

California schoolnews

Weekly Update

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U.S. Supreme Court reinforces First Amendment rights of school board members



In a **resounding victory for school board members** on March 15, the **United States Supreme Court developed a new and more restrictive test for determining when public officials can be held liable for First Amendment violations related to management of their social media accounts.** The Court's test largely **upholds plaintiff's arguments in *O'Connor-Ratliff v. Garnier*, a case where**

CSBA's Education Legal Alliance (ELA) filed an **amicus brief** in support of Michelle O'Connor Ratliff, a Poway Unified School District trustee. The U.S.

Supreme Court sent *O'Connor-Ratcliff v. Garnier* back to the U.S. Court of Appeals for the Ninth Circuit to reconsider using the new test. The Court also returned a similar case, *Lindke v. Freed*, back to the U.S. Court of Appeals for the Sixth Circuit.

In a rare unanimous U.S. Supreme Court decision, Justice Amy Coney Barrett emphasized **that while a social media profile's appearance and function are relevant to the new test, whether a public official has actual power to speak for the government is crucial**, writing that, "Freed did not relinquish his First Amendment rights when he became city manager" and that "the presence of state authority must be real, not a mirage." Barrett went on to state that a government official's social media posts can be attributed to the government only if the official had the authority to speak on behalf of the government *and* was exercising that power when they created the social media post at the center of the dispute. **Determining whether this is the case would require "a fact-specific undertaking in which the post's content and function are the most important considerations."** Rather than issuing a second opinion in *O'Connor-Ratcliff v. Garnier*, the Court returned the case to the Ninth Circuit to rule in light of the test it announced in *Lindke v. Freed*. [Read more on the CSBA blog »](#)

Legislative update: Senate releases initial budget plan



The California State Senate on March 14 released its early action plan, the first of a two-step process in their efforts to address the state's budget deficit. The "**Shrink the Shortfall**" plan outlines efforts to immediately adopt several billions of dollars of proposed solutions. The intent is to reduce the size of the budget deficit from a projected \$38–58 billion to a range of \$9–\$24 billion as they work to adopt the 2024–25 state budget. **Using Gov.**

Gavin Newsom's January budget deficit estimate of \$58 billion, the Senate is largely embracing much of the Governor's proposals to reduce the non-Proposition 98 general fund side of the budget. This includes adopting early action on \$29 billion in current year and budget year (2024–25) solutions, including withdrawing approximately \$12.2 billion from the general fund reserve, leaving \$13 billion in remaining funds in the reserve. The remaining \$17 billion in reductions would come in the form of funding delays, deferrals, program reductions, specified funding shifts and borrowing from the Managed Care Organization (MCO) provider tax.

Remarkably, **the Senate's proposal does not address the state's \$8 billion shortfall in the 2022–23 Proposition 98 Guarantee nor does it address the projected shortfall in the calculation of the current year and 2024–25 budget.** However, it does make two notable actions in education facilities funding — **it approves the Governor's proposals to pull back \$500 million in School Facility Program funding and to delay disbursement of \$550 million in the Preschool, Transitional Kindergarten and Full-Day Kindergarten Facility Program.** The Senate will announce the second step of their plan later this spring. As the Legislature continues to deliberate the state budget, CSBA will continue to keep its membership apprised of developments and advocacy opportunities.

Read the March newsletter online



The March issue of *California School News* reviews the **developments around the state budget, including a concerning Proposition 98 maneuver that would lower the guarantee in future years by \$8 billion.** Other highlights include a look at **CSBA's new brief**

“Instructional Materials Adoptions: State and Local Governing Board Processes, Roles, and Responsibilities,” which details

the importance of high-quality instructional materials for student learning, the role of the board and a look at upcoming adoptions related to the Mathematics Framework; **CSBA's new ethics training, which fulfills the requirements of Assembly Bill 2158** that local educational agency governing boards complete ethics training every two years during their term of service; **employee safety and workplace violence prevention plans;** and **supporting foster youth.** Additionally, **CSBA President Albert Gonzalez reviewed the County Board Workshop and reaffirmed CSBA's commitment to grow services for county board members.** [Read the issue »](#)

Advocate for California students in the nation's capital



Take your advocacy to the next level with the CSBA/Association of California School Administrators Coast2Coast Federal Advocacy Trip in Washington, D.C., April 8-10. Don't miss your chance to be a part of this advocacy event to shine a light on the issues affecting the state's nearly 6 million students. California school district and county office of education board members and superintendents can **bring their local issues**

straight to the nation's Capital.

