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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 CITY AND COUNTY OF ALAMEDA

10
11 CAMPAIGN FOR QUALITY
EDUCATION; ALLIANCE OF
12 CALIFORNIANS FOR COMMUNITY
EMPOWERMENT; CALIFORNIANS FOR
13 JUSTICE; SAN FRANCISCO
ORGANIZING PROJECT;
14 ADELAIDE BROWN, a minor, by Crystal
Brown, guardian ad litem;
15 ROMAN JACKSON, a minor, by Jennifer
Betti, guardian ad litem;
16 HENRY ROTHENBERG, a minor, by Dena
Fischer, guardian ad litem;
17 ANGEL GIRON, a minor, by Rosario Giron,
guardian ad litem;
18 JULIANNE SHAFFER, a minor, by Linda
Shaffer, guardian ad litem;
19 MICHAEL WOODARD, a minor, by Eloise
Woodard, guardian ad litem;
20 ANNA WOODARD, a minor, by Eloise
Woodard, guardian ad litem;
21 JACQUELINE REYES, a minor, by Blanca
Reyes, guardian ad litem;
22 YESENIA OCHOA, a minor, by Luisa
Ochoa, guardian ad litem;
23 THOMAS TAYLOR, a minor, by Trish
Reilly Taylor, guardian ad litem;
24 CAROLINE TAYLOR, a minor, by Trish
Reilly Taylor, guardian ad litem;
25 AUSTEN JACK, a minor, by Georgia S.
Solkov Jack, guardian ad litem;
26 MEILIN BELONEY, a minor, by Audrey
Chiang, guardian ad litem;
27 TAO BELONEY, a minor, by Audrey
Chiang, guardian ad litem;
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ENDORSED
FILED
ALAMEDA COUNTY

JUL 12 2010

CLERK OF THE SUPERIOR COURT
BY YASMIN SINGH, Deputy

No. RG10524770

COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF FOR
VIOLATIONS OF ARTICLE IX,
SECTIONS 1, 5 AND 6; ARTICLE XVI,
SECTION 8(a); ARTICLE 1,
SECTIONS 7(a) AND 7(b); AND
ARTICLE IV, SECTION 16(a) OF THE
CONSTITUTION OF THE STATE OF
CALIFORNIA

Action Filed: July 12, 2010

1 JENNIFER MAI KWOK, a minor, by Joyce
Simmonds, guardian ad litem;
2 WING SEAN KWOK, a minor, by Joyce
Simmonds, guardian ad litem;
3 LESLIE JIMÉNEZ, a minor, by Rosa Gomez,
guardian ad litem;
4 MARCELA CEVALLOS, a minor, by
Marcela Cevallos, guardian ad litem;
5 AUDREY CHIANG; DENA FISCHER; and
ARACELI OROZCO,

6
7 Plaintiffs,

8 v.

9 STATE OF CALIFORNIA and ARNOLD
SCHWARZENEGGER, GOVERNOR OF
THE STATE OF CALIFORNIA,

10 Defendants.
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1 Plaintiffs CAMPAIGN FOR QUALITY EDUCATION, ALLIANCE OF
2 CALIFORNIANS FOR COMMUNITY EMPOWERMENT, CALIFORNIANS FOR
3 JUSTICE, SAN FRANCISCO ORGANIZING PROJECT, ADELAIDE BROWN, ROMAN
4 JACKSON, HENRY ROTHENBERG, ANGEL GIRON, JULIANNE SHAFFER,
5 MICHAEL WOODARD, ANNA WOODARD, JACQUELINE REYES, YESENIA
6 OCHOA, THOMAS TAYLOR, CAROLINE TAYLOR, AUSTEN JACK, MEILIN
7 BELONEY, TAO BELONEY, JENNIFER MAI KWOK, WING SEAN KWOK, LESLIE
8 JIMÉNEZ, MARCELA CEVALLOS, AUDREY CHIANG, DENA FISCHER and
9 ARACELI OROZCO (collectively, “Plaintiffs”) bring this suit against Defendants STATE
10 OF CALIFORNIA and ARNOLD SCHWARZENEGGER, Governor of the State of
11 California (collectively, “Defendants”). Plaintiffs allege as follows:

12 13 INTRODUCTION AND NATURE OF THE ACTION

14 1. The duty to provide for a free public education is one of the only affirmative
15 obligations the framers of the California Constitution have placed upon the State. Beyond
16 simply ensuring the State’s citizens the right to a seat in a schoolhouse, the framers
17 recognized that education serves as “the very corner stone of republican institutions.”
18 *2 Debates and Proceedings of the Constitutional Convention of the State of California* 1087
19 (1881); *see also id.* at 1104 (“We should risk everything we have to promote the fullest
20 educational advancement on the part of every child born in this State, and every child that
21 comes here to be educated, so far as he can be”). Accordingly, under the California
22 Constitution, the framers provided to each citizen the right to an education that instills the
23 “knowledge and intelligence . . . essential to the preservation of the rights and liberties of the
24 people,” and further required that the State establish a system of free common schools.
25 Later, in support of the priority accorded public education, the voters amended the
26 Constitution to require that the State “first, set apart the moneys to be applied by the state for
27 support of the public school system and public institutions of higher education.” In keeping
28 with this emphasis on the importance of education, the California courts have long since

1 declared that education is a *fundamental* right of all children in the State and that the
2 education provided must be meaningful and provided to all on equal terms.

3 2. The State of California is failing to keep its promise of an education to our
4 children. It is failing to provide all children with an equal opportunity to obtain a
5 meaningful education. It is failing to appropriately and adequately fund the public school
6 system. And it is failing to prepare children to meaningfully participate in our democracy,
7 succeed economically, or live in our diverse society. This action seeks to remedy these
8 failures as they concern the Plaintiff school children, the Plaintiff organizations and their
9 members and other students in the identified districts, and to enforce the educational rights
10 guaranteed to these children by the California Constitution through declaratory and other
11 necessary relief.

12 3. Education is a fundamental right under the California Constitution, and the State
13 has a constitutional obligation to provide every child with the opportunity to obtain a
14 meaningful education. The children of California are also guaranteed an *equal* opportunity
15 to obtain a meaningful education by the equal protection requirements of the California
16 Constitution. Yet, the State's school funding system is failing to provide the districts in
17 which the individual Plaintiffs attend school with sufficient and appropriate resources to
18 educate students to compete in the work force, find productive employment or qualify for
19 advancement through higher education.

20 4. Indeed, despite the depth and breadth of the California economy (in 2005,
21 California was the world's eighth-largest economy) and the fact that California's student
22 population is among the most challenging in the nation (with the largest number of English
23 learner students in the nation and among the largest number of students living in poverty),
24 California's per-pupil funding is among the lowest in the nation. In 2005-06, for example,
25 California ranked *47th* in per-pupil funding—spending over \$2,000 less per pupil than states
26 such as Louisiana and Arkansas, and over \$5,000 less per pupil than states such as New
27 York and New Jersey.

28 5. The recent fiscal crisis has only exacerbated the years of systemic under-support

1 for public education. In the last two years, the State has cut \$17 billion from K-14
2 education, pushing current per-pupil expenditure levels down further to among the very
3 lowest, if not the lowest, in the nation. *Race to the Bottom? California's Support for*
4 *Schools Lags the Nation*, California Budget Project, available at [http://www.cbp.org/pdfs/](http://www.cbp.org/pdfs/2010/1006_SFF_how_does_ca_compare.pdf)
5 [2010/1006_SFF_how_does_ca_compare.pdf](http://www.cbp.org/pdfs/2010/1006_SFF_how_does_ca_compare.pdf). As a result of these cuts, the Plaintiffs'
6 districts and other districts across the State are undertaking a variety of cost-saving measures
7 that are further undermining students' access to fundamental educational opportunities,
8 including, but not limited to: reducing the school year by a week of instruction; increasing
9 class sizes so that in some places even K-3 classrooms are rising to 30 or more students;
10 laying off more than 16,000 teachers, not to mention instructional aids, counselors,
11 custodians and support staff; eliminating art and music classes and programs, after-school
12 and summer school supplemental and intervention programs; and implementing teacher
13 furlough days, thereby eliminating important professional development opportunities needed
14 to coordinate and improve basic classroom instruction.

15 6. California now ranks at the very bottom of the nation in staffing ratios: ranking
16 next to last with respect to total school staff; 49th out of 51 in teachers, principals and
17 assistant principals; and last in guidance counselors and librarians. And during an era in
18 which educators and our President are calling for a longer school year, California legislation
19 has moved in the opposite direction by permitting districts to cut their school year by five
20 days beginning in 2009-10 and continuing through 2012-2013—a cost-cutting alternative
21 many of the districts identified herein have been forced by necessity to employ.

22 7. Moreover, inequities and irrationalities run rampant throughout the funding
23 system. Even within a system that underfunds most districts, California delivers to districts
24 of similar size and demographics vastly different amounts of funding for no apparent reason.
25 Nor are funding levels based on what it costs to deliver to all children a meaningful
26 education, including the education needed for children to reach proficiency on the State's
27 own academic content standards that define what all students need to know and must be able
28 to achieve at each grade level to succeed in a 21st century society and economy. Instead,

1 funding levels are set based on anachronistic formulas mired in outdated rationale.

2 8. As well, the funding system is not necessarily set up to deliver the most effective
3 use of dollars in other ways. In addition to the system’s failure to align itself to the actual
4 costs of providing a meaningful education and to individual student need, the system suffers
5 from an inadequate data system that would ensure dollars are spent on programs and policies
6 that have the most impact on providing access to a meaningful education and from an
7 inadequate system for ensuring the most important element in student learning—well-
8 prepared and effective teachers—are available to all students. Likewise, the State
9 undermines students’ access to a meaningful education by failing to offset the effects of
10 poverty by providing cost-effective, high-quality preschool opportunities for low-income
11 students.

12 9. The inadequacy of the current educational system is reflected in many ways,
13 including high dropout rates and a lack of student proficiency in core subject areas. In 2008,
14 for example, fewer than half of California students demonstrated proficiency in English-
15 Language Arts, Mathematics, Science, and History-Social Science. Of the 549,486 students
16 who began high school in 2004-05, nearly one-third (173,093 students) failed to graduate
17 from high school four years later. And just one in four of those students graduated having
18 successfully completed the course requirements needed to even *apply* for admission to
19 California’s four-year public universities.

20 10. Through this lawsuit, Plaintiffs—public school students who are being failed by
21 the California school funding system and grassroots groups and taxpayers seeking to
22 improve educational opportunities in communities across the State—seek to require the State
23 to fulfill its obligation to deliver equal and adequate educational opportunities. Without
24 relief, the Plaintiff schoolchildren and others in their districts will continue to be denied their
25 constitutional rights to a meaningful education and to equal access thereto.

1 **PARTIES**

2 ***Individual Plaintiffs***

3 11. Plaintiff ADELAIDE BROWN, a minor, by Crystal Brown, her guardian.
4 Adelaide, a rising first grade student, resides in the City and County of San Francisco and
5 attends Sherman Elementary School in the San Francisco Unified School District. Adelaide
6 is a White student. Crystal Brown, Adelaide’s mother, is a member of Educate Our State, a
7 grassroots organization seeking to mobilize parents to demand the highest quality public
8 education system with well-managed funding that is consistent, equitable and appropriate to
9 meet all students’ needs. Due to the school funding system, Plaintiff Adelaide Brown is
10 suffering from and/or at substantial risk of suffering from educational deprivations that
11 impede full and equal access to the opportunity to receive a meaningful education.

12 12. Plaintiff ROMAN JACKSON, a minor, by Jennifer Betti, his guardian. Roman, a
13 rising first grade student, resides in the City and County of San Francisco and attends Daniel
14 Webster Elementary School in the San Francisco Unified School District. Roman is a White
15 student. Jennifer Betti, Roman’s mother, co-founded and is a member of Potrero Residents
16 Education Fund (“PREFund”), an organization focused on revitalizing Daniel Webster
17 Elementary School by, *inter alia*, creating a preschool onsite. Due to the school funding
18 system, Plaintiff Roman Jackson is suffering from and/or at substantial risk of suffering from
19 educational deprivations that impede full and equal access to the opportunity to receive a
20 meaningful education.

21 13. Plaintiff HENRY ROTHENBERG, a minor, by Dena Fischer, his guardian.
22 Henry, a rising first grade student, resides in the City and County of San Francisco and
23 attends Daniel Webster Elementary School in the San Francisco Unified School District.
24 Henry is a White student. Dena Fischer, Henry’s mother, co-founded and is a member of
25 PREFund. Due to the school funding system, Plaintiff Henry Rothenberg is suffering from
26 and/or at substantial risk of suffering from educational deprivations that impede full and
27 equal access to the opportunity to receive a meaningful education.

