

Legislature Adjourns: Governor Signs Budget 63 Days Late

The Legislature approved a final spending plan for 2002-03 early Sunday, September 1, eleven weeks after the constitutional deadline and two months after the beginning of the fiscal year. The logjam was finally broken when an agreement was reached that dropped most of the tax increases contained in the budget agreement passed by the Senate on June 29. On September 5 Governor Davis signed the \$98.9 billion Budget into law, 63 days into the new fiscal year and three days later than in 1992.

For only the third time in over 50 years, the 2002-03 Budget reflects an overall year-over-year General Fund expenditure decrease. The Budget, along with mid-year spending reductions in 2001-02, addresses a \$23.6 billion gap between revenues and expenditures. This gap is primarily due to significant decline in revenues related to stock options and capital gains income in 2001-02.

Actions to close the gap include:

- \$7.5 billion in program reductions;
- \$4.5 billion from borrowing against the state's future tobacco settlement funds;
- \$2.0 billion in loans;
- \$1.7 billion in education spending deferrals and reductions;
- \$2.9 billion in fund shifts, accelerations, and transfers;
- \$2.4 billion in additional revenues from the temporary suspension of the teacher tax credit and a

temporary suspension of businesses' net operating loss deductions, as well as other tax changes;

- \$1.1 billion in assumed increases in federal funding; and
- \$1.1 billion from restructuring state debt.

Many in Sacramento believe the final budget agreement will exacerbate projected deficits in future years. The Legislative Analyst had estimated that the state would face operating deficits in the range of \$9 to \$12 billion in the years 2003-04 through 2007-08 under the spending plan proposed by the state Senate in June. However, by not including the proposed permanent tobacco tax increase, the final agreement will instead deepen these deficits by at least \$650 million annually. The impact will be even greater in 2003-04 due to the deferral of education spending and the elimination of the Vehicle License Fee increase that would have raised \$1.3 billion. In November the Legislative Analyst will issue a report listing options for increased state revenue in 2003-04. One of the options may be a half cent increase in sales tax.

In addition to passing the budget in the waning hours of the legislative session, the Legislature passed a flurry of bills before adjourning. September 30 was the deadline for the Governor to act on more than 400 bills that made it to his desk.

Cecelia Mansfield, Director of Legislation

Election 2002: Forty Days and Counting...

Only forty days remain until the statewide general election on November 5 when voters go to the polls to cast ballots for California's constitutional officers and to vote on seven statewide ballot measures. Also at stake are many important local measures, including more than 100 local school bond measures.

A special PTA election mailing will be sent to all units, councils and districts the week of September 30. This mailing will include responses by the candidates for Governor and Superintendent of Public Instruction to questions submitted to them by the California State PTA as part of PTA's voter education activities. It is our hope that the candidates' responses to the PTA questionnaire will be widely disseminated in schools and communities throughout California as a service to PTA members and the voting public.

The California State PTA, along with its units, councils and districts, is a nonpartisan organization. This means the organization shall not – directly or indirectly – participate or intervene (in any way, including the publishing or distribution of statements) in any political campaign on behalf of, or in opposition to, any candidate for public office. PTAs must never support or oppose political parties or candidates, including candidates running for school board on nonpartisan slates.

PTA, however, can and does adopt positions expressing support or opposition to issues dealing with the health, safety, education and general well being of children and youth. The California State PTA has taken a **SUPPORT** position on two of the seven statewide ballot measures:

Proposition 47, the Kindergarten-University Public Education Facilities Bond Act of 2002, is a legislative bond measure that would permit the state to issue \$13 billion in general obligation bonds to fund construction and renovation of K-12 and higher education facilities.

