

MONTEREY PENINSULA UNIFIED SCHOOL DISTRICT

TO: Board of Education

DATE: January 8, 2007

ITEM: **INFORMATION:** Proposed "Trigger Points" for Future
New Construction and School Expansion Projects

BACKGROUND:

Recommendation 15 of the Facilities Master Plan reads: "Adopt trigger points so that new schools are not opened until sufficient enrollment exists to offset the new costs." District staff is working on long-term plans for new housing areas and wishes to confirm Board support for the "trigger points" in that analysis.

DISCUSSION:

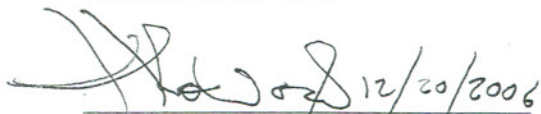
Given the fixed operating cost of any school, opening with too few students will encroach on other district funds. On the other hand, costs to provide interim facilities or bus students to temporary locations also create excessive costs.

MPUSD staff recommends that a new school or classroom wing should open when 50% of the seats will be filled by the end of that school year and 85% utilization will occur within three school years. For example, a new 550 student elementary school should open when it is projected that 275 students will enroll by the end of that year and 467 students will enroll by the end of the third year of use.

RECOMMENDATION:

Receive report for information.

PREPARED BY:

 12/20/2006

Thomas Woodruff,
Chief Business Officer

APPROVED BY:


John Lamb,
Superintendent

MONTEREY PENINSULA UNIFIED SCHOOL DISTRICT

TO: Board of Education
DATE: January 8, 2007
ITEM: **INFORMATION:** Consider MPUSD Board Membership in California School Boards Association Education Legal Alliance

INTRODUCTION:

The Board requested that this topic be an agenda item for discussion.

BACKGROUND:

The California School Boards Association (CSBA) Education Legal Alliance takes on important issues of statewide impact on districts, county offices of education, and regional occupational programs. Typically, the Alliance will file amicus briefs ("friend of the court briefs") in appellate court cases, but has also filed their own cases both before administrative agencies and in the courts. A letter detailing pending lawsuits is attached to this annotation.

OBJECTIVE:

To have the Board consider the possibility of becoming members of CSBA's Education Legal Alliance.

COST/FUNDING SOURCE/FISCAL IMPACT:

Yearly dues for the 2006-2007 school year are \$2,440.

RECOMMENDATION(S):

That the Board of Education review this information item and direct District administration of the Board's interest in this topic.

PREPARED BY



Jeanie Fernandez
Administrative Assistant

**APPROVED FOR SUBMISSION
TO THE BOARD OF EDUCATION**



John Lamb
Superintendent

Education Legal Alliance

May 2006

We fight better when we stand together.

The Education Legal Alliance takes on legal issues that impact schools.

Who we are:

The Education Legal Alliance of the California School Boards Association initiates and supports litigation on behalf of public schools. This consortium of school districts, county offices of education, and regional occupational centers/programs voluntarily joins together to impact education issues and case law.

Formed in 1992 to challenge the constitutionality of property tax collection fees imposed on all districts, the Alliance continues to be successful in pursuing and defending the broad spectrum of statewide public education interests in the courts and before state agencies.

What we do:

Initiate and participate in litigation of statewide importance

Major initiatives include:

- Intervened and participated in the settlement of the *CTA v. Schwarzenegger* lawsuit.
 - Governor agrees that districts and COEs are owed \$2.9 billion as a result of the 2004-05 budget deal.
- Exploring legal options against the state and Commission on State Mandates over adverse mandate decisions, e.g., School Accountability Report Card.

File amicus briefs in support of districts and COEs

Recently, the Alliance has filed amicus briefs on such issues as:

- Classification of teachers with emergency permits for lay-off purposes (pending)
- Use of district mailboxes by unions for campaign purposes
- Defense of district immunity from liability for field trips

Our continuing challenge:

- Adequacy of school funding: The Alliance is continuing to work on a campaign to ensure that schools have the funding necessary to achieve the state standards.

How we work:

Cases and issues are selected by a steering committee of board members, superintendents, and education leaders from government and private industry. An advisory committee of noted school law attorneys provide legal analysis and strategies to the Steering Committee.

How we're funded:

The Alliance is funded by contributions from participating CSBA member school districts and COEs. In order to have continuing impact, this work requires resources and the support of ALL school districts and COEs.



California School Boards Association Education Legal Alliance

3100 Beacon Blvd. P.O. Box 1660 West Sacramento, CA 95691-1660

800-266-3382 • Fax: 916-371-3407 • e-mail: legal@csba.org

Education Legal Alliance

December 2006

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AB 1381 LAUSD litigation: What you need to know

- AB 1381 violates the state constitution by illegally transferring authority over public schools to the Mayor of the City of Los Angeles through a newly created "Council of Mayors" and "The Los Angeles Mayor's Community Partnership for School Excellence." Article IX, Section 6 of the California Constitution states that no "part of the public school system shall be, directly or indirectly, transferred from the public school system or placed under the jurisdiction of any authority other than one included within the public school system."
- AB 1381 creates a governance structure that dilutes accountability and contains no direct line of authority. AB 1381 removes the rights of parents and voters to elect their representatives to the Los Angeles Unified School District governing board and transfers authority for the educational program to persons outside the school system who are not accountable to the school system. Decisions regarding the local governance of LAUSD belong to the people most affected, the voters of LAUSD, not to the Legislature.
- By removing authority from the locally elected governing board and placing it outside of the school system, AB 1381 creates a precedent that affects all board members and districts across the state. CSBA has joined in the lawsuit in order to maintain governing board decision-making authority to meet the educational priorities and needs of local communities.
- A broad coalition of organizations has joined CSBA and LAUSD in challenging the constitutionality of AB 1381, the mayoral takeover bill. Other parties include the Associated Administrators of Los Angeles, plaintiffs, parents of LAUSD students, U.S. Rep. Diane Watson (a former LAUSD board member), area PTAs, the League of Women Voters of Los Angeles and the Association of California School Administrators.
- It is critical that the constitutional questions be resolved as soon as possible so that the LAUSD board and staff can return their focus to the education of LAUSD students and continue implementing the successful reform efforts that have resulted in marked improvements in student achievement. This so-called reform is not about educating the children of Los Angeles, but is instead about the political ambitions of adults in Sacramento.
- How can school board members help in this effort? Right now, the most effective way to show your support is by ensuring that your district is a member in good standing of the Education Legal Alliance.



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