

REPORT OF THE CHIEF LEGISLATIVE ANALYST

May 17, 2007

TO: Honorable Members
Education and Neighborhoods Committee

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Presidents' Joint Commission on LAUSD Governance Review of Recommendations in Final Report

SUMMARY

The Education and Neighborhoods Committee requested our Office to review the July 31, 2006 Final Report of the Presidents' Joint Commission on LAUSD Governance (Commission), outline next steps and report back to the Committee concerning the implementation of the recommendations in the report.

The Commission concluded in the final report that the Los Angeles Unified School District (LAUSD) should be decentralized and that the LAUSD Board should initiate a school based system of education. Regarding implementation, the Commission indicates that a majority of the recommendations can be implemented without changes in either State law or in the City Charter. In accordance with the recent voter approved Proposition L, a Compensation Review Commission has been established to review the recommendations in the final report concerning internal personnel matters. According to LAUSD staff, the remaining recommendations have not been implemented due to the impact on current LAUSD policies. Attachment 1 of this report is a summary of all the Commission recommendations and current implementation status.

Recent Court Actions

In 2005, the State Legislature approved the Gloria Romero Education Reform Act of 2006, which proposed to: (1) strip the LAUSD Board's authority and shift it to the District Superintendent; (2) create a 28-member Council of Mayors to review the budget and ratify the new District Superintendent; (3) give the Mayor direct oversight of three clusters of the districts' lowest performing schools; and (4) give schools greater control over their budget and curriculum.

On April 17, 2007, the Court of Appeal unanimously upheld the trial court decision and determined the Romero Education Reform Act unconstitutional. The Court of Appeal ruled that this legislation violated: (1) provisions of the state constitution, which creates a separation of the municipal government and the education system; (2) the Los Angeles City Charter, which sets forth the duties of the Mayor but does not grant him authority

over public schools; and (3) voting rights, disenfranchising voters that live in Los Angeles and those who voted for LAUSD Board Members.

Proposed Collaboration Effort

Notwithstanding the legal decision regarding the Romero Education Reform Act, the Commission, the LAUSD Board and the supporters of the Romero Education Reform Act recognize the need to (1) establish and (2) institutionalize formal and on-going partnerships and collaborative efforts between the City and the LAUSD.

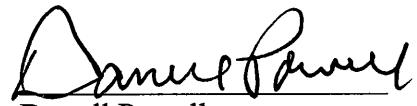
In order to prepare for collaborative efforts with LAUSD, the City needs consistent and comparable data about the programs and projects undertaken by City departments who are interacting with the LAUSD. For example, a prior CLA report on joint use projects identified approximately 18 City departments currently engaged in joint use projects, but there was no centralized source of information. The City requires an operational department to gather, assemble and distribute its information internally. Currently the Commission for Children, Youth and Their Families acts as a focal point within the City to coordinate the City's effort to serve children, youth and their families and to gather, assemble and disseminate information relative to interactive programs between the City and LAUSD. As such, we recommend that the Commission for Children, Youth and Their Families be designated as the coordinating entity to gather, assemble, distribute and centralize information from City departments necessary for City Council to make policy decisions to establish and maintain relationships with LAUSD.

RECOMMENDATIONS

That the City Council:

1. Instruct the City Clerk to forward a copy of the Final Report of the Presidents' Joint Commission on LAUSD Governance to the LAUSD Board and request the District Superintendent to review and comment on the document and its recommendations.
2. Designate the Commission for Children, Youth and Their Families as the coordinating entity to gather, assemble, distribute and centralize information from City departments necessary for the City Council to make policy decisions to establish and maintain relationships with LAUSD.
3. Instruct the Commission for Children, Youth and Their Families to report back to Council on any implementation issues concerning staff coordinating the gathering, assembling and disseminate information relative to this proposed interactive project between the City and LAUSD.
4. Instruct the Commission for Children, Youth and Their Families based on input from appropriate City departments, to gather, assemble and disseminate information relative to interactive programs between the City and the LAUSD.

5. Instruct the Commission for Children, Youth and Their Families and other appropriate City departments to prepare and present to the Mayor and the City Council a policy framework to maintain an ongoing relationship with LAUSD concerning, but not limited to, school construction projects, joint-use projects, new school siting, mapping and assessment of available resources for each school and community.



