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Ending School Overcrowding in California:

Building Quality Schools for All Children




A Report from PolicyLink and MALDEF

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Preface

Public education is an essential building block for economic success. Yet over one million California schoolchildren, a disproportionate number of them children of color, attend overcrowded schools that limit their ability to learn and succeed academically. California's future will increasingly depend on how well opportunity is extended to all Californians. To ensure a strong and vibrant future, Californians must work together to end school overcrowding. With billions of dollars in bond funds available for the construction of new schools, and the creation of California's Critically Overcrowded Schools program, progress can be made on the issue.

In 2004, PolicyLink and the Mexican American Legal Defense and Educational Fund (MALDEF) began a partnership to analyze the distribution of recently approved state bond funds and assess whether overcrowded schools were in fact receiving their fair share of state resources. As organizations committed to promoting economic and social equity, PolicyLink and MALDEF believe that public investments should benefit everyone and go to the communities that need them most.

Using new data and analysis, *Ending School Overcrowding in California* offers insight into the crisis of school overcrowding in California and points to steps that can be taken to enhance efforts already under way. The goal of ending school overcrowding in California can be achieved. We hope that school officials, concerned citizens, policymakers, civic leaders, and activists alike will embrace the goal and join the cause to create quality schools for all California children.

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Executive Summary

Too many California children attend overcrowded schools. Using a conservative definition of overcrowding, the state estimates that approximately one million children attend almost a thousand critically overcrowded schools. A broader and more realistic definition of overcrowding reveals that more than a million and a half children are enrolled in overcrowded schools. School overcrowding hinders academic performance and damages the social, psychological, and physical well-being of children. Further, since children of color make up 90 percent of the students in such schools, overcrowding undermines California's commitment to providing a quality education for all.

Comprehensive change is necessary to end school overcrowding, most importantly in the way state resources are allocated for the construction of new schools. As currently designed, the state's New Construction program is geared more toward providing school districts with funds to accommodate anticipated growth in total enrollment, not to relieve existing overcrowding. Consequently, many districts with overcrowded schools receive insufficient resources to build the facilities needed to address the overcrowding problem.

Positive Steps Taken

Recent developments indicate that California is making progress on the issue. In 2002, the legislature recognized that specific measures were needed to address the problem and created the Critically Overcrowded Schools (COS) program as a component of the state's New Construction program. The New Construction program approves applications on a first-come, first-served basis, which puts many districts—mostly urban and with fiscal, administrative, and other constraints—at a disadvantage in competing for state funds. The COS program, however, allows districts with overcrowded schools to reserve new construction funds and gives them up to five years to complete their funding applications.

As the legislature created the COS program, voters passed two large bond measures addressing public education facilities—Propositions 47 and 55, in 2002 and 2004 respectively—which will result in an investment of over $21.4 billion for modernizing or building new K-12 public school facilities; $4.1 billion of it is dedicated to building new schools under the COS program to relieve overcrowding. And in 2004, the landmark educational equity lawsuit, *Williams v. California*, was settled and brought attention to the appalling condition of the state's lowest-performing schools and the need for resources to address overcrowding.

Building on Recent Progress

While the COS program and the *Williams* settlement are promising, they alone cannot alleviate the serious overcrowding in California's schools. Additional steps must be taken.

Remove eligibility barriers for overcrowded schools.

While the COS program is a step in the right direction, serious barriers within the New Construction program—of which COS is a part—make it difficult for districts with overcrowded schools to become eligible for state resources. The state's New Construction program is designed primarily to fund the building of new schools to respond to anticipated enrollment growth, not to relieve existing overcrowding. The eligibility rules governing New Construction funds do not recognize relief of overcrowding as a priority for New Construction dollars, thus many districts with overcrowded schools are left ineligible for the funds, including the very COS funds set aside to eliminate overcrowding. Funding eligibility rules must be altered so that resources are focused on relieving persistent overcrowding and on responding to growth in future enrollment.

Improve the COS program and increase its funding.

California's definition of school overcrowding fails to recognize many overcrowded schools, leaving them unable to qualify for funding under the COS program. The state's definition is based on school density, the number of students per acre. Under California's definition, to be a critically overcrowded school and thus qualify for COS funds, a school must have at least *double*—200 percent—of the California Department of Education's recommended number of students per acre. Overcrowded schools that fall below 200 percent of capacity are ineligible for COS funding.

Moreover, while density is considered a good measure of overcrowding, using density alone is inadequate in describing the full extent of the problem. California schools that use temporary approaches to increase school capacity, such as multi-track year-round education calendars, busing, and portable classrooms—practices that are strong indicators of school overcrowding—are not fully captured under the state definition. Portable classrooms are usually counted as permanent classroom space, bused students are not counted in the schools they should attend but are unable to because there is no room for them, and the presence of multitrack year-round calendars is not seen as an indication of overcrowding. The COS program should strive to broaden its definition and capture the schools that use such strategies.

While the $4.1 billion allocation for the COS program was an important step, much more is needed to significantly address the problem. Recent data from the implementation of the COS program indicates that more than four times that amount—almost $18 billion—would be needed in state matching funds to relieve the state's estimate of the overcrowding problem. The true cost could go much higher if California decides to eliminate the inadequate measures (busing, multitracking, etc.) used by districts to cope with overcrowding. In addition, COS funds that remain unallocated can be transferred back to the New Construction program instead of being reserved for overcrowded schools. Future investments in school facilities will be critical and should include additional COS dollars as long as overcrowded schools exist. The state should also guarantee that COS funds will be used for critically overcrowded schools and not revert to New Construction as long as there is need.

Develop a statewide assessment of overall need.

The state lacks a comprehensive assessment of school facilities and of the resources needed to address them. Information is typically collected at the district level; it is not systematically reported or analyzed at the state level. A statewide assessment of

the quality of existing facilities and an inventory of school capacity would provide an accurate understanding of the condition of California schools, the demand for new facilities, and the true costs required to provide new or well-maintained schools. The standards, assessment, and inspection system for schools established in the *Williams* settlement is a good beginning and can serve as the foundation for a comprehensive statewide inventory.

Examine and remove all funding barriers to addressing overcrowding.

