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Capital Awaits Outcome of March 2 Election to Tackle 2004-05 Budget

Hundreds of Bills Introduced to Meet February 20 Deadline

The outcome of the March 2 Primary Election is unknown as this issue of *Sacramento Update* goes to press. In the days between now and the election, PTA members will continue efforts to pass Proposition 55 and Proposition 56 and the many school bonds and parcel tax measures appearing on local ballots.

Also unknown is whether Propositions 57 and 58, the Governor's fiscal recovery plan placed on the ballot by the Legislature acting in special session in December 2003, have been successful. The fate of these measures will determine whether the Governor is able to move forward with his desire to accelerate the release of the revised version of his January budget proposal to allow the Legislature to adopt the 2004-05 budget as much as a month early. However, much depends on the outcome of the election. Legislative Analyst Elizabeth Hill released her analysis of the Governor's proposed 2004-05 budget on February 18, and budget hearings will be underway soon.

Hundreds of bills were introduced in the final two days before the deadline for introducing bills in this session of the Legislature. 475 bills were introduced on Thursday, February 19, and 811 bills were introduced on Friday, February 20.

Fabian Nunez of Los Angeles was sworn in as the 66th Speaker of the California State Assembly on February 9. The new Speaker announced several changes in key leadership and committee assign-

ments. Assemblymember Dario Frommer of Glendale became the new majority floor leader, and Assemblymember Lloyd Levine of Van Nuys became the new majority whip—he second and third most powerful positions in the Assembly. Assemblymember Darrell Steinberg of Sacramento was chosen to lead the Assembly Budget Committee, and Judy Chu of Monterey Park was chosen to chair the Assembly Appropriations Committee.

The next day Governor Schwarzenegger made several appointments to fill out his legislative team, which is responsible for managing the Governor's legislative agenda and for all issues involving the Legislature and legislators. The unit is led by Legislative Affairs Secretary Richard Costigan. Cynthia Bryant is the chief deputy. Education, revenue and tax and general government legislative issues for the Governor will be handled by Paul Navarro. Navarro served as chief budget consultant and chief education adviser to the California Assembly Republican leader for the last three years. Prior to that, he was chief Republican fiscal consultant on K-12 and higher education for the Assembly Budget and Assembly Appropriations Committee and also has served as principal consultant for the Assembly Education Committee.

Cecelia Mansfield
Director of Legislation

Class Size Bill, SB 311 (Sher), Returned to Senate

In a somewhat unusual move, **SB 311** (Sher), Class Size Reduction, was returned by the Governor to the Senate on February 20, 2004. This means the bill was not signed or vetoed, but is now back in the Senate. The California State PTA had taken a SUPPORT position on this bill, which adjusts the penalty provisions for exceeding the 20:1 student to teacher ratio in K-3 classes.

According to Lynn Piccoli, Manager of the K-3 Class Size Reduction Program in the California Department of Education, the following letter was sent from Governor Schwarzenegger's office:

"On behalf of the Administration, I am requesting that you return SB 311 back to the Senate. We appreciate your efforts in attempting to provide school districts some fiscal flexibility in your bill, and would like the opportunity to work with you on crafting a proposal that ultimately provides districts with flexibility on categorical programs, without harming educational benefits to our school children.

I would ask that you hold your bill in the Senate, so that we may use it as a vehicle to move a proposal that we can all agree on.

Again, we look forward to working with you on this issue. Since both you and the Governor are committed to the education of California's school kids, we are optimistic that we can find an acceptable solution."

Senator Sher then sent the following letter to Senate President Pro Tem John Burton:

"At the request of the Governor, I am withdrawing SB 311, which deals with the subject of class-size reduction flexibility for local school districts, from the Governor's desk. I have included for submittal to the Senate Journal the letter from the Governor's staff formalizing this request.

My withdrawal of this measure does not represent a retreat in my view of the importance of enacting this measure as soon as possible. Indeed, I strongly support the enactment of this measure and the Administration has assured me that it will work with my office to address this issue later this year.

I will continue to work both here in the Legislature, and with the Administration, to ensure that SB 311 becomes law before the end of this year."

According to the Assembly analysis, the bill had the following impact: "Currently, if any CSR class

exceeds an average of 20.44 pupils the school district loses all of the CSR incentive funding for that class, \$906 per student or \$18,000 per class. This bill instead graduates the penalty for exceeding the CSR maximum so it is proportional to the degree to which a class exceeds the maximum."

SB 311, as amended January 29, 2004, contains ideas the California State PTA suggested last year: adjust penalty provisions and provide more flexibility in the order of grade level implementation of class size reduction program.

