

1 BINGHAM MCCUTCHEN LLP
William F. Abrams (SBN 88805)
2 Sandra C. Zuniga (SBN 250881)
1900 University Avenue
3 East Palo Alto, California 94303-2223
Telephone: 650.849.4400
4 Facsimile: 650.849.4800
Email: william.abrams@bingham.com
5 Attorneys for INDIVIDUAL PLAINTIFFS

6 OLSON HAGEL & FISHBURN LLP
Deborah B. Caplan (SBN 196606)
7 Joshua R. Daniels (SBN 259676)
555 Capitol Mall, Suite 1425
8 Sacramento, California 95814
Telephone: 916.442.2952
9 Facsimile: 916.442.1280
Email: Deborah@olsonhagel.com
10 Attorneys for Plaintiffs CSBA/ELA, ACSA,
CALIFORNIA STATE PTA, and DISTRICTS

11

12 (Additional Counsel Listed After Caption)

13

SUPERIOR COURT OF THE STATE OF CALIFORNIA

14

COUNTY OF ALAMEDA

15

MAYA ROBLES-WONG, a minor, by Michael
16 Robles-Wong, guardian ad litem;
MILENA ROBLES-WONG, a minor, by Michael
17 Robles-Wong, guardian ad litem;
REINA BONTA, a minor, by Robert Bonta,
18 guardian ad litem;
ILIANA BONTA, a minor, by Robert Bonta,
19 guardian ad litem;
HARRISON BRAND, a minor, by Susan Davis,
20 guardian ad litem;
PHOEBE BRAND, a minor, by Susan Davis,
21 guardian ad litem;
RUBY MEYER SILTANEN, a minor, by Robert
22 Siltanen, guardian ad litem;
ELI MEYER SILTANEN, a minor, by Robert
23 Siltanen, guardian ad litem;
CHRISTOPHER BARKLEY, a minor, by Mary
24 Barkley, guardian ad litem;
BRADLEY BARKLEY, a minor, by Mary
25 Barkley, guardian ad litem;
EASTON SCAGGS, a minor, by Nanette Scaggs,
26 guardian ad litem;
HAYDEN SCAGGS, a minor, by Nanette
27 Scaggs, guardian ad litem;
ALEX SCAGGS, a minor, by Nanette Scaggs,
28 guardian ad litem;

No.

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF FOR
VIOLATION OF ARTICLE IX,
SECTIONS 1 AND 5; ARTICLE XVI,
SECTION 8(A); ARTICLE 1,
SECTIONS 7(A) AND 7(B); AND
ARTICLE IV, SECTION 16 OF THE
CONSTITUTION OF THE STATE OF
CALIFORNIA**

Case Filed: May 20, 2010
Department:
Judge:

A/73382179.6/0999997-0000929567

- 1 ANGELINA VUE, a minor, by Khou Vue, guardian ad litem;
- 2 JIN VUE, a minor, by Khou Vue, guardian ad litem;
- 3 EMILY HILL, a minor, by Paula Hill, guardian ad litem;
- 4 SARAH HILL, a minor, by Paula Hill, guardian ad litem;
- 5 GENEVIEVE HILL, a minor, by Paula Hill, guardian ad litem;
- 6 LENA GRACE HILL, a minor, by Paula Hill, guardian ad litem;
- 7 NIGEL ROBINSON, a minor, by Rodney Robinson, guardian ad litem;
- 8 NATALIE ROBINSON, a minor, by Rodney Robinson, guardian ad litem;
- 9 NYAH ROBINSON, a minor, by Rodney Robinson, guardian ad litem;
- 10 SAMUEL RUBY, a minor, by Laura Ruby, guardian ad litem;
- 11 JORDAN THOMPSON, a minor, by Donna Thompson, guardian ad litem;
- 12 ZACHARY NAYLOR, a minor, by Wendy Naylor, guardian at litem;
- 13 JILLIAN NAYLOR, a minor, by Wendy Naylor, guardian at litem;
- 14 SAMUEL NAYLOR, a minor, by Wendy Naylor, guardian at litem;
- 15 BOBBIE RIVERS, a minor, by Tammy Rivers, guardian ad litem;
- 16 KRISTA RIVERS, a minor, by Tammy Rivers, guardian ad litem;
- 17 OLIVIA NASH, a minor, by John Nash, guardian ad litem;
- 18 ABIGAIL NASH, a minor, by John Nash, guardian ad litem;
- 19 ISAAC NASH, a minor, by John Nash, guardian ad litem;
- 20 ELIZABETH BAILEY, a minor, by Judy Bailey, guardian ad litem;
- 21 JULIA BAILEY, a minor, by Judy Bailey, guardian ad litem;
- 22 BEAU BETTEN, a minor, by Amy Betten, guardian ad litem;
- 23 CODY BETTEN, a minor, by Amy Betten, guardian ad litem;
- 24 GRACE BETTEN, a minor, by Amy Betten, guardian ad litem;
- 25 SAMUEL MEDURE, a minor, by Angela Medure, guardian ad litem;
- 26 BENJAMIN MEDURE, a minor, by Angela Medure, guardian ad litem;
- 27 LUKE MEDURE, a minor, by Angela Medure, guardian ad litem;
- 28 RYAN RAMIREZ, a minor, by Sandra Ramirez,

1 guardian ad litem;
EASTAN RAMIREZ, a minor, by Sandra
2 Ramirez, guardian ad litem;
JORDAN RAMIREZ, a minor, by Sandra
3 Ramirez, guardian ad litem;
MADISON RAMIREZ, a minor, by Sandra
4 Ramirez, guardian ad litem;
PEYTON RAMIREZ, a minor, by Sandra
5 Ramirez, guardian ad litem;
LUMUMBA DIOP, a minor, by Carl Barnes,
6 guardian ad litem;
KIBWE DIOP, a minor, by Carl Barnes, guardian
7 ad litem;
LUIS MORAN, a minor, by Jacquie Chavez,
8 guardian ad litem;
CONSUELO CHAVEZ, a minor, by Jacquie
9 Chavez, guardian ad litem;
ALEXANDER PARKER, a minor, by Michelle
10 Parker, guardian ad litem;
ZACHARY PARKER, a minor, by Michelle
11 Parker, guardian ad litem;
ABIGAIL PARKER, a minor, by Michelle
12 Parker, guardian ad litem;
NATHANIEL ELIOT HAYS, a minor, by Sally
13 Payson Hays, guardian ad litem;
JACK ZANTE HAYS, a minor, by Sally Payson
14 Hays, guardian ad litem;
MARC ANTHONY AGUIRRE, a minor, by
15 Regina Aguirre, guardian ad litem;
CRISTINA MARIE AGUIERRE, a minor, by
16 Regina Aguirre, guardian ad litem;
LISA GRANADOS, a minor, by Melissa
17 Sanchez, guardian ad litem;
JENNIFER ZAMORA, a minor, by Melissa
18 Sanchez, guardian ad litem;
ESTEVAN ZAMORA, a minor, by Melissa
19 Sanchez, guardian ad litem;
ALEXIS ZARAGOZA, a minor, by Victoria
20 Zaragoza, guardian ad litem;
ARACELI ZARAGOZA, a minor, by Victoria
21 Zaragoza, guardian ad litem;
CHRISTIAN ZARAGOZA, a minor, by Victoria
22 Zaragoza, guardian ad litem;
ALAMEDA UNIFIED SCHOOL DISTRICT;
23 ALPINE UNION SCHOOL DISTRICT;
DEL NORTE COUNTY UNIFIED SCHOOL
24 DISTRICT;
FOLSOM CORDOVA UNIFIED SCHOOL
25 DISTRICT;
HEMET UNIFIED SCHOOL DISTRICT;
26 PORTERVILLE UNIFIED SCHOOL
DISTRICT;
27 RIVERSIDE UNIFIED SCHOOL DISTRICT;
SAN FRANCISCO UNIFIED SCHOOL
28 DISTRICT;

1 SANTA ANA UNIFIED SCHOOL DISTRICT;
2 CALIFORNIA CONGRESS OF PARENTS
3 TEACHERS & STUDENTS, a California non-
4 profit corporation;
5 ASSOCIATION OF CALIFORNIA SCHOOL
6 ADMINISTRATORS, a California non-profit
7 corporation; and
8 CALIFORNIA SCHOOL BOARDS
9 ASSOCIATION, a California non-profit
10 corporation, by its Education Legal Alliance,

11 Plaintiffs,

12 v.

13 STATE OF CALIFORNIA; and ARNOLD
14 SCHWARZENEGGER, Governor of the State of
15 California,

16 Defendants.

17 (Counsel Continued)

18 YOUTH AND EDUCATION LAW PROJECT
19 MILLS LEGAL CLINIC, STANFORD LAW SCHOOL
20 William S. Koski (SBN 166061)
21 559 Nathan Abbott Way
22 Stanford, California 94305
23 Telephone: 650.724.3718
24 Facsimile: 650.723.4426
25 Email: bkoski@law.stanford.edu
26 Attorneys for INDIVIDUAL PLAINTIFFS

27 ABHAS HAJELA (SBN 173155)
28 1201 K Street, Suite 710
Sacramento, California 95814
Telephone: 916.669.5404
Facsimile: 877.842.3453
Email: abeh@sia-us.com
Attorney for Plaintiffs CSBA, ACSA, and
CALIFORNIA STATE PTA

//

//

//

//

//

//

//

1 Plaintiffs MAYA ROBLES-WONG, MILENA ROBLES-WONG, REINA BONTA, ILIANA
2 BONTA, HARRISON BRAND, PHOEBE BRAND, RUBY MEYER SILTANEN, ELI
3 MEYER SILTANEN, CHRISTOPHER BARKLEY, BRADLEY BARKLEY, EASTON
4 SCAGGS, HAYDEN SCAGGS, ALEX SCAGGS, ANGELINA VUE, JIN VUE, EMILY
5 HILL, SARAH HILL, GENEVIEVE HILL, LENA GRACE HILL, NIGEL ROBINSON,
6 NATALIE ROBINSON, NYAH ROBINSON, SAMUEL RUBY, JORDAN THOMPSON,
7 ZACHARY NAYLOR, JILLIAN NAYLOR, SAMUEL NAYLOR, BOBBIE RIVERS,
8 KRISTA RIVERS, OLIVIA NASH, ABIGAIL NASH, ISAAC NASH, ELIZABETH
9 BAILEY, JULIA BAILEY, BEAU BETTEN, CODY BETTEN, GRACE BETTEN, SAMUEL
10 MEDURE, BENJAMIN MEDURE, LUKE MEDURE, RYAN RAMIREZ, EASTAN
11 RAMIREZ, JORDAN RAMIREZ, MADISON RAMIREZ, PEYTON RAMIREZ,
12 LUMUMBA DIOP, KIBWE DIOP, LUIS MORAN, CONSUELO CHAVEZ, ALEXANDER
13 PARKER, ZACHARY PARKER, ABIGAIL PARKER, NATHANIEL ELIOT HAYS, JACK
14 ZANTE HAYS, MARC ANTHONY AGUIRRE, CRISTINA MARIE AGUIERRE, LISA
15 GRANADOS, JENNIFER ZAMORA, ESTEVAN ZAMORA, ALEXIS ZARAGOZA,
16 ARACELI ZARAGOZA, CHRISTIAN ZARAGOZA (collectively the “Individual Plaintiffs”);
17 ALAMEDA UNIFIED SCHOOL DISTRICT, ALPINE UNION SCHOOL DISTRICT, DEL
18 NORTE COUNTY UNIFIED SCHOOL DISTRICT, FOLSOM CORDOVA UNIFIED
19 SCHOOL DISTRICT, HEMET UNIFIED SCHOOL DISTRICT, PORTERVILLE UNIFIED
20 SCHOOL DISTRICT; RIVERSIDE UNIFIED SCHOOL DISTRICT, SAN FRANCISCO
21 UNIFIED SCHOOL DISTRICT, SANTA ANA UNIFIED SCHOOL DISTRICT (collectively
22 the “Districts”); CALIFORNIA CONGRESS OF PARENTS TEACHERS & STUDENTS,
23 ASSOCIATION OF CALIFORNIA SCHOOL ADMINISTRATORS, and CALIFORNIA
24 SCHOOL BOARDS ASSOCIATION (collectively the “Associations,” and together with the
25 Individual Plaintiffs and the Districts collectively “Plaintiffs”) allege as follows:

14 I. INTRODUCTION

15 1. The State of California has failed to fulfill its constitutional obligation to support
16 its public schools in a way that ensures that all students are provided an opportunity to meet the
17 State’s academic goals and acquire the knowledge and skills necessary for success in our
18 competitive economy, and to become informed citizens and productive members of society.
19 Plaintiffs ask this Court to declare the State’s education finance system unconstitutional and
20 order the State to design an educational finance system that fulfills its constitutional duty to all
21 children in California.

22 2. When California entered the Union, the State Constitution provided for the three
23 branches of government and required only two other institutions: the state militia and the public
24 school system. Since 1879, the Constitution has required that a “system of common schools . . .
25 shall be kept up and supported” by the State. Cal. Const. art. IX, § 5. Even as other obligations
26 were later assumed by the State, the Constitution gave education funding a unique priority
27 amongst all state obligations by requiring that “from all state revenues there shall first be set
28 apart the monies to be applied by the State for support of the public school system” Cal.

1 Const. art. XVI, § 8. The Constitution thus requires the State to treat financial support for its
2 schools different from other spending decisions.

