

January 07, 2012

**To:**

Categorical Programs Complaints Management office,  
California Department of Education, Legal and Audits Branch,  
1430 N Street, Ste, 5408, Sacramento, CA 95814  
916-319-0929

**From:**

Banning Teachers Association  
40612 Grand Ave., Cherry Valley Ca. 92223  
951-769-0598

Banning Unified School District has failed to comply with the class size reduction (CSR) for the funding requirements of the "Quality Education Investment Act (QEIA) of 2006. More specifically, Coombs Intermediate School and Nicolet Middle School received QEIA funding from the tax payers of California, to significantly reduce class sizes (See Attachment ). Education Code 52055.700 and Education Code.740 Section "C" addresses class requirement, as well, the "California Department of Education, Report to the Legislature and the Governor"

These issues were addressed with Riverside County Office of Education lead agent Paul Jessip. The County Office appears to be supporting current use of QEIA funds without a direct written correspondence to validate position.

QEIA funding was given to the School District to level the playing field for disadvantage students. Test scores have proved this point and the taxpayers deserve to have their money spend the way the law requires. The children of the District did not create the fiscal issues facing the Schools and should not be the victims of spending mismanagement. We hope that an appeal to the California Department of Education to investigate this abuse of a protected funding source would bring to light a public interest to protect students and California Taxpayers.

Core classes at both Schools are required to maintain a class size student population, five students less than their 2005/2006 class size, as reported to the California Department of Education Data base. For Banning Unified School District this would be 25 students per classroom in core classes. District documentation abandons this requirement and reverts to pre-2005/2006 allotment of Certificated Teachers for a class size of 31 students.

Concerns for the misuse of Public funds were addressed with the current District Administration officials, Craig Newman in July 2001, Gordon Fisher in August 2011, Lynne B. Kennedy in October 2011, and two public addresses attempted to the Governing Board

of Trustees. The Districts response to the Universal Complaint filed 01/09/2012 and returned 01/25/2012 does not address the issue of miss use, of the "Quality Education Investment Acts," full implementation requirement placed upon the District as agreed to in their application for funding.

Therefore we humbly request an appeal of the Local Education Agency (LEA) to the California Department of Education as codified under statute.

Sincerely,

A handwritten signature in black ink, appearing to read "D.A. Sanchez", with a long horizontal flourish extending to the right.

David A. Sanchez

Banning Teachers Association Representative



Superintendent's Office  
(951) 922-2706

January 23, 2012

Banning Teachers Association  
34 W. Williams Street  
Banning, CA 92220

Dear Banning Teacher Association,

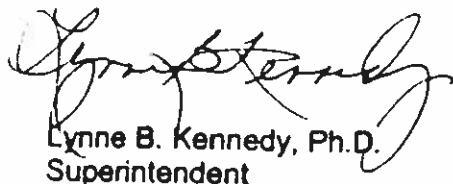
I have reviewed your formal complaint dated January 9, 2012.

It is my understanding that you have filed these charges with the Public Employment Relations Board (Unfair Practice Charge No. LA-CE-5638-E). They will review the charge to determine whether it states a prima facie case of unfair practice.

This concludes the investigation of the complaint at this time.

*Please note that, if you are dissatisfied with the District's decision, you may appeal, in writing, to the California Department of Education within 15 days of receiving the District's decision. When appealing to the CDE, you must specify the basis for your appeal of the decision and whether the facts are incorrect and/ or the law has been misapplied. The appeal must be accompanied by a copy of the locally filed complaint and a copy of the District's decision*

Sincerely,



Lynne B. Kennedy, Ph.D.  
Superintendent

Banning Unified School District  
UNIVERSAL COMPLAINT FORM

My complaint is: (Check one)

- COMPLAINTS CONCERNING SCHOOLS - Students/ parents/ employees or other individuals may submit complaints concerning schools. (Board Policy #1312)
- COMPLAINTS CONCERNING DISTRICT EMPLOYEES - Students/ parents/ employees or other individuals may submit complaints concerning District Employees. (Board Policy #1312.1)
- COMPLAINTS CONCERNING PROGRAM COMPLIANCE - Students/ parents/ employees or other individuals may submit complaints related to issues of compliance in the following areas: Adult Education, Child Development, Child Nutrition, Consolidated Categorical Aid, Migrant Education, Gender Equity, Special Education, Vocational Education, Nondiscrimination Requirements, and Civil Rights Guarantees. (Board Policy #1312.3)

TO: SUPERINTENDENT  
BANNING UNIFIED SCHOOL DISTRICT  
161 W. WILLIAMS STREET  
BANNING, CA 92220

FROM: Name: Banning Teachers Association  
Address: 34 W. Williams, Banning CA 92220  
Telephone Number: 909 215 9562

SUBJECT: COMPLAINT AGAINST (Name/ Site/ Program) QEIA @ Coombs & Nicolet

NATURE OF COMPLAINT: (Describe in your own words the grounds of your complaint, including all names, dates, and places necessary for a complete understanding of your complaint.)

Banning USD has failed to comply with the class size requirement for the funding of QEIA schools (Coombs & Nicolet), while Coombs & Nicolet have received QEIA funding from the State of California for the 2011/12 school year, students are being denied the advantages of smaller class sizes required by QEIA.

Ed Code 52055.700 Quality Education Investment Act of 2006

Ed Code 52055.740 section C addresses class size requirements

**STUDENT/ PARENT/ EMPLOYEE COMPLAINT (continued)**

Have you discussed the complaint with the program supervisor?

Yes  No

Give dates and name(s) of persons to who you have spoken: \_\_\_\_\_

July 2011 - Craig Neuman

Aug. 2011 - Gordon Fisher

Oct. or Nov. 2011 - Dr Kennedy

State the Results of the discussion with immediate supervisor: \_\_\_\_\_

Both Gordon Fisher and Craig Neuman stated that they were staffing on the recommendation of BDE and that they were told they could get 2 years of QEIA funding and also maximize CSR dollars this way over →

Other comments, if any: Test scores at Combs and Nicolet have shown

that smaller class size has a positive impact on student achievement. QEIA was intended to level the playing field for the most disadvantaged students, yet the district is supplanting

(If necessary, attach additional pages of your own.)

**DECLARATION UNDER PENALTY OF PERJURY**

I understand that the Superintendent or Board of Education may request, from me, further information about the complaint and if such information is available, I shall present it upon request.

I also understand that a copy of this complaint will be given the employee against whom this complaint is being made.

I declare, under penalty of perjury that the foregoing is true and correct.

Executed this 9th day of Jan. 2012, at Banning, California.

Signed: [Signature] (Pres. BTA)

Witnessed by: \_\_\_\_\_

Date: 1/9/12