

ORANGE COUNTY
BOARD OF EDUCATION

AGENDA ITEM ABSTRACT

Meeting Date: January 3, 2012

AGENDA ITEM No. 12-01-14

ACTION ITEM: (Y/N) N

SUBJECT: Calendar Legislation and Other Potential Legislative Topics

INFO. CONTACT: Patrick Rhodes PHONE: 919-732-8126

ATTACHMENTS:

1. School year change short-lived? Printed from the Charlotte Observer.
2. NC senator, House leader differ on 5 school days. Printed from The Washington Examiner.
3. NCSBA 2011-2012 Legislative Agenda.
4. Draft RESOLUTION Requesting Changes To The School Pay Date Provisions That Were Enacted in 2011.
5. Memo RE: Teaching Fellows Program.
6. Memorandum Re: K-12 Funding Priority.

PURPOSE: The purpose of this agenda item is to provide an opportunity for board members to discuss the school calendar law, the NCSBA's legislative agenda and other legislative activity.

BACKGROUND: The 2011 North Carolina legislative session was very active in passing new legislation affecting public schools. Some highlights of this activity include expansion of the number of charter schools, lengthening of the school year, changes to student discipline laws, modifications to the teacher evaluation and tenure process, prepayment of teachers, concussion awareness measures and major k-12 budget cuts.

In August 2011, the Board of Education established a legislative subcommittee membership consisting of Donna Coffey, Stephen Halkiotis and Anne Medenblik.

In September, 2011, the Board of Education approved a 2012-2013 calendar which complied with the 185-day requirement.

Last January, the Board hosted a breakfast for our legislative delegation.

FINANCIAL IMPACT: Unknown at this time.

RECOMMENDATION: The Superintendent recommends the Board of Education discuss potential changes to the calendar law, the draft resolution requesting changes to teacher pay dates and other legislative activities for the 2012 session.

School year change short-lived?

By Jim Morrill

PUBLISHED IN: EDUCATION

Controversial changes in North Carolina's school calendar could be reconsidered next year, House Speaker Thom Tillis said Monday night.

The Cornelius Republican also indicated that another voter ID bill could be offered in the spring legislative session, and he suggested lawmakers will seek more money for early childhood education.

Tillis made the comments at a town hall meeting in Matthews, where he spoke to more than 100 people. For more than an hour he answered questions about everything from state Medicaid cuts to ferry rates to state-required auto inspections.

In response to a question about changes to the school year, he said lawmakers are likely to revoke the change passed earlier this year that would lengthen the school year by five days to 185.

Last week state school board members said the change should take effect when the new school year starts next August.

Supporters say the change will benefit student performance. Critics say five extra days will cost school districts thousands of dollars to, among other things, run school buses and heat or cool classrooms.

"My guess is that will likely come off the books next year," Tillis said. "I'd put the odds at 70 percent or 80 percent."

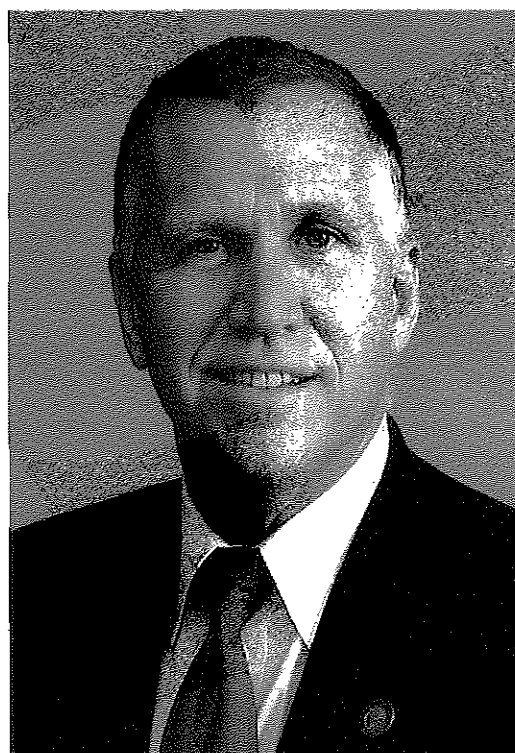
He said later the change could come with revisions to the state budget during the so-called short session of the legislature that starts in May.