Some observations:

There continues to be pressure for districts to **increase** class size in grades K-3 while at the same time retaining the incentive funding for class size reduction and call this approach "flexibility."

PTA believes increasing class size is not in the best interest of our youngest children.

The California State PTA believes there must be no more than twenty children and a qualified teacher in each kindergarten through 3rd grade classroom. This Class Size Reduction position is based on extensive research of class size reduction programs throughout the country. For schools to benefit from the strong findings about the small classes, the accumulated body of research indicates that the actual class size must be small, fewer than 20 pupils.

It may sound simplistic but the research indicates that the substantial academic and social benefits of small classes are achieved because classes are small. Put another way, you don't achieve the benefits of small class size by making classes larger.

The California State PTA recognizes the financial obligation that reducing class size places on taxpayers of the state of California. The California State PTA strongly believes the people of California understand the importance of investing in children and public education, and therefore will be willing to undertake this obligation. The California State PTA further believes that K-3 class size reduction programs should be fully funded by the state.

*Carol Kocivar
Education Advocate*



Bill Imposed New Tobacco Penalties

AB 71 (Chapter 890, Statutes of 2003) established the CALIFORNIA CIGARETTE AND TOBACCO PRODUCTS LICENSING ACT OF 2003. This law requires the State Board of Equalization (BOE) to license manufacturers, distributors, wholesalers, importers and retailers of cigarette or tobacco products that are engaged in business in California. During a hearing last year on the bill, it was stated that other legislation would be introduced to strengthen penalties on retailers who sell tobacco products to minors. As a result, PTA took no position on this bill. Nevertheless, language was slipped into the bill dealing with the issue of tobacco sales to minors. The law provides BOE the authority to suspend or revoke a license if a retailer is convicted of selling cigarettes or tobacco products to any person who is under the age of 18 years. The BOE only has the authority for such action when the underage sales rate in California, as measured in a survey conducted by the Department of Health Services, is 13 percent or more.

The following are the elements of these penalties:

- Upon the first conviction of a violation the retailer shall receive a warning letter. The retailer and its employees shall receive training on tobacco control laws from the Department of Health Services.
- Upon the second conviction of a violation within 12 months, the retailer shall be subject to a fine of five hundred dollars (\$500).
- Upon the third conviction of a violation within 12 months, the retailer shall be subject to a fine of one thousand dollars (\$1,000).
- Upon the fourth to the seventh conviction of a violation within 12 months, the board shall suspend the retailer's license to sell cigarette and tobacco products for 90 days.
- Upon the eighth conviction of a violation within 24 months, the board shall revoke the retailer's license to sell cigarette and tobacco products.

In the absence of a finding that the survey exceeds 13%, existing fines for selling or giving to-

bacco products to minors would fall under Penal Code Section 308 or under the STAKE Act, Section 22958 of the Business and Professions Code.

The illegal sales rate had jumped up from its low of 12.8 percent in 2000 to 19.3 percent in 2002. California State PTA has serious concerns both about the trigger mechanism for the increased penalties and about the effectiveness of the penalties themselves. We wonder why it would be acceptable under any circumstances for allowing the rate of underage purchasing of tobacco products to float above 13% before harsher enforcement action is taken; we wonder about the possibility of the trigger going on and off and when would violations count or not count in determining penalties; and once the trigger is met, will these penalties be truly effective in reducing the incidence? The California State PTA will be keeping a close eye on this new legislation and will not hesitate to seek reform if warranted.

*Michael Butler
Health Advocate*

"State of the State" Was Theme for Annual Legislation Conference

The state's fiscal crisis and the proposed 2004-05 state budget were the focus of the annual California State PTA Legislation Conference held in Sacramento February 17-19. One hundred attendees heard from speakers who addressed the conference theme, *State of the State*. Speakers included

- Phil Angelides, State Treasurer
- Kevin Shelley, California Secretary of State
- Jean Ross, Executive Director
California Budget Project
- Mike Genest, Chief Deputy Director
Department of Finance
- Richard Costigan, Legislative Affairs
Secretary, Office of the Governor
- Jack O'Connell, Superintendent of Public
Instruction
- A.G. Block, Editor, *California Journal*
- Kim Alexander, President
California Voter Foundation
- Charles Ratliff, Director
California Education Master Plan Alliance

Kindergarten: Age of Admission

Today's kindergartens look very different from the kindergartens we all grew up with. Kindergarten today focuses more on academics, it is no longer a time for play and social development. Children need to be ready to learn when they enter kindergarten. Many of these young children still need more time to develop socially and to develop the fine motor skills needed to succeed in school.

