



Lifting the Fog of Averages

Enacting and Implementing California's Requirement to Report Actual Per Pupil Expenditures School by School

John Affeldt and Guillermo Mayer Public Advocates Inc.

May 2010

Center for American Progress



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Introduction and executive summary

California is hardly on the cutting edge of national education policy these days. Recently released National Assessment of Educational Progress scores show California's fourth and eighth graders among the lowest performing in the country,¹ and its recent best effort to flex its innovation muscle saw the state finish 27th out of 41 Race to the Top applicants.² Yet sometimes the Golden State still finds its way into the forefront of education policy. This paper will explore one such recent example—specifically, the effort to lift the fog of averages that have enveloped public disclosure of local per pupil expenditures—and the implications for such efforts nationally.

In 2005, California passed the first law in the country to require that, each year, all school districts publicly report each school's actual per pupil expenditures as well as the average of each school's actual teacher salaries. The Obama administration has signaled its interest in similar reporting requirements for all schools in districts receiving funds under Title I of the Elementary and Secondary Education Act with a provision in the American Recovery and Reinvestment Act, or ARRA, of 2009 calling for similar information for the 2008-09 school year. With the impending reauthorization of ESEA, it is appropriate to examine the passage and implementation of California's new law for lessons applicable to the national arena.

Senate Bill 687 requires every public school to report its *actual* per pupil expenditures—including *actual* teacher salaries—school by school. The legislation sprung from the convergent desire of a number of different California advocates for better information on inequities in school spending, typically generated by the inequitable distribution of experienced teachers. California, like other states that publicly report local per pupil expenditures, had previously reported only districts' average expenditures per pupil. As a consequence, public reporting has been wildly misrepresentative of the true level of dollars spent in different schools and has masked significant disparities in spending between schools.

Inequitable school spending works along different dimensions: between states, between districts within states, between schools within districts, and even between students within schools. The biggest differences in spending arise between states.³ Most of the litigation over school funding, in the form of state constitutional challenges, have addressed interdistrict disparities.⁴ And at the most micro level, funding inequities can arise within schools as pertains to different students or classes of students. But the reform analyzed here focuses on revealing intradistrict disparities in school spending (though the data produced can also be used to compare spending in schools across the state).⁵

Exposing and redressing such disparities in spending between schools within districts, especially between low-income Title I schools and non-Title I schools, promises to be a key topic of concern in the ESEA reauthorization, judging from the administration's ESEA Blueprint.⁶ As noted, the administration has already signaled its interest in replicating S.B. 687 on a national scale by requiring in the stimulus bill the first ever national reporting of actual per pupil expenditures school by school for the 2008-09 school year,⁷ and by recently requiring actual per pupil expenditure and actual teacher salary data be reported biennially by a representative sample of 7,000 school districts.⁸

The California legislation garnered widespread support across the political spectrum. Its call for fiscal transparency appealed not only to progressives concerned about equitable spending, but to conservatives and business groups interested in transparency for its own sake as well as promoting a more efficient use of public resources whereby school funding could closely follow students' needs. No visible opposition was encountered during the legislative history. The bill earned strong media and editorial support, sailed to passage with a strong bipartisan concurrence, and was signed into law by Republican Gov. Arnold Schwarzenegger.

The California Department of Education, or CDE, took quick action to implement the bill, but has left key questions unanswered for school districts, undermining consistency in implementation. Most notably, the CDE has failed to develop common and consistent understandings across districts for how to identify school-level expenditures. Expenditures in gray areas—such as for custodians or resource teachers shared among schools, for summer school, or district-driven professional development—are given different treatment by different districts in the absence of state guidance.

Also, the CDE has also not actively monitored or enforced districts' compliance with S.B. 687. As a result, reporting compliance was slow to occur. The private monitoring and enforcement efforts—including a successful lawsuit—undertaken by the authors' organization, Public Advocates, have substantially boosted the number of districts and schools now reporting their expenditure data.

The public invests too much in education, and the condition of our nation's schools is too vital to the national interest, for California or the country as a whole to remain unaware of how tax dollars are being spent. Congress should include a similar ongoing fiscal transparency requirement in the ESEA. The comparability requirement, one of three fiscal requirements for the receipt of Title I funds under the act, is a perfect vehicle for this purpose. Congress should expect that effective implementation—to the point where states and districts share common practices for reporting school-level expenditure data—will take a few years to accomplish. A revised comparability requirement should be structured accordingly, providing direction and support to the Department of Education and to states and districts for effective implementation. Adequate training, technical assistance, monitoring, and enforcement will need to be provided to ensure that ultimately, useful and comparable data are reported to local communities and to the public more broadly.⁹

The history of S.B. 687

A meeting of minds gives rise to S.B. 687

The genesis of S.B. 687 arose from an almost uncanny convergence of like minds and empirical investigations in early 2005. Public Advocates Inc., a nonprofit civil rights law firm and advocacy group in San Francisco, fresh from a landmark settlement months before with Gov. Arnold Schwarzenegger over the lack of equal access to qualified teachers, sufficient instructional materials, and decent facilities, was looking to highlight funding disparities statewide. In particular, the firm was exploring a lawsuit against the state for misreporting school-level per pupil expenditures with district averages. Education Trust-West, a nonprofit research and advocacy organization working to close the achievement gap in California, was about to release a groundbreaking report on intradistrict spending inequities in California based on a first-of-its-kind examination of actual teacher salaries paid in different schools.¹⁰ EdVoice, a pro-charter, nonprofit policy advocacy organization in Sacramento started by entrepreneurs such as the founder of Netflix, Reed Hastings, philanthropist Eli Broad, and current Republican gubernatorial candidate Steve Poizner, had decided to focus its legislative push that year on a bill that would require school-by-school reporting of actual per pupil expenditures.

The board of EdVoice landed on this policy initiative after its policy director, Brad Strong, presented it with a compelling white paper. In the paper, Strong presented the case of two elementary schools in Oakland: one in the affluent Oakland hills, was a top-scoring school in California; the other, in the flatlands, consistently scored in the bottom decile on state tests. The average level of teacher experience in the flatlands school was four years, compared to 17 years in the hills school. The difference in salary for such teachers based on the district's salary schedule, Strong determined, was approximately \$20,000. For each K-3 classroom staffed by such teachers, where class sizes were typically limited to 20 students, that \$20,000 salary differential translated to an approximate \$1,000 difference in funding per child between the two schools.¹¹

Ed Trust–West’s report revealed similar examples. Among other instances, the report determined that the average teacher at Jackson Elementary in San Diego Unified School District received an estimated \$6,806 less every year for each of Jackson’s 66 teachers than his or her counterparts across town at Marvin Elementary. Combined, the differential amounted to a budget reduction for Jackson of nearly half a million dollars.¹² Overall, EdTrust–West found that “of the 50 largest California school districts, 42 spend less on teachers in schools serving mostly low-income students than in schools serving the fewest numbers of poor students.”¹³

Together with PICO California, one of the state’s largest grassroots organizing networks, representing more than 400,000 low- and moderate-income families in more than 400 congregations across some 20 separate faith-based affiliated organizations, these advocates reached out to State Sen. Joe Simitian, a Democrat from Palo Alto, to carry the bill that became S.B. 687.

