

POLICY MANUAL FOR **California School Board Members**

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Introduction

Introduction

Anyone who has followed the news in even a cursory way knows that there is great volatility in public education, with parents revolting against policies with which they strongly disagree. School boards are at the center of these controversies, so one must ask what Americans actually think about their school boards and, secondly, what can local boards do to address the concerns of parents and the public.

While great frustration has been expressed at school board meetings across the country on an array of topics, ranging from critical race theory to woke math curricula, it is often argued by defenders of the status quo that these complaints are limited to only certain locales and are not widely shared. Is that claim true, however?

It turns out that the mediocre-to-low opinion of school boards is more widely held than defenders of the status quo would like the public to believe.

Indeed, the results of a June 2023 national survey conducted for the Pacific Research Institute on voter opinion of local schools and school boards are eye opening.

When asked how they would rate the overall performance of their local school board, nearly half of respondents—49 percent—gave their local board a fair/poor/very poor rating. In contrast, 13 percent fewer respondents—just 36 percent—gave their board an excellent/good rating.

In fact, school boards received lower ratings than local schools.

Forty-five percent of survey respondents said that the public schools in their local school districts were excellent or good. Still, a greater proportion of respondents—47 percent—said that their local public schools were fair/poor/very poor.

In other words, while the percentage of voters who have a mediocre-to-low opinion of public schools is greater than the proportion that think the public schools are doing well, there is an even greater gap when it comes to the performance of school boards.

If a large proportion of voters think that their school board is doing a bad job, what are the reasons behind this dissatisfaction?

Those who rated their school board's performance as poor or very poor were given a choice of a variety of reasons that could explain their unhappiness with their board. Respondents could choose as many as they thought applied.

Among the possible reasons, four garnered more than 50 percent of selection choices:

- [School boards] are focusing on the wrong goals: 59 percent.
- They don't listen enough to people they should listen to: 55 percent.
- They are trying to promote their own ideological or personal agenda: 55 percent.
- They allow the wrong people or groups to influence their decisions: 52 percent.

These responses are very revealing. In media reporting on school boards, it is almost universally the case that school board controversies pit left-leaning school board members, supported by entrenched special interests such as the teacher unions, versus grassroot parents and community voices. This division can be seen in the survey responses.

Also, when asked who has too much influence on local school boards, more survey respondents pointed to powerful governments or entrenched special interests rather than parents:

- Federal government: 42 percent
- State government: 37 percent
- Teachers' unions: 26 percent
- Parents of public school students: 14 percent

It is also interesting to see what survey respondents believed that school boards should do in order to best fulfill their duties.

Respondents were asked to rank, from one to five, a dozen different actions that school boards could take that would be most effective in improving their performance.

Three-and-a-half times as many respondents said that their first or second choice would be for school boards to listen to parents who have children in local public schools than listen to teachers' unions—38 percent to 11 percent.

Also, more than two-and-a-half times as many respondents said that their first or second choice would be for school boards to focus on improving student performance versus advancing social justice and equity in education—33 percent to 13 percent.

The bottom line, then, is that parents and the public see room for improvement in their local public schools. Also, voters want school boards to listen to parents and want boards to focus on what public school historically have been tasked to do—raising student achievement in math, reading, and the core subjects rather than indoctrinating students in progressive ideology.

In response to the clear desire of parents and voters to do what they want school boards to do, the Pacific Research Institute has put together this manual for California school board members that discusses a variety of key issues, from woke curricula to improving student achievement to the power of the teacher unions, that were touched upon in PRI's survey.

The discussion of these issues is drawn from articles and reports authored by PRI Center for Education Senior Director Lance Izumi, some of which have been updated for recent developments on policy and legislation. At the end of each section is a set of recommendations that local school board members can implement to address the issue in question.

The goal of this manual is to give school board members some practical advice as to how to address the concerns of their constituents and how to become effective policymakers. As the great American conservative philosopher Richard Weaver said, "Ideas have consequences." His observation is nowhere more pertinent than in the debates engulfing school boards today.

KEY RESULTS

VOTERS' VIEW OF OVERALL PERFORMANCE OF THEIR LOCAL SCHOOL BOARD

49%

**fair/poor/
very poor**

36%

**excellent/
good**

VOTERS' VIEW OF PUBLIC SCHOOLS IN THEIR LOCAL SCHOOL DISTRICT

45%

**excellent
or good**

47%

**fair/poor/
very poor**

SCHOOL BOARDS RECEIVED LOWER RATINGS THAN LOCAL SCHOOLS.

FOUR REASONS FOR POOR RATING GARNERED MORE THAN 50 PERCENT OF SELECTION CHOICES

59%

**[School boards] are
focusing on the wrong
goals**

55%

**They don't listen
enough to people they
should listen to**

55%

**They are trying to
promote their own
ideological or personal
agenda**

52%

**They allow the wrong
people or groups
to influence their
decisions**

WHO HAS TOO MUCH INFLUENCE ON LOCAL SCHOOL BOARDS

42%

Federal government

37%

State government

26%

Teachers' unions

14%

**Parents of public
school students**



Solutions for the Curriculum Calamity in the Golden State

I. Parents revolted against critical race theory. Here's how they won

(Article originally published at FoxNews.com, January 18, 2023)

Parents have taken action in response to the infusion of critical race theory in their children's schools. Across the country, and even in blue states like California, parents have banded together to elect school board members who are committed to listening to and acting upon parent concerns.

In addition to success in electing pro-parent school board members, parents are challenging critical race theory on an array of fronts.

Some parents, for example, are fighting CRT in court.

Gabs Clark, a low-income African-American mom, filed a federal lawsuit against her son's high school, which had denied him a diploma for refusing to complete assignments in a required CRT-influenced course.

