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10 Attorneys for Plaintiff/Intervenor  
11 California Teachers Association

12 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 COUNTY OF ALAMEDA

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

No.: RG10515768

Action Filed: May 20, 2010

**[PROPOSED] COMPLAINT  
IN INTERVENTION**

The Honorable Steven A. Brick  
Dept: 17

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

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

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

16 Defendants.

1 By leave of Court, the California Teachers Association hereby intervenes in this action,  
2 and joins with plaintiffs in claiming the relief sought as follows:

3 **I.**

4 **INTRODUCTION**

5 The California Constitution grants each California child the fundamental right to a free  
6 education in a “system of common schools” that provides the “general diffusion of knowledge and  
7 intelligence” that is “essential to the preservation of the rights and liberties of the people.” (Cal.  
8 Const., art. IX, §§ 1, 5.) The Constitution also requires that this “system of common schools” be open  
9 to all school children on an equal basis and that it afford those children equal educational  
10 opportunities. (Cal. Const., art. I, § 7(a) & (b); art. IV, § 16(a).) The State has failed to carry out these  
11 duties because it has enacted a system of education funding that bears no rational relationship to, and  
12 fails to provide, the means necessary to ensure all California public school children are provided the  
13 full educational opportunity guaranteed them by the Constitution. As a consequence, public school  
14 children throughout California are suffering the increasingly dire consequences that flow from that  
15 failure. This lawsuit seeks a declaration stating that the State’s current education finance system is  
16 unconstitutional, and an injunction requiring the State to design an education finance system that  
17 provides California’s school children with the education guaranteed them by the California  
18 Constitution.

19 **II.**

20 **PARTIES**

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

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

1                   3.       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 Frank  
3 Otis Elementary School in the Alameda Unified School District. Phoebe is a sixth grade student at  
4 Lincoln Middle School in the Alameda Unified School District.

5                   4.       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 grade  
7 student at William G. Paden Elementary School in the Alameda Unified School District. Eli is a first  
8 grade student at William G. Paden Elementary School in the Alameda Unified School District.

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

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

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

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

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

3 9. 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 Cordova  
6 Unified School District. Natalie is a fourth grade student at Cordova Lane Elementary School in the  
7 Folsom Cordova Unified School District. Nyah will enter kindergarten in September 2010 at Cordova  
8 Springs Elementary School in the Folsom Cordova Unified School District.

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

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

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

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

24 14. Plaintiff OLIVIA NASH, a minor, Plaintiff ABIGAIL NASH, a minor, and  
25 Plaintiff ISAAC NASH, a minor, by John and Rulaine Nash, as their guardians. Olivia is a tenth grade  
26 student at Porterville High School in the Porterville Unified School District. Abigail is a seventh grade  
27 student at Pioneer Middle School in the Porterville Unified School District. Isaac is a fourth grade  
28 student at Vandalia Elementary School in the Porterville Unified School District.

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

5           16.     Plaintiff BEAU BETTEN, a minor, Plaintiff CODY BETTEN, a minor, and  
6 Plaintiff GRACE BETTEN, a minor, by Amy Betten, as their guardian. Beau is a second grade  
7 student at Castlevue Elementary School in the Riverside Unified School District. Cody is a  
8 kindergarten student at Castlevue Elementary School in the Riverside Unified School District. Grace  
9 will enter kindergarten in September 2012 at Castlevue Elementary School in the Riverside Unified  
10 School District.

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

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

25           19.     Plaintiff LUMUMBA DIOP, a minor, and Plaintiff KIBWE DIOP, a minor, by  
26 Carl Barnes, as their guardian. Lumumba is a sixth grade student at A.P. Giannini Middle School in  
27 the San Francisco Unified School District. Kibwe is a fourth grade student at Sheridan Elementary  
28 School in the San Francisco Unified School District.



1                   20.     Plaintiff LUIS MORAN, a minor, and Plaintiff CONSUELO CHAVEZ, a  
2 minor, by Jacquie Chavez, as their guardian. Luis is a tenth grade student at Balboa High School in the  
3 San Francisco Unified School District. Consuelo is a first grade student at Longfellow Elementary  
4 School in the San Francisco Unified School District.

5                   21.     Plaintiff ALEXANDER PARKER, a minor, Plaintiff ZACHARY PARKER, a  
6 minor, and Plaintiff ABIGAIL PARKER, a minor, by David and Michelle Parker, as their guardians.  
7 Alexander is a fourth grade student at Sherman Elementary School in the San Francisco Unified  
8 School District. Zachary is a second grade student at Sherman Elementary School in the San Francisco  
9 Unified School District. Abigail is a kindergarten student at Sherman Elementary School in the  
10 San Francisco Unified School District.

11                  22.     Plaintiff NATHANIEL ELIOT HAYS, a minor, and Plaintiff JACK ZANTE  
12 HAYS, a minor, by John Hays and Sally Payson Hays, as their guardians. Nathaniel is a sixth grade  
13 student at James Lick Middle School in the San Francisco Unified School District. Jack is a third  
14 grade student at Monroe Elementary School in the San Francisco Unified School District.

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

19                  24.     Plaintiff LISA GRANADOS, a minor, Plaintiff JENNIFER ZAMORA, a minor,  
20 and Plaintiff ESTEVAN ZAMORA, a minor, by Melissa Sanchez, as their guardian. Lisa is a tenth  
21 grade student at Century High School in the Santa Ana Unified School District. Jennifer is a fifth  
22 grade student at Benjamin Franklin Elementary School in the Santa Ana Unified School District.  
23 Estevan is a fourth grade student at Benjamin Franklin Elementary School in the Santa Ana Unified  
24 School District.

25                  25.     Plaintiff ALEXIS ZARAGOZA, a minor, Plaintiff ARACELI ZARAGOZA, a  
26 minor, and Plaintiff CHRISTIAN ZARAGOZA, a minor, by Victoria Zaragoza, as their guardian.  
27 Alexis is a sixth grade student at Kennedy Elementary School in the Santa Ana Unified School  
28 District. Araceli is a sixth grade student at Kennedy Elementary School in the Santa Ana Unified

1 School District. Christian is a fifth grade student at Kennedy Elementary School in the Santa Ana  
2 Unified School District.

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

12           27. Plaintiff ALPINE UNION SCHOOL DISTRICT ("Alpine") is an elementary  
13 school district duly formed and validly existing under the laws of the State of California. Alpine is a  
14 predominantly rural district encompassing all of Alpine, California, in San Diego County. Alpine  
15 operates three elementary schools, one middle school, one early childhood education center, a home  
16 school and a community day school. Alpine enrolls approximately 2,000 students, including 4.7%  
17 American Indians, and 15.4% Hispanic. Approximately 4.1% of its students are English Learners and  
18 20.0% qualify for free/reduced lunch.

19           28. Plaintiff DEL NORTE COUNTY UNIFIED SCHOOL DISTRICT ("Del  
20 Norte") is a unified school district duly formed and validly existing under the laws of the State of  
21 California. Del Norte is a predominantly rural district encompassing all of Del Norte County. The  
22 only incorporated city in Del Norte is Crescent City. Del Norte, which also serves as the County  
23 Office of Education, operates eight elementary schools, one middle school, one high school, and one  
24 continuation school. (The County Office of Education runs a separate system of schools.) Del Norte  
25 enrolls approximately 3,900 students, including 13.8% American Indians, 7.6% Asian/Asian  
26 Americans, and 15.7% Hispanic. Approximately 11% of its students are English Learners and 60.4%  
27 qualify for free/reduced lunch.