Earlier voter call for expenditure disclosures unheeded

Before S.B. 687 came to be, California voters had attempted to disclose school-level expenditures under Proposition 98, the Classroom Instructional Improvement and Accountability Act. Proposition 98, a 1988 voter-approved constitutional amendment, guarantees a minimum level of annual state spending for K-12 schools and community colleges,¹⁴ and, in doing so, provides the bulk of California’s K-14 funding.¹⁵

To “guarantee accountability for the dollars spent,” and to ensure that “schools spend money where it is most needed,” the measure required each school district to prepare and distribute annually a School Accountability Report Card, or SARC, for each of its schools.¹⁶ These accountability reports were intended to disclose to the public basic information about educational conditions at individual school sites, including test scores, dropout rates, the quality of instruction, and school leadership. Also included in each SARC is a reporting of “estimated expenditures per pupil.”¹⁷

This effort to shed light on school-level expenditures in California was frustrated by unsophisticated school accounting systems and faulty implementation on the part of the state. Districts did not track expenses at the school-level when Proposition 98 was implemented, and the California Department of Education did not require any change in practice when the law went into effect. So instead of requiring school districts to account for the dollars spent at a school (under a

proposition titled the “Classroom Instructional Improvement and Accountability Act”), the CDE only required school districts to report district average expenditures per pupil.¹⁸

Even as upgrades were made over time to California’s K-12 accounting system in terms of technology, software, and standardized coding, the CDE maintained its original 1989 policy of permitting districts to report the same district average per pupil expenditure for each school’s unique accountability report card, misleading parents and the public into thinking those figures represented actual spending at that school site. Nearly all school districts in California continued to follow the CDE’s guidance after Proposition 98.

Public Advocates began to explore litigation to enforce the constitutional requirement as well as ancillary statutory requirements upon discerning the CDE’s failure to implement Proposition 98’s requirement for meaningful school accountability reports on estimated expenditures per pupil. Among the statutory requirements passed to further the purpose of Proposition 98 in 1997 is a California Education Code provision that requires that SARCs enable parents to make meaningful comparisons *between* schools.¹⁹ The litigation efforts were put on hold when EdVoice sought out Public Advocates, among others, to join in a push for legislation that could accomplish the same ends.

S.B. 687 becomes law

The emergence of S.B. 687 in California was made possible by the existence of the underlying constitutional requirement found in Proposition 98 calling for per pupil expenditure reporting in SARC's. On top of this legal infrastructure, the state implemented a new statewide school accounting system developed by the California Department of Education: the Standardized Account Code Structure, or SACS. This new standardized accounting code structure (and the software that went along with it for districts with automated accounting systems) was implemented in districts throughout the state in the early 2000s. For the first time, the software enabled districts to break down expenditures at the school level even if, in fact, few districts were yet doing so.

Against this backdrop, in 2005, a cadre of advocates with similar goals of improving transparency around school-level funding disparities in order to drive reforms in funding and teacher quality inequities converged.²⁰

Legislative history

S.B. 687 sought to clarify that the SARC's per pupil expenditure reports were to be based upon actual school-site expenditures, including, for the first time, actual salary expenditures of personnel at the school. A further provision added the specific requirement that SARC's also report the actual salary average for instructional personnel at the school site, rather than using the same average for all schools in a particular district.²¹ In addition, the final bill required that each school's SARC break down total expenditures into restricted (for instance, categorical funds, designated-purpose parcel taxes, and other such dollars whose use is subject to conditions) and unrestricted (for instance, general purpose) funds and compare the school's level of unrestricted funds (and only unrestricted funds), as well as average teacher salaries, with a district and a statewide average.²²

The advocates who helped draft the bill intentionally limited the district and state comparisons to unrestricted funds, reasoning that all schools should receive roughly the same amount of unrestricted funding and that such funds serve as the best comparator for equity. This approach grew out of a concern that adding in supplemental funding such as Title I funds and the state equivalent, known as Economic Impact Aid, and special education dollars could make certain schools with large concentrations of low-income students and English learners or special education students look comparatively well off when, in fact, at times they may be under-resourced in terms of receiving substantially fewer unrestricted dollars. That is, the advocates reasoned, even these schools should have roughly equal amounts of unrestricted funds *before* adding in categorical funding designed to help students overcome disadvantages. Telling the story of how schools compared as to their levels of unrestricted, general purpose, or “base” level of funding was, for the advocates, the most important purpose of S.B. 687.²³

Sen. Simitian, a former eight-year member of the Palo Alto Unified School District Board and a strong supporter of public education, agreed to take on the bill as its primary author and champion for a few simple reasons. He thought it was important for the public to know how education dollars were being spent and for any significant disparities between schools to be addressed openly. As he liked to tell the media, “There may at times be good reasons for a particular spending disparity and, if there are, school boards ought to be able to explain what they are. If there aren’t, then it’s appropriate to force the issue.”²⁴ Sen. Simitian also articulated his rationale for the bill in the legislative record as follows:

By examining estimated expenditures per pupil, taking into consideration salaries of personnel assigned to an individual school, S.B. 687 will help ensure that school officials, parents, and local communities have sufficient information about education resource allocation. Transparency as to the use of billions of dollars of public education funds promotes good government and encourages educational opportunities of California students.

*A recent report released by Education Trust-West found that money spent on teacher salaries in California varies from school to school within districts. It is important to make information available so as to guarantee equity and equality in per pupil spending.*²⁵

The arguments from the bill’s sponsors and author had a compelling simplicity: If the state and by extension the public were spending so much money on public

education, expecting equal treatment, then we all ought to know how the dollars are being allocated and if, in fact, they are equitably distributed. Different versions of this argument surfaced during the legislative process, but the basic theme of transparency toward equality remained the same.