According to Clark's lawsuit, the alleged purpose of the course's curriculum "is to help students 'unlearn' what they know about the world, and what their parents have taught them to believe, and instead adopt a new worldview that 'fights back' against 'oppressive' social structures such as family, religion, and racial, sexual, and gender identities," with students "required to reveal and discuss their personal views and identities, in order for the teacher and other students to know who needs the most 'unlearning.'"

Clark's lawsuit argues that the school had violated her son's First Amendment free speech rights, his equal protection rights under the Fourteenth Amendment, and rights under federal laws such as the 1964 Civil Rights Act.

Other parents are fighting CRT by forcing schools to be transparent.

When her daughter's school refused to divulge details of CRT-influenced teaching, Rhode Island mom Nicole Solas filed approximately 160 public records requests to force the school to reveal what was being taught in the classroom.

In response, the school district threatened to sue Solas, who observed, "this was really their way of letting everyone know that if you asked too many questions, they were going to attack you."

The district eventually backed down and, in the wake of Solas' efforts to push curriculum transparency, some states are starting to require schools to post learning materials online.

Finally, parents across the country are organizing.

Groups like Parents Defending Education, Moms for Liberty, and others have started up in order to give parents a voice in curriculum debates.

"We were promised a colorblind vision but now we are told colorblindness is a trait of white supremacy," says Moms for Liberty co-founder Tiffany Justice. "Moms are mad and we can see through this nonsense."

CRT proponents thought they could radically change school curricula and no one would notice. Moms and dads did notice, however, and that is why the great parent revolt has started. As parents stand up, Tiffany Justice says, “the education establishment will have no choice but to recede from encroaching on parental rights.”

II. California's Woke Curricula Built on Research Quicksand

(Updated article originally published at PRI's Right by the Bay, April 21, 2022)

While activists pushing to impose woke curricula in California's classrooms claim that their ideological innovations are based on research, it turns out that these claims are really built on research quicksand.

The new California math curriculum framework, which the State Board of Education just approved, is pushing the concept of equity in mathematics.

While equality means giving students the equal opportunity to succeed based on their own talents and hard work, equity means the same results for all students, regardless of their talent or their individual effort.

So, in the name of equity, almost all students will take algebra in the ninth grade. In years past, most students took algebra in the eighth grade.

By forcing students to take algebra in the ninth grade, it will be nearly impossible for students to take calculus by the 12th grade. Many top colleges require calculus for 12th graders.

Instead of giving students who are talented in math or who are driven to excel the opportunity to take algebra in the eighth grade so they can take calculus in their senior year, the State Board of Education would rather homogenize all students into their equity box so that all students receive the same dumbed down math education.

The result will be fewer students who will go into STEM majors in college. We will then have fewer qualified workers for our high-tech and STEM industries.

So, in the name of woke equity, state education policymakers are willing to destroy student success and the future success of our economy.

Besides the math framework, California's newly enacted ethnic studies requirement is also built on a research house of cards.

Under the new law, California's high school students must take an ethnic studies course in order to graduate. Proponents of the law point to two studies principally authored by researchers at Stanford and UC Irvine to support the argument that requiring such a course would improve student achievement.

The two studies claim that ninth-grade San Francisco public school students who took an ethnic studies course experienced academic benefits, including raising C students to B+ students.

However, a new analysis by UCLA law professor Richard Sander and University of Pennsylvania statistician Abraham Wyner show both studies to be fatally flawed.

Analyzing the studies, Sander and Wyner found “an exceptionally messy experimental design, opaque to analysis or replication, reporting data patterns that are unbelievable on their face, and which seriously distorts the actual data results.”

For example, the studies cannot be replicated because the authors of the studies signed a confidentiality agreement. As Sander and Wyner warn, “Without some form of data sharing, it is impossible to replicate or even deeply understand a scholar’s results.”

Also, the studies did not compare the performance of students who took the ethnic studies course versus non-course-takers and did not account for other interventions offered by the schools that may have accounted for changes in student performance.

Because of the flawed methodologies of the studies, Sander and Wyner observe: “the experiment on which these conclusions are based is so muddled, and the data reported is so ambiguous, that in fact they support no conclusion, either positive or negative, about the effects of this particular ethnic studies course in these particular schools and times.”

And, most damning of all, “not even the lead author claims that the studies provide a basis for establishing ethnic studies mandates for all students.”

Sander and Wyner issue a warning about the ethnic studies research, which could also be applied to the math framework as well: “California parents are not being told the truth about a potentially significant change in the education of their children.”

KEY RECOMMENDATIONS:

- 1** When it comes to combating woke curricula, there are examples of districts, both in California and outside the state, that have been successful. The Paso Robles school board, the Kennewick school board in Washington state, and others have successfully implemented anti-critical race theory policies. School board members should learn from and follow their example.
- 2** While the State Board of Education has adopted a woke math curriculum framework, the framework's guidance is not binding. School board members, therefore, need to understand that there are alternatives available. As Bill Evers, a former member of the California Academic Standards Commission, has pointed out: "Teachers should instead teach according to the 1999 California math framework, which is much, much better."
- 3** In order to graduate from high school, California students must now take a class in ethnic studies. A radical version of ethnic studies, called liberated ethnic studies, is now being pushed on school boards. School board members should consider the recommendations of the Alliance for Constructive Ethnic Studies (ACES), which supports non-ideological/non-political ethnic studies options.



Raising the Bar: Improving Student Achievement

I. Why Can't Kids Read? Blame the Failed Ways We Teach Reading

(Article originally published in RealClearEducation, June 29, 2023)

As the reading proficiency of America's children nosedives, the question is why? No, it is not because of the COVID pandemic. The real answer is that most teacher training programs fail to teach prospective teachers the most effective and scientifically proven ways to teach reading to children.

According to the [results](#) on the National Assessment for Educational Progress, a shocking 66 percent of U.S. fourth graders taking the 2022 reading exam failed to score at the proficient level.

