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Proposition 54 Defeated In Special Statewide Election Governor-Elect Schwarzenegger to Take Office in Late November

On October 7, in an historic special statewide election to consider the recall of Governor Gray Davis, California voters defeated Proposition 54, the Classification by Race, Ethnicity, Color, or National Origin Initiative, a measure opposed by the California State PTA. Proposition 54 failed by a wide margin. It received just 36.1% of the votes cast, with 63.9% of voters casting a no vote.

In addition to defeating Proposition 54, voters defeated a second proposition – and a majority also voted to remove Governor Gray Davis in California's first gubernatorial recall election. Arnold Schwarzenegger, who was selected to replace Davis as Governor, will take office next month, sometime after the California Secretary of State certifies the election. State law requires that the certification be completed no later than 39 days after the election, which is November 15.

During this time of transition, which is shorter than the usual transition period, there is much uncertainty in Sacramento. The Governor-elect has assembled an eclectic transition team to assist in the preparation for taking office. Important appointments must be made, including a new Secretary for Education, and a proposed State Budget must be submitted to the Legislature by January 10, the Constitutional deadline.

Last week state officials announced that California received at least \$450 million more in taxes than expected during the three months ended in September, which, if continued, could make incoming Governor Arnold Schwarzenegger's job of balancing the state budget much easier. The projected budget deficit for 2004-05 is currently \$8-\$10 billion, but that could increase by another \$4 billion if the increase in the roll back of the vehicle fee is enacted.

In the meantime, Governor Davis faced a legislative deadline of midnight on October 12 to decide the fate of more than 200 bills that still remained on his desk. When the Legislature ended its session in September, nearly 1,000 bills were sent to the Governor. Davis dealt with most of these bills during the last two days before the October 12 deadline.

With the special election behind us, Secretary of State Kevin Shelley has reminded Californians to vote again in important local elections in November of this year, and the statewide primary election on March 2, 2004. The California State PTA has taken a support position on two statewide ballot measures on the March ballot, the Kindergarten-University Public Education Facilities Bond Act of 2004, which has already qualified, and the Budget Accountability Act, pending signature verification.

Cecelia Mansfield, Director of Legislation

New Law Sheds Sunshine on Vending Machine Contracts

California law already requires that before school boards can enter into exclusive contracts for the sale of carbonated beverages, they first must adopt a policy after a public hearing to ensure controls are in place to protect public funds, and to ensure funds raised would benefit public instruction.

SB 65 (Torlakson), Chapter 458, Statutes of 2003, is a new law that will extend these regulations and limitations to cover exclusive and non-exclusive contracts for the advertising or sale of carbonated beverages, non-nutritious beverages, and non-nutritious foods. The California State PTA supported SB 65.

In addition, the new law requires that school boards provide to parents, guardians, pupils, and members of the public, the opportunity to comment on the contract by holding a public hearing during a regularly scheduled board meeting. The subject of the contract must be identified clearly and in a manner recognizable to the general public in the agenda for the meeting.

The public hearing requirement can be met either by a review of the contract at a public hearing by an advisory committee that has contract review authority for the sale of food and beverages, or by an annual public hearing to review existing and potential contracts for the sale of food and beverages sold on campus, including full meals as well as through vending machines. Such public hearings must include a discussion of the nutritional value of food and beverages; the availability of fresh fruit, vegetables, and grains sold in school meals and snacks; the amount of fat, sugar, and additives found in the food and beverages; and the barriers to public participation in the school breakfast and lunch programs.

SB 65 further requires that the contracts themselves must be made accessible to the public; and prohibits any confidentiality clause from preventing a school board from making a contract or part of one public. The California State PTA continually works to include parents and guardians in discussions that affect the education and well being of their children and to promote their involvement in their children's education and schools.

Because of the epidemic in childhood obesity, parents and the community need to be aware now more than ever concerning the nature and details of vending machine contracts in the school districts; and they need to have the opportunity to participate

in the discussions about contract policy. With school districts experiencing budget difficulties, parents need to be watchful for the potential temptation to lower nutritional standards and engage in the sale of non-nutritious foods and beverages to pupils in order to generate additional revenues.

With SB 65, our members now have more tools with which to monitor and participate in local decisions about the value of foods and beverages sold to their children. Watch your agendas and attend school board meetings.

Michael Butler, Health Advocate



New Laws Will Help Parents Needing Day Care

Two bills signed into law by Governor Gray Davis will help parents who are in need of quality day care for their young children. The new laws are

AB 1668 (Salinas): This law provides funding for the renovation, repair, or improvement of an existing building to make the building suitable for licensure for child care and development services and for the purchase of new relocatable child care facilities for lease to school districts and contracting agencies that provide child care and development services. The money will come from the Child Care Facilities Revolving Fund. School districts and county offices of education participating in the California School Age Families Education (Cal-SAFE) program will be eligible to apply.