28 14. Plaintiff ANGEL GIRON, a minor, by Rosario Giron, his guardian. Angel, a

1 rising second grade student, resides in the City and County of San Francisco and attends
2 César Chávez Elementary School in the San Francisco Unified School District. Angel is a
3 Latino student who is classified as an English language learner and qualifies for free lunch.
4 Rosario and Angel Giron participate in programs at the Jamestown Community Center, an
5 organization that is one of the local organizing committees of the organizational Plaintiff
6 San Francisco Organizing Project (“SFOP”). Due to the school funding system, Plaintiff
7 Angel Giron is suffering from and/or at substantial risk of suffering from educational
8 deprivations that impede full and equal access to the opportunity to receive a meaningful
9 education.

10 15. Plaintiff JULIANNE SHAFFER, a minor, by Linda Shaffer, her guardian.
11 Julianne, a rising third grade student, resides in the City and County of San Francisco and
12 attends Sherman Elementary School in the San Francisco Unified School District. Julianne
13 is a White student. Linda Shaffer, Julianne’s mother, is a member of Educate Our State.
14 Due to the school funding system, Plaintiff Julianne Shaffer is suffering from and/or at
15 substantial risk of suffering from educational deprivations that impede full and equal access
16 to the opportunity to receive a meaningful education.

17 16. Plaintiff ANNA WOODARD and Plaintiff MICHAEL WOODARD, minors, by
18 Eloise Woodard, their guardian. Anna, a rising sixth grade student, resides in the City and
19 County of San Francisco, just graduated from El Dorado Elementary School and will attend
20 Aptos Middle School in the San Francisco Unified School District. Michael, a rising fourth
21 grade student, resides in the City and County of San Francisco and attends El Dorado
22 Elementary School in the San Francisco Unified School District. Anna and Michael are
23 Latino students who qualify for reduced price lunch. Virginia Woodard, their grandmother,
24 is a member of the organizational Plaintiff Alliance of Californians for Community
25 Empowerment (“ACCE”). Due to the school funding system, Plaintiffs Anna and Michael
26 Woodard are suffering from and/or at substantial risk of suffering from educational
27 deprivations that impede full and equal access to the opportunity to receive a meaningful
28 education.

1 17. Plaintiff JACQUELINE REYES, a minor, by Blanca Reyes, her guardian.
2 Jacqueline, a rising eleventh grade student, resides in the City and County of San Francisco
3 and attends John O’Connell Technical High School in the San Francisco Unified School
4 District. Jacqueline is a Latina student who qualifies for free lunch. Due to the school
5 funding system, Plaintiff Jacqueline Reyes is suffering from and/or at substantial risk of
6 suffering from educational deprivations that impede full and equal access to the opportunity
7 to receive a meaningful education.

8 18. Plaintiff YESENIA OCHOA, a minor, by Angelica Ochoa, her guardian.
9 Yesenia, a rising twelfth grade student, resides in the City and County of San Francisco and
10 attends John O’Connell Technical High School in the San Francisco Unified School District.
11 Yesenia is a Chicana student who qualifies for reduced price lunch. Due to the school
12 funding system, Plaintiff Yesenia Ochoa is suffering from and/or at substantial risk of
13 suffering from educational deprivations that impede full and equal access to the opportunity
14 to receive a meaningful education.

15 19. Plaintiff CAROLINE TAYLOR and Plaintiff THOMAS TAYLOR, minors, by
16 Trish Reilly Taylor, their guardian. Caroline, a rising third grade student, and Thomas, a
17 rising first grade student, reside in San Mateo County and attend Roosevelt Elementary
18 School in the Redwood City School District. Caroline and Thomas are White students. Due
19 to the school funding system, Plaintiffs Caroline Taylor and Thomas Taylor are suffering
20 from and/or at substantial risk of suffering from educational deprivations that impede full
21 and equal access to the opportunity to receive a meaningful education.

22 20. Plaintiff AUSTEN JACK, a minor, by Georgia Jack, his guardian. Austen, a
23 rising seventh grade student, resides in San Mateo County and will attend Kennedy Middle
24 School in the Redwood City School District. Austen is a White student. Georgia Jack,
25 Austen’s mother, is chair of the Redwood City Education Foundation’s Save Our School
26 Music Campaign and is past president of the Redwood City Education Foundation. Due to
27 the school funding system, Plaintiff Austen Jack is suffering from and/or is at substantial
28 risk of suffering from educational deprivations that impede full and equal access to the

1 opportunity to receive a meaningful education.

2 21. Plaintiff MEILIN BELONEY, a minor, and Plaintiff TAO BELONEY, a minor,
3 by Audrey Chiang, their guardian. Meilin, a rising first grade student, and Tao, a rising
4 fourth grade student, reside in Alameda County. Both children attend Edison Elementary
5 School, which is in the Alameda Unified School District. Meilin and Tao are bi-racial Asian
6 and African American students. Due to the school funding system, Plaintiffs Meilin and Tao
7 are suffering from and/or at substantial risk of suffering from educational deprivations that
8 impede full and equal access to the opportunity to receive a meaningful education.

9 22. Plaintiff JENNIFER MAI KWOK and Plaintiff WING SEAN KWOK, minors,
10 by Joyce Simmonds, their guardian. Jennifer, a rising first grade student, and Sean, a rising
11 sixth grade student, reside in Alameda County. Jennifer attends Edison Elementary School,
12 and Sean will attend Lincoln Middle School in the fall. Both schools are in the Alameda
13 Unified School District. Jennifer and Sean are Asian students. Due to the school funding
14 system, Plaintiffs Jennifer and Sean are suffering from and/or at substantial risk of suffering
15 from educational deprivations that impede full and equal access to the opportunity to receive
16 a meaningful education.

17 23. Plaintiff LESLIE JIMÉNEZ, a minor, by Rosa Gomez, her guardian. Leslie, a
18 rising first grade student, resides in Alameda County and will attend Emanuele Elementary
19 School in the New Haven Unified School District. Leslie is a Latina student who qualifies
20 for free lunch. Due to the school funding system, Plaintiff Leslie Jiménez is at substantial
21 risk of suffering from educational deprivations that impede full and equal access to the
22 opportunity to receive a meaningful education.

23 24. Plaintiff MARCELA CEVALLOS, a minor, by Marcela Cevallos, her guardian.
24 Marcela, a rising twelfth grade student, resides in Tulare County and attends Granite Hills
25 High School in the Porterville Unified School District. Marcela is a Latina student who
26 qualifies for a free/reduced price lunch. Due to the school funding system, Plaintiff Marcela
27 Cevallos is suffering from and/or is at substantial risk of suffering from educational
28 deprivations that impede full and equal access to the opportunity to receive a meaningful

1 education.

2 25. Plaintiff AUDREY CHIANG is a taxpayer citizen and homeowner residing in
3 Alameda County within the boundaries of the Alameda Unified School District. She brings
4 this lawsuit in her individual capacity as a taxpayer citizen in addition to her capacity as the
5 duly-appointed guardian ad litem for her children, Meilin Beloney and Tao Beloney.

6 26. Plaintiff DENA FISCHER is a taxpayer citizen and homeowner residing in the
7 City and County of San Francisco within the boundaries of the San Francisco Unified School
8 District. She brings this lawsuit in her individual capacity as a taxpayer citizen in addition to
9 her capacity as the duly-appointed guardian ad litem for her child, Henry Rothenberg.

10 27. Plaintiff ARACELI OROZCO is a taxpayer citizen and homeowner residing in
11 Alameda County. She brings this lawsuit in her individual capacity as a taxpayer citizen.
12 Plaintiff Araceli Orozco is a member of Familias En Acción, a grassroots organization of
13 parents working to improve schools in Hayward. Familias en Acción is a member
14 organization in the Campaign for Quality Education.

15
16 ***Organizational Plaintiffs***

17 28. Plaintiff CAMPAIGN FOR QUALITY EDUCATION (“CQE”) is a statewide
18 coalition of grassroots, civil rights, policy and research organizations committed to
19 educational equity for all communities in California’s public schools. Since 2002, the CQE
20 has led strategic campaigns that integrate its organizational members’ strengths in
21 community organizing, research, legal and policy advocacy to achieve equitable and just
22 education policies. The CQE engages communities of color and low-income communities to
23 actively develop state and local education policy agendas, inspire a public consciousness that
24 genuinely values education, and advance the movement for racial, social and economic
25 justice. The CQE alliance currently includes more than thirty endorsing organizations
26 statewide with an active membership core of twenty organizations, including statewide
27 organizations and regional organizations based in the greater San Francisco Bay Area, Los
28 Angeles County, Orange County and the Fresno/Central Valley region. Among the CQE

1 member organizations are those that organize and advocate in affected districts identified
2 herein or who have members who attend school in the affected districts. For example,
3 Coleman Advocates engages in advocacy in San Francisco Unified School.

4 29. The current primary effort of the CQE and its member organizations is the “100%
5 Prepared” campaign focused on influencing the State to invest in a quality education that
6 provides academically rich and relevant curricula and instruction for all K-12 students so
7 that all California students will be prepared for college, career and success—no matter where
8 they live or what their economic, racial or ethnic background may be. The CQE and its
9 member organizations have expended funds and resources in support of this campaign.
10 Since 2008, CQE members have made over 100 legislative visits, provided testimony to the
11 Assembly and Senate Education Committees, and delivered to the Governor 15,000
12 postcards from California public school students calling for adequate funding for California
13 public schools so that all students have the opportunity to receive an education that will
14 prepare them for college and a successful career.

15 30. The CQE brings this action on its own behalf and on behalf of its member
16 organizations and their affected constituents. The State of California’s inadequate and
17 inequitable system of public school funding adversely affects the CQE’s and its member
18 organizations’ interests. The CQE can also bring this suit on its members’ behalf because
19 CQE members and their constituents would otherwise be entitled to bring this suit in their
20 own right, the interests that the CQE seeks to protect in this litigation are germane to its
21 purpose, and neither the claims asserted nor the relief sought herein are unique to CQE
22 members or their members’ constituents and therefore do not require the participation of
23 each CQE member organization or its constituents.

24 31. Plaintiff CQE, through its members, also pays taxes to the State of California and,
25 as such, also brings this action in its capacity as a taxpayer.

26 32. Plaintiff ALLIANCE OF CALIFORNIANS FOR COMMUNITY
27 EMPOWERMENT (“ACCE”) is a non-profit statewide community organization that
28 focuses on access to quality public education, as well as other services in eleven counties

1 throughout California, with a membership of over 9,000 families and a much broader
2 constituency with whom the organization works in low-income communities across the
3 State. ACCE is presently active in the following counties: San Diego, Orange, Los Angeles,
4 San Bernardino, Fresno, Sacramento, Contra Costa, Alameda, San Francisco, San Mateo and
5 Santa Clara.

6 33. ACCE is committed to making sure that every child, regardless of his or her race,
7 parental income or zip code has equal access to a quality education. One current primary
8 focus of ACCE and its members is mobilizing public support for a school finance system
9 that is adequately and equitably funded to give all California public school students the
10 opportunity to obtain a meaningful education that will prepare them to succeed in college
11 and their careers. ACCE has expended funds and resources in furtherance of this work.
12 Additionally, ACCE is a member of Parents and Students for Great Schools, a statewide
13 coalition composed of ACCE, PICO, Californians for Justice and Public Advocates that is
14 working to impact state policy on school funding, teacher quality and the use of data to
15 address inequalities and improve instruction.

16 34. ACCE brings this action on its own behalf and on behalf of its members, some of
17 whom have children or grandchildren who attend school in the affected districts, including
18 San Francisco Unified School District and Redwood City Elementary School District. The
19 State of California's inadequate and inequitable system of public school funding adversely
20 affects the interests of ACCE and its members. ACCE can also bring this suit on its
21 members' behalf because ACCE members would otherwise be entitled to bring this suit in
22 their own right, the interests that ACCE seeks to protect in this litigation are germane to its
23 purpose and neither the claims asserted nor the relief sought herein are unique to ACCE
24 members and therefore do not require the participation of each ACCE member.

25 35. Plaintiff ACCE also pays taxes to the State of California and, as such, also brings
26 this action in its capacity as a taxpayer.

