



CALIFORNIA SCHOOL FINANCE LITIGATION Robles-Wong v. California

Press Statements

San Francisco Press Conference

**San Francisco USD
Carlos Garcia
Superintendent**

Good morning and thank you for coming.

I am pleased to announce that today a broad coalition of parents, students, school districts and education organizations have filed a historic lawsuit demanding that the State of California fulfill its constitutional obligation to support our public schools and our students.

It is a sad but well-known fact that our school finance system is broken and, as a result, our students are being denied the opportunity to receive the quality education promised by the State and required by the Constitution. We can no longer be surprised that academic achievement for all subgroups of California students is near the bottom in the nation when our school funding is ranked 47th out of 50 states.

The finance system is not related in any way to the State's education program that defines what all schools must teach and what all students must learn in order to be successful. We all know we need to be preparing our children for success in a very competitive global economy, but our school finance system simply doesn't support the educational programs and services our children need and deserve.

Here in San Francisco, our teachers, principals and other educators are working as hard as they can to deliver our students a high-quality education. But the State's unsound, unstable and insufficient finance system prevents us from getting the job done. California's broken finance system also contributes to our large and unconscionable achievement gap that not only harms many of our students, but threatens the future economic health of our State. As you will hear today, these are problems facing schools and students all over the State.

The plaintiffs in this case have filed this lawsuit seeking a sound, stable and sufficient school finance system that provides all of our students with the education they deserve.

Before I turn it over to one of our attorneys, I'd like to thank the California School Boards Association and its Education Legal Alliance for their work over the last several years to develop this case. Their president will be speaking at a press event in Sacramento later this morning. We'll hear from my good friend Chuck Weis from ACSA in a few minutes, and representatives of California State PTA are here as well—President-elect Carol Kocivar and Legislation Director Debbie Look. Finally, San Francisco is very pleased to join a diverse group of school districts from across the State in bringing this lawsuit—Del Norte, Folsom Cordova, Alameda, Porterville, Riverside, Hemet, Santa Ana, and Alpine Elementary outside of San Diego. The plaintiffs also include about 60 students and their parents, including our lead plaintiff Maya Robles-Wong, an 11th grader at Alameda High School. Thank you, and here's Bill Abrams.

Bingham McCutchen LLP
Bill Abrams
Attorney

My name is Bill Abrams and I am a partner in the Bingham McCutchen law firm. With my colleagues Bill Koski from Stanford Law School and Sandie Zuniga of Bingham, we represent students and their parents who attend public schools throughout California.

This lawsuit is simple and straightforward. It seeks to enforce the California Constitution, which requires the State to keep up and support a system of common schools, and to first apply State revenues to fund public schools, before any other spending. Our Constitution requires that school funding be treated differently than other spending, and provides that education is a fundamental right for every child, and must be made equally available to every student.

Unfortunately, California does not provide a funding structure for public education that meets these requirements. This case seeks to fix that.

The State of California has established a comprehensive education program that defines specific knowledge, skills and abilities that all public schools are expected to teach and all students are expected to learn to be informed and engaged citizens, productive participants in the economy, and competitive candidates for postsecondary education. It also requires a broad range of services it deems necessary to help each child take full advantage of the State's educational program and achieve academic success.

The problem is that the State has not determined the actual cost of the educational program, nor provided districts the financial resources to provide the programs and services it requires. Furthermore, the State's funding scheme does not take into account the learning needs of different student populations to ensure that all students receive an opportunity to achieve the State's educational goals and thus have an opportunity to participate in civic life and become productive participants in the economy. Instead, the State bases funding for its education program on formulas that were cobbled together decades ago for a very different educational program and very different student needs.

In addition, the State violates the constitutional requirement that it shall "first set apart" the funding necessary to support the education program. Far from making education its first priority, in recent years the State has cut school funding as a primary means to balance its budget. The State has cut nearly \$17 billion from education in recent years and plans to further cut education in 2010-11. In other words, the State budget is balanced on the backs of California's students.

California is 44th in the country for per-pupil spending in 2007 – dropping to 47th when adjusted for regional cost differences. When comparing the ratio of staff to students, California is 49th for total staff; 47th in principals and assistant principals, and dead last for librarians.