In California, 69 percent of fourth graders [failed to score](#) at the proficient level on the reading exam. Despite the convenient excuse of COVID, the real culprit is the widespread use of ineffective reading instructional methods.

A [new study](#) by the National Council on Teacher Quality emphasizes that decades of research have shown that the most effective way to teach children to read involves five components: phonemic awareness (attaching sounds to letters and spoken words), phonics (the relationship between the sounds of letters, groups of letters, and words with written words), fluency, vocabulary, and comprehension.

The NCTQ study says, "research indicates that more than 90% of all students could learn to read if they had access to teachers who employed scientifically based reading instruction."

In other words, "nearly 1,000,000 additional children would reach fourth grade able to read each year." If the science is so clear, why the poor reading results?

It turns out that 72 percent of early-grade teachers "say they use literacy instructional methods that incorporate practices debunked by cognitive scientists decades ago."

These failed methods include "teaching kids to look at the picture to help them guess a word, or skipping words they do not know."

One ineffective reading instructional method, which is popular in states like California, is [balanced literacy](#), which "includes language instruction focused on context and meaning, with little emphasis on systemic phonics."

According to California mom [Megan Bacigalupi](#), "In a 'balanced literacy' classroom, a child could see a picture of a horse and the word 'horse' below it in a book, guess the correct word is 'pony' instead of 'horse,' and be correct."

In Santa Barbara, where balanced literacy has long been used, an English teacher [says](#), "We are graduating kids who cannot read, or write a simple essay."

Connecticut teacher Virginia Quinn-Moody [says](#), "Most teachers eventually figure out balanced literacy is not moving the needle, and have to begin the education process all over again."

Yet, in the nearly 700 teacher-training programs [analyzed by NCTQ](#), more than 40 percent teach prospective teachers to use ineffective reading instructional methods.

Further, NCTQ gives a D or an F grade to a majority of the programs based on their failure to cover adequately the five proven core reading instruction components.

Some states, however, have jettisoned ineffective teaching methods in favor of emphasizing scientific instructional methods, with amazing results.

When Mississippi adopted scientifically proven reading methods in the 2010s, the [reading performance](#) of their low-income students went from among the worst in the nation to second in 2022.

The NCTQ study makes [key recommendations](#) as to what state and local policymakers can do to turn around the student reading implosion.

Teacher training programs should focus on all five components of effective reading instruction, but especially the foundational skill of phonemic awareness. Non-scientific methods, such as balanced literacy, should be eliminated.

State policymakers should learn a lesson from states like Texas and Utah that have adopted strong preparation standards for scientifically based reading instruction. Implementation and accountability mechanisms must be included.

Perhaps most important, local leaders such as superintendents and school board members, should hire teachers and bring in student teachers from proven teacher-prep programs; match student teacher candidates to mentor teachers who use scientific reading methods; provide professional development for current teachers to learn scientific reading methods; and select high-quality reading curricula.

The decline in reading proficiency of American public school students is a scandal. The NCTQ study, however, outlines an improvement road map. It is now up to policymakers to act and save our children's future.

II. The Math Deficiencies in California's Proposed Math Curriculum

(Updated article originally published at PRI's Right by the Bay, May 25, 2022)

While California's recently enacted K-12 math curriculum framework has taken justifiable hits for its woke politicization of math instruction, it is also rife with subject-matter deficiencies that will result in students being ill-prepared for higher education and the workplace.

The math curriculum framework, which was adopted by the State Board of Education in July 2023, is supposed to guide math instruction in California's public schools.

Critics have slammed the framework's objective of teaching math to promote social justice plus its encouragement to teachers to promote "sociopolitical consciousness" among students.

Experts, however, have also criticized the framework's curricular weaknesses.

An open letter signed by more than 400 distinguished math and science academics at California four-year colleges and universities lambasted key deficiencies in the proposed framework.

For example, up until the last minute, the framework promoted data science courses as substitutes for traditional core math courses such as Algebra II. This substitution, however, is highly problematic.

The professors' letter says that data literacy involves things such as spreadsheet skills and very basic statistical ideas, which are valuable life skills, but which can be introduced in social studies courses and science labs.

"It is misleading, however," warns the letter, "to promote data literacy and high-school level data science courses as a substitute for learning math content in preparation for college-level quantitative courses."

"Algebra, statistics, geometry, trigonometry, and calculus as topics in the high school math curriculum **are not mutually interchangeable.**" [emphasis in the original]

"In other words," say the professors, "students who take a data science course as an alternative to Algebra II in high school will be **substantially underprepared** for any STEM major in college, **including data science, computer science, statistics, and engineering.**" [emphasis in the original]

The result: "Such students will need remedial math classes in college before they can even begin such majors, putting them at a considerable disadvantage (for summer opportunities and the ability to earn such a degree in 4 years) compared to peers who learn such material in high school."

"It is crucial," the professors emphasize, "that parents, teachers, and policy makers be aware of this fact."

Why is Algebra II so important in building students' math understanding and knowledge base?

According to the professors' letter: "Topics in Algebra II such as logarithms, exponentials, and trigonometry are not relics of the Sputnik era or mere luxuries for future Math and engineering majors. They are foundational across work in quantitative fields including data science, neuroscience, machine learning, statistics, computational biology, and computer graphics."

The professors torch the claim that "mathematical topics related to data science are inherently more engaging or more equitable than other areas of high school math [as suggested in Chapter 5 of the California Math Framework]."

Rather, "to prepare more students for a STEM career" more students must "learn the core math content in high school."

Yet, despite these warnings from these math professors, the State Board of Education was set to approve data science courses as substitute for Algebra II. However, in the days leading up to the adoption vote by the Board, a University of California faculty committee issued a report saying that data science should not substitute for Algebra II.

The UC faculty plan to study the issue more and come out with a recommendation as to the criteria that determine whether a course is considered advanced math.