3 3. The California Constitution also recognizes that education is “essential to the
4 preservation of the rights and liberties of the people.” Cal. Const. art. IX, § 1. Because
5 education serves as a major determinant of an individual’s chances for economic and social
6 success and asserts a unique influence on an individual’s development as a citizen and
7 participant in political and community life, the State Supreme Court has held that education is a
8 fundamental right of every child in California – a right that must be made available to all
9 children on an equal basis.

10 4. In recognition of its constitutional duty, the State has established a comprehensive
11 education program that defines the specific academic knowledge, skills, and abilities that all
12 public schools are expected to teach and all students are expected to learn in order to be informed
13 and engaged citizens, productive participants in the economy, and competitive candidates for
14 postsecondary education. It has also required a broad range of services believed necessary to
15 help each child take full advantage of the State’s educational program and achieve academic
16 success.

17 5. There is, however, one glaring omission in the State’s required educational
18 “system”: The State makes absolutely no attempt to align funding policies and mechanisms with
19 the educational program it has put in place, to determine the actual cost of the educational
20 program, or to provide districts with the financial resources to provide the programs and services
21 it has prescribed. Nor does the State’s funding scheme take into account the learning needs of
22 certain populations of students, including English Learners and economically disadvantaged
23 children, to ensure that all children receive an opportunity to achieve the State’s educational
24 goals and thus have an opportunity to participate in civic life and become productive participants
25 in the economy. Instead, the State bases funding for its education program on formulas that were
26 cobbled together decades ago for a very different educational program and very different student
27 needs.

28

1 6. The irrationality, instability and insufficiency of the State’s educational finance
2 system prevents schools and school districts from ensuring that every student is provided with an
3 equal opportunity to progress from grade to grade and to access and master the State’s prescribed
4 education program. The State’s failure to determine the costs involved in providing its required
5 program, taking into account student needs, and the State’s failure to align funding with those
6 costs represents a fundamental failure to provide a functioning “system” of schools that is kept
7 up and supported as promised in the State Constitution and, ultimately, threatens the fundamental
8 right to an education guaranteed to all California students. Furthermore, the State’s failure to
9 ensure that all students have equal access to the State’s prescribed educational program and
10 receive an equal educational opportunity to become proficient in the State’s academic standards
11 and develop the skills and capacities necessary to successfully participate in civic life and the
12 competitive economy violates the constitutional guarantee to equal protection of the laws.

13 7. Finally, the State violates the constitutional requirement that it shall “first set
14 apart” the funding necessary to support the education program. Far from making education its
15 first priority, in recent years the State has cut school funding as a primary means to balance its
16 budget. The State has cut nearly \$17 billion from education in recent years and threatens further
17 cuts in 2010-11 – cuts that are implemented without regard to the cost of delivering the education
18 program to students. The “minimum” guarantee of Proposition 98 has become an artificial cap
19 on education spending whose formulas are routinely manipulated by the State allow for further
20 reductions or delays in funding, resulting in greater cuts than even the “minimum” guarantee
21 would allow.

22 8. Despite having one of the most diverse and challenging student population in the
23 nation, California per pupil spending in 2008-09 was \$2,131 below the national average, ranking
24 the State 44th in the country. California’s per pupil spending was less than each of the largest 10
25 states in the nation, with New York spending almost \$6,000 more per pupil. Rhode Island and
26 Vermont each spent double what California spent per pupil. When adjusted for regional cost
27 differences, California spending was \$2,856 less per pupil than the national average, or an
28 abysmal 47th in the country.

1 9. The objective consequences of the State’s failure to create a stable and sufficient
2 educational finance system are clear. In 2007-08, prior to the recent budget cuts, California
3 ranked at or near the bottom in the nation in staffing ratios: 49th in total school staff; 47th in
4 principals and assistant principals; 49th in guidance counselors; 50th in librarians; and 49th in
5 access to computers. California educates over 1.7 million students more than Texas, but does so
6 with 16,700 fewer teachers. Just to reach the national average, California would need an
7 additional 104,000 teachers.

8 10. California students are directly harmed by the State’s failure to meet its
9 constitutional obligation to support its system of public schools. In 2008-09, only 50% of
10 California’s students were proficient in English-Language Arts; only 37% of African-American
11 students, 37% of Hispanic students, 36% of economically disadvantaged students, and 20% of
12 English Learners reached this level. Only 46% of California’s students were proficient in
13 Mathematics; this percentage dropped to 30% for African-American students, 36% for Hispanic
14 students, 37% for economically disadvantaged students, and 32% for English Learners. By
15 eleventh grade, students in these groups had fallen even farther – in English language Arts, only
16 25% of African-American students, 26% of Hispanic students and economically disadvantaged
17 students, and 5% of English Learners reached proficiency. Even for California students who are
18 not economically disadvantaged, California still ranks tied for 43rd in fourth grade reading and
19 tied for 41st in eighth grade math.

20 11. These dismal statistics reflect only the students who remain in school through
21 eleventh grade. Unfortunately too many students leave school before then. Fewer than 70% of
22 California students graduate from high school. The graduation rates are even lower for African-
23 American and Hispanic students, whose graduation rates are both less than 60%. Less than half
24 of African-American males graduate from high school. For these students, the constitutional
25 guarantees are hollow promises.

26 12. In 2007, the Governor’s own Committee on Education Excellence concluded that
27 “California’s K through 12 education system is fundamentally flawed. It is not close to helping
28 each student become proficient in mastering the state’s clear curricular standards, and wide

1 disparities persist between rich and poor, between students of color and others, and between
2 native English Learners and native English speakers. Our current system is simply not preparing
3 every student to be successful in college or work; it is not producing the results that taxpayers
4 and citizens are counting on and that our children deserve.”

5 13. Plaintiffs therefore seek a judicial determination that all California children have
6 the fundamental right to a “system of common schools” that is provided and supported by the
7 State and which guarantees that all children have equal access to the State’s prescribed
8 educational program and are given an equal opportunity to develop the skills and capacities that
9 the State has deemed necessary to achieve economic and social success in society, to participate
10 meaningfully in political and community life, and to become informed citizens and productive
11 members of society. Plaintiffs seek a further judicial declaration that the State’s constitutional
12 duty to provide and support a system of common schools, and to first set apart funding for that
13 system, requires the State to provide an education finance system that is aligned with the actual
14 costs of the educational program and services it requires and which takes into account the needs
15 of all of California’s students. Finally, Plaintiffs request that this Court enjoin the State from
16 continuing to operate and rely upon the current finance system and that it direct the State to
17 develop a new education finance system that meets the constitutional requirements as declared
18 by the Court.

19 **II. PARTIES**

20 14. Plaintiff MAYA ROBLES-WONG, a minor, and Plaintiff MILENA ROBLES-
21 WONG, a minor, by Michael and Martha Robles-Wong, as their guardians. Maya is an eleventh
22 grade student at Alameda High School in the Alameda Unified School District. Milena is a sixth
23 grade student at the Nea Charter School in the Alameda Unified School District.

24 15. Plaintiff REINA BONTA, a minor, and Plaintiff ILIANA BONTA, a minor, by
25 Mialisa and Robert Bonta, as their guardians. Reina is a fifth grade student at Frank Otis
26 Elementary School in the Alameda Unified School District. Iliana will enter kindergarten in
27 September 2010 at Frank Otis Elementary School in the Alameda Unified School District.

28

1 16. Plaintiff HARRISON BRAND, a minor, and Plaintiff PHOEBE BRAND, a
2 minor, by Peter Brand and Susan Davis as their guardians. Harrison is a third grade student at
3 Frank Otis Elementary School in the Alameda Unified School District. Phoebe is a sixth grade
4 student at Lincoln Middle School in the Alameda Unified School District.

5 17. Plaintiff RUBY MEYER SILTANEN, a minor, and Plaintiff ELI MEYER
6 SILTANEN, a minor, by Gwen Meyer and Robert Siltanen, as their guardians. Ruby is a fifth
7 grade student at William G. Paden Elementary School in the Alameda Unified School District.
8 Eli is a first grade student at William G. Paden Elementary School in the Alameda Unified
9 School District.

10 18. Plaintiff CHRISTOPHER BARKLEY, a minor, and Plaintiff BRADLEY
11 BARKLEY, a minor, by Mary and Paul Barkley, as their guardians. Christopher is an eighth
12 grade student at Joan MacQueen Middle School in the Alpine Union School District. Bradley is
13 a third grade student at Shadow Hills Elementary School in the Alpine Union School District.

14 19. Plaintiff EASTON SCAGGS, a minor, Plaintiff HAYDEN SCAGGS, a minor,
15 and Plaintiff ALEX SCAGGS, a minor, by David and Nanette Scaggs, as their guardians.
16 Easton is an eighth grade student at Smith River Elementary School in the Del Norte County
17 Unified School District. Hayden is a fourth grade student at Smith River Elementary School in
18 the Del Norte County Unified School District. Alex is a kindergarten student at Smith River
19 Elementary School in the Del Norte County Unified School District.

20 20. Plaintiff ANGELINA VUE, a minor, and Plaintiff JIN VUE, a minor, by Khou
21 Vue and Pang Xiong, as their guardians. Angelina is a third grade student at Mary Peacock
22 Elementary School in the Del Norte County Unified School District. Jin is a kindergarten
23 student at Mary Peacock Elementary School in the Del Norte County Unified School District.

24 21. Plaintiff EMILY HILL, a minor, Plaintiff SARAH HILL, a minor, Plaintiff
25 GENEVIEVE HILL, a minor, and Plaintiff LENA GRACE HILL, a minor, by Vincent and Paula
26 Hill, as their guardians. Emily is an eleventh grade student at Folsom High School in the Folsom
27 Cordova Unified School District. Sarah is a ninth grade student at Folsom High School in the
28 Folsom Cordova Unified School District. Genevieve is an eighth grade student at Sutter Middle

1 School in the Folsom Cordova Unified School District. Lena Grace is a fourth grade student at
2 Natoma Station Elementary School in the Folsom Cordova Unified School District.

3 22. Plaintiff NIGEL ROBINSON, a minor, Plaintiff NATALIE ROBINSON, a
4 minor, and Plaintiff NYAH ROBINSON, a minor, by Marsha and Rodney Robinson, as their
5 guardians. Nigel is an eighth grade student at W.E. Mitchell Middle School in the Folsom
6 Cordova Unified School District. Natalie is a fourth grade student at Cordova Lane Elementary
7 School in the Folsom Cordova Unified School District. Nyah will enter kindergarten in
8 September 2010 at Cordova Springs Elementary School in the Folsom Cordova Unified School
9 District.

10 23. Plaintiff SAMUEL RUBY, a minor, by Laura Ruby, as his guardian. Samuel is a
11 ninth grade student at Vista del Lago High School in the Folsom Cordova Unified School
12 District.

13 24. Plaintiff JORDAN THOMPSON, a minor, by Donna and Steve Thompson, as her
14 guardians. Jordan is a seventh grade student at Sutter Middle School in the Folsom Cordova
15 Unified School District.

16 25. Plaintiff ZACHARY NAYLOR, a minor, Plaintiff JILLIAN NAYLOR, a minor,
17 and Plaintiff SAMUEL NAYLOR, a minor, by Paul and Wendy Naylor, as their guardians.
18 Zachary is a fourth grade student at Cawston Elementary School in the Hemet Unified School
19 District. Jillian is a first grade student at Cawston Elementary School in the Hemet Unified
20 School District. Samuel will enter kindergarten in September 2010 at Cawston Elementary
21 School in the Hemet Unified School District.

22 26. Plaintiff BOBBIE RIVERS, a minor, and Plaintiff KRISTA RIVERS, a minor, by
23 Robert and Tammy Rivers, as their guardians. Bobbie is a fourth grade student at Ramona
24 Elementary School in the Hemet Unified School District. Krista will enter a Head Start program
25 in September 2010 in Hemet, California.

26 27. Plaintiff OLIVIA NASH, a minor, Plaintiff ABIGAIL NASH, a minor, and
27 Plaintiff ISAAC NASH, a minor, by John and Rulaine Nash, as their guardians. Olivia is a tenth
28 grade student at Porterville High School in the Porterville Unified School District. Abigail is a

1 seventh grade student at Pioneer Middle School in the Porterville Unified School District. Isaac
2 is a fourth grade student at Vandalia Elementary School in the Porterville Unified School
3 District.

4 28. Plaintiff ELIZABETH BAILEY, a minor, and Plaintiff JULIA BAILEY, a minor,
5 by Judy Bailey, as their guardian. Elizabeth is a second grade student at Alcott Elementary
6 School in the Riverside Unified School District. Julia will enter kindergarten in September 2012
7 at Alcott Elementary School in the Riverside Unified School District.

8 29. Plaintiff BEAU BETTEN, a minor, Plaintiff CODY BETTEN, a minor, and
9 Plaintiff GRACE BETTEN, a minor, by Amy Betten, as their guardian. Beau is a second grade
10 student at Castlevew Elementary School in the Riverside Unified School District. Cody is a
11 kindergarten student at Castlevew Elementary School in the Riverside Unified School District.
12 Grace will enter kindergarten in September 2012 at Castlevew Elementary School in the
13 Riverside Unified School District.

14 30. Plaintiff SAMUEL MEDURE, a minor, Plaintiff BENJAMIN MEDURE, a
15 minor, and Plaintiff LUKE MEDURE, a minor, by Angela Medure, as their guardian. Samuel is
16 a first grade student at Washington Elementary School in the Riverside Unified School District.
17 Benjamin is a kindergarten student at Washington Elementary School in the Riverside Unified
18 School District. Luke is a pre-kindergarten student at Washington Elementary School in the
19 Riverside Unified School District.