Several additional barriers emerge from an analysis of the way the New Construction and COS programs are implemented. The following are some key barriers that should be addressed by policymakers.

Insufficient Grant Levels and Local Match Requirement

Although the state is mandated to cover roughly half of school construction costs, in some communities grants are estimated to cover only about 20 percent to 30 percent of construction costs. This creates a financial barrier to building new schools, especially in low-income districts. Furthermore, because the New Construction program requires grants to be matched locally, communities without this capacity are unable to obtain state resources.

Lack of a Consistent and Sustainable Funding Plan

School construction in California would be better served by a steady and predictable flow of funds. The current system produces boom-and-bust bond cycles that tend to create construction spurts that exceed the capacity of the construction industry, reduce competition among contractors, and drive up building costs. An increased predictability of funds, which could be provided by ongoing state allocations to school districts, would enable long-term planning and improve California's educational system for all children. However, for such a system to be equitable, schools that are currently overcrowded must first be brought up to standards before changing to a more consistent funding stream.

Introduction

Over a million California schoolchildren—predominantly from low-income families and of color—attend severely overcrowded schools. Lunchrooms, libraries, and an assortment of other spaces are used as classrooms and attempts are made to alleviate overcrowding by such temporary measures as reorganizing—even shortening—school years, busing children to other neighborhoods, and using portable classrooms. But the fact remains that children who attend overcrowded schools are less able to learn, feel socially inferior and alienated, and are more exposed to health and safety hazards.[1]

A desperate need exists for constructing new schools to alleviate overcrowding. Indeed, the problem has grown so severe that it is estimated that more than $35 billion in combined state and local revenues will be needed to build the necessary facilities to ensure that all California children have access to quality facilities.[2]

Educational equity advocates have long maintained that the state needs a more focused approach to alleviating school overcrowding. In fact, the way the state funds new school construction is designed primarily to fund new schools in response to growth in enrollment, not existing overcrowding. Moreover, the state program, known as New Construction, funds applications on a first-come, first-served basis, thus systematically disadvantaging many districts, particularly urban ones, that face greater fiscal, administrative, and other barriers to building new schools. For instance, urban districts are challenged by higher land costs, land scarcity, and cleaning up contaminated sites. In a first-come, first-served system, school districts with fewer challenges and constraints when submitting applications receive new school construction funding ahead of other districts.

Promising Developments

Recently, developments in California have paved the way toward addressing overcrowding in a meaningful, lasting way. The *Godinez v. Davis* lawsuit in 2000 challenged the state's allocation of 1998 Proposition 1A school bond funds and sharply illustrated inequities in the system of allocating school construction funds. The plaintiffs demonstrated that with the allocation process then in place, the Los Angeles Unified School District would have received only 2 percent of the total funding despite having 14 percent of the state's total need for new school facilities.[3] With the 2000 *Godinez* settlement, the state developed a temporary system to prioritize funding to overcrowded schools and moved a portion of state bond funds from Proposition 1A to serve them.

In 2002, the legislature passed Assembly Bill 16 (AB 16), sponsored by then Assembly Speaker Robert Hertzberg (D-Van Nuys) which added the Critically Overcrowded Schools (COS) component to the New Construction program. (For more information about the Critically Overcrowded Schools program, see the text box on page 10.) AB 16 also put before the voters two eventually successful educational facilities bond measures—Proposition 47 and Proposition 55, which passed in 2002 and 2004 respectively—that are investing over $21.4 billion in modernizing and building new K-12 public school facilities. Of the $15.3 billion available for building new schools, the Critically Overcrowded Schools program received $4.1 billion, or 26.7 percent, of the total for the construction of new schools; the remaining $11.2 billion was allocated for the first-come, first-served New Construction program.

In another positive development, *Williams v. California*, the landmark educational equity lawsuit, was settled in 2004, and resulted in the dedication of new resources to the lowest-performing schools in the state. The facilities portion of the settlement provides $800 million in financial assistance for emergency repairs of low-performing schools, development of facilities standards, and a new school facilities needs assessment program. In addition, the settlement focused attention on multitrack year-round strategies that are used to increase school capacity without constructing new facilities. In multitrack programs, groups of students attend school in different tracks, which allows for year-round school calendars (see page 11 for more on multitrack year-round education). By calling for the gradual elimination of the most severe form of multitrack education—known as Concept 6—under which schools operate at 150 percent of student capacity and the school year is shortened by 17 instructional days, the *Williams* settlement heightened public awareness of the need for better ways of addressing overcrowded schools.

Building on the Momentum for Change

Over the next few years, California voters are likely to consider additional school bond measures, which will provide opportunities for making the necessary changes to ensure that sufficient resources are targeted to relieve overcrowding.[4] Additionally, recent population projections suggest that over the next seven years, the rate of California's growth will slow temporarily, but will begin to accelerate again around 2013. This lull will provide California with an opportunity to catch up and erase its school facilities deficit. Steady and effective targeting of resources can help achieve this goal.

The COS program is a positive step in that effort. Success, however, will require removal of several barriers to solving the problem of overcrowded schools. First, the narrow COS definition of the problem leaves many overcrowded schools ineligible for COS funding. Second, additional resources are clearly needed; original allocations are less than one-quarter of what is required. Moreover, COS funds are not truly dedicated to overcrowded schools, since unallocated funds may revert back to the first-come, first-served New Construction program.

The third and most significant barrier is a structural one involving the eligibility determination process that precludes many districts with overcrowded schools from accessing state funds for building new schools. For example, recent experience with the implementation of Proposition 55 suggests that many COS schools are unable to qualify for funds because the school districts they belong to do not qualify under current eligibility rules. The eligibility technicalities do not recognize the need to relieve individual school overcrowding.

Ending School Overcrowding in California analyzes the state's overcrowding problem, examines the current system's responses, and makes recommendations for changes that can enable all California children to attend schools that are uncrowded and appropriate for learning.

The Critically Overcrowded Schools Program: A Positive Step

Assembly Bill 16 (AB 16), passed in 2002, created the Critically Overcrowded Schools (COS) program as a more focused approach to addressing school overcrowding. Through the COS program, districts with severely overcrowded schools now have more time—up to four years—to complete steps such as site approval and acquisition required in the preconstruction approval process. Eligible districts may apply for a one-year extension. Unlike the New Construction program, which accepted applications on a first-come, first-served basis, COS applications have a single deadline—120 days after bonds are approved by voters—thus allowing approved projects to be ranked by the degree of overcrowding and funded accordingly. COS funds are not, however, permanently dedicated exclusively to schools that fall within its guidelines; the legislation provided that unused funds be transferred to the New Construction program.