The bill was launched publicly at a press conference at the Capitol in Sacramento on April 18, 2005. State Superintendent of Public Instruction Jack O’Connell, spoke in favor of the legislation along with Sen. Simitian, as did representatives from all the sponsor organizations. Several media stories reported favorably on the measure,²⁶ and a few positive editorials praised the effort to lift the “fog of averages.”²⁷

The bill received bipartisan support. Democrats, who controlled majorities but not supermajorities in both the Senate and Assembly, nearly uniformly supported the bill, most likely out of a desire to expose inequities visited upon poor students and students of color, but also because some may have welcomed the pressures for increased education spending that might result from the new transparency. The legislative analyses that addressed the purpose for the bill echoed the rationales offered by Sen. Simitian and often cited the Education Trust-West Report in support.²⁸

As the Republican analysis in the Assembly indicated, Republicans saw the bill as a means to expose misuse and inefficient uses of public education dollars, of promoting competition among schools, and as a means to undermine unions and whatever role collective bargaining may have in creating inequitable distributions of teachers.²⁹

This convergence of interest was reflected in the wide array and number of supporters of the measure. A total of 115 letters of support were submitted (from 101 entities), including 28 from 22 different grassroots and faith-based groups (largely driven by PICO), 15 from seven policy advocacy organizations, four from business groups, including the highly influential Business Roundtable, one from State Superintendent Jack O’Connell, one from Pasadena Unified School District, and 66 from individuals.³⁰ Sen. Simitian considers the bill to have been the first education legislation during his tenure in Sacramento in which such a diverse collection of stakeholders, including both conservative business and fiscal advocates and social justice groups, were unified in support.³¹ The breadth of the support would pave the way for broad bipartisan support from Sen. Simitian’s fellow legislators.³²

To the extent there were opponents of S.B. 687, they remained silent and never voiced opposition publicly. The advocates at the time were concerned that the California School Boards Association, the Association of California Administrators, and/or the teachers unions might overtly or covertly seek to undermine the bill's chances. Advocates theorized these groups might not want spending and/or teacher quality inequities to be exposed and possibly lead, thereby, to reforms that might impose restrictions on district, administrator, or union practices in establishing or bargaining for spending and teacher assignment policies locally.

Ultimately, however, no serious opposition emerged.³³ No letters of opposition were filed in either house of the legislature and critical votes during the legislative process garnered near unanimous support³⁴—well beyond the two-thirds vote needed to pass a bill that touches on and furthers the Proposition 98's purposes.³⁵

Significant mandated costs avoided

In addition to concerns over the bill's substance, the sponsors' major concern was that either one of the legislature's appropriations committees or the state's Department of Finance would tag the bill with significant implementation costs for districts. The mere estimation of significant state-mandated costs could have sunk the bill's chances for passage.³⁶ Given that the bill required districts to report, for the first time, school-level expenditure data, it did require districts to manipulate data in ways they had not done before. The question was: how difficult and costly would it be to do so?

Fortunately, it was determined that, with the advent of the new SACS accounting code system, districts with automated accounting systems could ascertain school-level expenditure data with a few simple commands at minimal cost.³⁷ Districts without automated systems (an estimated 20 percent to 30 percent of the state's approximately 1,000 districts) were determined to be able to provide the requested S.B. 687 data upon incurring costs of approximately \$1,000 per district. As a consequence, the cost estimates for implementing S.B. 687 by both appropriations committees and the Department of Finance ranged from \$200,000 to \$300,000.³⁸ While this amount was enough to draw at least a reference by the Republican analysis,³⁹ it was not enough to derail the bill.

Gov. Schwarzenegger signs S.B. 687 into law

The governor's office did not take a position on S.B. 687 prior to its arrival on the governor's desk, as with most bills moving through the legislature. This bill, however, fit well with a theme of "fiscal transparency in education spending" Gov. Schwarzenegger had himself raised in his State of the State address earlier that year,⁴⁰ and that had manifested itself in Assembly Constitutional Amendment, or ACA 2, carried by Republican Assemblywoman Lynn Daucher. ACA 2 proposed to amend the State Constitution, upon approval by the voters to require, among other things, that each district disclose for each school "(1) [r]evenues from any source[:] (2)[e]xpenditures by line item[; and] (3) [t]he number of, and salaries and benefits for employees by classification..."⁴¹

The Daucher bill stalled in the legislative process, however,⁴² and S.B. 687 provided the governor with a viable mechanism to make good on his promise of fiscal transparency in education spending. Gov. Schwarzenegger signed S.B. 687 on September 28, 2005, noting that, in doing so he was making sure that school funds "are spent wisely by strengthening schools' fiscal responsibility."⁴³

Implementing S.B. 687

The CDE convened a working group a little over a month after Gov. Schwarzenegger signed the bill to help the department develop interim guidelines and data definitions for the new law. Officials wanted to issue guidance quickly because the legislation was to take effect on January 1, 2006, and most districts had never reported school-level data on per-student spending, much less disaggregated such data by restricted and unrestricted sources. Various stakeholders participated in the CDE implementation working group, including representatives from Sen. Simitian's office, Public Advocates, EdVoice, PICO California, and EdTrust-West, as well as personnel from the CDE, local districts, and county offices of education.

The quick efforts of the CDE to implement this new reporting requirement for the over 1,000 districts in California are to be lauded. The passage of time has made clear, however, that not all districts are implementing S.B. 687 consistently and that the state could do more in terms of training and technical guidance, assistance and enforcement to ensure effective and meaningful implementation. This section will explore implementation efforts and the issues that have arisen from the California experience.

Major decision points

Establishing the pupil count

Some of the tasks performed by the working group were fairly straightforward, such as selecting the methodology for determining the pupil count to be used in calculating per pupil expenditures. The group selected the annual Average Daily Attendance, or ADA, as the counting method rather than school enrollment because the state uses the ADA to apportion state aid to districts and ultimately to the school site.

Defining "restricted" versus "unrestricted" funds

Districts were generally referred to the California School Accounting Manual to define "restricted" versus "unrestricted" funding sources. The manual describes

the SACS process for categorizing the 370 revenue sources available to California public schools.⁴⁴ Notably, of these revenue streams, all but five are restricted sources.⁴⁵ CDE guidelines provide some examples as well as general definitions to illustrate the different types of expenditures. “Restricted source” was defined as “money whose use is restricted by legal requirement or by the donor.”⁴⁶ Such expenditures include “instructional materials, economic impact aid, and teacher and principal training funds.”⁴⁷ “Unrestricted source” was defined as “money that can be used for any lawful purpose whose use is not restricted by any legal requirement or by the donor,” and includes “class size reduction, state lottery (not the instructional materials portion), and undesignated local parcel tax funds.”⁴⁸

Some members of the working group pushed to have the CDE guidance require districts to further disaggregate restricted and unrestricted funds by their top few sources, consistent with the language in S.B. 687 calling for reporting these categories of funds “in subtotal by restricted and by unrestricted source.”⁴⁹ In response, the CDE was concerned this may prove too complicated initially and it might be more appropriate to add such complexity at a later point in time. The department was also concerned about potentially adding to the mandated costs burden on districts.

