

1970

SUPERINTENDENT OF PUBLIC INSTRUCTION

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SUPERINTENDENT OF PUBLIC INSTRUCTION California Proposition 8 (1970).
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| 8 | SUPERINTENDENT OF PUBLIC INSTRUCTION. Legislative Constitutional Amendment. Authorizes one additional Deputy Superintendent of Public Instruction exempt from civil service. | YES | |
| | | NO | |

(For Full Text of Measure, See Page 7, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to provide for the appointment of two Deputy Superintendents of Public Instruction, rather than one, exempt from state civil service provisions.

A "No" vote is a vote against permitting this additional appointment exempt from civil service.

For further details, see below.

Detailed Analysis by the Legislative Counsel

The Constitution now requires the State Board of Education, on nomination of the Superintendent of Public Instruction, to appoint one Deputy Superintendent of Public Instruction and three Associate Superintendents of Public Instruction, who are exempt from state civil service and whose terms of office are four years.

Under this measure, the State Board of Education, on the nomination of the Superintendent of Public Instruction, would be permitted, rather than required, to appoint up to two Deputy Superintendents of Public Instruction and three Associate Superintendents of Public Instruction, who are exempt from state civil service provisions. Their terms of office would run concurrently with the term of the Superintendent of Public Instruction who nominated them, but could not exceed four years.

Argument in Favor of Proposition 8

We support Proposition 8 because it is a necessary step in aligning California's educational structure to the increasing growth and needs of the state. This proposition would permit the State Board of Education, on nomination of the Superintendent of Public Instruction, to appoint one additional Deputy Superintendent for program supervision within the Department and one new Associate Superintendent to be assigned to administration. Both appointments would be exempt from civil service.

The last additions on this administrative level in the Department of Education were in 1947, and since that time, state school appointments have increased from \$173 million to \$1.2 billion; elementary and secondary pupils have increased from 1.4 million average daily attendance to 7.8 million; full time teaching personnel have increased from 69,000

to 180,000. It is obvious that these additional appointments are needed to further the reorganization of the department as already approved by the legislature and the State Board of Education.

A further reason for supporting this proposition is that it will make the terms of all appointees concurrent with the superintendent's term. Thus, each Superintendent of Public Instruction will have the essential flexibility of working with personnel he has selected and recommended who would be clearly sympathetic to his goals. This would eliminate the terms of appointees extending into the administration of a new Superintendent of Public Instruction, as present law permits.

Based on the above, we strongly recommend a yes vote approving this proposition.

LEO RYAN,
Assemblyman, 27th District

JOHN STULL,
Assemblyman, 80th District

Rebuttal to Argument in Favor of Proposition 8

We oppose ACA 79 because it would by power of appointment tend to provide educational leadership on a political basis rather than a professional basis. This measure would allow the State Board of Education, on nomination of the Superintendent of Public Instruction, to appoint one additional Deputy Superintendent and one new Associate Superintendent. Both appointments would be exempt from civil service.

In that the Board of Education is an appointed Board, it should not be empowered to make appointments. The State Superintendent of Public Instruction is an elective office responsible for the State Department of Education all of whom are civil service personnel. The only control the State Superintendent has, is over his deputy and associate superintendents since all others are on civil service status.

It is an untenable role to cast in expanding the number of personnel in leadership responsibilities charged with the responsibility of carrying out Board Policies, Rules and Regulations without the power of controlling subordinate personnel.

In general this proposition amplifies a bad situation and does not get at the source of the problem. If any reorganization is in order, it should deal with the existing conflicts of

elective and appointive positions, not with adding more appointive personnel.

Based on the above, we urge a no vote on this proposition.

L. E. TOWNSEND,
Assemblyman, 67th District

Argument Against Proposition 8

I oppose this proposition number 8, because it does not offer or maintain a continuity of excellence in our state educational system, nor does it reduce state expenditures by adding new high level positions to the state payroll and it lacks control over the qualifications of appointed officials.

In summary the provisions of this amendment would allow:

A. State Board of Education to authorize rather than required to make appointees.

B. Two deputy superintendents of Public Instruction may be appointed rather than one.

C. Appointees terms to run concurrently with the superintendent who nominates him to a maximum of four years rather than a simple four year term.

My arguments against the bill are as follows:

ARGUMENT 1: The provisions that the State Board of Education authorized rather than required to make appointments would not strengthen the present provisions of the Constitution but would rather weaken same by not requiring the appointments of deputies.

ARGUMENT 2: Increasing the number of Deputy Superintendents to two, and making said appointees exempt from civil service is not desirable, and any substantive change in staffing should be identified as a part of a master plan, which will clearly and decidedly produce an improved department.