The State Board of Education decided then not to allow the substitution of data science for Algebra II for the time being, but the issue is still in flux. In fact, the UC said that they still recognize data science as a substitute for Algebra II for students entering the university for the 2023-23 academic year.

In addition to the warnings from the STEM professors, U.S. Rep. Young Kim (R-Fullerton) has spearheaded a congressional critique of the framework.

In a letter, Kim and seven other California members of Congress excoriate the State Board of Education's claim that "students wishing to take advanced math classes following their sophomore year can do so by taking Algebra I and Geometry at the same time."

"It is beyond unrealistic," say the Congress members, "to expect students to balance multiple math classes at the high school level simultaneously while also expecting them to handle a regular class load, extracurricular activities, and provide for their own stability and mental health."

Instead, they say, "students should have the freedom to study in accelerated math courses when they choose to do so and have the option of not double-booking classes at a consequential moment in their educational process."

The bottom line is that the state math framework is deficient in a variety of ways. It is important for school board members to realize that the framework is advisory, so they have the freedom to use the much more rigorous 1999 California state math standards.

KEY RECOMMENDATIONS:

- 1** Students in California are failing to achieve reading proficiency, in large part, because of the failed reading instructional methods being used in school districts. School boards should consult the research of the National Council on Teacher Quality, especially its research on California teacher training programs, and hire teachers from proven teacher-prep programs.
- 2** School boards should provide professional development for current teachers to learn scientifically proven reading methods, based on recommendations of the National Reading Panel.
- 3** School boards should ignore the State Board of Education's math curriculum framework's recommendations to shift to unsupported student-inquiry/discovery-learning methods. Instead, boards should adopt math curricula that stresses direct explicit instruction that emphasizes memorization of basic math facts and scaffolding knowledge to support higher order learning.



Supporting Charter Schools

I. A Return to Educational Excellence

(Updated from an article originally published in the PRI book Saving California: Solutions to the State's Biggest Policy Challenges, edited by Steven Greenhut, 2021)

Perhaps the most important of these general principles is that schools exist for the education of children. Schools do not exist to provide iron-clad jobs for teachers, billions of dollars in union dues for teachers' unions, monopolies for educational bureaucracies, a guaranteed market for teachers' college degrees or a captive audience for indoctrinators.

—Thomas Sowell

California may be a leader in many areas, but K-12 public education is certainly not one of them. For years, the state's public school system has been marked by poor-performing students and outsized influence of special interests such as teacher unions.

Even before the COVID-19 pandemic, too many of California's public school students were achieving at low levels according to various state and national tests. The pandemic only worsened an already bad situation.

For example, on the National Assessment of Educational Progress exam, often referred to as the nation's report card, California students showed alarming declines in math.

Prior to the pandemic in 2019, 29 percent of the state's eighth graders scored at the proficient level on the NAEP math exam.

In 2022, after the pandemic had started to subside, the proportion of California eighth graders achieving proficiency fell to just 23 percent.

And minority students have suffered the most.

On the NAEP math test, just 7 percent of Black California eighth graders performed at the proficient level in 2022 versus 10 percent in 2019, while Hispanic proficiency fell from 15 percent to 11 percent. Overall, California's own state math test shows that the average eighth grader can only do math at a fifth-grade level.

Education researcher David Wakelyn has called the poor math performance of California students a "five-alarm fire."

So, amidst all this bad news in the regular public school system, is there any better alternative? One ready option is the state's charter school sector.

Charter schools are publicly funded schools that are independent of school districts with greater autonomy to innovate. Various indicators show that charter school students, especially Latinos and African Americans achieve at higher levels than their peers in the regular public schools.

Thus, on average, on the state exams, Latino and African American charter school students are closer to reaching grade-level standards than their regular public school peers. African American charter school students outperform their district school peers in both English and math, while Latino charter school students outperform their district peers in English and are on par in math.

In Los Angeles, charter schools performed better than Los Angeles Unified School District schools on the state math and English exams across every measured student subgroup. Similar results can be seen in other cities such as Oakland.

At Classical Academy charter school in Southern California, which uses a flexible part homeschool, part in-class learning model, 63 percent of Classical Academy students met or exceeded state standards on California's 2022 state English test—a five-percent increase over pre-pandemic 2017.

In comparison, just 47 percent of students statewide met or exceeded state English standards, which was a two-percent drop from 2017.

Further, as the California Charter School Association noted, “charter schools had higher rates of UC/CSU enrollment with all subgroups” than regular public schools in 2018, and were “especially successful at getting black, Latinx, and low-income students into these universities.”

II. The ‘Drain the Public Schools’ Myth

Before examining Sacramento's legislative assault against charter schools, it is important to dispel one of the most pernicious myths about charter schools, which is that they “drain” funding away from regular public schools. Teacher unions have used this “draining” claim as one of their primary arguments in their continuing war against charter schools.

For example, in 2019, as state lawmakers debated anti-charter-school legislation, then-California Teachers Association president Eric Heins claimed that charter schools are “a drain on many of our public schools.” The claim that charter schools drain funding away from regular public schools is a popular union talking point, but it is also demonstrably false.

A series of studies from the Center on Reinventing Public Education at the University of Washington Bothell specifically analyzed the financial impact of California's charter schools on the state's regular public school system since “critics in California and nationwide have claimed charter school growth undermines school district finances and forces cuts in the quality of schooling districts can provide.” The researchers' findings tell a much different story than the claims of union leaders and other charter school opponents. For instance, the growth of charter schools has had little impact on the financial distress of school districts:

Charter schools have grown at an average clip of 0.5 percent a year since 1998. If growing charter school enrollments financially stress school districts, we would expect an escalating pattern of fiscal distress as the charter sector continues to enroll more students. The reality looks considerably different.

