



Session Ends in Whirlwind of Activity

Governor Vetoes Record Number of Bills

By the time the Legislature adjourned on August 27, more than 1,000 bills had been sent to Governor Schwarzenegger for his action. Prior to the Constitutional deadline of September 30, the Governor signed or vetoed all of the bills passed by the Legislature, vetoing a near-record 25%. Overall, the Governor rejected a greater proportion of all bills that made it to his desk than any of his last five predecessors vetoed in their first year.

After languishing for months, several important issues were taken up in the final days of the session. A number of Master Plan bills were hijacked at the eleventh hour to implement the settlement of the Williams vs. California lawsuit. Many of the Master Plan bills had sought to address similar issues raised by the Williams case, and they are meant to ensure that California's students have access to a quality education, qualified teachers, textbooks and other instructional materials and decent facilities.

Also in the waning days of the Legislative Session, Senator Don Perata of Oakland, a former Alameda High School civics teacher, was elected the new President Pro Tem of the Senate. He replaces Senator John Burton who is termed out this year, along with many other veteran legislators. When the new Legislature convenes on December 6 the full impact of term limits on both houses will be dramatic.

Two bills affecting elections in California were signed by the Governor as the September 30 deadline approached. On September 28 Governor

Schwarzenegger signed **SB 1730**, a bill by retiring Senator Ross Johnson that returned California's presidential and state primary elections to the first Tuesday after the first Monday in June beginning in 2006. Democrats and Republicans agreed to end California's eight-year experiment with a March primary, with only two "no" votes. **SB 1438**, also by Senator Johnson, requires a paper trail for electronic voting systems used in California. Any electronic voting system approved by the Secretary of State after January 2005 must include a printout that voters can use to check the accuracy of their ballot. The California State PTA had no position on either of these bills.

On August 3, the California Performance Review (CPR) presented its 2,500-page report on reforming state government to the Governor. The report makes more than 1,000 recommendations aimed at reorganizing state government and changing a range of state policies. An analysis of selected recommendations by the non-partisan California Budget Project concludes that, "while some proposals have merit, many others raise considerable concerns and require careful scrutiny." The ten-page analysis, *Soup to Nuts*, is available on the CBP's website at www.cbp.org. The independent Legislative Analyst's Office has released a more comprehensive analysis, which is available at

(Continued on page 2)

(Continued from page 1)

www.lao.ca.gov. The LAO's analysis is also available on request by calling (916) 445-4656. The 21-member commission, appointed by the Governor, has scheduled a series of hearings around the state. In addition to these hearings, the Legislature may hold hearings on the recommendations next year. The California State PTA has prepared and submitted written testimony to the Commission.

Two initiatives are being planned for June 2006, one dealing with universal preschool, the other with reducing the threshold for passing local parcel taxes from two-thirds to fifty-five percent. The second initiative effort is being mounted by Assemblymember Joe Simitian, the author of ACA 4, a priority bill this session for the California State PTA. The bill never moved out of the Assembly and died when the Legislature adjourned. Supporters believe that putting it on the ballot is the best hope for success.

Cecelia Mansfield, Director of Legislation

Child Care and Preschool Bills Sent To the Governor's Desk

Governor Signs AB 379: Family Child Care Licensing

PTA had a SUPPORT position on **AB 379** (Mullen). This piece of legislation will require the Superintendent of Public Instruction to contract with child care home education networks that support educational objectives for children in licensed family child care homes serving families eligible for subsidized child care. The family child care home education network programs will provide specified services, including age and developmentally appropriate activities for children, parent education, and parent involvement. We look forward to having quality child care and parenting programs available to these families.

Governor Vetoes AB 712 and SB 1343

AB 712 (Steinberg), Pre-School for All, would have required the California Children and Families Commission to complete and submit to the Legislature and Governor a cost study to provide an estimate of the cost of a voluntary Preschool for All program in California. The Governor does believe that every child needs to be ready to enter school and recognizes that preschool, child care and school

readiness programs are important to the academic success of California's children. He plans to work in collaboration with the California Children and Families Commission and other interested groups to assess the options available in providing a statewide preschool program. He did not feel that another piece of legislation was needed to accomplish this goal.

