



## THE FACE OF CALIFORNIA EDUCATION

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For the past two years, this speech almost wrote itself. Instead of my searching for words to say, the source gave them to me. K-12 education, or “Kay” as we have come to know her, called in each year to give her first-person view of the state of education in California. As I sat down to write this year, however, Kay did not call. I waited until the last minute and still, the phone was silent.

I hesitate to speculate on reasons for Kay’s silence. Maybe she has nothing new to say this year. Or, could she be too tired and in need of rest? Perhaps she is too distraught over the recent tragedy which visited our nation. Or maybe she is simply on vacation and doesn’t wish to be disturbed.

In any event, it seems that fantasy is not the appropriate basis for discussion this year, for reality invaded and overcame our worst imaginings. Kay chose not to show herself this year, so let us examine the face and the reality of California public education in the year 2001.

G.K. Chesterton wrote: “Education is simply the soul of a society as it passes from one generation to another.” As guardians and conservators of this precious cargo, educators shape our history, define present-day culture, and forge our future. All the while – over the 152-year existence of our free system of public schools – the landscape of education has changed more often, more freely, and more fundamentally than the world at large.

For example, even as recently as 1978, with the passage of Proposition 13, the very foundation of local public school funding was effectively destroyed, threatening the continued viability of our constitutional mandate to provide a free public education to every resident. But we survived this cataclysm and continued our educational mission.

This year is no different. We continue to be pushed and pulled, often in seemingly opposite directions, by court decisions, voter initiatives, legislation and litigation. California’s 1100 school districts and their 5.8 million students are in a class action lawsuit against the state,

accusing it of failing to properly oversee an education system said to be rife with problems, including inadequate teachers, too few textbooks and shabby school conditions. The state has responded by suing school districts and their locally elected governing boards, claiming that they, and not Sacramento, are ultimately responsible for ensuring equal educational opportunities for all.

Last month the United States Supreme Court agreed to decide the constitutionality of the Ohio school voucher program that gives parents public money to send their children to religious schools. And even though a California voucher initiative fell to a crushing defeat last year, its primary backer announced: "We're going to regroup and we're going to keep coming back."

Once again, we must absorb the thousands of new responsibilities imposed by hundreds of pieces of new legislation. Sometimes, as I look at how the California Legislature seeks to change education on an annual basis, I am tempted to agree with Mark Twain when he said, "It could probably be shown by facts and figures that there is no distinctly criminal class except Congress."

Yet, year after year, decade after decade, somehow we cope with the unceasing change, maintain our focus, and continue to transport that soul of society to the next generation.

We should be proud that public education is a fundamental constitutional right in California. Education resides on a pedestal to be praised, maligned and perpetually reformed. But the face of education in 2001 suggests that the pace of change should slow to allow educators and students to realize the fruits of current labors, and to prepare to meet the many challenges facing us. As in past years, the issues are complex and involve every aspect of our school system: teachers and tests, students and safety, buildings and budgets.

When all is said and done, our education system will never be better than its teachers. When we reduced class sizes in kindergarten through the third grade in 1996, we needed 20,000 new teachers overnight. This shortage was compounded by an aging workforce, steadily rising student enrollment, high teacher attrition rates and, until recently, a booming economy that lured potential teachers into other professions. We will need up to 300,000 teachers over the next 10 years.

This shortage resulted in an unprecedented reliance on emergency permit teachers. California has more uncredentialed teachers than 30 other states combined. In 1998-99, 11.5 percent of our teachers worked on emergency permits or waivers; for 2000-2001, that number grew to an estimated 14 percent, or 40,000 teachers who will teach children and have yet to earn a full credential.

The distribution of these teachers is not even. They are found most frequently in urban schools teaching minorities and the poor. Low-income and minority kids are 10 times more likely to have

under-qualified teachers in California than are their more privileged peers, and about four times more likely to have under-qualified teachers nationally.

The consequences of this mal-distribution are indisputable. The results of the first high school exit exam reveal that only 50 percent of African-American students and 48 percent of Latinos passed the language arts portion of the test, compared to 82 percent of white and 76 percent of Asian-American students. In math, 24 percent of African-Americans and 25 percent of Latinos passed, compared to 64 percent of whites and 70 percent of Asian-Americans. The Legislature responded with a new law requiring an independent study of the exam by May 2003, to see whether it truly tests what students are being taught. If not, the State Board of Education could delay imposing the 2003-2004 graduation requirement.

