



Association of California School Administrators SUPERINTENDENCY COUNCIL

Notes of meeting of Friday, December 4, 2009 at the San Diego Marriott Hotel, in conjunction with the 2009 Annual Education Conference and Trade Show of the California School Boards Association

WELCOME/CALL TO ORDER/INTRODUCTIONS -- Phil Quon

President Phil Quon welcomed the council and opened the meeting at 9:12 am. Attendees introduced themselves.

HIGHLIGHTS OF THE MEETING – The Council....

- Reviewed the qualifying procedures for and potential benefits from participation in the Race to the Top initiative of the federal Department of Education.
- Considered the legislative bills, AB 8 and SB 1, which intend to qualify and guide California's eligibility and participation in Race to the Top.
- Brainstormed how a Memorandum of Understanding to qualify a district for Race to the Top funding could be developed and approved.
- Met with CSBA legal counsel on the status of the proposed lawsuit challenging the adequacy of education funding in California.
- Discussed the possibilities and appropriateness of charter school educators in ACSA professional development.

ATTENDING (signing in)

Council President: Phil Quon, Region 8

Region Representatives

Region 1:

Region 2: Sherry J. Smith

Region 3:

Region 4: Sue Field

Region 5: Emerita Orta-Camilleri

Region 6:

Region 7: Patrick Sweeney

Region 8: John Porter
Region 9:
Region 10: Ralph G. Porras (for Sergio Montenegro)
Region 11: John Snavelly
Region 12: Marc Jackson
Region 13: Kathy Boomer
Region 14: David Verdugo
Region 15: Marc Winger
Region 16:
Region 17:
Region 18: Janice Cook
Region 19: Elliott Duchon

Committee Members:

Tod Anton, Scribe
Tom Armelino, California County Superintendents Educational Services Association
Patrick Gemma (for Donald Carter), High School Districts Association
Bill Draa, FCMAT
Dale Drew, Small School Districts Association
David Gomez, Latino Superintendents
Jane Russo, Large School Districts
Barry Groves, Mid-Sized School Districts
Don Iglesias, California City Schools Superintendents
Anthony Monreal, CIF Liaison
Gil Montano, ROC/P
Jeff Vaca, California School Boards Association
Susan Silver, Association of Low Wealth Schools
Chuck Weis, ACSA President and Board Liaison

Others Attending

Larry Aceves, ACSA Past President
Debra Brown, CSBA Senior Legislative Analyst
Marc Ecker, ACSA Assessment and Accountability Task Force
Sherry Skelly Griffith, ACSA Governmental Relations
Richard L. Hamilton, CSBA Education Legal Alliance
Adonai Mack, ACSA Governmental Relations
Laura Preston, ACSA Governmental Relations
John Roach, Superintendent, Carlsbad Unified School District
Sal Villaseñor, ACSA Governmental Relations

FEDERAL UPDATE, RACE TO THE TOP – Sherry Skelly Griffith

RTTT Status: Sherry updated the council on the current and developing factors in qualifying California for Race to the Top funding along with the state procedures and requirements for districts to participate. Sherry shared what is known, what is needed, and the path ahead to participation or non-participation. Sherry first shared several documents and reports. Then the council discussed the issues, posed questions and offered suggestions.

Invitation to Participate: First the council reviewed the invitation (November 25, 2009) to county and district superintendents and charter school administrators from the office of the secretary of education and signed by Jack O'Connell, Theodore Mitchell and Glen Thomas. The letter hopes that California will be one of the states to share \$4.35 billion to improve

education for all students. The letter cites four specific areas of reform: 1) standards and assessments; 2) data systems to support instruction; 3) highly effective teachers and principals; and 4) turning around struggling schools. These areas were detailed in Exhibit I, preliminary scope of work.

Then the letter noted the special session of the legislature to remove statutory roadblocks to eligibility, the enactment of SB 19 to ensure California's data system will be in compliance, and the need to make operational a new growth assessment model. The state must enter into a memorandum of understanding (MOU) with districts interested in participation. A sample MOU was included. The MOU must be signed by the district superintendent and preferably also signed by the president of the school board and the local teachers' union leader.