20 31. Plaintiff RYAN RAMIREZ, a minor, Plaintiff EASTAN RAMIREZ, a minor,
21 Plaintiff JORDAN RAMIREZ, a minor, Plaintiff MADISON RAMIREZ, a minor, and Plaintiff
22 PEYTON RAMIREZ, a minor, by Rudy and Sandra Ramirez, as their guardians. Ryan is a
23 twelfth grade student at North High School in the Riverside Unified School District. Eastan is a
24 ninth grade student at North High School in the Riverside Unified School District. Jordan is a
25 sixth student at Emerson Elementary School in the Riverside Unified School District. Madison
26 is a fourth grade student at Emerson Elementary School in the Riverside Unified School District.
27 Peyton is a third grade student at Emerson Elementary School in the Riverside Unified School
28 District.

1 32. Plaintiff LUMUMBA DIOP, a minor, and Plaintiff KIBWE DIOP, a minor, by
2 Carl Barnes, as their guardian. Lumumba is a sixth grade student at A.P. Giannini Middle
3 School in the San Francisco Unified School District. Kibwe is a fourth grade student at Sheridan
4 Elementary School in the San Francisco Unified School District.

5 33. Plaintiff LUIS MORAN, a minor, and Plaintiff CONSUELO CHAVEZ, a minor,
6 by Jacquie Chavez, as their guardian. Luis is a tenth grade student at Balboa High School in the
7 San Francisco Unified School District. Consuelo is a first grade student at Longfellow
8 Elementary School in the San Francisco Unified School District.

9 34. Plaintiff ALEXANDER PARKER, a minor, Plaintiff ZACHARY PARKER, a
10 minor, and Plaintiff ABIGAIL PARKER, a minor, by David and Michelle Parker, as their
11 guardians. Alexander is a fourth grade student at Sherman Elementary School in the San
12 Francisco Unified School District. Zachary is a second grade student at Sherman Elementary
13 School in the San Francisco Unified School District. Abigail is a kindergarten student at
14 Sherman Elementary School in the San Francisco Unified School District.

15 35. Plaintiff NATHANIEL ELIOT HAYS, a minor, and Plaintiff JACK ZANTE
16 HAYS, a minor, by John Hays and Sally Payson Hays, as their guardians. Nathaniel is a sixth
17 grade student at James Lick Middle School in the San Francisco Unified School District. Jack is
18 a third grade student at Monroe Elementary School in the San Francisco Unified School District.

19 36. Plaintiff MARC ANTHONY AGUIRRE, a minor, and Plaintiff CRISTINA
20 MARIE AGUIRRE, a minor, by Regina and Salvador Aguirre, as their guardians. Marc is an
21 eighth grade student at Carr Intermediate School in the Santa Ana Unified School District.
22 Cristina is a fifth grade student at Sepulveda Elementary School in the Santa Ana Unified School
23 District.

24 37. Plaintiff LISA GRANADOS, a minor, Plaintiff JENNIFER ZAMORA, a minor,
25 and Plaintiff ESTEVAN ZAMORA, a minor, by Melissa Sanchez, as their guardian. Lisa is a
26 tenth grade student at Century High School in the Santa Ana Unified School District. Jennifer is
27 a fifth grade student at Benjamin Franklin Elementary School in the Santa Ana Unified School
28

1 District. Estevan is a fourth grade student at Benjamin Franklin Elementary School in the Santa
2 Ana Unified School District.

3 38. Plaintiff ALEXIS ZARAGOZA, a minor, Plaintiff ARACELI ZARAGOZA, a
4 minor, and Plaintiff CHRISTIAN ZARAGOZA, a minor, by Victoria Zaragoza, as their
5 guardian. Alexis is a sixth grade student at Kennedy Elementary School in the Santa Ana
6 Unified School District. Araceli is a sixth grade student at Kennedy Elementary School in the
7 Santa Ana Unified School District. Christian is a fifth grade student at Kennedy Elementary
8 School in the Santa Ana Unified School District.

9 39. Plaintiff ALAMEDA UNIFIED SCHOOL DISTRICT (“Alameda”) is a unified
10 school district duly formed and validly existing under the laws of the State of California.
11 Alameda is a suburban district located in Alameda County and its boundaries are co-terminus
12 with the city of Alameda, California. Alameda operates ten elementary schools, three middle
13 schools, four high schools (including one continuation school and one Early College High
14 School located on the campus of the College of Alameda), one early childhood development
15 center, and one adult school. Alameda enrolls approximately 10,000 students, including 12.1%
16 African Americans, 32.7% Asian/Asian Americans, 9.1% Filipino/Filipino Americans, and
17 11.8% Hispanic. Approximately 22.8% of its students are English Learners and 31.5% qualify
18 for free/reduced lunch.

19 40. Plaintiff ALPINE UNION SCHOOL DISTRICT (“Alpine”) is an elementary
20 school district duly formed and validly existing under the laws of the State of California. Alpine
21 is a predominantly rural district encompassing all of Alpine, California, in San Diego County.
22 Alpine operates three elementary schools, one middle school, one early childhood education
23 center, a home school and a community day school. Alpine enrolls approximately 2,000
24 students, including 4.7% American Indians, and 15.4% Hispanic. Approximately 4.1% of its
25 students are English Learners and 20.0% qualify for free/reduced lunch.

26 41. Plaintiff DEL NORTE COUNTY UNIFIED SCHOOL DISTRICT (“Del Norte”)
27 is a unified school district duly formed and validly existing under the laws of the State of
28 California. Del Norte is a predominantly rural district encompassing all of Del Norte County.

1 The only incorporated city in Del Norte is Crescent City. Del Norte, which also serves as the
2 County Office of Education, operates eight elementary schools, one middle school, one high
3 school, and one continuation school. (The County Office of Education runs a separate system of
4 schools.) Del Norte enrolls approximately 3,900 students, including 13.8% American Indians,
5 7.6% Asian/Asian Americans, and 15.7% Hispanic. Approximately 11% of its students are
6 English Learners and 60.4% qualify for free/reduced lunch.

7 42. Plaintiff FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT (“Folsom
8 Cordova”) is a unified school district duly formed and validly existing under the laws of the State
9 of California. Folsom Cordova is a suburban district located in Sacramento County, and serves
10 the cities of Folsom, Rancho Cordova, and most of Mather. Folsom Cordova operates 23
11 elementary schools (one of which is a charter school), four middle schools, three high schools,
12 and four adult/alternative schools. Folsom Cordova enrolls approximately 19,000 students,
13 including 7.9% African Americans, 10.4% Asian/Asian Americans, 2.4% Filipino/Filipino
14 Americans, and 16.3% Hispanic. Approximately 11.9% of its students are English Learners and
15 31.6% qualify for free/reduced lunch.

16 43. Plaintiff HEMET UNIFIED SCHOOL DISTRICT (“Hemet”) is a unified school
17 district duly formed and validly existing under the laws of the State of California. Hemet is a
18 suburban district located in the San Jacinto Valley and Valle Vista in Riverside County and
19 serves the towns of Hemet, Anza, Aguanga, Idyllwild, and Winchester. Hemet operates one
20 preschool, 15 elementary schools, four middle schools (one of which is under construction), five
21 high schools, and three alternative schools. Hemet enrolls approximately 23,000 students,
22 including 7.6% African Americans, 1.6% American Indians, 1.4% Asian/Asian Americans, 1.3%
23 Filipino/Filipino Americans, and 44.4% Hispanic. Approximately 15.8% of its students are
24 English Learners and 71.5% qualify for free/reduced lunch.

25 44. Plaintiff PORTERVILLE UNIFIED SCHOOL DISTRICT (“Porterville”) is a
26 unified school district duly formed and validly existing under the laws of the State of California.
27 Porterville is a rural district located in Tulare County and serves the town of Porterville and its
28 surrounding communities. Porterville operates ten elementary schools, three middle schools, six

1 high schools, one alternative school, one continuation school, and one community day school.
2 Porterville enrolls approximately 13,000 students, including 1.9% American Indians, 1.8%
3 Asian/Asian Americans, 1.1% Filipino/Filipino Americans, and 68% Hispanic. Approximately
4 22.6% of its students are English Learners and 72.9% qualify for free/reduced lunch.

5 45. Plaintiff RIVERSIDE UNIFIED SCHOOL DISTRICT (“Riverside”) is a unified
6 school district duly formed and validly existing under the laws of the State of California.
7 Riverside is an urban district which serves a large portion of the City of Riverside and both the
8 Highgrove and Woodcrest areas outside Riverside. Riverside operates 47 schools including one
9 special education preschool, 30 elementary schools, seven middle schools, five high schools, two
10 continuation high schools, two alternative schools, and the Riverside Virtual School. Riverside
11 enrolls approximately 43,000 students, including 9.1% African Americans, 3.3% Asian/Asian
12 Americans, 1.3% Filipino/Filipino Americans, and 54.4% Hispanic. Approximately 19.8% of its
13 students are English Learners and 59.4% qualify for free/reduced lunch.

14 46. Plaintiff SAN FRANCISCO UNIFIED SCHOOL DISTRICT (“San Francisco”) is
15 a unified school district duly formed and validly existing under the laws of the State of
16 California. San Francisco is an urban district encompassing all of the City and County of San
17 Francisco. San Francisco, which also serves as the County Office of Education, operates 72
18 elementary schools, 15 middle schools, 21 high schools, two alternative schools, and two
19 continuation schools. (The County Office of Education runs a separate system of schools.) San
20 Francisco enrolls approximately 55,000 students, including 12.3% African Americans, 41.3%
21 Asian/Asian Americans, 5.8% Filipino/Filipino Americans, 23.1% Hispanic, and 1.3% Pacific
22 Islanders. Approximately 30.5% of its students are English Learners and 55.5% qualify for
23 free/reduced lunch.

24 47. Plaintiff SANTA ANA UNIFIED SCHOOL DISTRICT (“Santa Ana”) is a
25 unified school district duly formed and validly existing under the laws of the State of California.
26 Santa Ana is an urban district in Orange County which serves residents of Santa Ana, Tustin,
27 Irvine, Costa Mesa, and Newport Beach. Santa Ana operates 37 elementary schools, nine middle
28 schools, and nine high schools. It also operates a community day intermediate and high school, a

1 child development center, and a school for pregnant or parenting students. Santa Ana enrolls
2 approximately 54,000 students, including 3.3% Asian/Asian Americans and 94.4% Hispanic.
3 Approximately 58.0% of its students are English Learners and 83.1% qualify for free/reduced
4 lunch.

5 48. Plaintiff CALIFORNIA CONGRESS OF PARENTS TEACHERS &
6 STUDENTS (“California State PTA”) is a California nonprofit corporation duly formed and
7 validly existing under the laws of the State of California. California State PTA is a membership-
8 based association composed of state, district, council, and local PTA groups, which together
9 have approximately one million member parents, teachers, and students from school districts
10 throughout the State of California. The purposes of California State PTA are, among other
11 things, to promote the welfare of children in school and work with educators and the general
12 public to secure the highest advantages in education for children. California State PTA focuses
13 on issues that have statewide consequences for public education. California State PTA brings
14 this action on its own behalf and on behalf of its members. California State PTA members
15 would otherwise be entitled to bring this suit in their own right, the interests that California State
16 PTA seeks to protect in this litigation are germane to its purpose, and neither the claims asserted
17 nor the relief sought herein are unique to the specific groups or members and therefore do not
18 require the participation of each and every member of California State PTA.

19 49. Plaintiff ASSOCIATION OF CALIFORNIA SCHOOL ADMINISTRATORS
20 (“ACSA”) is a California nonprofit corporation and a membership-based association composed
21 of the Superintendents and other administrators at all levels of kindergarten through adult
22 education programs with over 16,000 members in K-12 school districts throughout the State of
23 California. The purpose of ACSA is, among other things, to ensure that all students attending K-
24 12 schools in California have the skills, knowledge, and environment they need to learn and that
25 appropriate funding for state programs is provided to school districts for those purposes. ACSA
26 focuses on issues that have statewide consequences for public education. ACSA brings this
27 action on its own behalf and on behalf of its members. ACSA members would otherwise be
28 entitled to bring this suit in their own right, the interests that ACSA seeks to protect in this

1 litigation are germane to its purpose, and neither the claims asserted nor the relief sought herein
2 are unique to specific districts and therefore do not require the participation of each and every
3 member of ACSA.

4 50. Plaintiff CALIFORNIA SCHOOL BOARDS ASSOCIATION (“CSBA”) is, and
5 was at all relevant times, a California nonprofit corporation duly formed and validly existing
6 under the law of the State of California. CSBA is a membership-based association composed of
7 the governing boards of nearly 1,000 K-12 school districts and county boards of education
8 throughout California. CSBA brings this action through its EDUCATION LEGAL ALLIANCE
9 (“ELA”), which is composed of approximately 800 CSBA members dedicated to addressing
10 legal issues of statewide concern to school districts. All references herein to “CSBA” include the
11 Alliance. CSBA supports sufficient funding to meet the educational needs of K-12 students in
12 public schools and opposes efforts to circumvent, bypass or manipulate constitutional funding
13 guarantees. CSBA’s purposes are, among other things, to ensure that local school boards retain
14 the authority and financial capacity to fully exercise the responsibilities vested in them by law, to
15 advance appropriate educational policies on behalf of school districts, and to ensure that the State
16 of California, its officers, agents and employees properly execute those responsibilities for public
17 education vested in them by state law. CSBA focuses on issues that have statewide
18 consequences for public education. CSBA brings this proceeding on its own behalf and on
19 behalf of its member school districts that are charged with providing the enacted programmatic
20 element of the public school system. CSBA members would otherwise be entitled to bring this
21 suit in their own right, the interests that CSBA seeks to protect in this litigation are germane to
22 its purpose, and neither the claims asserted nor the relief sought herein are unique to specific
23 districts and therefore do not require the participation of each and every member of CSBA.

