

# SACRAMENTO UPDATE

CALIFORNIA  
STATE PTA

INCLUDING

THE D.C.  
CORNER



530 10TH STREET #B, SACRAMENTO, CA 95814 • WWW.CAPTA.ORG

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## California State PTA Goes All Out To Defeat Proposition 76 on November 8

With Labor Day and the traditional beginning of the election campaign behind us, PTA is stepping up efforts to defeat Proposition 76, a measure that would not only threaten funding to vital public services and the guaranteed minimum funding to public education under Proposition 98 but would also allow the governor unprecedented power to override state laws with *no* public oversight.

The California State PTA is committed to the principle of public education having a constitutional guarantee of first call on revenue in the state general fund. For years the State PTA has been a leader in the effort to secure adequate and equitable financing for our public schools.

General Principle #7 of the California State PTA Legislation Platform calls for “budgets and financial support to provide needed public services for all children and youth, with the continued constitutional guarantee of financial support for public schools as the first claim on all state revenues in the General Fund.”

The California State PTA has a long history of support for Proposition 98, which provides a stable funding base for K-14 education in Cali-

fornia that does not require more than a fair share of state funds. The California State PTA actively participated in the development and passage of Proposition 98 in 1988.

Because so much is at stake, the California State PTA recognized early on that we had to take a leading role to defeat Proposition 76. At our April 2005 meeting, the Board of Managers took a position to oppose Proposition 76, based on our 1991 Convention Resolution, *Non-Suspension of Proposition 98*, Legislation Platform General Principle #7 and Legislation Plank #2. Since taking this position much work has been done to bolster our efforts:

- President Brenda Davis signed the argument against Proposition 76 which appears on the *Official Voter Information Guide*.
- A No on 76 Packet was developed which includes talking points, a sample newsletter article and sample letters to the editor, providing our membership with tools to implement our grass roots efforts. The packet was mailed to all PTA units, councils and districts in September and is available on our website [www.capta.org](http://www.capta.org).
- Cecelia Mansfield, Education Advocate, will

testify at the required legislative hearing on Proposition 76 in Sacramento on October 6.

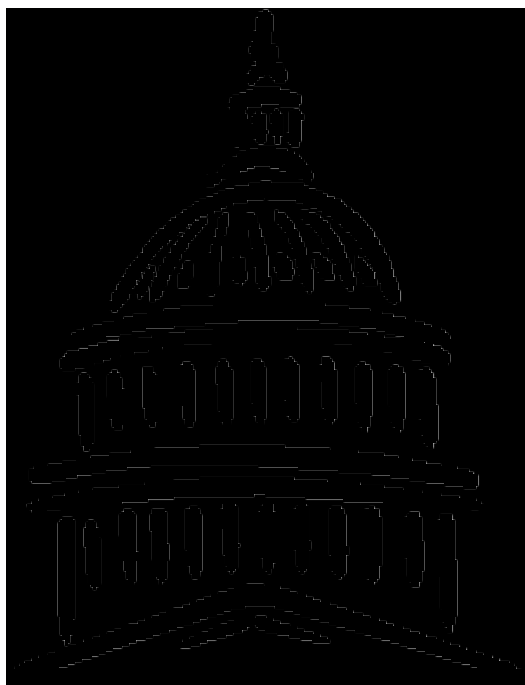
- Justine Fischer, a member of the Board of Managers, appeared in a statewide TV ad asking voters: “Please, don’t let it happen!” and will be featured in a second ad to be aired soon.
- PTA Districts are scheduling events to rally against Proposition 76.
- State and local PTA leaders are participating in news conferences around the State.
- PTA leaders are participating in editorial board meetings of newspapers to speak against Proposition 76.
- PTA members are urging friends and family to be sure to and VOTE NO ON PROP 76!

It is essential that we continue to work to defeat Proposition 76 in November. Now is the time to commit all our resources to this tremendously important ballot measure.

*Nancy Adalian, Director of Legislation*

***Register to Vote by October 24***

***Vote No on Proposition 76  
On November 8***



## **PTA Sponsored Bill, SB 660, Becomes Two-Year Bill**

**SB 660**, PTA-sponsored legislation on parental involvement in student interrogations, is now a two-year bill. In February of this year, Senator Sheila Kuehl introduced SB 660 at the request of the California State PTA. SB 660 addresses the pressing concern of parents that they be notified and given a chance to be present in cases where law enforcement wishes to interrogate their child while at school.