Proposition 49, the After School Education and Safety Program Act of 2002, is an initiative statute that would increase and make permanent state funding for after school programs beginning in fiscal year 2004-05. Beginning in 2004 Proposition 49 would increase state spending to \$550 million annually if state revenues grow beyond a specified target

Cecelia Mansfield, Director of Legislation

Governor Wields Pen to Sign and Veto Education Bills

Many education bills PTA supported and approved cleared both houses of the legislature and were sent to the Governor's desk by the end of the 2002 legislative session on August 30. The Governor has signed several of these bills, while he vetoed others. Here's a look:

AB 164 (Harman), special education alternative dispute resolution programs: PTA supported AB 164.

AB 323 (Pavley), juvenile courts: PTA supported this bill, which was vetoed by the Governor.

AB 1907 (Dickerson), federal funding for special education programs, was supported by PTA, but vetoed by the Governor. NOTE: This bill would have ensured the pass through of future federal special education funds. PTA has lobbied for years at the federal level for an increase in special education funding and believes any additional funds should be used as intended: to provide services to children in special education

AB 634 (Wesson), minimum age for compulsory school attendance, was supported by PTA, but vetoed by the Governor.

AB 741 (Firebaugh), reclassification of English Language Learners, was vetoed. PTA supported the bill.

SB 1367 (Karnette), review of content standards, was also vetoed. PTA approved the bill.

SB 1934 (McPherson), career technical education: PTA supported this bill and the Governor signed it into law.

SB 1339 (Vasconcellos): The Governor also signed this PTA supported bill on post secondary education admissions.

AB 2025 (Corbett): The Governor vetoed this PTA supported bill to establish a master plan for education counseling, saying he already signed a bill last year calling for a study of pupil support services, which is not due until January 2003. He is afraid this bill would create substantial future funding.

Carol Kocivar, Education Advocate

**Remember:
VOTE on November 5**

Arts Corner

PTA's Successful and Not-So Successful Efforts to "Bring Back the Arts"

PTA's efforts to **Bring Back the Arts** are paying off with support from major education organizations throughout the state. However, budget and other woes in Sacramento combined to block final success in getting PTA bills passed. But our efforts did succeed with an amendment to an instructional materials bill, **AB 1781** (Hertzberg), which broadened the definition of how instructional materials funds could be used.

PTA sponsored **SB 1548** (Alarcon). This bill would have required the Department of Education to begin gathering and making available a pool of diagnostic assessment items that schools could use to help determine the extent to which students are mastering the state adopted academic content standards in the visual and performing arts. SB 1548 died in the Assembly Appropriations Committee.

PTA also sponsored **AB 2952** (Shelley). The intent of this bill was to specifically allow funds set aside for instructional materials in academic subjects to be used for instructional materials for standards-based arts instruction. The bill did not pass. PTA then urged that AB 1781 include the above language specifically relating to the arts. While we were not able to include the specific "arts" language, we were able to amend the bill to specify that funds could be used for standards-aligned basic instructional materials as well as textbooks. The Governor signed AB 1781 into law on September 23.

PTA supported **AB 2807** (Firebaugh). This provides for the Local Arts Education Partnership Program, a program that develops a locally based approach to arts education improvement by using existing community arts resources in a planned and coordinated way to strengthen basic arts skills in the state's public schools. This bill extends the date of repeal to January 1, 2008.

As you know, PTA sponsored AB 869 (Shelley) in 2001-2002 to establish the Arts Instructional Materials, Equipment, and Assistance Program. This bill would have required the State Department of Education to apportion funds for instructional materials, equipment, or services that support or assist in providing or improving arts instruction for pupils in grades 1 to 12. The bill died in the Assembly Appropriations Committee.