24 51. Defendant STATE OF CALIFORNIA is the legal and political entity required by
25 the California Constitution to maintain and oversee the system of public education in California.
26 In particular, sections 1, 5 and 6 of article IX guarantee all students the right to an education and
27 impose a specific duty on the Legislature of the State of California to provide and support a
28 system of common schools that will provide that education. Section 8 of article XVI also

1 requires the State to first set apart monies for the support of the public school system.
2 References in this Complaint to the “State” are to Defendant STATE OF CALIFORNIA.

3 52. Defendant ARNOLD SCHWARZENEGGER is the Governor of the State of
4 California and, as the chief executive officer of the State, is responsible for executing the
5 Constitution and laws of the State of California. He is also responsible for presenting to the
6 Legislature a budget for each fiscal year containing recommended state expenditures and
7 estimated state revenues, and for signing into law or vetoing each bill passed by the Legislature.

8 III. JURISDICTION

9 53. This Court has jurisdiction over this matter pursuant to section 1060 of the Code
10 of Civil Procedure, which authorizes declaratory relief, and sections 525, 526, and 526a, which
11 authorize injunctive relief.

12 IV. FACTUAL ALLEGATIONS

13 **California’s Education Promise: A System of Common Schools That Prepares Students To** 14 **Become Informed Citizens and Productive Members of Society**

15 The Constitutional Duty to Provide and Support a System of Public Education

16 54. The California Constitution guarantees its citizens certain “rights and liberties,”
17 including “pursuing and obtaining safety, happiness, and privacy,” “acquiring, possessing, and
18 protecting property,” the right to “freely speak, write and publish his or her sentiments on all
19 subjects,” the right to “instruct their representatives, petition government for redress of
20 grievances, and assemble freely to consult for the common good,” the right to vote, and the right
21 to a jury trial. Cal. Const. art. 1.

22 55. Recognizing that education is instrumental and necessary to provide citizens with
23 these rights and liberties, the California Constitution has charged the State with responsibility for
24 educating its citizens:

25 A general diffusion of knowledge and intelligence being essential
26 to the preservation of the rights and liberties of the people, the
27 Legislature shall encourage by all suitable means the promotion of
28 intellectual, scientific, moral and agricultural improvement. Cal.
Const. art. IX, § 1.

1 and instructional materials; mandatory testing and accountability programs; teacher
2 credentialing, certification and professional development; school health and safety programs,
3 including medical monitoring, testing, immunization, educational programs and security;
4 physical education, nutrition and meal programs; compulsory attendance and truancy programs;
5 facilities maintenance and safety requirements; transportation; procedural rights and grievance
6 procedures for students and parents; social service programs, including conflict resolution, anti-
7 gang education, and sex education and counseling; and employee rights, including health and
8 retirement benefits, collective bargaining and due process rights. Although these requirements
9 are adopted by the State and set forth in the Education Code, the responsibility for implementing
10 and delivering the required programs and services to students is imposed on approximately 1,000
11 school districts throughout the State.

12 62. In 1995, the Legislature fundamentally changed both the way in which the content
13 of the educational program was defined and the nature of school district accountability for
14 implementation of that program. Exercising its constitutional authority over the public education
15 system, the State has defined what an education should be by establishing a comprehensive,
16 standards-based education program that defines the specific academic knowledge, skills, and
17 abilities that *all* public schools are expected to teach and *all* students are expected to learn. The
18 Legislature specifically directed that the academic content standards at the core of this
19 comprehensive education program “shall be based on the knowledge and skills that pupils will
20 need in order to succeed in the information-based, global economy of the 21st century.” Cal.
21 Educ. Code § 60602 (West 2010).

22 63. The Legislature first directed the development of statewide “academic content
23 standards” in English-Language Arts, Mathematics, History and Science. These content
24 standards are defined as “the specific academic knowledge, skills, and abilities that all public
25 schools in this state are expected to teach and all pupils expected to learn in each of the core
26 curriculum areas, at each grade level tested.” Cal. Educ. Code §§ 60602, 60603. Content
27 standards were subsequently developed for other subjects, including English Language
28 Development, Visual and Performing Arts, and Physical Education. Curriculum frameworks,

1 instructional materials, and teacher training and development are now all statutorily required to
2 be aligned with the content standards.

3 64. At the same time, the Legislature also created a statewide assessment program,
4 with the content standards serving as the basis for assessing the achievement of individual pupils
5 and of schools, school districts, and the California educational system. Cal. Educ. Code § 60605.
6 The California Standards Tests measure the extent to which students in each school and school
7 district are reaching “proficiency” in mastering the State’s content standards in English-
8 Language Arts, Mathematics, Science and History-Social Science. “Proficient” is defined as a
9 score of 350 out of 600 on the State assessment. The Standards Tests and the California High
10 School Exit Exam (“CAHSEE”) are the primary components of the State’s accountability
11 system. Based on student performance on these tests, each school and school district receives an
12 “Academic Performance Index,” or API ranking, and an API “growth target” for the next school
13 year. In January, 2010, California adopted mandated interventions for “persistently lowest-
14 achieving schools.” Interventions can include school closure, conversion to a charter school or
15 other substantial changes to school management. Cal. Educ. Code § 53200 *et seq.*

16 65. In 2002, the federal government enacted the No Child Left Behind Act (NCLB).
17 20 U.S.C. § 6301 *et seq.* (2010). NCLB makes receipt of federal funds for education contingent
18 upon each state’s adoption of content standards, student achievement standards, assessments
19 aligned to standards, and an accountability system that measures “Adequate Yearly Progress”
20 (AYP) in student proficiency in meeting the standards. AYP targets must increase each year
21 until 2014, when all schools will be required to have 100% of their students performing at the
22 proficient level or above on the State’s designated statewide tests.

23 66. California relied on its existing standards and assessment system to comply with
24 NCLB. To meet AYP goals, schools and school districts must demonstrate that they are meeting
25 their API growth targets (including targets for particular student populations) and required high
26 school graduation rates, and that their students are reaching the required proficiency levels in
27 mathematics and language arts.

28

1 67. Schools and school districts that fail to meet their AYP targets are identified for
2 “program improvement.” Repeated identification for program improvement requires
3 increasingly serious levels of “corrective action,” including removal of school or district
4 personnel, state takeover of the school or district, or other major governance changes.

5 68. In summary, California has designed and imposed an educational program that
6 includes not only content standards that dictate what all schools will teach and all students will
7 learn, but that also requires numerous services and programs deemed to be necessary for students
8 to succeed such as meals, transportation, and health-related services. It promises students safe
9 facilities, highly-qualified teachers and instructional materials aligned with the challenging
10 standards. The State’s assessment and accountability systems are designed to identify students
11 that are not reaching proficiency in meeting the State’s standards, and are supposed to trigger
12 assistance and interventions to ensure that all students are given the opportunity to master these
13 standards.

14 **California’s Education Reality: State Funding Denies Students the Education Necessary to**
15 **Become Informed Citizens and Competitive Participants in the Global Economy**

16 69. Despite an educational program that promises students an education that meets
17 high standards and imposes high expectations on schools and school districts in terms of student
18 achievement, the State operates an educational finance system that frustrates these promises and
19 expectations by both chronically under-funding education and by delivering funding in ways that
20 undermine the ability of school districts to provide the educational program to all students.
21 Abundant evidence shows that the State’s school finance system is fundamentally flawed and
22 directly impedes the ability of school districts to provide students with the programs and services
23 they need.

24 70. In March 2005, Governor Schwarzenegger commissioned a Committee on
25 Education Excellence (“Governor’s Committee”) and instructed it “to analyze current
26 impediments to excellence, to explore ideas and best practices relevant to California, and to
27 recommend changes and reforms to the governor and Secretary of Education.” In its November
28 2007 report, the Committee concluded that education funding “is based on anachronistic

1 formulas, neither tied to the needs of individual students nor to intended academic outcomes”
2 and that the current system “[d]oes not ensure that sufficient resources reach students according
3 to their needs.” The Committee Report further concluded that:

4 California’s K through 12 education system is fundamentally
5 flawed. It is not close to helping each student become proficient in
6 mastering the state’s clear curricular standards, and wide
7 disparities persist between rich and poor, between students of color
8 and others, and between native English learners and native English
9 speakers. Our current system is simply not preparing every student
10 to be successful in college or work; it is not producing the results
11 that taxpayers and citizens are counting on and that our children
12 deserve.

9 71. The Governor’s Committee found the situation to be even worse for California’s
10 most disadvantaged students. “Students from low income families, many of them children of
11 color and/or English Learners, are losing the most. The State of California has created a pattern
12 of disparities — an achievement gap — in public schools that not only limits the opportunities
13 for these students, but reinforces and enlarges the existing social inequalities confronting them
14 — exactly opposite of the intended function of public education in a democracy.”

15 72. As a result of its low spending levels, California ranks at or near the bottom in the
16 nation in staffing ratios. In 2007-08, the year the Governor’s Committee released its report,
17 California’s rank among the 50 states was:

- 18 • 49th in student teacher ratios with 20.8 students per teacher compared to 15.5
- 19 nationally (34 percent more students per teacher than then national average);
- 20 • 48th in total school staff with 10.9 students per staff member compared to 7.9
- 21 students nationally (37 percent more students per staff member);
- 22 • 47th in principals and assistant principals (38 percent more students per
- 23 principal);
- 24 • 46th in district officials and administrators (148 percent more students per
- 25 administrator);
- 26 • 45th in instructional aides (39 percent more students per aide);
- 27 • 49th in guidance counselors (73 percent more students per counselor);
- 28 • 50th in librarians (456 percent more students per librarian); and

1 • 49th in access to computers (63 percent more students per computer workstation).
2 California educates over 1.7 million students more than Texas but does so with 16,700 less
3 teachers. Just to reach the national average for staffing ratios, California needs to add an
4 additional 104,000 teachers, 26,569 instructional aides, 5,740 guidance counselors, 5,740
5 librarians, 5,630 principals or assistant principals, and 63,000 more computer workstations.

6 73. The situation has deteriorated since the issuance of the Governor's Committee
7 Report. In 2008-09, California spent \$2,131 less per pupil than the national average, ranking the
8 state 44th in the country. California spent less per pupil than each of the largest 10 states in the
9 nation – almost \$6,000 less per pupil than New York. Rhode Island and Vermont each spent
10 double what California spent per pupil. When adjusted for the regional cost differences of
11 providing education services (using a national wage index), California spends \$2856 less per
12 pupil than the national average, or 47th in the country. Because of continuing budget cuts, this
13 spending gap is expected to grow further in the 2009-10 fiscal year, although official data is not
14 yet available.

15 74. Not surprisingly, as of the 2009-10 school year, nearly a third of the State's
16 school districts and close to half of all schools were in program improvement because their
17 students were not meeting the proficiency levels prescribed by the State.

18 75. California ranks among the lowest in the nation on the National Assessment of
19 Educational Progress (NAEP), the national report card for education. On the most recent
20 assessment, California tied for 47th on fourth grade reading and tied for 46th in eighth grade
21 math.

22 76. Academic performance is low for all subgroups of students. Even for students
23 that are not economically disadvantaged, California ranks tied for 43rd in fourth grade reading
24 and tied for 41st in eighth grade math. For California students whose parents graduated from
25 college, the rank is still 40th in fourth grade reading and 39th in eighth grade math. The NAEP
26 data also shows that California has some of the largest gaps between its high achieving students
27 and its lowest achieving students. Specifically, when looking at the difference in performance
28

1 between students in the top quartile and the bottom quartile, California's gaps are third largest in
2 4th grade reading and second largest in 8th grade math.

3 77. More than half (52%) of California's students qualify as "economically
4 disadvantaged," meaning that they qualify for free or reduced lunches under federal law.
5 California's economically disadvantaged students rank 49th in fourth grade reading and 48th in
6 eighth grade math when compared to economically disadvantaged students in other states.

7 78. California also has the largest proportion of English-learner students in the nation
8 by a wide margin, with English Learners comprising 24% of the student population.
9 Economically disadvantaged students and English Learners often need a higher level of service
10 and more student support to obtain a given level of performance. As a result, the cost to properly
11 educate these students is often more. Chronic under-funding leaves many schools and districts
12 without the educational resources necessary to ensure that students, especially those struggling
13 with poverty or learning the English language, have an opportunity to master the standards set by
14 the State.

15 79. Only half of all California students are proficient in English-Language Arts as
16 measured by the California Standards Tests; this percentage drops to 37% for African-American
17 students, 37% for Hispanic students, 36% for economically disadvantaged students, and 20% for
18 English Learners. Approximately 46% are proficient in Mathematics; this percentage drops to
19 30% for African-American students, 36% for Hispanic students, 37% for economically
20 disadvantaged students, and 32% for English Learners.