ARGUMENT 3: There is no advantage in having appointees' terms running concurrent with the superintendent rather than a simple four-year term. This seems to be treating a symptom of a problem and not the problem itself. Numerous studies on the State Board of Education, the State Superintendent of Public Instruction and State Department of Education point out the head-on conflict of having appointed State Board of Education and an elective State Superintendent wherein the latter is directly responsible to the electorate rather than to the board which he serves. This amendment if approved will compound the

problems by increasing the number of duties, each of which would be exempt from civil service, and at the same time directly responsible to the State Superintendent.

Resolution Chapter 361 also contains a provision incorporating the revision to Article XXIV proposed by Resolution Chapter 340 (A.C.A. 28) in the event that Resolution Chapter 340 is likewise approved by the voters. The provision has the single substantive effect upon current law of permitting the appointment of four, rather than three, Associate Superintendents of Public Instruction.

L. E. TOWNSEND,
Assemblyman, 67th District

Rebuttal to Argument Against Proposition 8

The arguments against ACA 79 (1969) fail to recognize the leadership crisis in the Department of Education. While quality education must be our objective, this cannot be achieved through the present Department.

The elements of this proposal are part of a comprehensive plan developed over three years of study by management consulting specialists, the Governor's Task Force on Efficiency, the State Board of Education, and both houses of the Legislature.

Opponents point out the conflict between the State Board of Education and a separately elected Superintendent of Public Instruction, and state the amendment will compound these problems. The opposite is true.

This proposal will improve the existing structure, since the State Board of Education will not simply validate the nominations of the Superintendent of Public Instruction, but will have power of review over his appointments in the Department.

Emphatically, we do not propose to compound the bureaucracy of the State Department of Education. On the contrary, the implementation of this plan will mean that the department, for the first time in history will be administered by top appointees with authority to act.

ACA 79 will force the State Department of Education to account for its actions. Year after year, the Legislature has written increasingly more rigid language to try to force such accountability, with little success—as evidenced by the enormous cost increases in the Department of Education.

LEO RYAN,
Assemblyman, 27th District

**PROPOSED AMENDMENTS TO
ARTICLE XII**

First—That the second and third paragraphs of Section 13 of Article XII are amended to read:

Notwithstanding provisions to the contrary in this section and Section 31 25 of Article IV XIII of this Constitution, the Legislature may authorize the investment of moneys of any public pension or retirement fund other than the fund provided for in Section 13001 of the Education Code, or any successor thereto, not to exceed 25 percent of the assets of such fund determined on the basis of cost in the common stock or shares and not to exceed 5 percent of assets in preferred stock or shares of any corporation provided:

a. Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as amended, but such registration shall not be required with respect to the following stocks:

1) The common stock of a bank which is a member of the Federal Deposit Insurance Corporation and has capital funds, represented by capital, surplus, and undivided profits, of at least fifty million dollars (\$50,000,000);

2) The common stock of an insurance company which has capital funds, represented by capital, special surplus funds, and unassigned surplus, of at least fifty million dollars (\$50,000,000);

3) Any preferred stock

b. Such corporation has total assets of at least one hundred million dollars (\$100,000,000);

c. Bonds of such corporation, if any are outstanding, qualify for investment under the law governing the investment of the retirement fund, and there are no arrearages of dividend payments on its preferred stock;

d. Such corporation has paid a cash dividend on its common stock in at least 8 of the 10 years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash dividend in each of the last 3 years;

e. Such investment in any one company may not exceed 5 percent of the common stock shares outstanding; and

f. No single common stock investment may exceed 2 percent of the assets of the fund, based on cost.

Notwithstanding provisions to the contrary in this section and Section 31 25 of Article IV XIII of this Constitution, the Legislature may authorize the investment of moneys of any public pension or retirement fund other than the fund provided for in Section 13001 of the Education Code, or any successor thereto, in stock or shares of a diversified management investment company registered under the "Investment Company Act of 1940" which has total assets of at least fifty million dollars (\$50,000,000); provided, however, that the total investment in such stocks and shares, together with stocks and shares of all other corporations may not exceed 25 percent of the assets of such fund determined on the basis of the cost of the stocks or shares.

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| 7 | STATE COLLEGES: SPEAKER MEMBER OF GOVERNING BODY. Legislative Constitutional Amendment. Provides Speaker of the Assembly shall be ex officio member of administration of State College System. | YES | |
| | | NO | |

(This amendment proposed by Assembly Constitutional Amendment No. 32, 1970 Regular Session, expressly amends an existing article of the Constitution by adding a new section thereto; therefore, **NEW PROVISIONS** proposed to be **ADDED** are printed in **BOLDFACE TYPE**.)

vision of this Constitution, the Speaker of the Assembly shall be an ex officio member, having equal rights and duties with the non-legislative members, of any state agency created by the Legislature in the field of public higher education which is charged with the management, administration, and control of the State College System of California.