PTA will continue to advocate for legislation to ensure high quality sequential arts education for every child, in every school, in every grade. **Real education reform must "bring back the arts!"**

PTA Testifies at Arts Hearing

Because of our efforts to support the arts, PTA was invited to testify at a Joint Committee on the Arts "Hearing on the Arts and Academic Learning" on September 19, 2002. The following recommendations were made to legislators attending the hearing:

1. The California Education Code should require comprehensive and sequential instruction in the arts for every student in all grade levels.
2. The California Education Code should provide for voluntary visual and performing arts assessment items to be given to all schools.
3. The California Education Code should require that each student take a year of visual or performing arts to graduate from high school.
4. The California Education Code should provide for dance and theatre credentials for teachers.
5. There should be a requirement for pre-service arts education courses for elementary teachers.
6. The California Education Code should require textbooks and instructional materials to include strategies for teaching through the arts and infusing the arts into other disciplines.
7. In-service arts education programs should be provided for elementary teachers.
8. Visual and performing arts should be included in school to career/technology legislation.
9. Specifically recognize arts education as one of the viable strategies for school reform.
10. Include these legislative steps in the Master Plan for Education.

Carol Kocivar, Education Advocate



As In Mahler's Second...

In the last issue of *Sacramento Update*, I discussed PTA's position on several bills dealing with dietary supplements. As you may recall, ephedrine is a form of stimulant found naturally in a group of Chinese herbs. It can also be prepared synthetically. It is a powerful stimulant, which can affect the cardiovascular and central nervous systems. A wide range of adverse effects, including headaches, psychoses, strokes, heart attacks and deaths have been associated with ephedrine. I would like to bring you up to date on some very interesting developments surrounding this issue and one of our bills.

On June 14 of this year, in response to national concerns about the safety of Ephedra, Federal Health and Human Services Secretary, Tommy G. Thomson announced a new effort to expand scientific research on the safety of ephedrine alkaloids. Part of this effort included a toll free number for people to contact the FDA to report adverse reactions:

1-800-MEDWATCH

There have been attempts in the past to control the use of certain dietary supplements. In the 1999-2000 California legislative term, AB 2294 (Susan Davis) was sent to the Governor, but was vetoed. The Governor felt that dietary supplements were a matter of interstate commerce and "clearly the responsibility of Congress to regulate, which they have thus far rejected to do."

Susan Davis, now in Congress, has met with little success in moving similar legislation there. This year the California State PTA had an approve position on **SB 1750** (Speier), which would prohibit dietary supplements with certain ingredients from being sold to minors, and that dietary supplements contain warning labels. SB 1750 died in the Assembly Appropriations Committee on August 14, 2002.

BUT WAIT....

On August 15, the US Food and Drug Administration asked the Justice Department to open a criminal investigation into the allegations that Metabolife International lied about the safety of Ephedra. The previous week the company had offered to turn over 13,000 health complaints it had to the administration. The FDA called the offer "disingenuous". It seems that in 1998, the company president had reported it never received any adverse health reports from their Ephedra consumers. As a result of this, several leading members of Congress are calling for the immediate ban of the supplement until its safety can be assured.

BUT WAIT....

On August 16, while on the campaign trail, Governor Gray Davis demanded strict regulation of the substance. The Governor said he has given the Feds a chance and they have failed to do anything. On August 24, **SB 1884** (Soto), a bill dealing with fibromyalgia awareness, was stripped of its contents and replaced with what had been the contents of SB 1750, which had died. This brings into force a little used guideline the Legislation Team follows, which is that when the contents of a bill on which PTA has a position is moved into a new bill number, the PTA position moves with the content to the new bill number. Hence, PTA automatically had an approve position on SB 1884, which was signed by the Governor on September 27.

Michael Butler, Health Advocate

Governor Signs Community Concerns Bills

SB 1253 (Figueroa)

Citing concern for student safety, Governor Davis, on August 28, lifted California's ban on cell phones and pagers on school campuses, allowing individual school districts to craft their own policies. SB 1253 was an acknowledgement that technology has outpaced the stereotype of on-campus drug dealers with pagers on their hips. In a prepared statement the Governor said, "By allowing school districts to let students use cell phones and pagers, families can communicate better and students can feel a greater sense of security while at school." PTA had an approve position on SB 1253.