The consequences of the State's failure to provide sufficient funding affect everyone in California. Without enabling districts and schools to actually provide the defined education program, our students aren't able to meet the State's proficiency goals, and lag far behind students in other states. Only half of California students are proficient in English Language Arts. Less than half are proficient in Math.

This case is about getting the State to provide and pay for the opportunity for all children to be successful and proficient according to the State's own standards. The Constitution requires nothing less.

I'd now like to introduce one of our student plaintiffs, Maya Robles-Wong.

Alameda USD
Maya Robles-Wong
Student

Good morning. My name is Maya Robles-Wong. I'm a junior at Alameda High School just across the Bay. I'm here with my parents and sister today because I've seen the way my school, my teachers, and my friends and classmates have had to struggle with less in school. Since I started going to school at Alameda High as a freshman, I know that summer programs have been cut. I know that teachers have been laid off. And I know that programs that are supposed to help my classmates and me go to college have been cut. And we're fighting to keep our music, art, AP classes, and sports. What's most frustrating is that I know that other kids in other parts of the country have more opportunities than we do.

I'm not an expert in education finance, but I know enough to say that it's not because my teachers and our schools aren't trying to give us what we need. I know that the real problem is that the State is not providing the support my school needs to teach me everything I need to know to succeed, to go to college, and to be able to compete with kids from all over the country and the world.

I'm here today to ask the State to fix this problem. I joined this lawsuit with other students and their parents, and with school districts to fight for my future, our future, the future generations of California and our right to a good education. Thank you very much.

Association of California Administrators
Chuck Weis
President

My name is Chuck Weis, and I am the president of the Association of California School Administrators.

The plaintiffs have filed this lawsuit as a last resort to remedy a broken school finance system. The Governor's and Legislature's continued failure to fix a system they know is broken threatens the future of California's students.

Voters repeatedly place public education as a top priority, and most Californians believe there is not enough state funding going to their public schools (PPIC survey, April 2010). Numerous reports during the last decade have documented the State's failure to remedy the broken school finance system. The Governor's own Committee on Educational Excellence in 2007 concluded that our current system is not producing the results that taxpayers and citizens are counting on—and that our students deserve.

We are asking the courts to require the State to meet the expectations set by law in the Constitution. California's students have a right to attend schools with sufficient numbers of qualified teachers, reasonable class sizes, access to high quality instructional materials and

technology and support services necessary for success.

The days of shifting around scarce educational resources must come to an end. California has a constitutional duty to provide a sound, stable and sufficient finance system so all students have equal access to the required educational program.

I would now like to introduce Carl Barnes, a parent here in San Francisco.

San Francisco USD

Carl Barnes

Parent

I'm Carl Barnes. I'm a proud father with two kids in the San Francisco Unified School District. Lumumba is a sixth-grader here at A.P. Giannini Middle School and my little one, Kibwe, is a fourth-grader at Sheridan Elementary. I graduated from Lincoln High School right here in San Francisco. I'm a firefighter with the San Francisco Fire Department. I've also been the district president of the PTA here in San Francisco Unified. Naturally, I've talked to parents and kids all over San Francisco and even from school districts all over California. We may not agree on everything about how best to educate our kids, but the one thing we all agree on is that all of our children are suffering—suffering from a lack of educational opportunity.

Our kids go to schools where the library staff has been let go; the nurse comes once a week, if we're lucky; there aren't enough counselors; and summer school is a thing of the past. Music and art programs are threatened in many elementary schools. And forget about career and technical education; our kids don't have access to the programs, equipment and curriculum that would prepare them for the 21st century work world.

This lack of resources has real consequences for our kids. Many of our children are not proficient on the State's own tests. Many drop out, and many don't have the skills to go to college. Worse yet, the effects of the lack of resources impact our poor kids and our low achievers the most.

Now I'm not the kind of person that thinks a lawsuit is the way to deal with problems. I'd rather work with school district administrators and teachers to address these concerns. And I have. As a past district president of the PTA in San Francisco, I can tell you that we've spent late nights trying to find new ways to save money, to get more volunteers to do the things that paid staff used to do, and to provide the science equipment, art supplies and PE equipment that are necessary for any sound education.