AB 16 set aside $1.7 billion from Proposition 47 and $2.44 billion from Proposition 55 for the COS program, representing approximately 27 percent of the total bond funds going to new K-12 construction. The program targets a specific group of schools. To receive funds the districts these schools are part of must go through the following process:

Meet the two components of the eligibility criteria for the COS program. First, districts must meet the same baseline eligibility as any applicant to the New Construction program: demonstrate that they will have an unmet need for school facilities in five years unless new schools are built. Second, the California Department of Education (CDE) must certify that the schools are overcrowded. The CDE uses density of students per usable acre to determine overcrowded schools and those on the list have been certified as having a number of students per acre that is at least double the state standard.[5]

Submit a preliminary grant application. Districts that have met both eligibility requirements may submit an application to the Office of Public School Construction for a preliminary apportionment. This application results in the reservation of funds based on estimated costs. Districts must also identify on the application the schools where overcrowding can be alleviated with COS funds and the number of students the new facility will house.

Receive a preliminary grant. Projects are ranked by density. If the applications ask for more funds than are available, the State Allocation Board will give priority to projects that help schools with the most severe overcrowding.

Be approved for a final grant in four years. Within four years (or five, if approval for an extension is granted), districts must submit completed applications indicating land acquisition, state approvals, and evidence that sufficient local funds have been raised. Additionally, at the time of final grant apportionment, districts with critically overcrowded schools must show—through a process called recertification—that they continue to be eligible for new school construction based on the projected enrollment figures at the time funds were reserved. They must also ensure that at least 75 percent of enrollment draws from schools on the COS list and that the new facility will be built within a specified distance from those schools. Such requirements ensure that funds to alleviate overcrowding do in fact go where they are intended and where need continues to exist.[6] The inability to meet these requirements may mean that districts lose their reserved funds.

Defining the Problem

While there is broad agreement that school overcrowding harms a child's education, there is no one generally accepted definition of overcrowding. Under the Critically Overcrowded Schools program, California defines a facility as critically overcrowded if the number of students per acre is *double* the state standard. The threshold for being a critically overcrowded school is 115 pupils per acre for grades K-6, and 90 pupils per acre for grades 7-12. Using the state definition, the California Department of Education (CDE) counted approximately one million students in 945 critically overcrowded schools in 2002. (The state acknowledges that this figure is an undercount, since only about 60 percent of the schools were surveyed.) These figures represent approximately 17 percent of public school students and 11 percent of public schools in California.

Students in overcrowded schools are more likely to be minority and from low-income families.[7] While the total minority enrollment in all California K-12 schools is 66 percent, 90 percent of students in critically overcrowded schools are children of color. Overcrowded schools also tend to be located in urban areas, where land is scarce and costs are higher. Table 1 shows the top school districts with overcrowded schools.

Table 1. Top Ten Districts with COS Source Schools

District	Student Enrollment	Number of Schools
Los Angeles Unified	586,728	451
Long Beach Unified	63,961	48
San Francisco Unified	52,372	98
Santa Ana Unified	51,184	46
San Diego City Unified	37,943	48
Oakland Unified	31,291	42
Montebello Unified	23,257	17
Anaheim Elementary	16,589	16
Inglewood Unified	14,802	15
Fresno Unified	13,811	16

Source: CDE COS Source School data, 2002

Other Indicators of School Overcrowding

Although school-site density, measured in students per acre, is considered a good measure of overcrowding, it can overlook important indicators.[8] The state's definition, for example, fails to fully capture the use of multitrack year-round education, busing students outside their neighborhoods, and the use of portable classrooms, strategies that schools employ to temporarily increase capacity in response to overcrowding. Therefore, relying only on school-site density can result in underestimating the true extent of overcrowding.

Multitrack Year-Round Education

Multitrack year-round education is one of the tools that districts use to increase a school's capacity to accommodate enrollment growth. Under this system, students are divided into tracks, and at any point in the calendar year, one track is on vacation while the other tracks are in school. Under the state's definition, over half (56 percent) of the students in multitrack year-round education in 2002—about 500,000 students—attended schools that were not officially considered overcrowded.[9] Many researchers point to the harmful effects of a multitrack system; they include lower academic achievement and limited access to remedial, enrichment, or extracurricular opportunities.[10] Studies of schools in California that use multitrack calendars find that they are more likely to enroll low-income or minority students with lower academic achievement than those on single-track calendars.[11]

Busing to Cope With Overcrowding

The state's overcrowding definition also misses many students who are bused to and from schools outside of their neighborhoods because of space constraints. For example, Los Angeles Unified School District buses approximately 15,000 to 20,000 of its students, San Diego City Unified buses over 18,000 students, and Oxnard Elementary buses over 3,000 students—20 percent of its enrollment—to schools outside of their communities because local schools are full.[12] Many of these students travel great distances, sometimes two hours each way. Furthermore, when children attend school far from home, parental involvement is extremely difficult and access to after-school enrichment or extracurricular activities is curtailed. There is also some evidence that suggests parents delay enrolling children in kindergarten if the school is not nearby.[13]

Temporary Portable Classrooms

The state's overcrowding definition indirectly captures the use of portable classrooms because their use on a school site increases that school site's density. However, the lack of comprehensive data makes it difficult to estimate just how many of the 80,000 to 85,000 portable classrooms—which represent approximately one-third of all classrooms serving about 1.8 million students[14]—used in California are accounted for in the state's overcrowding definition, especially portables that have been in use for many years. Portable classrooms are a poor substitute for permanent ones: they deteriorate more quickly than permanent structures, provide poor protection against temperature extremes and noise, often admit less natural light, and frequently have inadequate ventilation systems leading to poor air quality and health hazards. In fact, with many districts using portables that are over 50 years old, aging portables are suspected as a cause of illnesses, including asthma,[15] in children. They also take up outdoor space that could otherwise be used for physical education.

