

Education Legal Alliance Report

May 16 & 17, 2015 – Delegate Assembly

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Vergara v. California

- Constitutional challenge to tenure, reduction in force/LIFO, and dismissal statutes
- Superior Court ruled in favor of plaintiffs but ruling is stayed while on appeal
- ELA to file amicus in July 2015



CAASPP Mandate

- ELA is supporting the filing of a test claim asserting that CAASPP is a state mandate
 - Santa Ana USD, Plumas COE/USD, Porterville USD, Vallejo USD
- Letters of support from 10 districts
 - Antioch, Belmont-Redwood Shores, Cupertino, Del Norte, Moreno Valley, Orange COE, San Lorenzo Valley, Santa Rosa, Tulare, Visalia
- Hearing: July 24, 2015

CSBA v. State (Mandates)

- Challenge to State's continued attempts to avoid reimbursing districts for mandates
 - Use of existing revenues as offsetting revenues
 - Ability to "redetermine" a mandate
 - General mandate scheme is insufficient
- Recently filed opening brief on offsetting revenues issue
- Hearing occurred on May 7, 2015
 - Now awaiting decision

CSBA v. SBE (Aspire)

- Challenge to process to approve statewide charters – partial settlement for \$300,000
- Remaining issue fully briefed for appeal in September 2013
- Appellate court recently requested additional briefing, which was completed in April 2015
- Waiting for oral argument

Cal200 v. SFUSD/OUSD

- Three cases
 - #1: Established district obligation to provide 200 minutes/10 days to 1st-6th graders
 - #2: Sued dozens of school districts alleging failure to provide required PE minutes
 - #3: Sued district and CDE alleging failure to ensure compliance
 - **Warning! Plaintiffs have been sending UCP complaints to over 100 districts**
- CSBA is co-sponsoring AB 1391

Cruz v. California

- State allows high poverty schools to provide insufficient meaningful instructional minutes
 - Filed by students in LAUSD, Oakland, West Contra Costa, Compton
- Defendants: CA, SBE, SPI, and CDE
 - No district defendants
- Judge issued temporary restraining order but denied preliminary injunction

Recent Decisions

- Sedlock v. Baird
 - Issue: Yoga PE program was not impermissible establishment of religion
- Cal. Charter School Assoc. v. LAUSD
 - Issue: Requirement to provide “reasonably equivalent” number of classrooms to charter was met by counting classrooms actually used by district students

Recent Decisions

- Berkeley Hillside Preservation v. Berkeley
 - Issue: “Significant effects” exception to CEQA categorical exemptions
- C.W. v. Capistrano USD (see appendix)
 - Issue: Attorney’s fees to District due to frivolous special education lawsuit
- Rio SD v. FTR Internat’l (see appendix)
 - Issue: District withheld funds in response to stop notices filed by subcontractors

Recent Amici

- Golden Gate Dev. Co. v. Albany USD
 - Issue: Taxpayer challenge to parcel tax after end of 60-day validation period
- K.G. v. Irvine USD (see appendix)
 - Issue: Plaintiff sought attorney’s fees from District despite not taking opposing position
- L.O. v. Paso Robles USD (see appendix)
 - Issue: Plaintiff sought testing for autism despite District providing sufficient services

ELA Adequacy Committee

- Adequacy Committee formed to assist *Robles-Wong* lawsuit filed in 2010
 - Update data used in briefs on per student funding and student outcomes
 - Committee will determine level of funding needed to support educational programs, activities and outcomes
- Next meeting scheduled for July 8, 2015