Of the nearly 1,000 school districts in the state, just a handful have ever entered fiscal distress. The number of districts in fiscal distress has evolved over time, increasing during recessionary periods and decreasing during expansionary periods. Despite all-time high enrollment in charter schools, just four school districts were in fiscal distress in the 2018-2019 school year. This compares to an all-time high of 16 districts in 2009-2010, during the Great Recession.

Thus, said the researchers, “enrollment loss to charter schools is not closely connected to fiscal distress among California school districts.” In other words, the regular public school system should learn from the competition, not destroy it.

So, what do we know about California charter schools? We know that they do not cause the regular public schools to enter financial distress due to draining away funding. We know that charter schools often receive much less public and non-public funding than regular public schools. And we know that among various student-achievement indicators, charter schools outperform regular public schools. Charter schools are therefore a successful bargain in education. Yet, state lawmakers, at the behest of the teacher unions, have targeted charter schools.

The National Alliance of Public Charter Schools (NAPCS) has put together model legislation, which contains various components that it deems essential for a good charter-school law. Components that local school boards can impact include:

- No caps on the growth of charter schools
- A variety of charter schools allowed
- Transparent charter school application, review, and decision-making processes
- Clear processes for renewal, nonrenewal and revocation
- Extracurricular and interscholastic activities eligibility and access

For many years, California was viewed as having one of the better state charter school laws, meeting many of NAPCS’ requirements. Further, California governors of both parties have been supportive of charter schools and defended them against attacks from teacher unions and their allies in the Legislature. That all changed when Gavin Newsom became governor.

Under Assembly Bill 1505, which was signed into law by Newsom in 2019, local school boards can deny a charter petition if it finds that the proposed charter “is demonstrably unlikely to serve the interests of the entire community,” which is a carte-blanche reason to deny any charter petition. This anti-community-interests provision requires the inclusion of “considerations of the fiscal impact of the proposed charter school.” Of course, despite the research showing that charter schools do not cause the financial distress of school districts, every school board will claim that charters adversely impact the district, making budgetary mountains out of tiny charter molehills.

Also, proposed charter schools can be denied if they “substantially undermine existing services, academic offerings, or programmatic offerings,” an excuse big enough for school boards to run a train through.

In addition, school boards can disapprove proposed charters if they “duplicate a program currently offered within the school district,” with nothing said about whether the district is effectively providing the duplicated program.

Further, in districts that have been judged as being unlikely to meet their financial obligations, a rebuttable presumption of denial of a charter petition will now be the standard, which Newsom’s office interprets to mean, “The presumption in those districts will be that new charters will not open.” Children in badly mismanaged school districts will be forced to attend inefficient and ineffective regular public schools, which perversely rewards the mismanagement of those poorly run districts.

Remember, too, that the anti-charter legislation signed by Newsom was the direct result of the strikes by the teachers’ unions in Los Angeles and Oakland in 2019.

EdSource, the respected California education publication, pointed out that union leaders “believe that labor conflicts played a role in forcing the hand of legislative leaders – including Gov. Newsom” to change California’s charter law to “allow districts, like Oakland and Los Angeles, to take into account the financial impact of a charter school on the district when deciding whether to allow it to open.” Giving school districts vague open-ended excuses to turn down proposals for new charter schools effectively stops any new charter from being established.

KEY RECOMMENDATIONS:

- 1** Local school boards should authorize the establishment of charter schools. In order to make the best-informed decisions during the authorizing process, board members should consult resources such as the 2023 edition of the “Principles and Standards for Quality Charter School Authorizing” published by the National Association of Charter School Authorizers.
- 2** Key principles that should guide school board members during the authorizing process include maintaining high standards, upholding school autonomy, and protecting student and public interests.
- 3** Standards for quality charter school authorizing should include agency commitment and capacity, performance contracting, revocation and renewal decision-making, application process and decision-making, and ongoing oversight and evaluation. Discussions of these standards are contained in the NACSA publication mentioned above.



Winning the Tug-of-War with Teacher Unions

I. Teachers' Unions Causing Schools and Students to Fail

(Article originally published at Washington Times, June 6, 2022)

In *Time* magazine, American Federation of Teachers head Randi Weingarten argued, “Far-right advocates of privatizing public education are using Big Lies to undermine public schools.”

However, in an eye-opening resignation letter, Oakland school board member Shanthi Gonzales, a former labor organizer, shows that it is the teachers’ union that is causing schools and students to fail. Ms. Weingarten says that “extremists” use a playbook for attacking public schools where “they concoct lies, smears and distortions that stoke fear and anger, such as that eight-year-old white students are being taught to hate themselves because they are responsible for slavery.”

And, ironically, it is actually the teacher unions that are willing to use race-baiting tactics to get their way. Just ask Ms. Gonzales.

Ms. Gonzales, a former organizer for the Service Employees International Union, recently resigned from the Oakland school board, where she served a stint as board president. A key reason for her resignation: The use of race-based intimidation by the Oakland teachers’ union.

In her resignation letter, Ms. Gonzales said that the union and its allies use race to shut down debate by “accusing leaders of being racist or anti-Black in response to disagreement.”

“If there is harm being done that disproportionately affects some groups of students or staff,” she observes, “let’s have that conversation rather than attempting to delegitimize and silence one another.” What tactics did the union and its allies use to silence its opponents?

According to Ms. Gonzales: “Attempting to silence board members and other community members through acts of intimidation (in my case, contacting my employer to ask that I be condemned for supporting school closures [due to enrollment decreases]); in the case of others, vandalizing their homes, accosting them outside their homes at midnight, cutting their internet cables during board meetings, denouncing them during their church services as ‘Black Judas,’ flyer-ing our neighborhoods with flyers calling us racists, and lots more.”

While Ms. Weingarten and the teacher unions accuse parents of endangering school board members, Ms. Gonzales says that it is union behavior that threatens the safety of board members.

