

Opinion:

Backroom deal further ties hands of California school boards

By Peter H. Hanley, San Jose Mercury, August 3, 2011

When I was elected to my school board 10 years ago and was puzzling about why certain things were the way they were, a veteran board member told me that understanding public education policy is much easier once one realizes that the adults within the system -- not the kids -- are the first priority.

The California Legislature and Gov. Jerry Brown reinforced that truth with a stealth law passed late at night on June 30, with no hearings or debate, to prohibit school districts from laying off any teachers this year, even if they anticipate reduced funding and a deficit. With nearly 15 percent of all school districts on the California Department of Education's financial watch list as of mid-June, this law also recklessly suspends the requirement for county superintendents to certify the current and future financial viability of districts.

That same day, the state lost \$4 billion of revenue when the temporary taxes expired. Yet the budget somehow anticipates that \$4 billion will magically reappear. If it doesn't, another \$2.5 billion in education cuts could kick in around the middle of the school year.

No one questions that teachers are a key to educational success, but they are also around 50 percent of most districts' budgets. If you take teachers off the table, your options to manage the organization are significantly reduced.

Unbelievably, the Legislature and governor's alternative is to throw our kids under the bus by cutting the shortest school year in the industrialized world further by seven days. Well over half of the K-12 population qualifies as economically disadvantaged and performs far below other students. Moreover, about 40 percent of all students are below proficient in English and 70 percent are below proficient in high school mathematics. Yet incomprehensibly, California public policy now is to preserve -- at the cost of children's educations and the real risk of school district bankruptcies -- the jobs of college-educated adults.

No school board member relishes layoffs, especially teacher layoffs. The evidence is that despite significant cuts in education spending, teacher employment is about in alignment with enrollment declines. From 2004-05 through 2009-10, the latest data available, statewide enrollment declined 2.1 percent and teacher employment slid 2.2 percent.

This law is just the latest, although arguably the one with the most chutzpah, in a string of restrictions placed on school board management of the teacher workforce. Reforms providing more flexibility are desperately needed.

For example, districts must make essentially a lifetime commitment to teachers after only 15 months of classroom observation. Removing an underperforming or unmotivated teacher is virtually impossible and fraught with huge financial risk for districts due to a state-mandated administrative procedure afforded to no other public or private employee.

Teacher compensation is divorced from job performance and tied to measurements that research has shown do not increase teaching effectiveness or learning. When layoffs are necessary, the law requires that last hired are first fired. As the last hired are often lower-paid, younger teachers, more of them must be laid off to achieve the financial reductions necessary.

All these provisions operate to the detriment of children and public agency efficiency.

School boards and district management exist to make judgments about how to balance educational goals with the financial and human resources available. Yet repeatedly, often due to the political power and contributions of the California Teachers Association, our hands are tied. That power is clearly evident from the dark-of-night legislation imposed on us June 30. Reforms can start with the immediate repeal of this backroom deal.

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