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## **California State PTA Opposes ACAX1 4 (Keene) Measure Would Undermine Proposition 98**

*PTA Continues Advocacy Efforts on 2005-06 State Budget*

In January Governor Schwarzenegger called a Special Session of the Legislature to consider proposals that would implement his government reform agenda. One of these proposals is **ACAX1 4** (Keene) that would make changes in the Constitutional funding guarantee for education approved by California voters in 1988 with the passage of Proposition 98, which was strongly supported by the California State PTA. Last week the California State PTA took an **OPPOSE** position on ACAX1 4. PTA believes that Proposition 98 is needed to protect California's schools and students from harmful budget cuts and to provide a minimum level for education funding in the state budget. In mid-February the independent Legislative Analyst's Office (LAO) stated, "We believe the proposal, on balance, would add to the problems of autopilot spending and that the Legislature should consider other ways to improve Proposition 98 that do not involve such a serious diminution of legislative budget authority."

Because ACAX1 4 proposes to amend the Constitution, it requires a vote of the people and would require a vote of two-thirds of the Legislature to place it on the statewide Special Election ballot in November. If the Legislature fails to place ACAX1 4 on the ballot, the Governor has stated that he will attempt to qualify a similar measure for the ballot using the initiative process. March 1 is the Governor's announced deadline to begin circulating this and other initiative measures. For the Governor to

call a Special Election on November 8, at least one of the proposed initiatives must qualify by June 13. Any number of initiatives could appear on a Special Election ballot. There are a dozen initiatives already in circulation and almost 70 additional initiatives that have been submitted for approval to the Attorney General's office.

*Perspectives and Issues*, the LAO's report which discusses the outlook for the state economy, demographic trends, revenues and major issues affecting state programs, was released on February 22. In that report the LAO projected higher General Fund revenues for 2004-05 and 2005-06 combined and indicated that the favorable outlook creates an opportunity for the Legislature and the Governor to begin to solve the structural budget problem.

The California State PTA is currently waging a comprehensive statewide grassroots campaign to support the needs of children and youth in response to the proposed 2005-06 State Budget and to protect Proposition 98. Since the proposed budget was released on January 10, PTA members have rallied to deliver a strong message to the Governor and members of the Legislature that education remains a high priority to parents and to the voting public. PTA does not believe that Californians must choose between adequately funding our schools and other

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## PTA Sponsors SB 660: Pupil Interrogation

Last session Governor Schwarzenegger vetoed many State PTA-supported bills. One important bill to meet that fate after passing both houses of the Legislature by wide bipartisan margins was AB 1012, the bill that addressed parents' concerns that they be notified and be given the chance to be present if law enforcement officials wished to formally question their child at school. Following the disappointing veto, the Board of Directors and Board of Managers voted last October to make a renewed effort to pass a bill addressing this ongoing concern, and to commit the California State PTA to sponsoring the legislation. PTA only occasionally takes on the responsibility of being sole sponsor of bills, so this is a task that will take all of us working together for children. We will be continuing to ask for your involvement to make this bill a reality. That "every child, one voice" thing!

As the 2005-2006 session gets underway, we have begun the process anew, and are delighted to announce that Senator Sheila Kuehl, a distinguished leader of the Senate, has consented to author our bill. Our bill has been introduced and it is **SB 660** (Kuehl). Senator Kuehl's legislative accomplishments include many bills to improve conditions for California's children, women, and families. Senator Kuehl is currently the Chair of the Senate Select Committee on School Safety, and she sees this bill as an important one that fits naturally into the broader picture of safety for children at school.

Our task is to convince Governor Schwarzenegger that parents have a valid concern. All PTA units, councils, and districts will be asked to help. We have seen that our governor seems to be moved by public groundswells, and so that is what we need to demonstrate by our support of SB 660. Your local PTA leaders will be calling upon you to stay informed, to take a stand, and to be an effective voice for kids.

The recent meeting of the State PTA Legislation Action Committee was the setting for many discussions of proposed legislation affecting children and families. Among important bills considered was **AB 35** (Spitzer), dealing with extending provisions of Megan's Law. PTA has a WATCH position on the bill.