But without the help of the State, many parents are getting turned off. We keep running into the same brick wall—the State of California doesn't provide what our schools and children need. In fact, I'm told that the State hasn't bothered to figure out how much it costs to give every kid the opportunity to succeed. That's why I joined this lawsuit—to demand that the state do its job. To demand a better future for our kids. Your kids. My kids.

Thank you.

Riverside USD
Michael Fine
CBO

My name is Mike Fine, and I am the Deputy Superintendent of Riverside Unified School District.

If there is a large school district that has been successful and innovative in California in spite of the State's school finance system, it is Riverside. We have created numerous innovative programs: the Riverside Virtual School enrolling students from the throughout the Inland Empire; our nutrition program is recognized as one of the best in the nation; and our AVID program is the largest in the world and a model for other districts. And yet we still cannot provide all of the basic services that are necessary for our students and that are guaranteed under our Constitution because of California's school finance system is built around archaic concepts and formulas without regard for what is best for kids.

We have five nurses available for 47 schools in the District. Consequently, District staff often cannot meet basic student health needs, and we are forced to call 911 for minor medical issues such as the administration of anti-seizure medication because the school finance system forced the District to choose between laying off classroom teachers and laying off school nurses.

As part of the school finance system the State requires the District to collect certain student and family information. While we obviously need good data, the State's compliance procedures are such that the District is forced to use three to four full-time staff members just for this purpose—resources that could be better spent in the classroom.

The Governor and the Legislature have repeatedly been put on notice that the finance system is broken. All we are asking is for the leaders of this State to act on this knowledge, fix this broken system by making education the top priority, and enable us to provide the kind of quality education that our Constitution demands—and that our children need.

Thank you.

Sacramento Press Conference

California School Boards Association

Frank Pugh

President

Good morning. My name is Frank Pugh, and I am the president of the California School Boards Association and a board member for the Santa Rosa City Schools. Today, we are here to announce a historic lawsuit filed against the State of California. This morning, the California School Boards Association, the Association for California School Administrators and the California State PTA, along with nine school districts from across the state and more than 60 individual students and their families filed a lawsuit against the state of California to declare the current education finance system unconstitutional.

Education is a fundamental right of every child in California. In fact, California has set clear requirements for what schools are expected to teach and what students are expected to learn, and by doing so the state has an obligation to provide the resources and funding necessary to meet those required standards. However, our state has failed to provide those resources.

It's no secret that schools have been cut to the bone over the past two years. Sadly, these cuts are just the tip of the iceberg. California's broken school finance system has denied students the education they deserve for decades. This is unacceptable, not to mention unconstitutional. And this is why CSBA and our partners have come together with students, parents, superintendents and board members on behalf of every student in California. We ask the court to help us put an end to our broken finance system by declaring it unconstitutional, and requiring state lawmakers to uphold their constitutional duty to design and implement a school finance system that provides students the opportunity to become informed citizens and productive members of society.

It is time for our state to develop and implement a sound, stable and sufficient school finance system that aligns education funding and academic expectations, in order to ensure that all children have the opportunity to succeed on a level playing field.

This lawsuit is a last resort. We can't sit around idly waiting for the state to act while generations of students are suffering the consequences. The Governor and the Legislature – and when I say Legislature I mean both sides of the aisle – have known for some time that the current school finance system is harming students, and yet they have done nothing to remedy the crisis. In fact, in 2005, Governor Schwarzenegger commissioned a Stanford study called, "Getting Down to Facts," which concluded that California's education system is drastically underfunded and the core problem of California schools. And yet, five years have passed and the Governor and the Legislature have failed to act.

The system is broken, and something needs to be done about it. Today, we ask the courts to require California to uphold its duty to provide every student with his or her constitutional right to an education. I would now like to introduce Jo Loss, President of the California State PTA.

California State PTA

Jo A.S. Loss

President

I am Jo Loss, the president of the California State PTA. It is my great honor to represent almost 1 million members throughout California.

California's current school finance system denies the children of our state the education we have promised them in our constitution. We require students to meet high education standards and then deny them the resources they need to meet those standards.

We must have a system that allows schools to deliver a high-quality education for ALL children—in good times and in tough times.

The matter has become ever-more urgent. The time for patience is past. We cannot wait to fix our school finance system any more than children can postpone their childhood.

