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County Superintendents of Schools and Boards of Education

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County Superintendents of Schools and Boards of Education

Ballot Title

COUNTY SUPERINTENDENTS OF SCHOOLS AND BOARDS OF EDUCATION. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Amends Article IX to authorize selection of county school superintendents either by appointment of the county board of education or election, at the option of the electorate. Transfers responsibility for the establishment of the salaries of county superintendents from the Legislature to the county board of education. Empowers two or more counties to establish by majority vote of their electorates a joint board of education, and county superintendent of schools. Specifies that joint boards of education and superintendents shall be governed by state statute and not county charter provisions. Financial impact: Indeterminable.

FINAL VOTE CAST BY LEGISLATURE ON ACA 77 (PROPOSITION 8)

Assembly—Ayes, 65

Senate—Ayes, 27

Noes, 6

Noes, 4

Analysis by Legislative Analyst

PROPOSAL:

The Constitution presently provides that in chartered counties the county superintendent of schools may be elected by the voters or appointed in a manner described in the county charter. In nonchartered counties, the superintendent must be elected. This proposal would permit nonchartered counties to either elect or appoint the county superintendent as in chartered counties.

The Constitution also gives the Legislature the authority to permit two or more counties to unite and elect one superintendent of schools. This proposal would authorize any combination of two or more chartered or nonchartered counties, by a majority vote of the electors, to establish one joint board of education and one superintendent of schools.

The Constitution currently requires the Legislature

to fix the salaries of county superintendents of schools. This proposal would instead require county boards of education to fix the salaries of county superintendents of schools.

FISCAL EFFECT:

The cost of operating the office of county superintendent of schools is shared by the state and local governments. Such cost could be reduced if counties unite to establish one joint board of education and superintendent of schools. The cost could also be affected to the extent that county boards of education fix salaries for county superintendents of schools different than those which would have been specified by the Legislature. The appointment rather than election of superintendents could result in local election expense savings.

Study the Issues Carefully

Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 77 (Statutes of 1976, Resolution Chapter 57) expressly amends the Constitution by amending and adding various sections. Therefore, the provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be inserted or added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENTS TO ARTICLE IX

First—That Section 3 of Article IX thereof is amended to read:

~~SEE SEC. 3.~~ A Superintendent of Schools for each county ~~shall~~ *may* be elected by the qualified electors thereof at each gubernatorial election *or may be appointed by the county board of education, and the manner of the selection shall be determined by a majority vote of the electors of the county voting on the question*; provided, that ~~the Legislature may authorize two or more counties may, by an election conducted pursuant to Section 3.2 of this article, to unite and elect for the purpose of electing or appointing one superintendent joint superintendent~~ *for the counties so uniting.*

Second—That Section 3.1 of Article IX thereof is amended to read:

~~SEE SEC. 3.1.~~ (a) Notwithstanding any provision of this Constitution to the contrary, the Legislature shall prescribe the qualifications required of county superintendents of schools ~~and shall fix their salaries~~, and for these purposes shall classify the several counties in the ~~State state~~.

(b) *Notwithstanding any provision of this Constitution to the contrary, the county board of education or joint county board of education, as the case may be, shall fix the salary of the county superintendent of schools or the joint county superintendent of schools, respectively.*

Third—That Section 3.2 is added to Article IX thereof, to read:

SEC. 3.2. Notwithstanding any provision of this Constitution to the contrary, any two or more chartered counties, or nonchartered counties, or any combination thereof, may, by a majority vote of the electors of each such county voting on the proposition at an election called for that purpose in each such county, establish one joint board of education and one joint county superintendent of schools for the counties so uniting. A joint county board of education and a joint county superintendent of schools shall be governed by the general statutes and shall not be governed by the provisions of any county charter.

Fourth—That Section 3.3 of Article IX thereof is amended to read:

~~SEE SEC. 3.3.~~ *Except as provided in Section 3.2 of this article, it shall be competent to provide in any charter framed for a county under any provision of this Constitution, or by the amendment of any such charter, for the election of the members of the county board of education of such county and for their qualifications and terms of office.*

Fifth—That Section 7 of Article IX thereof is amended to read:

~~SEE SEC. 7.~~ The Legislature shall provide for the appointment or election of the State Board of Education and a board of education in each county *or for the election of a joint county board of education for two or more counties.*

Apply for Your Absentee Ballot Early

Argument in Favor of Proposition 8

Proposition 8 makes three needed reforms to give voters more local control over the running of their county offices of education.

FIRST, IT WOULD GIVE THE VOTERS IN NON-CHARTER COUNTIES THE SAME RIGHT CHARTER COUNTIES NOW HAVE TO DETERMINE WHETHER THEIR COUNTY SUPERINTENDENT IS ELECTED OR APPOINTED.

Voters in charter counties now have the option of determining whether their county superintendent should be elected or appointed. Voters in the 47 general law counties do not have this choice. This measure would allow the voters in the general law counties to have more voice in the operation of their county offices of education. They would be able to decide if the county superintendent should be appointed or elected.

