary schedule requirements. Additional areas were prevention rather than remediation on CAHSEE, ratios for independent study, hard to fill positions, block scheduling, PE requirements, layoff notice requirements, and purchasing provisions.

At the last meeting of the SBE, four waivers on instructional materials went through on the consent agenda. About 30 waivers are expected to be on the March agenda. The Department of Finance recommended that waivers not be made because they didn't want to go at flexibility piecemeal; they do not want to subvert the governor's proposal for wide spread flexibility.

Districts can work with the SBE staff on waiver requests. The SBE is more open than ever to help districts go through the waiver process. Of course, now only districts with 800 and above API scores are eligible for waivers. However, there is discussion about perhaps extending the process to districts making substantial API gains.

Big government always seems to want to control. In Sacramento there are feelings of distrust that we will not do what is expected of us. There is also the counter feeling that those closest to the action can best develop solutions as to what will work best.

#### FURLOUGH DAYS -- Don Iglesias

One furlough day is almost a.5% salary equivalent for teachers. San Jose Unified has implemented two days this year, not from any instructional days. It was a job saving agreement. The teachers went along with this with the district pledging not to do certificated layoffs this year. What would happen if a district reduced student days below 180? Some county offices are suggesting that districts build budgets on a 175 day calendar. Some districts are considering freezes on step and/or class. Would it result in any savings? Would any legislation on this be forthcoming? Not likely from most Sacramento observers.

#### The ACSA/XEROX ALLIANCE -- Greta Viguie

Xerox will provide an afternoon of professional development for thirty superintendents at the Palo Alto Research Center the afternoon of March 9, 2009. Topics include Internet Fraud and *Phishing*, Responsive Mirror and Augmented Social Cognition. PARC brings together scientists who have the vision, expertise and instincts to convert groundbreaking scientific findings into industrial strength

prototypes. If you want to attend call Kathleen McCreery at (916) 329-3825 or email to [kmccreery@acsa.org](mailto:kmccreery@acsa.org).

#### LEADERSHIP 3.0 SYMPOSIUM – Greta Viguie

The next Leadership 3.0 Symposium will be April 2-4, 2009 in San Diego. It is sponsored by ACSA, CUE and TICAL. Administrators are helped to use technology to work more efficiently and close the student achievement gap. The keynote presentation will be given by Jennifer James. Registration is being handled by the ACSA Burlingame office. Check out the symposium on [www.lead3.org](http://www.lead3.org).

#### SUPERINTENDENCY COUNCIL ELECTION – Dick Bray

The council at its next meeting will have an election for its president for the three-year term beginning July 1, 2009. The nominating committee is composed of John Snavelly, Jeff Hubbard and Dennis Byas.

#### CALIFORNIA INTERSCHOLASTIC FEDERATION REPORT -- Tony Monreal

At CDE we are considering whether or not we should continue to offer conferences during these difficult fiscal times. Input on potential attendance from the field will help us make these decisions.

Also, the CIF state meeting is next week. If there is any concern that superintendents would like to share with me, please e-mail me by February 4 at [amonreal@cde.ca.gov](mailto:amonreal@cde.ca.gov).

#### CALIFORNIA ASSOCIATION OF LATINO SUPERINTENDENTS – David Gomez

David Gomez reported on the association's mentoring program for new superintendents. The program is now in its sixth cohort. The association is seeking a new executive director to replace the retiring Fernando Elizondo. The association's website is [www.calsa.org](http://www.calsa.org).

#### REPORT OF THE ACSA PRESIDENT – Frank Gomez

Frank Gomez reported on how ACSA joined with other education organizations to meet in Washington, DC with members of President Obama's educational staff including Linda Darling Hammond, Jonathan Schnurr and Olyvia Rodriguez. The latter is on Senator Feinstein's staff. Thelma Melendez de Santa Ana and Bob Wells represented ACSA along with Frank. Thelma praised the participation of Bob and Frank; they were well prepared to identify issues and needs; their comments registered well. Bob and Frank commended Thelma for her presentation on closing the achievement gap and the impact of projected cuts on California education. Thelma's status as superintendent-of-the-year was an asset in establishing authority.

There is clearly a new horizon for education in Washington. Doors are open to educators. Obama's staff members noted the need for a growth model in accountability and a student tracking system. Ms. Rodriguez asked for input to help Dianne Feinstein propose legislation to advance education. The need for full federal funding was placed on the table.

#### REPORT OF ACSA'S EXECUTIVE DIRECTOR – Bob Wells

Is the state's financial crisis affecting ACSA membership? Yes, membership which had been increasing to the 16,000 level is this year down 600 members. In the need to reduce expenditures, some districts are withdrawing from covering dues for professional organizations. This is causing ACSA to examine its budget and make necessary changes. In times of difficulty, membership in one's professional organization is more important than ever.

How soon can NCLB be reauthorized with most districts soon dropping into program improvement status? Will it take one or two years or more? Regulations are being examined; changes can occur.

The new administration has affirmed its desire to work the states. The new administration can look at regulations and determine how they will be interpreted and carried out. Secretary Duncan probably will be taking a look at renaming NCLB.

#### AASA LIAISON – Thelma Melendez de Santa Ana

AASA is urging members to contact their congressional representatives on the needs of their schools. Bruce Hunter, AASA associate executive director for public policy, is smart and intuitive on congressional matters. Dan Domenech is the new executive director. Bob Wells is exploring the idea of a package on membership for California superintendents. This may not be the year for raising dues. One thought on ACSA/AASA cooperation is to share an ACSA staff member's time to assist on AASA matters in exchange for an AASA staff member working on California's interests in national legislative matters. This might start with perhaps 10% of a staff members' time. Working with the new Secretary of Education and the department staff is vital.

#### CITY SUPERINTENDENTS – John Roach

The California City School Superintendents will next meet at the Westgate Plaza Hotel in San Diego. The superintendents will meet from 12:00 noon on Thursday, April 30, 2009 until Friday noon May 1, 2009. John Roach promises a stimulating program and exchange of ideas and information.

#### SUPERINTENDENTS' SYMPOSIUM – Lou Obermeyer

Lou Obermeyer expressed her enthusiasm and professional satisfaction over the work her planning committee has done. We will experience a most valued symposium. Dick Bray stated how important it is that we are here together. We can help each other in knowing how to respond to the massive cuts to education. We must reform our vision. This symposium will help us to plan and manage change. We can get ideas on how to put our districts back together again using 21<sup>st</sup> century ideas and technology. Let us think anew on how to organize and operate our school systems to enable our students to succeed and thrive in changing, challenging times.

#### WESTED – Catherine Walcott

Catherine shared a WestEd study on what happens to students who drop out of high school, particularly illuminating the barriers faced by them as they attempt to resume their studies. WestEd is engaged in studies examining the resources of rural districts, the status of California's independent study high schools, and state level implications of response to intervention. WestEd is also looking at web based staff development since district budgets for staff development travel have been cut. Access WestEd reports on [www.wested.org](http://www.wested.org).

NEXT MEETING DATE: Thursday, March 26, 2009, 9:00 a.m. - 1:00 p.m., ACSA Office, Sacramento.

ADJOURNMENT: The council president, Dick Bray, adjourned the meeting at 10:45 am to enable members to participate in the Superintendents' Symposium activities.

NOTES PREPARED BY: Tod Anton, Professor of School Administration Emeritus, California State University, Stanislaus

NOTES REVIEWED BY: Dick Bray, Superintendent, Tustin Unified School District, and Bob Wells, Executive Director, Association of California School Administrators