21 80. By 11th grade, students in these groups have dropped further behind. The
22 percentage of African-American students who are proficient in English-Language Arts drops to
23 25%; for Hispanic students and economically disadvantaged students, 26%; for English
24 Learners, 5%. These statistics reflect only the students who remain in school through eleventh
25 grade. Unfortunately, too many students leave school before then. Fewer than seventy percent
26 of California students graduate from high school. The graduation rates are even lower for
27 African-American and Hispanic students, whose rates are both less than sixty percent. Less than
28 half of all African-American males graduate from high school. While almost 40% of white

1 students who graduate high school are UC/CSU eligible, less than 25% of African-American and
2 Hispanic students are similarly eligible. For all entering CSU freshman, 37% are not proficient
3 in Math and 47% not proficient in English. 64% and 66% of African-American students,
4 respectively, are not proficient in Math and English and 52% and 63% of Latino students,
5 respectively, are not proficient in Math and English.

6 **The State Has Never Attempted to Align Education Funding With the Cost of Providing**
7 **the Required Program and Services or with the Cost of Ensuring that All Students'**
8 **Educational Needs are Met**

8 81. The State's school finance system has developed in a manner that is wholly
9 unrelated to the educational goals and objectives of the State. The outdated education funding
10 system does not reflect either the actual cost of providing the programs and services required by
11 the State or the cost of providing that program to students with varying educational needs.
12 Further, the patchwork of rules, regulations, mandates and timelines cobbled together over the
13 last several decades prevents the effective and efficient use of funds, further reducing the
14 resources available to districts to provide the required education programs and services.

15 Early Funding for Public Education

16 82. The State School Fund was created at the beginning of statehood and was
17 originally supported by designated revenues which were to be "inviolably appropriated to the
18 support of the common schools." Cal. Const. art. IX, § 2 (1849). In 1910, the Constitution was
19 amended to impose the requirement that, from each year's state revenues, "there shall *first be set*
20 *apart* the moneys to be applied by the state for support of the public school system." Cal. Const.
21 art. XVI, § 8(a) (emphasis added). This amendment shifted state support of the public school
22 system from reliance on specific dedicated and finite revenue sources to support from all revenue
23 available to the State. Further, support of the system of public schools now had "first call" on
24 available revenue.

25 83. In 1920, voters amended the Constitution to provide for minimum state funding
26 per average daily attendance unit ("ADA") and local property taxes to provide additional support
27 for schools.

28

1 purpose state aid and local property tax revenue that a district could receive. Each district's
2 revenue limit was based on the State's foundation program minimum funding and each district's
3 local property tax revenues as of 1972-73 (adjusted periodically for inflation). Revenue limits
4 were completely unrelated to the actual cost of the educational program in that district.

5 89. The revenue limit system attempted to equalize per-pupil spending by allowing
6 low revenue districts larger increases for inflation than were allowed for high revenue districts,
7 thus allowing low revenue districts to be "leveled up" to the statewide average over time, and
8 forcing the base revenue limits of high revenue districts to be "leveled down" to the statewide
9 average over time.

10 90. Although revenue limits were primarily designed to equalize inter-district per-
11 pupil spending, they also had the effect of locking in district spending at the 1972-73 base
12 revenues, based on the *minimum* foundation funding requirements in effect that year, adjusted
13 only for inflation or as otherwise deemed appropriate by the State. Revenue limits thus had the
14 effect of converting what had been minimum funding levels into maximum funding levels –
15 levels that have not been adjusted to reflect changes in student demographics, the required
16 educational program or increases in the costs of delivering that program.

17 91. Revenue limit funding (also termed "unrestricted" or "general purpose" funding)
18 continues to constitute the majority of education funding to school districts. Although some
19 equalization of revenue limits has occurred, generally this funding continues to be based on
20 historical data unrelated to the actual costs of providing the educational program and services
21 required by the State. This is the funding that must typically be stretched to cover the core
22 educational program – salaries for teachers and staff, supplies, maintenance, and administrative
23 costs. Although the financial resources necessary for each district to deliver the educational
24 program required by the State vary based on the demographics of the student population and
25 geographic cost differences, revenue limit funding does not take either of these variables into
26 account.

27 92. In addition to having its origins in out-dated historical formulas, revenue limit
28 funding has been gradually reduced as a percentage of over-all district funding in favor of

1 restricted “categorical” funding. Categorical programs are those in which funding is tied to the
2 provision of a specific program or service, and use of that funding is restricted to those purposes.
3 Categorical funds cannot be used for general support of the public school system. Unless total
4 education funding is increased, an increase in categorical program funding results in a
5 comparable decrease in unrestricted revenue limit dollars available to districts for the general
6 education program.

7 93. In 1980, state and federal categorical programs constituted about 13% of state
8 education funding. Since that time, categorical funding has grown to approximately a third of
9 state funding, with general purpose funding being reduced correspondingly. While recent budget
10 cuts have been accompanied by additional flexibility over some categorical monies, the
11 underlying funding system has not been changed, and categorical requirements are scheduled to
12 be reinstated in 2012.

13 Proposition 13 and the Increased State Role in Education Funding

14 94. Proposition 13, a constitutional amendment adopted by the voters in June 1978,
15 severely restricted the taxing authority of all local governments, including school districts. Cal.
16 Const. art. XIII A. Proposition 13 rolled property assessments back to 1975-76 levels, limited the
17 total allowable property tax rate to 1 percent, and gave the State the authority to allocate the
18 reduced property tax revenues among school districts, local governments and other special
19 districts. As a result, even those tax revenues nominally defined as “local” became subject to
20 complete control and allocation by the State, which has the option of allocating none, some or all
21 of those revenues to school districts. The ability of school districts to levy *ad valorem* property
22 taxes for education was eliminated.

23 95. The immediate effect of Proposition 13 was a near 60 % reduction in local
24 property tax revenues. The State allocated most of those revenues directly to counties, cities and
25 special districts. At the same time the overall property tax revenues were being reduced, schools
26 received a smaller share of the shrinking pie. The share of property tax revenues allocated to
27 schools decreased from 53% to 35%. The State used General Fund revenues to bridge the gap –
28

1 but only enough to bring each district's total revenues up to the pre-Proposition 13 revenue
2 limits. These revenue limits effectively became a permanent ceiling: for every dollar provided to
3 a district from local property tax revenues, the State reduces its funding to the district by the
4 same amount. Following this transition, school districts became much more dependent on state
5 funding. Prior to Proposition 13, only 23% of all school district revenues came from the state
6 revenue limit funding. That share increased to 53% only one year later.

7 96. The year after the adoption of Proposition 13, the voters adopted Proposition 4,
8 which amended the California Constitution to impose new spending limits on State and local
9 governments, including school districts. Cal. Const. art. XIII B. The new spending restrictions
10 were also based on historical spending patterns as opposed to actual needs and costs. Each
11 school district's revenue limit, itself the product of the minimum foundation funding developed
12 in the 1950's and the property tax scheme in effect in the 1960's, became the district's spending
13 limit.

14 Proposition 98

15 97. Prior to Proposition 13, California funding per pupil was about ten percent higher
16 than the national average. After its passage, California's relative funding fell to around the
17 national average in just a few years. In the decade following Proposition 13, education was
18 forced to compete with other programs for General Fund revenues. During this time,
19 California's spending per-pupil fell behind the national average for the first time. In response to
20 the deepening crisis for public education, in November 1988, voters passed Proposition 98 to
21 amend the State Constitution to set a minimum funding level for the support of K-14 education.
22 Cal. Const. art XVI, § 8(b).

23 98. Rather than linking education funding to the actual cost of providing and
24 delivering the education program to all students, Proposition 98 ties funding to growth in
25 personal income and growth in State General Fund revenues in a given year. General Fund
26 revenues are often unpredictable and volatile because of their reliance on the State's income tax
27 revenues. As a result, Proposition 98 revenues are often also volatile and unpredictable.

1 99. As amended in 1990, Proposition 98 determines a minimum funding level for a
2 given year based on one of three “tests” keyed to changes in state economic conditions, although
3 the minimum funding requirement can be suspended during a period of economic crisis by a
4 two-thirds vote of the Legislature. Cal. Const., art XVI, § 8.

5 100. The Proposition 98 minimum funding formulas are based on the 1986-87
6 education budget - which had in turn been based on antiquated caps set in the 1970’s - adjusted
7 for cost-of-living and changes in the size of the student population. They do not provide for
8 adjustments based on changes to the contents of the educational program, and they have not been
9 adjusted to take into account the significant programmatic changes that have taken place since
10 Proposition 98 was adopted.

11 101. With very few exceptions, the Proposition 98 “minimum” has become a
12 maximum funding calculation. At the time Proposition 98 was adopted, California ranked 30th
13 among the states in per pupil spending. In 2008-09 – before the latest round of budget cuts –
14 California ranked 44th.

15 102. In fact, Proposition 98 does not even ensure that the monies appropriated actually
16 be directed to school districts for the State’s educational program. For example, the Legislature
17 rolled the costs of certain “education-related” programs into the Proposition 98 minimum
18 funding guarantee, including child care programs, adult education programs, probation schools
19 and California Youth Authority programs, as well as many social service programs like health
20 screening and public safety programs. The State thus meets the Proposition 98 minimum
21 funding requirements in part by funding programs which were historically not funded from the
22 education budget, and by designating those expenditures as part of the “support of the public
23 school system” for the purpose of meeting the minimum funding requirement.

24 103. In addition, the State has used various accounting devices to manipulate the
25 minimum funding guarantee and further reduce funding for the public school system. The State
26 has treated appropriations as loans from later funding obligations and pre-payment of future
27 Proposition 98 entitlements, and has retroactively reduced appropriations and attributed the

1 difference to the subsequent fiscal year, with the effect of permanently reducing the “base”
2 funding amount and therefore future appropriations.

3 104. The integrity of the Proposition 98 calculation has eroded to the point that the
4 Department of Finance and Department of Education no longer comply with the statutory
5 obligation to annually certify the Proposition 98 figure, and the Legislature recently settled
6 differences in opinions regarding the calculation through an ad-hoc statutory declaration of the
7 Proposition 98 minimum funding amount. Earlier this year, the Governor proposed diverting
8 approximately \$1.6 billion in gas tax revenues from the General Fund and placing them in a
9 special transportation fund. By artificially reducing General Fund revenues, this proposal would
10 reduce the Proposition 98 minimum guarantee by about \$830 million – a reduction unconnected
11 to any changes to the public educational program.

12 105. Nor has Proposition 98 provided stability in funding. The 2004-05 suspension
13 ordered by the Legislature resulted in State support of the public school system falling \$3.6
14 billion below the level required by Proposition 98. In the last two years alone, education funding
15 has been cut by approximately \$17 billion. Because the Proposition 98 minimum funding
16 guarantee is based on state revenue projections that change over the course of the year, the
17 amount of education funding provided in the budget often differs substantially from the amount
18 actually allocated to school districts over the course of the fiscal year, sometimes by up to \$1
19 billion. This funding instability undermines effective planning and efficient use of already
20 scarce resources.

21 **The State’s Education Finance System Prevents Districts From Providing the Required**
22 **Education Program and Thereby Denies Students An Opportunity to Meet the State’s**
Educational Goals

23 106. The State’s reliance on outdated funding formulas has resulted in financing
24 policies and funding amounts that are unrelated to the cost of providing the required educational
25 programs and services and are insufficient to provide these programs and services to all students.
26 The State’s educational finance system does not support core education programs and services
27 related to academic proficiency, or the necessary intervention programs, support services and
28 enrichment activities. State funding is also unstable and unreliable, with funding policies that are

1 often irrational and overly restrictive, making long-term planning and efficient use of resources
2 virtually impossible. The State's current education finance system prevents districts from
3 providing the required education program and denies students the opportunity to meet State
4 educational goals.

5 The State Education Finance System Is Not Designed to Support the Core
6 Education Program Required by the State and Does Not Do So

7 107. Irrational policies and insufficient state funding prevent districts from providing
8 all students with the programs and services necessary to meet the academic proficiency goals at
9 the core of the required education program.

10 108. In order to provide the educational program required by the State, districts need
11 sufficient funds to attract, retain and develop sufficient numbers of qualified teachers to maintain
12 teacher-student ratios and class sizes that are appropriate to the task of meeting the State's
13 academic standards. State funding is simply not based on this need – teacher-student ratios and
14 class sizes are not determined by pedagogical or education policy factors, but are purely a
15 function of available funding on a year to year basis.

16 109. Many students are unable to learn the necessary academic content because there
17 are not enough teachers in each school to meet their needs. Districts have found that lower class
18 sizes improve educational outcomes, especially in the early elementary grades and among
19 disadvantaged students and English Learners. Districts, however, cannot afford to implement
20 this successful practice. Core academic subjects in many secondary schools are now being
21 taught in classrooms with more than 40 students per teacher, and California schools rank last in
22 the nation in teacher-student ratios for the core subjects in secondary school. Not surprisingly,
23 California students score among the lowest of all states in national academic assessments.

24 110. While appropriate staffing ratios are essential, additional teacher training, staff
25 preparation and professional development are also critical to improving educational outcomes.
26 On-going professional development and training directly tied to the State's academic standards is
27 necessary to ensure that classroom teaching is consistent with the State's academic goals and the
28 needs of all students. Professional development is crucial to providing the instruction programs

1 mandated by the State and, in particular, finding ways to improve the academic achievement of
2 the lower performing students. To improve the quality of daily instruction, teachers need more
3 time for collaboration, data analysis and instructional preparation. However, the State has failed
4 to enact funding policies that reflect, and appropriately fund, professional development needs.
5 The lack of available funding for these “discretionary” programs has led to the virtual
6 elimination of structured, continuous professional training and support for California teachers
7 and principals.

