

THE **C**ORE

California County Boards of Education

In this issue



President's message

by Heidi Weiland, CCBE President, El Dorado COE Board Member

This year is off to a busy start. Local Control and Accountability Plans, Common Core and Smarter Balanced testing are all making front-page news while the impacts to county offices of education are far from certain. In the middle of these critical issues, another long-term topic of discussion moves to the forefront of our conversations: the relationship

between elected superintendents and elected boards. In particular, what I call the “whose budget is it, anyway?” debate. The conversation is about more than the budget, it is about what authority a superintendent has to enter into a lawsuit without review and approval of the board; and who has the authority to acquire and dispose of property. We all have more or less solid ideas of what we believe the California Education Code sets forth, but if you ask 10 different people what they think it means, you will get at least three different answers. I was certain I knew the answer to these questions, and was comfortable with my understanding. Then I began reading the Ed Code myself and asking questions of experts; suddenly, I found myself less certain.

What I found is that the law is ambiguous at best, subject to broad and varied interpretation, and filled with ‘mays’ and ‘wills’, and very few ‘shalls’. I also found that in county offices where there is a strong sense of partnership and trust between the board and the superintendent, the question is not as critical. Many of these county offices have policies in place that establish protocols, which in turn protect those relationships. In those where the relationship was strained, that sense of trust and partnership had either never been developed or had been damaged, and strong policies were not in place, the question is more crucial. Recent events, such as the CalPERS settlement, have brought this discussion to the forefront and have further damaged relationships.

In 2006, CCBE and CCSESA worked together to develop a white paper titled Statutory Functions of County Boards and County Superintendents. At that time, the door opened for better partnerships between boards and superintendents, with more opportunities for collaboration, as well as between CCSESA and CCBE. However, even with this document helping to guide collaboration, there is clearly room for improving those relationships. In the coming months, CCBE will be working with CCSESA to review and

County office staff helping lead the way on key issues	2
CCBE legislative committee reviews key legislation	3
Board's authority to set the county superintendent's salary	4
Nomination period open for CCBE's president-elect, vice president and treasurer	4
2014 CCBE Fall Conference	4
CCSESA legislative committee update	5

2014 Calendar of Events

May

CCBE Board of Directors Meeting, May 18
Location: CSBA Main Office, West Sacramento

September

CCBE Fall Conference, September 12-14
CCBE Board of Directors Meeting, September 12
CCBE General Membership Meeting, September 13
Location: Hyatt Regency Hotel, Monterey, CA



County office staff helping lead the way on key issues

By Peter Birdsall, CCSESA Executive Director

County boards of education have every right to be proud of the work being done by county office of education staff and the leading role they are playing in state and federal initiatives.

The Local Control Funding Formula established a new funding system for California's schools and many school districts were having difficulty estimating the state funding they would receive under the new system. The "FCMAT calculator" is now recognized as the best tool available to help districts make these important calculations. The calculator was first developed by county office fiscal staff, and was refined and improved through a coordinated effort of staff from county offices, the California Department of Education, the California Department of Finance, and the Fiscal Crisis and Management Assistance Team (FCMAT). This kind of cooperative effort is exactly the way government is supposed to work.

County office of education staff are now deeply engaged in helping with the implementation of the new Local Control and Accountability Plan (LCAP) process. Up and down the state, county office staff are providing training and assistance for school districts as they develop their very first LCAPs. As county offices receive questions from school districts and others, CCSESA has worked with the State Board of Education and California Department of Education to establish a process by which those questions are evaluated and proposed answers are developed and reviewed by all parties so that we avoid inconsistent messages and answers from the various agencies.

The new technology-based student assessment program has presented serious challenges for schools throughout the state. County office of education staff have been in direct and on-going conversations with the Governor's Office, California Department of Education, and Educational Testing Service (the contractor for the assessment implementation) to help assist school districts with implementation challenges. This cooperative relationship extends to discussions around the Governor's proposals for the May Revision and how the state can further help school districts and county offices in the coming year with Common Core standards and student assessment implementation.