SECOND, IF THE VOTERS OF EACH INVOLVED COUNTY CHOSE TO DO SO, IT WOULD AUTHORIZE TWO OR MORE COUNTIES TO ESTABLISH A JOINT COUNTY BOARD OF EDUCATION AND COUNTY SUPERINTENDENT OF SCHOOLS.

The Constitution currently provides that the legislature may authorize two or more counties to unite and elect one superintendent for the counties so uniting. This measure would extend that provision to allow two or more counties to establish one joint board of education as well. The option would be entirely up to the voters in each county. Local determination would be preserved.

THIRD, IT PROVIDES THAT COUNTY BOARDS OF EDUCATION WILL SET THE SALARY OF

THEIR COUNTY SUPERINTENDENT RATHER THAN HAVING THE SALARY FIXED BY THE STATE LEGISLATURE.

Presently, the salary of the county superintendent is set by the state legislature. The salary is determined by multiplying an adjustment factor for different classes of counties times the statewide average of teachers' salaries. This is an archaic and complicated provision of the law which was made before the legislature established elected county boards of education. Passage of this measure will give salary setting authority to the local board of education where it belongs. The local elected board of education responsible to the public should make this determination, not the state legislature.

This measure is supported by the State Department of Education, the Association of California School Administrators and the County Superintendents of Schools.

Passage of Proposition 8 will encourage closer cooperation between county boards of education and county superintendents of schools, which will enable county offices of education to run more efficiently and improve the quality of education in the state.

The option of consolidation will allow wise use of taxpayers' dollars.

VOTE YES ON PROPOSITION 8.

LEROY F. GREENE

Member of the Assembly, 6th District

Chairman, Assembly Committee on Education

Rebuttal to Argument in Favor of Proposition 8

Local control of schools is essential to quality education.

Proposition 8 would restrict local control in 3 ways:

- 1) Elected school superintendents may be voted out of office for incompetency. You would have no control over an appointed school superintendent,
- 2) Under Proposition 8, you may have to drive hundreds of miles just to attend a school board meeting,

- 3) Many superintendents already receive salaries of \$35,000 a year. Under Proposition 8, these salaries could be raised without your knowledge or consent.

Proposition 8 would protect incompetent superintendents, limit local control and cost more. That is why Proposition 8 deserves your "NO" vote.

H. L. "BILL" RICHARDSON

Member of the Senate, 19th District

PAULINE L. DAVIS

Member of the Assembly, 1st District

Argument Against Proposition 8

There are three major problems with Proposition 8:

- 1) It removes the State limitation on Superintendent's salaries, allowing the County Board of Education to raise such salaries at will. Of course, they could conceivably also lower salaries, but there is little chance of that happening.
- 2) Proposition 8 would allow 2 or more counties to combine and establish a joint Board of Education with a joint Superintendent. Nowhere does the bill state that the 2 counties must adjoin. Although this question was raised at the hearing on the bill, the proponents did not change it; thus, counties separated by hundreds of miles might conceivably be brought under a single board.
- 3) In many counties, parents must already drive over 70 miles just to attend a school board meeting. Under

Proposition 8, these parents might have to drive across the State in order to voice their opinions to their "local" school board.

In short, Proposition 8 is an attempt to insulate county school boards from parental control. Few parents might be expected to travel 100 miles and more to attend a school board meeting. Isolated from the watchful eye of parents and taxpayers, school boards cannot be expected to keep ballooning salaries in line.

Under Proposition 8, parents and taxpayers will pay more and have less control and that is reason enough to reject any Proposition. We urge your "NO" vote on Proposition 8.

H. L. "BILL" RICHARDSON
Member of the Senate, 19th District

PAULINE L. DAVIS
Member of the Assembly, 1st District

Rebuttal to Argument Against Proposition 8

The arguments against Proposition 8 are specious.

Opponents say the measure removes the State limitation on county superintendents' salaries. As a practical matter, there is no limitation now; the legislature normally grants salary increases to county superintendents at least every two years. Proposition 8 will enable local county boards of education to negotiate a salary contract with their county superintendent for a specified period of time, normally four years. The local county board of education will set the limit according to local needs, rather than a State formula. Local voters too, through their elected county board of education members, will have a greater influence than they presently have.

The argument that counties separated by hundreds of miles might be brought under a single board is

astonishing. It gives local voters no credit for common sense. The voters in each county considering a combined single board must approve the proposal.

It would not make sense to combine county school boards across vast geographical distances, and local voters would not approve such a proposal. On the other hand, voters of smaller adjacent counties might well support an effort at economy and efficiency by voting to replace two or more county boards of education and county superintendents of education with a single combined board and superintendent.

Proposition 8 will give parents and taxpayers more control, not less, and greater value for their education dollar. **Vote "YES" on Proposition 8.**

LEROY F. GREENE
Member of the Assembly, 6th District
Chairman, Assembly Education Committee