8 111. Students need sufficient instructional time to master the State’s academic program
9 and obtain other essential skills and knowledge that come from a well-rounded education.

10 112. State experts have examined the curriculum and teaching methodologies and
11 determined the amount of instructional time necessary to reach proficiency on the material in the
12 Math and English Language Arts textbooks selected and approved by the State for grades K-8.
13 For the early primary grades, the recommended minimum instructional time in Math and English
14 accounts for nearly all the instructional time the State pays to provide – leaving little or no
15 instructional time for Science, Social Studies, Physical Education and other courses specifically
16 required by State standards.

17 113. For English Learners – a quarter of California’s student population – the State
18 recommends additional instructional time to learn the required material. In early primary grades,
19 if the recommended minimum instructional time for English Learners for Math and English
20 Language Arts is added together, it exceeds the amount of instructional time the State pays to
21 provide. These students are effectively denied access to the rest of the required education
22 program, including core academics such as science and social science.

23 114. State funding policies are not designed to provide the amount of instructional time
24 the State itself deems necessary to become proficient in core academics, and funding amounts
25 are insufficient for this purpose.

26 115. The State has recently allowed for a reduction in the length of the school year,
27 which will result in even less instructional time for students in some districts. The decision to
28 allow for a reduced school year was based solely on budgetary concerns, and is directly counter-

1 productive to providing an education program consistent with the State's standards. This policy
2 will move students further away from realizing the minimum recommended instructional time
3 necessary to learn the material, and will have a more significant adverse impact on English
4 Learners, as they will receive correspondingly less instructional time in core courses than their
5 English-speaking peers.

6 116. Many students must also deal with outdated materials while trying to meet current
7 education requirements. State funding policies and funding amounts fail to reflect the cost of
8 providing students with instructional materials and education technology consistent with
9 teaching and learning in the 21st century. While education technology has become increasingly
10 central to delivering content based on student needs, the State has provided no consistent policies
11 or funding for education technology. Occasional one-time money has been provided for some
12 technology purchases, but no provision has been made for technology needs that are on-going
13 and require annual expenditures. The only funding source available over time for these purposes
14 are district general purpose funds, but these funds are based on formulas that were established
15 when the need for, and corresponding cost of, technology was a fraction of what it is today.
16 These funds are already insufficient to maintain appropriate staffing levels and districts cannot
17 reasonably divert funds to technology from other critical needs.

18 117. Even the cost of basic textbooks is not paid for by the State. The State has
19 implemented instructional material policies that require districts to adopt and purchase textbooks
20 every six years in core academic subjects and every eight years in other subjects, thereby
21 creating a mandatory six/eight year cycle for purchasing new materials. But the State does not
22 base instructional materials funding on any determination of the actual costs of textbooks and
23 supplemental materials. The State instructional materials program has been consistently
24 underfunded, forcing districts to divert general purpose funds from other critical programs and
25 services to pay the full cost of the required materials. In light of recent budget cuts, the State has
26 suspended mandatory textbook adoptions until 2012-13, but the suspension fails to account for
27 the districts' continuing need to replace lost and damaged books and to provide annual
28 supplemental materials and supplies. The failure to provide funding that reflects the true cost of

1 instructional materials impedes the ability of districts to provide their students with current and
2 appropriate instructional materials.

3 State Funding Does Not Support Intervention Programs That Are Necessary to Provide All
4 Students An Opportunity to Attain Academic Proficiency

5 118. In order for all students to have an opportunity to achieve academic proficiency,
6 districts must provide supplemental and/or intervention programs that are tailored to the unique
7 needs of their students. These programs can vary depending on particular student demographics,
8 but all require focused research, data collection, intensive and ongoing professional
9 development, and evaluation in order to develop and maintain successful programs that will
10 improve academic achievement.

11 119. The current state education finance system does not account for differences in
12 student need or the cost of providing the supplemental and/or intervention programs necessary to
13 address these needs, such as programs aimed at students far below proficiency in English
14 Language Arts and Math. As a result, districts lack sufficient funds to provide successful
15 intervention programs for all of their students who need them, and are forced to limit access to
16 demonstrably successful programs to a small group of students or one pilot project. Multi-year
17 intervention programs based on the State's promise of long-term funding have had to be
18 abandoned when the State reneged on its promise and cut funding mid-program.

19 120. When students are lucky enough to have access to focused intervention programs
20 during the school day, the lack of sufficient instructional time means that they are unable to
21 receive instruction in other critical academic areas. Since many intervention programs require
22 additional time in English-Language Arts and Math, the students in these programs are
23 effectively denied instruction in Science, Social Science and other core academic subjects.

24 121. Many districts have found after-school and summer programs to be effective tools
25 for improving student educational outcomes and providing some students additional instructional
26 and remedial time to reach proficiency. Chronic budget cuts and shortfalls and the lack of
27 sufficient general purpose funding have resulted in the elimination of many of these programs.

28 The summer and after-school programs that have survived are largely focused on credit recovery

1 (obtaining the necessary credits to graduate from high school), and are no longer available to
2 help students who may need additional instructional time to help them attain grade-level
3 proficiency in academics.

4 122. Continuing education, alternative education, career technical education, and other
5 non-traditional programs provide vital support for many students. Districts have tried to invest
6 in the development of such programs in order to make the educational program responsive to all
7 students. However, State finance policies and funding amounts prevent districts from improving,
8 expanding, or even maintaining these critical programs. As a result, students are denied access
9 to programs that are necessary to help them meet educational objectives and graduate from high
10 school with the skills and knowledge needed to enter the workforce.

11 The Education Finance System Denies Students Necessary Support Services,
12 Enrichment and Extra-curricular Activities

13 123. Support services, enrichment and extracurricular activities are an integral,
14 fundamental part of the education program. Students must be prepared to learn, and many will
15 not be unless they attend schools that can provide some basic health, nutrition and safety
16 programs and services. Some students may not stay in school at all if most or all programs such
17 as arts, music and sports are eliminated. Other students will fail to reach their potential if they
18 are denied opportunities such as Advanced Placement (AP) courses or programs for the
19 academically gifted. Erratic and insufficient State funding has reduced or eliminated these
20 programs and services in many California schools.

21 124. There are not enough nurses available in California schools to provide basic
22 health services for students. California schools currently average one nurse for every 2200
23 students, with many schools relying completely on 911 service because they have no available
24 nurses or health professionals. As a result of these shortages, non-medical administrative staff
25 often must oversee medication and first aid administration.

26 125. In recent years, unstable and insufficient funding has forced districts to reduce the
27 already inadequate number of academic and mental health counselors. As a consequence
28 students do not have the necessary access to academic advice and counseling, basic mental

1 health services, and other services to reduce barriers to success and keep students in school.
2 Those students who need support services but receive less frequent or no services fall further
3 behind their peers and often fail to achieve academic proficiency.

4 126. Libraries and media centers provide essential access to the technology that
5 students must master in order to effectively obtain, process and utilize information in the 21st
6 century. Librarian and media specialist positions have been severely reduced or eliminated in
7 most schools, leaving students virtually without instruction to develop these critical skills. Often
8 the libraries, media centers and computer labs are shut down completely because school districts
9 lack the necessary funding to keep them open.

10 127. Though transportation is not required by the State, many districts must provide
11 their students transportation services or, as a practical matter, the students will not be in school
12 consistently and will be denied access to the education program. Districts receive funding for
13 transportation that is in no way related to the costs, but instead is based upon an amount
14 established in the 1980s. Adjustments to the funding have not kept pace with volatile energy
15 prices. Moreover, the funding amount is not connected to the enrollment growth or demographic
16 changes that have occurred over the last 30 years. Neither the amount nor the distribution of
17 transportation funding matches the needs of districts and their students. While districts can
18 charge fees for providing transportation, charging fees is not practical for certain student
19 populations and the fees are often insufficient to cover transportation costs. As a result, districts
20 that provide transportation to assure students are able to attend school typically must divert
21 general fund revenues that would otherwise support the core educational program.

22 128. Recognizing the importance of music and art in the education program, the State
23 has established content standards for visual and performing arts. Although courses in these
24 subjects are often required for high school graduation, they are increasingly being eliminated
25 because of limited funding. School districts and schools that have retained these programs have
26 been increasingly forced to rely on parental contributions, auxiliary foundations or other private
27 fundraising to support them. The ability to raise the necessary funds varies among districts, with
28 economically disadvantaged districts facing greater challenges to retain these programs.

1 129. Sports programs and other extracurricular activities have also been reduced over
2 the years. These programs are expected by parents and the community and are part of the
3 American tradition of public education. They are also often the programs that help keep students
4 engaged, and research has shown that students who participate in these activities on a regular
5 basis are more successful academically. Private contributions and fundraising have also been
6 used to sustain these programs, with uneven success. The elimination or reduction of these
7 programs prevents students from attaining educational goals and compounds an already serious
8 drop-out problem.

9 130. Career and Technical Education, also known as vocational education, can play an
10 important role in preparing students for employment outside of school. These programs are
11 often a key resource for keeping many students engaged in school who might otherwise drop out.
12 Many of these programs have also been reduced or eliminated.

13 131. Programs such as Advanced Placement (AP) or International Baccalaureate (IB)
14 classes and Gifted and Talented Education (GATE) offer students opportunities to receive
15 instruction tailored to their academic needs and designed to help them fulfill their academic
16 potential. State funding for these programs is limited and has been shrinking over time. In
17 addition to being unable to serve the needs of disadvantaged students and English Learners,
18 California schools are failing high-achieving or potentially high-achieving students as well.
19 Comparative academic assessments show that all California students are falling behind their
20 peers – even students at the higher end of the testing spectrum.

21 The General Purpose Funds Necessary to Provide the Core Education Program Have Become
22 Increasingly Scarce Due to State Categorical Funding Policies

23 132. General purpose funding, arbitrarily limited by the State’s reliance on outmoded
24 formulas, has been further reduced by the significant increase in categorical programs –
25 programs that now constitute approximately a third of education funding.

26 133. Categorical funding reduces general purpose funding available to districts in two
27 ways. First, the State has increased appropriations for categorical programs in recent years
28 without a commensurate increase in over-all education spending, resulting in a decrease in

1 unrestricted general purpose funds. Second, funding for some key categorical programs does not
2 reflect the actual cost of providing the categorical program. Some expressly require district
3 matching funds; unless districts divert general purpose revenues to implement the programs, they
4 receive no categorical funding for them whatsoever. Categorical programs requiring substantial
5 expenditures from district general purpose funds include class size reduction, special education,
6 instructional materials, transportation, food services and deferred facilities maintenance.

7 134. State support for each categorical program is also unpredictable from year to year,
8 as the State can and does frequently change rules and requirements for categorical program
9 qualification and reimbursement. Districts may thus have planned to qualify or be reimbursed
10 for a program, made expenditures or contractual commitments based on that plan, and then later
11 receive less funds than anticipated because of an intervening change to State rules. For example,
12 the State provides a categorical program to assist districts in providing free and reduced lunches
13 for low-income students. It reimburses only a portion of the actual cost of lunches. At the
14 beginning of the current academic year, the reimbursement rate was \$0.22 per lunch. The State
15 recently decided, however, to cut the reimbursement rate from \$0.22 to \$0.02 per lunch – a
16 reduction that was announced two months before the end of the school year, when districts could
17 no longer modify contracts or otherwise reduce costs for food services and were therefore forced
18 to divert funds from other programs and services in order to cover the deficit caused by the
19 State's after-the-fact funding reduction.

20 135. The increase in restricted categorical funding and the failure to provide full
21 funding for categorical programs has resulted in a significant decline in general purpose funding
22 at the same time as programmatic expenses have increased, particularly the costs of salaries and
23 benefits for certificated (teaching) staff and non-certified staff. The costs of benefits such as
24 health and retirement benefits, unemployment insurance and other payroll deductions now
25 amount to approximately one-third of salary cost, and districts have limited or no control over
26 many of these costs. The costs of security, facilities repair and transportation have also been
27 rising at the same time as available unrestricted funds have been shrinking.

28

1 136. The State education finance system also fails to reflect the costs of a number of
2 federal programs and services which districts are legally required to implement. Although the
3 State requires district compliance with all federal requirements as a condition of the State's
4 receipt of federal funds, most federal mandates do not provide adequate funding to pay for the
5 required program or service. The State has not provided additional funding necessary to allow
6 districts to meet these costs. Instead, the amount of the shortfall must be absorbed by districts.
7 This results in a further reduction of unrestricted funds and undermines the district's ability to
8 pay for the costs of the general educational program.

9 137. Categorical funding is also accompanied by significant administrative
10 requirements. In order to meet these requirements and avoid State-imposed penalties, districts
11 are required to divert staff resources that would otherwise be available to assist in
12 implementation of the educational program. Categorical programs thus impose programmatic,
13 administrative and budgetary constraints on districts that limit their flexibility to respond to
14 specific student needs.

15 138. The increased use of categorical funding, and increasing reliance on general
16 purpose funds to cover the cost of the categorical programs, impedes the districts' ability to
17 provide the core educational program.

18 139. While additional flexibility for some categorical spending was provided with the
19 most recent budget actions, the limited additional flexibility cannot offset the nearly \$17 billion
20 combined reduction in general purpose and categorical funding that resulted from those budget
21 actions. Despite the changes in programmatic requirements related to specific categorical
22 programs (such as the purchase of newly adopted instructional materials), districts are neither
23 exempt from the State's accountability system nor their obligation to provide all students an
24 education that meets the academic standards set by the State. Nor have any permanent changes
25 been made to the funding system. The new flexibility is temporary and is scheduled to expire in
26 2012-13 – at that point, districts will incur significant costs to reestablish programs and services
27 with no guarantee of sufficient funding to cover those costs.