Another bill important to PTA is the Safe Arms for Newborns Act, **SB 116** (Dutton), which extends indefinitely the provisions of the safe surrender law

passed in 2000. Provisions of that law give a parent or other person protection from prosecution if he or she voluntarily surrenders a newborn within 72 hours of birth to an employee on duty at a hospital or other approved location. This law protects newborns from abandonment by a desperate parent in dire need of assistance. We expect this bill will be widely supported and will pass without much opposition.

*Kathy Moffat, Community Concerns Advocate*



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programs essential to the health and well-being of children. PTA will continue advocacy efforts to urge a balanced approach to solving the ongoing structural issues in the state budget, one that looks at both revenue and expenditures.

*Cecelia Mansfield, Director of Legislation*

## Health: Unfinished Business

Last session (2003-04), the California State PTA adopted SUPPORT positions on a bill dealing with nutrition standards of food sold or served in the schools (*Sacramento Update, October/04*) and on a bill dealing with steroids and dietary supplements (*Sacramento Update, July/04*). PTA's work is not yet completed on these issues and both bills have been reintroduced in this year's legislative session.

In the face of an unprecedented childhood obesity crisis, the California State PTA has lined up to support State Senator Martha Escutia's "Healthy School Now!" legislation, **SB 12**. This bill would implement nutrition standards for K-12 schools, effective July 1, 2007. The bill echoes the United States Department of Agriculture's (USDA) recently released Healthier US School Nutrition Challenge standards by limiting access and sale of high fat, high sugar foods on California public school campuses. The California State PTA supports efforts to improve the nutritional content and quality of foods and beverages provided or sold to students on campus, and encourages the sale of nutritious foods and beverages provided to students during and outside of school hours.

**SB 37** (Speier) would require coaches be instructed on harmful effects associated with the use of steroids and performance-enhancing dietary supplements by adolescents. The bill would, commencing July 1, 2007, prohibit schools from accepting sponsorships from manufacturers of certain supplements and would prohibit certain school employees from selling, distributing, or promoting those supplements on campus. The bill also would require student athletes and their parents to pledge that the pupil will not use these substances.

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.

The California State PTA believes that information on the dangers of anabolic steroids and certain dietary supplements should be included in the school health education program. Coaches who have completed training on the harmful effects of these substances will be in a better position to positively influence the lives and education of the students whom they coach.

*Michael Butler, Health Advocate*

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## Legislators Consider Pre-School and Kindergarten Bills

Preschool will continue to be a topic of discussion during this legislative term. **AB 172** (Chan), Universal Preschool, will address the implementation to expand preschool programs for California's children. The current content of this bill is intent language and will be developed over the next two years in conjunction with a Preschool Initiative that is being considered for the June 2006 ballot. The initiative is being sponsored by Preschool California and the California First 5 commission and will ask the voters for a funding source to support more preschool programs for the children of California. The initiative is currently being developed as well, and there are no specifics at this time as to what that funding source might be. PTA will follow the development of the initiative and keep our members informed.

Fran Pavley is bringing forward another kindergarten bill this session, **AB 66**. This bill is very similar to the bill she carried last year except this one is recommending a pilot program in up to 19 school districts throughout the state. AB 66 would allow the pilot districts to change the age at which a child is admitted to kindergarten for one or more schools in the district if the child will turn 5 years old on or before September 1 of the school year. The bill would also require the State to use the money saved by not enrolling the 4 year-olds for preschool programs to serve these children. There is also a provision to keep these school districts from losing state construction dollars because of a decrease in student enrollment. PTA has taken a WATCH position on this bill.

*Vicky Reinke, Parent Involvement Advocate*

## PTA AGAIN Supports Equity in Athletic Bill of Rights

PTA has again taken a SUPPORT position on a bill to create the Equity in Athletics Bill of Rights by Assembly member Jenny Oropeza. This bill, **AB 322** in this year's session, was introduced last year as AB 2240, but was vetoed by the Governor. This bill makes minor language changes in the Equity Bill of Rights to address the concerns of the Governor. (See veto message below.)