Another new law establishes the "Challenged-School Teacher Reform Act of 2001" in which the Legislature declares that there is a "widening divide" between schools serving high-achieving pupils and those serving low-achieving pupils, and that the latter schools have "limited resources" and the "hardest time" attracting fully credentialed teachers. The Act establishes a three year reform program with grants to be made on a per pupil basis *if* funds are appropriated in the budget.

We face a similar crisis in teacher retention. According to the National Education Association, 30 percent of all new teachers quit within five years. The departing numbers reach as high as 50 percent in urban school districts. The same problem exists in the same places for superintendents. The average tenure for an urban schools chief is less than 2 ½ years, while suburban superintendents keep their jobs for close to six years, according to the American Association of School Administrators. Predictably, the children in school districts with high turnover suffer the most.

The problem extends to classified employees as well. Districts are turning more frequently to contracting out simply to be able to provide services, and not in response to labor issues. Take transportation, for example. Nationally, about 440,000 public school buses take 24 million children to school everyday, traveling more than four billion miles each year. Those rides cost nearly \$10 billion every year. A 2000 survey found that contractors' biggest complaint was a shortage of drivers, which was described as "severe" or "desperate" by 40 percent of respondents. Many districts have put teachers, coaches and maintenance workers behind the wheel.

Let me quote from a depressing and familiar litany: Serious shortages. The average age of workers rising. Enrollments in four-year colleges declining for the sixth straight year. People leaving the profession, complaining about unreasonable workloads and escalating expectations. Veterans discouraging recent graduates from entering the field. But this litany speaks not of education; rather, this list of ills describes the state of the *nursing* profession in California, whose

leaders are now calling for intensive legislative initiatives to make nursing a stable, rewarding long-term career.

Based on education's experience, I would caution those in the nursing industry to think twice before inviting the Legislature to serve as problem-solvers. However, it is a reminder that education is not the only profession grappling with a changing workforce, a mercurial economy, and shifting public needs and demands. This illustrates that the challenges we face are not solely of our own making, or due to any inherent shortcomings in our profession. We cannot and should not assume that all of our problems are self-made or the product of a system that is too flawed to fix.

In fact, we should be swift to challenge those who assume that public education is in a perpetual state of desolation always in need of a quick fix. We have numerous examples again this year of legislators desperate to list an education bill on their resumes. We see bills that respond to every social ill, real or perceived, which may have little or no relation to the core mission of educating students, such as:

- ▶ Requiring schools to purchase agricultural products grown in California;
- ▶ Prohibiting any drinks but milk, water or juice from being sold in elementary schools, and curtailing the hours older students can use vending machines;
- ▶ And my personal favorite, amending the Vehicle Code to allow local authorities to extend preferential parking privileges to school personnel.

Sometimes I think the eminent sage Yogi Berra was thinking about education reformers in the Legislature when he said "It is impossible to get a real conversation going; everybody is talking too much."

Sadly, many bills reflect the uncertain tenor of our times, indicating a growing need for laws to protect the safety of children and the civil rights of individuals. Some of these bills would:

- ▶ Establish an Asian-Pacific Islanders Anti-Hate Crimes Program;
- ▶ Provide immunity from civil lawsuits to any person who reports in good faith to school personnel a threat to commit violence on school grounds with a firearm or other deadly weapon;
- ▶ Provide immunity from civil lawsuits to any witness who testifies in a school expulsion hearing;
- ▶ Prohibit employers from limiting the use of any particular language in the work place;
- ▶ Add counseling and anger management as alternatives to suspensions and expulsions;
- ▶ Add as a cause for mandatory expulsion possession of an "explosive;" and
- ▶ Require every school safety plan to include a hate crime reporting procedure.

And of course we have more legislation regulating charter schools. Remember them? They are the schools meant to be free of the bonds and shackles of the Education Code. Each year the Legislature seems intent on clarifying the extent of that freedom by passing more Education Code provisions just for them.