27 36. Plaintiff CALIFORNIANS FOR JUSTICE ("CFJ") is a non-profit, grassroots
28 membership organization dedicated to empowering youth, communities of color and low-

1 income people. The current primary efforts of CFJ and its members are focused on
2 improving the educational opportunities in California's public schools for all students,
3 including mobilizing public support for a school finance system that is adequately and
4 equitably funded to enable all California public school students to have the opportunity to
5 obtain a meaningful education that will prepare them to succeed in college and their careers.
6 CFJ has expended funds and resources in furtherance of this work.

7 37. CFJ's membership includes four regional networks with offices in Oakland, Long
8 Beach, Fresno and San Jose. CFJ has over 1,500 members across the state comprised
9 primarily of youth from low-income communities and communities of color. CFJ brings this
10 action on its own behalf and on behalf of its members. The State of California's inadequate
11 and inequitable system of public school funding adversely affects CFJ's and its members'
12 interests. CFJ can also bring this suit on its members' behalf because CFJ members would
13 otherwise be entitled to bring this suit in their own right, the interests that CFJ seeks to
14 protect in this litigation are germane to its purpose and neither the claims asserted nor the
15 relief sought herein are unique to CFJ members and therefore do not require the participation
16 of each CFJ member.

17 38. Plaintiff CFJ also pays taxes to the State of California and, as such, also brings
18 this action in its capacity as a taxpayer.

19 39. Plaintiff SAN FRANCISCO ORGANIZING PROJECT ("SFOP") is a non-profit,
20 nonpartisan grassroots coalition of leaders from over 30 congregations and schools in 17
21 different neighborhoods, representing 40,000 families across San Francisco. SFOP, which
22 was established in 1983, has been developing leaders in congregations, schools and
23 community centers for over 25 years. SFOP is working to create innovative solutions to the
24 problems facing San Francisco, including those facing families that rely on public education.
25 SFOP is an affiliate of the PICO National Network, a non-partisan, multi-cultural
26 collaboration of more than 50 different faith-based, non-profit organizations working for
27 social justice through grassroots organizing and advocacy.

28 40. For many years, SFOP's leaders have worked to ensure that all children in San

1 Francisco receive the education they deserve. SFOP works specifically to raise the quality
2 of education for low-income students and students of color, and many of its member families
3 include low-income students of color. SFOP has expended funds and resources in its
4 attempt to ensure that all students in San Francisco public schools receive an adequate
5 education that will prepare them for college and a career.

6 41. SFOP brings this action on its own behalf and on behalf of its parent and student
7 leaders from across the San Francisco Unified School District. The State of California's
8 inadequate and inequitable system of public school funding adversely affects the interests of
9 SFOP and parent and student leaders. SFOP can also bring this suit on its leaders' behalf
10 because its parents and student leaders would otherwise be entitled to bring this suit in their
11 own right, the interests that SFOP seeks to protect in this litigation are germane to its
12 purpose, and neither the claims asserted nor the relief sought herein are unique to SFOP
13 parents and student leaders and therefore do not require the participation of each SFOP
14 parent and student leader.

15 42. Plaintiff SFOP also pays taxes to the State of California and, as such, also brings
16 this action in its capacity as a taxpayer.

17
18 ***Defendants***

19 43. Defendant STATE OF CALIFORNIA is the legal and political entity with
20 plenary responsibility for educating all California public school children, including the
21 responsibility under Article IX of the California Constitution to establish and maintain the
22 system of common schools and a free education that is of sufficient quality to preserve the
23 rights and liberties of the people of this State.

24 44. Defendant ARNOLD SCHWARZENEGGER is the Governor of the State of
25 California, sued in his official capacity as the chief executive officer of the State pursuant to
26 which he is responsible for executing the Constitution and the laws of the State of California.
27 He is also responsible for signing into law or vetoing each year every bill presented to him,
28 including budget bills which implement the State's unconstitutional school funding system.

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JURISDICTION AND VENUE

45. This Court has jurisdiction over the subject matter of this action for declaratory and injunctive relief pursuant to Code of Civil Procedure Section 1060, which authorizes declaratory relief, and Sections 525, 526, and 526a, which authorize injunctive relief.

46. Venue for this action is proper in Alameda County. Because this action is brought against public officers and may be commenced in a county where the Attorney General maintains offices and performs its functions (Code Civ. Proc. §393(b)), this action is properly brought in the County of Alameda where the Attorney General maintains an office. *Id.* §401(1). Moreover, venue is proper in Alameda County because at least some of the Plaintiffs reside and attend school in the county.

**THE CONSTITUTIONAL AND STATUTORY FRAMEWORK
ESTABLISHES AND INFORMS A RIGHT TO A
MEANINGFUL EDUCATION AND EQUAL ACCESS
THERE TO**

47. The California Constitution imposes a duty on the State to provide every child in California with the opportunity to obtain a meaningful education.

48. The State’s obligations with respect to public education are set forth in Article IX of the California Constitution. Section 1 provides:

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.

Section 5 provides:

The Legislature shall provide for a system of common schools by which a free school shall be kept up and supported in each district at least six months in every year.

49. Notably, education and the state militia were the only public institutions established in the original California Constitution adopted in 1849. *See* Cal. Const. of 1849, arts. VII (militia), IX (education).

50. Thirty years later, at the Constitutional Convention of 1878-79, early Californians

1 added the opening clause of what is now Article IX, Section 1—“A general diffusion of
2 knowledge and intelligence being essential to the preservation of the rights and liberties of
3 the people”—to explain the underlying purpose of the public education system: “Public
4 education forms the basis of self-government and constitutes the very corner stone of
5 republican institutions.” *See 2 Debates and Proceedings of the Constitutional Convention of*
6 *the State of California* 1087 (1881) (statement of Judge Winans).

7 51. To this day, these educational provisions stand alone as the only constitutional
8 provisions affirmatively requiring the State to provide a social service to the public.

9 52. The California Supreme Court has interpreted these sections as creating a
10 fundamental right to education for children in California. *Serrano v. Priest*, 5 Cal. 3d 584
11 (1971) (“*Serrano I*”).

12 53. The education owed is one that is sufficient to meet the goals expressed in
13 Section 1. In other words, children must have an opportunity to obtain a meaningful
14 education that is sufficient to ensure the preservation of the “rights and liberties” of the
15 people, to prepare the individual for meaningful participation in the economy and civic
16 affairs, and to serve as a unifying force in an increasingly diverse society. *See Serrano I*, 5
17 Cal. 3d at 605-09; *see also California Ass’n for Safety Educ. v. Brown*, 30 Cal. App. 4th
18 1264, 1277 (1994).

19 54. The California Supreme Court has emphasized the critical importance of a
20 meaningful education, explaining that:

21 education prepares students for active involvement in political affairs. Education
22 stimulates an interest in the political process and provides the intellectual and
23 practical tools necessary for political action. . . . [¶] [I]t also prepares individuals
24 to participate in the institutional structures—such as labor unions and business
25 enterprises—that distribute economic opportunities and exercise economic
26 power. Education holds out a “bright hope” for the “poor and oppressed” to
27 participate fully in the economic life of American society. And, it is “an essential
28 step in providing the disadvantaged with the tools necessary to achieve economic
self-sufficiency.” [¶] Finally, education serves as a “unifying social force”
among our varied population, promoting cohesion based upon democratic values.
(*Hartzell v. Connell*, 35 Cal. 3d 899, 907-08 (1984) (citations omitted))

55. The equal protection requirements of the California Constitution also guarantee
all children an equal opportunity to obtain a meaningful education. *Butt v. State*, 4 Cal. 4th

1 668, 685 (1992).

2 56. As part of the State’s constitutional duty to provide children with the opportunity
3 to obtain a meaningful education, the State is obligated to supply adequate funding to
4 support the constitutionally required education in its public schools. The Constitution
5 requires that the Legislature “shall provide for a system of common schools” that is “kept up
6 and supported” (Cal. Const. art. IX, §5) in each district and, further, that the Legislature
7 pursue “all suitable means” to promote the education of its citizenry. In fact, Article XVI,
8 Section 8(a) of the California Constitution requires the State to “first . . . set apart the
9 moneys to be applied by the state for support of the public school system and public
10 institutions of higher education.” This provision reflects the State’s constitutional
11 prioritization of spending on education over and above spending on all other needs for other
12 public purposes.

13 57. The State has also explicitly established the educational content that the system of
14 public schools must teach to all students in grades K-12 in order to prepare them to be
15 effective citizens and to meaningfully participate in our democracy and economic life. The
16 required educational content is defined by statute, regulation and policies promulgated by
17 the Legislature, the State Board of Education, the Superintendent of Public Instruction and
18 the State Department of Education.

19 58. Currently, the State requires that all children in grades 1 through 6 receive
20 instruction in all of the following subject areas: English, Mathematics, Social Sciences,
21 Science, Visual and Performing Arts, Health and Physical Education. Educ. Code §51210.
22 For grades 7 through 12, the State requires instruction in English, Social Sciences, Foreign
23 Languages, Physical Education, Science, Mathematics, Visual and Performing Arts, Applied
24 Arts, Career Technical Education and Automobile Driver Education. *Id.* §51220. In
25 addition, the State has established certain prerequisites to earn a high school diploma. For
26 example, students must complete at least two math courses, including one course in algebra.
27 *Id.* §§51224.5, 51225.3.

28 59. In furtherance of its constitutional obligation to provide for an educated citizenry

1 “by all suitable means,” in 1995, the Legislature directed the State Board of Education
2 (“SBE”) to adopt “statewide academically rigorous content standards” in all major subject
3 areas. *Id.* §60602(a)(2). “Content standards” are defined as “the specific academic
4 knowledge, skills, and abilities that all public schools in this state are expected to teach and
5 all pupils expected to learn in each of the core curriculum areas, at each grade level tested.”
6 *Id.* §60603(a)(4) (emphasis added). The Legislature mandated that these standards should
7 “[r]eflect the knowledge and skills necessary for California’s work force to be competitive in
8 the global, information-based economy of the 21st century.” A.B. 265 (1995), §4(b)(2).

9 60. The content standards were developed in collaboration with education
10 professionals and were designed to enable students to “succeed academically, pursue higher
11 education, find challenging and rewarding work, participate in our democracy as informed
12 citizens, appreciate and contribute to our culture, and pursue their own goals and interests
13 throughout their lives.” *English-Language Arts Content Standards for California Public*
14 *Schools, Kindergarten Through Grade Twelve* at iv (December 1997) (message of Reed
15 Hastings, President of State Board of Education and Jack O’Connell, Superintendent of
16 Public Instruction).

17 61. Academic content standards were developed and adopted by the California State
18 Board of Education as follows:

- 19 • English-Language Arts Content Standards for California Public Schools, K-12,
20 adopted December 1997;
- 21 • Mathematics Content Standards for California Public Schools, K-12, adopted
22 December 1997;
- 23 • History/Social Science Content Standards for California Public Schools, K-12,
24 adopted October 1998;
- 25 • Science Content Standards for California Public Schools, K-12, adopted October
26 1998;
- 27 • Visual and Performing Arts Content Standards for California Public Schools, PreK-
28 12, adopted January 2001;
- Physical Education Model Content Standards for California Public Schools, K-12,
adopted January 2005;

- 1 • Health Education Content Standards for California Public Schools, K-12, adopted
2 March 2008.

3 62. These content standards are more than theoretical ideals or aspirational goals. To
4 the contrary, textbooks and other learning materials supplied to students are required to be
5 aligned to the content standards. Educ. Code §§60605; 60119-60200. California’s system
6 of teacher credentialing is also required to be aligned with the content standards, and all
7 candidates for a California teaching credential must demonstrate proficiency in teaching to
8 the content standards. *Id.* §44259(b)(3). State law also requires that the content standards
9 “serve as the basis for assessing the academic achievement of individual pupils and of
10 schools, school districts, and the California educational system.” *Id.* §60605.

11 63. These constitutional provisions, court decisions, statutes and statutorily mandated
12 content standards provide important reference points for defining the meaningful education
13 to which the student plaintiffs are entitled—and indicate that the school system is currently
14 failing to provide all children with an opportunity to obtain this meaningful education.

15
16 **THE STATE IS NOT PROVIDING ALL CHILDREN IN**
17 **CALIFORNIA WITH AN OPPORTUNITY TO OBTAIN A**
18 **MEANINGFUL EDUCATION**

19 64. Plaintiffs Yesenia Ochoa and Jacqueline Reyes attend John O’Connell Technical
20 High School within the San Francisco Unified School District. Due to lack of funds,
21 Yesenia and Jacqueline’s school has been forced to eliminate critical teacher positions and
22 significantly reduce its course offerings. Their school also suffers from regular shortages of
23 instructional materials and classroom supplies, and their school year has been shortened by
24 four days, significantly reducing the time available for them to learn the required academic
25 content.