“The union and its allies,” she warns, “need to stop engaging in irresponsible rhetoric that has led to escalating threatening behavior toward board members.”

Ms. Weingarten argues that “unchecked disinformation and dehumanization cause untold damage and suffering.” Yet, Ms. Gonzales points out that the Oakland union has “not condemned any of the recent acts of intimidation toward board members.” Evidently, union concern about suffering depends on who is suffering.

Most revealing, says Ms. Gonzales, is the union’s “refusal to engage on the issue of school quality.” That refusal, she notes, “is hurting our students.”

As the pandemic was winding down, the union “did everything they could to prevent returning to in-person instruction, even though they knew we weren’t meeting our legal and moral obligations, in particular to our most vulnerable students.”

The union engaged in a recent illegal strike, “even knowing how much instruction students missed (in 2020 and 2021) and how critical in-person instruction is right now.”

Further, the union “has resisted change intended to improve our schools,” including the implementation of a successful phonics-based reading curriculum.

No wonder, she says, that nearly half of Oakland high school students “are one or more years below grade level in reading.”

Ms. Weingarten and the teachers’ unions claim that right-wing boogeymen are responsible for the horrible state of public education. But as Ms. Gonzales points out, the reality is that the teachers’ unions pose the biggest threat to school quality, student learning, and the civil functioning of democracy.

II. Why Are Student Test Scores Plunging? Look at Politicized Education

(Article co-authored with Wenyuan Wu; Originally published at RealClearEducation, October 14, 2022)

Recent national student test scores showed a massive decline in learning in reading and math. This achievement implosion has several explanations – one is the increasing politicization of classroom instruction, which is reducing rigor and diverting attention from improving students’ foundational knowledge and skills.

From 2020 to 2022, reading scores for nine-year-olds on the National Assessment for Educational Progress (NAEP), often referred to as the nation’s report card, registered the largest decline since the 1990s, while math scores declined for the first time ever. These score comparisons were the first nationally representative snapshot of student learning during the pandemic.

While school closures and ineffective distance-learning efforts were important reasons for the slide in test scores, former North Carolina governor Beverly Perdue, who chairs the board responsible for the NAEP, warned, “We can’t keep blaming COVID.”

Indeed, other important reasons exist for the nosedive in student performance.

Many students report that increasing ideological indoctrination in the classroom is leading to weaker standards and lower expectations.

One California student reported that a teacher at his school told the class that perfectionism and striving for perfection was part of white supremacy culture. Another one of his teachers “made it seem like it was bad to have a good work ethic or to be supportive of meritocracy.” In his school, grades were

inflated, low grades were eliminated, late assignments were allowed, and multiple retakes of exams were permitted. Rigor simply disappeared.

“To not teach hard work and to not teach a work ethic is going to be disastrous for the kids who kind of cruise along in public schools,” the student reflected.

The ideological instruction that this student experienced is happening across the country. It is pushed by special interests such as teachers’ unions.

The National Education Association (NEA), the largest teachers’ union in the country, pushes the critical race theory-inspired position that systemic racism permeates all American institutions and must be taught in our schools so that kids challenge “the systems of oppression that have harmed people of color.” In 2021, the NEA adopted a resolution that would mandate race-based ideological instruction in public schools across the country.

According to the resolution, the union intends to disseminate its own study that “critiques empire, white supremacy, anti-Blackness, anti-Indigeneity, racism, patriarchy, cisheteropatriarchy, capitalism, ableism, anthropocentrism, and other forms of power and oppression at the intersections of our society.” The NEA specifically says that critical race theory is one of the methods that should be used to teach these topics in school districts around the country.

Unions are also using race to undermine teacher quality in the classroom. In a recent announcement, the Minneapolis Federation of Teachers reached an agreement with Minneapolis Public Schools to lay off white teachers regardless of seniority or merit before laying off minority teachers in the name of “anti-bias, anti-racism.”

As one analyst noted, the Minneapolis agreement seeks “to achieve ‘equity’ by reducing standards and replacing white teachers,” while the “sensible (and legal) goal is to expand the pool and retention rate of all qualified teachers.”

When confronted with the reality of historically low academic performance, Randi Weingarten, president of the American Federation of Teachers, attempted to flip the script, blaming conservatives and Trump-era education policies for harming learning.

Yet, many teachers disagree and are speaking out against politicized classrooms.

Virginia public school teacher Laura Morris quit her job and told her school board, which had pushed race-based indoctrination, “I quit your policies, I quit your training, and I quit being a cog in a machine that tells me to push highly politicized agendas to our most vulnerable constituents – children.”

The politicization of classroom instruction leads not only to indoctrination but also, as the California student noted, to lower student achievement. “It’s not a school’s place to impose on the students any viewpoint,” he observes. “What we need to do is really encourage achievement for all people.”

KEY RECOMMENDATIONS:

- 1** School board members should carefully study their collective bargaining agreements to discover if they include provisions that make it difficult to hold teachers accountable for their performance. For example, many union contracts have contained provisions that prevent principals from making unannounced drop-in visits to classrooms, prevent the use of student test scores to measure teacher effectiveness, and prevent effective disciplining of teachers for unacceptable behavior.
- 2** School board members should be aware that many collective bargaining agreements now contain provisions that focus not on wages and benefits, but on political issues such as leftist social justice topics. Board members should reject such provisions as extraneous to the collective bargaining process.
- 3** School board members should look to organizations that provide educators, parents, and students with information and resources regarding how to deal with the power and agenda of the teacher unions.



The Art of Becoming an Effective School Board Member

I. Increase Education Finance Transparency

When Congress passed the Every Student Succeeds Act (ESSA) in 2016, it included a provision requiring school districts to publish actual per-student expenditures by school on district websites. Matthew Lynch, writing in *Education Week*, observed, “This will increase transparency and help educate the public on how resources are being used.” However, states can do much to ensure the full implementation of the ESSA provision and to fully inform the public about where tax dollars are being spent in public education.

