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State Misses Budget Deadline

Governor, Legislature Remain at Odds Over Local Government Agreement

California ended the fiscal year without a budget for the ninth time in 11 years. As the June 30 deadline passed, the budget, which includes several side deals negotiated between the Governor, K-12 education, higher education, tribal gaming, and local government, began to unravel. The local government agreement is at the center of the debate, placing the Governor at odds with the legislative leadership. With the \$103 billion budget in limbo, the legislature adjourned for the Independence Day weekend and the Governor went on the road to generate public pressure on legislators on both sides of the aisle to approve his budget plan.

Mayors and county officials agreed in May to accept \$2.6 billion in cuts cover the next two years in exchange for the Governor's support for a Constitutional amendment that would permanently protect cities, counties and special districts. Many fear that this proposal to reform local government financing would have unintended consequences by giving local governments more protection in times of tight budgets than schools, transportation or other important programs.

The California State PTA has taken a strong position opposing the cuts agreed to in the higher education deal. In a recent letter to the Governor and to the legislative leadership (known as the Big 5), President Carla Niño urges our elected representatives to ensure that California's higher education sys-

tem has sufficient resources to meet current needs. She also makes the case for a planned long-term commitment to higher education that does not close the door on thousands of today's well qualified, hardworking students.

Getting to an agreement on a state budget is proving to be a complex undertaking. The budget process was described last week by a spokesperson for the Governor as "the ultimate stew of compromises." Adding to the administration's problems is the fact that some of their revenue projections have not materialized. Also, a settlement in the Williams Case, the school funding lawsuit, may cost the state as much as \$130 million that was not part of the budget proposal. In spite of the difficulties, most budget watchers still believe that a budget will be signed in a matter of days, rather than weeks.

Once the 2004-05 budget is signed, work must begin in earnest to realistically address the chronic gap between what the state spends and what it takes in. According to the Legislative Analyst's office, this budget will do nothing to eliminate this structural budget gap. The LAO has said that in the absence of deeper cuts or new revenue in the 2004-05 budget,

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the state is looking at a future shortfall of \$6 billion. Many thoughtful observers, including Jean Ross of the California Budget Project, fear that some of the specific spending commitments made by the Governor will mean less discretion in future years and worry about where the money will come from down the road. Interestingly, two polls released on May 27, a Field Poll and a Public Policy Institute of California survey, indicated that most people believe taxes will have to be raised.

Fourteen propositions have qualified for the November 2 Presidential Election ballot. On June 28 the California Secretary of State Kevin Shelley, released the numbers assigned to these propositions beginning with Proposition 59 and continuing through Proposition 72. The Board of Managers will consider PTA positions on four of these propositions at its July meeting:

- **Proposition 59** - Access to Government Information
- **Proposition 61** - Children's Hospital Projects
- **Proposition 63** - Mental Health Services Expansion and Funding
- **Proposition 68** - Tribal Gaming Compact Renegotiation

May 28 was the deadline for bills to pass out of the house of origin. Any bills remaining in the house of origin after that date are likely dead, as this is the final year of the two-year Legislative session. However, "live" bills are often completely gutted and amended to include the content of a "dead" bill. There are just weeks left in the legislative session. We will do our best to keep you informed as we move into these last weeks when things can and do change quickly.

Cecelia Mansfield, Director of Legislation



Kindergarten Bills: Not All Make it Out of House of Origin

California State PTA has taken positions on three bills that address the issue of kindergarten. These bills seek to make changes to current law regarding the age of admission into kindergarten and the length of the kindergarten day. One of these bills, **AB 2407**, is currently moving through the leg-

islative process while the others, **ABX5 6** and **AB 2907** did not get through their original house and died in the assembly.

State PTA had a support position on **ABX5 6** (Runner): Pupils: age of admission. This bill would have changed the age of admission into kindergarten from age 5 by December 2 to age 5 by September 1. The bill would have required that any money saved as a result of moving the age requirement would be appropriated to fund specified child care and development programs to provide opportunities for these children not eligible to enter kindergarten.

AB 2907 (Pavley) also died in the Assembly. This bill would have authorized a school district to maintain kindergarten classes at different school sites within the district for different lengths of time, giving the school district the option to expand its kindergarten day as needed. The bill would have also allowed school districts, on a volunteer basis, to change the age of entry into kindergarten to age 5 by September 1, at selected school sites. **AB 2907** also had a provision that would require the State Department of Education to provide funding to the school district to operate or participate in a preschool program to provide an opportunity to the 4 year olds to attend a preschool program that would ready them for kindergarten.