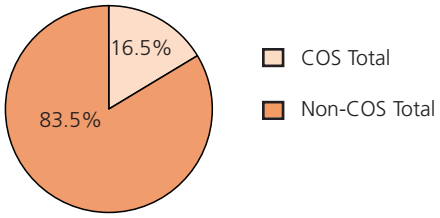
Acknowledging that a Bigger Problem Exists

Overcrowding is a much larger problem than Californians imagine or state estimates reveal. Adding all multitrack students to the overcrowding definition boosts overcrowding estimates from 17 percent to about 25 percent of public school students in the state, or 1.5 million students (see figures 1 and 2). If the number of students bused to other neighborhood schools and those in portable classrooms were included, the number would increase to well above 1.5 million.

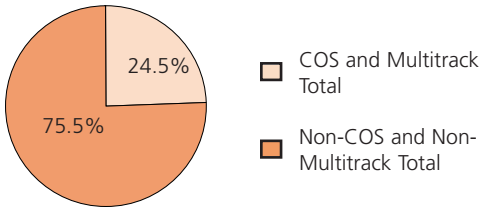
By defining the problem too narrowly, California risks leaving many overcrowded schools without the resources to build needed new facilities. A comprehensive assessment is needed to uncover the true state of overcrowding in California. That assessment should use a more accurate definition of overcrowding that includes all school districts with such temporary measures as multitrack schooling, busing, and portable classrooms.

Figures 1 and 2. Estimate of School Overcrowding in California

1. COS School Enrollment as a Percentage of State Total



2. COS and Multitrack Enrollment as a Percentage of State Total



Source: Data from the 2001 California Basic Education Database System (CBEDS), COS eligible source school list, and Multitrack school list.

Understanding the Funding Gap

The state took an important step when it set aside $4.1 billion in funds to build new schools under the Critically Overcrowded Schools (COS) program. However, much more is needed to meet the actual need and eliminate school overcrowding. Billions of dollars in additional investments would be necessary to fully implement the COS policy; even more if the costs for replacing portable classrooms and eliminating busing and multitrack calendars are considered.

Table 2 shows the state's share of costs under the current COS policy and three alternatives using two cost estimates.[16] The first column estimates the cost of implementing the current COS policy of reducing enrollment in overcrowded schools to 150 percent of the density standard recommended by the California Department of Education (CDE). For example, the CDE density standard for a high school is 45 students per acre, so districts are potentially eligible for COS funds targeted to students above 150 percent of this standard, or 68 students per acre.

In 2002, CDE estimated that the current COS policy would encompass 556,494 students whose schools would be targeted by the COS funds. Using data from Proposition 47 COS funding allocations, Table 2 shows that the cost of constructing new facilities for that number of students would be almost $18 billion—four-and-a-half times the current COS funding of $4.1 billion. The higher average per-pupil grant of $31,753 from the COS program, versus the $13,005 per pupil from the New Construction fund, provides a truer picture of what it really costs to build schools in urban communities and reflects the increased development costs related to higher land prices, and environmental clean-up, security, and multistory school buildings.

The second column in Table 2 estimates the cost if the COS policy is modified to provide greater relief by reducing enrollment to CDE's recommended density standard rather than 150 percent. The estimated state share of the cost to implement this policy would be almost $23 billion, six times the current COS funding. Columns 3 and 4 show the costs to reduce overcrowding if in addition to reducing density, enrollment in multitrack schools is reduced by 25 percent to allow these schools to return to a traditional school year.[17] Reducing density to 100 percent of the CDE standard and reducing enrollment to eliminate multitracking would cost the state close to $27 billion, almost seven times the current COS amount. The estimated cost would be even higher if eliminating busing and replacing portable classrooms are included in the cost of building new schools.

Table 2. State Share of Cost to Reduce School Overcrowding Based On Different Policy Plans

	Current Policy	Alternative I	Alternative II	Alternative III
Policy Plan	Reduce Overcrowding in COS Source Schools to 150% of CDE Standard	Reduce Overcrowding in COS Source Schools to 100% of CDE Standard	Reduce Overcrowding in COS Source Schools to 150% of CDE Standard and Reduce Non-COS Multitrack Enrollment by 25%	Reduce Overcrowding in COS Source Schools to 100% of CDE Standard and Reduce Non-COS Multitrack Enrollment by 25%
Number of Qualifying Pupils Targeted for Relief	556,494	717,824	681,384	842,714
Costs based on average New Construction apportionments from Proposition 47 ($13,005 per pupil)	$7.24 billion	$9.34 billion	$8.86 billion	$10.96 billion
Costs based on average COS apportionments from Proposition 47 ($31,753 per pupil)	$17.67 billion	$22.79 billion	$21.64 billion	$26.76 billion

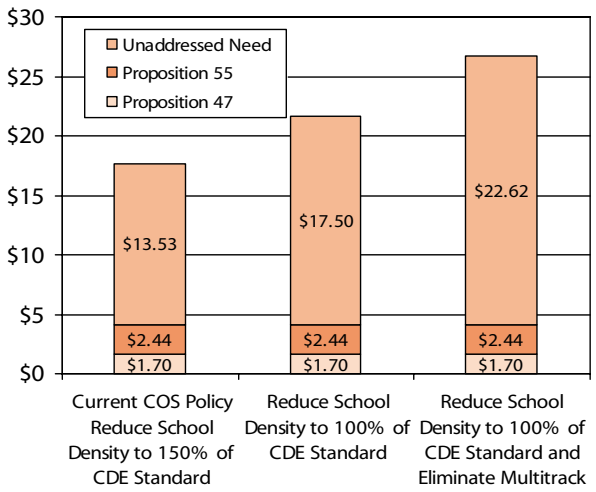
Source: PolicyLink analysis using CDE California Basic Education Database System (CBEDS), Multitrack, and COS Source School Data

Additional Resources Sorely Needed to Reduce Overcrowding

Even with the state's narrow definition of overcrowding, much more than the existing $4.1 billion set aside in the COS program is needed to build the schools necessary to enable all California children to attend a quality school facility.[18] Chart 1 shows that the state's share of the funding gap could go over $20 billion. This facilities gap indicates a need for sustained investment and underscores the importance of dedicating COS resources exclusively to building new schools to relieve overcrowding instead of returning unreserved funds to the New Construction program.