AB 1683 (Pavley): This law requires the licensed child day care facility to post a copy of a licensing report that results in a citation or a substantiated complaint investigation. The posting of these citations will alert parents of past violations and give parents the information needed to make decisions on choosing the right day care for their child.

Vicky Reinke, Parent Involvement Advocate

Megan's Law Saved From Sunset

In a widely publicized partisan tussle, the fate of Megan's Law itself was for a time a victim of legislator game playing. At issue was the need to renew the law before it reached sunset on December 31 of this year. Additionally, if the law had not been extended by October 1, the state stood to lose \$5 million in federal funding for state and local law enforcement. This important law allows public access to information about known sex offenders residing in their neighborhoods.

Having passed easily in the Senate, the Assembly, for reasons unrelated to the legislation, withheld enough votes to block the bill, **AB 1313** (Parra), from reaching the Governor's desk. Governor Davis called a special session and reconvened the Assembly on Monday, September 29, asking members to set partisan issues aside and pass this vital bill. They did so, the Governor signed it, and Megan's Law is now safely on the books through January 2007.

A top priority of PTA during this year's session has been **AB 1012** (Steinberg). In fact, PTA became its co-sponsor with the ACLU. This bill seeks to make mandatory that parents be notified before law enforcement questions a child at school, and that parents or, if unavailable, a trusted adult be allowed to be present during the questioning. Most parents believe they already have these rights, and are alarmed when they learn otherwise. Although the bill passed the legislature with bipartisan support, it was opposed by law enforcement, the Association of California School Administrators and the California School Boards Association.

Governor Davis is reluctant to sign the bill without law enforcement support, and so AB 1012 has been made a two-year bill. The coming year will give PTA and the ACLU time to work with members of the law enforcement community to find common ground. Other goals are to work with local school boards to pass local policies granting these protections to students, and to allay fears on the part of the above mentioned education organizations that the bill would present excessive expense to school districts, or pose liability concerns.

Thank you to all who took the time to send in letters of support for AB 1012. This bill represents a long-standing concern of PTA, and deals with a basic parental right. Your letters, especially those relating personal experience with this situation, are very important and persuasive in support of the bill. As

we continue to work for its passage, please remain willing to respond again with your letters.

Other bills chaptered this year are **AB 24** (Negrete McLeod) regarding swimming pool safety; **AB 115** (Jerome Horton and Ridley) concerning school safety; **AB 458** (Chu) on foster care; **AB 1495** (Chavez) regarding parole placement; **AB 408** (Steinberg) on dependent children; **AB 490** (Steinberg) on foster children; and **SB 719** (Kuehl), a clean up bill regarding school safety.

Kathy Moffat, Community Concerns Advocate

DC Corner

PTA Action Urgently Needed

The House and Senate have begun working out differences between the House and Senate versions of the fiscal year 2004 (FY 04) Labor, Health and Human Services, and Education Appropriations bill (S. 1356), in a practice known as a conference committee. National PTA is urging conferees to support the maximum possible education funding levels. These increases are critical to meet the growing needs of America's students and fulfill the promises of the No Child Left Behind Act. Specifically, PTA is urging the Senate to maintain the full \$2.2 billion increase for the Individuals with Disabilities Education Act (IDEA) contained in the bill.

The U.S. Senate is also expected to vote soon on the FY 04 District of Columbia Appropriations bill, which includes funds for a DC school voucher program. The bill would provide \$13 million to private schools that are not accountable to the public, and would do nothing to improve DC's public schools, which are facing a dire fiscal crisis.

PTA members are urged to contact members of the Budget Conference Committee to support the maximum possible funding levels for the FY 04 Labor, Health and Human Services, and Education Appropriations Bill, and especially to maintain the full \$2.2 billion increase for IDEA. House conferees from California include Representatives Randy Cunningham and Lucille Roybal Allard. Please also contact California Senators Barbara Boxer and Dianne Feinstein and ask them to support the Durbin-Kennedy amendment, which would strike the DC voucher provision and reallocate funds to the DC public and charter schools, or to oppose the DC Appropriations bill if it includes the voucher plan. Let them know vouchers anywhere are a threat to public education everywhere! Calls may be made to the Capitol switchboard at (202) 224-3121.

Kathy Steinberg, Federal Advocate

Legislature Approves Special Ed and Arts Bills

Several special education bills the PTA supported or approved on topics ranging from the high school exit exam to full federal funding to alternative dispute resolution have been signed into law. Bills that have been chaptered (signed into law) include:

ACR 66 (Pavley) which urges the State Board of Education to continue to delay the requirement for graduation of passage of the high school exit examination until issues are resolved regarding appropriate testing methods for pupils with disabilities. PTA supported ACR 66.

