

School districts and administrators sue California over budget

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On September 28 the school districts of Los Angeles, San Francisco and Turlock, the California School Boards Association and the Association of California School Administrators (ACSA) sued California in a San Francisco Court. At issue is the irregular funding of public schools in the state budget.

The current state budget, which passed in June, diverts \$2.1 billion of funding for public schools into local governments. The lawsuit holds that this is a violation of Proposition 98 and of the State Constitution.

California voters approved Proposition 98 in 1988—as an amendment to the State’s constitution—to guarantee a minimum funding to public schools and community colleges. Prop 98 uses a complicated formula that ties school funding to population growth and economic growth. As a rule of thumb, K-12 schools receive 40 percent of each year’s general fund.

In order to balance the budget without raising taxes on corporations and the wealthy, Governor Jerry Brown, a Democrat, and legislators from both parties made the optimistic assumption that the state economy and tax revenues would recover. For that reason they estimated that sales tax revenues would add some \$5.1 billion to the government’s coffers. Under Proposition 98, more than 40 percent of any surge in taxes is pledged to K-12 education.

Instead, the June budget shifted the burden of providing many services from the state to local governments, and diverted \$5.1 billion from the State’s General Fund to help pay for this “realignment.” In effect, this accounting maneuver tries to circumvent Proposition 98’s guarantees by treating the new income as outside the general fund.

In an attempt to avoid legal challenges, the budget assigned \$2.1 billion in revenues from new taxes, to be

proposed in 2012, to public education. The budget also stipulates that if those taxes don’t materialize, then the state will retroactively pay the schools the \$2.1 billion.

What the budget doesn’t provide for is any source for the retroactive payment. This is an important question because the initial \$5.1 billion increased estimate is already in doubt. If those projected revenues don’t materialize, the June budget automatically imposes “trigger” budget cuts on education and social spending.

California has already fallen over \$500 million short of its optimistic revenue expectation in the first two months of the fiscal year, so it’s unlikely that public school funding will be restored any time soon.

The scope of the lawsuit is very limited. The ACSA and school boards are not looking for an injunction to force school funding now, but rather a ruling to prevent the state from using this type of accounting in the future.

However, one organization, the California Teachers Association (CTA), opposes the lawsuit, calling it “premature.” The CTA, an affiliate of the National Education Association (NEA), made a deal with Brown in return for guarantees that instructors would not be laid off and the budget promise to pay back the missing billions if voters reject the tax measure referendum in 2012.

The CTA supported Jerry Brown in the 2010 election, peddling the illusion that Brown and the Democrats, who control both houses of the state legislature, would favor education and stop the succession of budget cuts that affected public education during the administration of Republican Governor Arnold Schwarzenegger.

Despite their differences over this lawsuit, in their public statements both the ACSA and the CTA have tripped over themselves to see who can bow lower to the Democrats while stabbing the state’s public

education workers in the back.

The president of the CTA, Dean E. Vogel, made a statement on the June budget and prior cuts saying both: “thousands of educators were laid off, class sizes pushed higher, the school year shortened, student programs eliminated, and college tuition fees increased,” and “we commend Democratic lawmakers for engaging in the work they were elected to do.” He then tried to reconcile the two wildly contradictory statements by blaming the cuts entirely on the Republicans.

The promises the CTA received in June prohibiting districts from firing more teachers and limiting their ability to cut pay do not protect support staff like janitors, nurses, and librarians or community college instructors. Most of these workers hung out to dry are also CTA members. The cuts school districts are allowed to make include reducing the school year by seven days and firing more support staff, while forcing teachers to perform many of the support tasks themselves.

According to the ACSA, the seven-day reduction would only cover two-thirds of the potential trigger cuts and that several districts, already running skeleton crews of support staff, may become insolvent. Instead the ACSA advocates new legislation to give administrators emergency powers to fire teachers and increase class sizes in the middle of the school year.

An open letter to Brown on September 15th signed by the ACSA, the California School Board Association, and others, began by singing the praises of the Democratic Party officials. The signers declare that they “appreciate the extraordinary efforts of both you [Brown] and the Democratic leadership,” and that the budget “is the best that could have been achieved for schools under the circumstances.”

Without a hint of irony, the letter concludes with the request “that the Legislature enact legislation giving districts emergency authority to take steps necessary to avoid insolvency, including the one-time ability to either lay off teachers and increase class sizes or impose mandatory furloughs if the budget trigger is pulled.”

Both the CTA and the ACSA are on board with cuts that pave the way for the destruction of public education in California. What they disagree on is which group should be at the bottom of the sinking ship.

The unions don’t care how degraded California’s schools become as long as they keep their political arrangement with the Democrats and collect their dues. The CTA supports the schools’ ambiguous funding as a way of protecting teachers from cuts by delaying them until the school year starts when teachers can’t legally be fired.

If the cuts do take place in the middle of the school year, the CTA will do what it has already done throughout this economic crisis and embrace furlough days, school year reductions, and the decimation of support staff, as the best they can hope for.

The ACSA opposes these accounting tricks because teacher compensation is the single largest expenditure in schools, and after years of cuts there’s not much else to take away. They hope to fire even more overworked and underpaid teachers.



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