Participating districts must agree to implement all or significant parts of the state's plan which includes enhanced standards and assessments, use of data, improving teacher and principal effectiveness (This includes measuring student growth, annual evaluations and using them to inform professional development, compensation, promotion, retention, tenure, full certification and/or removal.), having an equitable distribution of effective teachers and principals in high poverty and/or minority schools, professional development, and turning around the lowest-achieving schools.

The invitation included reference to an informational website (caracetothetop.org) and requested completing a survey on probable plan components. The letter also described responsibilities of the school district and the state in implementing the tasks and activities. An appendix to the letter described four intervention models: a) turnaround model, b) restart model, c) school closure, and d) transformational model. Also included were details on 1) increasing teacher and school leader effectiveness, 2) comprehensive instructional reform strategies, 3) increasing learning time and creating community-oriented schools, and 4) providing operational flexibility and sustained support.

Race to the Top Overview: Linda Kaminski's concise overview (November 30, 2009) of the American Recovery and Reinvestment Act of 2009 that pertains to education. This overview could be quite useful in local discussion of RTTT among board members, district staff, and community support groups.

Legislation Supporting Application for and Implementation of RTTT: Sherry Griffith's report summarized (December 3, 2009) what is happening in Sacramento to guide the state's application to RTTT. ACSA has been monitoring activity since the special legislative session began in late August. ACSA's testimony has stressed fiscal sustainability, advocated for professional development, affirmed maintaining personnel evaluation within local control, and proposed a quality review process for common core standards and assessments. ACSA also has urged ensuring quality and accountability for charters run by private management companies. ACSA president Chuck Weis has testified before legislative committees along with other ACSA leaders. Sherry's report lists the criteria for evaluating state RTTT applications. She also listed the schedule of Assembly committee meetings and the anticipated deadlines of December 31 for districts to submit preliminary MOUs to the state and January 19 for the state to submit its RTTT plan to the federal Department of Education.

A Race to the Top Proposal: Sherry shared a review of what is needed and what should be included in the RTTT proposal. The eventual plan should maximize local funding. Participation in the effort to develop common core standards is required. The superintendent of public instruction would submit a plan for implementation to the governor

and the legislature with cost estimates for bringing assessments, instructional materials, classroom practices, and high school exit and college entrance requirements into alignment with the new standards. The sunset date on STAR would be extended a year to give time for new assessments aligned to new standards. The data system needs to be built out. Evaluation systems that are rigorous, transparent and fair will be needed. The focus of turning around persistently low performing schools would be defined. Charter schools would be subjected to school accountability and quality control.

Developing a District's Memorandum of Understanding: In a December 4, 2009 report, Sherry offers suggestions in developing a MOU including hold harmless provisions, funding priorities, data training and professional development. The paper included a chart on weighting of each criterion.

Thoughts on Memoranda of Understanding: How do you sign on before there is a firm blueprint? This needs to be done by December 31, during winter break. Staff may not be available. If you sign up, you will be subject to annual evaluation of personnel. You can sign on to significant portions. If awarded funds in April, you will need to go through criteria and implement. How can you enter into a contract when the elements of the contract are not known? How can you implement conditions that are not part of or even in conflict with the master contract with the unions? We do need assurance that we will be held harmless should resources not be available. We should only be held to contents of the MOU, not to later state add-ons or mandates. If districts acquire an MOU, and later conditions change, can districts opt out?

Signing a letter of intent to participate would be more appropriate. This idea seemed to resonate with superintendents. Anything signed without board authorization would be a risk for superintendents.

Coming Conference Call: As more definite information on desired content of the MOU becomes known, Sherry could have a conference call with council members to get reactions and suggestions. This would occur probably next week.