The Equity in Athletics Bill of Rights aims to educate high school pupils and parents of their Title IX rights. It would require the State Department of Education to post the bill of rights on its Web site and require 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. The bill would also require the poster explaining the Equity Bill of Rights to be posted at the entrance of the school gym and in the male and female locker rooms.

The bill finds that because of the lack of training at the high school level there is a prevalent and severe lack of Title IX awareness making it difficult for California to achieve full gender equity in athletics. PTA believes all children and youth should have equal privileges, opportunities and responsibilities.

### Governor's Message on AB 2240

I am returning Assembly Bill 2240 without my signature. The Federal Title IX requirements that are intended to ban sex discrimination in school academics and athletics have provided a worthy benefit to improving equity in athletics for women and men. However, establishing an additional Equity in Athletics Bill of Rights is generally duplicative and unnecessary. Instead, the Legislature could approve a bill requiring the posting of existing Title IX requirements, on school campuses and on the California Department of Education website, to help promote greater student and parental awareness of athletic equity issues in California schools.

## PTA Supports Arts Education Month

As part of its continuing effort to bring the arts back into our schools, the California State PTA has taken a support position on **SCR 2** (Scott). This proclaims March 2005 to be "Arts Education Month."

Through this resolution, the legislature cites its support for the value that arts education brings to pupils' education and to their future contributions as productive citizens within each community in California. This resolution, while not changing education law, provides supportive language to advocate for greater inclusion of the arts in the education of California students. It will be sent to every school district in California. Among the declarations by the Legislature:

- Arts education, which includes dance, music, theatre, literature, visual arts, and multimedia, is an essential part of the basic education important to provide balanced learning for all pupils in pre-kindergarten, kindergarten, and grades 1 to 12, inclusive.
- Arts education is vital and necessary to develop the full potential of young minds.
- Arts educators recognize that a program of arts education is defined as a comprehensive, balanced, sequential, in-school program of instruction in the arts, taught by qualified teachers, designed to provide pupils of all ages with skills and knowledge in the arts in accordance with high national, state, and local standards.

*Carol Kocivar, Education Advocate*

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## PTA Decides to "Watch" Several Education Bills

Among the almost 3,000 bills introduced in the State Assembly and Senate by the February 22 deadline are numerous bills that would have an effect on California's schools and students, including several bills that would implement the Governor's education reform policies. One of the most contentious of these bills is **SCAX1 1** (Runner). This bill, known as the "teacher merit pay bill", would amend the State Constitution to prohibit school district employee seniority from being considered in hiring, promoting, demoting, terminating, transferring or assigning an employee, or in fixing or increasing the compensation of an employee. The bill would to some degree base teacher and administrator performance on pupil academic achievement on state-adopted standardized tests. Finally, the bill would prohibit the granting of permanent employment status until the employee has ten years, rather than the current two years, of satisfactory or better performance assessments.

SCAX1 1 has strong opposition from the California Teachers Association, the California Federation of Teachers, and other employee unions. Opposition to the bill is based on the fact that the proposal would amend the Constitution, making it difficult to change the law, and the use of a single test to evaluate teacher performance. However, the idea of teacher merit pay has gained support among voters and some parents. The California State PTA has a WATCH position on SCAX1 1, due to questions about the definition of teacher performance and about the process and criteria for teacher evaluations. The bill was heard in the Senate Education Committee on February 23. The Senate committee held the bill for further discussion, which is the equivalent of tabling or killing a motion. The Governor has indicated that if the Legislature does not act on this proposal, he will work through the initiative process to place the measure on a November Special Election ballot.