Tillis also said lawmakers could try to pass a compromise voter ID bill next year.

The Republican-led General Assembly passed a bill requiring voters to have a photo ID, but Democratic Gov. Bev Perdue vetoed it. House Republicans have been unable to muster enough votes to override her veto.

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NC senator, House leader differ on 5 school days

By: The Associated Press | 12/06/11 8:06 AM

The Associated Press

While the top leader of the North Carolina House predicted that the General Assembly will overturn a new law that adds five days to the public school calendar, a key senator and the state school superintendent said they want to keep the extra days in place.

The Legislature approved a budget over the summer that required the number of instructional days in the public schools to increase from 180 to 185 by taking away teacher training time.

The state's local school districts got a waiver for this school year, but it appeared last week that the State Board of Education was poised to deny similar waivers for next fall until Gov. Beverly Perdue asked the board to delay its decision. She wanted lawmakers to find a way for districts to pay for the days, which will generate extra fuel expenses for buses and other costs. School leaders also are concerned about lost planning time.

Sen. Jerry Tillman, R-Randolph, an education budget-writer, said Tuesday that he wants to keep the five extra days in place and suspects most fellow Republicans in his chamber do, too.

Tillman's comments contrast with those of Republican House Speaker Thom Tillis, who told a Mecklenburg County gathering Monday that the extra days could be reconsidered when the Legislature reconvenes next year, according to The Charlotte Observer (<http://bit.ly/ufG61m>).

"My guess is that will likely come off the books next year," Tillis said. "I'd put the odds at 70 percent or 80 percent."

Tillman said more instructional days are needed to narrow the gap with school systems overseas. The state budget projected higher bus fuel costs than currently required, so there should be some savings to pay for extra days, but he said. He said the Legislature will have to find additional funds to pay for the transportation costs but added the challenge wasn't insurmountable.

Superintendent of Public Instruction June Atkinson said after a legislative oversight committee Tuesday there's plenty of research that shows student achievement can be improved by addressing time in school and extra assistance for students. She said she hopes the General Assembly would provide the money to school districts so the extra days could be carried out.

Information from: The Charlotte Observer, <http://www.charlotteobserver.com>

URL: <http://washingtonexaminer.com/news/2011/12/nc-senator-house-leader-differ-5-school-days/1979571>

NCSBA 2011-2012 LEGISLATIVE AGENDA

Public education represents society's collective investment in its most precious resource- children. Regardless of their circumstance, socioeconomic status, ancestry, spoken language, or disability, every child born into every community gains free access through the public education system to the tools they need to achieve prosperity; the provision of this invaluable gift being absolutely critical to ensuring a well-educated, economically mobile citizenry, it is, therefore, a fundamental function of government, and the only fundamental function that is not a "safety net." North Carolina has long recognized the essential nature of public education- enshrining in its constitution a child's right to a free, appropriate public education, and consistently dedicating the resources necessary to preserve its strength. A skilled workforce educated in the public school system has been the engine fueling the state's exceptional growth over the past few decades. Only through a continued commitment to public education's vibrancy and health will the state be able to achieve strong economic development into the 21st century.

Public School Funding

State support for public education in North Carolina was severely slashed during the 2009-10 legislative session, with K-12 funding cut 15 percent even as ADM continued to grow, leaving school districts across the state with strained budgets. School districts were burdened by over \$700 million in recurring cuts over the two-year period, the most harmful being the "discretionary cut," which created significant compliance issues and left many districts with no alternative but to remove teaching personnel from the classroom.

The unprecedented curtailing of public school funding over the past two years will significantly hinder the ability of school boards to do their jobs as stewards of the state's public education system and deliver high quality education to children. But with the State facing more large budgetary shortfalls in the coming years, NCSBA accepts that new funding for budgetary line-items will not be occurring. NCSBA will, therefore, ask the General Assembly to restore funding to budgetary line-items that are most critical to our school districts- beginning, first and foremost, with a restoration of funds to eliminate the "discretionary cut."

New Revenue

As the State confronts a potential \$3 billion plus shortfall, NCSBA believes it is important to minimize further budget cuts to education and other essential services. NCSBA, therefore, supports the General Assembly finding additional revenue sources. As a beginning point the General Assembly should maintain the current sales and use tax rate, which is scheduled to be reduced in 2011, and maintain the corporate and income surtaxes, which are scheduled to be eliminated in 2011.

