

**FRANKLIN-MCKINLEY SCHOOL DISTRICT
MEASURE K**

To improve the quality of education and enhance student achievement, by expanding reading, counseling and tutoring programs for at-risk students; maintaining small class sizes, enhancing reading, math, and science programs; retaining teachers; and expanding student access to after school programs, shall Franklin-McKinley School District's measure levying \$72.00 per parcel annually for five years, be adopted, raising \$1.2 million annually, have no funds for administrators' salaries, provide a senior citizens' exemption and have all funds stay local?

**YES
NO**

**COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF
MEASURE K**

The Franklin-McKinley School District ("District") Board of Education ("Board") has placed Measure K on the ballot to authorize an annual parcel tax of \$72 per parcel, beginning on July 1, 2021, for five years. According to the Measure, the parcel tax will raise approximately \$1.2 million per year. This parcel tax would be in addition to the existing 2016 Measure HH annual parcel tax of \$72 per parcel, which expires on June 30, 2027.

The stated purposes of the parcel tax are to expand reading, counseling, and tutoring programs for at-risk students; enhance academic programs in reading, math, and science; expand student access to after school programs; restore performing arts and music programs for grades K-6; maintain or expand performing arts and music programs; improve student access to computers and modern technology; maintain small class sizes; and provide a safer learning environment during health or other emergencies, such as the COVID-19 pandemic. The tax may not be used for administrator salaries or benefits.

The tax applies to any parcel of land that lies wholly or partially within the District boundaries that receives a separate tax bill for property taxes from the Santa Clara County Tax Collector. Owners of contiguous parcels that are used solely for owner-occupied single-family residential purposes and are held under identical ownership may apply to the Board each year for their contiguous parcels to be treated as a single parcel.

A parcel tax exemption may be obtained by the owner and occupant of a single-family residence who is 65 years of age or older by submitting an exemption application to the Board on or before June 15. Although the Measure states that exemption applications must be submitted annually, the law requires exemptions to remain in effect until the parcel owner becomes ineligible and does not require application on an annual basis.

The District is required by law to institute additional accountability measures for the tax proceeds. These measures include: (1) using the tax proceeds only for the specific purposes described in the Measure; (2) depositing the tax proceeds into a separate account from other District funds; and (3) providing an annual written report to the Board detailing the amount of funds collected and expended and the status of any project(s) authorized to be funded by parcel tax proceeds. In addition to these requirements, if the parcel tax is approved, the Board will appoint an independent committee to oversee the expenditure of parcel tax revenues.

A "yes" vote is a vote to approve a special tax of \$72 per parcel within the District for five (5) years.

**COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF
MEASURE K-Continued**

A "no" vote is a vote to not approve the tax.

If at least two-thirds of all voters casting ballots in the District vote "yes" on Measure K, the tax will be approved.

James R. Williams
County Counsel

By: Julia B. Spiegel
Deputy County Counsel

COMPLETE TEXT OF MEASURE K

LOCAL ELEMENTARY SCHOOL DISTRICT ACHIEVEMENT MEASURE "K"

Franklin-McKinley School District

INTRODUCTION AND PURPOSE

To ensure reliable funding to improve the overall quality of education and enhance student achievement in local schools by enhancing reading, math, and science instruction; ensuring small class sizes; bringing back performing arts and music program; and expanding reading, counseling and tutoring programs for at-risk students, the Franklin-McKinley School District proposes to establish an education parcel tax for a period of five years, beginning July 1, 2021, at the rate of \$72 per year, on each assessor's parcel located within the Franklin-McKinley School District, with an exemption available for senior citizens, and to implement accountability measures in connection with the temporary levy that are over and above those required by law, including the appointment of an independent citizen oversight committee to provide oversight and accountability to ensure the funds are used to:

- Expand reading, counseling and tutoring programs for at-risk students.
- Enhance academic programs in reading, math and science.
- Expand student access to after school programs.
- Restore performing arts and music programs for grades K-6.
- Maintain or expand performing arts and music programs.
- Improve student access to computers and modern technology.
- Maintain small class sizes.
- Provide a safer learning environment during health or other emergencies such as the current COVID-19 pandemic.

AMOUNT OF EDUCATION PARCEL TAX; PERIOD OF ASSESSMENT

The education parcel tax shall be \$72 (or less as provided below) per year for five (5) full years assessed against each parcel.

The proceeds of the education parcel tax shall be deposited into a separate account created by the District.

DEFINITION OF "PARCEL"

For purposes of this special tax, the term "Parcel" means any parcel of land which lies wholly or partially within the boundaries of the Franklin-McKinley School District, that receives a separate tax bill for *ad valorem* property taxes from the Santa Clara County Assessor/Tax Collector. All property that is otherwise exempt from or upon which are levied no *ad valorem* property taxes in any year shall also be exempt from the education parcel tax in such year.