CCSESA is excited that early education has become a priority issue at both the federal and state levels. Recently a group of county superintendents traveled to meet with, among others, the Executive Director of the National Association for the Education of Young Children (NAEYC), the U.S. Department of Education Deputy Assistant Secretary for Early Learning, and the U.S. Department of Health and Human Services Deputy Assistant Secretary for Early Childhood Development. Approximately \$750 million in one-time grant opportunities will soon become available for early Head Start and quality preschool programs. The county

continued on page 6

CCBE Executive Committee & staff

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Juliana Feriani

CCBE President-elect | Region 8: Tuolumne COE

Joaquin Rivera

CCBE Vice President and Editor of CORE
Region 7: Alameda COE

Dr. Ramón Flores

CCBE Immediate Past President
Region 11: Ventura COE

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About CCBE

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Holidays (office closed)

Jan 1 | New Year's Day
Jan 20 | Martin Luther King Day
Feb 17 | Presidents' Day
May 26 | Memorial Day
July 4 | Independence Day
Sep 1 | Labor Day
Nov 11 | Veterans Day observed
Nov 27 | Thanksgiving Day
Nov 28 | CCBE Holiday
Dec 25 | Christmas Day

CCBE legislative committee reviews key legislation

By Ken Berrick, CCBE Legislative Committee Chair, Alameda COE Board Member

The CCBE legislative committee fulfills an important part of the organization's mission by reviewing key bills that are making their way through the legislative process. Many thanks to the legislative committee who came together very quickly in February and reviewed a number of important pieces of legislation over the past two months. Below, you will find a summary of some of the most significant pieces and the positions that the committee took. All of the positions taken by the CCBE legislative committee have been consistent with the CSBA legislative committee, and we are working very closely with CSBA to move forward with these agenda items.

Assembly Bill 2319 (Bonilla)

CSBA staff analysis reads: This investment will allow K-12 local education agencies (LEAs) to make significant one-time investments into professional development, instructional materials, and enhancements to technology, in order to better implement Common Core standards.

The committee took the following position: Support.

Assembly Bill 1442 (Gatto)

CSBA staff analysis reads: While this bill has good intentions, it is too broad, unclear, and burdensome and it is not clear it is needed.

The committee took the following position: Oppose

Assembly Bill 1550 (Rendon)

CSBA staff analysis reads: AB 1550 would greatly impair a school employer's management and fiduciary responsibility as a steward of public education funds and as a responsible agent of public education programs.

The committee took the following position: Oppose

Assembly Bill 1892 (Bocanegra)

CSBA staff analysis reads: AB 1892 establishes a policy that ensures RFEP pupils continue to receive the services and support that they need to enable them to maintain English proficiency while allowing schools to retain the fiscal resources necessary to provide services.

The committee took the following position: Support

Assembly Bill 2212 (Gray)

CSBA staff analysis reads: As the costs of mental health services and the number of students needing the services increase, this bill will provide an additional method for schools to tap into Medi-Cal funding to cover the costs.

The committee took the following position: Support

Senate Bill 1137 (Torres)

CSBA is a co-sponsor of this bill. CSBA staff analysis reads: This bill would bring severely underfunded districts up to a 50 percent reimbursement rate, and provide a cost-of-living adjustment for transportation funding for all school districts. Applying a COLA can ensure districts, county offices of education and JPA, will not be negatively impacted as costs of service rise.

The committee took the following position: Co-sponsor

Senate Bill 1394 (Wyland)

CSBA staff analysis reads: This bill seeks to make statutory changes to Local Control Funding Formula (LCFF) fiscal expenditure requirements and accountability provisions. Local education agencies (LEAs) and state agencies are still transitioning to full LCFF implementation. Before making changes such as those called for in the bill, let's allow time for LCFF to be locally implemented.

The committee took the following position: Oppose

If there are issues on legislation that you would like to bring forward to the committee, please email ken.berrick@gmail.com. As always, thank you for your participation and input. ■

Board's authority to set the county superintendent's salary

By Joaquin Rivera, CCBE Vice President, Alameda COE Board Member

After 16 years, our beloved County Superintendent Sheila Jordan is retiring and five candidates are running to replace her. As one of the duties of the county boards of education is to set the salary of the county superintendent, our board started looking into the timelines to set the salary for the new superintendent. To our surprise, we discovered several contradictory statutes in the books.

Although under California law, the county board of education has the authority to raise or lower the salary of the county superintendent, California Education Code section 1207 states that: “[i]n no case will the salary of the county superintendent be lowered during his term of office,” and that “the salary of an incumbent shall not be reduced during the term for which he was elected or appointed or for any consecutive new term to which he is elected or appointed.”