1 140. In addition to categorical requirements, the State has imposed dozens of
2 requirements for new programs and services that further reduce the amount of general purpose
3 funding available to districts for the educational program.

4 141. Though the State is legally required to pay school districts for the costs of any
5 state-mandated programs or services, it has nonetheless refused to do so. Since 2002, the State
6 has appropriated only \$1,000 per program and “deferred” the balance owed to districts, now
7 almost \$3.6 billion. The Legislative Analyst’s Office (“LAO”) estimates that the annual
8 statewide cost of these mandates today exceeds \$400 million. Since the State requires school
9 districts to implement state-mandated programs even if it fails to reimburse them, each unfunded
10 program results in a corresponding reduction in the district’s available general purpose, or
11 unrestricted, funds. This reduction, in turn, undermines districts’ ability to pay for the costs of
12 the general education program focused on achieving academic proficiency for all students.

13 Budget Instability and Irrational State Requirements Further Render the System Dysfunctional

14 142. The instability and unpredictability of state education funding makes budgeting
15 and long-range planning at the district level virtually impossible. Districts are effectively
16 prevented from implementing the comprehensive educational program adopted by the State with
17 any continuity from year to year and grade to grade.

18 143. The State’s annual budget process contains irrational timelines that are themselves
19 a chronic source of instability. Districts are required to adopt their budgets by July 1 of each
20 year, but the State Legislature typically does not adopt the state budget until later – sometimes
21 months later. Cal. Educ. Code § 42127 (West 2010). Districts must therefore prepare their
22 budgets each year without having any reliable idea what funds they will actually receive from the
23 State or what restrictions may be imposed on those funds. This makes coherent planning for on-
24 going programs and services impossible.

25 144. Even in a good year, districts can only make estimates about their state funding.
26 If the state budget is late, or if mid-year cuts are imposed (as they have been in the last several
27 years), budgeting and management problems are compounded. Over the last several years, many
28

1 districts have had to develop multiple budgets each school year with different revenue,
2 expenditure and program assumptions. This administrative burden burns through district
3 administrative resources, interferes with educators' ability to focus on delivery of the academic
4 program and services, results in the ineffective and inefficient use of resources, and creates
5 instability and uncertainty for programs and staff.

6 145. As a practical matter, districts have few options when cuts are imposed mid-year
7 because contracts have been signed, orders have been placed, and programs and services have
8 been implemented based upon assumed revenues. Districts are often forced to cut non-teaching
9 staff, including part-time staff working in remedial programs, and are often unable to retain
10 certain types of employees (e.g., special education aides, speech pathologists, nurses,
11 transportation employees). Since these employees perform services that are necessary (and, in
12 many cases, legally required), districts are subsequently required to independently contract for
13 these services at an overall increased cost.

14 146. The timing and unpredictability of the budget, coupled with additional State
15 personnel rules, disrupts classroom instruction and prevents continuity in instructional programs.
16 A district is required to provide teacher layoff notices by March 15, and make final termination
17 decisions by May 15. Cal. Educ. Code §§ 44949, 44455 (West 2010). Because districts cannot
18 predict their revenues with any certainty, they must assume the worst case budget scenario and
19 notify more teachers than might be necessary that they may lose their jobs. In March 2009,
20 roughly 26,000 teachers were notified that they might not be retained; in March 2010, the
21 number was approximately 22,000. Districts lay off more teachers than they have to because of
22 uncertain and unreliable budget projections, but end up rehiring many of the laid-off teachers as
23 temporary employees at the beginning of the next school year.

24 147. This process is devastating to school districts, their teachers and students. For
25 teachers who receive pink slips there are months of uncertainty, which leads some to leave the
26 district in search of a more financially-stable district and others to leave the profession all
27 together. For those teachers that are terminated and later rehired as temporary staff, they lose
28 significant job security. Teacher morale is adversely affected; high levels of teacher-turnover

1 frustrate the continuity of teaching and learning and lead to poor outcomes for students. Even if
2 the district is later able to rehire teachers after the State has adopted a budget and the district has
3 revised its budget, those teachers have lost valuable time over the summer to prepare for the
4 upcoming academic year.

5 148. The instability created by the State's budget process and related personnel rules
6 also exacerbates the inequitable distribution of experienced teachers. Districts with higher
7 revenues per student and/or more relative financial stability are able to recruit more experienced
8 teachers and other staff away from districts with lower revenues per student and less stability,
9 requiring the latter districts to rely on a disproportionate number of less experienced or less
10 credentialed teachers and staff.

11 149. In response to chronic under-funding, many districts have attempted to levy parcel
12 taxes in order to provide basic education programs and services for their students. However, the
13 availability and success of parcel tax funding is uneven throughout the State and limited in
14 scope. Most districts have also resorted to informal fundraising mechanisms to raise money for
15 programs threatened with elimination, such as art, music or sports. Others have formed auxiliary
16 foundations to raise additional funds or obtain donations of equipment or other resources.
17 Funding from outside sources has steadily increased in recent years, and has become increasingly
18 necessary just to provide basic programs and services. The ability to raise the necessary funds
19 varies among districts, with economically disadvantaged districts facing greater challenges to
20 retain these programs.

21 Budget Cuts Have Made An Already Dire Situation Even Worse

22 150. Budget cuts over the last several years have created a true fiscal crisis for public
23 schools, and simply remaining fiscally solvent has by necessity taken precedence over the
24 implementation of policies and programs to meet basic educational goals. The instability and
25 insufficiency of funding has forced school districts to decimate core programs and services
26 necessary to deliver the State's comprehensive educational program to all California students.
27

28

1 151. Public education has suffered a combination of on-going cuts, one-time cuts, and
2 funding deferrals in recent years, and these reductions have differing impacts on the K-12
3 education program over time. Because of this complexity, there are a number of different
4 methodologies to quantify these cuts. A conservative approach is to compare the K-12 education
5 expenditures from 2007-08 with the 2009-10 expenditures, adjusted by the statutory calculation
6 for cost of living (“COLA”) and changes in student population (“growth”). The purpose of these
7 statutory adjustments is to provide enough funding to maintain the same education program over
8 time.

9 152. The LAO estimates that the K-12 programmatic funding provided in 2007-08 was
10 \$49.7 billion after accounting for deferrals and other one-time funding sources. Adjusted for
11 COLA and growth, the State would have had to spend \$52.6 billion in 2008-09 and \$54.6 billion
12 in 2009-10 to maintain the education programs and services provided in 2007-08. Instead, the
13 state provided programmatic spending of \$47.9 billion in 2008-09 and \$42.4 billion in 2009-10.
14 The 2008-09 reduction is \$4.8 billion, or more than \$800 per student. In 2009-10 that is a cut of
15 \$12.1 billion, which is over \$2000 per student. Over the last two budgets, the cumulative impact
16 of the cuts is nearly \$17 billion.

17 153. One-time federal “stimulus” funds have somewhat mitigated the impact of recent
18 budget cuts, but these funds will expire in 2011-12. Current estimates for the Proposition 98
19 minimum funding amount suggest that state funding may decrease in 2011-12. The level of
20 education cuts will grow if, as is likely, the state is not able to restore state funding when the
21 one-time federal stimulus funding ends.

22 154. The cumulative effect of the State’s recent budget cuts has led to massive
23 disruptions to core programs and services and has effectively denied many students meaningful
24 access to the State’s comprehensive educational program. In particular, the budget cuts have
25 forced districts to take drastic measures, including the following:

- 26 • lay off thousands of teachers, resulting in larger class sizes in all grades and
- 27 courses;
- 28 • eliminate or dramatically reduce badly needed intervention programs, including

1 summer and after school programs, for students unable to demonstrate proficiency
2 in standards-based assessments of core academic subjects or at risk for failing the
3 High School Exit Exam;

- 4 • eliminate or significantly reduce course offerings, particularly electives such as
5 art, music and athletic programs;
- 6 • delay and reduce purchases of essential instructional materials, computers, and
7 other educational resources;
- 8 • make draconian cuts to non-teaching staff – including school counselors,
9 librarians, nurses, assistant principals, computer lab technicians, instructional
10 aides, custodians and secretaries – resulting in elimination of critical support
11 services for students;
- 12 • eliminate virtually all training and support for principals and teachers, including
13 teachers in core academic subject areas;
- 14 • defer needed facilities maintenance resulting in undesirable learning environments
15 and increased future costs; and
- 16 • significantly reduce budget reserves leaving districts unprepared to cope with any
17 future uncertainties or emergencies.

18 155. Simply remaining fiscally solvent is now a major challenge for school districts.
19 State statutes require school districts to annually certify their finances, and certification ratings
20 indicate the status of a district’s fiscal health. A “qualified” or “negative” certification rating
21 indicates that a district is threatened with financial instability or insolvency. In 1997-98, the
22 finances of eight districts were certified as “qualified” or “negative.” In 2009-10, that number
23 jumped to 162. That number is expected to continue to grow as the State implements further cuts
24 to education funding.

25 **The State Has Been Given Clear Notice that the Current Funding System is**
26 **Harming Students**

27 156. Education finance plays a crucial — indeed, indispensable — role in determining
28 the quality of education. As the California Supreme Court recognized more than thirty years

1 ago, “[t]here is a distinct relationship between cost and the quality of educational opportunities
2 afforded . . . differences in dollars do produce differences in pupil achievement.” *Serrano v.*
3 *Priest*, 18 Cal. 3d 728 (1976).

4 157. The relationship between funding and the ability to provide educational resources
5 based on student needs is not abstract. California’s per-pupil funding is among the lowest in the
6 nation, while California’s employment market imposes significantly higher than average
7 personnel costs. Teachers and other educators are the most essential components of a successful
8 school system, therefore personnel costs are by far the largest portion of school district budgets.
9 When these factors of low funding and high costs are considered together, it is clear that
10 California operates one of the most severely under-resourced school systems in the country.

11 158. The State has been well aware of the significant problems caused by its failure to
12 address fundamental problems with its educational finance system, but has failed to act each time
13 an opportunity has presented itself.

14 159. In 2002, the Legislature adopted and the Governor signed a bill establishing the
15 Quality Education Commission, which was tasked with “developing . . . a quality education
16 model for prekindergarten through grade 12, to provide state policymakers with adequate tools to
17 enable them to establish the reasonable costs of schools.” The Commissioners initially appointed
18 were subsequently withdrawn, and no further appointments were made.

19 160. In 2003, the Public Policy Institute of California issued its report, “High
20 Expectations, Modest Means: The Challenge Facing California’s Public Schools.” That report
21 found that California’s schools are under-resourced, primarily because professional salaries,
22 including teacher salaries, are high compared to other states, but per pupil spending is
23 comparatively low. In addition, the report confirmed that California’s low public school
24 spending was not the byproduct of generally low government spending in the state, but a
25 combination of spending a lower percentage on education and a higher proportion of school-age
26 children in the population.

27 161. In 2005, the “Getting Down to Facts” project was commissioned by the
28 Governor’s Committee on Education Excellence, the Secretary of Education, the Superintendent

1 of Public Instruction and the legislative leadership. This project was led by Stanford University
2 and included research by scholars from 32 institutions. Based on research conducted between
3 September 2005 and March 2007, the report succinctly summarized a critical problem: “Quite
4 simply, the finance and governance system is broken and requires fundamental reform”

5 162. The “Getting Down to Facts” studies also concluded that “[t]he state school
6 finance system is extraordinarily complex and has no coherent conceptual basis. That is, it is not
7 intentionally designed for meeting State education goals or meeting student needs.” As one
8 scholar put it: “The current system of finance is one that has been cobbled together in response
9 to various pressures over the past thirty-some years. What is missing from the resulting
10 patchwork of policies is an underlying framework or set of principles to guide the system.” He
11 concluded, “[t]he state holds schools accountable for the results of pupil performance, but
12 schools are not given the resources and flexibility to allocate them to achieve those results.”

13 163. The Governor’s Committee also observed that the State’s finance system “[d]oes
14 not ensure that sufficient resources reach students according to their needs” and that “more
15 funding is needed to meet the needs of students, particularly those who have been underserved
16 by the system to date. . . . Our current system is not equitable; it is not efficient; and it is not
17 sufficient for students who face the greatest challenges.” In particular, the reports to the
18 Governor’s Committee confirmed that districts with high percentages of economically
19 disadvantaged students and English Learners do not have sufficient funds to reach the same
20 student performance levels as other districts. Budget cuts since that Report have resulted in less,
21 not more, funding.

22 164. In January 2008, Superintendent of Public Education Jack O’Connell released a
23 report from his P-16 Council entitled “Closing The Achievement Gap,” which concluded:
24 “Access to high-quality educational experience is the right of every student and the responsibility
25 of the state. Today, the State of California has not lived up to the commitment for all students,
26 particularly poor, racial/ethnic minority students; English Learners; and students with
27 disabilities.” The Report confirmed “huge disparities in achievement exist among California’s
28 student subgroups” and that “[a]lthough California maintains some of the highest standards in

1 the nation for what students are expected to know and be able to do, its schools are significantly
2 underfunded.”

3 165. The LAO issued a 2009 report demonstrating the disconnect between the State’s
4 educational aspirations and the reality, stating that: “California’s existing approach for helping
5 these [economically disadvantaged] students fails on virtually every score,” and observing that
6 the State approach “[d]oes not link funding to the prevalence and severity of academic barriers
7 and the cost of overcoming them” and “[i]s neither centered around improving academic
8 achievement nor well-integrated into the state’s overall accountability system.”