EXEMPTION FOR CONTIGUOUS PARCELS

For purposes of this special tax, any such "Parcels" which are (i) contiguous, (ii) used solely for owner-occupied, single-family residential purposes, and (iii) held under identical ownership may, by submitting an application of the owners thereof by June 15 of each year to the Board of Education of the Franklin-McKinley School District in accordance with rules and regulations adopted by the Board, be treated as a single "parcel" for purposes of the levy of the education parcel tax.

EXEMPTION FOR SENIORS

Pursuant to California Government Code section 50079(b), any owners of a Parcel used solely for owner-occupied, single-family residential purposes and who are 65 years of age or older, may obtain an exemption from the education parcel tax by annually submitting an application, by June 15 of each year, to the Board of Education of the Franklin-McKinley

COMPLETE TEXT OF MEASURE K-Continued

School District in accordance with rules and regulations adopted by the Board.

With respect to all general property tax matters within its jurisdiction, the Santa Clara County Assessor/Tax Collector, or other appropriate County tax officials shall make all final determinations of tax exemption or relief for any reason, and that decision shall be final and binding. With respect to matters specific to the levy of the education parcel tax, including the Senior Citizen Exemption and the classification of property for purposes of calculating the tax, the decisions of a District administrative review panel shall be final and binding.

REDUCTION IN TAX IF RESULT IS LESS OTHER GOVERNMENT SUPPORT

The collection of the education parcel tax is not intended to decrease or offset any increase in local, state or federal government revenue sources that would otherwise be available to the Franklin-McKinley School District during the period of the education parcel tax. In the event that the levy and collection does have such an effect, the Franklin-McKinley School District shall cease the levy or shall reduce the education parcel tax to the extent that such action would restore the amount of the decrease or offset in other revenues.

ACCOUNTABILITY MEASURES

In accordance with the requirements of California Government Code sections 50075.1 and 50075.3, the following accountability measures, among others, shall apply to the education parcel tax levied in accordance with this Measure: (a) the specific purposes of the education parcel tax shall be those purposes identified above; (b) the proceeds of the education parcel tax shall be applied only to those specific purposes identified above; (c) a separate, special account shall be created into which the proceeds of the education parcel tax must be deposited; and (d) an annual written report shall be made to the Board of Education of the District showing (i) the amount of funds collected and expended from the proceeds of the education parcel tax and (ii) the status of any projects or programs required or authorized to be funded from the proceeds of the education parcel tax, as identified above.

In addition to the accountability measures required by law, an independent citizen oversight committee shall be appointed by the Board of Education of the District to advise the Board on the expenditures funded by the measure in order to ensure that said funds are spent for the purposes approved by the voters. The oversight committee will monitor the expenditures of these funds by the District and will report on an annual basis to the Board and community on how these funds have been spent.

ARGUMENT IN FAVOR OF MEASURE K

Vote Yes on K to provide critical funding to protect the quality of education in Franklin-McKinley schools.

With the unprecedented health and economic crisis, our schools need locally controlled funding more than ever to provide quality education. State school funding is unreliable and unstable. Measure K is needed to keep good teachers in our schools, preserve academic programs and make our schools clean and safe to return to in-person learning.

All Measure K funds go directly to our local schools, are controlled locally, and cannot be taken away by the state. Without Measure K, Franklin-McKinley School District would have to make millions in drastic cuts to classroom education over the next few years.

Measure K will continue to improve student achievement by providing a well-rounded education for all students. It will also maintain other student supports, including devices, internet connectivity, tutoring and counseling programs for at-risk students. Measure K will also help protect student access to after-school programs, keeping kids on the right track.

Measure K ensures local students continue to receive a quality 21st century education and are able to excel in today's global society.

Vote YES on K to:

- Provide a safer learning environment during health or other emergencies
- Protect science, technology, reading, writing and math programs
- Maintain small class sizes
- Attract and retain highly qualified teachers
- Maintain art, music and electives for a well-rounded education

Strong Fiscal Accountability Protections

- All Measure K funds will benefit local elementary and middle schools and cannot be taken away by the State
- No funds can be spent on administrators' salaries
- Independent citizen oversight and annual audits ensure all funds are used wisely
- Senior citizens can receive an exemption

Strong neighborhood schools help improve property values in our community, whether or not you have children in school.