Legislative Bills: The two bills that relate to RTTT are SB X5 1 (Romero) and AB X5 8 (Brownley). These bills are aimed at qualifying California for RTTT. SB 1 includes an open enrollment provision, a critical piece that could negatively impact many districts. SB 1 is the governor's bill. The bill does not address funding. It does place authority for adopting standards and accountability procedures with the State Board of Education rather than with the California Department of Education. In the RTTT regulations and application process, we will see strands of reform ideas coming through strongly. SB 1 is silent on professional development. The bill allows state testing data to be used in evaluation of teachers and principals. The bill needs more flexible language on removal of principal. SB 1 strongly pushes removal of principals of lowest 5% of schools, a long list.

AB 8 would focus intervention on those schools in the lower 5% that have not registered API gains for five years; currently about 33 schools would be affected. The governor is critical of AB 8. If this bill passes, it will go to a conference committee along with SB 1. It is vital that ACSA brings attention to the strengths and weaknesses of each component of both bills.

The unions, as expected, are not supporting the evaluation components. We need clear language that districts are responsible for principal and teacher evaluation. We have concerns over state evaluation of personnel. Can you picture a Sacramento computer printing evaluations of teachers and principals? Proponents argue that it is cost effective to have the state determine evaluation procedures. Both bills present problems for school

districts. We need to advocate for what is best in both bills. We need to work to get language of “student learning” rather than “student achievement” throughout the bills.

The ACSA staff needs input on AB 8 and SB 1 from council. Council members are very appreciative of the ACSA governmental relations staff’s knowledge and advocacy efforts. They are operating within a tight timeline and rapidly changing scene. Amendments will be coming. Significant changes most likely will occur in the conference committee deliberations. Members of the council seem to prefer most of AB 8 instead of SB 1 at this time. The Assembly bill most closely matches the requirements of RTT, establishes a local funding plan, establishes a fair formula for intervening in struggling schools focused on those making no growth for five years, retains district superintendent authority over placing principals in struggling schools as one option, promotes principal coaching and mentoring, provides fair charter school quality reforms, establishes a process for standards and assessment reviews, among other elements. Also important are sunset dates and an evaluation. Sherry will draft a letter of support and e-mail copies to council members.

Consideration for Districts to Apply for RTTT: The state wants districts to sign on. Los Angeles, Fresno and Long Beach unified school districts intend to participate. Will federal qualifications be based on the state’s percentage of districts or percentage of students? This will probably change from the former to the latter.

The annual school district board organizational meetings occur in early December. Districts will have great difficulty scheduling an additional special board meeting this month. The secretary of education, the state board president and the superintendent of public instruction need to know this. How can we recommend to our board to participate in this for such a relatively small amount, an estimated \$15-18/pupil, of money? Is content of RTTT coming with or without our concurrence? Are there any incentives in RTTT for high performing districts? If we are not funded, what is the incentive for participating? Districts with low performing schools will have to comply with state mandates anyway.

STATE BUDGET UPDATE – Adonai Mack

The Legislative Analyst Office report of November 2009 forecast that California’s General Fund revenues and expenditures show that the state must address a General Fund budget problem of \$20.7 billion between now and the time the Legislature enacts a 2010-11 state budget plan. The budget problem consists of a \$6.3 billion projected deficit for 2009-10 and a \$14.4 billion gap between projected revenues and spending in 2010-11. Addressing this large shortfall will require painful choices -- on top of the difficult choices the Legislature made earlier this year.

The deficit of \$6 billion this year may not impact education as much as other agencies of state government. Education has taken a much heavier reduction already. Also, the issue of supplanting with federal funding makes further cuts problematic. Education is owed another \$1 billion; however, the state has little ability and desire to provide this. The LAO outlined several options for resolving the problem. The governor’s January budget will be revealing. ACSA will provide analysis of the governor’s budget proposal following its release on the 8th or 9th of January. There will be analysis and discussion on the budget at the symposium.

Granting charter school status to all districts sounds intriguing but could come with a strong percentage cut. In 2011-12 the temporary taxes expire. Leadership among Republican legislators is changing.

CLEARANCE CERTIFICATES FOR COACHES -- Laura Preston

AB 1025 (Conway) was signed by the governor on October 11, 2009 and will become effective on July 1, 2010. It requires a paid or volunteer activity advisor to obtain from the Commission on Teacher Credentialing an Activity Supervisor Clearance Certificate. The process would include obtaining state and federal criminal history. The Commission can establish a fee for the certificate. This bill, probably targeted at athletic coaches is causing great concerns among classified employees. Remedial legislation will be introduced in January.

