

**Opinion:**

**Meritless lawsuit will take money from schools  
to give to lawyers**

By Alan Bonsteel , M.D, Orange County Register, Friday, August 19, 2005

On August 9 the California Teachers Association and its most famous employee, state Superintendent of Public Instruction Jack O'Connell, announced that they were suing Gov. Arnold Schwarzenegger for \$3.1 billion in money they think the public schools are owed under Proposition 98.

The fees for the lawyers for both sides of this dispute will be paid for by the taxpayers, using money that could have been used to fix stopped-up toilets in our schools or buy textbooks for the kids.

Prop. 98 was passed by telling the voters it set a minimum level of funding for K-12 public schools of 40 percent of the state's budget. That was true enough in 1988 when it was passed, but what voters weren't told is that the law ratchets up K-12 spending in good years while leaving it untouched in bad years.

In the 17 years since it was passed, the share of the state's budget devoted to K-12 schools has risen from 40 percent to 50 percent. At that rate, in 2082 our K-12 public schools might take 100 percent of the state's budget, and the University of California, the state's prisons, Medi-Cal and the Highway Patrol will all cease to exist.

Although the Web site of O'Connell's California Department of Education lists state per-student K-12 funding as \$7,012, my organization, Parents for Education Choice, and others believe the correct per-student spending figure is as much as or more than \$10,000 per student, or about the same amount that even some private schools charge.

Whichever figure you use, one of the reasons that our public schools can't educate our kids on such generous funding is that our schools are governed by four interlocking layers of dysfunctional bureaucracy at the federal, state, county and district levels.

Each of these bureaucracies has administrators who have secretaries, government cars and travel expenses that must be paid for, and the administrators themselves need substantial salaries so that they can send their children to private schools.

Each of these various layers of bureaucracy can and does sue one another using taxpayers' money to pay for the dueling lawyers.

And there is a fifth layer of bureaucracy that is the shadow government of our public schools, the powerful teachers unions. The California Teachers Association is notorious for militantly opposing even the most basic reforms of public schools, including an end to the teacher tenure that makes public school teaching a government job guaranteed for life, or teacher testing to make sure that they know their subject matter.

The CTA has long owned the California Department of Education through its political contributions. However, rarely has this ownership been so obvious as in this latest lawsuit, in which the CTA and Superintendent O'Connell are so clearly in bed together.

The premise of the CTA/O'Connell initiative is obviously false.

At a time when the state was in the midst of a budget crisis and almost all other state government functions were being cut back, the Schwarzenegger administration actually fought for increases in K-12 spending that considerably exceeded the Prop. 98 minimums. The budget was passed by both houses of the Legislature and signed by the governor, and no court is going to overturn the democratic process.

The lawsuit is a publicity ploy to embarrass Schwarzenegger in the eyes of uninformed voters, at the cost to all of us taxpayers who will have to pay for the legal posturing.

In the upcoming November special election, passing Proposition 74 would slightly weaken California teacher tenure. O'Connell could help our children by championing at least this token reform; however, as a loyal employee of the teachers he is supposed to be supervising, he won't.

Far more important, however, is Proposition 75, Paycheck Protection, which prohibits the labor union bosses from taking money from the paychecks of state workers for political purposes without their permission. Passing Prop. 75 would put a huge dent in the corruption of our political process by self-serving unions.

It also mightily advances the cause of freedom. As Thomas Jefferson so well expressed it, "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical."

And its passage might just give Californians a better chance at electing a superintendent of public instruction who is a servant of the people rather than a puppet of the CTA.