ARGUMENT IN FAVOR OF MEASURE K-Continued

Join neighbors, community leaders, and parents in supporting local students. **Vote YES on Measure K!**

Maya Esparza
San Jose City Councilmember

George Sanchez
Current President Board of Trustees Franklin-McKinley School District

Scott Shulimson
Franklin-McKinley Education Association

Dario Lomeli
CSEA President Chapter 502

Kevin Rumley
Citizens Bond Oversight Committee Member at Large

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE K

This is not the time for "taxation as usual".

Many have lost their jobs. Others are working reduced hours. Many businesses have reduced revenue, and some have been forced to shut down entirely. Some may never re-open.

Individuals, households, and businesses have all had to adapt to this crisis, by cutting costs and being more careful about spending their limited funds on only the most essential activities.

School boards need to do their share, by focusing their efforts on controlling costs and by prioritizing only the most essential things.

This is not the time for "taxation as usual".

There is a reason that parcel taxes require voter approval and run for a limited number of years. It is so that voters will have a chance to reconsider them if the situation has changed.

This is such a time. The situation has changed already!

The budget assumptions behind proposals like this are no longer valid. Even after schools can open, many parents will be considering home schooling or online learning as a permanent option, and many traditional school-associated activities just do not make sense now.

With fewer students doing fewer things, asking for approval of a tax like this is the wrong approach.

This is not the time for "taxation as usual".

This is the time to demand that the school board take a fresh look at their budget and come up with a new plan, not to expect approval of an obsolete plan.

Vote NO on Measure K.

www.SVTaxpayers.org

Mark W.A. Hinkle
President: Silicon Valley Taxpayers Association

Joe Dehn
Chair, Libertarian Party of Santa Clara County

ARGUMENT AGAINST MEASURE K

Just this last March, district voters approved a \$80,000,000 bond measure (Measure R) and in 2016 another \$67,400,000 bond measure.

How did the district reward students, parents, and taxpayers for this massive expense and massive debt (remember bonds have to be paid back with interest...lots and lots of interest)?

Let us look at latest student academic performance:

- 2018-19 school year results: **55.5% below grade level for English.**
- 2018-19 school year results: **63.65% below grade for math.**

The District rewarded students, parents, and taxpayers for the passage of the 2008 parcel tax and the above bond debt by **failing a majority of students' proficiency in both English and math!**

Source: California Department of Education Data Partnership—www.ed-data.org

Should you, the voters, reward the district for abysmal scores in both subjects?

If no, we encourage you to vote **NO on Measure K.**

The statewide elementary school average expense per student is \$13,420 per year.

The District is spending more, at \$14,290 per student, for lower English and math scores.

Yet, they want more of your hard-earned money to pad their salaries and fat pension plans.

The measure says that none of the funds will be used for administration. But funds generated separately from this parcel tax can be used for administration expenses without limits. So, that is really an empty promise. Do not be fooled.

Tell the Franklin-McKinley Elementary School Board to be fiscally responsible by voting **NO on Measure K.**

If you reward failure, you will get more failure!

Don't reward bad behavior, vote No on K.

For more information please visit us at www.svtaxpayers.org

Mark W.A. Hinkle
President: Silicon Valley Taxpayers Association

Joe Dehn
Chair, Libertarian Party of Santa Clara County

REBUTTAL TO ARGUMENT AGAINST MEASURE K

Don't let the two opponents mislead you. They don't live in our community. They live in Morgan Hill and Sunnyvale. They don't understand the needs of our schools and students.

In these challenging times, **Measure K is needed more than ever** to preserve quality education and **prepare students for success in high school, college and their careers.**

Approximately half of Franklin McKinley School District students are learning English as a second language and FMSD works diligently to close the achievement gap. During COVID-19 and the related economic downturn, FMSD schools are not just educating kids but also helping to **feed needy families**, provide **childcare for working parents** and supporting families during distance learning.

State school funding is inconsistent and unreliable. Without Measure K, FMSD would have to make **millions in drastic cuts to classroom instruction.** This would result in **teacher layoffs, class size increases and elimination of instructional programs.**

Voting **Yes on K provides locally controlled funding** that we can count on to **attract and retain quality teachers**, support high quality academic programs and keep students **safe and healthy.**

FMSD has a **proven track record of fiscal accountability.** Independent citizens' oversight committees and annual audits consistently confirm that funds have been used properly. **Measure K continues strict accountability protections. Every dollar stays local to benefit our students. No funds can be taken by Sacramento.**

Don't let people from outside our community tell us what is good for our schools. Support local students at this critical time and vote YES on K.

Maya Esparza
San Jose City Councilmember

George Sanchez
Current President Board of Trustees Franklin-McKinley School District

Scott Shulimson
Franklin-McKinley Education Association

Dario Lomeli
CSEA President Chapter 502

Kevin Rumley
Citizens Bond Oversight Committee Member at Large