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

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

18                   31.     Plaintiff PORTERVILLE UNIFIED SCHOOL DISTRICT (“Porterville”) is a  
19 unified school district duly formed and validly existing under the laws of the State of California.  
20 Porterville is a rural district located in Tulare County and serves the town of Porterville and its  
21 surrounding communities. Porterville operates ten elementary schools, three middle schools, six high  
22 schools, one alternative school, one continuation school, and one community day school. Porterville  
23 enrolls approximately 13,000 students, including 1.9% American Indians, 1.8% Asian/Asian  
24 Americans, 1.1% Filipino/Filipino Americans, and 68% Hispanic. Approximately 22.6% of its  
25 students are English Learners and 72.9% qualify for free/reduced lunch.

26                   32.     Plaintiff RIVERSIDE UNIFIED SCHOOL DISTRICT (“Riverside”) is a unified  
27 school district duly formed and validly existing under the laws of the State of California. Riverside is  
28 an urban district which serves a large portion of the City of Riverside and both the Highgrove and

1 Woodcrest areas outside Riverside. Riverside operates 47 schools including one special education  
2 preschool, 30 elementary schools, seven middle schools, five high schools, two continuation high  
3 schools, two alternative schools, and the Riverside Virtual School. Riverside enrolls approximately  
4 43,000 students, including 9.1% African Americans, 3.3% Asian/Asian Americans, 1.3%  
5 Filipino/Filipino Americans, and 54.4% Hispanic. Approximately 19.8% of its students are English  
6 Learners and 59.4% qualify for free/reduced lunch.

7 33. Plaintiff SAN FRANCISCO UNIFIED SCHOOL DISTRICT ("San Francisco")  
8 is a unified school district duly formed and validly existing under the laws of the State of California.  
9 San Francisco is an urban district encompassing all of the City and County of San Francisco.  
10 San Francisco, which also serves as the County Office of Education, operates 72 elementary schools,  
11 15 middle schools, 21 high schools, two alternative schools, and two continuation schools. (The  
12 County Office of Education runs a separate system of schools.) San Francisco enrolls approximately  
13 55,000 students, including 12.3% African Americans, 41.3% Asian/Asian Americans, 5.8%  
14 Filipino/Filipino Americans, 23.1% Hispanic, and 1.3% Pacific Islanders. Approximately 30.5% of its  
15 students are English Learners and 55.5% qualify for free/reduced lunch.

16 34. Plaintiff SANTA ANA UNIFIED SCHOOL DISTRICT ("Santa Ana") is a  
17 unified school district duly formed and validly existing under the laws of the State of California. Santa  
18 Ana is an urban district in Orange County which serves residents of Santa Ana, Tustin, Irvine, Costa  
19 Mesa, and Newport Beach. Santa Ana operates 37 elementary schools, nine middle schools, and nine  
20 high schools. It also operates a community day intermediate and high school, a child development  
21 center, and a school for pregnant or parenting students. Santa Ana enrolls approximately 54,000  
22 students, including 3.3% Asian/Asian Americans and 94.4% Hispanic. Approximately 58.0% of its  
23 students are English Learners and 83.1% qualify for free/reduced lunch.

24 35. Plaintiff CALIFORNIA CONGRESS OF PARENTS TEACHERS &  
25 STUDENTS ("California State PTA") is a California nonprofit corporation duly formed and validly  
26 existing under the laws of the State of California. California State PTA is a membership-based  
27 association composed of state, district, council, and local PTA groups, which together have  
28 approximately one million member parents, teachers, and students from school districts throughout the

1 State of California. The purposes of California State PTA are, among other things, to promote the  
2 welfare of children in school and work with educators and the general public to secure the highest  
3 advantages in education for children. California State PTA focuses on issues that have statewide  
4 consequences for public education. California State PTA brings this action on its own behalf and on  
5 behalf of its members. California State PTA members would otherwise be entitled to bring this suit in  
6 their own right, the interests that California State PTA seeks to protect in this litigation are germane to  
7 its purpose, and neither the claims asserted nor the relief sought herein are unique to the specific  
8 groups or members and therefore do not require the participation of each and every member of  
9 California State PTA.

10           36. Plaintiff ASSOCIATION OF CALIFORNIA SCHOOL ADMINISTRATORS  
11 (“ACSA”) is a California nonprofit corporation and a membership based association composed of the  
12 Superintendents and other administrators at all levels of kindergarten through adult education programs  
13 with over 16,000 members in K-12 school districts throughout the State of California. The purpose of  
14 ACSA is, among other things, to ensure that all students attending K- 12 schools in California have the  
15 skills, knowledge, and environment they need to learn and that appropriate funding for state programs  
16 is provided to school districts for those purposes. ACSA focuses on issues that have statewide  
17 consequences for public education. ACSA brings this action on its own behalf and on behalf of its  
18 members. ACSA members would otherwise be entitled to bring this suit in their own right, the  
19 interests that ACSA seeks to protect in this litigation are germane to its purpose, and neither the claims  
20 asserted nor the relief sought herein are unique to specific districts and therefore do not require the  
21 participation of each and every member of ACSA.

22           37. Plaintiff CALIFORNIA SCHOOL BOARDS ASSOCIATION (“CSBA”) is, and  
23 was at all relevant times, a California nonprofit corporation duly formed and validly existing under the  
24 law of the State of California. CSBA is a membership-based association composed of the governing  
25 boards of nearly 1,000 K-12 school districts and county boards of education throughout California.  
26 CSBA brings this action through its EDUCATION LEGAL ALLIANCE (“ELA”), which is composed  
27 of approximately 800 CSBA members dedicated to addressing legal issues of statewide concern to  
28 school districts. All references herein to “CSBA” include the Alliance. CSBA supports sufficient

1 funding to meet the educational needs of K-12 students in public schools and opposes efforts to  
2 circumvent, bypass or manipulate constitutional funding guarantees. CSBA's purposes are, among  
3 other things, to ensure that local school boards retain the authority and financial capacity to fully  
4 exercise the responsibilities vested in them by law, to advance appropriate educational policies on  
5 behalf of school districts, and to ensure that the State of California, its officers, agents and employees  
6 properly execute those responsibilities for public education vested in them by state law. CSBA focuses  
7 on issues that have statewide consequences for public education. CSBA brings this proceeding on its  
8 own behalf and on behalf of its member school districts that are charged with providing the enacted  
9 programmatic element of the public school system. CSBA members would otherwise be entitled to  
10 bring this suit in their own right, the interests that CSBA seeks to protect in this litigation are germane  
11 to its purpose, and neither the claims asserted nor the relief sought herein are unique to specific  
12 districts and therefore do not require the participation of each and every member of CSBA.