SB 1924 (O'Connell)

Saying it will save children and teens from brain injuries and deaths, Governor Davis, on September 12, expanded the state bicycle helmet law to require that children under 18 also wear helmets each time they use a skateboard, in-line skates, roller skates or a scooter. The new requirements take effect January 1, 2003 and will make California's child helmet law the strictest in the nation. Violators will face fines of \$25, most of which will go to local health departments to provide helmet safety education and subsidize helmet purchases for low-income families. Senator O'Connell drafted SB 1924 at the request of students at Hawthorne Elementary School in San Luis Obispo. PTA supported SB 1924.

(continued on next page)

AB 1886 (Jackson)

Governor Davis, on September 16, 2002, signed AB 1886 into law. AB 1886 would allow a city or county to establish an ordinance doubling or increasing the fines for certain traffic violations in school zones for the purpose of establishing a fund to set up school zone pedestrian safety programs with the monies generated. This is a pilot program to be implemented in Santa Barbara and Ventura counties. Resolved 5 of the 2001 convention resolution on School Traffic and Pedestrian Safety Improvement states that the California State PTA and its units, councils and districts will “advocate for and support legislation on the state and local level to double all traffic fines for moving violations within posted school zones and for fine revenues to be committed to school traffic safety and pedestrian programs, including crossing guards.” PTA strongly supported AB 1886.

Peggy Dial, Community Concerns Advocate



Family Leave Bill Signed!

On September 23, Governor Davis signed into law a landmark Family Leave bill: **SB 1661** by Senator Sheila Kuehl. This bill extends the state disability Insurance (SDI) program to provide for up to six weeks of wage replacement benefits to workers who take time off work to care for a new child or a seriously ill family member.

This is an important parenting issue. PTA was in the forefront on actions to establish the California Family Rights Act (FMLA) of 1993, which grants some employees up to 12 weeks of unpaid leave; but many parents who qualify for FMLA cannot afford to be without the income. The importance of this issue began to gather support from advocates and researchers. Growing evidence from research on infant development and school achievement prompted the National Academy of Sciences to make paid family leave a major recommendation. Studies also cite significant health benefits to infants and young children and conclude that paid family leave for mothers of infants is a cost-effective method of bettering child health.

SB 1661 was scaled back substantially from its original version before passing the Legislature; but it is still a significant break-through for California families.

Several other important bills have reached the Governor’s desk, but as of this writing, he had not acted upon them.

SB 1595 (Escutia) would promote greater parental involvement among parents of English Language Learners. This bill assures that the parent’s rights section of the Education Code applies to all parents, including parents who speak a language other than English, and that schools make a reasonable effort to ensure parents are properly informed of the rights and opportunities available to them.

PTA is committed to promoting policy and actions that will encourage and assist **all** parents to become actively involved in decisions that affect the education and well-being of their children and to promote the involvement of parents in their children’s education and schools.

AB 2741 (Chan) would establish a state Children’s School Readiness and Health Council to coordinate children’s school readiness and health policy and program operations, including gathering research, and providing leadership in developing a children’s school readiness and health system.

PTA interest in the issue of school readiness dates back to 1902, when the fledgling organization began promoting the establishment of kindergarten in public schools. Research and experience over the past 100 years have produced a great deal of knowledge about the broader aspects of school readiness and the importance of considering the “whole child” in our assessment of readiness to learn. The National Education Goals Panel proposed that our number one education goal should be that “all children in America will start school ready to learn.” The intent of AB 2741 is to look at ways to accomplish this goal.

Two after-school bills, **SB 1478** (McPherson) and **AB 1984** (Steinberg), would promote development of locally driven after-school programs to serve high school students. These bills were scaled back considerably since first introduced, but still are an important first step in establishing a much needed program. The program would be funded this year through the federal 21st Century Community Learning Centers Program and would target students in low-income areas. AB 1984 now contains the program structural components and SB 1478 contains the funding provisions. Both bills must be signed in order for the program to be established.

