

LEGAL TEXT OF PROPOSITION H

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by adding Sections 16.123-1 through 16.123-10, to establish a Public Education Enrichment Fund, with specified contributions to and disbursements from the Fund, to set a separate baseline appropriation for the San Francisco Unified School District, to establish a policy of providing universal access to preschool education for City children, to identify offsetting cost savings in City operations, and to set an expiration date.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on March 2, 2004, a proposal to amend the Charter of the City and County by adding Sections 16.123-1 through 16.123-10, to read as follows:

Note: Additions are single-underline italics Times New Roman.

Deletions are ~~strikethrough italics Times New Roman~~.

SEC. 16.123-1. PREAMBLE.

(a) The people of the City and County of San Francisco find and declare that:

1. Quality public education is highly correlated with higher earnings potential, reduced crime, lower rates of teen pregnancy and substance abuse, and greater self-esteem;

2. Urban public schools have the greatest need for comprehensive educational programs – including preschool programs, arts and music programs, sports activities, and after school programs – but often have the fewest resources to provide them;

3. While California once led the nation in public school spending and performance, investments have greatly declined. Despite its high cost of living, San Francisco per pupil spending ranks 34th among 43 comparable central city U.S. public school districts of similar size. As of 2001, adjusted for cost-of-living, teacher salaries for the San Francisco Unified School District (SFUSD) ranked 99th of 100 metropolitan areas;

4. SFUSD enrollment has dropped in recent years as families have left San Francisco in search of affordable neighborhoods with high-quality public schools;

5. The choices businesses make about where to locate include the quality of public services the City provides, including public safety, transportation and education;

6. Since 2000, the SFUSD has made strong improvements in achievement measures and financial management; and

7. As the economy begins to recover, now is the time to invest in our children's future, before further declines begin to erode the progress the SFUSD has made.

(b) This measure may be referred to as "The Arts, Music, Sports, and Pre-School for Every Child Amendment of 2003."

SEC. 16.123-2. PUBLIC EDUCATION ENRICHMENT FUND.

*(a) **Creating the Fund.** There shall be a Public Education Enrichment Fund. The City shall each year appropriate monies to the Public Education Enrichment Fund according to subsections (b), (c), and (d), below. In determining whether the City has met its annual obligation to the Fund, the Mayor and the Board of Supervisors may consider both direct financial support and the cash value of any in-kind support services, as described in Section 16.123-5, provided by the City to the San Francisco Unified School District and the Children and Families First Commission (hereinafter the "First Five Commission") or any successor agency, provided that at least two-thirds of the City's contribution to the Fund each year shall be comprised of direct financial support necessary to meet the requirements of Sections 16.123-3 and 16.123-4 of this measure.*

*(b) **Baseline Appropriations.** The Fund shall be used exclusively to increase the aggregate City appropriations to and expenditures for the San Francisco Unified School District. To this end, the City shall not reduce the amount of such City appropriations (not including appropriations from the Fund and exclusive of expenditures mandated by state or federal law) in any of the eleven years during which funds are required to be set aside under this Section below the amount so appropriated for the fiscal year 2002-2003 ("the base year"). These baseline appropriations shall be separate from the City's annual contributions to the Public Education Enrichment Fund under subsection (c), and shall be appropriated by the City to the School District each year during the term of this measure for the same purposes and in the same relative proportions among those purposes as in the base year, as certified by the Controller.*

The amount of the City's baseline appropriations to the School District shall be adjusted for each year after the base year by the Controller based on calculations consistent from year to year by the percentage increase or decrease in City and County discretionary General Fund revenues. In determining City and County discretionary General Fund revenues, the Controller shall only include revenues received by the City and County that are unrestricted and may be used at the option of the Mayor and the Board of Supervisors for any lawful City purpose. Errors in the Controller's estimate of discretionary revenues for a fiscal year shall be corrected by an adjustment in the next year's estimate. Using audited financial results for the prior fiscal year, the Controller shall calculate and publish the actual amount of City appropriations that would have been required under this baseline for the School District.

