

August 30, 2013

President Mike Kirst
State Board of Education
1430 N Street, Suite #5111
Sacramento, CA 95814

Superintendent Tom Torlakson
Superintendent of Public Instruction
1430 N Street
Sacramento, CA 95814

Re: State Board of Education Meeting September 4, 2013, Agenda Item 6: Local Control Funding Formula

Dear President Kirst and Superintendent Torlakson:

We are writing because we want to ensure that the fundamental civil rights and equity principles at the heart of the Local Control Funding Formula (LCFF) remain front and center during the Board's consideration of options for regulations and guidance. Increased local control is certainly a hallmark of the LCFF but in highlighting solely the "legislative intent" addressing increased flexibility for LEAs, the memo attached to Item #6 fails to present the Board with a balanced picture of the legislative intent motivating the LCFF. The plain language of the legislation itself requires that this Board's regulations ensure local educational agencies (LEAs) "increase or improve services for unduplicated pupils in proportion to the increase in funds" generated by these students. EC 42238.07. By definition, this provision establishes an important constraint on LEA flexibility in the service of ensuring the neediest students receive additional resources to help them succeed.

Any history of the policy discussions around the LCFF must recognize that the new LEA flexibility is not unbounded but is, rather, to be fit within the equity principles identified here and in Governor Brown's charge to cease treating children in unequal situations as equals. Indeed, any guidance or regulations on the use of funds must honor the Governor's specific promise that LCFF "**strategically direct[s] additional money above base funding to children with the greatest need – low-income students, English learners and foster youth.**" (Press Releases from the Office of the Governor, April 24 and June 5, 2013, touting support of superintendents, business leaders, and civil rights leaders for the LCFF.)

Governor Brown made many other statements as well about his proposal to change California's school funding formula. The foundational principles which were cited in the Governor's Budget Summary led with the principles of equity and transparency and ended with academic and fiscal accountability as follows:

- (1) Creating a funding mechanism that is equitable, easy to understand, and focused on the needs of students,**
- (2) Implementing the formula in concert with funding increases for K-12 education,
- (3) Phasing in the formula over several years,

- (4) Paying schools back for deferrals and forgone cost-of-living adjustments through restoration of the deficit factor, and funding annual cost-of-living adjustments going forward,
- (5) Allowing schools maximum flexibility in allocating resources to meet local needs, and
- (6) Holding schools accountable for academic and fiscal outcomes.**
(Governor's Budget Summary - 2013-14, page 18) (emphasis added)

Governor Brown used key opportunities to expand eloquently on the principles of equity as this quote illustrates:

“This is a matter of equity and civil rights, ... So if people are going to fight it, they’re going to get the battle of their lives....

The facts of life are deep inequities from the Oregon border to the Mexican border, and I think we ought to deal with that in the best way we possibly can, ... and education gives people a chance, a fishing rod, as people say, not just a fish.”

Governor Brown
April 24, 2013 Press Conference
(as reported in Sac Bee on April 25, 2013)

Of course, while LCFF funding *must* be spent proportionally on unduplicated pupils, *how* the funds are used to address the state priorities is a local decision. As we move forward to make LCFF work for *all* students, it is very important that there is a shared, complete and inclusive understanding of the intent of the law. It is essential to a fair regulatory process. We urge you to commit publicly to uphold all aspects of the LCFF and request that your staff provide you with options that reflect flexibility constrained by appropriate fiscal accountability.

Sincerely,

Liz Guillen, Public Advocates Inc.
Brooks Allen, ACLU of Southern California
Jory Steele, ACLU of Northern California
Kevin Keenan, ACLU of San Diego & Imperial Counties
Cynthia L. Rice, California Rural Legal Assistance
Christina Livingston, Alliance of Californians for Community Empowerment
Pecolia Manigo, Parent Leadership Action Network
Mynor Godoy, Students for Education Reform
Tavae Samuelu, RYSE Center
Khydeeja Alam Javid, Advancement Project
Arun Ramanathan, The Education Trust – West
Nicole Gon Ochi, Asian Americans Advancing Justice – Los Angeles
Jay Conui, Asian/Pacific Islander Youth Promoting Advocacy and Leadership
Jonathan Klein, Great Oakland Public Schools Leadership Center

Angelica Solis, Alliance for a Better Community
Maria Brenes, InnerCity Struggle
Oscar Cruz, Families in Schools
Marsha Wagner, Stone Soup Fresno
Taryn Ishida, Californians for Justice
Shelley Spiegel-Coleman, Californians Together
Laura Faer, Public Counsel
Thomas A. Saenz, Mexican American Legal Defense and Education Fund
Luis Santana, Reading and Beyond
Miguel Dominguez, Community Coalition
Cody Rommel, Fathers & Families of San Joaquin
Kevine Boggess, Coleman Advocates
Akua Jackson, Youth Together
Jan Gustafson-Corea, California Association for Bilingual Education
Cecilia Chen, Lawyers' Committee for Civil Rights of the San Francisco Bay Area
Karla Perez-Cordero, Oakland Community Organizations