Betty DeFea, Parenting Education Advocate



It's a Good News/Bad News Year for Education Bills

The good news is that in a year of severe budget constraints, the Governor has signed into law several education bills supported by PTA. He has also vetoed a number of bills, often citing additional pressure on the State Budget as the reason for his veto.

Here's the bad news: Governor Davis vetoed three assessment bills that were strongly supported by the California State PTA. **AB 1794** (Chavez) would have allowed adult education programs to offer supplemental instruction in preparation for the High School Exit Exam. PTA believes that if the state requires students to pass the High School Exit Exam as a condition of high school graduation, students must be offered as many chances as possible to prepare for and pass the exam. The Governor was concerned the bill "would create Proposition 98 General Fund costs in the tens of millions of dollars annually." **AB 2600** (Pavley) would have required the Department of Education to develop an alternative to the High School Exit Exam for students with special needs that would bring California into compliance with the federal No Child Left Behind Act. The Governor believes the federal government will soon provide guidelines for this alternative assessment, and this bill would cost the state \$150,000 in addition to \$1 million in federal funds. Finally, the Governor vetoed **AB 2676** (Wyland) to require local school boards to discuss STAR test results at a public meeting, saying he is unclear about the need for the bill.

The good news is that the Governor did sign two important assessment bills. **SB 1310** (Alpert) makes substantive changes to the Public School Accountability Act (PSAA) regarding sanctions for schools in the Immediate Intervention/Under Performing Schools Program (II/USP) that fail to meet growth targets within a prescribed time period and fail to show significant growth. **SB 1476** (O'Connell) requires a school principal, at the request of a parent or guardian, to submit a request for a waiver of the requirement to successfully pass the High School Exit Exam to the governing board of a school district for a pupil with a disability who has taken the exam with modifications. PTA supported both these bills.

The Governor also signed **SB 1453** (Alpert), which authorizes the use of federal funds to develop and implement a California longitudinal pupil achievement data system. This system, proposed in the Master Plan for Education, will improve Califor-

nia's accountability system and will help schools meet the instructional needs of students. PTA supported SB 1453.

The good news/bad news scenario was repeated with two PTA-supported bills addressing the needs of English Language Learners. The Governor signed **SB 2083** (Polanco), which provides guidelines for implementation of the English Language Acquisition Program of the No Child Left Behind Act. However, the Governor has asked for clean-up legislation that will ensure AB 2083 remains consistent with the federal legislation. The Governor vetoed **SB 1665** (Polanco), saying it would cost local education agencies more than \$100 million, and that it would create separate expectations for the education of English Language Learners that would be inconsistent with current state policies regarding English language immersion programs.

And a final note of interest: Two bills that PTA strongly opposed never made it to the Governor's desk. **AB 2664** (Hollingsworth) would have, among other provisions, created a new refundable tax credit for parents who send their children to private school. **SB 382** (Haynes) would have provided education certificates for children, upon the request of their parent, for their attendance at participating public or private schools. PTA opposes any tax credit, voucher or education certificate that would divert public money away from public schools.

Ann Desmond, Education Advocate

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DC Corner

Funding is Key Federal Issue

Members of Congress returned to Washington, DC, after Labor Day to an agenda so full that many observers speculate the workload may require a postponement of the targeted October 4 date for final adjournment. And there is a possibility that Congress may need to return for a "lame duck" session after the November elections to finish business.

Among the issues confronting Congress are 13 appropriations bills that will determine the amount of funds federal programs, such as education, will receive in 2003. Other competing issues are a new homeland security package, corporate accountability, and international relations issues. As a result, many important domestic issues, such as re-authorization of a welfare reform bill and the Individuals with Disabilities Education Act, may be postponed until 2004.