In California, for example, current state law requires school districts to report how they spend tax dollars but does not require the same information for individual schools. To correct that omission, in 2017 then-Democrat Assemblywoman Shirley Weber of San Diego introduced legislation, AB 1321, which would require “that the reporting of per-pupil expenditures of federal, state, and local funds include actual personnel expenditures and actual non-personnel expenditures of federal, state, and local funds, as specified, for each local educational agency and school in the state, as required by a specified provision of the federal Every Student Succeeds Act.”

Specifically, Weber’s bill would require that expenditures reported include “expenditures for administration, instruction, attendance and health services, pupil transportation services, plant operation and maintenance, fixed charges, and net expenditure to cover deficits for food services and student body activities.”

According to Ms. Weber, “It is time that parents, policymakers, and the public are able to clearly follow the money and ensure California’s most vulnerable students are effectively served.”

Although AB 1321 eventually failed to pass, former California Assemblyman Ted Lempert, president of Children Now, and Ryan Smith, executive director of The Education Trust-West, were correct to write: “Parents, local communities and others should not have to hire research teams and data analysts to get the information they need to understand how school funds are being used.”

Even states that have good transparency programs have room to improve.

Prior to 2014, Colorado was like most states that published financial data at the school-district level rather than the individual-school level. According to the education reform organization Colorado Succeeds, “that made it impossible to gain a clear picture of where dollars actually went and hid valuable information about which investments were providing the biggest bang for the buck.”

In 2014, Colorado enacted the Student Success Act, which required school-level financial transparency. As a result of that law, the Colorado Department of Education created the “Financial Transparency for Colorado Schools” website, which was unveiled in July 2017. The easy-to-navigate website provides detailed information about school finances.

According to Colorado Succeeds, which played a significant role in the passage of the Student Success Act, the law was very logically laid out:

Under the Student Success Act, all district-run schools and public charter schools in Colorado must report financial and human resource information to the state using a standard “chart of accounts.” In theory, this helps ensure that “comparable data by program and school site” appears on the financial transparency website.

This requires that financial data on the state site include expenditures from every “major category” (ex: athletics, transportation) specified in the chart of accounts, and must drill down to the school level. The information on the state website must be “in a format that is readable by a layperson.”

All of this is significant because if properly presented, it allows families and community members to make apples-to-apples comparison of schools within districts and among districts. The potential benefits to parents, communities, and taxpayers are significant, helping to measure their return on investment and target additional resources toward programs that are proving successful.

Colorado Succeeds notes, “the website interface is user-friendly, easy to navigate, and includes a helpful sorting function so that visitors can compare up to four schools at one time.” Further, “It includes salary and benefit expenditures by job category, shedding light on important costs associated with school personnel.”

However, the group points out that despite the requirement that spending in every major category must be reported at the school level, “some districts have chosen not to assign expenditures for categories such as transportation, athletics, centralized services, and food service operations to their individual schools.”

In addition, Coloradans could be confused by the fact “that because certain school districts decided to account for some expenditures only at the centralized level, district per-pupil spending figures are much higher than those figures for individual schools.”

Finally, says the group, “even within districts, individual school reporting is inconsistent,” which “creates confusion and distorts true spending levels and allocation.”

Colorado Succeeds warns: “If Coloradans using the financial transparency website cannot make apple-to-apple comparisons, this tool, which has such great potential to help school leaders identify and implement best practices from other high-performing schools, becomes far less useful.”

There is a lot that states and local school districts can do to improve the transparency of education finances. Good model legislation, such as the American Legislative Exchange Council’s excellent “Public School Financial Transparency Act” are available, and good first attempts like Colorado’s Student Success Act can be studied.

In the end, however, it is imperative for the public and parents to be informed about how their tax dollars are being spent so that they can make critical judgments on the functioning of their public school systems and the need for reform.

II. The Fight for Greater Transparency in Public Schools

(Article originally published at PRI's Right by the Bay, February 17, 2022)

One of the big fallouts of the COVID pandemic has been the revelation of what is being taught in regular public schools. Some of the most publicized revelations have occurred in California.

In 2021, it came to light that the Santa Clara Office of Education had conducted a series of teacher-training sessions on how to implement ethnic studies in the classroom. According to *City Journal*, the training was rife with homages to influential Brazilian Marxist education theorist Paulo Freire, references to the United States as an example of “settler colonialism” based on “a system of oppression,” and calls for teachers to transform students into leftist activists.

As important as the substance of what was being pushed on teachers was the admonition for secrecy that came from the trainers.

“[We] have to be extra careful about what is being said,” *City Journal* reported one trainer saying, “since we can’t just say something controversial now that we’re in people’s homes [because of remote learning].”

Another infamous incident occurred in the fall of 2021, when a video tape allegedly showed a left-wing teacher in the Sacramento area admitting that he was turning his students into revolutionaries.

On the video, the high school teacher allegedly said: “I have an Antifa flag on my wall. A student complained about that and said it made them feel uncomfortable. Well, it’s meant to make fascists feel uncomfortable, I don’t know what to tell you.”

“I have 180 days to turn them into revolutionaries,” the teacher allegedly boasted.

Again, as in the Santa Clara case, the issue was not just the teacher’s extremist ideology and blatant political proselytization, but the fact that parents had no idea that such teaching was going on in the classroom.

According to the local Sacramento CBS affiliate, parents were especially concerned by the teacher’s claims “that he is not the only teacher that is teaching his viewpoints inside the classroom.”

One mom told the television station: “I have a problem with people teaching our kids things without our knowledge. The one teacher is not just the problem, we would like to see some steps that are going to protect all our children now and all the ones that are coming up in the future.”

Indeed, as opposed to student performance indicators such as test scores, a report by the Goldwater Institute found “visibility into instructional content often remains startlingly opaque, leaving parents unable to establish whether the materials at their local schools meet their expectations or reflect what they consider to be appropriate content.”

