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## **Governor Delivers Bombshell in State of State Address, Calls Special Session of the Legislature November Special Election Looms**

Governor Arnold Schwarzenegger delivered his second State of the State address on January 5, sending shockwaves through the education community by signaling his intent to substantially alter the Constitutional funding guarantee for education funding approved by California voters in 1988 with the passage of Proposition 98. Proposition 98 was strongly supported by the California State PTA. It protects California's schools and students from harmful budget cuts and sets a minimum level for education funding at approximately 40% of the state budget.

Along with other members of the Education Coalition, the California State PTA is closely monitoring events in Sacramento in anticipation of the release of the Governor's budget proposal on January 10. The budget proposal will provide specifics of the Governor's plans, and the Coalition is planning to issue a joint statement at that time. In his speech the Governor also proposed other legislative changes that are sure to be controversial, including merit pay for teachers, proposals on charter schools, vocational education and more "fiscal transparency" for school districts.

The California State PTA will be closely following the deliberations by the Legislature of the various Special Session bills that were introduced after the Governor's address, bills that would implement the Governor's government reform agenda. That agenda includes budget reform, reform of the

State pension system and taking away the right of lawmakers to draw their own districts. Parallel initiatives are also being prepared for circulation. April 19 is the deadline for submitting the needed signatures.

If there is a special election on November 8, it will be the fourth November election in four years. A special election would cost approximately \$60 million and must be called late this spring or early summer, at least five months before the election. Whether there is a November election will depend on whether the Legislature acts quickly on the Governor's reform package.

In addition to initiatives that may be on a November ballot to enact these proposals, any number of other initiatives could also end up on the ballot, asking California voters to again face another crowded and complicated ballot reminiscent of this past November 2004 when 16 measures appeared on the ballot. In that election California voters agreed with the California State PTA on the three ballot measures that the California State PTA took positions on. Proposition 61 and Proposition 63 were both approved on November 2, and Proposition 68 was soundly defeated, thanks in part to the efforts of PTA members across California.

*Cecelia Mansfield, Director of Legislation*

## California Working Families

Over 600 people attended the 2005 California Working Families Policy Summit, organized by the California Center for Research on Women and Families in conjunction with the California Legislative Women's Caucus. The summit focused on important family issues like childcare, after-school care, health and welfare, nutrition and physical activity. Leading advocacy organizations came together to present their recommendations on top priorities to move California forward in helping our working families meet their needs. The discussion took into consideration budget shortfalls and the notion there is no money to spend on new programs.

Leaders from major advocacy groups presented their top three policy objectives for the coming year. Here are a few highlights of the summit:

How will California help working families access affordable, quality childcare? We all know that working parents depend on childcare so they can work to house and feed their families. This is a basic need for many families. One of the policy priorities coming out of the summit is to advocate for state funding to maintain current access to childcare programs for families that need them. Because children also need a quality early childhood development program, another priority is to ensure that the Universal Preschool initiatives, currently being proposed, strengthen our entire childcare system. These are issues that PTA will be following closely this next year.

The need for after school programs continues to be in the forefront of the discussion. Keeping kids safe before and after school is an important issue for many working parents. One of the policy objectives for after school programs is to define a role for community-based organizations in implementation of Proposition 49, the After School Initiative. The hope is that this initiative will take effect in 2008 and when it does the goal is to be ready for the funding that will become available to these organizations to implement needed after-school programs as soon as possible.

Providing health care for our 800,000 uninsured children in California was another priority expressed by advocates from the Health Access organization. We were pleased to learn that California is doing a pretty good job at insuring most of our very young. Most are currently being served through programs like Medi-Cal and Healthy Families. The challenge still remains with signing up more children who are already eligible for the programs, but are not being

served. Finding new ways of enrolling these children is a priority for this coming year.

Childhood obesity and childhood diabetes are becoming major health issues in our country. The number one way to prevent this crisis is through nutrition and exercise. This is why nutrition and physical activity continue to be a priority in the state of California as we move into the new year. The focus will continue on increasing children's access to healthy foods and beverages. This can be done through education in good nutrition and through healthy food choices in school lunches. Another priority mentioned is to work to decrease children's exposure to advertising and marketing of unhealthy foods and beverages that make it difficult for kids to make healthy food choices.

The importance of physical activity in keeping families healthy was the final topic of discussion. How do we encourage families to be more physically active? California can advocate for increasing the quality of physical education in the schools and physical activity in the workplace. Inactivity is a factor in being overweight or obese and contributes to other health problems. Getting families to eat healthy diets and increase physical activity does play a part in improving the lives of our families.