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Attachments: Status of Commission's Recommendation Implemented by LAUSD

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KEY FINDINGS

A majority of the Commission's recommendations address the internal educational policies and operations within the LAUSD. A majority of the Commission's recommendations affecting policies and procedures could be implemented by the LAUSD Board without changes in either State law or in the City Charter.

The key recommendations have been categorized as follows:

- Decentralize the District – The Commission strongly believes that it is important to decentralize certain functions of the LAUSD to improve accountability, equity, community engagement, and student achievement.
- Organize schools into clusters – The Commission recommends that all schools in the LAUSD be organized into clusters. A cluster is defined as a community high school or schools and its feeder middle and elementary schools, inclusive of all other public education bodies (charter schools, early childhood centers and adult schools).
- Change the role of the Central Office – The Commission recommends that the role of the Central District Office be restructured from a command and control system to one that supports decentralization and improves efficiency and achievement, maintaining many of its current functions while developing new capacities to evaluate schools and hold them accountable for performance.
- Focus the Role of the LAUSD Board – The LAUSD Board should remain the primary governing body for the LAUSD, accountable and responsible to all stakeholders. However, the functions of the LAUSD Board should be streamlined in order to transform the LAUSD Board into a governing body more narrowly focused on policy.
- Establish a full time LAUSD Board with concomitant compensation and new ethics rules and term limits – The Commission believes that LAUSD Board members should continue to be elected by registered voters of the LAUSD voting by local trustee district.
- Depoliticize collective bargaining – The Commission recommends that collective bargaining be the responsibility of an independent panel with the intent that resulting work rules will be conducive to implementing decentralized authority.
- Welcome municipal involvement in LAUSD – There is a need for great involvement of local municipal leaders including Los Angeles County Supervisors and the City Councils and Mayors of the City of Los Angeles and the 27 other cities served by the LAUSD, referred to in the final report as “local municipal officials”.

- Improve school and community safety – The Commission recommends that local municipal officials have some involvement in ensuring school safety.
- Ensuring Buy-in of voters of the LAUSD – The Commission recommends that any fundamental change to the governance structure of LAUSD should be approved by LAUSD voters.

BACKGROUND

Presidents' Joint Commission on LAUSD Governance

On April 27, 2005, the City Council (CF.: 05-0002-S78) approved the creation of the Commission and on July 31, 2006 the Commission issued its final report. The Commission recommended streamlining the role of the LAUSD Board and decentralizing decision-making. The Commission specifically considered whether to recommend increased mayoral control of LAUSD and determined that an elected LAUSD Board should continue to govern the LAUSD but with increased involvement of municipal leaders. Additionally, the Commission recommended that municipal leaders be given input into certain decisions, such as the selection of the District Superintendent, but not that they be given ultimate decision-making power.

In light of this, a minority of Commission members issued a Minority Report concluding that the “LA Mayor must drive the ship of decentralization that will bring improved student achievement and success.” They recommended that municipal leaders have involvement in the selection of the District Superintendent, but also the power to ratify the District Superintendent selection.

Romero Education Reform Act of 2006 (AB 1381)

Subsequent to the release of the Commission’s Final Report, AB 1381 (Nunez), the Gloria Romero Educational Reform Act of 2006, was passed by the State Legislature and signed into law. This legislation: (1) narrows the power and responsibility of the LAUSD Board; (2) transfers administrative functions of the LAUSD Board to the District Superintendent; (3) establishes the Council of Mayors, consisting of the Mayor of Los Angeles and Mayors of all cities and County Supervisors in unincorporated areas served by the LAUSD Board; enables the Council to review functions to be performed by the Superintendent; and (4) authorizes the Mayor of the City of Los Angeles to undertake a demonstration project to be known as “The Los Angeles Mayor’s Community Partnership for School Excellence.” The Mayor would partner with the LAUSD, parent and community leaders and organizations, school personnel and employee organizations and will oversee three clusters of the lowest-performing schools in different geographic areas within the LAUSD.

In response to the passage of the Romero Educational Reform Act, the LAUSD Board with other plaintiffs/petitioners filed a lawsuit, referred to as Mendoza, against the State and other defendants/respondents including the Los Angeles County School Superintendent and the Mayor of the City of Los Angeles. Judge Dzintra Janavs subsequently ruled the Romero Educational Reform Act unconstitutional. The defendants, State of California, City of Los Angeles, and Mayor Antonio Villaraigosa, among others, appealed Judge Janavs' decision to the Court of Appeal.