CHARTER SCHOOL LEADERS AND ACSA – Laura Preston

Laura met with a group of principals of charter schools. They are exploring affiliation with ACSA. What would they need from ACSA? There appears to be a divide between educators and others in the charter school movement. Can they be involved in professional training? Charter schools are not going away. Be aware that ACSA staff is working with charter school leaders. Could there be a charter school membership group within a region? Do administrators of private schools participate in ACSA? Council members didn't think so. Credential requirements are absent in charter schools. Many of our districts are overseeing charter schools. Would there be a council or committee of charter school leaders? This is in the exploration stage. Recognize the fact that schools of choice will be with us.

SUDDEN ENROLLMENT DROPS – John Porter

Charters can come into your district at any time. We need legislation to enable districts to cope with a sudden drop in enrollment. In cases of crashing enrollment, districts need flexibility in reducing personnel. Notice periods need to be reduced in times of sudden enrollment drop.

MOVEMENT TOWARD TRUSTEE AREA ELECTIONS – Sal Villaseñor and Debra Brown

Meet and Confer Period: The California Voters Rights Act of 2002 facilitates efforts to have trustee elections by areas of school districts. The goal is to ensure the voting rights of a protected class. Districts with at-large voting are subject to lawsuit. There are law firms that are looking for clients. We need legislation, not to make changes in the California Voters Rights Act, but instead to establish a "meet and confer" period to provide accurate information, understand needs, and to try to work out a settlement. ACSA and CSBA are working on this. We want to work with civil rights organizations, too. The reason is to avoid lawsuits with their costly legal fees that impact districts, especially in today's time of diminishing fiscal resources. Legal costs are assigned to districts. Madera Unified got a bill of \$1.2 million for plaintiffs' legal costs. The "meet and confer" period need only last for a few weeks or a few months. Time would enable board members, concerned citizens and attorneys to explore solutions without a court trial.

Need Census Data: The 2010 United States census is coming. We also should request that the legislature put a moratorium on petitions for district voting until the new census data is known. That data would eliminate or reduce the expense of demographic studies. Much of the election by trustee area activity has occurred in the central valley where boards and

staffs do not always reflect demographics of the school district. The issue has been raised in other parts of the state, too. Council members noted that in some school districts the change to voting by trustee areas has brought in new candidates that have diversified and enhanced school boards. In small districts, at-large voting may be needed to obtain interested candidates.

Role of County Offices: A legislative proposal will need data on what is going on in the school districts. Perhaps we should take a survey to determine the scope of the issue. Maybe we should start with the 58 county offices of education; they have been dealing with the issue. The County Committees on School District Organization might have information.

Quest for Quality Trustees: A council member noted that we aren't opposed to voting by trustee areas; we just want to do it in an orderly fashion without incurring steep legal fees. ACSA and CSBA are interested in getting positively motivated and well trained board members.

COLLECTIVE BARGAINING SURVEY – Adonai Mack

Because of declining fiscal resources, school districts are considering pay reductions and furlough days. We want to share examples of challenges and successes, the best practices in resolving collective bargaining issues. Please fill out the Collective Bargaining Survey from ACSA Governmental Relations. The survey is going to human resources and business officials in school districts. Another form may also go only to superintendents.

CSBA ADEQUACY LAWSUIT – Richard L. Hamilton

The lawsuit challenging the adequacy of state funding has been developed over a two-year period. The quest for getting the right parties and focused issues has been thoroughly studied and accomplished. CSBA has employed very strong Constitutional lawyers. CSBA is maintaining communication with civil rights advocates. CSBA is selecting school districts to be used as case examples, getting board approvals. These districts will form the base for fact finding and discovery. The focus is on the state's budget system. We seek a ruling that the state's funding system is unconstitutional. We are close to filing, possibly in January. Possible remedies will be discussed, but determination would come after the court rules. What would be the result? This time CSBA and ACSA will be at the table. We cannot continue as the present; the future education of children and youth is bleak under present conditions.