13           38. Plaintiff/Intervenor CALIFORNIA TEACHERS ASSOCIATION ("CTA") is a  
14 voluntary membership organization of over 300,000 California public school teachers, counselors,  
15 librarians, nurses and other school personnel who work in approximately 1,000 school districts across  
16 California. CTA is a non-profit organization that exists to protect and promote the well-being of its  
17 members; to improve the conditions of teaching and learning; to advance the cause of free, universal,  
18 and quality public education; to ensure that the human dignity and civil rights of all children and youth  
19 are protected; and to secure a more just, equitable, and democratic society. To fulfill this mission,  
20 CTA has worked throughout its history on issues relating to the education finance system in California.  
21 For example, CTA worked successfully to secure a law providing free public schools to California  
22 children in 1866, it won the right for all students in grades 1-8 to have free textbooks in 1911; and, in  
23 1988, it sponsored Proposition 98, a school funding initiative passed by the voters of California to  
24 amend article XVI, section 8 of the California Constitution to provide funding stability for school  
25 districts and community college districts. Since that time, CTA has fought to enforce Proposition 98  
26 through the budget process and, when necessary, through court actions challenging the State's  
27 interpretation and implementation of Proposition 98. (*See CTA v. Hayes* (1992) 5 Cal.App.4th 1513;  
28 *CTA v. Gould* (1994) Sacramento Superior Ct., No. 373415; *CTA v. Schwarzenegger* (2006)

Sacramento Superior Ct., No. 05CS01165.) The public school teachers and other school personnel who are members of CTA are directly harmed by the State's failure to fulfill its constitutional obligation to support its public schools in a way that ensures all students are provided an equal opportunity to meet the State's academic goals, acquire the knowledge and skills necessary for success in our competitive economy, and become informed citizens and productive members of society. The State's failure to fulfill its constitutional obligation directly impacts CTA's members and the students they teach and serve. Accordingly, CTA and its members are interested in enforcing the State's duty to fund public education in a way that complies with the California Constitution. Finally, CTA and its members have been liable to pay, and within one year before the commencement of this action have paid, taxes within the State of California. Consequently, CTA claims an interest in this matter that justifies intervention under Code of Civil Procedure section 387(a).

39. Defendant STATE OF CALIFORNIA is the legal and political entity required by the California Constitution to maintain and oversee the system of public education in California. In particular, sections 1, 5 and 6 of article IX guarantee all students the right to an education and impose a specific duty on the Legislature of the State of California to provide and support a system of common schools that will provide that education. Section 8 of article XVI also requires the State to first set apart monies for the support of the public school system. References in this Complaint to the “State” are to Defendant STATE OF CALIFORNIA.

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

### III.

## JURISDICTION

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

IV.

**FACTUAL ALLEGATIONS**

42. This action was commenced on May 20, 2010 against defendants the State of California and Arnold Schwarzenegger by a coalition of plaintiffs including the California School Boards Association, the Association of California School Administrators, the California State PTA, and a coalition of school districts and students. Defendants have not yet appeared in this action.

**The Constitution Requires a System of Common Schools That Prepares Students To Become Informed Citizens and Productive Members of Society**

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

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

44. The California Constitution establishes the State’s responsibility for educating its citizens as “essential to the preservation of [those] rights and liberties”:

A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral and agricultural improvement.

(Cal. Const., art. IX, § 1.)

45. Education is a fundamental right of each child in California. (*Serrano v. Priest* (1971) 5 Cal.3d 584.) Because public education is “uniquely a fundamental concern of the State,” the State must ensure that all students have equal access to the State’s educational program and cannot delegate that responsibility. (*Butt v. State of Cal.* (1992) 4 Cal.4th 668, 685.) This educational program must be provided on an equal basis to all students, permitting all students the opportunity to develop the skills and capacities necessary to achieve economic and social success in our competitive



1 society, participate meaningfully in political and community life, and to become informed citizens and  
2 productive members of society. (*Serrano*, 5 Cal.3d at 605.)

3 46. In order to ensure that all students are afforded their right to an education, the  
4 Constitution requires that “[t]he Legislature shall provide for a system of common schools by which a  
5 free school shall be kept up and supported in each district at least six months in every year. . . .” (Cal.  
6 Const., art. IX, §§ 5, 6.)

7 47. As part of this system, the Constitution requires the establishment of a “State  
8 School Fund” to be maintained by the Legislature to provide for the public schools. (Cal. Const.,  
9 art. IX, § 6.)

10 48. The California Constitution accords priority to education funding over other  
11 State expenditures by requiring that from each year’s State revenues there shall “*first be set apart* the  
12 moneys to be applied by the State for support of the public school system.” (Cal. Const., art. XVI,  
13 § 8(a), emphasis added.)

14 49. The California courts have interpreted the constitutionally-required system of  
15 common schools to require an organizational structure in which each of the various constituent parts  
16 operates harmoniously with each other and with a unity of purpose. (*Kennedy v. Miller* (1893) 97 Cal.  
17 429, 432.)

#### 18 The State’s Comprehensive Public Education Program

19 50. To implement its constitutional duties, the State has developed an educational  
20 program that includes not only direct instructional services (including specialized instructional services  
21 for English Learners and students with disabilities), but also course content standards and instructional  
22 materials; mandatory testing and accountability programs; teacher credentialing, certification and  
23 professional development; school health and safety programs; physical education, nutrition and meal  
24 programs; compulsory attendance and truancy programs; facilities maintenance and safety  
25 requirements; transportation; procedural rights and grievance procedures for students and parents;  
26 social service programs; and employee rights, including health and retirement benefits, collective  
27 bargaining and due process rights.  
28

1           51.     In 1995, exercising its constitutional authority over the public education system,  
2 the State established a comprehensive, standards-based education program that defines the specific  
3 academic knowledge, skills, and abilities that all public schools are expected to teach and all students  
4 are expected to learn. The Legislature specifically directed that the academic content standards at the  
5 core of this comprehensive education program “shall be based on the knowledge and skills that pupils  
6 will need in order to succeed in the information-based, global economy of the 21st century.” (Ed.  
7 Code, § 60602.)

8           52.     The Legislature directed the development of statewide academic content  
9 standards. These content standards are defined as “the specific academic knowledge, skills, and  
10 abilities that all public schools in this state are expected to teach and all pupils expected to learn in  
11 each of the core curriculum areas, at each grade level tested.” (Ed. Code, §§ 60602, 60603.)  
12 Curriculum frameworks, instructional materials, and teacher training and development are now all  
13 statutorily required to be aligned with the content standards.

14           53.     At the same time, the Legislature also created a statewide assessment program,  
15 with the content standards serving as the basis for assessing the achievement of individual pupils and  
16 of schools, school districts, and the California educational system. (Ed. Code, § 60605.) The  
17 California Standards Tests and the California High School Exit Exam (“CAHSEE”) are the primary  
18 components of the State’s accountability system. Based on student performance on these tests, each  
19 school and school district receives an “Academic Performance Index,” or API ranking, and an API  
20 “growth target” for the next school year. Interventions for “persistently lowest achieving schools” can  
21 include school closure, conversion to a charter school or other substantial changes to school  
22 management. (Ed. Code, § 53200 et seq.)

23           54.     In 2002, the federal government enacted the No Child Left Behind Act  
24 (“NCLB”). (20 U.S.C. § 6301 et seq. (2010).) NCLB makes receipt of federal funds for education  
25 contingent upon each state’s adoption of content standards, student achievement standards,  
26 assessments aligned to standards, and an accountability system. California relies on its existing  
27 standards and assessment system to comply with NCLB.  
28

1           55.     Schools and school districts that fail to meet the targets required by NCLB are  
2 identified for “program improvement” which can lead to increasingly serious levels of “corrective  
3 action,” including removal of school or district personnel, state takeover of the school or district, or  
4 other major governance changes.

5           56.     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 learn,  
7 but that also requires numerous services and programs deemed necessary for students to succeed,  
8 including safe facilities, highly-qualified teachers and instructional materials aligned with the  
9 challenging standards. The State’s assessment and accountability systems are designed to identify  
10 students that are not reaching proficiency in meeting the State’s standards, and are supposed to trigger  
11 assistance and interventions to ensure that all students are given the opportunity to master these  
12 standards.