Appeal Court Rules Romero Education Reform Act Unconstitutional

On April 17, 2007, the Court of Appeal unanimously upheld the trial court decision and determined that the Romero Educational Reform Act was unconstitutional on several grounds. The Court of Appeal determined that public schools exist at the district level and are governed by the school districts, not by cities, mayors, or councils of mayors. The Court rejected the Mayor's claim that public education would be advanced by this proposed takeover. The Court observed that when considering the level of progress made, LAUSD's gains outpaced statewide student achievement on state assessments.

The Court rejected the creation of the Council of Mayors, which would have provided the Mayor with appointment power over the Board of Education, and to transfer power held by the LAUSD Board to the District Superintendent; effectively giving the Mayor veto power over the District Superintendent. The Court further found the Mayor's Partnership concept to be unconstitutional which would have allowed the Mayor's Partnership to exercise control over three (3) clusters of low performing schools. The Court determined that such a transfer violated the power of the Board of Education.

According to Court of Appeal of California, Second Appellate District ruling, the Romero Education Reform Act violated the provisions of the City Charter requiring a locally elected Board of Education, and further requiring that the Mayor devote his duties to municipal affairs and not matters of education. Further, the California Constitution prohibits school systems from being transferred to entities not included within the constitutionally required public school system. The Court of Appeal found that the provisions of this legislation are not severable.

**STATUS OF COMMISSION'S RECOMMENDATIONS
IMPLEMENTED BY LAUSD**

| ORGANIZATIONAL STRUCTURE & WEIGHTED STUDENT FUNDING | | STATUS |
|---|--|---|
| 1. Schools should have maximum authority over their budgets, through use of weighted student funding | | Not implemented |
| 2. All schools should be in a cluster configuration | | Not implemented |
| 3. Clusters should be defined as community high school (or schools, depending on the community) and its feeder elementary and middle schools, inclusive of all other public education bodies (e.g., charter schools, child care centers, and adult schools) in the local area. | | Not implemented |
| 4. Due to decentralization, there is no need for the local sub-districts. The Superintendent should work with the clusters to determine the governance structure of each cluster. | | Not implemented |
| SCHOOL & CLUSTER LEVEL AUTHORITY | | STATUS |
| 6. Responsibility for hiring and firing should rest at the school level. School principals should be appointed by the stakeholder group, from a list of qualified candidates submitted by the Superintendent and approved by the School Board. Further, regular formal evaluation of the principals should include formal comments provided by the stakeholders and should be used for performance reviews and employment decisions. | | Partially implemented Not fully implemented |
| 7. Daily scheduling should be at the school site. | | Implemented with limitations |
| 8. Responsibility for textbook and curriculum selection should be at the school level, within the parameters set by the Central District, and in collaboration with the clusters | | Yes, but not in collaboration with the cluster system |
| 9. Lesson planning and pedagogy should be the responsibility of the school, in consensus and collaboration with the clusters in order to ensure continuity between grade levels. | | Implemented |
| 10. The primary responsibility for professional development should be at the school level, in collaboration with the cluster level to ensure continuity between grade levels. | | Implemented |
| 11. Student discipline should be handled at the school site, with the Central District serving as an appellate jurisdiction. | | Implemented |
| 12. The responsibility for pre-K education should be at the school level. | | Not Implemented |
| 13. A minor repair allowance should be provided at the local school, to be utilized for minor repairs and maintenance, and major repairs and maintenance to be determined at the Central level, with exception given to matters of health and safety (so that a school can make repairs, etc., if determined critical or absolutely necessary to health or safety of the students and staff). | | Implemented |
| CENTRAL DISTRICT OFFICE AUTHORITY | | STATUS |
| 14. The responsibility for determining the weights for the funding formula should rest at the Central | | Under study |