As PTA president, I have spoken with countless parents, teachers and students - and they all say that the lack of resources and financial support for California public schools affects all students and all schools, and can no longer be ignored.

This lawsuit is an unprecedented step for PTA—but it is the right thing to do. It is a necessary step that we must take in the face of the complete lack of meaningful action by the Legislature and the Governor to reform our broken school finance system.

Thank you. I would now like to introduce one of our attorneys, Deborah Caplan.

Olson Hagel & Fishburn LLP

Deborah Caplan

Attorney

Good morning. I'm Deborah Caplan and I'm with the law firm of Olson, Hagel & Fishburn. We represent the school district plaintiffs in this case and, along with Abe Hajela, we represent the California School Boards Association's Education Legal Alliance, the Association of California School Administrators, and the California State PTA.

This case is about enforcing the State's constitutional duty to provide a system of schools that provides all children with an opportunity to realize their right to an education. The California constitution not only requires the State to provide a system of public schools, but to keep up and support that system as well. The constitution also requires the State to make education a priority and to set apart the revenues necessary to support its schools before it makes other spending decisions.

California is currently not providing the system of schools required by the constitution because its system for financing education is completely irrational and disconnected from the costs of the State's educational program and from the needs of California's children. California has focused a great deal of energy and resources developing a high-quality standards-based educational program that tells schools and school districts what they must teach and tells students what they must learn. What the State hasn't done is made any effort to figure out how much it actually costs to provide the program it requires.

California's educational program and the needs of its students have changed dramatically over the past few decades. Yet the State is still using formulas from the 1950s to

allocate money to school districts. These arbitrary formulas are unrelated to the real costs of the educational program and make it virtually impossible for districts to plan from year to year or to deliver a program in which all students have an equal opportunity to succeed. Districts must struggle against the most daunting odds—California is virtually at the bottom of all 50 states in terms of the ratios of teachers, counselors, nurses, administrative staff, computers and many other critical education resources.

The impact on students is undeniable—almost every subgroup of California students is near the bottom of the nation in academic achievement. And, while the State’s failure to support the required educational program adversely affects all children, it has a more devastating effect on English learners, children living in poverty, and other groups that need particular attention in the learning process.

The education community has been asking the State to address these issues for years without success. We believe the only recourse at this point is to ask the courts to direct the State to fulfill its constitutional duty to provide an educational finance system that reflects the true costs of the State’s education program and which allows districts to meet the needs of all of California’s students. This case begins that process.

Thank you. Now I would like to introduce Pat Godwin, the superintendent of Folsom Cordova Unified School District.

Folsom Cordova USD
Pat Godwin
Superintendent

My name is Patrick Godwin and I am the superintendent of Folsom Cordova Unified School District.

Folsom Cordova joined this lawsuit because the impact of the broken school finance system can be seen very clearly in my district. We are considered a high performing district; yet we are not meeting the educational needs of all of our students, especially for those students who need support due to socioeconomic factors such as language or learning disabilities.

This fact is clearly illustrated in the differences between the communities of Folsom and Rancho Cordova, and even between the two middle schools in Rancho Cordova, Mills and Mitchell. At Mills Middle School we have been able to provide targeted programming and improve the academic achievement of the students dramatically. At the neighboring Mitchell Middle School, however, we don’t have the resources to implement the same program and the academic achievement of students suffers as a result. This is clear evidence that additional resources can make a difference, but they are not available for all students. The school board here has done what it can, but the school finance system often leaves us with no options.

The State has known that its school finance system is fundamentally broken, yet has only proposed band-aid solutions. It is time that the system was fixed and that we replaced it with one that actually aligns the allocation of funds with the State’s educational program.

Thank you. I am now proud to introduce one of Folsom Cordova’s very own students, Nigel Robinson, who is a plaintiff in this case.

Nigel Robinson
Folsom Cordova USD
Student

My name is Nigel Robinson. I am currently attending Mitchell Middle School in the Folsom Cordova Unified School District. Next year, I will be a freshman at Cordova High School. I'm here today with my parents and two younger sisters to discuss this issue in our educational system.