In the near future, Californians will again be asked to invest new resources to create school facilities that meet the demands of increased population and school overcrowding. It is critically important that those resources are targeted to communities and schools most in need.

Chart 1. Estimates of Funding Needed to Eliminate School Overcrowding in Billions



Source: PolicyLink analysis using Proposition 47 COS preliminary apportionment data

Structural Barriers To Addressing School Overcrowding

Ending school overcrowding will not be possible without making structural changes to the New Construction program of which Critically Overcrowded Schools (COS) program is a part. Although the program removed major barriers faced by many districts when the program set aside resources and extended the time required to complete applications, it left in place other aspects of the New Construction °program that have proved difficult to overcome. The most significant of these is the New Construction funding eligibility process, which has left many districts with overcrowded schools unable to qualify for sufficient funding to address overcrowding.

Problems with Qualifying for New Construction Eligibility

To receive New Construction funds, districts must demonstrate that over the next five years, they will need new classrooms to accommodate the students whose numbers exceed existing capacity. The number of these *unhoused students*—as they are designated by the state—is calculated by subtracting a district's *physical capacity* from its *projected enrollment*. Eligibility for state funding is based on the number of unhoused students a district projects it will have in five years.

The way the state defines physical capacity and its method for projecting enrollment results in eligibility calculations that recognize facilities needs due to new enrollment growth, but virtually ignore the need due to school overcrowding. Consequently, many communities with overcrowded schools, but limited total enrollment growth, are not considered to be in need of new school construction and are therefore left out of the competition for state resources.

First Problem: Defining Physical Capacity

Under state law, a district's pupil capacity is determined by the total number of available classrooms multiplied by a factor of 25 for elementary schools and 27 for middle and high schools. This figure is the baseline capacity for determining eligibility for funding. This definition of physical capacity does not sufficiently take into account temporary strategies discussed earlier that districts use to increase capacity and that serve as reliable indicators of school overcrowding: portable classrooms, busing, and multitrack year-round calendars.

How Temporary Coping Mechanisms Create Barriers to Building New Schools

Under the current method for determining eligibility, the state includes temporary measures in calculating the school's permanent capacity. Portable classrooms are usually counted as permanent classroom space,[19] bused students are not counted as unhoused in the school they would attend if there was room for them, and the presence of multitrack year-round calendars is not seen as an indication of overcrowding. These practices have the effect of understating the need for new facilities and therefore reducing a district's eligibility for New Construction funding.

Other practices raise barriers to New Construction funds. For example, the implementation of the California Department of Education's multitrack operational grant offsets some of the costs associated with a district's use of a multitrack year-round educational calendar. With the growth of multitrack schools, however, which serve more than one million

students, so many districts have become eligible for the year-round grant that state funding is unable to keep up with the demand. As a result, the grants are prorated and school districts receive approximately 20 percent of the grant amount they are eligible for. However, by accepting the grant, even though they constitute only a small percentage of the grants they are due, school districts lose 100 percent of eligibility for New Construction funding. Every student included in the grant program must be counted as housed by the school district and is therefore not considered part of an overcrowding problem. In 2002-03, 24 school districts lost the equivalent of New Construction funding eligibility for 36,521 students.[20]

Second Problem: Projecting Enrollment

The second half of the equation to determine need is projecting enrollment growth. There are at least three flaws in the current method of anticipating such growth that have an impact on the ability of overcrowded districts to qualify for state funds to build new schools.

Method of Projecting Enrollment is Flawed

The state's method of projecting five-year enrollment—the Cohort Survival Projection (CSP)—does not, according to many school facilities planners, yield accurate results.[21] The method appears to work well in areas with steady growth but is unreliable in communities with fluctuating enrollment. A study done by the Office of Public School Construction (OPSC) in October 2004 of 54 school districts comparing CSP enrollment and actual enrollment showed that on average, the CSP was only four percent off the actual enrollment figures statewide. However, the variation by district was very large, ranging from an underprojection of 37.5 percent for one district to an overprojection of 41.3 percent for another. These large differences have important implications for eligibility and resource allocation, because inaccurate projections directly lead to inaccurate funding allocations. This is particularly problematic when there is competition for scarce resources. Slight declines in an enrollment period can result in dramatic, sometimes artificial, reductions in five-year enrollment projections and thus the loss of eligibility for new construction. This appears to have happened recently in many communities, affecting their applications for Propositions 47 and 55 funds. While the CSP method may be useful for projecting enrollment statewide to estimate total need, the volatility of the method makes it a poor tool for allocating resources to individual districts across the state.

The Use of Housing Map Projections Disadvantages Urban Districts

School districts may supplement projections by submitting housing tract maps that indicate future housing developments that have been approved by local governments. Planned new housing developments can significantly boost a district's five-year enrollment projections.[22] This provision disadvantages built-out urban communities because land scarcity in the urban core makes new housing tracts unlikely even though there may be an influx of population into those communities. Moreover, there appears to be no accountability mechanism to ensure that the population projections used to secure additional resources actually occur. In *Godinez v. Davis*, the plaintiffs submitted case studies of Riverside County and the cities of San Buenaventura and Camarillo in Ventura County documenting that 70 percent of the dwelling units shown on tract maps approved in 1995 had not been built within five years.[23] In effect, while students in existing overcrowded schools are sometimes deemed ineligible for new school construction funding, resources are being invested to build schools for students who are expected to live in homes that may not be built in the next five to ten years.

Enrollment Projections Do Not Fully Capture Neighborhood Change

Typically done for large geographic areas, such as an entire school district, or a high school attendance area, enrollment projections fail to account for neighborhood changes common in many urban districts. Sometimes, increased residential concentration in parts of a community do not necessarily match the distribution of facilities in the district. Many districts—such as Long Beach, Oakland,

San Diego, and Santa Ana—with large new immigrant populations have overcrowded schools in certain neighborhoods although the district as a whole has stable or declining enrollment. But because net new growth for the entire district typically determines eligibility, they become ineligible for funds.