AB 2407 (Bermudez) is currently moving through the legislative process and so far has unanimous support from both parties. Existing law prohibits a pupil in kindergarten from being kept in school on any day for more than 4 hours. An exception can currently be requested through a waiver process. **AB 2407** would allow a school district or county office of education to establish an extended-day kindergarten program. This would give school districts more flexibility in providing a kindergarten program that would meet the needs of their communities. This extended day program must be based on curriculum developed to provide opportunities for intellectual, social and physical growth and development.

The California State PTA recognizes the importance of early child development and the importance that a quality preschool experience has on our young children. We believe that young children need the time to develop socially and physically in order to be successful in school. It is important that we continue to advocate for our youngest children and assure they have access to opportunities that are age and developmentally appropriate.

Vicky Reinke, Parent Involvement Advocate

Coaches, Steroids, and Dietary Supplements: A Legislative History

Recent hearings in Sacramento identified high school coaches' inadequate education on the dangers of steroids and other sports supplements as the most important reason teen use of performance-enhancers are not adequately addressed.

The California State PTA has long worked to include in the school health education program information on the dangers of anabolic steroids. The use of steroids and certain dietary supplements to expedite the physical development and to enhance the performance of secondary school athletes can provide a serious health hazard to student athletes.

In 2002, PTA had a support position on **SB 1562** (Speier), a bill that sought to require school districts to instruct on the effects of the use of performance enhancing substances including anabolic steroids, adrostenedione, creatine, and ephedra in grades 7-12. This bill died in committee.

Also in 2002, PTA had an approve position on **SB 1948** (Figueroa), Chapter 1006, Statutes of 2002. This bill required warning labels on products defined as dietary supplements pursuant to specified federal law, manufactured or distributed in the state, shall be clear and conspicuous.

And in 2002, PTA had an approve position on **SB 1884** (Speier), Chapter 1005, Statutes of 2002, which would prohibit dietary supplements with certain ingredients from being sold to minors, and that dietary supplements contain warning labels.

Recent data released by the NCAA and other entities indicates that the use of supplements is growing among student-athletes, and that this use begins in middle school and high school. Also troubling is the rapid growth in supplement use by female athletes and information suggesting that many young people first hear about supplements via coaches or other adults supervising their activities.

The National Collegiate Athletic Association (NCAA), International Olympic Committee (IOC), and most recently the National Football League (NFL) all prohibit the use of certain dietary supplement substances that are related to steroids. High school is the highest level of organized sport allowing one to take supplements without running the risk of disqualification or worse.

According to the Center for Disease Control (CDC), 3.7% of students nationwide had used illegal steroids without a doctor's prescription during their lifetime. The CDC pointed out that male students

(5.2%) were more likely than female students (2.2%) to report lifetime steroid use. According to the National Institutes of Health (NIH), anabolic-androgenic steroids are man-made substances related to male sex hormones. "Anabolic" refers to muscle building, "androgenic" refers to increased masculine characteristics, and "steroids" refers to the class of drugs. These drugs are available legally only by prescription, to treat conditions that occur when the body produces abnormally low amounts of testosterone. The commonly abused anabolic steroids are either orally taken (oxymetholone, oxandrolone, methandrostenolone, stanozolol) or injected (nandrolone decanoate, nandrolone, phenpropionate, testosterone cypionate, boldenone undecylenate and tetrahydrogestrinone). NIH points out that abuse of anabolic steroids, however, can lead to serious health problems which, include liver tumors and cancer, jaundice (yellowish pigmentation of skin, tissues, and body fluids), fluid retention, high blood pressure, kidney tumors, severe acne, and trembling.

SB 1630 (Speier) is a bill now working its way through the Legislature that would take needed steps toward addressing this problem. This bill would include in the sport physiology component of the California High School Coaching Education & Training Program emphasis on the harmful effects associated with the use of steroids and performance enhancing dietary supplements by adolescents. It would require, beginning December 31, 2007, that each high school sports coach have completed a coaching education program that meets the guidelines adopted by the State Board of Education regarding ethical conduct in supervision and instruction in interscholastic athletic programs and activities.

The bill also would require student athletes to pledge not to use any of the prohibited performance enhancing dietary supplements identified by the Department of Health Services. The bill would prohibit any school official from selling or distributing these dietary supplements at the school site. The bill would also only allow reasonable suspicion-based testing of athletes in certain sports if adequate non-state funds are available to cover the cost.

The California State PTA has adopted a support position on SB 1630.

Michael Butler, Health Advocate

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"SMARTS" Bring Back the Arts Legislative Update

More than 200 PTA leaders from throughout California signed a petition to Governor Schwarzenegger asking him to fund the arts in the state budget. The letter urged support for the Assembly and Senate Education Budget Sub-committees' decision to restore the \$ 6 million funding for the California Department of Education's Visual and Performing Arts Grant Program (Arts Work), line item 6110-177-0001.