School Technology – Fines and Forfeitures

The Constitution of North Carolina requires the State to pay public schools all fines and forfeitures collected. In August, 2008, the state courts ruled that North Carolina has consistently failed to fulfill this constitutional obligation and owes public schools \$747 million in school technology funding.

To become 21st century schools, the NC Department of Public Instruction estimates that public schools will require at least \$500 million in upgrades, plus an additional \$90 million annually to maintain the

technology. This would equip every school with digital whiteboard technology, data projectors, computers, document cameras and school technology facilitators. These numbers do not include any expansion of the 1:1 laptop computer initiative, replacement costs, or other technology initiatives.

The General Assembly made a good first step in complying with the state court ruling by instructing the UNC system in 2009 to remit \$18.1 million in parking fines that had been held in escrow to the Civil Forfeiture Fund to be allocated to school technology. More needs to be done, however, to ensure a regular stream of payments, and to this end the General Assembly should create a repayment schedule that will satisfy the debt and give students the tools they need to compete in the 21st century. NCSBA worked to craft a solution to this issue in 2009 by sponsoring a bill that would have established a pilot program to enforce speed limits in highway work zones and school zones using photographic equipment, with 75% of the resulting proceeds going towards the payment of the State's obligation.

Sales Tax Refund/Exemption

NCSBA urges the General Assembly to either reinstate the state sales tax refund for school districts that was eliminated in 2005, or provide school districts with a sales tax exemption. School boards should be able to collect a sales tax refund in the same way that cities, counties, private schools and many other entities are currently able to do. **Withholding the state sales tax refund costs public schools \$33-\$43 million annually.**

Funding for the NC Virtual Public School (NCVPS)

During the 2010 legislative session, the State eliminated the appropriation of funds for NCVPS, and shifted the cost of the program to the LEAs. School districts across the state feel that the current method adopted by the State Board of Education and the Department of Public Instruction to assess the costs to the school systems is unfair. The State Board of Education and the Department of Public Instruction and the General Assembly need to revisit the formula and mechanism by which NCVPS is funded.

School Construction

In 2005-06, the NC Department of Public Instruction identified nearly \$10 billion in school construction funding needs through 2011 to enable school districts to keep pace with increasing enrollment. The State should provide local governments with the tools to address this staggering need. NCSBA's preferred method of alleviating this backlog is through a statewide school bond referendum. However, understanding the State's bond indebtedness capacity, NCSBA also supports the following as alternatives:

- Establishment of a local option sales tax dedicated to school construction. Under any such option no more than 25% of the proceeds would be used to service any debt incurred on or before enactment of the tax.
- Approval of a menu of options which would be dedicated to school construction. Under any such option no more than 25% of the proceeds would be used to service any debt incurred on or before enactment of the tax.

School Calendar

In 2004, the General Assembly revoked local school boards' authority to decide the beginning and end of the school year. The calendar law has drastically impaired the delivery of public education in North Carolina and should be repealed in its entirety.

School Year Length

The United States ranks at the bottom of industrialized nations in the average number of instructional days provided per school year. For example, after 12 years of schooling students in Japan have had more than 4 more years of school days than American students. With the continuous emergence of studies and articles showing that information retention by children is negatively affected by long gaps in schooling and too little time spent in the classroom, and with other states around the country refocusing on this issue, NCSBA believes the time has come to make students more competitive by extending the school year.

Funding the Classroom

Local school districts are burdened each year by a large number of excessive rules, regulations and laws which divert scarce resources away from the classroom. NCSBA supports putting funds back into the classroom through the elimination of rules, regulations and laws which do not aid or benefit the education of children.

Teacher Performance Pay

North Carolina's Race to the Top grant allows local school districts to use federal funds to experiment with teacher performance pay models. The State should follow suit and allow local school districts the flexibility to use State funds for teacher performance pay models if they choose to implement one.

Teacher Contracts

School board members have a responsibility to their communities to ensure that only competent and effective teachers are employed in their schools. This responsibility cannot be properly exercised when laws create barriers to school boards' ability to remove ineffective teachers. NCSBA therefore supports changing state teacher employment law to a system of 4-year renewable contracts in lieu of career status, similar to that which was done for principals in the early 1990's. Any such system would need to provide for the grandfathering of those teachers who currently have career status; as well as becoming effective to teachers employed on or after July 1, 2011. NCSBA also supports granting local districts the authority to offer additional compensation for career status teachers who voluntarily switch to 4-year contracts.