In essence, the way the state defines the two parts of eligibility determination—the physical capacity and the enrollment projections—acts to reward new growth and underestimate the need that results from inadequately addressing past growth that resulted in current overcrowding. Without changes to eligibility rules that consider current and persistent overcrowding a legitimate need, many schools will continue to find it very difficult to eliminate severe overcrowding. The discussion of early implementation of the COS program and the use of Proposition 47 and 55 funds in the following text box illustrates why these changes are needed.

Early Lessons from the Critically Overcrowded Schools Program

Because the Critically Overcrowded Schools (COS) program is part of the New Construction program, applications to both programs are governed by the same basic eligibility rules. A review of the eligibility process reveals how the rules become barriers to eliminating overcrowding.

Recertification Threatens COS Apportionments

Under the law, a district applying for COS funds must twice meet the eligibility requirement of having unhoused students in five years: first at the time of its application to reserve COS funds and again when it completes the application three to four years later through a process called recertification.[24] Shortly after preliminary apportionments were made from Proposition 47 in 2002, staff from several COS applicant districts, including Los Angeles and San Diego, became concerned that under the eligibility rules, their districts would be unable to recertify their eligibility and would therefore not receive the previously reserved COS funding.

The problem in this instance appeared to be the unreliability of the Cohort Survival Projection technique. Los Angeles and San Diego were among the districts that received preliminary apportionments, then experienced slight dips in enrollment. These dips in enrollment resulted in reduced five-year enrollment projections and thus potential loss of eligibility for New Construction grants. This would not necessarily be a problem if the enrollment projections accurately reflected reality and no new schools were needed. However, recent experience in these districts makes it extremely unlikely that enrollment will decline as the projections suggest. In fact, enrollment in overcrowded schools need only be stable for overcrowding to persist.

The loss of eligibility is extremely problematic for COS districts that receive preliminary apportionments. That loss puts them at substantial risk of not receiving the final grants for new school projects to which they have made financial and political commitments, most notably by acquiring land.

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In 2004, in response to concerns expressed by affected districts, Assemblywoman Jackie Goldberg (D–Los Angeles) authored and the legislature passed Assembly Bill 2950 which provides local districts with increased flexibility in calculating eligibility. This policy change, however, was narrowly focused and applies only to funding from Proposition 47, not Proposition 55. It will be important to monitor the implementation of the COS program to see whether COS applicants do in fact receive their final apportionments. Additional changes may be needed to ensure that COS resources reach their intended recipients.

Eligibility Rules Disqualified Overcrowded Schools from Proposition 55

An even larger eligibility-related problem occurred during the distribution of Proposition 55 COS funds in 2004. During the preliminary apportionment process, only $1.9 billion out of a total of $2.4 billion in COS funds was requested by districts. That amount, which is surprisingly low given the overcrowding in the state,[25] left $500 million subject to being returned to the New Construction program. Interviews with local district staff revealed that New Construction eligibility rules were to blame.

Five districts with highly dense schools that apparently underutilized the Proposition 55 COS program were examined for this report. These districts either did not apply or applied only for a limited amount of COS funds, even though they had substantial numbers of overcrowded schools that could be addressed with Proposition 55 COS funds. The districts are:

- Anaheim City Elementary
- Long Beach Unified
- Oakland Unified
- San Diego City Unified
- Santa Ana Unified

Collectively, these districts had 200 schools that met the COS overcrowding definition and received preliminary grants for 21 projects from Proposition 47 funds. Given the small number of projects funded, these districts could have been expected to apply for more COS funds from Proposition 55. However, of the five, only Anaheim City Elementary applied, and for only one project.

In interviews, staff from four of the five districts—Anaheim, Oakland, San Diego, and Santa Ana—acknowledged that the rules prevented them from applying for Proposition 55 COS funds to address overcrowding in their communities. Long Beach indicated a lack of new construction eligibility, but also identified the lack of local matching funds as a factor.

Some of the affected districts pointed to declining enrollment projections as one reason for the lack of eligibility. However, another critical factor is that the eligibility rules do not recognize perpetually overcrowded conditions as a legitimate need for new facilities. San Diego City Unified is an interesting case in point. The district houses 40 percent of its children in approximately 2,400 portable classrooms, 400 of which are over 50 years old. San Diego buses more than 18,000 students to schools out of their neighborhoods, in rides as long as an hour each way, because neighborhood schools are too crowded to take them. Yet, under Proposition 55, San Diego was ineligible for New Construction funds.

The early experiences of the COS program demonstrate how the eligibility rules of the New Construction program create barriers to reducing school overcrowding. Changing the eligibility process for New Construction is required to end the overcrowding problem in California.

Examining and Removing Other Barriers

While the eligibility process is the most significant barrier districts face in addressing school overcrowding, other state school construction policies also create barriers.

Inadequate Grant Levels and Local Match Requirements

A policy issue for urban districts in particular is that of costs and state grant levels. The state provides 50 percent of the land costs along with a per-pupil grant with some cost adjustments for geography and other factors. The intent is to have the state cover 50 percent of all the costs of school construction. In reality, the state's contribution (50 percent of land costs plus the per-pupil grant) covers only 20 to 30 percent of such costs in some urban communities because of the higher costs of school construction in these areas and per-pupil grants that some experts believe are too low. The inadequate state contribution has thus become a financial barrier to the building of new schools in urban areas, especially in low-income districts.[26] In addition, because the New Construction program requires local matching funds, communities with limited financial resources do not have access to state resources. The state can waive the local matching requirement—under its financial hardship program—for communities that cannot raise the funds but the criteria for participating are very strict, so few districts qualify.

Lack of a Consistent and Sustainable Funding Plan

School construction needs would be better served by a steady and predictable flow of funds than by the current boom-and-bust bond cycles. An annual facilities allocation, for example, would enable districts to better plan, develop, and manage their resources, and build more new schools. As part of this approach, districts could be required to submit long-term plans based on a statewide facilities inventory in conjunction with state enrollment projections.

Such a system would work best with an initial focus on addressing the current facilities deficit. This means districts with inadequate facilities would need initial funding to achieve parity with others. In 2001, the Legislative Analyst's Office (LAO) proposed such a strategy. Specifically, it recommended that capital outlay for all schools be provided by annual per-pupil allocations after an initial transition period in which schools that needed additional resources to reduce severe overcrowding or to modernize were brought to comparable "starting points" with other districts in the state.[27] The California Master Plan for Education[28] has also suggested a similar approach.