Based on this, what effect does Section 1207 have on the authority of the county board of education to fix the salary of the county superintendent? Although there are no cases specifically holding Section 1207 to be unconstitutional, the California Office of the Attorney General has plainly opined that the prohibition is unconstitutional and of no effect:

“[T]he effect of article IX, section 3.1 subdivision (b) is wholly to vest in local county boards of education that authority over superintendents' salaries which hitherto has been posited in the Legislature. This conclusion is in large part compelled by the similarity in wording between the old and the new

continued on page 6

Nomination period open for CCBE's president-elect, vice president and treasurer

Leaders are wanted to help guide CCBE's future. Nominations for CCBE's 2015 president-elect, vice president and treasurer are being accepted through July 31. Candidates must serve on a CCBE-member county office of education board, and nominations must come from either the governing board of a CCBE-member county office of education or from an individual member of a CCBE-member board. One nomination is required, followed by candidates' own formal declaration of candidacy by July 31. Nominees will be announced by November and the General Membership will elect the officers at its December 15 meeting in San Francisco. Nomination materials are located at www.theccbe.org. You may also contact Charlyn Tuter at ctuter@csba.org.

2014 CCBE Fall Conference



By Conference co-chairs, Juliana Feriani, CCBE President-elect, Tuolumne COE and Joaquin Rivera, CCBE Vice President, Alameda COE

The 2014 Fall Conference is developing into a fantastic social and educational experience. Capturing one of CCBE President Heidi Weiland's goals, the theme for the conference is Building Bridges—Connecting Counties Benefits Everyone. This year's conference will offer unique opportunities for county board members to learn about current and relevant legislative and policy issues while networking with fellow board members from throughout the state. For inexperienced board members, the conference will be a delightful chance to reach out and network with fellow board members and to share tips and best practices.

Registration is now available on the CCBE website, so please visit the website at www.theccbe.org and click on the CCBE Fall Conference link under upcoming events.

The conference will kick-off on Friday, September 12 in the afternoon with a board engagement workshop focused on the areas of political advocacy and community engagement followed by the President's Reception that will allow board members to interact and get to know each other. The strands for the Saturday workshops include County Board Governance and Engagement; Learning and Education; and Funding, Finance and Management.

The conference rate for members includes workshop materials and most meals. Do not miss what promises to be great conference that will help you become a better board member. Be sure to register today. We hope to see you in Monterey this September 12-14!

CCSESA legislative committee update

By Ramon Flores, CCBE Immediate Past President, Ventura COE Board Member

In 2013, the CCBE executive committee wanted to place an emphasis this year on improving relations with CCSESA and CSBA. We convene two regularly scheduled meetings of CCBE leadership with CCSESA and CSBA leadership to discuss and share mutual concerns and challenges. As an outcome of these meetings, Heidi Weiland, then CCBE President-Elect, was asked to sit on CCSESA's legislative committee. In 2014, Dr. Ramon Flores, CCBE Immediate Past President continued this path by also sitting on CCSESA's legislative committee. The committee has met four times, once face-to-face in Monterey and three times by conference call.

Both CCSESA and CCBE share similar guiding principles when reviewing and taking action on legislative issues. To borrow from CCSESA, both CCBE and CCSESA "take legislative positions on issues that impact county offices, school districts and local schools where it is determined that those positions are important to support or improve the ability of districts and/or county offices to offer quality educational programs for their students."

CCBE and CCSESA both take a "support" position on Senate Bill 1177 by Senator Steinberg. This bill prohibits an operator of an Internet Web site or online service from knowingly using, disclosing, compiling, or allowing a 3rd party to use, disclose, or compile the personal information of a minor for the purpose of marketing or advertising specified types of products or services. Similarly, CCBE and CCSESA take a "support if amended" position on Assembly Bill 1441 by Assemblyman Stone. This bill requires a local educational agency, in determining credits earned for coursework completed in a course that satisfies the requirements for graduation, to award credit for that course in proportion to the period of time the pupil was enrolled in the course and achieving a passing grade and to accept coursework for which a pupil in foster care received a passing grade, while attending another school.

These two bills, along with a series of other bills impacting county offices of education will be presented at the Fall Conference in Monterey. The next CCSESA legislative committee meeting will be face-to-face on April 27 in Santa Barbara County. ■

The 2014 CCBE Directory is now available to download!