“For parents,” says the report, “it is often nearly impossible to know whether the instruction awaiting their children at school will reflect a scholarly and politically neutral rigor, or whether it will insist on ideological immersion at the expense of historical truth.”

Alluding to the Left’s claim that the arrival of the first slaves in America in 1619 marks the birthdate of the country, the report recommends empowering parents “to decide for themselves whether they want their children attending schools that teach 1776 or 1619 as the birth year of the United States.”

In 2022, legislators in at least a dozen states introduced bills to increase public school transparency and empower parents.

The Goldwater Institute’s Matt Beienburg observes, “Everybody should be able to rally around the fact that we shouldn’t be teaching something in secret.” Parents across the political spectrum are rallying for greater classroom transparency, which is the kind of revolution that scares the daylights out of the Left.

III. School Boards Need Their Own Independent Legal Counsel

When people get elected as members of their local school board, they are usually brimming with new ideas and policy directions. One of the key obstacles to implementing those ideas and policies, however, is the school district’s legal counsel, which underscores the importance for boards to retain their own legal counsel independent of the district.

Superintendents realize the critical importance of the district’s legal counsel. The counsel is supposed to represent the board and the district. However, oftentimes, the counsel ends up tilting to push the district’s wishes over those of the board.

Chris Arend, the former president of the Paso Robles school board and a lawyer himself, said that the district counsel “works for the board” and “that is the formal relationship in theory,” but the “trick is to get theory to be compatible with practice.” Unfortunately, he points out, “That’s not often the case.”

Many times, noted Arend, the superintendent will have a strong relationship with the district counsel, which affects the objectivity of the counsel when the board wants to implement policies that go against the wishes of the superintendent.

Also, district counsels, observed Arend, “start drifting into policy, and at times, it can get to the point where they’re really just hoodwinking the board.”

Arend recalled one board meeting where the district’s counsel “was supposed to give us a presentation about a legal issue at a board meeting and he quickly drifted into policy” and “I was subsequently quite irritated.”

“I want legal advice from my counsel,” he said, and “if I want policy advice, I’ll ask for it.”

“Above all,” Arend emphasized, “what the board needs is they have to have reliable legal counsel that can advise them, even if it is contrary to the superintendent.”

The importance of a school board having its own legal counsel was nowhere more apparent than in the case of the Orange County Board of Education. The Orange County superintendent had unilaterally decided to appoint a counsel that would serve both the board and the county office.

To the shock of the board, the lawyer hired by the superintendent was the same lawyer who was involved in litigation against the board's decision to approve a charter school.

Mari Barke, a member of the Orange County Board of Education and a former president of the board, said, "We knew that there was a conflict there and that it was not appropriate."

The board asked the superintendent to reconsider his decision, but, said Barke, "he absolutely insisted that this is who was going to be hired and that he had the right to unilaterally hire somebody to serve the two of us."

The fact that the lawyer had a conflict of interest because of his involvement in the lawsuit against the board made no difference to the superintendent.

The board eventually took the superintendent to court and won the right to have their own independent counsel.

Having its own counsel, independent of the county office and the superintendent, has totally changed things for the board, not just when it comes to legal advice, but to policy direction as well.

Gregory Rolen, the board's chosen counsel, says, that an in-house district counsel's advice "is filtered through the staff and the staff uses that filter to tell the board what they want the board to know."

With their own counsel, however, board members can communicate directly to their counsel.

With their own counsel, the Orange County Board of Education was able to exercise their statutory authority and cut the superintendent's salary by \$50,000.

According to Rolen, "We found that our superintendent was one of the highest paid public officials in the state of California" and "we held several hearings to demonstrate to the public why a nominal pay reduction was absolutely justified."

"We did the work," he said. "We made the case and we got it done."

In addition, the board was able to pursue policy initiatives such as holding policy forums on critical race theory, charter schools, and the California Healthy Youth Act. "Again," Rolen pointed out, "none of these things could have necessarily been possible if we did not have a counsel that could express the will of the board."

"I do not believe," Rolen observed, "that department counsel would have put in the work to execute the will of the board."

In contrast, “having the right attorney actually opened up the possibility for the board to implement all kinds of different policy initiatives.”

The Orange County board has passed policies expanding the role of charter schools and expanding inter-district transfer.

Rolen emphasized, “I try not to tell [board members] what they can’t do, I try to tell them how they can do what they want.”

Arend agreed saying, “Usually there is a way to do something--if it’s reasonable, if it makes sense--there’s usually a way to get something done.” Therefore, “the job of the lawyer is to look for the ways, the procedures, and so on that you can actually get a project done.”

The bottom line, according to both Rolan and Arend, is that the counsel is the key.

“I’ve said it before,” said Rolan, “if you control the lawyer, you control the organization because the lawyer, right or wrong, is the last word on what is legal and what is not. It’s a complete game changer having a board counsel,” he concluded.

Arend recommended: “Most districts, especially if you have a conservative majority on the board, you should have your own outside legal counsel to advise the board.”

The Orange County board has accomplished a great deal since hiring its own counsel. Referring to Rolan, the board’s counsel, Mari Barke said, “I always know that he’s doing the right thing while protecting us as a board so that we can do the most possible for our constituents within the law and I’m forever grateful.”

KEY RECOMMENDATIONS:

- 1** School board members should look to other states and local jurisdictions that have implemented successful fiscal transparency programs, such as Colorado’s Student Success Act, which requires that public schools report financial information in a format that is readable by a layperson.
- 2** School board members should look at Arizona and Florida, which have adopted curriculum transparency policies.
- 3** School board members should consider hiring their own counsel, independent of the district, who can offer them legal advice unencumbered by district considerations. The Orange County Board of Education’s success in hiring an independent board counsel should serve as a model example.



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