The need to work together was the overall message. No one agency can solve the problems. We all need to work with State leaders at all levels of government, as well as with business and community leaders, to insure that our families are productive and healthy.

*Vicky Reinke, Parent Involvement Advocate*

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## AB 1012 Vetoed: PTA Will Try Again

**AB 1012** passed both houses of the Legislature in 2004 with healthy bipartisan majorities, but failed to gain the support of Governor Schwarzenegger, falling victim to his veto pen. This bill would have made mandatory the notification of parents in the event a police officer wished to question their child while at school.

The California State PTA has decided to pursue sponsorship of new legislation this session to address this continuing concern of parents. Your advocacy team is working to ensure that the facts surrounding this issue are clearly understood not only by the lawmakers, but also to all parents and PTA members, as well as the Governor and his staff.

The continued support and involvement of PTA members statewide will be needed to make possible passage of a law during this session that will, at last, assure parents that they may be involved in their children's lives in these stressful instances.

Additionally, we will be looking for ways to support the intent of the 2004 convention resolutions, among them School Transportation: Equitable and Adequate Funding. As we have witnessed, the current antiquated formulas for funding school transportation costs have resulted in districts being forced to shoulder more and more of the burden from general funds.

*Kathy Moffat, Community Concerns Advocate*

## New Health Bills Take Effect

On January 1, 2005, **AB 2132** (Reyes) became law. This law allows students to carry their own asthma inhalers with the permission of their parent or guardian and their physician. Physicians must certify that the child is capable of using the inhaler properly and understands when to use it. The American Lung Association of California recommends that students also have an inhaler in the health care office of the campus, which can serve as a backup. Misuse of an inhaler, such as sharing it with friends, can lead to disciplinary action and the maturity level of the child may be re-examined with the parents and physician. The California State PTA had a watch position on AB 2132.

**SB 1912** (Ashburn) authorizes a student to carry and self-administer auto-injectable epinephrine medication if the school district receives written statements from the student's physician and parent or guardian. The Epi-Pen is a brand of auto-injectable epinephrine and is designed to be used for the self-administration of epinephrine in acute allergic emergencies. Anaphylaxis is a systemic allergic reaction that occurs when an individual is exposed to a protein or allergen to which he or she is allergic. It can be fatal within minutes if not treated. SB 1912 became law when signed by the Governor. PTA had a support position on this bill.

Last year, California State PTA supported two bills that failed to make it through the legislative process. **SB 1566** (Escutia) would have implemented nutritional standards on competitive foods and beverages sold on all school campuses. **SB 1630** (Speier) would have required high school coaches to become knowledgeable in the harmful effects associated with the use of steroids and performance enhancing dietary supplements by adolescents. It would also have prohibited the sale or distribution of these dietary supplements on school sites. Both of these bills are back this year in the form of **SB 12** (Escutia) and **SB 37** (Speier) respectively. The California State PTA will be closely monitoring these bills and will decide early on positions on the bills.

*Michael Butler, Health Advocate*

## Building Grassroots Advocacy 2005

California State PTA  
LEGISLATION CONFERENCE  
February 8-10, 2005  
Sacramento, CA

- Listen to Capitol Insiders...
- Visit Your State Representatives...
- Learn to be an Effective Advocate...

Register NOW at [www.capta.org](http://www.capta.org)

**SUMMARY OF NOTICE OF CLASS ACTION SETTLEMENT IN THE *WILLIAMS v. STATE OF CALIFORNIA* EDUCATION LAWSUIT**

*Williams v. State of California* is a statewide class action lawsuit about California's duty to provide every public school student with instructional materials, safe and decent school facilities, and qualified teachers. After four years of litigation, the parties in the case reached a Settlement Agreement on August 13, 2004. The Settlement Agreement provides for a package of legislative proposals designed to ensure that all students will have books in specified subjects and that their schools will be clean and in safe condition. The legislation also takes steps toward assuring that children have qualified teachers. The California legislature has already passed statutes implementing the settlement and the new laws will begin taking effect during the current school year. If the Court approves the settlement, some lawsuits brought over the next four years by students, parents, and teachers may be prohibited. San Francisco Superior Court Judge Peter J. Busch will decide whether to approve the settlement at a hearing in San Francisco on March 23, 2005, at 9 a.m. You may submit written comments to the Court regarding this settlement and you can appear in Court to testify at the hearing. You can find more information about this class action and the March 23 court hearing and obtain a complete copy of plaintiffs' Notice of Settlement and other related documents at [www.decentsschools.org](http://www.decentsschools.org) or by calling the toll-free information line, 1-877-532-2533.