SJR 11 (Alpert), also supported by PTA, memorializes the President and Congress of the United States to provide the full federal share of funding for special education programs to the states so that California and other states will not be required to take funding from other vital state and local programs to fund this under funded federal mandate.

SB 145 (Alpert) requires the Superintendent of Public Instruction to establish standards for the training of special education due process hearing officers and the quality control mechanisms to be used to ensure that the hearings are fair and the decisions are accurate, and enhances parental rights in the assessment of their children and in the due process hearing, as specified. PTA has an approve position on SB 145.

The Governor vetoed **SB 636** (Machado). PTA had an approve position on this bill covering special education alternative dispute resolution. This bill would have required the State Department of Education to establish and administer a statewide program of grant funding, with specified components, to support special education local plan areas in conducting alternative dispute resolution programs for resolving special education disputes.

Despite a bad budget year, it was a good year for arts legislation. Working with the California Alliance for Arts Education, PTA was successful in moving several important arts bills through the Legislature.

AB 1512 (Cohn), which PTA supported, establishes the CDE Arts Work Grant Program. The Arts Work Visual and Performing Arts Education Program, administered by the State Department of Education, awards grants to local educational agencies to develop their capacity to implement high-quality, instructional programs based on the state adopted

visual and performing arts content standards for pupils in kindergarten and grades 1 to 12.

NEWS FLASH! Governor Signs PTA-Sponsored Arts Bill

SB 469 (Scott), which PTA co-sponsored with the California Alliance for Arts Education, clarifies the use of instructional materials funding for the arts and other subjects. The Governor signed SB 469 on October 12. This bill authorizes a school district to use its instructional materials funds to purchase adopted instructional materials for the visual and performing arts, foreign language, health, or any other curricular area if it certifies that it has provided each pupil with a standards-aligned textbook or basic instructional materials in reading/language arts, mathematics, history/social science, and science.

SCR 5 (Scott), which the PTA supported, is an important legislative resolution acknowledging and supporting standards-based instruction in the visual and performing arts in all California public schools, pre-kindergarten through grade 12, inclusive. The Governor signed SCR 5 into law and the bill can form the basis for future legislative efforts to support the arts in education.

HR 9 (Firebaugh) was adopted to declare March 2003 Arts Education Month and encourage all educational communities to celebrate the arts with meaningful pupil activities and programs that demonstrate learning and understanding in the visual and performing arts, and urge all residents to become interested in and give full support to quality school arts programs for children and youth.

A key to success in Sacramento is grass roots work in your schools and your community. Legislators need to know that this is important to the children they serve. Your efforts at home create votes for funding and programs in Sacramento. You can help by

- inviting legislators to arts events at your schools and in your community.
- visiting legislators in district offices and telling them you want quality arts education for all of the children in your schools.
- asking legislators to be part of the Community Arts Education Project created by the PTA and the CAAE. You can download this from the PTA Web site.

(continued on next page)

- thanking legislators who support the arts. Give them public kudos at your school events. Write letters of thanks for important arts legislation. Here are the names and addresses of some of the legislators who deserve a special note of thanks for the legislation noted above.

Senator Jack Scott, State Capitol, Room 2057, Sacramento, CA 95814
senator.scott@sen.ca.gov

Assembly Member Rebecca Cohn, State Capitol, Room 3173, Sacramento, CA 95814
assemblymember.cohn@assembly.ca.gov

Assembly Member Marco Antonio Firebaugh State Capitol, Room 319, Sacramento, CA 95814
marcofirebaugh@asm.ca.gov

Finally, after a legislative session of jousting by teachers, administrators, school boards, and parents over class size legislation, the final class size bill, **SB 556** (Sher), was vetoed by Governor Gray Davis on October 12. This bill would have adjusted the penalty provisions for exceeding an average of 20 students in any K-3 class room. In returning Senate Bill 556 without his signature, Governor Davis wrote in his veto message:

“SB 556 would make the following amendments to the K-3 Class Size Reduction (CSR) program:

- Allow school districts to provide class sizes without regard to the current grade-level priorities;
- Establish a funding deduction schedule for districts failing to maintain the required pupil-to-teacher ratio effective for the 2003-04, 2004-05, and 2005-06 fiscal years;
- Allow school districts to utilize their local matching funds pursuant to the State School Deferred Maintenance Program for the 2003-04 fiscal year to supplement state funding for CSR programs to avoid the reduction or elimination of those programs.

I believe the bill’s revised fiscal consequences for exceeding the current 20:1 student-to-teacher ratio are inappropriate. The existing CSR program allows school districts sufficient flexibility to adhere to the 20:1 ratio. I am not aware of any information that suggests increasing class sizes up to 21.9 would not erode the benefits of this current, successful school reform measure. Indeed, by relaxing the penalties for infractions of the class size limits, this bill would only serve to provide fiscal incentives to reduce the educational benefits of the current program.”