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

15           57.     Abundant evidence shows that the State’s school finance system is  
16 fundamentally flawed and directly impedes the ability of school districts to provide students with the  
17 programs and services they need.

18           58.     In 2005, Governor Schwarzenegger commissioned a Committee on Education  
19 Excellence (“Governor’s Committee”) and instructed it to analyze current impediments to excellence,  
20 to explore ideas and best practices relevant to California, and to recommend changes and reforms to  
21 the governor and Secretary of Education. In its November 2007 report, the Committee concluded that  
22 education funding “is based on anachronistic formulas, neither tied to the needs of individual students  
23 nor to intended academic outcomes” and that the current system “[d]oes not ensure that sufficient  
24 resources reach students according to their needs.” The Committee Report further concluded that:

25                   California’s K - 12 education system is fundamentally flawed. It is not  
26                   close to helping each student become proficient in mastering the state’s  
27                   clear curricular standards, and wide disparities persist between rich and  
28                   poor, between students of color and others, and between native English  
                    learners and native English speakers. Our current system is simply not  
                    preparing every student to be successful in college or work; it is not

1 producing the results that taxpayers and citizens are counting on and that  
2 our children deserve.

3 59. The Governor's Committee found the situation to be even worse for California's  
4 most disadvantaged students. "Students from low-income families, many of them children of color  
5 and/or English learners, are losing the most. California has created a pattern of disparities – an  
6 achievement gap – in public schools that not only limits the opportunities for these students, but  
7 reinforces and enlarges the existing social inequalities confronting them – exactly opposite of the  
8 intended function of public education in a democracy."

9 60. As a result of its low spending levels, California ranks at or near the bottom in  
10 the nation in staffing ratios. For example, in 2007-08, the year the Governor's Committee released its  
11 report, California ranked 49th among the 50 states in student teacher ratios with 20.8 students per  
12 teacher compared to 15.5 nationally (34 percent more students per teacher than the national average).

- 13 • 48th in total school staff with 10.9 students per staff member compared to  
14 7.9 students nationally (37 percent more students per staff member);
- 15 • 47th in principals and assistant principals (38 percent more students per  
16 principal);
- 17 • 46th in district officials and administrators (148 percent more students per  
18 administrator);
- 19 • 45th in instructional aides (39 percent more students per aide);
- 20 • 49th in guidance counselors (73 percent more students per counselor);
- 21 • 50th in librarians (456 percent more students per librarian); and
- 22 • 49th in access to computers (63 percent more students per computer  
23 workstation).

24 California educates over 1.7 million students more than Texas but does so with 16,700 less teachers.  
25 Just to reach the national average for staffing ratios, California needs to add an additional  
26 104,000 teachers, 26,569 instructional aides, 5,740 guidance counselors, 5,740 librarians,  
27 5,630 principals or assistant principals, and 63,000 more computer workstations,  
28

1           61.     The situation has deteriorated since the issuance of the Governor's Committee,  
2 Report. In 2008-09, California spent \$2,131 less per pupil than the national average, ranking the state  
3 44th in the country. California spent less per pupil than each of the largest 10 states in the nation -  
4 almost \$6,000 less per pupil than New York. Rhode Island and Vermont each spent double what  
5 California spent per pupil. When adjusted for the regional cost differences of providing education  
6 services (using a national wage index), California spends \$2,856 less per pupil than the national  
7 average, or 47th in the country.

8           62.     As of the 2009-10 school year, nearly a third of the State's school districts and  
9 close to half of all schools were in program improvement because their students were not meeting the  
10 proficiency levels prescribed by the State.

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

14           64.     Academic performance, compared with students in other states, is low for all  
15 subgroups of students, but especially for the economically disadvantaged.

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

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

27           67.     Only half of all California students are proficient in English-Language Arts as  
28 measured by the California Standards Tests; this percentage drops to 37% for African-American

1 students, 37% for Hispanic students, 36% for economically disadvantaged students, and 20% for  
2 English Learners. Approximately 46% are proficient in Mathematics; this percentage drops to 30% for  
3 African-American students, 36% for Hispanic students, 37% for economically disadvantaged students,  
4 and 32% for English Learners.

5 68. Approximately seventy percent of California students graduate from high  
6 school. The graduation rates are even lower for African-American and Hispanic students, whose rates  
7 are both equal to or less than sixty percent. Less than half of all African-American males graduate  
8 from high school. While almost 40% of white students who graduate high school are UC/CSU  
9 eligible, less than 25% of African-American and Hispanic students are similarly eligible. For all  
10 entering CSU freshman, 37% are not proficient in Math and 47% not proficient in English. 64% and  
11 66% of African-American students, respectively, are not proficient in Math and English and 52% and  
12 63% of Latino students, respectively, are not proficient in Math and English.

13 Education Funding Is Not Aligned With the Cost of Providing  
14 the Required Program and Services or with the Cost of Ensuring that All Students'  
Educational Needs are Met

15 69. The State's school finance system does not reflect either the actual cost of  
16 providing the programs and services required by the State or the cost of providing that program to  
17 students with varying educational needs.

18 Early Funding for Public Education

19 70. The State School Fund was created at the beginning of statehood and was  
20 originally supported by designated revenues which were to be "inviolably appropriated to the support  
21 of Common schools." (Cal. Const., art. IX, § 2 (1849).) In 1910, the Constitution was amended to  
22 impose the requirement that, from each year's state revenues, "there shall *first be set apart* the moneys  
23 to be applied by the state for support of the public school system." (Cal. Const., art. XVI, § 8(a),  
24 emphasis added.)

25 71. 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 for  
27 schools.  
28

1           72.     In 1946, the state constitution was again amended to provide state funding based  
2 on a “foundation program” whereby each school district was entitled to receive a constitutionally  
3 mandated minimum amount of funding – “the foundation program minimum.”

4           73.     Under the foundation program, every school district – regardless of wealth –  
5 was entitled to receive from the State a certain level of “basic aid” funding per unit of average daily  
6 attendance (“ADA”). School districts were authorized to bridge the gap between the State’s basic aid  
7 payments and foundation program minimum by levying local property taxes at a statutory rate. If the  
8 total of local district tax revenues plus state basic aid was less than the foundation program minimum,  
9 the State provided the difference in the form of “equalization aid.” If local district tax revenues plus  
10 state basic aid equaled or exceeded the foundation program minimum, the district was allowed to retain  
11 the additional revenues.

12           74.     In 1971, the California Supreme Court held that the State’s heavy reliance on  
13 local property tax wealth to fund public schools resulted in substantial disparities among districts in the  
14 quality and extent of educational opportunities afforded students which, if proven, would violate  
15 students’ constitutional right to equal opportunity within the public education system. (*Serrano v.*  
16 *Priest* (1971) 5 Cal.3d 584.)

#### 17                                   Revenue Limit Funding

18           75.     The State responded to the inter-district funding disparities and *Serrano* by  
19 enacting a system of “revenue limit” controls that limited the maximum amount of general purpose  
20 state aid and local property tax revenue that a district could receive. Each district’s revenue limit was  
21 based on the State’s foundation program minimum funding and each district’s local property tax  
22 revenues as of 1972-73 (adjusted periodically for inflation). Revenue limits were completely unrelated  
23 to the actual cost of the educational program in that district.

24           76.     The revenue limit system attempted to equalize per-pupil spending by allowing  
25 low revenue districts larger increases for inflation than were allowed for high revenue districts, thus  
26 allowing low revenue districts to be “leveled up” to the statewide average over time, and forcing the  
27 base revenue limits of high revenue districts to be “leveled down” to the statewide average over time.