Resolving time lag in expenditure data and maintaining data comparability

The working group also grappled with data comparability problems resulting from the time lag in the state’s reporting of statewide financial data.

Districts are responsible for calculating per pupil spending at the school and district levels under the S.B. 687 implementing guidelines, while the CDE is responsible for calculating the statewide figure. Districts can generally report their prior-year expenditures within 90 days after the end of the prior fiscal year.⁵⁰ The state, however, takes approximately eight months from the close of the prior fiscal year to release statewide financial data.⁵¹ By the time the CDE reports the prior year’s state average expenditure per pupil figure, the statutory deadline for SARC publication has already passed.

Rather than compromise data comparability by utilizing per pupil expenditure figures from two different fiscal years in the SARC—for example, using 2005-06 data for the school and district levels and 2004-05 data for the statewide average—the working group reluctantly agreed to require that only the older school and district data be reported. The other option was not to report the statewide average in the SARC until the CDE released the more recent estimate, but since

districts are only obligated to update their SARCs once a year, there was concern that the statewide number would never be amended in years subsequent to the report's initial publication.

The same comparability decision was made with respect to average teacher salaries. Districts must calculate the average teacher salary for the school site under the implementing guidelines, while the state provides the average teacher salary at the district and state levels. Again, districts are capable of reporting the prior-year data fairly quickly, but because the district and state figures are not reported by the CDE until after the SARC is publicized, the guidelines required the comparison of two-year-old data on teacher salaries.

Other concerns about data comparability

Lack of guidance and training on proper use of school-level coding

As noted, a key question in drafting and implementing the legislation was whether California districts had in place the appropriate accounting systems to track and report school site financial data, or whether a new statewide data collection and reporting mechanism would have to be created to disclose the newly required information. It turned out that using the newly implemented SACS to track and report revenues and expenditures was sufficiently robust to serve the purposes of S.B. 687.⁵² Using district-level codes, administrators could annually collect and report financial information and disaggregate it in various ways, including by program, goal, and revenue source along a district dimension. Importantly, the SACS system also included the capacity to use school-level codes to track expenditures at individual schools. Districts, however, were never required by the state to use the school codes, and in many districts accounting personnel were unfamiliar with these codes.

The CDE guidelines given when S.B. 687 was implemented failed to explicitly direct districts to use the school-level object codes in the SACS to track and calculate per pupil spending and teacher salaries. Nor were district personnel given the training or the time to familiarize themselves with the local coding process. According to Steve Rees, president of Schoolwise Press—a company that provides accountability reporting services to districts—this failure resulted in a major implementation barrier, as many districts did not have the personnel on hand to carry out the coding, while others did not even know that such coding ability even existed.⁵³ The confusion persists today as districts are required to comply with the S.B. 687 reporting, but they are still not required to use the school-level object codes in the SACS.

Identifying school expenditures versus nonschool expenditures and properly coding the former

An important area of confusion that remains in California due to the lack of guidance from the CDE concerns identifying what exactly is a school site versus a nonschool site expenditure. That is, when do expenditures belong in whole or in part to another school or the district office?

Among the questions districts face as a result of the lack of guidance: How are districts supposed to assign expenditures related, for example, to a resource specialist teacher or a custodian that is shared among schools? For professional development training originating in the district office? Are substitutes a school or a district expense? How should the district allocate the costs of summer school? As a wholly district expense? As an expense at the school site where summer school is held? As an expense divided among the schools sending students to summer school in proportion to the percentage of students they send?

Similarly, even assuming the state establishes common understandings of school-level expenditures, it remains the case that it also needs to establish common coding practices at the school level. With respect to S.B. 687, for example, are librarians considered instructional personnel as some schools would code them or pupil support personnel as others would?⁵⁴

The state's failure to actually require districts to utilize school-level object codes and to provide guidance on and common understandings of how to apportion and code school site expenditures may be leading to a myriad of different district practices across the state, undermining the comparability of S.B. 687 data, at least as it pertains to comparisons among districts.

Similar problems have been observed in other states when districts themselves or researchers or consultants have sought to compare expenditure data across districts. The lack of common understandings and practices as to defining school versus nonschool expenditures and as to coding school-level expenditures has typically stood in the way of developing comparable expenditure comparisons between schools and across districts.⁵⁵

Fortunately, the U.S. Department of Education has taken promising initial steps to help districts define school-level expenditures as part of the one-time expenditure data collection required under ARRA.⁵⁶ Its guidance in this area is a significant step forward that should be continued and refined under a reauthorized ESEA.

The need for an enforcement mechanism

Convincing districts to comply with S.B. 687 required much more than guidance—it necessitated rigorous enforcement. An investigation by Public Advocates conducted prior to the passage of the bill revealed that California districts often skirted their SARC reporting obligations. They did so with little repercussion from state education officials because the CDE regarded its role as a monitor of compliance and a provider of technical assistance, not as an enforcer of SARC statutes.

Supporters of the legislation realized that the existing low compliance rates (where approximately half of the schools studied failed to have timely published SARCs)⁵⁷ threatened to undermine S.B. 687 and other accountability reporting requirements. In response, Public Advocates embarked on a five-year effort to enforce SARC mandates, including those in S.B. 687.

Public Advocates' 2006 investigation revealed that six months after the bill had taken effect, virtually all districts surveyed had failed to report the required financial data.⁵⁸ The 2007 investigation found that 18 months into the new law, only 34 percent of the schools surveyed reported their per pupil expenditures, and only 32 percent disclosed their average teacher salaries.⁵⁹

That same year, Public Advocates filed suit against the Oakland Unified School District, the first lawsuit of its kind to enforce S.B. 687 and other SARC mandates since Proposition 98 had been enacted in 1989. Demand letters to eight additional California districts accompanied the litigation, threatening similar action if they did not comply with their obligations. Some 400 separate outstanding SARC violations were quickly resolved in the OUSD litigation, but the significant media coverage the lawsuit received, including among media directed to California school districts, had the intended effect of putting other districts on notice that enforcement was now occurring and that noncompliance equaled legal liability.