To keep policy makers focused on children and education issues during the remainder of this session, PTA advocates are encouraged to continue promoting National PTA's organizational agenda on Capitol Hill. A National PTA "Back-to-School Legislative Action Pack," sent to every unit, council, and district president, urges PTA members to contact their representatives with three related messages:

- Provide \$2.5 billion in mandatory funding for the Individuals with Disabilities Education Act;
- Add at least \$6.5 billion to the No Child Left Behind Act to meet authorized levels; and
- Oppose vouchers and education tax subsidies.

National PTA has been working to secure the highest level of funding possible for the Federal FY 2003 Education Appropriations bill. Unfortunately, the outlook is not very positive. PTA believes an increased federal investment in education is especially needed this year to help states and schools meet new requirements in the No Child Left Behind Act (NCLBA). But the House bill falls far short of what is needed. Many programs would be cut below last year's funding levels, and the overall totals are not adequate to meet the goals and new requirements of the NCLBA. The Senate bill provides \$9 billion more overall, than the House version. But this is still insufficient to meet current demands and new responsibilities outlined in NCLBA.

National PTA is urging senators to support an amendment to add \$4 to \$5 billion to their education appropriation bill. The added funds would be divided among three of the most under funded programs: Title I, Individuals with Disabilities Act

(IDEA) and Pell Grants, a program that helps middle- and low-income families afford college tuition.

National PTA testimony presented at a Senate Committee on Health, Education, Labor, and Pensions (HELP) hearing on implementation of the NCLBA focused on the parent involvement provisions in Title I and the need for additional funds to implement the new requirements of NCLBA. Calling on Congress and the U. S. Department of Education to help create strong partnerships between schools and families, National PTA recommended the Department do more to assure that

- Parent involvement policies are evaluated as part of a school's overall measure of success.
- More technical assistance is provided to schools on setting up effective parent involvement practices.
- Professional development programs train teachers on how to build relationships with parents.

The testimony also highlighted the need for increased financial commitment at the federal level, noting that the single biggest problem states and schools face in adequately implementing Title I is lack of funding. Title I fully serves only about one-third of all children who are eligible and, "We cannot expect 100 percent results when we only invest 35 percent."

Find testimony submitted to the HELP Committee at <<http://www.pta.org/cfplus/legis/testimon.asp>>.

New U.S. History Initiatives Proposed

President Bush announced two new initiatives to improve students' knowledge of U.S. history and government.

"We the People," designed to support teaching of history and civics, will include grants for schools to develop innovative curricula; seminars for university faculty and K-12 teachers; a lecture series by history scholars; and a national essay contest for high school students on American principles and ideals.

"Our Documents," will feature an online database of 100 historical documents, compiled by the National Archives and Records Administration, for classrooms to access. The project will include the National History Day (NHD) Contest, in which students submit projects related to an annual theme and a lesson competition for educators to develop curricula that encourage students to study our 100 most historically meaningful documents.

For further information, please visit <http://www.usafreedomcorps.gov/about_usafc/whats_new/announcements/20020917-1.asp>.

Betty DeFea, Federal Advocate

THE CALIFORNIA STATE PTA PRESENTS

BUILDING GRASSROOTS ADVOCACY

2003

- What:** California State PTA 2003 Annual Legislation Conference
- When:** February 18-20, 2003
- Where:** Sacramento
- Who:** All PTA Members, chairmen and officers
- Cost:** \$145 - Conference registration includes: All conference activities and materials, including dinner on Tuesday, and lunch and reception on Wednesday. It does not include airfare or housing. The conference hotel is the new Embassy Suites Hotel, 100 Capitol Mall Street. It is located on the Sacramento River, one half mile from the State Capitol and directly across from Old Sacramento. The Embassy Suites is one of Sacramento's newest and finest hotels. The group rate for the conference is \$139 per night plus tax for a double/double room. Hotel parking is \$18 a day with in and out privileges.

The conference will begin with registration and dinner on February 18 and conclude at noon on February 20. A detailed conference agenda will be available in January.