The 2024 Coast2Coast trip features a **special Congressional reception in the U.S. House of Representatives Members' Dining Room,** courtesy of the Honorable Salud Carbajal, Member of Congress. Coast2Coast participants will also be treated to remarks from Neera Tanden, director of the Domestic Policy Council and Domestic Policy Advisor to President Joe Biden; former San Diego Unified School District Superintendent and current Deputy Secretary of the U.S. Department of Education Cindy Marten; and Celinda Lake, president of Lake Research and one of the nation's top pollsters who will share her findings on public sentiment toward public schools, school boards, government, the economy and society. Attendees will also receive briefings on education policy issues specific to California, an “insiders” account of the latest politics affecting federal education policy, and a networking opportunity with prominent D.C. figures and fellow educators. This will be followed **by two days of meetings on Capitol Hill to advocate directly with California congressional representatives, White House officials, key federal agency leaders and other top policymakers.** [Learn more and register »](#)

Already registered? Prepare with this [Know Before You Go video](#) and use the hashtag [#Coast2coast24](#) on social media while at the event.

Federal update: Grants available to support English learners, magnet schools



The U.S. Department of Education is inviting applicants for two grants:

- The **National Professional Development discretionary grant program focuses on improving instruction for English learners through preservice and in-service professional development activities**, including by providing grants for effective preservice professional

development programs that will increase the number and diversity of fully licensed or certified bilingual or multilingual teachers. Grants are awarded for this program to public and private nonprofit institutions of higher education and public and private entities with experience and capacity, **in consortia with state educational agencies and local educational agencies**. Applications are due by May 13.

[Learn more »](#)

- The **Magnet Schools Assistance Program (MSAP) provides funding to create or revise magnet schools that are under required or voluntary desegregation plans**. There are four competitive preference priorities, including priorities that “address an LEA’s need for MSAP funding, the evidence base under girding the LEA’s program design for new or significantly revitalized magnet schools, the means of student selection for admission including use of lotteries and other non-academic means, and attention to socioeconomic factors in promoting diversity.” There are also two continuing competitive priorities, including promoting equity in student access to educational resources and opportunities, and supporting a diverse educator workforce and professional growth to strengthen student learning. Applications are due by May 13. [Learn more »](#)

State update: Model dual enrollment and community day schools recognized



The California Department of Education (CDE) announced **nine schools** were selected on **March 13 for the California Exemplary Dual Enrollment Award** on March 13. The award identifies and recognizes schools with outstanding dual enrollment programs and allows these schools to share the exemplary practices that have contributed to their success. **Applicants demonstrate and provide evidence of strong,**

collaborative relationships among the high school, colleges, families, community members and industry partners.

On March 18, the CDE recognized **eight schools** as the inaugural **Model Community Day Schools (MCDSs)**. Community day schools serve students who have been expelled from school or who have had problems with attendance or behavior. During the three years that schools are designated as an MCDS, the CDE and California Continuation Education Association Plus will identify them as **resources for districts that are planning to establish new community day schools and for new and existing community day schools that would like expert support to expand and deepen their educational practices.**

Streamlined superintendent hiring for districts and COEs



CSBA, in partnership with McPherson & Jacobson, L.L.C., offers the Executive Search Service to **provide districts and county offices of education with a streamlined process to meet their executive hiring needs.** From identifying possible candidates to the selection of a qualified superintendent, **Executive Search Services offers an extensive and comprehensive process that guides the board through this critical time with ease and professionalism.** [Learn more »](#)

Stay up to date with the latest news and resources on the [CSBA blog](#).

Virtual events

The Brown Act

March 26 | [Register](#)

MIG Course 3: School Finance Part 1 and Part 2

April 3-4 | [Register](#)

Executive Assistants Certification Program - Xi cohort

April 11-June 21 | [Register](#)

Student Board Member Trainings

Transition Planning, Legacy Building, and Next steps | April 15 | [Register](#)

Ethics Assembly Bill 2158

April 16 | [Register](#)

Sponsors



**The Role of the School Board in
Achieving Equity Through Strategic
Budgeting**

April 19-20 | [Register](#)

May 31-June 1 | [Register](#)

Keenan[®]

In-person events

Small School District Financial Workshop

April 6 | San Bernardino | [Register](#)

April 20 | Fowler | [Register](#)

**MIG Course 4: Human Resources/
Collective Bargaining**

April 6 | Monterey | [Register](#)

Coast2Coast Federal Advocacy Trip

April 8-10 | Washington, D.C. | [Register](#)

Ethics Assembly Bill 2158

May 8 | West Sacramento | [Register](#)

[View complete calendar](#)