Compliance jumped after the 2007 lawsuit. Eighty-four percent of the schools surveyed by Public Advocates reported their expenditure data, and 85 percent disclosed their average teacher salaries by 2008.⁶⁰ Compliance inched up to 87 percent and 86 percent, respectively, by 2009.⁶¹

Recommendations

The way forward in California

For California to maintain its leadership on fiscal transparency, a few important steps are called for:

- The CDE needs to issue better guidance to ensure the expenditure data reported on SARC is comparable across the state. In particular, the CDE's guidance should develop a common state understanding of which expenditures should be categorized as belonging to a particular school site and, once those expenditures are determined, which specifically should be coded as certificated instructional personnel.
- The state needs to support its efforts to develop common reporting practices by providing training and technical assistance to local districts in addition to reimbursing districts for the costs associated with mandated SARC reporting.
- The CDE should move forward with converting SARC from a disjointed collection of 9,000 separate school pdf files to a web-based application drawing from a unified digital database. Doing so, among other advantages, would allow for more refined levels of reporting of expenditure information, including breakdowns, for example, of restricted and unrestricted funds by major sources.
- The CDE needs to play a more active role in monitoring and enforcing SARC compliance by districts. Fairly straightforward, private efforts from Public Advocates yielded substantially higher levels of compliance.

Moving forward nationally

California's experiment with more accurate school-level expenditure reporting carries a few key lessons for the nation as a whole:

- Congress should take up the charge and require all districts that receive federal dollars to report how public education dollars are spent at each school site. Given all the state and federal dollars that support public education and the emerging sophistication of state data systems, it is time to expect states and districts to report more accurately how education dollars are being spent.
- Should congressional leaders seek to require actual school-level expenditure reporting in the ESEA, they are likely to find broad support across the political spectrum. Business groups concerned about fiscal accountability, charter school advocates, civil rights, and social justice advocates concerned about equal opportunity, and, of course, parents all share a common interest in fiscal transparency.
- The ESEA reauthorization should direct the Department of Education to continue and further refine its expenditure reporting efforts under ARRA, including by providing guidance to districts both on how to identify school-level expenditures and on how to categorize those expenditures consistently.
- Congress should expect that it will take two to three years of concerted guidance, monitoring, technical assistance, and enforcement from the Department of Education to begin to develop common national understandings and comparable expenditure data, and the ESEA should support an implementation plan consistent with these expectations.
- State educational agencies should be able to use Title II technical assistance funds to bolster their capacity for training districts and monitoring their expenditure reporting.

Conclusion

With S.B. 687, California challenged the country with a simple proposition. Now that schools have the capacity to do so, shouldn't we ask them to tell us how much money they spend, both overall and on the most important school resource in teachers? As we approach the reauthorization of the ESEA, we should ask the same question of all of our nation's schools. If we expect our schools to report on their student achievement and their teacher quality metrics, we should expect as well that they accurately report on the public tax dollars they use to hire those teachers and produce those test scores. The federal government, better than any single state, should be able to develop over time the common metrics for ensuring such data is comparable across districts and states and is widely accessible. The United States invests too much in public education and the health and fairness of our nation's schools are too vital to the national interest for the country not to know how our education dollars are being spent.

Appendix

[Excerpted bill language with relevant amended provisions highlighted and underlined.]

2005 Cal Legis. Serv. Ch. 358 (S.B. 687) (WEST)

SEC. 1.5. Section 33126 of the Education Code is amended to read:

33126. (a) The school accountability report card shall provide data by which a parent can make meaningful comparisons between public schools that will enable him or her to make informed decisions on which school to enroll his or her children.

(b) The school accountability report card shall include, but is not limited to, assessment of the following school conditions:

(1) (A) Pupil achievement by grade level, as measured by the standardized testing and reporting programs pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33.

(B) Pupil achievement in and progress toward meeting reading, writing, arithmetic, and other academic goals, including results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period.

(C) After the state develops a statewide assessment system pursuant to Chapter 5 (commencing with Section 60600) and Chapter 6 (commencing with Section 60800) of Part 33, pupil achievement by grade level, as measured by the results of the statewide assessment.

(D) Secondary schools with high school seniors shall list both the average verbal and math Scholastic Assessment Test scores to the extent

provided to the school and the percentage of seniors taking that exam for the most recent three-year period.

- (2) Progress toward reducing dropout rates, including the one-year dropout rate listed in the California Basic Education Data System or any successor data system for the school site over the most recent three-year period, and the graduation rate, as defined by the State Board of Education, over the most recent three-year period when available pursuant to Section 52052.
- (3) Estimated expenditures per pupil and types of services funded. The assessment of estimated expenditures per pupil shall reflect the actual salaries of personnel assigned to the school site. The assessment of estimated expenditures per pupil shall be reported in total, shall be reported in subtotal by restricted and by unrestricted source, and shall include a reporting of the average of actual salaries paid to certificated instructional personnel at that school site.
- (4)

SEC. 2. Section 33126.15 is added to the Education Code, to read:

33126.15. (a) By July 1, 2006, the department shall develop, and shall recommend for adoption by the State Board of Education, a revision to the standardized template required pursuant to Section 33126.1.

(b) The revision to the standardized template recommended by the department shall include a comparison of the actual unrestricted funding per pupil allocated for the specific benefit of the school or for the benefit of all schools in the district equally, compared to the districtwide average and to the state average of the same computation. The comparison shall include the percentage by which the school is above or below the districtwide average and the state average.

(c) The revision to the standardized template recommended by the department shall include a field for reporting the actual restricted funding, per pupil, allocated for the specific benefit of the school or for the benefit of all schools in the district equally.

(d) The revision to the standardized template recommended by the department shall include a comparison of the average of actual salaries paid to certificated

instructional personnel, compared to the districtwide average and to the state average of the same computation. This comparison shall include the percentage by which the school is above or below the districtwide average and the state average.

SEC. 3. The Legislature finds and declares that Sections 1 and 2 of this act further the purposes of the Classroom Instructional Improvement and Accountability Act.

SEC. 4. Section 1.5 of this bill incorporates amendments to Section 33126 of the Education Code proposed by both this bill and A.B. 1609. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2006, (2) each bill amends Section 33126 of the Education Code, and (3) this bill is enacted after A.B. 1609, in which case Section 1 of this bill shall not become operative.