26 65. Plaintiffs Caroline Taylor and Thomas Taylor attend Roosevelt Elementary
27 School within the Redwood City School District. As a result of funding constraints,
28 Caroline and Thomas’s school has been forced to lay off teachers and dramatically increase
29 class sizes over the last two years. During the 2009-2010 school year, five teachers—nearly

1 one-quarter of the teachers on staff in their school—were laid off. Next year, during the
2 2010-2011 school year, Caroline’s third grade class and Thomas’s first grade class will have
3 approximately 30 students. And the intervention specialist, whose job it was to support
4 students who were struggling academically, has been cut.

5 66. These concerns are not unique to Yesenia, Jacqueline, Caroline and Thomas. In
6 November 2007, the Governor’s Committee on Education Excellence issued its final report
7 and recommendations to reform California’s education system. The report concluded:

8 California’s K through 12 education system is fundamentally flawed. It is not
9 close to helping each student become proficient in mastering the state’s clear
10 curricular standards, and wide disparities persist between rich and poor, between
11 students of color and others, and between native English learners and native
12 English speakers. Our current system is simply not preparing every student to be
13 successful in college or work; it is not producing the results that taxpayers and
14 citizens are counting on and that our children deserve. (Governor’s Committee
15 on Educational Excellence, *Students First, Renewing Hope for California’s
16 Future 4* (November 2007) (hereafter “*Students First*”))

17 67. That conclusion, along with other significant statewide studies and data, indicates
18 that the issues faced by Plaintiffs are widespread, that the public school system is not
19 working for large numbers of students—particularly economically disadvantaged students,
20 students of color, and English learners—and that the education provided in many of
21 California’s public schools is inadequate by any measure. As the Court of Appeal recently
22 stated, there is no dispute that “all California children should have equal access to a public
23 education system that will teach them the skills they need to succeed as productive members
24 of modern society.” *O’Connell v. Superior Court*, 141 Cal. App. 4th 1452, 1482 (2006).
25 Sadly, the Court observed, “[n]or is there any genuine disagreement that California’s public
26 education system has fallen short of achieving that goal in recent decades, as the Legislature
27 and the Governor have both recognized.” *Id.* (footnotes omitted).

28 ***Many Students Fail To Achieve Proficiency On The Content Standards***

68. Each spring, California students take a battery of standardized tests that comprise
the State’s STAR (Standardized Testing and Reporting) Program. The key component of the
program (California Standard Tests or “CSTs”) measures students’ mastery of the content

1 standards. The results of these tests indicate that the content standards—one helpful
2 reference point for assessing the adequacy of the education system—are not being met by far
3 too many students.

4 69. In 2009, only 50% of public school students demonstrated proficiency in Science
5 and in English-Language Arts. Even fewer (46%) demonstrated proficiency in the
6 Mathematics content standards. And only 41% scored at proficient or above in History—
7 Social Science. California Department of Education, *Standardized Testing and Reporting*
8 (*STAR*) *Program: Summary of 2009 Results* (Aug. 18, 2009), available at
9 <http://star.cde.ca.gov/> (hereafter, “*STAR Report*”).

10 70. In the school districts where Plaintiffs attend school, the results similarly indicate
11 that large numbers of students are not attaining proficiency: In Redwood City’s 2008-2009
12 academic year, only 49% of students tested proficient or above in English-Language Arts
13 and in Mathematics, only 55% of students did so. In Porterville Unified’s 2008-2009
14 academic year, only 39% of students tested proficient or above in English-Language Arts
15 and in Mathematics, only 41% of students did so. In Alameda Unified’s 2008-2009
16 academic year, only 63% of students tested proficient or above in English-Language Arts
17 and in Mathematics, only 56% of students did so. In San Francisco Unified’s 2008-2009
18 academic year, only 54% of students tested proficient or above in English-Language Arts
19 and in Mathematics, only 52% of students did so. And in New Haven Unified’s 2008-2009
20 academic year, only 53% of students tested proficient or above in English-Language Arts
21 while in Mathematics, only 46% of students did so. California Dep’t of Education,
22 DataQuest Database, <http://dq.cde.ca.gov/dataquest/> (select “District” from the “Level” drop
23 down menu and “STAR Test Results” from the “Subject” drop down menu, press “Submit”
24 and then follow on-screen directions to retrieve district specific “CST Summary” results).

25 71. African American and Latino students are far less likely to achieve proficiency
26 than their White peers. On the English-Language Arts CST, for example, just 37% of
27 African American and Latino students scored proficient or above, compared to 68% of
28 White students. Similarly, only 30% of African American students and 36% of Latino

1 students achieved proficiency on the Mathematics CST, compared to 57% of White students.
2 *STAR Report, supra*, at Tables 1, 7, 14, 15. This gap in achievement between African
3 American students and White students has remained essentially constant in California for
4 well over a decade.

5 72. Economically disadvantaged students and English learners are also significantly
6 less likely to achieve proficiency on the content standards. On the English-Language Arts
7 CST, just 36% of economically disadvantaged students and 20% of English learners scored
8 proficient or above. Similarly, only 37% of economically disadvantaged students and 32%
9 of English learners achieved proficiency on the Mathematics CST. *Id.* at Tables 1, 7.

11 ***A Substantial Number Of Students Fail The California High School Exit Exam***

12 73. Pass rates on the California High School Exit Exam (“CAHSEE”), a test that all
13 students must pass in order to graduate from high school, are another indicator of the State’s
14 failure to provide all students with an education that enables them to learn the material set
15 forth in even the lower grade levels of the State’s content standards. Although the CAHSEE
16 is a graduation requirement, the exam assesses English-Language Arts standards only
17 through grade 10 and math standards only through grade 7 (with some coverage of 8th grade
18 Algebra). Yet, one in ten California public high school students—45,000 students each
19 year—are unable to pass the CAHSEE by the end of their senior year and are therefore
20 ineligible for a high school diploma. California Dep’t of Education, *Schools Chief Jack*
21 *O’Connell Announces California High School Exit Exam Results For 2008-2009* (Sept. 2,
22 2009), available at <http://www.cde.ca.gov/nr/ne/yr09/yr09rel127.asp>.

23 74. Failure rates on the CAHSEE are higher among African American, Latino,
24 English learner, and economically disadvantaged students than White and economically
25 advantaged students. English learners (74%), low-income (86%), African American (81%),
26 and Latino (87%) students all had passing rates below the overall rate of 91% and well
27 below the White passing rate of 96%. *Id.*

1 ***Nearly One In Three Students Fails To Graduate High School***

2 75. In 2004, 549,486 students began high school. Nearly one-third—a shocking
3 173,093—failed to graduate from high school four years later. California Dep’t of
4 Education, DataQuest Database, <http://dq.cde.ca.gov/dataquest/> (select “State” from the
5 “Level” drop down menu and “Graduates” from the “Subject” drop down menu, press
6 “Submit” and then follow on-screen directions to retrieve district specific “Statewide
7 Graduation Rates”). This represents a substantially larger proportion of students than fail to
8 graduate in most other states. In addition, California sends fewer graduates directly to four-
9 year colleges and universities than all but three states. J. Rogers, *et al.*, *California*
10 *Educational Opportunity Report 7* (Jan. 2010), available at [http://idea.gseis.ucla.edu/](http://idea.gseis.ucla.edu/educational-opportunity-report/files-and-documents/Ed%20Op%20in%20Hard%20Times.pdf)
11 [educational-opportunity-report/files-and-documents/Ed%20Op%20in%20Hard%20Times.pdf](http://idea.gseis.ucla.edu/educational-opportunity-report/files-and-documents/Ed%20Op%20in%20Hard%20Times.pdf)
12 (“J. Rogers, *Educational Opportunity Report*”).

13 76. Of those California students who do graduate from high school, many fail to
14 successfully complete the course requirements (known as “A-G requirements”) needed to
15 even *apply* for admission to California’s four-year public universities. Of 550,000 students
16 who enrolled in California public schools as ninth graders in the fall of 2004, only about one
17 quarter completed the A-G requirements and graduated eligible for a four-year college or
18 university. J. Rogers, *et al.*, *California Educational Opportunity Report, supra*, at 7. As
19 with other measures, far lesser percentages of African American and Latino students
20 graduate having satisfied the A-G requirements than their White and Asian peers—15% for
21 Latinos and African Americans compared to 50% for Asians and 31% for Whites.

22 77. Among those graduates who do gain admission into California’s university
23 system, many are unprepared to succeed there. Sixty percent of freshmen in the California
24 State University system are not proficient in either Math or English, or both, and beginning
25 in 2012, will be required to take remedial courses in these subjects before they can begin
26 college. See *Who’s to blame for unprepared Cal State freshmen . . . and what’s the best way*
27 *to get them up to speed?*, available at [http://www.scpr.org/programs/patt-morrison/](http://www.scpr.org/programs/patt-morrison/2010/03/23/whos-to-blame-for-unprepared-cal-state-freshmenand/)
28 [2010/03/23/whos-to-blame-for-unprepared-cal-state-freshmenand/](http://www.scpr.org/programs/patt-morrison/2010/03/23/whos-to-blame-for-unprepared-cal-state-freshmenand/).

1 78. Approximately 40% of African American and Latino students fail to graduate—
2 more than twice the rate of White and Asian students. Rumberger & Rotermund, *Ethnic and*
3 *Gender Differences in California’s High School Graduation Rates* (March 2009), available
4 at http://cdrp.ucsb.edu/dropouts/pubs_statbriefs.htm.

5 79. Compared to high school graduates, high school dropouts earn less, pay less in
6 taxes, commit more crimes and rely more on public health and welfare services. High
7 school graduates earn an average of \$28,910. Those without a high school degree earn less
8 than half this amount: \$11,860. C. Belfield & H. Levin, *The Economic Losses from High*
9 *School Dropouts in California* 16 (Mar. 2007), available at [http://cdrp.ucsb.edu/dropouts/](http://cdrp.ucsb.edu/dropouts/pubs_reports.htm)
10 [pubs_reports.htm](http://cdrp.ucsb.edu/dropouts/pubs_reports.htm). Indeed, the average high school graduate earns \$290,000 more over a
11 lifetime than a high school dropout, and contributes \$100,000 more to federal, state, and
12 local taxes. *Id.* at 52, 53.

13 80. High school dropouts are far more likely to commit crimes than their peers with a
14 high school degree. Researchers have calculated that high school graduation reduces crimes
15 by 20% for murder, rape and other violent crimes; by 11% for property crime; and by 12%
16 for drug-related offenses. *Id.* at 26-27.

17 81. High school dropouts are also more likely to rely on the public welfare and health
18 care systems. More than two-thirds of all high school dropouts will use food stamps during
19 their lifetime. *Id.* at 29. Female high school graduates are 68% less likely to be on any
20 welfare program, as compared to women without a high school degree. *Id.*

21 82. Research also indicates that high school drop outs are far less likely to
22 meaningfully participate in civic and cultural life. For example:

- 23 • Education is related to voter participation. People with more education are more
24 likely to participate in elections;
- 25 • Education is related to increased acceptance of free speech and democratic
26 movements, increased tolerance for alternative points of view and increased
27 newspaper readership;
- 28 • Education is related to increased participation in community arts, music, drama and
 cultural events of all sorts.

 Stephen J. Carroll & Ethan Scherer, *The Impact of Educational Quality on the*

1 *Community* 21 (2008) (collecting authorities).

2
3 ***California Students Lag Behind Students In Other States***

4 83. On the 2005 National Assessment of Educational Progress, a test sponsored by
5 the U.S. Department of Education and widely recognized as the “nation’s report card,”
6 California ranked *seventh lowest* in 8th grade Math among the 50 states and the District of
7 Columbia. California performed *third lowest* in Reading (ahead of only Hawaii and the
8 District of Columbia), and *second lowest* in Science (ahead of only Mississippi). Susanna
9 Loeb, *et al.*, *Getting Down to Facts: School Finance and Governance in California*,
10 Summary at 1-2 (March 2007) (hereafter *Getting Down to Facts*). And the situation seems
11 to be worsening in recent years.

12 84. In 2007, California 4th and 8th graders had lower average reading scores than
13 students in every other state. Only the District of Columbia had lower average scores. *See*
14 National Center for Education Statistics, <http://nces.ed.gov/nationsreportcard/states/>.