Carol Kocivar, Education Advocate

Wrapping Up the 2003-04 State Budget

The 2003 Legislative session was one the most contentious we have witnessed in many years. The growing deficit along with California’s Constitutional requirement for a balanced budget created intense conflict between those who refused to raise taxes and those who were reluctant to cut programs and services. Because of this Legislative political impasse, the State Budget this year was 33 days late. The battle culminated in a compromise plan that combined some spending cuts with borrowing, funding shifts, and other manipulations

On Saturday August 2, 2003, Governor Davis signed the 2003-04 State Budget, which appropriates \$71.1 billion for the fiscal year, including a \$2 billion reserve. This reflects an 8.9 percent decrease from last year’s 2002-03 budget total of \$78.1 billion. The cuts were spread broadly across departments. Health and Human Services and Corrections went essentially uncut; and cuts to Education were less severe than those to other departments.

K-12 education was funded at a level \$288 million below that provided in the 2002-03 Budget Act as enacted last September. This reduction translates into a \$180 per pupil drop in funding from \$7,067 to \$6,887. The budget funds enrollment growth in revenue limits, the basic allocation school districts receive from the state, but does not fund enrollment growth in categorical programs or cost-of-living adjustments in either revenue limits or categorical programs. The Class Size Reduction Program was among those not cut.

One interesting feature of this budget package is the shift in power over the budget from the Legislature to the Governor. Passed as part of the package, **AB 1765** gives the Governor’s Department of Finance broad powers to adjust 2003-04 appropriations. The Department of Finance is authorized to: 1) reduce appropriations or reallocate funds within a department; or 2) impose any other savings strategies as determined appropriate to ensure that each department’s expenditures are consistent with the appropriations authorized by the Budget Act. Now that we have a new Governor, it will be interesting to see how this plays out.

Betty DeFea, Consultant

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Education Bills Become Law

In spite of a severe state budget crisis and attention focused on the recall election, significant education bills, supported by the California State PTA, were signed into law by Governor Gray Davis:

AB 1124 (Nunez) requires that clean and functional school restrooms be a priority for the use of school facilities maintenance funds. The PTA participated, along with other education organizations, in a September press conference to announce the Governor's signing of the bill. AB 1124 is important to PTA members since it will give parents leverage in demanding that the school restrooms used by their children meet the same or higher standards of hygiene applied to other public bathrooms.

AB 1485 (Firebaugh) addresses an issue raised by the State Board of Education regarding California's Reading First grant program. AB 1485 prohibits the State Board from developing criteria for program participation that would deny funds to local education agencies because they offer English language instruction classes under a waiver allowed by Proposition 227. Similar programs in other states have been approved under the federal No Child Left Behind Act, which provides the funds for the Reading First grants.

SB 5 (Karnette) requires the State Board of Education to develop content standards for the teaching of foreign languages in kindergarten and grades 1-12. PTA has supported the development of content standards for all core subjects, but prior to the passage of SB 5 foreign language was the only core subject without standards. SB 5 will help to ensure an age-appropriate foreign language curriculum, uniformity of expectations at all grade levels, and continuity from one grade level to the next.

SB 507 (Escutia) extends a state program that provides grants to school districts to pay the costs of Advanced Placement tests for low-income students.

SB 611 (Ducheny) emphasizes the teaching of English language learners in the Subject Matter Projects, a teacher professional development program provided by the University of California. SB 611 also recognizes the arts, including The California Arts Project, as an important subject area for the professional development of K-12 teachers.

SB 1058 (Torlakson) is a bill that was hijacked late in the legislative session and PTA decided to take an interim support position on it just three days before the session ended on September 12. SB 1058 requires publishers who submit instructional materials to the State Board for adoption to pay a fee. The

bill was similar to another bill, AB 921 (Firebaugh) that died earlier in the session. PTA had a support-if-amended position on AB 921, but believed that SB 1058 addressed concerns raised in the earlier bill.

One bill, strongly supported by PTA, which did not make it to the Governor's desk, was **AB 356** (Hancock). This bill would have eliminated the high-stakes, standardized testing of second graders. The bill had passed the Assembly and was on the Senate floor when the Governor indicated he would veto it. The bill's sponsor, the California Teachers Association, then decided not to move the bill forward. AB 356 is now a "two-year" bill and will be considered again when the Legislature reconvenes in January 2004.

Ann Desmond, Education Advocate

ATTENTION!
Mark Your Calendar for the
California State PTA
Legislation Conference
February 17-19, 2004
Embassy Suites, Sacramento
Registration - \$145

Watch for registration and housing information to be posted on the California State PTA Web site:
www.capta.org

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