**PROPOSED AMENDMENT TO
ARTICLE XX**

Sec. 23. Notwithstanding any other pro-

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| 8 | SUPERINTENDENT OF PUBLIC INSTRUCTION. Legislative Constitutional Amendment. Authorizes one additional Deputy Superintendent of Public Instruction exempt from civil service. | YES | |
| | | NO | |

(This amendment proposed by Assembly Constitutional Amendment No. 79, 1969 Regular Session, as amended by SB 780 of the 1970 Regular Session, expressly amends an existing section of the Constitution and repeals an existing section thereof; therefore,

EXISTING PROVISIONS proposed to be **REPEALED** are printed in **STRIKEOUT TYPE**; and **NEW PROVISIONS** proposed to be **ADDED** are printed in **BOLDFACE TYPE**.)

PROPOSED AMENDMENTS TO ARTICLES IX AND XXIV

First—That Section 2.1 of Article IX be repealed.

Sec 2.1. The State Board of Education, on nomination of the Superintendent of Public Instruction, shall appoint one Deputy Superintendent of Public Instruction and three Associate Superintendents of Public Instruction who shall be exempt from State civil service and whose terms of office shall be four years.

This section shall not be construed as prohibiting the appointment, in accordance with law, of additional Associate Superintendents of Public Instruction subject to State civil service.

Second—That subdivision (d) be added to Section 4 of Article XXIV, to read:

(d) In addition to positions exempted by other provisions of this section, the State Board of Education, on nomination of the Superintendent of Public Instruction, may appoint not more than two Deputy Superintendents of Public Instruction and not more than three Associate Superintendents of Public Instruction, whose terms of office shall run concurrently with the term of the Superintendent of Public Instruction who nominated them, but shall not exceed four years.

And be it further resolved, That it is intended that if both this measure and Assembly Constitutional Amendment No. 36 of the

1970 Regular Session of the Legislature adopted and approved by the electors at November 1970 election that both be given effect, and to this end subdivision (m) is added to Section 4 of Article XXIV, to read:

(m) In addition to positions exempted by other provisions of this section, the Attorney General may appoint or employ six deputies or employees, the Public Utilities Commission may appoint or employ one deputy or employee, the Legislative Counsel may appoint or employ two deputies or employees, and the State Board of Education, on nomination of the Superintendent of Public Instruction, may appoint not more than two Deputy Superintendents of Public Instruction and not more than four Associate Superintendents of Public Instruction, whose terms of office shall run concurrently with the term of the Superintendent of Public Instruction who nominated them, but shall not exceed four years.

And be it further resolved, That the provisions of the second resolved clause of this measure shall become operative only if Assembly Constitutional Amendment No. 36 is adopted by the electors at the November 1970 election, in which case subdivision (d) of Section 4 of Article XXIV as added by the first resolved clause of this measure, and subdivision (m) of Section 4 of Article XXIV as added by the first resolved clause of Asser' Constitutional Amendment No. 36 of the Regular Session, shall not take effect.

9 COUNTY SUPERINTENDENT OF SCHOOLS. Legislative Constitutional Amendment. Board of Supervisors in each noncharter county, or in those counties uniting for joint superintendent, may provide by ordinance approved by electorate for appointment rather than election of county superintendent of schools.

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| YES | |
| NO | |

(This amendment proposed by Assembly Constitutional Amendment No. 4, 1970 Regular Session, expressly amends an existing section of the Constitution; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKEOUT TYPE**; and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BOLD-FACE TYPE**.)

PROPOSED AMENDMENTS TO ARTICLE IX

SEC. 3. A Superintendent superintendent of Schools schools for each noncharter county shall be elected by the qualified electors thereof at each gubernatorial election; unless the board of supervisors of the county, by ordinance, provides for the appointment of the superintendent of schools by the county board of education for a term of four years. Neither the enactment of such ordinance nor its repeal shall be effective until assented to by a majority of the qualified electors of the county voting at an election to be held for that purpose.

The first appointment made by a county board of education pursuant to the preceding paragraph shall be made upon the expiration of the term of office of the county superintendent of schools of the county in office on the effective date of the ordinance of the board of supervisors making the position appointive or upon the occurrence of a vacancy in such office after such effective date, whichever occurs first. Any person who holds the office of county superintendent of schools of a county on such effective date shall continue to hold such office until his successor is appointed pursuant to this section.

Provided, that the The Legislature may authorize two or more noncharter counties to unite and elect for the purpose of electing one Superintendent superintendent for the counties so uniting; by the qualified elect of the counties at each gubernatorial tion, or for the purpose of enacting an identical ordinance by the boards of supervisors of the counties providing for the appoint-