15 85. In 2009, only Mississippi, Alabama and the District of Columbia had statistically
16 significant lower average Math scores than California 4th graders (National Center for
17 Education Statistics website, *Grade 4 State Results*, [http://nationsreportcard.gov/math_2009/
18 gr4_state.asp](http://nationsreportcard.gov/math_2009/gr4_state.asp) (click on “California” to set it as the focal state/jurisdiction))—and only
19 Mississippi and the District of Columbia had lower average Math scores than California 8th
20 graders. National Center for Education Statistics website, *Grade 8 State Results*,
21 http://nationsreportcard.gov/math_2009/gr8_state.asp (click on “California” to set it as the
22 focal state/jurisdiction).

23 86. Even the children of White, affluent and college-educated parents lag
24 significantly behind their peers from other states. At 8th grade, California’s middle-class
25 students rank 43rd in comparison to middle-class students in other states. J. Rogers,
26 *Educational Opportunity Report* at 6. In math, California is 15th from the bottom both for
27 White students and for the children of college graduates. *Getting Down to Facts* at 9.

28 87. These and other measures of student achievement demonstrate that many

1 students—including the individual Plaintiffs—are not obtaining the meaningful education to
2 which they are entitled under the California Constitution, nor are they receiving an equal
3 opportunity to meet California’s content standards.

4
5 **CALIFORNIA’S SCHOOL FUNDING SYSTEM FAILS TO**
6 **ALLOCATE THE LEVEL OF FUNDING AND RESOURCES**
7 **NECESSARY TO PROVIDE ALL CHILDREN WITH THE**
8 **OPPORTUNITY TO OBTAIN A MEANINGFUL EDUCATION**

9 *California’s School Finance System Is Complex, Irrational And Wholly*
10 *Divorced From The Actual Costs Of Providing A Meaningful Education To*
11 *All Students*

12 88. Despite the explicit constitutional mandate requiring the State to “provide for a
13 system of common schools” that are “kept up and supported” by the State (Cal. Const. art
14 IX, §5); to use “all suitable means” to encourage educational improvement (*id.* §1); and to
15 “first . . . set apart” from all State revenues funding for the support of the public school
16 system (*id.* art. XVI, §8(a)), the State sets funding for public education without making any
17 effort to determine the level of funding needed to provide all students with the opportunity to
18 obtain a meaningful education that fulfills the purposes set forth in Article IX.

19 89. The Governor’s Committee on Education Excellence recently concluded that
20 “California’s current K–12 education finance system is the most complex in the nation but
21 yields little benefits. Core funding is based on anachronistic formulas, neither tied to the
22 needs of individual students nor to intended academic outcomes.” *Students First* at 21.

23 90. Indeed, neither the determination of a particular district’s level of funding nor the
24 overall amount of state funds allocated to public education is based on any analysis of the
25 cost of providing students with a meaningful education or one that meets the state-
26 established content standards. Instead, the current system of school funding in California
27 arose through a series of legislative and proposition-driven modifications to the school
28 finance system that were adopted in the wake of the California Supreme Court’s decision in
Serrano I, which held that California’s system of school funding could be found unlawful to
the extent it distributed educational opportunity inequitably based on widely unequal local

1 property tax wealth.

2 91. For example, Proposition 13, adopted in 1978, amended the California
3 Constitution to severely limit the ability of local governments to levy and collect property
4 taxes. Proposition 13 is not an education law. It does not preclude an adequate level of
5 State General Fund support for the State's education program; it does not alter the State's
6 constitutional obligation to educate students as set forth in detail in the comprehensive
7 education program established by the State; and it does not reduce the State's responsibility
8 for keeping its commitments to public school students. But it did dramatically decrease the
9 amount of revenues from commercial and residential property taxes available to fund state
10 and local programs.

11 92. For most districts, the largest single component of their general fund consists of
12 "revenue limit" funding, an amount determined by multiplying the district's unique "revenue
13 limit" by the district's "average daily attendance" ("ADA"). A district's revenue limit is
14 based on the original revenue limit it was accorded post-*Serrano I* in 1972-73, adjusted only
15 for inflation or as otherwise supplemented by the State through special programs—
16 notwithstanding the increasingly demanding educational standards and drastic changes in the
17 demographic makeup of many school districts in the past 35 years.

18 93. Other than revenue limit funding, which accounts for approximately 60% of K-12
19 education spending, the largest source of state-supplied funding comes from funding for
20 categorical programs. In general, categorical funds are restricted in their use and require
21 districts to establish particular programs or meet particular requirements to qualify for the
22 funding.

23 94. Categorical funding represents a greater proportion of overall funding for
24 education in California than in most other states, having grown more than six-fold since
25 1980 to include well over 100 categorical programs. Some categorical programs, such as
26 Economic Impact Aid, are targeted to disadvantaged students and provide broad flexibility
27 in how the funds are spent. Others, however, are redundant and/or not rationally funded
28 according to student need. As set forth in the *Getting Down to Facts* studies and the report

1 of the Governor’s Committee on Education Excellence, the increase in categorical programs
2 has been accompanied by strict regulation, over-burdensome restrictions on spending, and
3 intense compliance requirements, resulting in an inefficient use of public school funds.
4 *Getting Down to Facts* at 12-15; *Students First* at 5-2.

5 95. In 1988, the voters approved Proposition 98, a constitutional amendment
6 concerning minimum school funding. Cal. Const. art. XVI, §8(b). Proposition 98 sets a
7 “minimum funding level” for education that is determined for a given year based on one of
8 three “tests” keyed to changes in various economic conditions, including current-year state
9 tax revenues. Under its most straightforward and most oft-used test, Proposition 98
10 guarantees to public education *a minimum funding amount* equal to the total amount it
11 received in the prior fiscal year, adjusted for increases in the cost of living and changes in
12 enrollment. A subsequent amendment of Proposition 98 in 1990 authorized the suspension
13 of the minimum funding formulas during a period of economic crisis. When such a
14 suspension occurs, a funding gap (known as a “maintenance factor”) arises. Proposition 98
15 thus contains a mechanism to accelerate Proposition 98 spending in the years following a
16 suspension. This is referred to as the restoration of the maintenance factor. Cal. Const.
17 art. XVI, §8(h).

18 96. Proposition 98 is designed to ensure that public education receives a minimum
19 guaranteed share of General Fund revenues based on the overall economic condition of the
20 State. It was not intended to address the problem of ensuring that the State provide funding
21 sufficient to cover the cost of supplying all students with a meaningful education that meets
22 state-established standards. Significantly, Proposition 98 does not preclude the State from
23 increasing funding as needed to achieve that result or from complying with the constitutional
24 mandate to fund public education first.

25 97. The funding formulas established by Proposition 98 are not in any way tied to the
26 actual costs districts must incur to provide students with an education that prepares them for
27 economic and civic success or an education that satisfies the state-required content
28 standards, but rather are based on historical funding determinations that are unrelated to

1 current actual costs. While Proposition 98 provides for adjustments to the funding formula
2 based on increases in ADA and cost-of-living, it does not provide for adjustments based on
3 changes in the academic or instructional demands of the State’s education program and, as a
4 result, the funding formula has not been adjusted for the dramatic programmatic changes—
5 including the adoption of the content standards—that have taken place since its adoption.

6 98. As part of the reliance on anachronistic funding formulas that are unrelated to the
7 actual costs of delivering a meaningful education and to differing student needs, the State
8 delivers funding to districts inequitably. As noted in *Getting Down to Facts*, the massive set
9 of studies commissioned by the Governor and other state officials in 2005-06 to recommend
10 reforms for California’s K-12 school system, similarly sized districts in the State with
11 similar student demographics receive widely different levels of per-pupil funding for no
12 rational reason. *Getting Down to Facts* at 5; *see also Students First* at 2-6.

13 99. In short, the State continues to rely on a school finance system that neither
14 considers nor adequately and equitably meets the actual cost of providing the prescribed
15 content necessary to prepare all students to participate in our democracy, succeed
16 economically and live in our diverse society.

17
18 ***The School Finance System Is Inadequate To Provide All Children With The***
19 ***Opportunity To Obtain A Meaningful Education***

20 100. California’s student population is among the most challenging in the nation.
21 California has the nation’s largest proportion of English learner students by a wide margin,
22 with English learners comprising 24% of the student population, compared to a national
23 average of 10%. EdSource, *How California Compares: Demographics, Resources, and*
24 *Student Achievement* 7 (Sept. 2008) (hereafter “*How California Compares*”), available at
25 [http://blogs.mercurynews.com/edreform/wp-content/uploads/2008/09/edsorce-](http://blogs.mercurynews.com/edreform/wp-content/uploads/2008/09/edsorce-comparison.pdf)
26 [comparison.pdf](http://blogs.mercurynews.com/edreform/wp-content/uploads/2008/09/edsorce-comparison.pdf). California has the highest proportion of children who live with a parent
27 who is not a high school graduate. *Id.* at 5. California also has a large number of students
28 living in poverty—more than one in five children. EdSource, *The Achievement Gap in*

1 *California*, http://www.edsource.org/stu_achivegap.html. English learners and low-income
2 students require greater educational resources than the typical student in order to master the
3 academic program, including that set forth in the content standards, and therefore cost more
4 to educate.

5 101. Yet California's per-pupil funding is among the lowest in the nation. In 2005-06,
6 for example, California ranked *47th* in per-pupil funding—spending over \$2,000 less per
7 pupil than states such as Louisiana and Arkansas, and over \$5,000 less per pupil than states
8 such as New York and New Jersey. Hajime Mitane, *Per-Pupil Expenditures Approaching*
9 *\$10,000*, *Education Week*, available at <http://www.edweek.org/rc/articles/2009/01/21/sow0121.h27.html>. In 2007, California spent 77% of the national average for each student
10 and roughly 50% of the amount spent for each student in states such as Vermont and Rhode
11 Island, who boast high graduation rates and high NAEP scores. J. Rogers, *Educational*
12 *Opportunity Report* at 7.

13
14 102. The very low rank in California's per-pupil funding is particularly shocking when
15 one considers the depth and breadth of the California economy. In 2008, California was the
16 world's eighth-largest economy. According to U.S. Department of Commerce estimates,
17 California's gross state product was slightly more than \$1.8 trillion, putting it just behind
18 Italy and ahead of Brazil and Russia in terms of size. Center for Continuing Study of the
19 California Economy, *2008 California Economy Rankings 1* (Aug. 2009), available at
20 http://www.ccsce.com/PDF/Numbers-Aug09_2008-California-Economy-Rankings.pdf.

21 103. California's continued failure to prioritize and fund its schools despite the State's
22 immense resources has only been reinforced in recent years. Education funding in
23 California has gone *down* since 2005. Over the last two years, K-12 education under the
24 Proposition 98 minimum guarantee has been cut by \$17 billion. Cumulative K-12 education
25 funding cuts from the 2007-08 through 2009-10 school years amount to a devastating \$1,400
26 per student average decline statewide and funding levels and staffing ratios compared to
27 other states have now reached historic 40-year lows. *Race to the Bottom? California's*
28 *Support for Schools Lags the Nation*, California Budget Project, available at

1 http://www.cbp.org/pdfs/2010/1006_SFF_how_does_ca_compare.pdf.

2 104. Indeed, as illustrated by these recent cuts, funding for school districts has become
3 increasingly unstable, unpredictable and subject to such dramatic reductions that core
4 educational programs and services are being cut across the State.

5 105. In response to the recent budget cuts, many school districts, including the districts
6 where the individual Plaintiffs attend school, have been left with no alternative but to
7 dramatically reduce or eliminate education programs and services. For example, as a
8 consequence of the State's funding decisions, school districts have been forced to:

- 9 • Reduce the length of the school year;
- 10 • Increase class sizes;
- 11 • Lay off more than 16,000 teachers and pink slip 26,000 more;
- 12 • Suspend the review and adoption of new textbooks for grades kindergarten to eight
13 through 2012-2013;
- 14 • Eliminate or significantly reduce essential course offerings that make up part of a
15 meaningful education, including art and music;
- 16 • Eliminate or significantly reduce staff positions including school counselors,
17 librarians, nurses, assistant principals, computer lab technicians, instructional aides,
18 custodians and secretaries;
- 19 • Reduce supplemental instruction in core academic subject areas, including after
20 school and summer school programs;
- 21 • Reduce teacher work hours, resulting in cuts to various academic intervention
22 programs in core subject areas;
- 23 • Eliminate or reduce professional development and training for teachers, including
24 teachers in core academic subject areas; and
- 25 • Eliminate or significantly reduce preschool and early childhood programs operated
26 by districts.