This vital program is the only source of state funds for arts education. The letter reminded the Governor that the California State PTA wants to bring the arts back into our schools and back into the lives of our children.

PTA supports several resolutions and bills that increase the awareness of the importance of the arts to education:

ACR 174 (Kehoe), Chapter 27, Statutes of 2004, proclaims March 2004 as Arts Education Month and encourages all educational communities to celebrate the arts with meaningful pupil activities and programs that demonstrate learning and understanding in the visual and performing arts. It also urges all residents to become interested in and give full support to quality school arts programs for children and youth.

ACR 229 (Kehoe), Chapter 87, Statutes of 2004, recognizes the important role that museums have in the state and proclaims May 2004 as California Museum Month.

ACR 234 (Firebaugh) declares that the Legislature recognizes the value of the arts, culture, and cultural heritage and that it intends to seriously consider recommendations contained in specified research on the arts as a guide to effectively address how the state can better organize itself to contribute to California's world-class arts and cultural environment. ACR 234 has been amended and adopted by the Assembly and sent to the Senate.

SB 1213 (Scott): Existing law requires the Department of Motor Vehicles to issue special interest license plates. This bill would increase the amount of the fees imposed for issuance and renewal of the arts plates and would require the California Arts Council to use the revenue derived from the fee increases exclusively for arts education and local arts programming, and would prohibit the council from us-

ing the revenue for its administrative costs. SB 1213 is currently in the Assembly Appropriations Suspense File.

Carol Kocivar, Education Advocate



Bill Would Allow Funding for Students Who Work in Polls

Sometimes it takes a few observant students to point out where the older folks just "don't have it right." And then, we should listen. A good example of this is **AB 1944**, by Berkeley Assembly woman Loni Hancock. PTA has taken a support position on this bill, which is now in the Senate. Students who attend Acalanes High School in Lafayette are sponsoring this bill.

As part of a government class requirement for outside political activity, students worked at the polls during the October 2003 election. The students were surprised to learn that their school district was penalized by the loss of attendance funds due to their absence from school. Rather the sighing and putting up with this law, the students decided to try to change it. They approached Assembly Member Hancock and asked her to "right the wrong." The result is AB 1944. This bill would allow students to work in the polls and the schools to continue to collect attendance money for those students. More specifically, the bill provides that an excused absence to serve as a member of a precinct board for an election is not an absence for the purpose of computing average daily attendance, and will generate state apportionment payments, if the governing board of a school district credits that service towards the history/social science graduation requirement.

This simple idea by some resourceful students helps some important civic needs:

- It provides precinct workers for elections.
- It gives students an experience in civic involvement that can't be replicated in the classroom.
- It continues to provide funding for our schools.

Hats off to the kids on this one!

Carol Kocivar, Education Advocate

Education Master Plan Bills...Moving Slowly

Bills introduced to implement the Master Plan for Education, Pre K-12 through University, are beginning to move slowly through the legislative process. Several of these bills have been heard and passed by both the Senate and the Assembly, with slightly different content, and have been referred to a conference committee to reconcile the differences and work out the final content for each bill. Since these bills currently include legislative intent only, PTA has taken either a watch or a seek amendments position on several of the Master Plan bills referred to the conference committee. These bills include:

- **SB 6** (Alpert) states the intent of the Legislature to define the roles and responsibilities of entities involved in the governance of public schools.
- **AB 56** (Steinberg) states the intent of the Legislature to address childcare and early child development.
- **SB 550** (Vasconcellos) states the intent of the Legislature to provide support for the academic progress of pupils and to ensure all pupils have an opportunity to learn.
- **AB 242** (Liu) states the intent of the Legislature to increase the number of highly qualified teachers in public schools.

It is not certain when the conference committee that will consider the Master Plan bills will begin to meet, but hearings could take place during the Legislature's summer recess, scheduled to begin as soon as the state budget is completed and signed. The Senate has appointed three members to the conference committee: Senators Dede Alpert, Jack Scott, and Bruce McPherson. However, the Assembly has not yet appointed any members to the committee.

Former Governor Gray Davis signed one Master Plan bill, **SB 712** (Alpert), Chapter 416, Statutes of 2003. This bill referred the development of several school finance models to the Quality Education Commission. Another Master Plan bill, **AB 1550** (Goldberg) is currently in the Assembly awaiting concurrence with Senate Amendments. **AB 1550** states the intent of the Legislature to provide all pupils with adequate school facilities.