Moving Forward: Recommendations

Successfully addressing school overcrowding in California requires the state to make a renewed commitment to addressing funding equity and eligibility related to that overcrowding. The following recommendations can help ensure that all children throughout the state have access to quality facilities.

Recommendation # 1: Remove Eligibility Barriers for Overcrowded Schools

Many districts with overcrowded schools are unable to access state new construction resources, because they are disadvantaged by current funding eligibility rules. Eligibility rules should be modified so that the temporary strategies used by districts to cope with overcrowding, such as portable classrooms, busing, and multitrack calendars, are used only as steps along the way to developing more permanent solutions.

Portable classrooms should not be considered the same as permanent classrooms when calculating a school's capacity to house students. In addition, eligibility for new construction should be restored for all school districts that receive multitrack year-round education operational grants. This would help districts acquire the resources to build new schools and eliminate multitrack calendars. Further, while busing for overcrowding maximizes the use of existing physical capacity, it is not an adequate long-term solution to overcrowding. Districts should be able to receive eligibility for students who are bused because of overcrowding. Physical capacity should be redefined so that temporary strategies implemented by districts are not considered permanent capacity in determining eligibility for New Construction funds.

Alternatives to the current enrollment projections methods are needed to better determine overall need and improve the allocation of resources to districts across the state. For greater accuracy, enrollment projections should be more sensitive to variations in population dynamics within different communities. Some flexibility should be allowed in developing enrollment projections, especially for districts with residential patterns that do not fit the distribution of facilities within a given district. This would help communities that have overcrowded schools in certain neighborhoods, but limited enrollment growth districtwide.

Greater accountability should be required regarding the use of supplemental numbers from housing tract maps because of the inherent uncertainty associated with housing development projections. Requiring audits of the actual number of new homes built may improve the accuracy of housing development projections.

Recommendation # 2:
Improve the Critically Overcrowded Schools Program and Increase its Funding

The COS program does not capture all severely overcrowded schools in California. The COS definition should be expanded to include schools that because of overcrowding must resort to practices that increase capacity, including the use of portable classrooms, busing, and multitrack year-round education calendars.

Because eligibility rules for New Construction funding obscure the facilities needs of districts with overcrowded schools, COS program eligibility should not be dependent on New Construction eligibility. One alternative approach is to define eligibility by using indicators of school overcrowding and determining whether overcrowding conditions are likely to persist over time without building new facilities.

More funds should be dedicated to schools designated as critically overcrowded, and steps taken to ensure that the funds reach overcrowded schools. Every dollar in the COS set-aside should be used to reduce overcrowding; COS funds should not revert to the regular New Construction fund.

Recommendation # 3:
Develop a Statewide Assessment of Overall Need

There is no comprehensive overview of California's school facilities and the need for state resources. The Master Plan for Education and the Little Hoover Commission[29] have suggested that California develop a statewide assessment of the quality of existing facilities and an inventory of school capacity. The assessment and inventory would provide an accurate understanding of the condition of the state's schools, the demand for new facilities, and the true costs required to provide new or well-maintained schools. They would also enable state and local decision-makers to create better policies for funding school facilities, thereby increasing both equity and efficiency.[30]

This inventory should be based on an adequacy standard that takes into account a range of indicators about the quality of facilities. The facilities standards, facilities assessment, and an inspection system called for in the *Williams* settlement can serve as the foundation for such a statewide inventory. Building on the *Williams* implementation and creating a standard of adequacy for new school facilities that takes into account indicators of school overcrowding would provide a framework for ensuring that all children attend quality schools.

Twenty-seven states have established facilities inventories. Many, including Arizona, Maryland, and Ohio, have used analysis from their inventories to shape policy and resource allocation.[31] The development of minimum standards for facilities, an inventory and assessment of facilities based on those standards, and targeting funds based on assessed need constitute the most widely agreed-upon best practices in school construction finance.

Recommendation # 4: Examine and Remove All Funding Barriers to Addressing Overcrowding

Many other issues require further attention in order to solve the problem of overcrowded schools. State construction grants are often too low and make it difficult for some districts to participate in the state funding program, especially given the local match requirement. The statewide assessment recommended above could provide information to help the state develop new grant levels that more accurately reflect construction costs in various regions across the state.

Long-term planning and development of schools could be better served by a steady and predictable flow of school construction funds than by the current boom-and-bust bond cycles. The Legislative Analyst's Office has suggested exploring such an approach as mentioned earlier. Advantages of such a system include increased predictability of funding to enable better planning, and the avoidance of the boom-and-bust bond cycles that tend to overwhelm the capacity of the building industry, reduce competition among contractors, and increase building costs. For this system to be equitable, overcrowded schools and schools in disrepair must be brought up to the same level as other schools before beginning an ongoing state allocation of funds.

Conclusion

Recent developments in California have created new opportunities to reverse decades of under-investment in building new schools and end the appalling problem of school overcrowding that affects more than a million and a half children. Important new developments include the creation of the Critically Overcrowded Schools program and the *Williams v. California* settlement, which have focused attention on students and communities that have been most left behind. Ending the problem of school overcrowding, however, requires a more comprehensive and long-term view. To be successful, California must re-examine the way it defines, identifies, and responds to the need for new school facilities, and take steps to ensure that all communities have access to resources. Building on recent progress, now is a perfect opportunity to take that next step.

Notes

[1] Many of the effects of overcrowding on students are discussed in depth by expert testimony in the *Williams v. California* lawsuit, available at www.decentschools.org.

[2] This estimate is based on the analysis on page 14 of this report indicating that an infusion of at least $17.67 billion from the state is needed to address school overcrowding. Since the state share represents about half the costs of constructing new schools to relieve overcrowding, the total cost is over $35 billion.

[3] See Declaration by Stephen R. English, Maribeth Hamby, and Marc M. Seltzer in *Godinez v. Davis*, BC227352 (Superior Court, Los Angeles County, 2000).

[4] Under the current process of raising funds for new school construction, local school districts raise construction funds through local bonds or fees and then typically rely on state matching grants for half the cost of building new schools. State funds for new construction are raised through bond measures, which are placed on the ballot every few years for voters to approve. Local districts must then apply for funding to the State Allocation Board.