Much of the legal activity this year speaks directly to student issues. Surely, if teachers are the yardstick by which we measure the quality of our system, students are simply our *raison d'etre*, our reason for being. Even here, however, where our purity of purpose cannot be doubted by even the most negative naysayer, societal circumstances compel us to extend our efforts, and care not just for growing the minds of children, but also for attending to their special needs, their medical fragility, their conduct and their very safety.

In this era of zero tolerance, roughly 20,000 students are expelled each year. Their fate, however, is determined not only by the facts of each case, but also by disparate local policies about discipline. Students who commit similar offenses often receive different punishments and land in far different alternative educational settings. Based on 1999-2000 data of the largest 25 districts in California, some districts recommend expulsion at a rate nearly four times higher than other districts. Almost half of the districts end up suspending the majority of expulsions they order. The largest district in the state expelled 548 students in 1999-2000, but suspended the order in 468, or 85 percent, of those cases. By contrast, another district suspended the expulsion order only 14 percent of the time.

These numbers should concern us if part of our mission is to instill in the next generation our founding principles of due process, equal treatment under the law, and consistent application of the rules. These principles become more difficult to explain when the state's highest court sanctions detaining students without reasonable suspicion of wrongdoing, and allows the fruits of resulting searches to be used in disciplinary proceedings. The tension between public policies is palpable: On the one hand, we seek to preserve constitutional liberties, but on the other, we must ensure the safety and security of our schools. I am reminded of Benjamin Franklin's caution when he said, "Those who desire to give up freedom in order to gain security will not have, nor do they deserve either one."

Perhaps the concept of equality as it applies to public education is tested no more mightily than in the area of students with special needs. In 1975, when Congress passed the Education for All Handicapped Children Act, which became the Individuals With Disabilities Education Act, it expected to offer the promise of a system which would provide an "appropriate education whatever the expense." Trying to provide as equal and adequate an education as possible for children with learning disabilities has not been easy. From 1990 to 2000, California's special education population increased by 43 percent to a total enrollment of 650,000 children. And, as it stands now, nearly 40 percent of the teachers serving these students are not fully qualified to teach special education.

Congress has been lax, to say the least, in meeting its special education obligation, which was long ago promised to be 40 percent of expenses. Now at its highest level ever, the federal contribution hovers at around 15 percent. In 1999-2000, California spent \$5.4 billion on special education. Yet the funding provided does not keep step with the mandates imposed. To make up the difference, school districts contribute \$1.7 billion annually from their general funds. And, last year, nearly 13,000 California special education students were placed in private schools at an estimated \$400 million taxpayer expense, an increase of 42 percent in the last five years.

Premature babies, drug-exposed fetuses and an unexplained explosion in the number of children identified as autistic have all contributed to more children entering school with more serious needs. In the last decade alone, the number of autistic children enrolled in our schools has skyrocketed from 2000 students in 1992 to about 14,000 this year. That does not include the increasing number of children with autism-related disorders like Asperger's syndrome.

What is the outcome when demand exceeds supply? Litigation, exploding litigation. Last year, more than 2100 complaints were filed with the California Special Education Hearing Office, an increase of 250 percent in a decade. It is estimated that the annual costs to school districts in staff time and legal fees could easily reach \$100 million. Districts win about 50 percent of formal legal proceedings, but it is often cheaper to acquiesce than fight what may or may not be a reasonable request for special services. Special education law has become so very legal and complex that administrators in the field practically have to be lawyers themselves.

Our public schools are torn between a growing pressure to curb soaring special education costs and the mandates both legal and social, to educate increasing numbers of severely disturbed and disabled students. As one educator put it, "If society wants to take care of the less fortunate or the medically fragile, this is what it costs." No one can doubt the importance of including those with special needs under our constitutional umbrella. And surely no one can deny the passion of parents and guardians who seek to guarantee such coverage.