State-Level Public Education Governance

There is growing concern among school districts and local school board members that the current structure of the State Board of Education, with long member terms and appointments made entirely by the Governor, has put the State Board of Education at a disadvantage in advocating on behalf of public schools. Local board members are concerned that the appointment process results in a situation where State Board of Education members become reluctant/discouraged to offer opinions contrary to those of

the Governor. By contrast, the governing bodies of the other education entities in the state are made up of appointments by the General Assembly, or a mix of Gubernatorial appointments and legislative appointments, allowing them a more independent voice. NCSBA supports putting K-12 public schools on a level playing field with the other education entities through the shortening of State Board of Education member term lengths from 8 years to 4 years, and through the restructuring of the appointment process to create a mixture of Gubernatorial and General Assembly appointments.

School Board Fiscal Accountability

NCSBA supports making school boards fiscally accountable. While over 90 percent of the 15,000 school boards in the nation have been granted fiscal autonomy, North Carolina school boards remain in the small minority of those who must rely upon another local government for local public education funds. **The General Assembly should enact legislation that would allow for a transfer of public school fiscal accountability to the school board.** In such instances, school boards will be held directly accountable for all aspects of public education in that service area.

2010 Changes to Personnel Records Law

Public bodies, including school boards, want to comply with the “intended” changes to the personnel records statute but must not be put in a position where employee rights are violated. The adopted changes raise a number of questions. The General Assembly must clarify the changes to personnel records statutes made in Section 18 of HB 961 – Gov’t Ethics and Campaign Reform Act of 2010.

Charter Schools

NCSBA will not oppose a change in the charter school cap if the following requirements are instituted:

- charter schools are required to provide transportation for their students;
- charter schools are required to provide food services for their students;
- all teachers at charter schools are to be properly licensed as in the traditional public schools;
- money shall truly follow the child;
- charter schools will guarantee to accept children with special needs and provide appropriate services;
- if, within 45 school days before the administration of any EOG or EOC in the LEA, any student transfers from a charter school to a traditional public school, then that student’s test data shall be reported in the charter school’s test data;
- LEAs are to be given the authority to create charter schools under the control and direction of the local board.

Tuition Tax Credits and Vouchers for Education

NCSBA opposes the use of public funds for tuition tax credits and vouchers for education, including those for special education children. Any such program would divert funding away from public schools at a time when public school budgets are already under unprecedented strain. The State should focus on the investments necessary for the improvement of the public education system available to all children.

Achievement Gap

NCSBA supports legislation, consistent with the guiding principles, that would help close the achievement gap for African American, Hispanic, Native American, economically disadvantaged, limited English proficient and disabled students.

Governmental Immunity

School boards are protected by the doctrine of governmental immunity, except to the extent that they purchase commercial insurance. If the protections afforded by governmental immunity were to be eliminated, school boards would be at risk of being held liable for large monetary damage awards for which insurance might not be available. NCSBA believes that, given the inability of school boards to raise funds, any weakening of the governmental immunity law would cripple school boards financially, and devastate their ability to provide sound basic education opportunities to every student.

Collective Bargaining

NCSBA opposes any legislation that would remove North Carolina's current prohibition on state and local governments and public employee labor unions entering into collective bargaining agreements.

Guiding Principles

During each legislative session there are always unanticipated bills introduced that affect public schools. The following are guiding principles NCSBA will use to evaluate legislation that is introduced during the legislative session.

- NCSBA opposes any legislation that would violate federal laws or the state constitution.
- NCSBA opposes any legislation that would require school systems to expend additional financial resources without the State providing those necessary resources. NCSBA also will continue to advocate for funding for mandates that currently exist.
- NCSBA opposes any legislation that attempts to diminish or take away local control and supports legislation that provides additional local control and decision making.
- NCSBA supports legislation that creates safe environments for students and staff as long as it is consistent with the aforementioned principles.
- The General Assembly should provide sufficient funds to guarantee that all funding formulas are fully funded.