1           77.     Although revenue limits were primarily designed to equalize inter-district per  
2 pupil spending, they also had the effect of locking in district spending at the 1972-73 base revenues,  
3 based on the minimum foundation funding requirements in effect that year, adjusted only for inflation  
4 or as otherwise deemed appropriate by the State.

5           78.     Revenue limit funding (also termed “unrestricted” or “general purpose” funding)  
6 continues to constitute the majority of education funding to school districts. Although some  
7 equalization of revenue limits has occurred, generally this funding continues to be based on historical  
8 data unrelated to the actual costs of providing the educational program and services required by the  
9 State. Although the financial resources necessary for each district to deliver the educational program  
10 required by the State vary based on the demographics of the student population and geographic cost  
11 differences, revenue limit funding does not take either of these variables into account.

12           79.     Categorical programs are those in which funding is tied to the provision of a  
13 specific program or service, and use of that funding is restricted to those purposes. Categorical funds  
14 cannot be used for general support of the public school system. Unless total education funding is  
15 increased, an increase in categorical program funding results in a comparable decrease in unrestricted  
16 revenue limit dollars available to districts for the general education program.

17           80.     In 1980, state and federal categorical programs constituted about 13% of state  
18 education funding. Since that time, categorical funding has grown to approximately a third of state  
19 funding.

20                   Proposition 13 and the Increased State Role in Education Funding

21           81.     Proposition 13, a constitutional amendment adopted by the voters in June 1978,  
22 severely restricted the taxing authority of all local governments, including school districts. (Cal.  
23 Const., art. XIII A.) Proposition 13 rolled property assessments back to 1975-76 levels, limited the  
24 total allowable property tax rate to 1 percent, and gave the State the authority to allocate the reduced  
25 property tax revenues among school districts, local governments and other special districts. As a  
26 result, even those tax revenues nominally defined as “local” became subject to control and allocation  
27 by the State, which has the option of allocating none, some or all of those revenues to school districts.  
28



1           82.     The immediate effect of Proposition 13 was a near 60% reduction in local  
2 property tax revenues. The State allocated most of those revenues directly to counties, cities and  
3 special districts. The share of property tax revenues allocated to schools decreased from 53% to 35%.  
4 The State used General Fund revenues to bridge the gap, but only enough to bring each district's total  
5 revenues up to the pre-Proposition 13 revenue limits. These revenue limits effectively became a  
6 permanent ceiling: for every dollar provided to a district from local property tax revenues, the State  
7 reduces its funding to the district by the same amount. Following this transition, school districts  
8 became much more dependent on state funding.

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

15                           Proposition 98

16           84.     In the decade following Proposition 13, education was forced to compete with  
17 other programs for General Fund revenues. During this time, California's spending per-pupil fell  
18 behind the national average. In November 1988, voters passed Proposition 98 to amend the State  
19 Constitution to set a minimum funding level for the support of K-14 education. (Cal. Const., art XVI,  
20 § 8.)

21           85.     Proposition 98 amended article XVI of the California Constitution to require  
22 schools be provided each year a stable base of funding. Specifically, Proposition 98 sought to  
23 "guarantee[] schools as much money as they received in the last year adjusted to pay for new children  
24 and inflation." (Ballot Pamp., Gen. Elec. (Nov. 8, 1988) Prop. 98, Rebuttal to Argument Against Prop.  
25 98, p. 81.) In so doing, it "[e]stablish[ed] a minimum level of funding for public schools and  
26 community colleges." (*Id.*, Analysis by the Legislative Analyst, p. 78.) The State remained free to  
27 provide more money to schools; but they could not provide less "except in fiscal emergencies." (*Id.*,  
28

1 Argument in Favor of Prop. 98.) Nowhere does Proposition 98 refer to article IX of the California  
2 Constitution.

3 86. As amended in 1990, the Proposition 98 minimum funding for a given year is  
4 based on one of three “tests” keyed to changes in state economic conditions. The minimum funding  
5 requirement can be suspended during a period of economic crisis by a two-thirds vote of the  
6 Legislature, but only on a temporary basis, and it is temporarily lowered in certain years when the  
7 economy is faltering.

8 87. The Proposition 98 funding formulas are based on the 1986-87 education budget  
9 – which had in turn been based on antiquated caps set in the 1970s – adjusted for cost-of-living and  
10 changes in the size of the student population. They are not keyed to the costs of providing the  
11 education required by article IX and they do not require adjustments based on changes to the contents  
12 of the educational program.

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

17 89. In addition, the State has used various accounting devices to manipulate the  
18 Proposition 98 minimum funding calculations and further reduce and destabilize funding for the public  
19 school system.

20 90. Accordingly, there is substantial instability in education funding now  
21 notwithstanding the passage of Proposition 98. In the last two years alone, education funding has been  
22 cut by approximately \$17 billion.

23 The State’s Education Finance System Does Not Enable Districts to Provide the Required Education  
24 Program and Thereby Denies Students An Opportunity to Meet the State’s Educational Goals

25 91. The State’s current education finance system prevents districts from providing  
26 the required education program and denies students the opportunity to meet the State’s educational  
27 goals.  
28

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

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

93. In order to provide the educational program required by the State, districts need sufficient funds to attract, retain and develop sufficient numbers of qualified teachers to maintain teacher-student ratios and class sizes that are appropriate to the task of meeting the State's academic standards. Instead, teacher-student ratios and class sizes are not determined by pedagogical or education policy factors, but are a function of available funding on a year-to-year basis.

94. Many students are unable to learn the necessary academic content because there are not enough teachers in each school to meet their needs. Districts have found that lower class sizes improve educational outcomes, especially in the early elementary grades and among disadvantaged students and English Learners. Not all districts can afford to implement this successful practice. Core academic subjects in many secondary schools are now being taught in classrooms with more than 40 students per teacher, and California schools rank last in the nation in teacher-student ratios for the core subjects in secondary school. Further, California schools serving 90% or more Latino, African-American, and American Indian students are the most likely to be critically overcrowded. Not surprisingly, California students score among the lowest of all states in national academic assessments.

95. While appropriate staffing ratios are essential, additional teacher training, staff preparation and professional development are also critical to improving educational outcomes. On-going professional development and training directly tied to the State's academic standards is necessary to ensure that classroom teaching is consistent with the State's academic goals and the needs of all students. Professional development is crucial to providing the instruction programs mandated by the State and, in particular, finding ways to improve the academic achievement of the lower performing students. To improve the quality of daily instruction, teachers need time for collaboration, data analysis and instructional preparation. However, the State has failed to enact funding policies that reflect, and appropriately fund, professional development needs. The lack of available funding for

1 these “discretionary” programs has led to the virtual elimination of structured, continuous professional  
2 training and support for California teachers and principals.

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

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

11 98. For English Learners – a quarter of California’s student population – the State  
12 recommends additional instructional time to learn the required material. In early primary grades, if the  
13 recommended minimum instructional time for English Learners for Math and English Language Arts  
14 is added together, it exceeds the amount of instructional time the State pays to provide.

15 99. State funding policies are not designed to provide the amount of instructional  
16 time the State itself deems necessary to become proficient in core academics, and funding amounts are  
17 insufficient for this purpose.

18 100. The State has recently allowed for a reduction in the length of the school year,  
19 which will result in even less instructional time for students in some districts. The decision to allow  
20 for a reduced school year was based solely on budgetary concerns.

21 101. Many students must also deal with outdated materials while trying to meet  
22 current education requirements. State funding policies and funding amounts fail to reflect the cost of  
23 providing students with instructional materials and education technology consistent with teaching and  
24 learning in the 21st century.