AB 1343 (Escutia), Infant Toddler Child Care Master Plan, would have required the Superintendent of Public Instruction to develop recommendations for a master plan for infant and toddler care. This was to be accomplished through a task force to include all stakeholders. PTA supported the development of a master plan. Quote from the Governor: "I am a strong supporter of child care programs and want to see the entire child care and school readiness system reformed to provide better services to families. However, there are current systems in place that make the processes established by this bill duplicative and unnecessary. Current law already requires that the California Department of Education develop a master plan for child care and development, and infant and toddler care may be included in this process and avoid possible duplication of efforts."

The PTA will continue to work with other stakeholders and our elected officials to improve and make available opportunities for our young children to have access to quality programs that will prepare them for success in school and life.

Vicky Reinke – Parent Involvement Advocate

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Strange Bedfellows Sell Out Children's Health

The California State PTA had a position of SUPPORT on **SB 1566** (Escutia and Alarcon), a bill that would implement the nutritional standards enumerated in SB 19 (Escutia), Chapter 913, Statutes of 2001, on competitive foods and beverages sold on all school campuses. SB 1566 failed passage in the Assembly, falling five votes short of the needed 41 for passage. In the aftermath of the legislative session, the following op-ed was submitted to the *Los Angeles Times*. The *Times* rejected the article.

Michael Butler, Health Advocate

Strange Bedfellows Sell Out Children's Health **By Carla Niño and Michele Simon**

Lawmakers in Sacramento have dealt the latest blow to California's education system, but this time, it wasn't about test scores or classroom size, but children's health. On the last day session, a bill that would have set nutrition standards on food sold in California schools was defeated in the Assembly by only five votes.

The junk food industry is of course jumping for joy. But right by their side is an unlikely ally: the California School Food Service Association (CSFSA). This organization of school nutritionists, food managers, and educators has been strongly and actively opposed to every effort in California to establish nutrition standards on food and beverages sold in schools.

While we do have nominal nutrition standards on school meals, for all other foods (called competitive foods because they compete with school meals), it's a junk food free-for-all that makes your corner mini-mart look like a health food store. Last year, a survey of California schools revealed that more than 75 percent of food and beverages sold through vending machines consisted of junk food, sugary sodas, candy, chips, cakes, and cookies.

With rising rates of childhood obesity and diabetes, Senator Martha Escutia boldly took the lead authoring a bill to address this problem. But her colleagues in the Assembly were apparently more persuaded by the big monied interests of the food industry.

In support of the bill were no fewer than 80 organizations, including the American Academy of Pediatrics, the California Medical Association, the California Teachers Association, and the California School Nurses Organization, and the California State PTA. Only five organizations opposed the legislation—four of them industry groups. Standing alone

in opposition among public sector organizations was CSFSA.

Another key opponent was the Grocery Manufacturers of America (GMA), whose 140 members enjoy annual sales of more than \$500 billion in the U.S. alone, and consist of major food corporations such as Kraft, Mars, and PepsiCo. GMA is on record as opposing virtually every state bill across the nation that would restrict the sale of junk food or soda in schools. A state as large as California represents huge business, so a defeat here would be devastating both for the lost profits and because of the potential domino effect.

It's a common tactic for industry to work behind the scenes while another group with less obvious economic interests does their bidding. At the last minute, the California School Food Service Association distributed a floor alert urging Assembly members to vote against the nutrition standards bill, citing concerns over revenue losses.

We often hear the complaint that in these days of budget cuts, cash-strapped schools need all the money they can get. But students were never supposed to be responsible for subsidizing their public education with their pocket change in the first place. Even so, schools in Los Angeles and elsewhere have proven they can make more money selling healthier options.

CSFSA also tried to argue that the nutrition standards were overly restrictive. But the guidelines have been thoroughly reviewed, first developed in 2001 by a panel of nationally-recognized school nutrition experts, and further refined by the legislature over the past three years. In contrast, the CSFSA's proposed nutrition guidelines would allow ALL foods and beverages to be served or sold on school campuses, which obviously amounts to no standards at all.