Currently, children can begin kindergarten at age four up until December 2 of that school year. **ABX5 6** (Runner) addresses this issue, asking for a change in the start date for kindergarten from age five on December 2 to age five on or before September 1. Children entering kindergarten at age four are frequently at a disadvantage because many are not developmentally or socially ready for the rigor of today's kindergarten curriculum.

Many parents are choosing to hold back their children from entering kindergarten at age five broadening the age difference for children participating in kindergarten from as young as age four to as old as age six. There is a wide gap in the social competence and the ability to achieve academically between a child who is four and a child who is six. This difference in age will continue throughout the student's years of schooling.

The California State PTA has taken a SUPPORT position on this bill. PTA understands the significant positive or negative impact that the early years of schooling have on a child's self esteem, social competence and ability to achieve academically. Beginning kindergarten at age five will allow children more time to develop the skills needed to be successful in school.

PTA is also supporting the need for expanded opportunities for childcare and preschool options that provide children with a quality program that will prepare them to enter school ready to learn.

*Vicky Reinke
Parent Involvement Advocate*



Protecting Kids: Safe Routes to School and Video Games

PTA has taken positions of SUPPORT on two bills by Assemblyman Leland Yee on the topic of protecting children and youth from video games containing harmful matter. As video games have become increasingly violent and sexual in content, and as their popularity has risen, parents have become justly concerned. **AB 1792** adds extreme violence to the definition of harmful matter, and it is illegal to sell games containing such harmful matter to minors. Its companion, **AB 1793**, regulates how video games are rated and how games rated "Mature" or "For Adults Only" can be displayed in stores. These bills have been referred to committees.

On another topic, Safe Routes to School, PTA is supporting **AB 775** (Parra) and **SB 1087** (Soto.) Both bills extend the state law designating federal highway funds to be spent for traffic calming measures and for projects that make walkways and bike-ways safer for children and all. Walking to school is healthy exercise, and cuts down on traffic congestion around schools. These funds have been available for the last three years and have been vital to enhancing walking routes to school in many communities. **AB 775** extends the expiration date of this bill until 2010; **AB 1087** eliminates the sunset altogether. The bills have been referred to their respective house's Committee on Transportation.

Importantly, PTA continues to work strenuously for the passage of **AB 1012** (Steinberg), which gives a parent the right to be contacted when law enforcement seeks to formally interrogate a child at school. This bill represents a right to parental involvement that most people think already exists. Alarmingly, it does not. If you have not already done so, please write a letter to Governor Arnold Schwarzenegger urging him to support this vital legislation.

Kathy Moffat, Community Concerns Advocate

National PTA Poll Findings

- 85%** of the people believe the federal government should provide more funding for public school.
- 93%** of parents said that education issues were important when selecting a candidate.
- 79%** of parents reported being asked to fund needs traditionally covered in school budgets.
- 39%** of parents contribute over \$100 to their child's classroom every year.

Legislators Will Address Numerous Education Issues

Many of the approximately 1,500 bills introduced by legislators this year are still “spot” bills or “works in progress,” to be debated and amended between now and the adjournment of the current two-year legislative session on August 31, 2004. The California State PTA Legislation Action Committee met on February 4 and, so far, has positions on only a few education bills. However, there are numerous issues in the area of education that will be addressed by the Legislature this year and are of concern to PTA.

This is the year for reauthorization of California’s Standardized Testing and Reporting (STAR) program. PTA has taken a SEEK AMENDMENTS position on the reauthorization bill, **SB 1448** (Alpert). Some of the issues that will be addressed in the reauthorization of the STAR program include the new “sunset” date (should the testing program be reauthorized for three, five or six years?), reducing in the amount of time students spend taking tests, primary language assessments, the California Alternate Performance Assessment (CAPA), and linkage between the National Assessment of Educational Progress (NAEP) and provisions of the federal No Child Left Behind Act. The California State PTA believes assessment must be an integral part of the instructional process, and that the overall goal of the student assessment program should be to identify what students know and how well they can apply that knowledge.

The issue of categorical program reform in a long-standing concern that, due to budget considerations, may finally be addressed this year. Both then-Governor Davis in his 2003-04 proposed budget and the Legislative Analyst in a 2003 presentation to the Senate Education Committee recommended consolidation of specified categorical programs into block grants. The California State PTA is currently working with members of the Education Coalition to develop guiding principles for categorical programs and block grants. PTA supports the development and implementation of categorical programs to ensure that the educational needs of all students are met. PTA also believes stringent guidelines and accountability standards must be established for any system that grants program flexibility to schools and school districts. The National PTA opposes federal block grant proposals that eliminate the targeted purpose

of educational programs created to address specific needs not being met at state and local levels.