25 102. Even the cost of basic textbooks is not paid for by the State. The State has  
26 implemented instructional material policies that require districts to periodically adopt and purchase  
27 textbooks, but the State does not base instructional materials funding on any determination of the  
28 actual costs of textbooks and supplemental materials. The State instructional materials program has

1 been consistently underfunded. The failure to provide funding that reflects the true cost of  
2 instructional materials impedes the ability of districts to provide their students with current and  
3 appropriate instructional materials.

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

6 103. In order for all students to have an opportunity to achieve academic proficiency,  
7 districts must provide supplemental and/or intervention programs that are tailored to the unique needs  
8 of their students.

9 104. The current state education finance system does not account for differences in  
10 student need or the cost of providing the supplemental and/or intervention programs necessary to  
11 address these needs, such as programs aimed at students far below proficiency in English-Language  
12 Arts and Math. As a result, districts lack sufficient funds to provide successful intervention programs  
13 for all of their students who need them.

14 105. When students have access to focused intervention programs during the school  
15 day, the lack of sufficient instructional time means that they are unable to receive instruction in other  
16 critical academic areas. Since many intervention programs require additional time in English-  
17 Language Arts and Math, the students in these programs are effectively denied instruction in Science,  
18 Social Science and other core academic subjects.

19 106. Many districts have found after-school and summer programs to be effective  
20 tools for improving student educational outcomes and providing some students additional instructional  
21 and remedial time to reach proficiency. Chronic budget cuts and shortfalls and the lack of sufficient  
22 general purpose funding have resulted in the elimination of many of these programs. Recent research  
23 surveys show that high-poverty schools have been almost three times as likely as low-poverty schools  
24 to eliminate summer school entirely.

25 107. Continuing education, alternative education, career technical education and  
26 other non-traditional programs provide vital support for many students. However, State finance  
27 policies and funding amounts prevent many districts from improving, expanding or even maintaining  
28 these critical programs.

The Education Finance System Denies Students Necessary Support Services,  
Enrichment and Extracurricular Activities

108. Support services, enrichment and extracurricular activities are an integral, fundamental part of the education program, but erratic and insufficient State funding has reduced or eliminated these programs and services in many California schools.

109. There are not enough nurses available in California schools to provide basic health services for students. As a result of these shortages, non-medical administrative staff often must oversee medication and first aid administration.

110. In recent years, unstable and insufficient funding has forced districts to reduce the already inadequate number of academic and mental health counselors. As a consequence students do not have the necessary access to academic advice and counseling, basic mental health services and other services to reduce barriers to success and keep students in school.

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

112. Though transportation is not required by the State, many districts must provide their students transportation services or, as a practical matter, the students will not be in school consistently and will be denied access to the education program. Districts receive funding for transportation that is in no way related to the costs, but instead is based upon an amount established in the 1980s. Adjustments to the funding have not kept pace with energy prices. Moreover, the funding amount is not connected to the enrollment growth or demographic changes that have occurred over the last 30 years. Neither the amount nor the distribution of transportation funding matches the needs of districts and their students.

113. The State has established content standards for visual and performing arts. Although courses in these subjects are often required for high school graduation, they are increasingly

1 being eliminated because of limited funding. School districts and schools that have retained these  
2 programs have been increasingly forced to rely on parental contributions, auxiliary foundations or  
3 other private fundraising to support them. The ability to raise the necessary funds varies among  
4 districts, with economically disadvantaged districts facing greater challenges to retain these programs.  
5 Schools in high-poverty communities have been much less likely to generate private funding, and, on  
6 average, they have been less successful in passing parcel taxes, than schools in affluent communities.

7 114. Sports programs and other extracurricular activities have also been reduced over  
8 the years. These programs are expected by parents and the community, and they are also often the  
9 programs that help keep students engaged. Research has shown that students who participate in these  
10 activities on a regular basis are more successful academically. Private contributions and fundraising  
11 are being used to sustain these programs in some districts, with uneven results.

12 115. Career and Technical Education, also known as vocational education, can play  
13 an important role in preparing students for employment outside of school. Many of these programs  
14 have also been reduced or eliminated.

15 116. Programs such as Advanced Placement (AP) or International Baccalaureate (IB)  
16 classes and Gifted and Talented Education (GATE) offer students opportunities to receive instruction  
17 tailored to their academic needs and designed to help them fulfill their academic potential. State  
18 funding for these programs is limited and has been shrinking over time.

19 The State Fails to Provide Sufficient Funding for the Programs Schools Must Implement

20 117. Funding for some key categorical programs does not reflect the actual cost of  
21 providing the categorical program. Some expressly require district matching funds; unless districts  
22 divert general purpose revenues to implement the programs, they receive no categorical funding for  
23 them whatsoever. Categorical programs requiring substantial expenditures from district general  
24 purpose funds include class size reduction, special education, instructional materials, transportation,  
25 food services and deferred facilities maintenance, among others.

26 118. State support for each categorical program is also unpredictable from year to  
27 year, as the State can and does frequently change rules and requirements for categorical program  
28 qualification and reimbursement. Districts may thus have planned to qualify or be reimbursed for a

1 program, made expenditures or contractual commitments based on that plan, and then later receive less  
2 funds than anticipated because of an intervening change to State rules.

3 119. The failure to provide full funding for categorical programs coincides with a  
4 significant decline in districts' general purpose funding at the same time as programmatic expenses  
5 have increased, particularly the costs of salaries and benefits for certificated (teaching) staff and non-  
6 certified staff.

7 120. The State education finance system also fails to reflect the costs of a number of  
8 federal programs and services which districts are legally required to implement. Although the State  
9 requires district compliance with all federal requirements as a condition of the State's receipt of federal  
10 funds, most federal mandates do not provide sufficient funding to pay for the required program or  
11 service. The State has not provided additional funding necessary to allow districts to meet these costs.  
12 Instead, the amount of the shortfall must be absorbed by districts.

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

23 122. In addition to categorical requirements, the State has imposed dozens of  
24 requirements for new programs and services.

25 123. Though the State is legally required to pay school districts for the costs of any  
26 state-mandated programs or services, it has nonetheless refused to do so. Since 2002, the State has  
27 appropriated only \$1,000 per program and “deferred” the balance owed to districts, now almost  
28 \$3.6 billion.



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

2                124.    The instability and unpredictability of state education funding makes budgeting  
3 and long-range planning at the district level virtually impossible. Districts are effectively prevented  
4 from implementing the comprehensive educational program adopted by the State with any continuity  
5 from year to year and grade to grade.

6                125.    Districts are required to adopt their budgets by July 1 of each year, but the State  
7 Legislature typically does not adopt the state budget until later – sometimes months later. (Ed. Code,  
8 § 42127.) Districts must therefore prepare their budgets each year without having any reliable idea  
9 what funds they will actually receive from the State or what restrictions may be imposed on those  
10 funds. This makes coherent planning for ongoing programs and services impossible.

11               126.    Even in a good year, districts can only make estimates about their state funding.  
12 If the state budget is late, or if mid-year cuts are imposed (as they have been in the last several years),  
13 budgeting and management problems are compounded. Over the last several years, many districts  
14 have had to develop multiple budgets each school year with different revenue, expenditure and  
15 program assumptions, creating uncertainty for programs and staff.