*(c) **Annual Contributions to the Fund – FY 2005-2006 through FY 2009-2010.** In addition to the annual baseline appropriation provided above, the City shall, for years two*

through six of this measure, contribute the following amounts to the Public Education Enrichment Fund:

<i>Fiscal Year</i>	<i>2005-06</i>	<i>\$10 million</i>
<i>Fiscal Year</i>	<i>2006-07</i>	<i>\$20 million</i>
<i>Fiscal Year</i>	<i>2007-08</i>	<i>\$30 million</i>
<i>Fiscal Year</i>	<i>2008-09</i>	<i>\$45 million</i>
<i>Fiscal Year</i>	<i>2009-2010</i>	<i>\$60 million</i>

*(d) **Annual Contributions to the Fund – FY 2010-11 through FY 2014-15.** For Fiscal Years 2010-11 through 2014-15, the City's annual contribution to the Public Education Enrichment Fund shall equal its total contribution for the prior year, beginning with Fiscal Year 2009-2010, adjusted for the estimated increase or decrease in discretionary General Fund revenues for the year.*

*(e) **Audit Requirements.** All disbursements from the Fund and from the baseline appropriations shall be subject to periodic audit by the Controller. The San Francisco Unified School District and the First Five Commission shall agree to such audits as a condition of receiving disbursements from the Fund.*

SEC. 16.123-3. ARTS, MUSIC, SPORTS, AND LIBRARY PROGRAMS.

Each year during the term of this measure, the City shall appropriate one-third of the money in the Public Education Enrichment Fund to the San Francisco Unified School District for arts, music, sports, and library programs in the schools.

SEC. 16.123-4. UNIVERSAL ACCESS TO PRESCHOOL.

*(a) **Universal Access to Preschool.** It shall be the policy of the City and County of San Francisco to provide all four-year-old children who are City residents the opportunity to attend preschool, and it shall be the goal of the people in adopting this measure to do so no later than September 1, 2009.*

*(b) **Planning Process.** No later than September 1, 2004, the First Five Commission, in consultation with the San Francisco Childcare Planning and Advisory Council, the San Francisco Unified School District, the San Francisco Department of Children, Youth and Their Families, and community stakeholders, shall submit to the Board of Supervisors a proposal for a universal preschool program for San Francisco. The Board of Supervisors shall approve the plan by resolution; if the Board does not approve the plan, it may refer the plan back to the First Five Commission for revision.*

In preparing the plan, the First Five Commission shall develop universal preschool funding guidelines consistent with the Childcare Planning and Advisory Council's San Francisco Childcare Needs Assessment, including guidelines designed to meet neighborhood-specific needs, such as subsidies, new

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facility development, and provider support for both family childcare homes and childcare centers. Such funding guidelines also shall address the unmet need for universal preschool and childcare slots in specific City neighborhoods.

(c) **Annual Disbursements.** Each year during the term of this measure, the City shall appropriate one-third of the money in the Public Education Enrichment Fund to the First Five Commission for universal preschool programs administered by the Commission.

SEC. 16.123-5. OTHER CITY SUPPORT FOR THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT.

(a) **In-Kind Support.** Not later than one year after the effective date of this measure, the City and the School District shall identify areas of potential in-kind support that the City could provide to the School District free of charge or at substantially reduced rates. In-kind support, for these purposes, may include, but is not limited to:

Learning support services, including health, counseling, social work, and nutrition services;

Financial support services;

Telecommunication and information services;

Construction management services;

Utility services;

Transportation services;

Legal services; and

Public safety services.

(b) **Planning Process.** No later than six months after the effective date of this measure, the School District shall submit to the Board of Supervisors proposals for in-kind services that could be provided by the City to the District to further the educational goals and operations of the District. The Board shall distribute those proposals to all City departments having expertise in providing or capability to provide such in-kind services, and no later than nine months after the effective date of this measure, the departments will respond to the Board with proposals to provide such in-kind services to the District. The School District may use any direct financial support provided under this Section to hire consultants to help identify possible in-kind services. The Board of Supervisors may, by ordinance, provide for continuation of this planning process during the subsequent term of the measure.

(c) **Annual Disbursements.** Each year during the term of this measure, the City shall provide direct financial assistance from the Public Education Enrichment Fund to the San Francisco Unified School District, in an amount equal to one-third of the money in the Fund, or in-kind support services of equal value.