For more information, please contact:

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Matt Harrell
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**DRAFT : A RESOLUTION OF THE _____ BOARD OF EDUCATION
REQUESTING CHANGES TO THE SCHOOL PAY DATE PROVISIONS THAT WERE ENACTED IN 2011**

Whereas, school boards and school administrators, particularly school finance officers, worried for a number of years about a mandate put into the law in 2005, which required teachers to be prepaid in August for a full month's salary even though teachers typically work fewer than two weeks in August; and

Whereas, this prepayment could not be recouped until the end of the school year, which created a significant issue and an additional cost when the school system was required, if a teacher or other 10-month employee left before that time, to track that person in order to collect an unearned overpayment; and

Whereas, school boards and school administrators strongly believe they are stewards of our public taxpayer monies and it is a bad business practice to prepay for work in a month that cannot be recouped for ten months; and

Whereas, in order to address these concerns, various education organizations proposed consensus legislation in 2011 that was enacted as Section 5 of House Bill 720 ("Section 5"), School and Teacher Paperwork Reduction Act (S.L. 2011-379); and

Whereas, Section 5, effective beginning with the 2012-2013 school year, inadvertently (i) did not eliminate the specific statutory language requiring the initial pay date for all school systems to be August 31 with all subsequent pay dates to be at the end of each month, (ii) added statutory language to strictly prohibit prepayment, and (iii) deleted statutory language providing for recovery of limited prepayments; and

Whereas, implementation of these requirements in August will have a burdensome financial impact on teachers and 10-month employees, especially those who are the lowest paid, who will not receive sufficient earned income in a partial paycheck to cover necessary deductions, including family health insurance, supplemental retirement plan contributions, and other payments; and

Whereas, Section 5 needs an immediate amendment to remove the mandatory initial pay date of August 31, to remove the requirement that each paycheck must be for a full month's employment, and to restore the statutory language authorizing recovery of prepayments that may occur in very limited circumstances; and

Whereas, this amendment would reflect the original intent of last year's requested consensus legislation by prohibiting prepayment of teachers and 10-month employees in their August paychecks; and

Whereas, time is of the essence for these changes in order to plan and implement revised school pay dates beginning with the 2012-2013 school year, and to provide information

about the upcoming changes to employees in sufficient time for them to make any necessary financial preparations; Now, therefore,

Be it Resolved by the _____ Board of Education:

SECTION 1. The _____ Board of Education ("Board") urgently requests the North Carolina General Assembly to make critical changes to legislation enacted in 2011 that amended and restricted the timing of payments to teachers and 10-month employees.

SECTION 2. Specifically, the Board asks for an amendment to Section 5 of S.L. 2010-379 (House Bill 720) that would do the following:

- (1) Retain the statutory provisions that prohibit prepayment in August of teachers other than those who are employed in year-round schools, and extend this prohibition to other school employees.
- (2) Delete the statutory requirements that the initial pay date for teachers must be no later than August 31 each year and that subsequent pay dates are spaced no more than one month apart.
- (3) Delete the statutory requirement that each payment must include a full monthly payment.
- (4) Add statutory language to allow pay dates to differ from the end of the month of service.
- (5) Restore express statutory language to provide for the recovery of limited prepayments.
- (6) Allow for pay dates to occur (i) at the end of a calendar month for the actual number of days employed, or (ii) at the end of the first month of employment and monthly thereafter.
- (7) Allow local board to establish pay dates for teachers and 10-month employees that occur on a monthly, semi-monthly, or bi-weekly basis, or on a combination of these, so long as each includes full payment for salary due during the specific period.
- (8) Allow local boards to defer the implementation of their pay date changes to July 1, 2013.

SECTION 3. Due to the time sensitivity of these changes, the Board strongly urges the General Assembly to pass this amendment during the General Assembly's session scheduled for February 16-18, 2012, or during any other session scheduled before the convening of the short session on May 16, 2012.

SECTION 4. This Resolution is effective upon adoption.