The California State PTA Legislation Action Committee also voted to take WATCH positions on two school funding equalization bills, **AB 60** (Nunez) and **AB 61** (Houston). AB 60 would, beginning in the 2005-06 fiscal year, establish a new method for allocating funding provided for school district equalization adjustment. The bill would attempt to correct inequities created when excused absences were eliminated from the calculation of Average

Daily Attendance (ADA). In addition the bill would use enrollment, rather than ADA, as a better workload measure for the distribution of equalization funding. AB 61 is a spot bill sponsored by the Governor and supported by the Republican Caucus. The bill states the intent of the Legislature to implement a new equalization formula. The author has determined that AB 61 will be a two-year bill.

The Legislation Action Committee will have many more education bills to consider at its next meeting in March, including bills on high school improvement, instructional materials, charter schools, assessment, and school finance.

*Ann Desmond, Education Advocate*

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### DC Corner

## Advocacy in Action

On February 17, PTA members across the country participated in the National PTA Lobby Day, sending the following message to Congress:

### Parent Involvement Provisions of No Child Left Behind

The parent involvement provisions of the No Child Left Behind Act (NCLB) are a critical part of the law and the provisions must be better implemented. A recent National PTA survey of members revealed that while the parent involvement provisions of NCLB are being widely implemented, they are not being done so effectively. During the lobby day, PTA members urged their federal legislators to support legislation that would require that schools, districts, and states be held accountable for how they implement the parent involvement provisions.

### Target Resources Under NCLB Where Most Needed

PTA members also urged members of Congress to support legislation that would better target services to those students who most need it. Currently, a school that receives Title I funds but does not make adequate yearly progress (AYP) for two consecutive school years must provide transportation for those students who choose to attend another public school that has made AYP. If only one subgroup in a school fails to make AYP, all students in that school, not

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just those from the underperforming subgroup, are eligible to attend another school. With the new demands for student achievement under NCLB straining already limited resources it is imperative that available resources be targeted to those most in need, thus achieving the goal of NCLB to close the achievement gap.

#### Funding Increases for NCLB

PTA members called upon their Congressional members to provide a quality education for all children by addressing the funding shortfall for education. While PTA continues to advocate for full funding of NCLB, PTA members urged federal legislators to at least support annual increases in education funding. By providing annual funding increases schools could afford specific interventions that could help improve student test scores and ensure that students learn from highly qualified teachers.

#### Support for NCLB

National PTA supported the passage of NCLB because PTA believes that every child should be held to high expectations and have the opportunity to attend a quality public school staffed with excellent, qualified teachers. Federal legislators were informed that while a National PTA poll reveals that members support the goals of NCLB, those members also believe the implementation of the law has created some significant problems for schools, districts and states. Congressional members were urged to support changes in the law and/or regulations to ensure that NCLB is effectively implemented so as to improve public education rather than penalize it.

National PTA's lobby day coincided with Founders Day and the Founders Day celebrations held by many of the 26,000 PTAs across the country.

*Kathy Steinberg, Federal Advocate*

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### ***California State PTA Honors Two Long-Time Child Advocates***

During the California State PTA Legislation Conference held in Sacramento February 8-10, two deserving individuals were honored for their outstanding service to the children of California:

A Golden Oak Service Award was presented to Rick Simpson in recognition of his significant contributions to the welfare of children and youth at a reception held at the California History Museum. Rick has been a friend and partner of PTA and a tireless advocate for California's children over his long career in public service. He is currently the Policy Director for Assembly Speaker Fabian Nunez, and he has served as Education Advisor or Policy Director for four other Assembly Speakers. He served for two years as Chief of Staff for the Senate Education Committee and for more than six years as Chief Consultant for the Assembly Education Committee. He is an expert on education policy and school finance and has helped write many important pieces of legislation, including the bill that created the Class Size Reduction Program, and three multi-billion dollar school facilities bond measures.

An Honorary Service Award was presented to Rae Belisle for her continuing advocacy efforts on behalf of California's children in the implementation of the federal No Child Left Behind Act. In addition to serving as the Executive Director of the California State Board of Education at a critical time, Ms. Belisle also served as Chief Counsel for the Board and was California's representative to the national rule-making panel that developed the federal regulations for the assessment and accountability provisions of NCLB. She joined the Sacramento County Office of Education as General Counsel in October 2004.