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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Endnotes

- 1 National Center for Education Statistics, "The Nation's Report Card: Reading 2009" (U.S. Department of Education, 2010), p.16, 34, available at <http://nces.ed.gov/nationsreportcard/pdf/main2009/2010458.pdf>; National Center for Education Statistics, "The Nation's Report Card: Mathematics 2009" (U.S. Department of Education, 2009), p.16, 32, available at <http://nces.ed.gov/nationsreportcard/pdf/main2009/2010451.pdf> (last accessed April 2010).
- 2 U.S. Department of Education, "Race to the Top: Phase 1 Final Results," available at <http://www2.ed.gov/programs/racetothetop/phase1-applications/score-summary.pdf> (last accessed April 2010).
- 3 Richard Rothstein, "Lessons—Closing the Gap in State School Spending," *The New York Times*, January 5, 2000, available at: http://www.epi.org/publications/entry/webfeat_lessons20000105/ (last accessed April 2010).
- 4 Ibid.
- 5 See, for example, Marguerite Roza, "Ensuring Equal Opportunity in Education" (Washington: Center for American Progress, 2008), p. 59-78.
- 6 U.S. Department of Education, "A Blueprint for Reform: The Reauthorization of the Elementary and Secondary Education Act" (2010), p. 5, 11.
- 7 *American Recovery and Investment Act of 2009*, H.R. 1, 111th Congress, 67 (Government Printing Office, 2009), available at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h1enr.pdf (last accessed April 2010).
- 8 U.S. Department of Education, "2009-10 Civil Rights Data Collection Fact Sheet," available at <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-2009-10-factsheet.html> (last accessed April 2010).
- 9 See Saba Bireda and Raegen Miller, "Walking the Talk: Closing the Comparability Requirement Loophole in Title I of ESEA" (Washington: Center for American Progress, 2009), available at http://www.americanprogress.org/issues/2010/03/comparability_brief.html.
- 10 The Education Trust-West, "California's Hidden Teacher Spending Gap" (2005), available at <http://www.hiddengap.org/resources/report031105.pdf>.
- 11 Brad Strong, telephone interview with John Affeldt, San Francisco, CA, April 8, 2010.
- 12 The Education Trust-West, "Hidden Gap," p. 12. "What is the significance of that \$6,806? Put it this way: If Jackson spent as much as Marvin on teacher salaries for its 66 teachers, this would increase its school budget by \$450,000 every year (66 x \$6,806 = \$449,196). With \$450,000 in its pocket, Jackson could dramatically improve the quality of teaching in any number of ways. It could attract and retain more highly educated and experienced teachers for the children who need their help the most. It could hire nine additional teachers with five years of experience each. Alternatively, Jackson could pay for incentives and rich, discipline-specific professional development and coaching for every one of its existing teachers, with money left to spare." Ibid.
- 13 Ibid, p. 5.
- 14 Cal. Const. art. XVI, § 9.
- 15 Legislative Analyst's Office, "Proposition 98 Primer," available at http://www.lao.ca.gov/2005/prop_98_primer/prop_98_primer_020805.htm (last accessed April 2010).
- 16 *The Classroom Instructional Improvement and Accountability Act*, § 2 (Cal. 1988); Cal. Educ. Code § 35256.
- 17 Cal. Educ. Code § 33126 (b) (3).
- 18 California Department of Education, "Technical Assistance Manual for the California Model School Accountability Report Card" (1989), p. 28.
- 19 Cal. Educ. Code § 33126. The amendment requiring "meaningful comparisons between public schools," was made by Assembly Bill 572, Chapter 912, statutes of 1997.
- 20 Brad Strong, then at EdVoice, in particular deserves significant credit for reaching out to Public Advocates, EdTrust West and PICO California to bring the coalition of sponsors together and for finding the bill's champion in Sen. Simitian.
- 21 *State Accountability Report Card: Reporting Requirements: Standardized Template: Review and Revision Act*, S.B. 687 Leg., 2005-06 Sess. (2005), amended April 11, 2005, p. 3, available at http://info.sen.ca.gov/pub/05-06/bill/sen/sb_0651-0700/sb_687_bill_20050411_amended_sen.pdf; see also *ibid.*, p.4: (3) Estimated expenditures per pupil and types of services funded. The assessment of estimated expenditures per pupil shall reflect the actual salaries of personnel assigned to the school site. The assessment of estimated expenditures per pupil shall be reported in total, shall be reported in subtotal by restricted and by unrestricted source, and shall include a reporting of the average of actual salaries paid to certificated instructional personnel at that school site."
- 22 Cal. Educ. Code § 33126 (b) (3). The bill, as passed, also requires that unrestricted and restricted funds be reported "in subtotal by restricted and by unrestricted source." *Ibid.* The CDE, however, has never implemented this provision so as to require any further breakdown of the sources of restricted and unrestricted funds, either by detailed subtotal, or even by, for example, by the top five sources for each category of funds. This is an area ripe for further implementation efforts, particularly if SARCs transition to more web-based applications.
- 23 Reasonable minds could have also concluded that one might just have easily required comparisons of restricted and/or total restricted *and* unrestricted funding to district and state averages. The advocates decided against doing so, however, out of a realization that the SARC was already too long and dense a document for many parents, and that adding additional layers of data and complexity was less desirable than simplicity and clarity.
- 24 Sen. Joe Simitian, telephone interview with John Affeldt, San Francisco, CA, April 14, 2010.
- 25 In Assembly Education Committee Floor Analysis, Senate Bill Third Reading: S.B. 687 (Sen. Simitian), as amended September 2, 2005, 2-3 vote, p. 1 (2005), available at http://info.sen.ca.gov/pub/05-06/bill/sen/sb_0651-0700/sb_687_cfa_20050902_172142_asm_floor.html (last accessed May 19, 2010).