23 California Dep't of Education, *State Schools Chief Jack O'Connell Releases School District*
24 *Budget Cuts Survey Results* (June 10, 2010), available at [http://www.cde.ca.gov/nr/ne/yr10/](http://www.cde.ca.gov/nr/ne/yr10/yr10rel71.asp)
25 [yr10rel71.asp](http://www.cde.ca.gov/nr/ne/yr10/yr10rel71.asp).

26 106. In short, the inadequacy, inequality and inefficiency of the California school
27 funding system—as exacerbated by the magnitude of the recent funding cuts—render the
28 school districts where the individual Plaintiffs attend school unable to sustain current

1 educational programs and services or to provide all of their students with a realistic
2 opportunity to obtain a meaningful education that prepares them for participation in the
3 economic, social and civic life of our society.

4 *Insufficient and Undertrained Staff*

5 107. Because of the problems with California's school funding system, the districts
6 where the individual Plaintiffs attend school are unable to provide sufficient numbers of
7 qualified teachers, principals, counselors, nurses, librarians and instructional aides to meet
8 the needs of their students.

9 108. Indeed, California as a whole ranks at the very bottom in the nation in staffing
10 ratios. Including the District of Columbia, California ranks:

- 11 • 50th in total school staff with 70 per 1,000 students, compared to a national average
12 of 124.7 total school staff per 1,000 students;
- 13 • 49th out of 51 in teachers, with California schools operating with 75% of the
14 national average of teachers to students;
- 15 • 49th in principals and assistant principals, or 63% of the national average;
- 16 • Last in guidance counselors, or only 52% of the national average; and
- 17 • Last in librarians with a mere 0.2 librarians per 1,000 students—17% of the
18 national average.

18 *How California Compares, supra*, at 13.

19 109. As a result, many districts—including those where Plaintiffs attend school—lack
20 sufficient resources to attract, hire, support and retain sufficient numbers of trained, qualified
21 teachers. For example, Plaintiffs' districts lack sufficient resources to offer competitive
22 teacher salaries and to provide attractive working conditions for teachers. As a result,
23 students are frequently taught by teachers who are not fully trained or certified in the
24 subjects they teach or fully trained to teach English learners.

25 110. Many districts—including those where Plaintiffs attend school—have been
26 forced to significantly increase class sizes such that teachers are no longer able to provide
27 adequate amounts of one-on-one attention nor differentiated instruction to meet the widely
28 varying needs and skills present among their students. In some districts, class sizes for

1 kindergarten and the elementary grades are now over 30 students per class, with no
2 instructional aides.

3 111. Without sufficient numbers of principals and assistant principals, Plaintiffs’
4 districts are unable to provide adequate instructional leadership to teachers nor adequately to
5 address student safety issues. Without sufficient numbers of librarians, Plaintiffs’ districts
6 are unable to provide adequate instructional support and the opportunities for children to
7 learn to become independent learners. Without sufficient numbers of counselors, nurses
8 and, as appropriate, social workers, Plaintiffs’ districts are unable to sufficiently address the
9 physical and mental health needs of students. Without appropriate numbers of
10 paraprofessionals, Plaintiffs’ districts are unable to provide the classroom support to teachers
11 that is essential to providing students with greater needs—including special education
12 students, English learners, and students in their early elementary years—with a meaningful
13 education.

14 112. As a result of insufficient numbers of trained, qualified and experienced staff, the
15 curriculum and instruction provided to all students in Plaintiffs’ districts is inadequate,
16 resulting in many students not receiving the instruction they need to obtain a meaningful
17 education, including learning the material set forth in California’s content standards.

18 *Inadequate Instructional Programs*

19 113. Because of the problems with California’s system of school funding described
20 herein, the districts where the individual Plaintiffs attend school are unable to provide the
21 educational programs, instructional time, course offerings and supplemental/intervention
22 programs necessary to provide all of their students with a meaningful education. This was
23 true even before the current budget crisis hit, but the situation has worsened in recent years.

24 114. Plaintiffs’ districts have been forced to cut or eliminate a range of courses and
25 educational programs (and the teachers who taught them), including art, music, drama,
26 physical education, health and drug education and electives, such that students—including
27 Plaintiffs—are not receiving the well-rounded education that will prepare them for civic,
28 economic and social success. Plaintiffs’ districts have been forced to cut or eliminate

1 educational programs for gifted and talented students; Advanced Placement and other high-
2 level courses designed to prepare high school students for success in college; vocational and
3 career technical courses designed to prepare students for a successful career; and
4 intervention programs for struggling students and English learners who are not yet proficient
5 on the content standards.

6 115. Given the constraints of the current school finance system, the districts where the
7 individual Plaintiffs attend school cannot provide struggling students with additional
8 instructional time, in the form of longer school days or school years, despite compelling
9 educational research demonstrating this is necessary to assist struggling students in
10 succeeding academically, including by achieving proficiency on the content standards. *See,*
11 *e.g., Getting Down to Facts* at 27. Indeed, many of Plaintiffs' districts have been forced to
12 cut instructional time and/or shorten the school year. In some of the districts where
13 Plaintiffs attend school, the 2010-2011 school year will be shortened by as many as five days
14 (from 180 to 175 days), depriving all of the students in Plaintiffs' districts of a week's worth
15 of instructional time in which to master the content standards.

16 *Insufficient Materials, Equipment and Facilities*

17 116. Because of California's inadequate and inequitable system of school funding, the
18 districts where the individual Plaintiffs attend school are unable to provide the materials,
19 equipment and facilities needed by their students.

20 117. Plaintiffs' districts are unable to provide sufficient textbooks, instructional
21 materials, access to school libraries, equipment, computers and technology, copy paper and
22 other supplies to all of their schools. As a result, Plaintiffs and other students in their
23 districts are forced to use outdated instructional materials, share instructional materials, go
24 without homework, and attempt to learn the content standards while lacking sufficient access
25 to necessary supporting materials (such as library books, laboratory equipment or
26 computers).

27 118. Plaintiffs' districts are unable to maintain their school facilities in a manner that
28 ensures they are clean, safe and functional. This was true before the current budget crisis,

1 but the situation has worsened in recent years as these districts have had to defer necessary
2 repairs and modernization, cut custodial hours and slash maintenance budgets. Unsafe
3 and/or unclean school facilities, where often basic systems such as heating and ventilation do
4 not function properly, or bathrooms are unclean and/or in disrepair, pose a barrier to
5 students' ability to learn and teachers' ability to teach and therefore deprive students of their
6 opportunity to obtain a meaningful education.

7 *Inadequate Systems For Critical Data, Evaluation and Teacher Quality*

8 119. Part of the deficiencies in the State's school funding system is its failure to
9 deliver the most effective use of dollars in other ways. In addition to the funding system's
10 failure to align itself to the actual costs of providing a meaningful education and to
11 individual student need, the system suffers from an inadequate data system and an
12 inadequate system for ensuring uniform teacher quality.

13 120. A critical component in delivering a meaningful education is a data system that
14 can both ensure the proper utilization of funds provided and can support accountability for
15 dollars used and for student outcomes. The State's *Getting Down to Facts* studies and the
16 Governor's Committee on Education Excellence both repeatedly identified California's
17 failure to establish and maintain an effective and reliable data system as a fundamental
18 problem that impedes improvement of academic outcomes, labeling the current systems as
19 "woefully lacking." California lacks a longitudinal data system whereby districts, counties
20 and the State could track individual student enrollment history, program participation and
21 achievement data over time to enable timely and robust evaluation of students' progress, the
22 impact of learning inputs on their outcomes and assessment of program quality. *Students*
23 *First* at 7.1—7.2; *Getting Down to Facts* at 28-30. Moreover, the State's data system fails to
24 track both student access to social services and supports and a wide array of family
25 characteristics—information that would help districts use funding efficiently by effectively
26 identifying and redressing individual impediments to student learning.

27 121. No school factor is more important in improving student achievement than
28 having effective teachers who are properly trained and supported. The State has failed to

1 provide adequate funding and policies to develop, attract and retain such teachers in all
2 schools and has failed to ensure the establishment and support of effective district-level
3 systems which identify and support effective teachers and identify, support, and remediate
4 teachers in need of improvement. The State's *Getting Down to Facts* study and the
5 Governor's Committee on Education Excellence both call for better evaluation of teachers as
6 well as better preparation and professional development, and better assignment, retention
7 and promotion policies.

8 *Lack of Access to Preschool Opportunities for Low-Income Students*

9 122. As part of the State's duty to provide even its poorest students with an equal and
10 adequate opportunity for a meaningful education, it is incumbent upon the State to ensure
11 that low-income students—as early as possible in their educational experience—are able to
12 overcome the impediments to learning that come with the effects of poverty, particularly
13 concentrated poverty. By failing to provide sufficient access to effective pre-school
14 opportunities for low-income students, including in the districts where Plaintiffs and
15 Plaintiffs' organizational members attend school, Defendants fail to ensure that such
16 students arrive at public school reasonably prepared to take equal advantage of the State's
17 K-12 educational opportunities.

18 123. High quality preschool opportunities have been shown to be a cost-effective
19 means to counter the adverse effects of poverty on a child's K-12 achievement. Studies
20 show that the academic gaps that students experience by second and third grades existed
21 even at the time of kindergarten entry. Lynn A. Karoly, RAND, *Preschool Adequacy and*
22 *Efficiency in California* at 20 (2009), available at [http://rand.org/pubs/monographs/2009/](http://rand.org/pubs/monographs/2009/RAND_MG889.pdf)
23 [RAND_MG889.pdf](http://rand.org/pubs/monographs/2009/RAND_MG889.pdf). Solid evidence demonstrates that preschool can help narrow the
24 academic gaps at the start of entering the K-12 education system by advancing school
25 readiness, raising academic achievement and improving other education outcomes in the
26 years beyond preschool. *Id.* However, currently there are not enough spaces in high-quality
27 early-learning programs in California to serve the substantial numbers of at-risk preschool-
28 age children who could benefit from such programs. The current system is underfunded and

1 is not structured to promote or reward providers of preschool that achieve high quality. *Id.*
2 at 21-22.

3 124. Where low-income students have been able to take advantage of the preschool
4 opportunities provided by school districts with State funding, strong evidence confirms that
5 California State Preschool produces substantial gains in children's language, math and
6 literacy development, with existing programs closing a third to a half of the achievement gap
7 on broad measures. W.S. Barnett, *et al.*, *California's State Preschool Program: Quality and*
8 *Effects on Children's Cognitive Abilities at Kindergarten Entry* (New Brunswick, NJ:
9 National Institute for Early Education Research, Rutgers University 2009).

10
11 ***Examples of Deprivations of Educational Opportunities Occurring in the***
12 ***Plaintiffs' Districts***

13 125. The issues discussed in paragraphs 107 through 124 above are reflected in the
14 individual student Plaintiffs' school districts and schools.

15 ***San Francisco Unified School District***

16 126. The San Francisco Unified School District ("SFUSD") is an urban district located
17 in San Francisco County and serves the city of San Francisco. Its 140 schools serve
18 approximately 55,000 students, 23% of whom are Latino, 12% African American, 47%
19 Asian, and 11% White. Approximately 31% of its students are English language learners
20 and 56% qualify for free or reduced price lunch.

21 127. Though even before the State's current fiscal crisis the funding system did not
22 enable SFUSD to provide every student an equal opportunity to obtain a meaningful
23 education, the current budget crisis is hitting SFUSD especially hard. As part of its 2010-
24 2011 budget, the SFUSD has shortened the school year by four instructional days, with
25 administrators and principals required to take five furlough days. Professional development
26 for teachers was cut in half. Summer school has been eliminated entirely, except for
27 students who need it to graduate or have it written into their Individual Education Plans.
28 The district has also reduced funding for physical education and art classes, deferred several

1 facilities maintenance improvements and reduced school busing.

2 John O'Connell Technical High School

3 128. Plaintiffs Yesenia Ochoa and Jacqueline Reyes attend John O'Connell Technical
4 High School within SFUSD, a school identified by the California Department of Education
5 as being among the five percent of persistently lowest-achieving schools in the state.

6 129. Although only 20% of the students at O'Connell score proficient or above in
7 English-Language Arts, and 5% in Mathematics, the school has had to eliminate intervention
8 programs for students struggling in these subjects, including Math and English support
9 classes and a CAHSEE-preparation Math class.

10 130. Recent budget cuts have forced O'Connell to eliminate numerous critical teacher
11 and staff positions, including one full-time math teacher, one full-time English teacher, a
12 full-time computer technician and the part-time culinary teacher.