Resolution Adopted: _____ (Date)



Patrick Rhodes <patrick.rhodes@orange.k12.nc.us>

Memo RE: Teaching Fellows Program

1 message

Matt Harrell <noreply@eboardsolutions.com>

Mon, Dec 19, 2011 at 1:42 PM

Reply-To: mharrell@ncsba.org

To: patrick.rhodes@orange.k12.nc.us

Memorandum

To: School Board Members and Superintendents

From: Leanne E. Winner, Director of Governmental Relations
Matt Harrell, Governmental Relations Specialist

Date: 12/19/11

Subject: Teaching Fellows Program

It has come to our attention that the Public School Forum is requesting school boards to pass resolutions in support of restoring the Teaching Fellows Program. On October 31st of this year, NCSBA sent out a memorandum to legislators with a copy to school board members and superintendents addressing the issue of restoring funding to this and the many other programs that were cut during this years' budget based upon the funding priorities that you collectively set for us. While we are cognizant of the work that these organizations provide, we cannot support diverting precious funding from the budgets ever-increasing LEA Adjustment.

The LEA Adjustment, commonly referred to as the "discretionary cut," was re-implemented as a recurring budget item in the 2009-10 fiscal year over the objections of school districts. The cut began at \$225 million and increased to \$304.7 million in 2010-11. In this year's budget it was again increased by an additional \$124.2 million, bringing the total discretionary cut for the 2011-12 fiscal year to just shy of \$429 million. The cut is scheduled to increase in the 2012-13 fiscal year to over \$503 million. Additionally, the federal Edu-Jobs funding will also come to an end thus exacerbating the cuts to school districts.

Our primary focus is and must remain on eliminating the LEA Adjustment. NCSBA can support diverting these precious resources to **expansion items**. These expansion items represent nearly **\$13 million, including \$3.7 million for the Teaching Fellows**, of funding that will be used to support our local school systems, unless the General Assembly chooses to divert these funds to additional K-12 programs.

We must remain united on this issue and address our **base funding needs** before we begin to expand. **Please refrain from passing any resolutions attempting to restore programs that will require funding that otherwise might go to support current public school programs for students.** Attached you will find the original memorandum and if you have any further questions please do not hesitate to contact us at any-time. Thank you for all that you do for the families of North Carolina.



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LEANNE E. WINNER
Director of Governmental Relations

Memorandum

To: Members of the North Carolina General Assembly

From: Leanne E. Winner, Director of Governmental Relations
Matt Harrell, Governmental Relations Specialist

Date: October 31, 2011

Re: K-12 Funding Priority

We realize that many of you are hearing from programs that support K-12 education in North Carolina about cuts to their State funding contained in the 2011 State budget. Many of these programs are worthwhile. However, on behalf of the 115 local boards of education in North Carolina, we respectfully request that you refrain from reinstating funding or providing new or additional funding for K-12 education support programs, third party entities, or new initiatives until the "LEA Adjustment" is eliminated.

The LEA Adjustment, commonly referred to as the "discretionary cut," was re-implemented as a recurring budget item in the 2009-10 fiscal year over the objections of school districts. The cut began at \$225 million and increased to \$304.7 million in 2010-11. In this year's budget it was again increased by an additional \$124.2 million, bringing the total discretionary cut for the 2011-12 fiscal year to just shy of \$429 million. The cut is scheduled to increase in the 2012-13 fiscal year to over \$503 million.

Over the last four years public schools have shed over 17,000 positions, including over 11,500 teacher and teacher assistant positions; a significant portion of these cuts are due to the large sums of money districts have been forced to return to the State each year through their LEA Adjustment. Yet while staff has been disappearing from public schools, student population in many school districts has continued to rise. Across North Carolina, whether a school district has had to actively eliminate and/or RIF positions or whether new positions have not been added to educate a growing student population, there is no doubt that public schools have significantly fewer adults per student to aid in the educational experience of that individual child.

With the LEA Adjustment scheduled to increase by more than \$74 million next fiscal year and federal EduJobs money due to expire, school districts in 2012-13 will be forced into another round of increasing the adult to student ratio in their schools. In most instances this will actually mean the elimination of teachers, teacher assistants and other personnel that provide direct services to students because other areas like central office and non-instructional support (clerical, custodial, etc.) have already been reduced to their bare bones in order to preserve instructional programs and their integrity as much as possible.

In a time of uncertainty, this is one instance where we can look into our crystal ball and accurately predict the future; we know what is in store for our school districts, our schools and our children absent a significant shift. For these reasons we request that the General Assembly replenish funds to school districts by eliminating the LEA Adjustment *before* taking any actions to fund other areas of the K-12 education budget.