I certainly do not have easy answers to this quandary. After all, as my children remind me often, I am not young enough to know everything. But we must be allowed to have a conversation without condemnation and ask questions such as: Is this system the best we can do for those we serve? Have circumstances changed since 1975 that suggest a reexamination and retooling of the law without removing essential rights? Can we design a more efficient process that provides equal access to all, and rights of appeal when access is denied, without siphoning the energy of administrators and teachers with endless hearings and paperwork? The magnificence of special education lies in the fact that we have *not*, as a society, determined that there are some children whom we can afford to educate and some that we cannot. However, our method for meeting this promise needs to better reflect the virtue of our commitment.

This is a daunting mission, and state and federal lawmakers must do what must be done to assist us in this worthy task. But first, we must be free to discuss our concerns openly if there is to be any chance at meaningful reform.

The face of education is seen most publicly in the faces of teachers, support staff, administrators, board members and students. But there is still another facet that completes the picture. We employ, we govern, we teach, and we transport. But we also build. We must, after all, have the school house.

California needs 2700 new classrooms each year, or seven per day. Population growth, class-size reduction and aging schools mean the state needs at least \$19 billion worth of new and remodeled schools in the next four years according to the State Department of Education.

In 1998, voters approved a record \$9.2 billion schools and college construction bond. The full amount, however, will be committed to projects by next summer, with 471 school construction projects on the State Allocation Board "waiting list." These projects will cost \$1.2 billion; the modernization project waiting list totals an additional \$740 million. While the state's bond coffers empty steadily, politicians argue over how to distribute limited funds and urban, rural and suburban districts fight in the courts over what little is left.

Voters must pass another bond measure to generate the money needed to meet the demand. But in the final week of the 2001 legislative session, the Legislature was unable to forge an agreement to place a school facilities bond on the March 2002 ballot. Why? Attention sometimes shifts unexpectedly, in response to unforeseen tragedies, or to deal with past but unresolved crises, like the energy shortage. We are told to expect a bond measure for the November 2002 ballot. Let us hope this happens, for every passing day means another seven needed, but unbuilt classrooms.

For 2002, we already hear dire predictions of a "budget meltdown," a "fiscal calamity," and a multi-billion dollar deficit, raising the specter of the "unCOLA" years of the past. Yet, here we are. We not only survive, but in many respects, we thrive in the face of all the challenges thrown at us by friend and foe alike. The world continues to change around us, dramatically of late, yet we have the same mission. Our purpose evolves, but remains constant at its core: we teach. Oliver Wendell Holmes said, "A mind once stretched never regains its original dimension." We arm the next generation with knowledge so that they might understand and enrich a world that sometimes seems to defy comprehension.

Indeed, the *true* face of education in 2001 is knowledge, and the job of transmitting that knowledge is nothing less than heroic. We hear much of heroism these days, and with good reason. The vital work of policemen and women, firefighters, rescue workers and others have been thrust into the public's consciousness by horrible events. But time after time, when interviewed, these individuals say, "I'm just doing my job."

California education has its hidden heroes too. Everyday in the classroom, the cabinet room, the board room, the district office, and the bus yard, we see a love of learning, an exposure to boundless diversity, and a perspective of the world that arrests the emergence of ignorance, prejudice and stupidity. Martin Luther King, Jr. once said, "Nothing in the world is more

dangerous than sincere ignorance and conscientious stupidity.” Well, ignorance is curable, but stupidity is not, and the face of California education reflects that cure. The cure is expensive, intensive and often frustrating to administer. But the results are exhilarating, and the alternative is too frightening to ponder. Ignorance, especially sincere ignorance, cannot and will not be allowed to prevail in the face of education.

In conclusion, I must confess to you that I struggled to find an appropriate end to my attempt to fully describe the vibrant face of California Education. Exhausted and fresh out of statistics, studies, quotes and compendiums, I was just about to throw down my pen, when, wonder of wonders, the telephone rang. Who could be calling at so many hours past midnight?

I answered the phone, and I heard her voice. “Hello?” Kay said, “it’s me.” “I know,” I said, “where have you been?” “Never mind,” she said. “You’re writing one of those speeches again, aren’t you?” she asked. “I’ve been trying to,” I said, “but it’s been rough going without you.” “Well,” she said, “I have only one thing to say. I am here and I am well. And I cannot wait to pass my soul to another generation.” And with a farewell smile I could feel right through the phone, she was gone.

Thank you and have a wonderful day.