

AL MIJARES, Ph.D.
County Superintendent of Schools

### SCHOOLS LEGAL SERVICE

200 Kalmus Drive • P.O. Box 9050 Costa Mesa, CA 92628-9050

(714) 966-4220 (714) 434-4945 FAX RONALD D. WENKART General Counsel

CLAIRE Y. MOREY LYSA M. SALTZMAN KELLY R. BARNES Counsel

> NORMA GARCIA Paralegal

### COMMON CORE STATE STANDARDS FREQUENTLY ASKED QUESTIONS (FAQ) RONALD D. WENKART

**GENERAL COUNSEL** 

#### 1. How were the Common Core State Standards developed?

- The Common Core State Standards originated with the National Governors Association and the Council of Chief State School Officers.
- At the National Education Summit in 1996, governors and corporate leaders established Achieve Inc., as a bipartisan nonprofit organization dedicated to supporting standards-based education reform at the state and local level.
- In 2005, the American Diploma Project was launched by Achieve Inc., including governors, business officials, higher education representatives and state education officials from 35 states.
- The National Governors Association and the Council of Chief State School Officers, in 2009, announced work groups and released a draft of college and career ready standards for public comment by educators, administrators, and community and parent organizations.
- In January 2010, California enacted legislation which established the Academic Content Standards Commission consisting of 12 appointed members to propose recommended academic content standards to the State Board of Education on or before July 15, 2010.

#### 2. When were the Common Core State Standards adopted in California?

 In 2010, the Legislature added provisions to the Education Code which required the State Superintendent of Public Instruction, the State Board of Education, and the Governor's designee to participate in the Common Core State Standards Initiative Consortium sponsored by the National Governors Association and the Council of Chief State School Officers, and to jointly develop common, high quality standards, or assessments aligned with a common set of standards.

#### 3. Is there a state mandate to implement Common Core State Standards in California?

- Yes. In 2010, the Legislature added provisions to the Education Code to provide for the adoption of the Common Core State Standards, including formation of an Academic Content Standards Commission responsible for making a recommendation to the State Board of Education regarding the adoption of the Common Core State Standards.
- Education Code section 60605.8 requires the Commission to develop Academic Content Standards that are internationally benchmarked and build toward college and career readiness by the time of high school graduation.
- On or before July 15, 2010, the Commission was required to present its recommendations to the State Board of Education.
- On or before August 2, 2010, the Education Code required the State Board of Education to either adopt or reject the Academic Content Standards as proposed by the Commission.
- The State Board of Education adopted the recommendations of the Commission and adopted the Common Core State Standards.

# 4. Is there a state mandate to implement Smarter Balanced Assessment Consortium (SBAC) tests?

- Yes. Assembly Bill 484 established a new student assessment system that took effect on January 1, 2014.
- The new system includes field testing of the SBAC program.

#### 5. May parents seek an exemption from SBAC tests?

• Parents may request an exemption from SBAC testing pursuant to Education Code section 60615.

#### 6. Did Congress authorize federal funds to implement Common Core State Standards?

- No. The Common Core State Standards are not a federal program administered by the federal government.
- The Common Core State Standards are a state mandate and funded by the California Legislature pursuant to state legislation.

## 7. Did the Legislature appropriate state monies to implement Common Core State Standards?

• Yes. The Legislature appropriated approximately \$1.25 billion to implement the Common Core State Standards in the 2013-2014 and 2014-2015 school years.

#### 8. How were parents informed about Common Core State Standards?

- The responsibility for informing parents of the Common Core State Standards rested with the California Department of Education.
- In March 2010, a draft version of the Common Core State Standards was released for public comment.
- Approximately 10,000 comments were submitted to the California Department of Education regarding the Common Core State Standards.

## 9. Were federal funds used to facilitate or encourage states to adopt Common Core State Standards?

• The U.S. Department of Education provided incentives to states to adopt the Common Core State Standards in the form of waivers and grants under the No Child Left Behind Act and the Race to the Top grant program.

#### 10. Can a school board choose not to implement Common Core State Standards?

- No. A school board cannot refuse to implement Common Core State Standards. It would be a violation of state law.
- The State of California could withhold all of a school district's state funding or obtain a court order ordering the school district to implement the Common Core State Standards.

# 11. Do the requirements to adopt a Local Control and Accountability Plan (LCAP) include compliance with state standards?

- Yes. Education Code section 52060(d) lists eight priorities that must be part of the LCAP.
- One of the state priorities is implementation of the academic content and performance standards adopted by the State Board of Education or in other words, the Common Core State Standards.

## 12. What are the consequences if the governing board of a school district fails to approve the LCAP and the Common Core State Standards?

- Education Code section 42127 states that for the 2014-2015 fiscal year and each fiscal year thereafter, the governing board of a school district shall not adopt a budget before the governing board of the school district adopts an LCAP or annual update to the LCAP.
- Education Code section 42127 states that the governing board of a school district shall not adopt a budget that does not include the expenditures necessary to implement the LCAP or the annual update to the LCAP that is effective during the subsequent fiscal year.
- In summary, the budget, LCAP and the Common Core State Standards are all interconnected by state law.
- Education Code section 42127 states that the budget for the school district shall not be adopted or approved by the county superintendent of schools before an LCAP or update to an existing LCAP for the budget year is approved.
- Therefore, if the school district fails to approve the LCAP and the budget, state funding could be withheld and state intervention could ensue.
- The county superintendent has fiscal oversight over school districts and now that the LCAP and adoption of the Common Core State Standards are connected to the budget, failure to approve the LCAP and Common Core State Standards will trigger the budget oversight provisions in state law.
- If the county superintendent of schools determines that a school district has failed to approve a budget as a result of failing to approve an LCAP or Common Core State Standards, the county superintendent is required to do at least one of the following actions pursuant to Education Code section 42127.6:
  - Assign a fiscal expert to advise the district on its financial problems.
  - Conduct a study of the financial and budgetary conditions of the district.
  - Direct the school district to submit a financial projection of all fund and cash balances of the district as of June 30, for the current year and subsequent fiscal years.
  - Require the district to encumber all contracts and other obligations, to prepare
    appropriate cash flow analysis and monthly or quarterly budget revisions, and
    to appropriately record all receivables and payables.

- Direct the district to submit a proposal for addressing the fiscal condition that resulted in the determination that the district may not be able to meet its financial obligations.
- Withhold compensation of the members of the governing board and the district superintendent for failure to provide requested financial information.
- Without the passage of a budget, the district will not be able to meet its financial obligations and therefore the county superintendent, in consultation with the Superintendent of Public Instruction, must, pursuant to Education Code section 42127.6, take at least one of the five actions described below:
  - Develop and impose, in consultation with the Superintendent of Public Instruction and the school district governing board, budget revisions that would enable the district to meet its financial obligations in the current fiscal year.
  - Stay or rescind any action that is determined to be inconsistent with the school district's ability to meet its obligations for the current or subsequent fiscal year.
  - Assist in developing, in consultation with the governing board of the school district, a financial plan that will enable the district to meet its future obligations.
  - Assist in developing, in consultation with the governing board of the school district, a budget for the subsequent fiscal year.
  - As necessary, appoint a fiscal advisor to perform any and all duties on the county superintendent's behalf.

If these measures fail or if an LCAP (with the Common Core State Standards included) is not approved by the governing board of the school district, a trustee appointed by the state could be put in place. Ultimately, the state could take over the school district and implement a budget, an LCAP and Common Core State Standards.

RDW:cmm