The California State PTA has been particularly concerned about the intent of **SB 6** to address school governance issues and, in fact, developed a PTA position statement, Public Involvement in School Governance, to provide PTA with authority to take a

position on **SB 6** and other governance issues. This statement declares in part that PTA believes "principles of governance are essential to a well functioning and effective public education system so vital to a thriving democracy." The position statement also states PTA's belief that "the roles and responsibilities of each component in the state's education governance system must be clearly defined, compatible, and not overlapping or contradictory."

Based on this position statement, PTA has taken support positions on two other bills. **AB 1846** (Goldberg) would designate the office of the Superintendent of Public Instruction (SPI), rather than the State Board of Education, as the state educational agency to carry out the purposes and provisions of the federal No Child Left Behind Act of 2001. **AB 2744** (Goldberg) would require the Superintendent of Public Instruction to appoint content review panels in each subject area to review content standards and to make recommendations to the SPI one year prior to the adoption of the curriculum in each subject. Both of these bills fulfill PTA's position that the "elected superintendent must have responsibility for the fiscal and programmatic implementation of the education program" and that "to assign these responsibilities to appointed persons is to disenfranchise the public from the policy making process."

Ann Desmond, Education Advocate



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Bill To Limit Drug Testing

Drug and alcohol abuse among students is a continuing concern for all parents and for society at large. Strategies to combat it are constantly being researched, implemented, revised and implemented again.

President Bush, in his State of the Union address this year, proposed a national program of random drug testing to be done in schools, and he set aside in the federal budget \$23 million to pay for such testing, should local schools want it. In response to the President's plan, the California Legislature is deliberating on a bill that proposes to limit drug testing in California schools, if local schools or districts should opt for a program of drug testing at all.

The bill, **SB 1386** (Vasconcellos), proposes that if any program of testing for drugs or alcohol is adopted by any California school or school district, the testing should not be random in nature. Rather, if a testing program is instituted, there must be an element of suspicion of drug or alcohol use, based on objective criteria, before a student can be tested. The bill also provides that any student testing positive be referred to a school counselor or other appropriate school staff for assistance. PTA supports this bill. Our position is based on PTA principles articulated in the 2003 convention resolution, Alternatives to Zero Tolerance, as well as in PTA's Legislation Platform. These documents put forth PTA's belief that the best ways to fight drug and alcohol abuse among youth are to enact programs of drug and alcohol education and prevention, to provide adequate after school programs, and to make sure that effective counseling, intervention and drug treatment programs are available to our youth.

The most extensive study done on this topic shows no difference in the amount of drug use at schools that have random drug testing as compared with schools that do not test at all. PTA feels that if there is money available for combating student drug and alcohol abuse, it should be spent on programs that are shown to work, and not on testing, which is expensive and ineffective.

Research shows that when a child feels connected to his school through trusting relationships with adults at school, he or she is more likely to make sound health risk decisions. This trust is abrogated when testing programs require students prove their innocence even when not suspected of any misbehavior.

Many in the Legislature and elsewhere strongly object to random drug testing because it violates Fourth Amendment protections against unreasonable searches and seizures. National PTA's resolution on the Rights of Citizens and a State PTA position statement confirm our commitment to those American ideals, as well.

SB 1386 passed committees in the Senate and in Assembly, as well as a vote of the entire Senate. The final legislative test will be when it comes before the Assembly. It is interesting to note that as SB 1386 faced its most recent committee hearing, advocates from the White House were sent to our State Capitol to lobby assembly members on the bill. Veterans of the Sacramento legislative scene commented that they had never before seen such an action.

On the topic of **AB 1012** (Steinberg) on student interrogation at school, the bill is in need of support letters now to the Governor and to the "Letters to the Editor" section of your local newspaper. Sample letters on AB 1012 can be found on the California State PTA Web site at www.capta.org.

Kathy Moffat, Community Concerns Advocate

DC Corner

National PTA Launches New Advocacy Effort

The National PTA launched its new federal advocacy campaign in support of school construction and renovation to support healthy schools at the recent National PTA Convention. Attendees were able to send emails to their U.S. Senators and U.S. Representatives supporting the new initiative. Please log on to www.pta.org, **PTA and Washington, Take Action, Support America's Schools** to send an electronic letter to your elected officials. While on the website you can also find information about NPTA's continuing campaign for full funding for education, **5 Cents Makes Sense**, and join the **Member to Member Network**, which will keep you abreast of important information about federal legislation.

The reauthorized Child Nutrition program was signed into law on June 30, 2004. The final bill includes streamlined access and paperwork, as well as maintenance of the most important programs under the act. PTA is pleased with the final law.

Congress begins its summer recess this month.

Kathy Steinberg, Federal Advocate