Finally, opponents say that schools should be allowed to maintain local control over the food they sell. The California State PTA believes in local control when it serves the best interest of all children and youth, not when it serves to accelerate the sales of junk food. And because the bill did not dictate how the standards should be implemented, it actually supported local decision-making. Even the Association of California School Administrators (representing superintendents and principals), which usually favors local control, recognized the overriding importance of setting statewide school nutrition

(Continued on page 4)

CSR Bill Signed, But Student Bill Vetoed

After almost four years of controversy over class size reduction in grades K-3, the Governor signed a bill, **SB 311** (Sher), incorporating PTA's suggestion to adjust the penalties for exceeding more than 20 students in a class. During recent legislative sessions, PTA opposed a series of bills that would have changed the class size reduction program to allow class size to increase above 20 in grades K-3, essentially without any financial penalty. PTA supported legislation that continues an economic incentive to maintain class size at 20 or fewer. PTA believes there should be no more than 20 students in grades K-3 based on extensive research that shows smaller classes help young children do better in school. In signing the bill, the Governor said, "I am signing SB 311 in order to provide school districts some flexibility in implementing their K-3 class size reduction programs, without compromising the integrity of the program. Because the fiscal relief contained in this bill is available through July 1, 2009, I expect this flexibility to be adequate for school districts to continue maintaining smaller class sizes without any further State action through that time period."

Governor Schwarzenegger vetoed **AB 1944** (Hancock), a bill PTA supported that would provide ADA funding for students working in the polls. This bill would clarify for the purposes of computing average daily attendance that students who participate as poll workers as part of a history or social science graduation requirement are under the direct supervision of a certified history or social science teacher. The bill was sponsored by students who attend Acalanes High School in Lafayette. As part of a government class requirement, 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 ADA funds due to their absence from school. In his veto message the Governor said, "While civic and other volunteer activities can offer many educational opportunities to students, these activities should be in addition to, and not in place of, valuable classroom learning time..."

This legislative session also brought a successful effort to outlaw discrimination in parks and recreational facilities. **AB 240** (Steinberg), approved by the Governor, prohibits a city, county, city and county, or special district from discriminating against any person on the basis of gender in the operation, conduct, or administration of community youth athletics programs or in allocation of parks

and recreation facilities and resources that support these programs. However, efforts to strengthen equal opportunities in schools were not as successful. The Governor vetoed **AB 2240** (Oropeza), which would have enacted the Equity in Athletics Bill of Rights and required the State Department of Education to post the bill of rights on its Web site, and a school board that elects to offer competitive or club sports to its pupils to print and post posters setting forth the bill of rights. PTA supported both these bills.

Carol Kocivar, Education Advocate

Ed Bills: Some Signed... Many Vetoed!

The Governor signed bills that will re-authorize the STAR testing program until 2011, **SB 1448** (Alpert), with the exception of second grade testing, which is reauthorized for only three years; would provide additional professional development for high school principals, **AB 164** (Wolk); and would reform the funding of categorical programs, **AB 825** (Firebaugh). PTA supported each of these bills.

The Governor vetoed a number of bills supported by PTA, including bills that would address the issue of instructional materials, **AB 2455** (Canciamilla) and **SB 1380** (Escutia). He also vetoed **AB 1846** (Goldberg) on No Child Left Behind; **AB 1860** (Reyes) on charter schools; **AB 2373** (Goldberg) and **AB 2776** (Bates) to refer school finance proposals to the Quality Education Commission; **AB 2413** (Diaz) on assessment of English language learners; **AB 2647** (Chavez) on high school remediation programs; **AB 2744** (Goldberg) on review of content standards; and **SB 1419** (Vasconcellos), which would have created an Opportunity to Learn Index.

Three bills introduced to implement the Master Plan for Education were hijacked in order to implement settlement of the Williams vs. California lawsuit: **SB 6** (Alpert) and **SB 550** (Vasconcellos) address school facilities needs, and **AB 1550** (Daucher) eliminates Concept 6 schools. In addition, another bill, **AB 3001** (Dymally), ensures placement of qualified teachers in high priority schools.

The one Master Plan bill to survive the legislative session, **AB 242** (Liu), to implement changes in teacher credentialing including elimination of emergency permits, was vetoed. PTA supported AB 242.

