



August 16, 2018

The Honorable Bill Dodd  
Member, California State Senate  
State Capitol, Room 5064  
Sacramento, CA 95814

The Honorable Chris Holden  
Member, California State Assembly  
State Capitol, Room 5132  
Sacramento, CA 95814

RE: CONFERENCE COMMITTEE ON WILDFIRE PREPAREDNESS AND RESPONSE

Dear Senator Dodd and Assembly Member Holden:

On behalf of the statewide education organizations, school districts, and county offices of education listed on this letter, we are pleased that the legislature is focusing time and energy to address wildfire preparedness and response. As you know, schools have been impacted by the increase in wildfires and mudslides. Not only have we lost school buildings, but our students and staff have lost their homes.

As a result of the wildfires to school districts and county offices of education, we are following the Conference Committee on Wildfire Preparedness and Response. We are concerned that there has been no recognition of the impact of these fires on schools as a public agency and how the proposed inverse condemnation discussion could negatively affect our schools, students, and staff.

The Takings Clauses in both the U.S. and CA Constitutions protect inverse condemnation and as such, we believe the legislature cannot make constitutional changes without the vote of the people. The Governor's proposal would fundamentally change the nature of the constitutional protection against property damage provided through inverse condemnation and would reduce or deny compensation in circumstances with the California Constitution, as interpreted by the courts, requires full just compensation.

Currently, school districts have few tools available to build and modernize our schools. Schools are unable to raise fees without a vote of their community. A community devastated by a wildfire will be unable to vote to pay for any school repair. Our Average Daily Attendance, ADA, pays for our teachers, classified employees and education of our students. The schools who have been impacted by the fires have gone to the legislature for assistance to help cover their lost ADA due to school closures. However, those funds do not fully restore them. In addition, a number of districts whose employees have lost their homes resulted in their relocation. This has resulted in a shortage of teachers, janitors, food service workers, and more. How does a school district respond to the needs of their students without the resources, both human and financial?

Without inverse condemnation assurances, schools would be left to pay for their school repairs leaving our students without a school to attend or be forced to transfer to schools away from their homes. This adds to the trauma of our students and staff who have endured horrific life events from no fault of their own. Our students are unable to wait for the lengthy court process that will result from changes to inverse condemnation.

We believe the discussion of inverse condemnation is too important and complicated to be resolved during the final few weeks of session. Schools want to be a part of any discussion and solution to reduce the impact of wild fires and other natural disasters on our schools in order to protect our students and staff.

We look forward to working with you to resolve these issues.

Sincerely,



Laura Preston  
Association of California School Administrators



Eric Bakke  
Los Angeles Unified School District



Dr. Chris Hartley  
Humboldt County Superintendent of Schools



Steve Herrington  
Sonoma County Superintendent of Schools



Andrea Bennett  
California Educational Technology Professionals Associations



Tim Taylor  
Butte County Superintendent of Schools



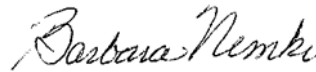
Sandra Morales  
California County Superintendents Educational Services Association



Ian Padilla  
Coalition for Adequate School Housing



Nancy Chaires  
California School Boards Association



Barbara Nemko  
Napa County Office of Education



Gayle Garbolino-Mojica  
Placer County Superintendent of Schools



Kevin Gordon  
San Diego County Office of Education



Sarah Bachez  
California Association of School Business Officials

cc: Members of the California State Legislature