9 166. In sum, the State has long been on notice that fundamental change to its
10 educational finance system and funding policies are necessary to guarantee that all students in
11 California have equal access to the State’s prescribed educational program and an equal
12 opportunity to meet the proficiency standards set by the State, but has failed to take action.

13 **On-Going Constitutional Violations Require Judicial Action**

14 167. Article I, sections 7(a) and 7(b); article IV, section 16(a); article IX, sections 1, 5,
15 and 6; and article XVI, section 8 of the California Constitution establish that all school-aged
16 children of the State of California have the fundamental right to a free education in a “system of
17 common schools” that provides a “general diffusion of knowledge and intelligence essential to
18 the preservation of the rights and liberties of the people.” The right to a free education must be
19 provided on an equal basis to all children, permitting all children the opportunity to develop the
20 skills and capacities necessary to achieve economic and social success in our competitive
21 society, participate meaningfully in political and community life, and to become informed
22 citizens and productive members of society

23 168. The operation of the public system of education is a matter of state concern.
24 Notwithstanding the delegation of various responsibilities to local school officials, the State has a
25 non-delegable duty to keep up and support the system of common schools required by article IX
26 and to first set aside from all state revenues the money necessary for the support of the public
27 school system as required by article XVI, section 8 (a) of the California Constitution.

28

1 169. The State has a duty to provide a system of common schools in which the
2 constituent parts aligned with each other and operate harmoniously and with a unity of purpose.
3 Having developed a comprehensive education program with specific academic standards “based
4 on the knowledge and skills that pupils will need in order to succeed in the information-based,
5 global economy of the 21st century,” the State has a duty to develop and implement a funding
6 system that supports the education program and allows districts to deliver the required course of
7 study. State funding must support a system of common schools that provides all students an
8 opportunity to progress from grade to grade and reach proficiency in the State’s academic
9 standards. The State has breached this duty to keep up and support the system of public schools.

10 170. The State has made funding for public education in California overwhelmingly
11 reliant on state monies and state-determined allocations of local property tax revenues
12 apportioned in accordance with state-created funding formulas. These funding formulas are
13 based on historical benchmarks that are unrelated in any way to the actual costs of providing the
14 state-required educational program. The current funding formulas and the ways in which those
15 funds are distributed to districts fail to ensure that districts can, in fact, provide the programs and
16 services that the State requires the districts to provide for all students.

17 171. The State has prescribed the contents of the current educational program and
18 devised an accountability system that holds school districts accountable for ensuring that
19 students reach proficiency on the State’s content standards. But the State has failed to provide
20 funding in an amount or through distribution mechanisms that allow districts to provide the
21 required academic program. The irrationality of state funding policies and an unstable and
22 unpredictable budget process impede the ability of districts to meet the requirements imposed by
23 the State and the educational needs of their students. Chronic under-funding is a primary cause
24 of numerous programmatic and operational deficiencies, including the following:

- 25 • Districts cannot maintain appropriate teacher-student ratios and appropriate class-
26 sizes;
- 27 • Districts are unable to offer sufficient instructional minutes in core academic
28 subject courses and necessary preparatory classes to all students, including the

- 1 additional instructional time necessary for English Learners;
- 2 • Districts cannot recruit and retain sufficient numbers of qualified teachers,
3 particularly for hard-to-staff subjects such as Mathematics, Science and Special
4 Education;
 - 5 • Districts cannot operate long-term quality professional development programs and
6 utilize mentor teachers so as properly train and monitor teachers in all classrooms;
 - 7 • Districts cannot design and implement necessary intervention and remedial
8 programs which require long-term planning and continuity in order to be
9 effective;
 - 10 • Districts cannot provide all students appropriate instructional materials, including
11 access to computers and educational technology, to effectively communicate and
12 deliver course content;
 - 13 • Districts cannot design and maintain safe, secure and clean school environments
14 conducive to learning; and
 - 15 • Districts must constantly juggle and frequently cut back core, enrichment and
16 intervention programs, leading to discontinuity in these programs and in student
17 progress from one year to the next.

18 172. The State's failure to fulfill its constitutional duty to establish a functional system
19 of common schools, with funding that supports the educational program, denies California's
20 children their fundamental right to an education.

21 173. Finally, the California Constitution prohibits the maintenance and operation of the
22 common public school system in a way that denies basic educational equality to any students.
23 The insufficient, irrational and unstable aspects of the State's funding system prevent districts
24 from effectively delivering the required educational program, an impact that falls
25 disproportionately on economically disadvantaged students, racial or ethnic minority students,
26 English Learners, and students with disabilities. Districts are prevented from implementing
27 programs and services based on student needs, which denies students equal access to the
28 educational program and an equal opportunity to learn the content prescribed in State-established

1 standards. Having set a prevailing statewide standard for education by requiring proficiency in
2 meeting the State-established content standards, the State also bears the responsibility for
3 ensuring that all students have access to an education that provides them with an opportunity to
4 attain proficiency in meeting the required standards. The State has failed in this duty.

5 **FIRST CAUSE OF ACTION**

6 **(By Plaintiffs Against Defendants for Violation of Sections 1 and 5 of Article IX of the**
7 **California Constitution: Duty to Provide and Support the System of Common Schools)**

8 1. Plaintiffs incorporate by reference the foregoing paragraphs of this Complaint as
9 though fully set forth herein.

10 2. Defendants have violated their duty under sections 1 and 5 of article IX of the
11 California Constitution to “provide for a system of common schools” that is “kept up and
12 supported” by the State using “all suitable means.”

13 3. Defendants have violated their constitutional duty to provide and support the
14 “system of common schools” by failing to provide and sufficiently fund an education finance
15 system that is intentionally, rationally, and demonstrably aligned with the goals and objectives of
16 the State’s prescribed educational program and the costs of ensuring that all children of all needs
17 have the opportunity to become proficient according to the State’s academic standards and the
18 opportunity to develop the skills and capacities necessary to achieve economic and social success
19 in our competitive society, participate meaningfully in political and community life, and to
20 become informed citizens and productive members of society.

21 **SECOND CAUSE OF ACTION**

22 **(By Plaintiffs Against Defendants for Violation of Sections 1 and 5 of Article IX of the**
23 **California Constitution: The Fundamental Right to Education)**

24 4. Plaintiffs incorporate by reference the foregoing paragraphs of this Complaint as
25 through fully set forth herein.

26 5. By failing to keep up and support public education, Defendants have violated the
27 fundamental right of all California children to a free education that provides a “general diffusion
28 of knowledge and intelligence essential to the preservation of the rights and liberties of the

1 people,” ensures the opportunity to become proficient according to the State’s academic
2 standards, and ensures the opportunity to develop the skills and capacities necessary to achieve
3 economic and social success in our competitive society, participate meaningfully in political and
4 community life, and to become informed citizens and productive members of society.

5 **THIRD CAUSE OF ACTION**

6 **(By Plaintiffs Against Defendants for Violation of Sections 7(a) and 7(b) of Article I and
7 Section 16 of Article IV of the California Constitution: Equal Protection of the Laws)**

8 6. Plaintiffs incorporate by reference the foregoing paragraphs of this Complaint as
9 though fully set forth herein.

10 7. Defendants have violated sections 7(a) and 7(b) of article I and section 16 of
11 article IV of the California Constitution by failing to provide and support an education finance
12 system that provides all California school children equal access to the State’s prescribed
13 educational program and an equal educational opportunity to become proficient in the State’s
14 academic standards.

15 **FOURTH CAUSE OF ACTION**

16 **(By Plaintiffs Against Defendants for Violation of Section 8(a) of Article XVI of the
17 California Constitution: The Duty to “First Set Apart”)**

18 8. Plaintiffs incorporate by reference the foregoing paragraphs of this Complaint as
19 though fully set forth herein.

20 9. By failing to intentionally and rationally determine and provide the amount of
21 funding necessary to support the State’s prescribed education program and the education needs
22 of all students, Defendants have violated their duty under section 8(a) of article XVI of the
23 California Constitution to ensure that from each year’s State revenues there shall “first be set
24 apart the moneys to be applied by the state for support of the public school system.”

25 **PRAYER FOR RELIEF**

26 Plaintiffs respectfully request the following relief:

27 1. The issuance of declaratory judgment as follows:

28 a. Article I, sections 7(a) and 7(b); article IV, section 16(a); and article IX,

sections 1, 5, and 6 of the California Constitution establish that all school-

1 aged children of the State of California have the fundamental right to a
2 free education in a “system of common schools” that provides a “general
3 diffusion of knowledge and intelligence essential to the preservation of the
4 rights and liberties of the people.” The “system of common schools” shall
5 be open to all children on an equal basis, and shall permit all children the
6 opportunity to develop the skills and capacities necessary to achieve
7 economic and social success in our competitive society, participate
8 meaningfully in political and community life, and to become informed
9 citizens and productive members of society;

- 10 b. Article IX, sections 1, 5, and 6 and article XVI, section 8 of the California
11 Constitution impose a duty on the State of California to ensure that the
12 “system of common schools” is “kept up and supported” using “all
13 suitable means,” and to first set apart the revenues necessary to achieve
14 this purpose and support the education program the State has prescribed
15 pursuant to its constitutional authority;
- 16 c. Article I, sections 7(a) and 7(b); article IV, section 16(a); and article IX,
17 sections 1, 5, and 6 of the California Constitution impose upon the State of
18 California the duty to provide and support an education finance system
19 that provides all children with equal access to the State’s prescribed
20 educational program and an equal educational opportunity to become
21 proficient in the State’s academic standards and develop the skills and
22 capacities necessary to achieve economic and social success in our
23 competitive society, participate meaningfully in political and community
24 life, and to become informed citizens and productive members of society;
- 25 d. The State of California has failed to meet its constitutional duty to keep up
26 and support a “system of common schools” because it does not provide
27 and sufficiently fund an educational finance system that is intentionally,
28 rationally, and demonstrably aligned with the goals and objectives of the

1 State's prescribed educational program and the costs of ensuring that all
2 children of all needs have the opportunity to become proficient according
3 to the State's academic standards and to develop the skills and capacities
4 necessary to achieve economic and social success in our competitive
5 society, participate meaningfully in political and community life, and to
6 become informed citizens and productive members of society;

7 e. The State of California has failed to meet its constitutional duty to first set
8 apart sufficient financial resources to ensure that all schools and school
9 districts of the State can provide the prescribed education program to all
10 school-aged children in the State; and

11 f. The State of California has failed to meet its constitutional duty to provide
12 and support an educational finance system that provides all children equal
13 access to the State's prescribed educational program and an equal
14 educational opportunity to become proficient in the State's academic
15 standards.

16 2. Enter a permanent injunction as follows:

17 a. Compelling the Defendants to design, enact, fund and implement a system
18 of public school finance:

19 i. That is intentionally, rationally, and demonstrably aligned with the
20 goals and objectives of the State's prescribed educational program
21 and the costs of ensuring that all children of all needs have equal
22 access to the State's prescribed educational program and an equal
23 educational opportunity to become proficient in the State's
24 academic standards and develop the skills and capacities necessary
25 to achieve economic and social success in our competitive society,
26 participate meaningfully in political and community life, and to
27 become informed citizens and productive members of society; and

28 ii. That provides all school-aged children with equal access to the

1 State's prescribed educational program and an equal educational
2 opportunity to become proficient in the State's prescribed
3 academic content standards.

4 b. Directing Defendants to cease from continuing to operate the existing
5 system of public school finance or any other system of public school
6 finance that does not meet the requirements of the Constitution.

7 3. Retain continuing jurisdiction over this matter until such time as the Court has
8 determined that the Defendants have fully and properly fulfilled its orders.

9 4. An award of costs, disbursements, and reasonable attorneys' fees and expenses
10 pursuant to section 1021.5 of the California Code of Civil Procedure and any other applicable
11 provision of law.


12 5. Such other relief as this Court may deem just and proper.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 DATED: May 20, 2010

2

3

By: 
Abhas Hajela
Attorney for Plaintiffs CSBA/ELA, ACSA, and
California State PTA

4

5


6

YOUTH AND EDUCATION LAW PROJECT
MILLS LEGAL CLINIC, STANFORD LAW
SCHOOL

7

8

9

By: 
William S. Koski
Attorneys for Individual Plaintiffs

10

11

12

BINGHAM McCUTCHEN LLP

13

14

15

By: _____
William F. Abrams
Attorneys for Individual Plaintiffs

16

17


18

OLSON HAGEL & FISHBURN LLP

19

20

21

By: 
Deborah B. Caplan
Attorneys for Plaintiffs Districts, CSBA/ELA,
ACSA, and California State PTA

22

23

24

25

26

27

28

1 DATED: May 20, 2010

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: _____
Abhas Hajela
Attorney for Plaintiffs CSBA/ELA, ACSA, and
California State PTA

YOUTH AND EDUCATION LAW PROJECT
MILLS LEGAL CLINIC, STANFORD LAW
SCHOOL

By: _____
William S. Koski
Attorneys for Individual Plaintiffs

BINGHAM McCUTCHEN LLP

By: William F. Abrams
William F. Abrams
Attorneys for Individual Plaintiffs

OLSON HAGEL & FISHBURN LLP

By: _____
Deborah B. Caplan
Attorneys for Plaintiffs Districts, CSBA/ELA,
ACSA, and California State PTA