13 131. Plaintiffs Yesenia Ochoa and Jacqueline Reyes attend a school with below-
14 average teacher quality in terms of credentials and/or experience. During the 2008-09
15 school year, more than 20% of O'Connell's teachers were in their first or second year of
16 teaching.

17 132. O'Connell has had to significantly reduce its course offerings, including electives
18 such as journalism, robotics, architecture, choir and PE that are so critical to keeping many
19 students engaged in school.

20 133. O'Connell suffers from regular shortages of instructional materials and classroom
21 supplies. The school has also been forced to close one of its computer labs and the
22 remaining labs have insufficient computers for the larger classes. Teachers have had to seek
23 independent grant funding or pay out of pocket to provide necessary supplies to their
24 students.

25 134. Because SFUSD virtually eliminated its summer school program, there was no
26 district-funded summer school program available to the dozens of O'Connell students who
27 failed core courses such as Algebra and English, which are graduation requirements.
28 Summer school is available only for graduating seniors needing credit recovery and is

1 offered only through an online “Cyber High” program, a learning medium that is particularly
2 challenging for O’Connell’s large population of English learner students.

3 César Chávez Elementary School

4 135. Plaintiff Angel Giron attends César Chávez Elementary School within SFUSD, a
5 school identified by the California Department of Education as being among the five percent
6 of persistently lowest-achieving schools in the state.

7 136. Although only 26% of the students at César Chávez score proficient or above in
8 English-Language Arts, and only 33% in Mathematics, the school is able to provide after-
9 school tutoring to only a portion of students who need it. Approximately 300 parents
10 applied for after-school tutoring for their low-performing children in the last school year, but
11 César Chávez could provide space for only 100 children.

12 137. Due to budget cuts, César Chávez has had to reduce class offerings, with further
13 reductions likely during the 2010-2011 school year. The school offers science class and
14 physical education only once a week. Music and art classes will likely be eliminated for the
15 upcoming school year and the school library will be closed. The school will also be unable
16 to fund field trips.

17 138. César Chávez suffers from regular shortages of textbooks and classroom supplies.
18 Many students must share textbooks in class and are unable to take their textbooks home to
19 do homework. The school relies on partially used paper donated from various companies in
20 the area for class work. Classrooms lack sufficient pencils, erasers and crayons, and have no
21 tissues or cleaning supplies. Parents had to contribute their own money to supply LCD
22 projectors to classrooms. The physical education equipment used by the school is old and
23 outdated.

24 139. César Chávez has inadequate support staff, forcing parents to volunteer to
25 provide necessary services for the school. The school employs only two custodians and no
26 para-professionals, despite having a population of approximately 460 students. As a result,
27 parents must assist with cleaning and classroom support.

28

El Dorado Elementary School

1
2 140. Plaintiff Michael Woodard attends El Dorado Elementary School within SFUSD,
3 a school identified by the California Department of Education as one of California's
4 persistently lowest-achieving schools.

5 141. Although only approximately one in three El Dorado students scores proficient or
6 above in English-Language Arts and Mathematics, the school has had to reduce by
7 approximately forty percent the services and faculty in its after-school education program.
8 An alternate after-school program, funded by federal funds and grants and not by the district,
9 has limited spaces and serves only approximately the first thirty applicants.

10 142. Plaintiff Michael Woodard attends a school with below-average teacher quality in
11 terms of credentials and/or experience. During the 2008-09 school year, more than one-third
12 of El Dorado's teachers were in their first or second year of teaching; 11% were interns.

13 143. Budget cuts have forced El Dorado to lay off five teachers. Because of the
14 reduction in teaching staff, the school has combined several of its fourth and fifth grade
15 classes into single classes. Para-professional and teaching assistant positions have also been
16 eliminated.

17 144. El Dorado is able to provide its students with only limited access to arts and
18 music. Physical education at El Dorado was gradually reduced during the 2009-2010 school
19 year and then eliminated entirely due to a lack of available funds.

20 145. El Dorado suffers from regular shortages of books and classroom supplies.
21 Students frequently must share textbooks, which are sometimes torn and missing pages.
22 Classes often run out of paper. Parents have to contribute their own funds to buy equipment
23 like classroom pencil sharpeners and several teachers have to supply their personal
24 computers for use in their classes.

25 146. El Dorado has inadequate custodial services such that the bathrooms and cafeteria
26 are frequently dirty and unhygienic.

27 147. El Dorado has had to reduce student supervision and support staff. The school has
28 been forced to lay off its only assistant principal and employs a nurse only one day a week.

Sherman Elementary School

155. Plaintiffs Adelaide Brown and Julianne Shaffer attend or will attend Sherman Elementary School within SFUSD.

156. As a result of recent budget cuts, Sherman gave pink slips to two of its teachers and eliminated all of its para-professional positions for its kindergarten classes, despite an increase in the kindergarten class size. In addition, one of Sherman's four special education classes has no para-professional.

157. Because of inadequate funding, parents at Sherman have had to contribute their own money to provide their children with necessary staff and resources, including a librarian, art teacher, garden teacher, counselor, physical education program, professional development for teachers, copy paper and a classroom supply budget for each teacher.

158. The only administrators employed by Sherman are a principal and secretary. When the secretary is out, parent volunteers must fill-in to report attendance.

159. Due to inadequate custodial services, teachers are forced to spend part of their day cleaning their own rooms and vacuuming their own floors.

Redwood City School District

160. The Redwood City School District ("RCSD") is a suburban district located in San Mateo County and serves the city of Redwood City. Its 17 schools serve approximately 9,000 K-8 students, 70% of whom are Latino, 6% Asian, and 21% White. Approximately 48% of its students are English language learners and 61% qualify for free or reduced price lunch.

161. Though even before the State's current fiscal crisis the funding system did not enable the district to provide every student an equal opportunity to obtain a meaningful education, the budget crisis has hit RCSD especially hard. For example, in the most recent round of cuts at the end of 2009-2010 school year, the district, *inter alia*, increased class sizes to 30 students per class in K-3 and 32 in grades 4-8; shortened the school year by five instructional days; laid off 14 teachers; cut administrators, psychologists, instructional aides, custodians and library aides; eliminated the International Baccalaureate program; eliminated

1 preparation periods for all elementary teachers and reduced preparation time for middle
2 school teachers; and reduced the music program by 50% such that there are now only two
3 music teachers to teach music to over 1,000 6th-8th grade students.

4 Roosevelt Elementary School

5 162. Plaintiffs Caroline Taylor and Thomas Taylor attend Roosevelt Elementary
6 School within RCSD.

7 163. Class sizes at Roosevelt have dramatically increased over the past two years
8 undermining the teacher's ability to provide adequate attention to all students. During the
9 2008-2009 school year, class size for Caroline's first grade class was 24 students. During the
10 2009-2010 school year, class size for Caroline's second grade class was 28 students. Next
11 year, during the 2010-2011 school year, Caroline's third grade class and Thomas's first
12 grade class will have approximately 30 students.

13 164. Plaintiffs Caroline and Thomas Taylor attend a school with below-average
14 teacher quality in terms of credentials and/or experience. During the 2008-09 school year,
15 nearly one-fifth of Roosevelt's teachers were in their first or second year of teaching, and
16 10% were interns who had not yet obtained their full teacher certification from the State.
17 During the 2009-2010 school year, five teachers—nearly one-quarter of the teachers on
18 staff—were laid off.

19 165. Although only 36% of Roosevelt students score proficient or above in English-
20 Language Arts, and 53% score proficient or above in Mathematics, the school has been
21 forced to cut the intervention specialist, whose job it was to support students who are
22 struggling academically. Other support staff have also been cut, and custodial services have
23 been greatly reduced such that classrooms are now cleaned just one day per week which is
24 inadequate to consistently maintain standards of cleanliness.

25 166. Art, music and physical education at Roosevelt would not exist without parent
26 fundraising and volunteers. Parent volunteers lead the K-3 art program, parents fund the
27 music program for grades 3-5, and local church volunteers teach the physical education
28 program.

Kennedy Middle School

167. Plaintiff Austen Jack attends Kennedy Middle School within RCSD.

168. Class sizes at Kennedy have dramatically increased over the past few years. Four years ago, Austen's older sister had an average class size of 28 students at Kennedy. Most of Austen's academic classes now have a class size of approximately 34-37 students.

169. Kennedy's music and arts programs have been severely reduced in frequency and scope. Kennedy students' exposure to the school's science lab has been reduced. The number of days where students receive physical education has been reduced. The district laid off many library aides, thus Kennedy's library will be open on a significantly reduced schedule. Library purchases have been frozen since 2009.

170. Classroom support staff at Kennedy have also been cut. The number of special education aides has been reduced, which disrupts the classroom experience for every student at the school. Nursing services at the school have also been reduced.

Alameda Unified School District

171. The Alameda Unified School District ("AUSD") is a suburban district located in Alameda County that operates 19 schools in the city of Alameda. It serves approximately 10,000 students, 12% of whom are Latino, 12% African American, 43% Asian and 31% White. Approximately 23% of its students are English language learners and 32% qualify for free or reduced price lunch.

172. Though even before the State's current fiscal crisis the funding system did not enable the district to provide every student an equal opportunity to obtain a meaningful education, the budget crisis has hit AUSD especially hard.

173. As a result of state school funding cuts, AUSD has made significant cuts to its academic and extracurricular programs, such as to the GATE gifted-students program. AUSD also reduced the length of the school year by five instructional days, and eliminated critical teaching and support positions, including counselors, custodians and other site support staff. For the 2011-2012 school year, AUSD anticipates, *inter alia*, increasing class size to 32 or higher for all grades and closing at least five schools. To maintain the level of

1 education AUSD currently provides, individuals and corporations will have to make even
2 greater private contributions to the AUSD's schools than they currently do.

3 New Haven Unified School District

4 174. The New Haven Unified School District ("NHUSD") is a suburban district
5 located in Alameda County and serves the cities of Union City and part of south Hayward.
6 Its 12 schools serve approximately 13,000 students, 32% of whom are Latino, 11% African
7 American, 24% Asian, 19% Filipino and 12% White. Approximately 35% of its students are
8 English learners and 42% qualify for free or reduced price lunch.

9 Emanuele Elementary School

10 175. Plaintiff Leslie Jiménez will attend Emanuele Elementary School within
11 NHUSD.

12 176. Across the NHUSD, class sizes for K-3 are dramatically increasing, from 20:1 in
13 2009-2010 to 25:1 in 2010-2011, and are projected to rise to 30:1 in 2011-2012. Leslie is
14 likely to have approximately 25 students in her first grade class and at least 30 students in
15 her classes for the duration of her K-12 career.

16 177. Although Emanuele Elementary serves over 800 students, NHUSD has
17 eliminated assistant principals at Emanuele as well as at all of the district's elementary
18 schools. Counselors at all of the district's elementary schools have also been cut. NHUSD
19 has also been forced to eliminate busing for all elementary school students.

20 Porterville Unified School District

21 178. The Porterville Unified School District ("PUSD") is a suburban district located in
22 Tulare County and serves the city of Porterville. Its 23 schools serve approximately 13,000
23 students, 68% of whom are Latino, 3% Asian, 2% American Indian or Alaska Native and
24 19% White. Approximately 23% of its students are English language learners and 75%
25 qualify for free or reduced price lunch.

26 Granite Hills High School

27 179. Plaintiff Marcela Cevallos attends Granite Hills High School within PUSD.

28 180. Just 60% of Granite Hills' courses are college preparatory courses that meet

1 California's A-G requirements (compared to a state average of 73%). Among the college
2 prep math courses offered at Granite Hill, one-third are taught by teachers who lack the
3 appropriate credential. Just 2% of 11th and 12th graders at Granite Hill enroll in advanced
4 math courses (compared to a state average of 30%).

5 181. Although only 42% of Granite Hills students score proficient or above in English-
6 Language Arts, and 46% score proficient or above in Mathematics, the school has cut
7 services for struggling students. For example, summer school will not be offered at all this
8 year except for migrant students who are drastically behind in their studies.

9 182. Far fewer Granite Hills students graduate and pass the courses needed for
10 admission to UC/CSU than is typical across the state. For the Granite Hills Class of 2008, of
11 every 100 9th graders, just 57 graduated four years later and just 11 passed the courses
12 required for admission to UC/CSU. The comparable numbers statewide are 100:65:25.

13 183. Students at Granite Hills suffer from a lack of textbooks. For example, Marcela's
14 math class did not have enough math textbooks at the beginning of the year. The students in
15 the class were forced to wait for the school to borrow textbooks from other schools in the
16 district as a result of the shortage. Students also report that the biology textbooks are in
17 disrepair, and are frequently missing pages.