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| 15. The task of developing compliance and mandates should be at the Central District level | Implemented |
| 16. Yearly scheduling should be at the Central level and the District should maximize the ability to utilize the traditional school schedule in as many schools as possible. | Implemented |
| 17. The responsibility for payroll and benefits should rest at the Central District office. | Implemented |
| 18. Qualifying personnel should be the responsibility of the School District. | Implemented |
| 19. Procurement should be the ultimate responsibility of the School District. | Implemented |
| 20. The responsibility for information technology should rest at the Central District Office. | Implemented |
| 21. The responsibility for transportation should rest at the Central District level. | Implemented |
| 22. The task of special education should be assigned to the Central District. | Yes/No |
| 23. The primary responsibility for chartering schools should be at the Central District. | Implemented |
| 24. After-school programming should be under the supervision of the Central District, in collaboration with other entities working closely with local schools and clusters to customize programs and ensuring that schools have the ability to either accept or not accept any program(s). | Implemented |
| 25. In collaboration with the local political subdivisions (local municipalities), selecting sites for new schools should rest at the Central District level. | Implemented |
| 26. Major repairs and maintenance should be determined at the central level, with exception given to matters of health and safety (so that a school can make repairs, etc., if determined critical or absolutely necessary to health or safety of the students and staff). | Implemented |
| 27. The responsibility for food services should be at the Central District with school having the ability and authority to opt-out. | Not implemented |
| 28. In close collaboration with other cities and municipalities, the responsibility for school policy should remain at the Central District level. | Implemented |
| 29. The Chief of the School Police should report directly to the Superintendent. | Not Implemented |
| SHARED RESPONSILBITIES | STATUS |
| 31. Adult education should be executed at both the Central District and the local cluster level. | Not Implemented |
| 32. Health and social services should be a joint function between the local communities (cities, Counties, municipalities) in cooperation with the schools. | Implemented |
| 33. Collecting and analyzing data should occur at all level as appropriate. | Implemented |
| 34. Annual parental satisfaction survey should be administered and the results measured at the school level, cluster level and District level and that these results should be incorporated into performance reviews for all employees in the District. | Implemented |
| FUNDAMENTAL GOVERNANCE CHANGES | STATUS |
| 35. The Commission recommends that any proposals for fundamental changes to the LAUSD governance structure be decided by voters residing with the District boundaries. | Not Implemented |

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| 36. The functions of the School Board should be streamlined to transform the Board to become a more narrow policy Board | Implemented |
| 37. The School District should hire and fire the Superintendent. | Implemented |
| 38. The Inspector General should continue to report to the School Board. | Implemented |
| 39. School Board should have ultimate approval over the District budget. | Implemented |
| 40. School site selection should be the ultimate responsibility of the School Board with required input and notification to and from all other relevant jurisdictions on any matters pertaining to site selection and land use and planning that will impact the LAUSD. | Implemented |
| 41. The School Board members should be elected by trustee District in keeping with the current status. | Compensation Review Commission is currently reviewing this matter. |
| 42. The School Board should remain at 7 members, but become full time. | Compensation Review Commission is currently reviewing this matter. |
| 43. School Board election campaigns should have the same rules, regulations and controls as the Los Angeles City Council members' elections. | Compensation Review Commission is currently reviewing this matter. |
| 44. Each School Board member should be limited to serving three, four-year terms. | Compensation Review Commission is currently reviewing this matter |
| 45. Compensation for Board members should be increased. | Compensation Review Commission is currently reviewing this matter. |
| COLLECTIVE BARGAINING | STATUS |
| 46. Collective Bargaining should be conducted by an independent arbitration and ratification panel. | Not Implemented |
| MUNICIPAL INVOLVEMENT | STATUS |
| 47. All LAUSD Mayors and other elected officials should have some involvement in affecting decisions related to developing broad education policies. | Implemented |
| 48. Budget approvals should be subject to review and comment by all LAUSD Mayors and other public officials, prior to approval by the School Board. | Not Implemented |
| 49. The School Board should select the Superintendent, subject to a role in the early part of the selection process of the candidate by the LAUSD Mayors and other public officials, excluding the actual hiring. | Implemented |
| 50. School site selection should be the responsibility of the School Board with required input and notification to and from all other relevant jurisdictions on any matters pertaining to site selection and land use and planning that will impact LAUSD | Implemented |
| 51. All Mayors and other public officials should have some involvement in the development of coalitions and collaborative affecting school safety and after-school programs in their cities | Implemented |
| 52. School Police liaisons should attend LAPD COMPSTAT meetings and liaison with other cities' police departments and appropriate Sheriff's departments. Additionally, the District should form new partnerships to increase safety in schools and in the community. | Implemented |
| 53. The Commission recommends a new joint advisory planning board with the District, all Councils and all Mayoral representatives, including unincorporated areas relative to joint use. | Implemented |
| 54. The School District and all cities and unincorporated areas within the District should create a joint advisory Commission to deliberate upon and make recommendations about the conditions of children, youth and their families within LAUSD. | Implemented |