I know that getting a good education is my most important job. And I believe that my teachers and school district know it too. I've seen the way that my teachers voluntarily put in countless amounts of hours helping students, and participate in after-school activities and programs. They know, and my family knows, that it takes this kind of effort to get ahead in school, but I'm worried that no matter how hard we try, it's never going to be enough.

Teachers have less and less time because they are teaching more and more students. Programs that are supposed to help my classmates and me prepare for high school and go on to college have been cut. I'd like to get into a great college, but I know that other kids in other parts of the country have more opportunities than I do, and they'll have a better chance of getting in.

So if we students are working hard, and our teachers are working hard, what's the problem? It makes me think that politicians here in the Capital don't seem to think public education is as important as we do. They haven't provided us with what we need to succeed. I just want the State to do its job. So I joined this lawsuit with other students and their parents, and with other school districts to fight for an education that will properly prepare me, my sisters, and all student of California for the road ahead.

Thank you.

Santa Ana USD
Jane Russo
Superintendent

Good morning, I'm Jane Russo, Superintendent of Santa Ana Unified School District, and I'm very pleased to be here today.

Our school district reflects many communities throughout our State—we have nearly 55,000 students, about 60% are English Learners, and about 80% qualify for free and reduced lunches. Our schools in Santa Ana are filled with students eager to learn all the things they need to fulfill their dreams and achieve success for themselves, their families and our community. Unfortunately, despite the best efforts of our teachers, parents, principals and support staff, we simply cannot provide all of our students the educational opportunities they need to thrive and succeed because the State's school finance system is broken.

The State's finance system, as it's currently structured, does not support the educational programs and services our students need to become proficient in the State's academic standards, and it does not take into account the differing educational needs of various student populations.

The educators in our school district know what we need to do to provide all of our

students the educational opportunities they need and deserve. We know that sufficient numbers of well-trained teachers are essential to teaching and learning, but because of unpredictable and insufficient funding we need to increase class-sizes just to stay solvent. We know that sufficient instructional time is necessary for our students to master the academic program, but the State's finance system funds one of the shortest school days and school years in the nation.

Simply put, something has to be done. Californians should no longer tolerate being near the bottom of the nation in school funding, near the bottom of the nation in school staffing ratios, and sadly, close to the bottom in performance of academic assessments. We are pleased to join this broad coalition of parents and students, school districts, and education organizations in filing this lawsuit seeking to build a sound, new, stable and sufficient school finance system that gives our students the educational opportunities they are entitled to under our Constitution.

Thank you.

Additional Statements

Scott Plotkin
Executive Director
California School Boards Association

After working on this for many years, CSBA is honored to be joined by the school districts and individual plaintiffs in this historic lawsuit to declare California's school finance system unconstitutional. California's broken finance system affects students, teachers, parents, administrators and community members across the State, and today we come together to say, "Enough!"

For too long, our schools have suffered the consequences of a finance system that is unsound, unstable and insufficient.

California has set clear requirements for what schools are to teach and what students are to learn, and by doing so the State has an obligation to provide the resources and funding necessary to meet those requirements. Every student has a right to learn on a level playing field, but the Governor and Legislature take away that right when districts aren't provided the fundamental resources needed to help students succeed.

Bob Wells
Executive Director
Association of California School Administrators

As education leaders, it is our job to stand up for our students and to highlight the Governor's and Legislature's failure to uphold their constitutional duty to provide sufficient funding for our schools. It's clear that voters and parents are fed up with large class sizes as well as a lack of nurses, counselors, librarians and other basic educational services.

We've tried for years to work with the Governor and lawmakers to improve our school finance system, and we will continue that ongoing work through this budget cycle and as time

goes on. But chronic underfunding leaves schools and districts without the educational resources necessary to ensure that students have an opportunity to master the education program set by the State.

Our schools have hit rock bottom because our school finance system is broken. We're asking the courts to declare the current system unconstitutional and to require the Governor and lawmakers to fix it.

With more than \$17 billion in education funding cuts in the last two years alone, our students have been forced into larger class sizes, thousands of teachers and other educators have been let go; and libraries, transportation and other support services have been eliminated. In his May Budget Revision released last week, the Governor proposed even deeper cuts to our schools, denying students their constitutional right to the education the State requires and the public demands.