(d) **Permissible Uses.** The San Francisco Unified School District may expend funds provided as direct financial support under this

Section for any educational or support purpose provided under law, including, but not limited to, gifted and talented programs, magnet programs, literacy programs, dual-language immersion programs, special education, employee compensation, career and college centers at high schools, teacher mentoring or master teacher programs, or other instructional purposes. The City recognizes that in providing such programs and services, a well-run school district requires both certificated and classified staff, and urges the San Francisco Unified School District to hire both certificated and classified staff to carry out the purposes of this measure.

(e) Within one year of the effective date of this measure, the School District, with the assistance of the City's Department of Public Health, Department of Human Services, and Department of Children, Youth, and Their Families, shall conduct an assessment of health, counseling, social work, and nutritional needs of pupils in the District, including problems related to asthma and other chronic diseases. The City may appropriate a specific portion of the disbursement under this Section through its annual appropriation process for these purposes, pursuant to recommendations from the School District.

SEC. 16.123-6. EXPENDITURE PLANS.

(a) No later than February 1 of each year during the term of this measure, the San Francisco Unified School District and the First Five Commission shall each submit an expenditure plan for funding to be received from the Public Education Enrichment Fund for the upcoming fiscal year. The proposed expenditure plans must include prior year total budgeted and expended appropriations and Fund budgeted and expended appropriations by category, as well as average daily attendance information for the prior year and anticipated average daily attendance information for the plan year, to facilitate multi-year comparison.

(b) The Controller shall review the plans and transmit them, with his or her comments, to the Mayor and the Board of Supervisors for their review and comment.

(c) The plans shall include a budget for the expenditures, performance goals, target populations, hiring and recruitment plans for personnel, plans for matching or other additional funding, operating reserves, and any other matters that the District and Commission deem appropriate or the Mayor or the Board requests.

(d) The Mayor and the Board of Supervisors may request further explanation of items included in the plans, and the District and the Commission shall respond in a timely manner to such inquiries. The Board may place appropriations provided for under this measure on reserve until it has received adequate responses to its inquiries.

SEC. 16.123-7. STRUCTURAL SAVINGS TO THE CITY'S BUDGET.

(a) **Controller's and Budget Analyst's Recommendations.** Not later than October 1 of each fiscal year from Fiscal Year 2005-06 through 2009-10, the Controller and the Board of Supervisors' Budget Analyst shall prepare and submit recommended cuts or other structural changes to reduce, on an ongoing basis, spending on City departmental operations, or identify new revenues, in an amount sufficient to meet each year's required funding for the Public Education Enrichment Fund.

(b) **Board of Supervisors' Proposals.** Not later than December 15 of each fiscal year from Fiscal Year 2005-06 through Fiscal Year 2009-10, the Board of Supervisors shall hold hearings on the recommendations made by the Controller and the Budget Analyst and shall forward its proposals to the Mayor.

(c) **Budget Requirements.** In his/her annual budget submission to the Board of Supervisors for each fiscal year from Fiscal Year 2005-06 through Fiscal Year 2009-10, the Mayor shall incorporate the Board of Supervisors' proposals, or identify alternative revenue or expenditure savings sufficient to appropriate funds to the Public Education Enrichment Fund according to the schedule set forth in Section 16.123-2 of this measure.

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SEC. 16.123-8. ADJUSTMENTS.

(a) In any year of this measure, if the joint budget report as prepared by the Controller, the Mayor's Budget Director and the Board of Supervisors' Budget Analyst projects a budgetary shortfall of \$100 million dollars or more, the Mayor and the Board of Supervisors may reduce the City's contribution to the Public Education Enrichment Fund under Section 16.123-2, and its disbursements under Sections 16.123-3, 16.123-4, or 16.123-5, by up to 25 percent; provided, however, that the City must pay back the amount deferred within the period from June 30, 2015, the last day of the term of this measure, and June 30, 2018, a date three years later, unless the voters extend this measure beyond July 1, 2015 or authorize a substantially similar measure at that time.

(b) **Audit Recommendations.** The Mayor and the Board of Supervisors may suspend the City's disbursements from the baseline appropriations or the Public Education Enrichment Fund under Sections 16.123-3, 16.123-4, or 16.123-5 in whole or in part for any year where the Controller certifies that the San Francisco Unified School District or the First Five Commission has failed to adopt audit recommendations made by the Controller.