- 26 S.L. Wykes, "Bill Would Require Schools to List Costs of Salaries; Goal Is to Give Parents Another Measuring Tool, Supporters Say," *San Jose Mercury News*, April 19, 2005, available at http://nl.newsbank.com/nl-search/we/Archives?p_product=SJ&s_site=mercurynews&p_multi=SJ&p_theme=realities&p_action=search&p_maxdocs=200&p_topdoc=1&p_text_direct=0=109985AE329B2D00&p_field_direct=0=document_id&p_perpage=10&p_sort=YMD_date:D&s_trackval=GooglePM (last accessed April 2010); S.L. Wykes, "Senator Wants Teacher Salaries on Report Card," *Contra Costa Times*, April 24, 2005, available at 2005 WLNR 6368797 (last accessed April 2010).
- 27 *San Jose Mercury News*, "'Fog of Averages' Blurs School Funding," April 20, 2005, p. 6B, available at http://nl.newsbank.com/nl-search/we/Archives?p_product=SJ&s_site=mercurynews&p_multi=SJ&p_theme=realities&p_action=search&p_maxdocs=200&p_topdoc=1&p_text_direct=0=1099D9F714F11D5C&p_field_direct=0=document_id&p_perpage=10&p_sort=YMD_date:D&s_trackval=GooglePM; *The Examiner*, "Send Best Teachers to struggling Schools," April 19, 2005 (last accessed April 2010).
- 28 *Assembly Floor: Bill Analysis on SB 687*, Leg., 2005-06 Sess. 4 (Ca. 2005), analysis by Michael Ricketts, available at http://info.sen.ca.gov/pub/05-06/bill/sen/sb_0651-0700/sb_687_cfa_20050831_192539_asm_floor.html (last accessed April 2010); *School Accountability Report Card: Reporting Requirements: Standardized Template: Review and Revisions: Hearing on SB 687 before the Assemb. Comm. on Education*, Leg., 2005-06 Sess. 4-5 (Ca. 2005), analysis by Michael Ricketts, Assembly Committee on Education, available at http://info.sen.ca.gov/pub/05-06/bill/sen/sb_0651-0700/sb_687_cfa_20050621_110312_asm_comm.html (last accessed April 2010); *School Accountability Report Card: Reporting Requirements: Standardized Template: Review and Revisions: Hearing on S.B. 687 before the Assemb. Comm. on Appropriations*, Leg., 2005-06 Sess. 2-3 (Ca. 2005), analysis by Kimberly Rodriguez, Assembly Committee on Education, available at http://info.sen.ca.gov/pub/05-06/bill/sen/sb_0651-0700/sb_687_cfa_20050712_150551_asm_comm.html (last accessed April 2010).
- 29 Mark Wyland, vice chair, Assembly Education Committee, "Assembly Republican Bill Analysis: S.B. 687 (Sen. Simitian) School Accountability Report Card: Reporting Spending Per School" (2005). The Republican analysis did not identify significant reasons to oppose the bill (only the possibility of a small state-mandated cost and a possible confusion by the public between the terms "restricted" and "unrestricted" funds were identified as concerns). As reasons to support S.B. 687, the analysis noted: "1. The bill will create pressure for differential pay to attract or retain better quality teachers at low-performing schools, which will produce demands to measure the performance of individual teachers more precisely and publicly, which will lead to merit pay. The differential in pay will work to undermine teacher unions by fostering division because teachers will be paid differently. 2. Providing consumers with information about schools will foster competition. 3. Highlighting variation in teacher salaries will encourage more people to ask 'what are we getting with our money.'" Ibid.
- 30 S.B. 687, Leg., 2005-06 Sess. (Ca. 2005), Legislative History File, available from the California State Archives at http://www.sos.ca.gov/archives/level3_legrecords.html. On file with the authors.
- 31 Sen. Joe Simitian, telephone interview with John Affeldt, San Francisco, CA, April 14, 2010.
- 32 Ibid.
- 33 Sen. Simitian acknowledges receiving some push back from districts against what they saw as "one more thing to do" that is not educating children. He responded to all such comments that districts ought to be willing to share how they spend the public's dollars and they should not be afraid to explain funding disparities for which they had legitimate explanations. Ibid.
- 34 California State Senate, "Complete Bill History: S.B. No. 687," available at http://info.sen.ca.gov/pub/05-06/bill/sen/sb_0651-0700/sb_687_bill_20050928_history.html (last accessed April 2010). One entity, the California Alliance for Arts Education took a "support if amended" position, on the unrelated grounds that it sought to add to the SARC a reporting requirement on the availability of Visual and Performing Arts courses. See letters from Laurie Schell, executive director, California Alliance for Arts Education to the Honorable Joe Simitian, June 17, 2005, May 27, 2005, and April 13, 2005, SB 687 Legislative History File.
- 35 *School Accountability Report Card: Reporting Requirements: Standardized Template: Review and Revisions*: S.B. 687, Leg., 2005-06 Sess. (Ca. 2005), available at http://info.sen.ca.gov/pub/05-06/bill/sen/sb_0651-0700/sb_687_bill_20050928_chaptered.pdf, p. 2, 13 (last accessed April 2010).
- 36 What constitutes costs that are "too high" fluctuates from year-to-year depending on the State's fiscal health. Currently, almost any cost at all will kill a bill in the California Legislature. In 2005, the figure was probably anything approaching \$1 million or more.
- 37 Assemblywoman Judy Chu, *Assemb. Comm. on Appropriations, Cal. B. Analysis*, S.B. 687 Assemb. (2005); Sen. Carole Migden, *S. Appropriations Comm. Fiscal Summary, Cal. B. Analysis*, S.B. 687 Sen. (2005); Jeannie Oropeza, *Department of Finance Bill Analysis: SB 687, 1* (2005). The estimate of little to no costs for automated districts was born out when EdTrust-West asked a friendly district to perform the school-level expenditure analyses required by S.B. 687. Then-Executive Director Russlynn Ali reported to the advocates that, after first acknowledging it had never before analyzed its expenditure data in that manner, the district was able to arrive at the answers after approximately 20 minutes of effort. Similarly, Public Advocates lined up John Deasy, then-superintendent of Santa Monica Unified School District, to attest to both the importance of S.B. 687 and its low costs of implementation. After the fiscal analyses came out, Superintendent Deasy's testimony was deemed unnecessary.
- 38 Ibid. Senate Appropriations: "School districts with well automated accounting systems will likely incur minor costs to report this information. Some school districts with manual accounting systems will likely incur greater costs. There are approximately 1,000 school districts with approximately 8,000 school sites. If 20 percent of the school districts incur costs of \$1,000 to report this information, costs would be \$200,000 annually." Sen. Carole Migden, *S. Appropriations Comm. Fiscal Summary, Cal. B. Analysis*, S.B. 687 Sen. (2005). Assembly Appropriations: "General Fund (Proposition 98) reimbursable mandated costs, likely in excess of \$300,000, to comply with the requirements of this measure. This assumes that 30 percent of school districts will incur costs of at least \$1,000 or more. Actual costs will depend on the number of schools within each district and the status of their current accounting systems (i.e., whether they are computerized or manual)." Assemblywoman Judy Chu, *Assemb. Comm. on Appropriations, Cal. B. Analysis*, S.B. 687 Assemb. (July 13, 2005). Department of Finance: "To the extent that a claim involving the activities required by this bill is filed with the COSM [(Commission on State Mandates)] and a similar decision is made, this bill would not result in additional costs. However, if the COSM determines the proposed activities do redefine existing requirements within SARC, this bill would be a State-reimbursable mandate. . . . [T]he average data requirement costs approximately \$230,000." Jeannie Oropeza, *Department of Finance Bill Analysis: SB 687, 1* (2005).
- 39 Mark Wyland, vice chair, Assembly Education Committee, "Assembly Republican Bill Analysis: SB 687 (Simitian) School Accountability Report Card: Reporting Spending Per School" (2005).
- 40 In his January 5, 2005 speech to both houses of the Legislature, the governor stated: "I will also introduce measures to further charter schools, vocational education and fiscal transparency so people know how every educational dollar is spent at their local schools," Office of the Governor of California, "Governor Schwarzenegger's State of the State Address 01/05/2005" (2005), available at <http://gov.ca.gov/speech/2408/> (last accessed April 2010).
- 41 *Assembly Const. Amend. 2, Leg., 2005-06 1st Extraordinary Session 3* (Ca. 2005), introduced by Assembly Member Daucher, January 6, 2005, available at http://info.sen.ca.gov/pub/05-06/bill/asm/ab_0001-0050/acax1_2_bill_20050106_introduced.pdf (last ac-

