

Education Legal Alliance Report

May 14-15, 2016
Delegate Assembly

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Robles-Wong v. California

CSBA, ACSA, PTA, nine school districts and 60 individual plaintiffs sued the state in 2010 for violating the California Constitution:

- The First District Court of Appeal recently voted 2-1 to sustain the demurrer and dismiss the case
- The court found that there is a constitutional duty for the legislature to establish and fund a public education system
- The court also found there is no constitutional duty for the state to provide its students with a quality education or to fund its schools at any particular level
- CSBA et al. will be petitioning the Supreme Court for review

Vergara v. California

- Constitutional challenge to tenure, reduction in force/LIFO, and dismissal statutes
- ELA filed an amicus brief last September
- Appellate Court voted 3-0 to reverse the superior court finding that the statutes on their face did not discriminate against students
- The court found that that the statutes did not prevent the removal of ineffective teachers or cause ineffective teachers to be assigned to low performing schools because those decisions were made by administrators acting at times in concert with bargaining agreements and district policies
- The plaintiff's will be petitioning the Supreme Crt. for review

Complaint for CDE Intervention – Public Advocates v. West Contra Costa USD

Parents on the district LCAP Advisory Committee, together with a community rights group, asked CDE to stop the district from paying salary increases with LCFF funds

- Claimants alleged that funding to pay a three year salary increase was not included in the 2015-16 LCAP and that a reserve fund of concentration and supplemental grants was left out of the LCAP
- Claimants alleged that the use of LCFF funds to pay for the increase required the district to revise its LCAP prior to ratifying the increase
- District responded by citing to a priority in the LCAP of increasing teacher salaries in to compete with neighboring districts

McGee and California Taxpayers Action Network v. Balfour Beatty Construction and Torrance USD

This case addressed whether lease-leaseback agreements are subject to competitive bidding and whether conflict of interest laws involving public contracts apply to corporate consultants

- The ELA filed an amicus brief in January in support of Torrance USD
- The appellate court ruled in favor of the lease-leaseback contract but the conflict of interest issue was remanded to trial
- In a similar case, the ELA filed an amicus brief in December to support Mt. Diablo USD's use of a lease-leaseback contract in *California Taxpayers Action Network v. Tabor Construction, Inc. and Mt. Diablo USD*

Morgan Hill Concerned Parents Association v. CDE

Lawsuit filed in federal court by plaintiffs in 2011 alleging CDE's failure to monitor, investigate and enforce the IDEA

Discovery requests could lead to the release of personally identifiable student information without consent that could impact millions of students

General notice and objections challenging the release are at the heart of the controversy

CDE will argue to dismiss the case on May 11

Friedrichs v. CTA

The Supreme Court's vote of 4-4 reinstated the decision by the 9th Circuit that upheld the constitutionality of "agency fees"

- Plaintiffs unsuccessfully sought to overturn a 39-year precedent permitting agency fees to be charged to non-union members for collective bargaining
- California's requirement that employees must "opt out" of union membership was upheld
- The law can be challenged in the future but any such challenge may depend on who is confirmed by the Senate as the next justice