[5] For elementary students this is more than 115 per acre. For middle school and high school students, this is more than 90 students per acre.

[6] Rick Simpson, chief policy advisor to Assembly Speaker Fabian Núñez, Sacramento, CA. Interviewed by PolicyLink, April 2004; Fred Yeager, assistant director, School Facilities Planning Division, California Department of Education, Sacramento, CA. Interviewed by PolicyLink, March and April 2004.

[7] See COS Eligible Source School List, retrieved from http://www.cde.ca.gov/ls/fa/co/documents/coscert.xls, and California Department of Education demographics data on ethnicity and free/reduced price lunch, retrieved from http://cde.ca.gov/demographics/files/ethsch.htm and http://www.cde.ca.gov/demographics/files/afdc.htm, respectively. All data posted April 2003.

[8] However, density is by no means a perfect indicator. For example, well-designed multistory schools can often comfortably fit many students into relatively small lots.

[9] Yeager, interview, March and April 2004.

[10] See Expert Report by Jeannie Oakes, *Education Inadequacy, Inequality, and Failed State Policy: A Synthesis of Expert Report* in *Williams v. California*, 312 236 (Superior Court, San Francisco County, 2000).

[11] See Deposition by Robert Corley in *Williams v. California*, 312 236 (Superior Court, San Francisco County, 2000); Little Hoover Commission, *To Build a Better School* (Sacramento, CA: Little Hoover Commission, 2000); Jeannie Oakes, *Concept 6 and Busing to Relieve Overcrowding: Structural Inequality in California Schools* (Los Angeles, CA: University of California, Los Angeles, October 2002); Expert Report by Ross Mitchell, *Segregation in California's K-12 Public Schools: Biases in Implementation, Assignment, and Achievement with the Multi-Track Year-Round Calendar* in *Williams v. California*, 312 236 (Superior Court, San Francisco County, 2000).

[12] Lyle Smoot, Los Angeles Unified School District consultant, Sacramento, CA. Interviewed by PolicyLink, April 2005; Salvador Godoy, director of Facilities, Oxnard Elementary School District, Oxnard, CA. Interviewed by PolicyLink, April 2004; Jan Hintzman, San Diego Unified School District consultant, San Diego, CA. Interviewed by PolicyLink, October 2004.

[13] See Jeannie Oakes, *Concept 6 and Busing to Relieve Overcrowding: Structural Inequality in California Schools* (Los Angeles, CA: University of California, Los Angeles, October 2002).

[14] See California Air Resources Board, California State Department of Health Services, *Environmental Health Conditions in California's Portable Classrooms* (Sacramento, CA: 2003).

[15] Ibid.

[16] The legislature defined COS schools as those that have double, or 200 percent, of the recommended CDE standard of students per acre. However, the COS program will provide relief at the level of 150 percent of the standard.

[17] This 25 percent reduction method was used because multitrack plans typically increase seating capacity by 25 percent to 33 percent over single-track or traditional schools. Reducing enrollment by 25 percent will, on average, allow schools to convert back to a single-track system.

[18] It is of course possible that some portion of the $11.2 billion in the regular first-come, first-served funding program for new school construction is being used by districts to relieve overcrowded schools, both COS schools and others that did not meet the definition. Data are not available to estimate this amount. However, anecdotal evidence from interviews with districts that received funding from both funds suggest that they are not using regular new school construction funds to relieve COS schools. Predictably, these districts are using funds strategically, using COS funds to serve COS schools and using regular new school construction funds to serve other needs. It is more likely the case that some of the regular new construction funds are being used to relieve overcrowded schools that do not meet COS density criteria, such as those using multitrack. However, there is no statewide data available to estimate this amount.

[19] The Education Code, Section 17071.30, states, "For the purposes of determining school building capacity, each applicant school district shall include each portable classroom." There are three exceptions to this rule. Two apply to portables leased or purchased under the State Relocatable Classroom Law of 1979; the third is the number of portable buildings that exceed 25 percent of the number of permanent classrooms in a school district. This likely understates overcrowding, since portables are typically concentrated in schools that are the most overcrowded; the districts as a whole may have a low number of portables.

[20] See California Department of Education website, http:/www.cde.ca.gov/ls/fa/yr/reportsanddata.asp.

[21] This projection method was established by the California Department of Education and the Department of Finance.

[22] Robert Corley, school facilities consultant, Sacramento, CA. Interviewed by PolicyLink, April 2004.

[23] See *Declaration of Patricia L. Smith in Support of Plaintiff's Memorandum Responding and Objecting to Defendants' Response to the August 24 Order* in *Godinez v. Davis*, BC227352 (Superior Court, Los Angeles County, 2000) .

[24] According to those familiar with the development of the COS program, this provision was added to ensure that no new schools are built in communities where they are not needed. Critics of this policy argue, however, that the substantial local resources required for building new schools are a disincentive for building unneeded schools.

[25] The risk of losing preliminary apportionments may also discourage new COS applications. School boards are loath to incur the cost of starting such projects when final funding is uncertain. This is in part what could have happened with Proposition 55.

[26] Many facilities experts believe that in urban communities the state covers only about 20 percent to 30 percent of construction costs.

[27] Legislative Analyst's Office. *A New Blueprint for California School Facility Finance* (Sacramento, CA: Legislative Analyst's Office, 2001).

[28] The Master Plan for Education was created by the legislature in 1999 as a long-term vision for education in California. It serves as a framework for state and local policymakers.

[29] The Little Hoover Commission is an independent state oversight agency with a mission to investigate state government operations and through reports, recommendations, and legislative proposals promote efficiency, economy, and improved service.

[30] Joint Committee to Develop a Master Plan for Education. *California Master Plan for Education: Recommendations 47 and 48* (Sacramento, CA: Joint Committee to Develop a Master Plan for Education, 2002).

[31] See Liam Goldrick, *Building America's Schools: State Efforts to Address School Facility Needs*, National Governor's Association, June 2000; See also Susan Fothergill, *Funding for Educational Facilities, What Ohio, Wyoming, Arizona, and New Jersey are Doing to Fund Their Public Educational Facilities* (Baltimore, MD: American Civil Liberties Union of Maryland, 2003).

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