It is shocking but true that currently, peace officers can formally question a student on campus without the consent or even the knowledge of the child’s parents. SB 660 cleared all committee and floor votes in the Senate, garnering wide bipartisan margins, and also was passed by the Assembly Education Committee.

By continuing the bill for another year, PTA gains additional opportunities to thoroughly acquaint Assembly Members with how this legislation addresses the critical need to ensure that parents are involved when law enforcement wishes to interrogate their children while at school.

SB 660 is a very important bill for students and their parents. The bill creates procedures that school administrators must follow when a peace officer wants to interrogate a child during school hours. Elementary school students can’t be questioned without parental notification and permission, and high school students should be given the opportunity to have a parent or other trusted adult present. Specifically SB 660:

- Requires a principal or his or her designee to make a phone call to the parents of an elementary school student before allowing the police to question that child.
- For high school students, the principal or their designee is simply required to inform the student that he or she has the right to request that a parent or trusted member of the school staff be present during the questioning.

SB 660 also allows for situations where

peace officers would need to immediately interrogate a child without the parental notification requirement, such as:

- The peace officer reasonably believes that, due to exigent circumstances, a delay in questioning will materially interfere with the investigation and pose a substantial risk that a suspect may not be apprehended or prosecuted in a timely manner.
- The peace officer reasonably believes there is a substantial risk of immediate personal injury or substantial property damage.
- The minor pupil being questioned is suspected of being a victim of child abuse.
- The pupil is being questioned about criminal activity of the parent or person who otherwise would be present during the questioning.
- The pupil is on probation or parole and is being questioned by a probation or parole officer.

SB 660 strikes a fair balance between student and parental concerns and school safety. Right now, it is up to each school district to decide whether it needs to call parents when police want to interrogate children during school hours. As a result, children and parents are treated differently depending on which school district they are in.

The basic rights of students and parents are too important to leave up to a piecemeal approach. A uniform statewide policy on police interrogation of students is what is needed to adequately protect children, and to ensure that parents are involved.

Earlier this year, the New Haven Unified School District and the City of Union City (Bay Area) reached a groundbreaking settlement with students who filed a federal lawsuit for violations of their civil rights. On February 22, 2002, school officials and police officers rounded up five dozen high school kids who were thought to have information about a rumored gang fight. The kids were searched, interrogated, and photographed. None of the students had done anything wrong before being detained, none of them were accused of doing anything wrong, and none were arrested afterward.

Under the settlement agreement, elementary school students can't be questioned without parental notification and permission, and high school students should be given the opportunity to have a parent or other trusted adult present, the same provisions as SB 660. The settlement also requires the city and the New Haven Unified School District to pay \$20,000 in damages to each of the plaintiffs and about \$100,000 in legal fees to their attorneys.

Thanks go out to all of you who have helped by making phone calls or writing letters in support of SB 660. We need your continuing help to get this job done. If you have not yet done so, all units, councils and districts are urged to send letters supporting SB 660 to Senator Sheila Kuehl. These letters are crucial to our success

*Kathy Moffat, PTA Legislative Advocate*

## **"Athletes Bill of Rights," AB 322, Signed By Governor**

On September 29 Governor Schwarzenegger signed AB 322 (Oropeza), the *Athletes Bill of Rights*. AB 322 was strongly supported by the California State PTA. A similar bill by the same author was vetoed by the Governor in the last session. In his veto message he stated:

*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.*

AB 322, Chapter 386, Statutes of 2005, enacts the *Athletes' Bill of Rights* listing the rights available to a pupil relating to gender equity in athletics. The bill requires the State Department of Education, by July 1, 2006, to post these rights on its Web site. (A provision to post this information in the school gym and in high

school locker rooms was deleted from the final version of the bill.)

The purpose of the *Athletes' Bill of Rights* is to educate high school pupils and parents of their Title IX rights. The list of rights is based on the federal regulations implementing Title IX. Among the reasons the legislature cites for this bill:

- Thirty years after the adoption of Title IX of the Education Amendments of 1972, there is still serious need for improvement in gender equity in athletics. 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.
- Reports indicate that at the community college and university levels, athletic administrators and coaches have more awareness of Title IX compliance issues than at the high school level. Some of this awareness is the result of discrimination complaints or lawsuits that have forced colleges and universities to make changes in the number of athletic teams offered, to expend funds to improve facilities, or to make other changes that improve equity in athletics for women and men. However, even though the overall picture has improved, there are still several areas of inequity that need to be addressed.