16               127.    The timing and unpredictability of the budget, coupled with additional State  
17 personnel rules, disrupts classroom instruction and prevents continuity in instructional programs. A  
18 district is required to provide teacher layoff notices by March 15, and make final termination decisions  
19 by May 15. (Ed. Code, §§ 44949, 44955.) Because districts cannot predict their revenues with any  
20 certainty, they must assume the worst case budget scenario and notify more teachers than might be  
21 necessary that they may lose their jobs. In March 2009, roughly 26,000 teachers were notified that  
22 they might not be retained; in March 2010, the number was approximately 22,000. Districts lay off  
23 more teachers than they have to because of uncertain and unreliable budget projections, but end up  
24 rehiring many of the laid-off teachers as temporary employees at the beginning of the next school year.

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

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

5 129. 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 revenues  
7 per student and/or more relative financial stability are able to recruit more experienced teachers and  
8 other staff away from districts with lower revenues per student or less stability.

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

#### 18 Budget Cuts Have Made An Already Dire Situation Even Worse

19 131. Budget cuts over the last several years have created a true fiscal crisis for public  
20 schools.

21 132. Public education has suffered a combination of on-going cuts, one-time cuts and  
22 funding deferrals in recent years, and these reductions have differing impacts on the K-12 education  
23 program over time.

24 133. The LAO estimates that the K-12 programmatic funding provided in 2007-08  
25 was \$49.7 billion after accounting for deferrals and other one-time funding sources. Adjusted for  
26 COLA and growth, the State would have had to spend \$52.6 billion in 2008-09 and \$54.6 billion  
27 in 2009-10 to maintain the education programs and services provided in 2007-08. Instead, the state  
28 provided programmatic spending of \$47.9 billion in 2008-09 and \$42.4 billion in 2009-10. The 2008-

09 reduction is \$4.8 billion, or more than \$800 per student. In 2009-10 that is a cut of \$12.1 billion, which is over \$2,000 per student. Over the last two budgets, the cumulative impact of the cuts is nearly \$17 billion.

134. One-time federal “stimulus” funds have somewhat mitigated the impact of recent budget cuts, but these funds will expire in 2011-12. The level of education cuts will grow if, as is likely, the state is not able to restore state funding when the one-time federal stimulus funding ends.

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

- lay off thousands of teachers, resulting in larger class sizes in all grades and courses;
- eliminate or dramatically reduce badly needed intervention programs, including summer and after-school programs, for students unable to demonstrate proficiency in standards-based assessments of core academic subjects or at risk for failing the High School Exit Exam;
- eliminate or significantly reduce course offerings, particularly electives such as art, music and athletic programs;
- delay and reduce purchases of essential instructional materials, computers and other educational resources;
- make draconian cuts to non-teaching staff – including school counselors, librarians, nurses, assistant principals, computer lab technicians, instructional aides, custodians and secretaries – resulting in elimination of critical support services for students;
- eliminate virtually all training and support for principals and teachers, including teachers in core academic subject areas;
- defer needed facilities maintenance resulting in undesirable learning environments and increased future costs; and

- significantly reduce budget reserves leaving districts unprepared to cope with any future uncertainties or emergencies.

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

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

137. Education finance plays a crucial – indeed, indispensable – role in determining the quality of education. As the California Supreme Court recognized more than thirty years ago, "[t]here is a distinct relationship between cost and the quality of educational opportunities afforded . . . differences in dollars do produce differences in pupil achievement." (*Serrano v. Priest* (1976) 18 Cal.3d 728, 748.)

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

139. The State has been well aware of the significant problems caused by its failure to address fundamental problems with its educational finance system, but has failed to act.

140. Most recently, in 2005, the "Getting Down to Facts" project was commissioned by the Governor's Committee, the Secretary of Education, the Superintendent of Public Instruction and the legislative leadership. This project was led by Stanford University and included research by scholars from 32 institutions. Based on research conducted between September 2005 and March 2007,

1 the report succinctly summarized a critical problem: “Quite simply, the finance and governance  
2 system is broken and requires fundamental reform . . . .”

3 141. The “Getting Down to Facts” studies also concluded that “[t]he state school  
4 finance system is extraordinarily complex and has no coherent conceptual basis . . . That is, it is not  
5 intentionally designed for meeting state education goals or meeting student needs.”

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

14 143. In January 2008, Superintendent of Public Education Jack O’Connell released a  
15 report from his P-16 Council entitled “Closing The Achievement Gap,” which concluded: “Access to  
16 high-quality educational experience is the right of every student and the responsibility of the state.  
17 Today, the State of California has not lived up to this commitment for all students, particularly poor,  
18 racial/ethnic minority students; English learners; and students with disabilities.” The Report confirmed  
19 that “huge disparities in achievement exist among California’s student subgroups” and that “[al]though  
20 California maintains some of the highest standards in the nation for what students are expected to  
21 know and be able to do, its schools are significantly underfunded.”

22 144. The LAO issued a 2009 report demonstrating the disconnect between the State’s  
23 educational aspirations and the reality, stating that: “California’s existing approach for helping these  
24 [economically disadvantaged] students fails on virtually every score,” and observing that the State  
25 approach “[d]oes not link funding to the prevalence and severity of academic barriers and the cost of  
26 overcoming them” and “[i]s neither centered around improving academic achievement nor well-  
27 integrated into the state’s overall accountability system.”  
28

1           145. In sum, the State has long been on notice that fundamental change to its  
2 educational finance system and funding policies are necessary to guarantee that all students in  
3 California have equal access to the State's prescribed educational program and an equal opportunity to  
4 meet the proficiency standards set by the State, but has failed to take action.

5                   On-Going Constitutional Violations Require Judicial Action

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

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

20           148. The State has a duty to provide a system of common schools in which the  
21 constituent parts are aligned with each other and operate harmoniously and with a unity of purpose.  
22 Having developed a comprehensive education program with specific academic standards "based on the  
23 knowledge and skills that pupils will need in order to succeed in the information-based, global  
24 economy of the 21st century," the State has a duty to develop and implement a funding system that  
25 supports the education program and allows districts to deliver the required course of study. State  
26 funding must support a system of common schools that provides all students an opportunity to progress  
27 from grade to grade and reach proficiency in the State's academic standards. The State has breached  
28 this duty to keep up and support the system of public schools.

1           149. The State has made funding for public education in California overwhelmingly,  
2           reliant on state monies and state-determined allocations of local property tax revenues apportioned in  
3           accordance with state-created funding formulas. These funding formulas are based on historical  
4           benchmarks that are unrelated to the actual costs of providing the state-required educational program.  
5           The current funding formulas and the ways in which those funds are distributed to districts fail to  
6           ensure that districts can, in fact, provide the programs and services that the State requires the districts  
7           to provide for all students.

8           150. The State has prescribed the contents of the current educational program and  
9           devised an accountability system that holds school districts accountable for ensuring that students  
10          reach proficiency on the State's content standards. But the State has failed to provide funding in an  
11          amount or through distribution mechanisms that allow districts to provide the required academic  
12          program. Chronic under-funding is a primary cause of numerous programmatic and operational  
13          deficiencies, including the following:

- 14           • Districts cannot maintain appropriate teacher-student ratios and appropriate class  
15           sizes;
- 16           • Districts are unable to offer sufficient instructional minutes in core academic  
17           subject courses and necessary preparatory classes to all students, including the  
18           additional instructional time necessary for English Learners;
- 19           • Districts cannot recruit and retain sufficient numbers of qualified teachers,  
20           particularly for hard-to-staff subjects such as Mathematics, Science and Special  
21           Education;
- 22           • Districts cannot operate long-term quality professional development programs  
23           and utilize mentor teachers so as to properly train and monitor teachers in all  
24           classrooms;
- 25           • Districts cannot design and implement necessary intervention and remedial  
26           programs which require long-term planning and continuity in order to be  
27           effective;

- Districts cannot provide all students appropriate instructional materials, including access to computers and educational technology, to effectively communicate and deliver course content;
- Districts cannot design and maintain safe, secure and clean school environments conducive to learning; and
- Districts must constantly juggle and frequently cut back core, enrichment and intervention programs, leading to discontinuity in these programs and in student progress from one year to the next.