Charter schools continue to be an issue of concern in Sacramento. In January 2004 the Legislative Analyst issued a report on charter schools, which provides an in-depth overview of the charter school movement in California, including major charter school legislation. The report recommends reexamining the annual growth cap on charter schools, reforming the charter school categorical block grant, and enhancing charter school oversight and accountability. EdSource also announced in its Winter 2004 issue of *EdSource Extra* the launch of a new project that will examine the impact of charter schools based on new data. The California State PTA believes charter schools have a valid place in our public school system because they can provide students and parents with expanded choices in educational opportunities.

Other issues that will be addressed by the Legislature this year, and in future issues of the *Sacramento Update*, include public school governance, the Master Plan for Education, and California’s system of school finance. **SB 6** (Alpert) is a Master Plan bill that addresses the governance of public education in California. As with all Master Plan bills, SB 6 was stripped of all content but intent language and sent to a legislative conference committee. California’s Quality Education Commission, established in 2002 by AB 2217 (Strom-Martin), is charged with reviewing new models for financing schools.

*Ann Desmond
Education Advocate*

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Budget Deadlines Loom

Legislative Budget Subcommittees will hold hearings throughout March and April, although major budget decisions are usually not made until after the Governor has released his May Revision.

May 14 – The May Revision must be released by May 15 of each year. Since May 15 is a Saturday this year, the Governor’s May Revision will be released on Friday, May 14.

June 15 – The California State Constitution requires the Legislature to pass the annual Budget Bill by midnight on June 15. This deadline has almost regularly been missed.

June 30 – The California State Constitution requires the Governor to sign the annual Budget Bill by June 30.

July 2 – The Legislature will begin its annual Summer Recess on July 2 if the Budget Bill has been enacted. If the Budget Bill has not been signed by the Governor, the Legislature will remain in session. Since there will be a statewide election held in November, legislators may be motivated to pass the Budget bill on time in order to recess and begin campaigning.

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DC Corner

Poll Results Point to Parents' Concerns about Education

National PTA Urges Parents to Make Their Voices Heard in Election Year

Poll results released on February 24 by National PTA and Ipsos Public Affairs (see box on page 4) show that parents are worried about the future of public education. Parents are seeing classrooms with wall-to-wall desks and are opening their wallets to save art and music programs. Additionally, an overwhelming 93 percent of public school parents said that education will play a major role in their decision about which candidate to support in this election year.

In a national telephone poll of 800 public school parents, more than half of the respondents (55 percent) ranked school funding as a top issue facing public schools today—eclipsing both school safety and quality. Additionally, 85 percent of parents believe the federal government should provide more funding for education.

“Parents know the difference between rhetoric and reality when it comes to adequate school funding. And the reality is their children’s schools need more help to achieve the gains that we know are possible,” said Rep. George Miller (D-CA), Senior Democrat, House Education and the Workforce Committee. “The PTA poll makes it clear—the federal government is not providing enough money to help schools do the hard work they are doing for our kids.”

“When all is said and done, the most important finding of this report may be that 93 percent of parents view education as a key issue in the election,” said Sen. Edward M. Kennedy (D-MA). “So in the end, the fate of our nation’s schools may be decided the American way—at the ballot box.”

In response to tightened budgets, parents and schools are becoming more dependent on fundraisers. According to the poll, 79 percent of parents are being asked to fund items and needs that have traditionally been covered by school budgets including paper, cleaning supplies, transportation, technology, teacher salaries, educational curriculum and art or music programs. 39 percent are contributing more than \$100 to their kids classrooms each year and one-in-ten (11 percent) say they’re giving more than \$300 a year.

“It goes without saying that all parents want their children to have the best school experience possible, but as well meaning as fundraisers and donations are, they are a temporary fix to a growing national problem,” said National PTA President Linda Hodge. “Parents need to get involved, get informed, and get to the polls to ensure a quality public education for every child.”

The poll was released during the National PTA Legislation Conference in Washington DC, which was attended by Director of Legislation Cecelia Mansfield and Federal Advocate Kathy Steinberg. Also attending were seven protégés and mentors who are part of the National PTA’s Hispanic Initiative, and Jan Domene, NPTA Secretary-Treasurer and the Immediate Past President of the California State PTA.

Cecelia Mansfield, Director of Legislation