**Arts Learning in Action:  
Celebrate Arts Education  
Month in March 2005!**

The California State PTA and the California Alliance for Arts Education (CAAE) are coordinating a statewide campaign to bring elected officials into our schools to witness the power of learning in the arts during the month of March. PTA participation in this advocacy campaign is particularly important this year as budgets at the state and local level continue to be "challenging." Some people use a stronger word than "challenging" but you surely know what I mean.

The **Arts Learning in Action Toolkit** is an organizational "how to" which includes:

- Preparation checklist
- Sample invitation
- Sample press release
- Publicity guidelines
- Talking points on the value of arts education
- Feedback forms
- And much more!

You can invite your state elected officials, your school board, mayor, city council, county board of education, county supervisors and others who help make decisions that affect the education of our children. Activities should demonstrate "arts learning." Observers will gain an understanding of arts education as a rigorous, content-rich field of study accessible to all students, not limited only to the "talented or gifted" students who might be showcased in a public event. Whenever possible, include classroom visits as part of your event.

**Getting Started:**

- Determine a date and specific activities you will include in your elected officials' visit. Target dates are Fridays in March 2005: March 4, 11, 18 & 25.
- Mail an invitation to your elected officials at least 6-8 weeks in advance to request a visit. Follow up with a phone call one week following the mailing of the invitation.
- If you have not received a response from your elected officials within two weeks of sending the invitations, make another call to his/her office. Be prepared to explain the importance and purpose of his/her visit to your school.
- Confirm the date your elected officials will visit.
- Follow up with your elected officials one-week in advance of their visit.

You can find the full toolkit with lots of suggestions and templates at:

<http://www.artsed411.org/involved/toolkit.stm>

*Carol Kocivar, Education Advocate*

## Education Bills: A Look at What's Coming

January 2005 marks the beginning of a new two-year legislative session, with new members in both houses of the Legislature. To date, only a few bills addressing education issues have been introduced, and most of these are "spot" bills. These few bills include two "equalization" bills, **AB 60** (Nunez) and **AB 61** (Houston); a bill to increase public school funding, **AB 9** (Coto); a charter school alternative authority bill, **AB 39** (Walters); and a bill to allow tax deductions for educational savings accounts, **AB 3** (Blakeslee). Both the California State PTA and the National PTA have traditionally opposed these educational savings accounts, as they allow public money to support private schools. February 18, 2005, is the deadline for new bills to be introduced in the 2005 legislative session, and PTA will consider positions on these and other bills introduced by the deadline at a meeting of the Legislation Action Committee on February 23, 2005.

One issue that promises to be prominent this session is high school improvement. While no bills have yet been introduced to address this issue, there is concern that California's public high schools have not shown the same trend towards improvement as experienced by elementary schools. The Education Coalition, of which the California State PTA is a member, is discussing the formation of an Ad Hoc Committee to address any legislation introduced on high school improvement. Last year, **SB 1795** (Alarcon), proposed to establish the High Performance High School Act, which would have required high schools to advise students and parents of the student's right to enroll in a rigorous high school curriculum. PTA had a watch position on SB 1795, which became inactive in August and died when the 2004 legislative session ended on August 31.

Finally, there is concern that the Governor has indicated he will eliminate the Quality Education Commission, and instead appoint his own Governor's Advisory Commission on Education Excellence. The Quality Education Commission was established by legislation, supported by PTA and signed by then-Governor Davis, in 2003 to address the adequacy of funding for California's public schools. Superintendent of Public Instruction Jack O'Connell has stated that if the Governor's new commission does not address funding adequacy, "it is a flawed commission."