18 184. The school is not able to purchase enough supplies for teachers or students.
19 Teachers frequently pay for paper and printer ink out of their own pockets, and students
20 frequently must provide their own paper

21 *Improper Reliance on and Inadequate Voluntary Supplemental Resources*

22 185. Resources are so scarce that some districts and individual schools now rely on
23 contributions from parents and local businesses, including volunteer time, in order to provide
24 core educational programs that are actually part of the meaningful education that it is the
25 State's duty to provide to all free of charge. Thus, rather than utilizing parents and local
26 donations to provide enrichment opportunities, increasingly districts and schools are forced
27 to turn to private donations to deliver core educational programs. Such donations are being
28 used to pay for particular courses and instructional programs, to hire teachers and support

1 staff, and to provide necessary supplies and other resources. For example, in San Francisco
2 Unified School District at Sherman Elementary School, the school PTA raised over
3 \$225,000 for the 2009-2010 school year. These funds were used to pay for, *inter alia*, a
4 librarian, art teacher, garden teacher, counselor, physical education program, professional
5 development for teachers, copy paper and a classroom supply budget for each teacher. In
6 Redwood City School District at Roosevelt Elementary School, the PTA funds physical
7 education for grades K-2, and parent and/or church volunteers teach PE for grades 3-5 along
8 with art and music. In Alameda Unified School District at Edison Elementary School, the
9 school's PTA funds the Kindergarten music teacher and Science and Art docent programs.

10 186. Yet, even when supplemental resources are voluntarily generated from local
11 efforts in Plaintiffs' districts, they are nonetheless insufficient to make up the shortfall from
12 the State in what is needed to provide all students in the Plaintiffs' districts with a
13 meaningful education.

14
15 ***The Level Of Funding Is Inadequate To Provide All Children With An***
16 ***Equal Opportunity To Obtain A Meaningful Education***

17 187. California's school finance system also fails to equitably allocate resources
18 among either students or districts.

19 188. Because the level of funding and its distribution is inadequate to ensure that *every*
20 child is able to access necessary resources, the State has created a system whereby there will
21 necessarily be some children in the Plaintiffs' districts who are denied an equal opportunity
22 to obtain a meaningful education. The individual Plaintiffs are among those children who
23 have been denied, are being denied or are at substantial risk of being denied an equal
24 opportunity to obtain a meaningful education.

25 189. Moreover, as a result of inequitable spending across districts, some districts,
26 including the Plaintiffs' districts, are more significantly impeded in their ability to provide
27 all their students with the opportunity to obtain an adequate education that prepares them for
28 civic and economic success, including one that meets the State's academic content standards,

1 than other districts.

2
3 ***The State Has Repeatedly Acknowledged But Failed to Fix Its Broken***
4 ***School Funding System***

5 190. For many years, the State of California has acknowledged it has a broken system
6 of school funding, but has nonetheless ignored the recommendations of its own state-
7 commissioned committees and studies to take action to fundamentally restructure the
8 system.

9 191. In 1999, the Legislature established a Joint Legislative Committee charged with
10 developing a “Master Plan for Education-Kindergarten through University” to provide a
11 blueprint for education in California in the 21st century. As part of this effort, the Joint
12 Legislative Committee convened various working groups to research needed educational
13 reforms in California, including on K-12 school finance. Plaintiff Grassroots Organizations
14 supported the efforts of the Master Plan Committee and testified before it in person and in
15 writing on various occasions.

16 192. The Committee concluded: “The sobering reality of California’s education
17 system is that too few schools can now provide the conditions in which the State can fairly
18 ask students to learn to the highest standards, let alone prepare themselves to meet their
19 future learning needs.” *The California Master Plan for Education* 1 (2002). The Committee
20 recommended fundamental reform of California’s school finance system such that funding
21 would be based on what is “needed to provide the opportunity for every student to obtain a
22 quality education based upon rigorous state standards” and “aligned with the instructional,
23 governance, and accountability structures of the public school system.” In addition, the
24 Committee recommended that to accomplish these goals, greater funding must be provided
25 to those students with greater instructional needs, such as English learners and low-income
26 students. *Id.* at 167-169.

27 193. In 2002, the Legislature and Governor Gray Davis authorized the creation of the
28 Quality Education Commission (“QEC”), which was required to “identify the educational

1 components, educational resources, and corresponding costs necessary to provide the
2 opportunity for a quality education to every pupil.” Educ. Code §64201(a). The QEC was
3 supposed to become operative in July 2003, but Governor Davis’ successor, Governor
4 Schwarzenegger, revoked his predecessor’s appointments, never activated the Commission,
5 and its mandate was never pursued. Plaintiff Grassroots Organizations supported the
6 enactment of the QEC, advocated for the appointment of various QEC members, and
7 advocated against the abandonment of the QEC’s mandate.

8 194. In place of the QEC, in 2005 Governor Schwarzenegger created the Governor’s
9 Committee on Education Excellence. Plaintiff Grassroots Organizations supported the work
10 of the Governor’s Committee and testified before it. The Committee analyzed the dozens of
11 reports issued by the State-commissioned *Getting Down to Facts* studies and concluded the
12 school finance system was irrational, inefficient and insufficient for students most in need.
13 The Committee recommended that, among other reforms, these major problems with
14 California’s school funding system be remedied. Although Governor Schwarzenegger
15 promised that 2008 would be “The Year of Education,” the conclusions and
16 recommendations of the Governor’s Committee were never acted upon.

17 195. In 2009, the Legislature passed AB 8 (Brownley), a bill that would have required
18 a bipartisan governmental working group to propose a new funding structure to the
19 Legislature by December 2010 that, among other things, would make the system equitable,
20 rational, and based on the costs of educating students. Plaintiff Grassroots Organizations
21 sponsored and built support for AB 8. Although AB 8 passed with wide bipartisan support
22 (79-0 in the Assembly; 31-6 in the Senate), it was vetoed by Governor Schwarzenegger.

23 196. Despite repeated studies and pronouncements concerning the dire need for
24 funding reform in California’s public schools by the State’s own duly-appointed bodies, only
25 ineffectual, half-hearted measures have followed, with no significant funding reforms having
26 been enacted much less implemented.

1 **FIRST CAUSE OF ACTION**

2 (Failure of the School Funding System to Provide Children with an
3 Opportunity to Obtain a Meaningful Education in Violation of
4 Article IX, Sections 1, 5, and 6, and Article XVI, Section 8(a))

5 197. Plaintiffs re-allege and incorporate by reference the allegations set forth in
6 paragraphs 1 through 196 above as if set forth fully herein.

7 198. California public school students—including Plaintiffs—have a fundamental
8 right under the California Constitution to an opportunity to obtain a meaningful education.

9 199. The California Constitution recognizes that a “general diffusion of knowledge
10 and intelligence [is] essential to the preservation of the rights and liberties of the people” and
11 obligates the State to “provide for a system of common schools” that is “kept up and
12 supported” by the State using “all suitable means.” These constitutional provisions impose a
13 duty on the State to provide all students with the opportunity to obtain an education that
14 prepares them to meaningfully participate in our civic and democratic institutions, to
15 succeed economically, and to live in our diverse society.

16 200. Through enactment of the academic content standards, the State has provided
17 guidance concerning the education program necessary to ensure that students are able to
18 achieve civic, economic and social success.

19 201. Moreover, the State’s academic content standards, by setting forth the State’s
20 prescribed course of study and the uniform educational progression from grade to grade,
21 form a core, fundamental element of the State’s current system of common schools to which
22 all students are entitled.

23 202. The State has violated its constitutional duties by failing to provide the individual
24 Plaintiffs’ school districts with sufficient funds and by failing to adopt the policies
25 referenced herein so as to enable the districts to ensure that the individual Plaintiffs, and all
26 of the students in the districts, have access to a meaningful education that prepares them to
27 learn the content standards and that prepares them for civic, economic and social success.

28 203. Further, by using State revenues for other purposes while failing first to fund
education at a level sufficient to enable Plaintiffs’ school districts to provide all students

1 with an educational program that prepares them for civic, economic and social success, the
2 State has failed to meet the requirement of Article XVI, Section 8(a) that “[f]rom all state
3 revenues there shall first be set apart the monies to be applied by the State for support of the
4 public school system.”

5
6 **SECOND CAUSE OF ACTION**
7 (Violation of the Equal Protection Clauses of the California
8 Constitution, Article I, Sections 7(a) and 7 (b), and of Article IV,
9 Section 16(a) and Article XVI, Section 8(a))

10 204. Plaintiffs re-allege and incorporate by reference the allegations set forth in
11 paragraphs 1 through 203 above as if set forth fully herein.

12 205. The California Constitution establishes education as a fundamental right of every
13 California student and imposes a duty on the State to ensure that all students have basic
14 equality of educational opportunity. The State has a duty to operate its public school system
15 so that every student has a basically equal opportunity to learn the academic content
16 standards and to obtain a meaningful education that prepares students for civic, economic
17 and social success.

18 206. By failing to maintain a funding system that ensures the individual Plaintiffs’
19 school districts can provide all of their students, including the individual Plaintiffs, an equal
20 opportunity to obtain an education that prepares them to learn the content standards and for
21 civic, economic and social success, the State has violated the constitutional guarantees of
22 equal protection in contravention of Sections 7(a) and 7(b) of Article I, Section 16 of
23 Article IV, and Sections 1 and 5 of Article IX of the California Constitution.

24 207. Moreover, the State has violated its constitutional duty to first set apart the
25 monies needed to provide all students with an equal and adequate opportunity to obtain an
26 education that prepares them for civic, economic and social success.
27
28

1 **THIRD CAUSE OF ACTION**
2 (Unlawful Expenditure of Public Funds Under Code of Civil
3 Procedure Section 526a)

4 208. Plaintiffs re-allege and incorporate by reference the allegations set forth in
5 paragraphs 1 through 207 above as if set forth fully herein.

6 209. In maintaining the practices and policies complained of herein, Defendants
7 expend public funds in an unlawful manner and therefore are subject to injunctive relief
8 under Code of Civil Procedure Section 526a.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiffs respectfully request the following relief:

11 1. The issuance of a declaratory judgment that, pursuant to Article I, Sections 7(a)
12 and 7(b), Article IV, Section 16(a), Article IX, Sections 1, 5 and 6, and Article XVI,
13 Section 8 of the California Constitution:

14 (a) Defendants have a non-delegable and fundamental duty to keep up and
15 support the State's public schools by ensuring that all school districts have sufficient funds
16 to provide their students with a meaningful education;

17 (b) A meaningful education is one that imparts the knowledge and skills needed
18 to function capably in society as a responsible citizen in our democracy, to compete on an
19 equal footing in obtaining productive employment and in qualifying for and advancing
20 through higher education where desired and to live in a diverse community;

21 (c) Defendants have a non-delegable and fundamental duty to provide all
22 students with the equal opportunity to obtain a meaningful education and to maintain a
23 school funding system that will ensure this duty is met;

24 (d) Defendants have failed to fulfill their constitutionally mandated duties to
25 maintain a school finance system that allocates funds sufficient to provide students in the
26 individual Plaintiffs' school districts with a meaningful education and to first set apart and
27 provide those funds to the public school system;

28 (e) Defendants have failed to fulfill their constitutionally mandated duties to

1 maintain a school finance system that allocates funds in a manner that allows all students in
2 the Plaintiffs' school districts, including the individual Plaintiffs, an equal opportunity to
3 receive a meaningful education and an education based on the content standards and to first
4 set apart and provide those funds to the public school system; and

5 (f) California's school financing system and funding, as implemented by
6 Defendants, violates the rights of the Plaintiffs under the California Constitution.

7 2. Injunctive relief as necessary to achieve compliance with the Constitution.

8 3. Retention of jurisdiction over this matter until such time as the Court has
9 determined that the Defendants have fully and properly fulfilled the Court's orders.

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

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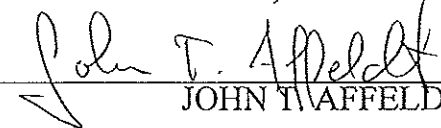
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5. Such other relief as this Court may deem just and proper.

DATED: July 12, 2010.

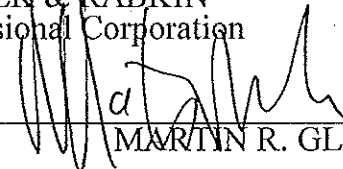
Respectfully,

JOHN T. AFFELDT
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TARA KINI
PUBLIC ADVOCATES, INC.

By: 
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DATED: July 12, 2010.

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