SUPERINTENDENCY COUNCIL MEETING OF JANUARY 27, 2010 – Phil Quon

The Superintendents' Symposium will officially start this year with the 1st general session at 3:30 pm on Wednesday, January 27, 2010. The council agreed to move its start time for the January 27, 2010 council meeting to 12:00 noon.

APPOINTMENTS -- Phil Quon

Phil Quon appointed Elliott Duchon to serve on ACSA's Legislative Policy Committee as liaison for the council.

REPORT OF THE ACSA PRESIDENT – Chuck Weis

The leadership summit was better attended than expected. The program was very well received.

The education coalition recently called a press conference on the inadequacy of funding for education in California. It is a fact that our schools are starving. The cuts to education have been disproportional when compared to other parts of the state's budget. At the press conference, when asked where the money would come from, Chuck stated that it is the profession's responsibility to ascertain education's needs. It is not our job to find the money; that is the responsibility of the governor and the legislature. It is important to hold on to Proposition 98.

CALIFORNIA CITY SCHOOL SUPERINTENDENTS -- Don Iglesias

The next meeting of CCSS will be in San Diego on April 29-30, 2010. Chris Steinhauser of Long Beach Unified and Michael Hanson of Fresno Unified will give a progress report on how their collaborative is working. There will be a panel on the state budget and support for education. The huge issues in collective bargaining will be addressed. There will be attention to closing/eliminating the achievement gap. Look for a coming flyer from Don.

AASA LIAISON -- David Verdugo

Plan to attend the AASA National Conference on Education in Phoenix, Arizona February 11-13, 2010. U.S. Education Secretary Arne Duncan will address the conference. Other featured speakers include Malcolm Gladwell, Mika Brezinski and Geoffrey Canada. Let your ACSA office know of attendees from your region. You can register on-line at <http://www.aasa.org/nce/>; cost of registration is \$715.

CALIFORNIA SCHOOL BOARDS ASSOCIATION -- Jeff Vaca

Jeff Vaca thanked the superintendents for their participation in the CSBA Conference. He urged the superintendents to listen to the general session speaker, Daniel H. Pink. Pink is the author of a trio of provocative, bestselling books on the changing world of work.

CALIFORNIA ASSOCIATION OF LATINO SUPERINTENDENTS AND ADMINISTRATORS -- David Gomez

David announced that CALSA will hold a conference on effective practices to help English language learners on March 12, 2010 at UCLA.

CALIFORNIA INTERSCHOLASTIC FEDERATION -- Tony Monreal

Tony Monreal reported that the CIF has discussed the issue of athletic eligibility. Is participation in interscholastic athletic competition a right or a privilege? The discussion emanated from situations in the San Diego Section.

REPORT REVIEWED

Superintendents' Symposium: The council members received the program for the upcoming Superintendents' Symposium to be held in Monterey, January 27-29, 2010. The symposium will be preceded by the Executive Leadership Center and the New Superintendents' Workshop on January 26-27. The theme is "From Crisis to Opportunity: A Time for Bold, Caring Leadership." Sessions on fiscal planning, technology, ethical leadership, leading instructional learning, assessment, state and national legislative issues and politics, and leading change will be featured. General session speakers will be Mark Milliron, Doug Reeves, Jack O'Connell, and Arne Duncan (invited). Superintendent presenters include Rudy Crew, Harry Weinberg, Bob Price, Mike Caston, Jake Abbott, Walt Buster and Jennifer Walters.

NEXT MEETING DATE: Wednesday, January 27, 2010, 12:00 noon - 3:00 p.m., Portola Plaza Hotel, Monterey, in conjunction with the annual ACSA Superintendent's Symposium.

ADJOURNMENT: The council president, Phil Quon, adjourned the meeting at 11:55 pm for participation in the CSBA conference.

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

NOTES REVIEWED BY: Phil Quon, Superintendent, Cupertino Union School District, and Bob Wells, Executive Director, Association of California School Administrators.