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

152. The California Constitution prohibits the maintenance and operation of the common public school system in a way that denies basic educational equality to any students. The insufficient, irrational and unstable aspects of the State's funding system prevent districts from effectively delivering the required educational program, an impact that falls disproportionately on economically disadvantaged students, racial or ethnic minority students, English Learners, and students with disabilities. Districts are prevented from implementing programs and services based on student needs, which denies students equal access to the educational program and an equal opportunity to learn the content prescribed in State-established standards. Having set a prevailing statewide standard for education by requiring proficiency in meeting the State-established content standards, the State also bears the responsibility for ensuring that all students have access to an education that provides them with an opportunity to attain proficiency in meeting the required standards. The State has failed in this duty.

#### **FIRST CAUSE OF ACTION**

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

1. Plaintiff/Intervenor incorporates by reference the foregoing paragraphs of this Complaint as though fully set forth herein.



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

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

## SECOND CAUSE OF ACTION

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

4. Plaintiff/Intervenor incorporates by reference the foregoing paragraphs of this Complaint as through fully set forth herein.

5. By failing to keep up and support public education, Defendants have violated the fundamental right of all California children to a free education that provides a “general diffusion of knowledge and intelligence essential to the preservation of the rights and liberties of the people,” ensures the opportunity to become proficient according to the State’s academic standards and ensures the opportunity to develop the skills and capacities necessary to achieve economic and social success in our competitive society, participate meaningfully in political and community life and to become informed citizens and productive members of society.

### THIRD CAUSE OF ACTION

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

6. Plaintiff/Intervenor incorporates by reference the foregoing paragraphs of this Complaint as though fully set forth herein.

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

#### FOURTH CAUSE OF ACTION

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

8. Plaintiff/Intervenor incorporates by reference the foregoing paragraphs of this Complaint as though fully set forth herein.

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

## PRAYER FOR RELIEF

**Plaintiff/Intervenor respectfully requests the following relief:**

1. The issuance of declaratory judgment as follows:

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

b. Article IX, sections 1, 5 and 6 and article XVI, section 8 of the California Constitution impose a duty on the State of California to ensure that the “system of common schools” is “kept up and supported” using “all suitable means,” and to first set apart the revenues

1 necessary to achieve this purpose and support the education program the State has prescribed pursuant  
2 to its constitutional authority;

3 c. Article I, sections 7(a) and 7(b); article IV, section 16(a); and article IX,  
4 sections 1, 5 and 6 of the California Constitution impose upon the State of California the duty to  
5 provide and support an education finance system that provides all children with equal access to the  
6 State's prescribed educational program and an equal educational opportunity to become proficient in  
7 the State's academic standards and develop the skills and capacities necessary to achieve economic and  
8 social success in our competitive society, participate meaningfully in political and community life and  
9 to become informed citizens and productive members of society;

10 d. The State of California has failed to meet its constitutional duty to keep  
11 up and support a "system of common schools" because it does not provide and sufficiently fund an  
12 educational finance system that is intentionally, rationally and demonstrably aligned with the goals and  
13 objectives of the State's prescribed educational program and the costs of ensuring that all children of  
14 all needs have the opportunity to become proficient according to the State's academic standards and to  
15 develop the skills and capacities necessary to achieve economic and social success in our competitive  
16 society, participate meaningfully in political and community life and to become informed citizens and  
17 productive members of society;

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

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

25 2. Enter a permanent injunction compelling the Defendants to design, enact, fund  
26 and implement a system of public school finance:

27 a. That is intentionally, rationally and demonstrably aligned with the goals  
28 and objectives of the State's prescribed educational program and the costs of ensuring that all children

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

6                   b.       That provides all school-aged children with equal access to the State's  
7 prescribed educational program and an equal educational opportunity to become proficient in the  
8 State's prescribed academic content standards.

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

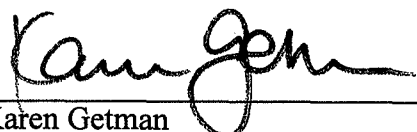
11                   4.       An award of costs, disbursements and reasonable attorneys' fees and expenses  
12 pursuant to section 1021.5 of the California Code of Civil Procedure and any other applicable  
13 provision of law.

14                   5.       Such other relief as this Court may deem just and proper.  
15

16 Dated: July 15, 2010

Respectfully submitted,

17 Karen Getman  
18 Margaret R. Prinzing  
19 REMCHO, JOHANSEN & PURCELL, LLP

20 By:   
21 Karen Getman

22 Attorneys for Plaintiff/Intervenor  
23 California Teachers Association  
24  
25  
26  
27  
28

1 **PROOF OF SERVICE**

2 I, the undersigned, declare under penalty of perjury that:

3 I am a citizen of the United States, over the age of 18, and not a party to the within  
4 cause or action. My business address is 201 Dolores Avenue, San Leandro, CA 94577.

5 On July 15, 2010, I served a true copy of the following document(s):

6 **[Proposed] Complaint in Intervention**

7 on the following party(ies) in said action:

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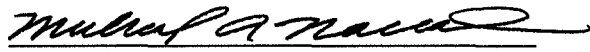
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- 7 ☐ **BY UNITED STATES MAIL:** By enclosing the document(s) in a sealed envelope or  
8 package addressed to the person(s) at the address above and  
9 ☐ depositing the sealed envelope with the United States Postal Service, with the  
postage fully prepaid.  
10 ☐ placing the envelope for collection and mailing, following our ordinary business  
11 practices. I am readily familiar with the businesses' practice for collecting and  
12 processing correspondence for mailing. On the same day that correspondence is  
placed for collection and mailing, it is deposited in the ordinary course of business  
13 with the United States Postal Service, located in San Leandro, California, in a  
sealed envelope with postage fully prepaid.
- 14 ☐ **BY OVERNIGHT DELIVERY:** By enclosing the document(s) in an envelope or  
package provided by an overnight delivery carrier and addressed to the persons at the  
15 addresses listed. I placed the envelope or package for collection and overnight delivery at  
an office or a regularly utilized drop box of the overnight delivery carrier.
- 16 ☐ **BY MESSENGER SERVICE:** By placing the document(s) in an envelope or package  
addressed to the persons at the addresses listed and providing them to a professional  
17 messenger service for service.
- 18 ☐ **BY FACSIMILE TRANSMISSION:** By faxing the document(s) to the persons at the  
fax numbers listed based on an agreement of the parties to accept service by fax  
19 transmission. No error was reported by the fax machine used. A copy of the fax  
transmission is maintained in our files.
- 20 ☒ **BY EMAIL TRANSMISSION:** By emailing the document(s) to the persons at the email  
addresses listed based on a court order or an agreement of the parties to accept service by  
21 email. No electronic message or other indication that the transmission was unsuccessful  
was received within a reasonable time after the transmission.

22 I declare, under penalty of perjury, that the foregoing is true and correct. Executed on  
23 July 15, 2010, in San Leandro, California.  
24

25  
26   
27 Michael Narciso

28 (00112893.10)