Stay tuned! Many of these bills will be back again next year...

Ann Desmond, Education Advocate

DC CORNER

Improved NCLB Proposed

S.2794 (Kennedy), the *NCLB Improvement Act*, has been introduced and provides the following:

- Would give schools the option to recalculate 2003-2004 AYP scores under new Department of Education regulations created in late 2003;
- Would require the collection of increased information on dropout rates;
- Would create new grant programs to:
 - Increase school capacity;
 - Provide \$250m/year in new funds for school construction/renovation to promote healthy schools;
 - Create new data collection and analysis and to follow individual students year to year using a growth model similar to the California API;
 - Improve assessments for students with disabilities and limited English proficiency.

In addition, no changes can be made to supplemental services and the bill would prohibit discrimination against children by service providers. The bill gives states the option of ensuring supplemental services are provided by certified teachers, requires states to develop and implement standard criteria for ensuring that veteran teachers are highly qualified, and provides paraprofessionals with additional opportunities to demonstrate skills and qualifications.

The Senate Appropriations Committee increased the education appropriation by 5.7% or \$3.2 billion for FY05. The Senate bill restores most programs eliminated by the House bill and the President's budget proposal. The House bill provides a 3.6% increase. The bill can now go directly to conference committee with the House bill or be rolled into an omnibus package. Action is unlikely before Congress recesses in early October.

The conference bill on **HR.1308** (Tax Bill) has been approved by the House and Senate. The bill provides a two-year extension of the "Qualified Zone Academic Bond" (QZAB) (**S.8**), which helps states and school districts to modernize facilities through federal income tax credits. The extension of QZAB has been a focus of National PTA's current advocacy drive with 5,000 postcards and 900 letters being sent to Congress by PTA members.

The Senate and House will enter conference negotiations on legislation (**S.1248**, **HR.1350**) to reauthorize IDEA (P.L. 105-17) with agreement that it will be a bipartisan effort. There are significant differences between the bills with no date set for negotiations to begin

Kathy Steinberg, Federal Advocate

Conference Envisions the Future of State Governance

Four members of the California State PTA Legislation Team, Michael Butler, Betty DeFea, Vicky Reinke and Ann Desmond, were privileged to attend the 16th Annual Envisioning California Conference, held in Sacramento, September 30-October 1. The theme of the conference, sponsored by the Center for California Studies, was "Refounding California: Envisioning the Future of State Governance."

Conference keynote speaker was Dr. Kevin Starr, California State Librarian Emeritus. Dr. Starr spoke about his vision, and the prospects for, a re-founded California. Many of his comments were taken from his just published book, *Coast of Dreams: California on the Edge, 1990-2003*.

The conference presented a number of panel discussions on the conference theme as it related to the arts, literature, the economy, state finance and state government. PTA attendees attended concurrent panel sessions on "Past as Prologue: Lessons from Earlier Refoundings", "Private Ambition and Public Business", "Interpreting California Speak: Aligning Substantive Policy with Symbolic Leadership", "The Common-Wealth: Redefining Public Finance", "Below the Surface: Bureaucracy and Bureaucrats in the 21st Century", "California Legacy Project: Imagination, Myth and History," and "Governance Refounded." Some of the well-known panel participants included Peter Schrag of the *Sacramento Bee*, Assemblymembers Joe Canciamilla, Keith Richman and Marco Firebaugh, former Assemblymember Anthony Pescetti, and former Senate President Pro Temp David Roberti.

The Friday luncheon speaker was Holly Heyser, President of the National Association of State Capitol Reporters and Editors. Ms. Heyser is a journalist who covered Minnesota state government before becoming Sacramento Bureau Chief for the *Orange County Register*. She talked about reporting on celebrity governors, including both former Minnesota Governor Jesse Ventura, and current California Governor Arnold Schwarzenegger.

The closing plenary panel session was moderated by political consultant Dan Schnur, and included panelists Rosario Marin, chair of the Integrated Waste Management Control Board, former Lt. Governor Leo McCarthy, and Assemblymember Rod Wright. The discussion focused on leadership for a re-founded California.

Ann Desmond, Education Advocate