*Ann Desmond, Education Advocate*

| Tentative<br>Legislative Calendar 2005 Regular Session |   |
|--|---|
| Jan. 1   | 2004 statutes take effect*  |
| Jan. 3   | Legislature reconvenes  |
| Jan. 5   | Governor's State of the State Address   |
| Jan. 10  | Budget must be submitted by Governor*   |
| Jan. 21  | Last day to submit bill requests to office of the Legislative Counsel   |
| Feb. 18  | Last day for bills to be introduced   |
| Mar. 17  | Spring recess begins at end of day's session  |
| Mar. 29  | Legislature reconvenes  |
| Apr. 22  | Last day for policy committees to hear fiscal bills introduced in their house   |
| May 13   | Last day for policy committees to meet prior to May 31  |
| May 20   | Last day for fiscal committees to hear bills introduced in their house  |
| May 20   | Last day for fiscal committees to meet prior to May 31  |
| May 23   | Through May 27 – Floor sessions only. No committees may meet for any purpose  |
| May 27   | Last day for bills to be passed out of house of origin  |
| May 31   | Committee meetings may resume   |
| June 15  | Budget must be passed by midnight*  |
| July 1   | Budget must be signed by Governor.* No policy committees may meet until Budget is signed  |
| July 15  | Last day for policy committees to meet and report bills   |
| July 15  | Summer recess begins at end of day's session  |
| Aug. 15  | Legislature reconvenes  |
| Aug. 26  | Last day for fiscal committees to meet  |
| Aug 29   | Through Sept. 9 – Floor sessions only. No committees other than conference committees and Rules committees may meet             |
| Sept. 2  | Last day to amend bills on the Floor  |
| Sept. 9  | Last day for each house to pass bills   |
| Sept. 9  | Interim Study Recess begins at end of day's session   |
| Oct. 9   | Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 9 and in his possession after Sept. 14 |

\* Date specified in the California Constitution

**DC CORNER****Congress Takes Action**

Congress took action on the following issues prior to ending its session in November:

**BUDGET**

In November Congress reached agreement on a FY05 appropriations package. The Department of Education discretionary spending for FY05 is \$56.58 billion, which is a 1.6% increase over FY04. Funding for the No Child Left Behind Act (NCLB) and Individuals with Disabilities Education Act (IDEA) increased 3.3% and 5.2 % respectively. However, these increases are less than the White House request for FY05 and below what Congress authorized in 2001 when passing NCLB. In 2001 Congress authorized \$20.5 billion for Title I in FY05. Title I will in fact receive \$12.74 billion--\$7.76 billion less than originally promised. Also, Congress originally promised \$22.42 billion for IDEA. Instead, IDEA will be funded at \$10.6 billion; an \$11.82 billion shortfall.

**IDEA REAUTHORIZATION**

Congress reauthorized IDEA through 2011 in HR 1350. With the exception of the new teacher quality provisions, which take effect immediately, all provisions of the reauthorization are effective July 1, 2005. HR 1350 includes the following provisions:

- (1) Continued services for students moved to alternate placements;
- (2) Attorney fee reimbursement for parents who prevail in litigation;
- (3) Allows schools to determine whether disciplinable behavior is a manifestation of the student's disability. Students may be removed from the classroom while a determination is being made as to whether the misbehavior is tied to their disability. Also, parents must now show that the disability caused the misbehavior, rather than the school having to prove that the misbehavior was unrelated to the disability. PTA helped to prevent further changes in the discipline provisions of IDEA, which could have significantly eroded due process rights of the student.
- (4) Changes were made to the IEP process as follows:
  - Modification of an IEP may be made in writing instead of through a face-to-face meeting;

- A member of the IEP team may be excused from all or part of an IEP meeting with the written consent of the parent and the LEA;
  - An IEP must include a description of annual goals, how those goals are to be measured, and when and how progress reports are to be made to parents;
  - A new pilot program in 15 states will allow a comprehensive multi-year IEP not to exceed 3 years with parental consent.
- (5) New teacher quality provisions require special education teachers to hold a special education certificate or pass a state special education licensing exam and hold a state license. New flexibility for special education teachers allows them to demonstrate highly qualified status if new to the profession, teach multiple subjects, or teach students working under alternate achievement standards.
  - (6) An attempt to require full funding for IDEA failed, but HR 1350 lays out a plan for full funding within 6 years. However, since actual funding must be appropriated each year, there is no guarantee that the plan for full funding will be carried out.

**E-RATE PROGRAM**

The e-rate program had been interrupted in the fall of 2004 and future funding was in jeopardy. However, Congress exempted the program from new regulations for 12 months. The new regulations had stopped the flow of funds to schools and libraries for Internet access. The \$2.25 billion per year program is credited with getting high speed internet access to people in poor and remote locations through discounts on connection gear and phone service. PTA was a powerful voice on this issue and we are pleased that Congress allowed the program to proceed this year.

Congress returned for a new session on January 4, 2005. National PTA has designated February 17, 2005, as a virtual lobbying day for members nationwide. Members are encouraged to contact their elected officials about NCLB, funding issues, school construction, and safe and healthy schools among other issues. Look for more information and possible talking points as the event date approaches.

*Kathy Steinberg, Federal Advocate*

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