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As part of the audit function, the Controller shall review performance and cost benchmarks developed by the School District and the First Five Commission in consultation with the Controller for programs funded under this measure. The Commission's performance and cost benchmarks shall be based on the same performance and cost benchmarks as are required for other City departments, and on comparisons with other cities, counties, and public agencies performing similar functions. The School District's performance and cost benchmarks shall be based on similar standards.

In particular, the Controller shall assess:

(1) Measures of workload addressing the level of service being provided or providing an assessment of need for a service;

(2) Measures of efficiency including cost per unit of service provided, cost per unit of output, or the units of service provided per full time equivalent position; and

(3) Measures of effectiveness including the quality of service provided, citizen perceptions of quality, and the extent a service meets the needs for which it was created.

The Controller's audits may address the extent to which the School District and the First Five Commission have met their respective performance and cost benchmarks.

(c) **Reserve Policies.** The Mayor and the Board of Supervisors may suspend the City's disbursements from the baseline appropriations or the Public Education Enrichment Fund under Sections 16.123-3, 16.123-4, or 16.123-5 in whole or in part for any year where the Controller certifies that the San Francisco Unified School District or the First Five Commission has failed to adopt reserve policies recommended by the Controller.

(d) **Transfer and Use of Suspended Distributions.** If the Mayor and the Board of Supervisors suspend City distributions from the baseline appropriations or the Public Education Enrichment Fund under subsections (b) or (c), the City shall transfer the amount that would otherwise be distributed from the baseline appropriations or the Public Education Enrichment Fund for that year to the Children's Fund established in Charter Section 16.108, for the provision of substantially equivalent services and programs.

(e) **New Local Revenues.** The Board of Supervisors may, by ordinance, proportionally reduce the contribution to the Public Education Enrichment Fund and the disbursements to the San Francisco Unified School District and the First Five Commission required by this measure if the voters of San Francisco adopt new, dedicated revenue sources for the School District or the Commission, and the offsetting reduction in disbursements is specifically authorized by the local revenue measure.

(f) **New State Revenues.** The Board of Supervisors may, by ordinance, proportionally reduce the contribution to the Public Education

Enrichment Fund and the disbursements to the San Francisco Unified School District required by this measure if the percentage increase in per-pupil Revenue Limit funding provided by the State of California to the San Francisco Unified School District in any fiscal year exceeds the percentage increase in the City's cost of living during the previous fiscal year.

The Board of Supervisors may, by ordinance, proportionally reduce the contribution to the Public Education Enrichment Fund and the disbursements to the First Five Commission if the State of California provides funding to the City for universal preschool, provided that such disbursements are not required to match state and/or other funding.

(g) Eighteen months prior to the expiration of this measure, the Controller shall conduct a complete analysis of the outcomes of the programs funded through the Public Education Enrichment Fund. The Controller's study shall also address changes in the levels of state and federal funding for local schools, per-pupil spending in the San Francisco Unified School District compared to urban school districts of similar size. The Controller shall present the results of this analysis to the Mayor and the Board of Supervisors no later than nine months prior to the expiration of the measure.

SEC. 16.123-9. STATE REDISTRIBUTION OF LOCAL EDUCATION REVENUES.

(a) The people of the City and County of San Francisco find and declare that major urban school districts, such as San Francisco, serve an ethnically and economically diverse student population that requires more resources than currently provided under state guidelines. In adopting this measure, the people of San Francisco choose to provide additional City resources to complement, and not supplant, state funding for the San Francisco Unified School District.

(b) Consistent with subsection (a), the people of the City and County of San Francisco specifically find that their contributions to and disbursements from the baseline appropriations and the Public Education Enrichment Fund are discretionary expenditures by the City for the direct benefit of the children of San Francisco, their families, and the community at large. In the event that the State attempts, directly or indirectly, to redistribute these expenditures to other jurisdictions or to offset or reduce State funding to the School District because of these expenditures, the City shall transfer said monies that would otherwise be distributed to the School District each year to the City's Children's Fund established in Charter Section 16.108, for the provision of substantially equivalent services and programs.

SEC. 16.123-10. SUNSET.

The provisions of this measure shall expire in eleven years, at the end of Fiscal Year 2014-15, unless extended by the voters.