- cessed April 2010).
- 42 As noted in the Assembly Education analysis for S.B. 687, ACA 2 “was held in the Education Finance and Teaching Profession committee after its initial hearing as introduced. The committee asked that the author and staff work to refine the proposal.” Ibid. The measure never further moved forward.
- 43 Office of the Governor of California, “Governor Schwarzenegger Signs Legislation to Improve Education in California and Support Education Professionals,” Press release, September 28, 2005, available at <http://gov.ca.gov/press-release/1385/> (last accessed April 2010).
- 44 California Department of Education, “School Accountability Report Card Data Element Definitions and Sources 2008-09,” available at <http://www.cde.ca.gov/ta/ac/sa/sarc0809.asp> (last accessed April 2010); California Department of Education, “California School Accounting Manual (CSAM) 2008 Edition,” available at <http://www.cde.ca.gov/fg/ac/sa/> (last accessed April 2010).
- 45 California Department of Education, “Annual Financial Data,” available at <http://www.cde.ca.gov/ds/fd/fd/> (last accessed April 2010).
- 46 California Department of Education, “School Accountability Report Card Data Element Definitions and Sources 2008-09.”
- 47 Ibid.
- 48 Ibid.
- 49 Cal. Educ. Code § 33126 (b) (3).
- 50 Steve Rees, president SchoolWise Press, telephone interview with Guillermo Mayer, San Francisco, CA, April 9, 2010.
- 51 California Department of Education, “Annual Financial Data.”
- 52 EdSource, “Standardized Accounting Code System (SACS),” available at www.edsource.org/1308.html (last accessed April 2010).
- 53 Steve Rees, president SchoolWise Press, telephone interview with Guillermo Mayer, San Francisco, CA, April 9, 2010.
- 54 Stephen Frank, director of Rethinking School and School System Resources, Education Resource Strategies, telephone interview with John Affeldt, Emeryville, CA, April 12, 2010.
- 55 Ibid.
- 56 See U.S. Department of Education, “Study of School Level Expenditures Form A: Data Reporting Instructions for School Level Expenditure Data for State Educational Agencies and Local Educational Agencies” (2009), available at <http://www.cde.ca.gov/ar/tp/documents/schoollevel expenditure reform.doc>.
- 57 Public Advocates Inc., “SARC Investigation Results” (2005).
- 58 Ibid; Because districts are legally obligated to update their SARCs annually, only districts that had issued their SARCs prior to January 1, 2006—the date on which S.B. 687 took effect—were exempt from complying with the bill’s provisions that year. The CDE’s interim guidelines instructed districts that had not issued their SARCs by January 1, 2006, to report the newly required data. The CDE also provided all districts with sample reporting tables to facilitate compliance with S.B. 867, but did not modify the state-provided SARC template to include such tables until July of 2006.
- 59 Public Advocates Inc., “SARC Investigation Report” (2007).
- 60 Public Advocates Inc., “School Accountability Report Card (SARC) 2008 Investigative Report” (2008).

Acknowledgements

In addition to Sen. Joe Simitian and his staff, the authors wish to acknowledge the efforts of the following individuals in passage of S.B. 687: Brad Strong, currently at Children Now; Russlynn Ali, then-executive director at Education Trust-West; Jim Keddy and Fernando Cibrian of PICO California; and Liz Guillen of Public Advocates. The authors also wish to thank Jonah Minkoff-Zern, a second-year law student at Golden Gate University School of Law, for his significant contributions to the research and preparation of this paper.

About the authors

John Affeldt is a managing attorney at Public Advocates, Inc. where he has focused on educational equity issues through litigation, policy advocacy, and partnering with grassroots organizations. John served as a lead counsel on *Williams v. California*, which resulted in a landmark 2004 settlement to guarantee California's students with sufficient instructional materials, decent facilities, and qualified teachers. Among other efforts, John has brought the only lawsuits in the country to enforce the teacher quality provisions of the federal No Child Left Behind Act that require states and districts to provide "highly qualified" teachers in equal measure to low-income students and students of color. These actions have led the California State Board of Education to strengthen its definition of the "highly qualified" teacher all students are owed and voided 4,000 credentials the state had awarded to former emergency credentialed teachers in an effort to label them as "highly qualified." John is a founding member of the Campaign for Quality Education and Parents and Students for Great Schools, two grassroots, community-based coalitions working to build a statewide grassroots policy advocacy campaign to improve educational opportunities for low-income students of color. For his work on the *Williams* case, in March 2005 John was named California Attorney of the Year by *California Lawyer* magazine. In the winter of 2007, John was also named a Leading Plaintiff Lawyer in America by *Lawdragon* Magazine. John graduated cum laude from Harvard Law School in 1990 and Phi Beta Kappa from Stanford University in 1984. Before coming to Public Advocates,

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Guillermo Mayer is a senior staff attorney at Public Advocates, Inc. where, in addition to education, he focuses on transit equity litigation and advocacy. Most recently, Guillermo led the coalition that won a groundbreaking decision in January 2010 from the Federal Transportation Administration upholding the group's Title VI complaint against the Bay Area Rapid Transit agency, or BART. Guillermo is also working on the reauthorization of the Transportation Act pending before Congress. Guillermo graduated from the UCLA School of Law in 2004 with concentrations in critical race theory and public interest law and policy. Prior to attending law school, Guillermo worked in the California Senate, first as legislative aide for former Sen. Hilda Solis, and subsequently as legislative director for former Sen. Tom Hayden. During law school, Guillermo was selected as a fellow by the Paul and Daisy Soros Fellowships for New Americans; recently, he has been selected as a finalist by the American Constitution Society for the David Carliner Public Interest Award for outstanding midcareer public interest attorneys.

While at Public Advocates, both authors have worked on the passage, implementation, and enforcement of Senate Bill 687 (2005), the subject of this paper.

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