As part of your CCBE membership benefits, a directory, which contains contact information on all county board members, CCBE Board of Directors, CSBA Board of Directors, and CCSESA Board of Directors is updated every year. To download your copy of the 2014 Directory, please visit CCBE's website at www.theccbe.org.

President's message, continued from page 5

revise the white paper as appropriate. We are also preparing a workshop for our annual conference this fall to provide our members with knowledge and tools for creating better partnerships with their superintendent and for developing policies that support their own fiscal and fiduciary responsibility.

In my first comments to you back in December, I spoke of building bridges. Our work with CCSESA is one of those bridges.

Another bridge is our relationship with CSBA. We are working to strengthen our relationship with CSBA, through strengthening our engagement with CSBA staff and leadership. We are also reviewing our Memorandum of Understanding between CCBE and CSBA. As our organization grows and changes, keeping that document current is critical.

Bridges are what connect us to places and people that are important to us; and they are a key to the foundation of relationships. Bridges old and new need attention to stay strong. Inspection, strengthening and repair are critical to the structure of a bridge, just as they are critical to the strength of our organization.

I look forward to strengthening and building bridges with you. ■

Board's authority to set the county superintendent's salary, continued from page 4

provisions. Comments prepared for the voters both by the Legislative Analyst and by the amendment's proponents, however, definitively support the same interpretation. By adopting section 3.1 subdivision (b) of article IX the voters quite clearly intended to commit the entire responsibility for fixing superintendents' salaries to the respective county boards of education.

It is well established that such a grant of power to 'fix' salaries is plenary; the authority to both increase and to decrease compensation is therefore implicit...

It is equally certain that section 1207 of the reorganized Education Code cannot operate to circumscribe the plenary power which section 3.1 subdivision (b) of article IX grants. To the extent that it purports to limit county boards' constitutionally-vested discretion to decrease salaries, it is preempted and therefore void."

The California Office of the Attorney General has also opined that there is no specific time in which the county board of education is required to, or prohibited from, fixing the county superintendent's salary:

"Once having concluded that a particular body or agency has the power to fix salaries, it follows that, barring a constitutional or statutory prohibition, the timing of such salaries is vested in that body or agency. Thus, it would appear that if a county board of education may increase or decrease a salary of the county superintendent of schools during that superintendent's elected term it could do so immediately prior to the commencement of the term... We conclude, therefore, that [county boards] may select the time and frequency of changing the salary of such officers... Likewise, the county board of education is under no duty to set such a salary before the election."

It is clear that the Attorney General's interpretation is that Education Code Section 1207 cannot prevent the county board of education from exercising its power to fix the county superintendent's salary during the county superintendent's term of office, regardless of whether the county board of education increases or decreases the salary. Unfortunately, although this interpretation may have great weight in the courts, it is not binding (as only courts can declare a statute unconstitutional) it leaves county boards at risk of possible litigation (which, although we are likely to win, will waste resources that can go directly to the classroom).

Given that the prohibition in Education Code Section 1207 on decreasing the county superintendent's salary during his/her term in office is clearly unconstitutional and invalid, CCBE should work with CSBA and our friends in the Legislature to get this language changed in order to get clarity on this issue. ■

County office staff helping lead the way on key issues, continued from page 2

offices in California are working to ensure we are well-positioned to apply for those grants to benefit California's young children.

In the State Legislature, early education has been identified as a priority by both Senate and Assembly leadership. Working with other statewide organizations like CSBA, ACSA, and California State PTA, CCSESA is engaged in helping make sure any new program and funding both supports and is consistent with existing programs and initiatives already underway in our state.

Technology is an important priority as California schools adapt to the realities of communication and information in the 21st century. A vital resource for meeting the technology needs of schools is the E-Rate program, governed by the Federal Communications Commission (FCC). Recent actions by the President and the FCC will make an additional \$2 billion available to schools across the country over the next two years. This is an important investment, but more can and should be done.

Working with other organizations, CCSESA is advocating for an increase in ongoing E-Rate funding to better meet the demonstrated national need for access to high-speed broadband and to support internal connections within districts and schools. Meanwhile, county office staff play a major role in helping many districts develop their local plans and apply for the E-Rate funding.

Looking to the future, it is clear that county offices will continue to play these dual roles of engagement in the policy debates and active involvement in the implementation activities. The continued collaboration of CCBE and CCSESA is an important element in the success of those efforts. ■