*Carol Kocivar, Education Advocate*

## Senator Scott Proposes to Repeal CBEST Requirement

On July 1 Senator Jack Scott gutted and amended SB 428 to eliminate a passing score on the California Basic Educational Skills Test (CBEST) as a requirement for earning a teaching credential in California. SB 428 was introduced by Senator Scott in February as a spot bill to create a weighted school funding formula and was subsequently amended to repeal certain categorical block grant funding. The California State PTA had a WATCH position on SB 428.

The CBEST was established as a credential requirement by SB 813 (Hart/Hughes), a landmark omnibus education reform bill, in 1983.

As one of the authors of SB 813, former Senator Hart has stated that he was responding to the many parent complaints he received as chair of the Senate Education Committee about grammar and spelling errors made by teachers in school-to-home communications. PTA has been supportive of the CBEST and signed an Amicus Brief when it was unsuccessfully challenged in the courts more than a decade ago. Senator Hart has expressed the fear that some of the lawyers may be attempting to accomplish through SB 428 what they could not accomplish through the courts.

Senator Hart also cites pass rates in recent years as a reason to keep CBEST. Each year about 50,000 teachers take the CBEST. Using the California Commission on Teacher Credentialing (CCTC) cumulative pass rate of 86%, up to 4,000 teachers would be employed each year who do not have the skills to pass CBEST. The pass rate, however, for first-time takers is only 72%. This could result in as many as 10,000 new teachers each year in California schools who are unable to pass CBEST.

In response to the concerns raised by Senator Hart, representatives from CCTC and education advocates, including advocates for the California State PTA, participated in a meeting and with Senator Scott and his staff in August. Senator Scott agreed to make SB 428 a two-year bill in an attempt to build consensus around possible amendments and to allow for the Education Committee to hear expert testimony before making such a significant change in current law. The California State PTA will closely monitor SB 428 and may take a more active position in January.

Altogether, seven education bills assigned to me were enrolled and sent to the Governor for action. AB 388 (Canciamilla) an instructional materials bill, was vetoed by the Governor. AB 430 (Nava), Administrator Training Program, was signed, Chapter 364, statutes of 2005. Others bills, including AB 1531 (Bass), proposing a performance based assessment to be used as an alternative or in combination with the High School Exit Exam, are on the Governor's desk.

*Cecelia Mansfield, Education Advocate*

## PTA Opposes Effort to Eliminate Elected Board of Education

Recently the California State PTA voted to OPPOSE SB767 Romero, which would authorize the mayor of the City of Los Angeles to appoint seven members of the Los Angeles Unified School District Board of Education (LAUSD). This bill also provides for two additional school board members to be appointed by a committee formed by the 27 other cities within the Los Angeles Unified School District boundary and the Los Angeles county Board of Supervisors. Additionally, this measure would put in place a mechanism for the school district to be deemed an "educational failure" and for the school superintendent to be appointed by the mayor.

While this effort may be limited to LAUSD, it is an assault on the concept of locally elected school boards. The California State PTA believes that this bill would prevent citizens from participating in the most fundamental element of a democratic society, that of electing local school board members. Citizens must maintain and exercise the right to vote for those who govern them. The officials they elect should be directly responsible and accountable to their constituents. Every citizen should be encouraged to give input to their elected officials, state agencies, and local governing boards for the improvement of services.

The changes proposed by SB767 Romero are ostensibly modeled after the governance structures of cities with mayor-centered governance of their schools, including the cities of Boston, Chicago, Cleveland and New York. Several mayors of urban cities within California have indicated an interest in mayor-centered governance of their schools. Recently the mayor of Oakland declared that city's attempt at a hybrid approach of elected and appointed school board members a failure. The city of Detroit, Michigan has abandoned using mayoral appointments

During the legislature recess, interim hearings

will be held on SB767. State PTA is working with Tenth and Thirty-First District PTAs along with other statewide groups to defeat this bill.

*Pat Dingsdale, Education Advocate*

## Parent Involvement Bills Await Governor's Signature

The California State PTA has a SUPPORT on **AB 927** (Mullin), State Preschool Programs. This bill will define "preschool services" as part or full-day educational programs for pre-kindergarten children. The bill will consolidate various existing full-day child development programs and statutorily establish them as the Full-Day Preschool program. It will establish separate provisions requiring the Superintendent to administer part-day and full day preschool programs and will require both part-day and full-day programs to incorporate existing State Preschool and General Child Care and Development components. PTA believes that all children should receive a quality, developmentally appropriate program, whether it is full day or a part day program.

**AB 1565** (Pavley), Childcare: Star Rating System: Study. This bill will require the State Department of Education to oversee a study of the development, implementation, and evaluation of a quality rating system for child day care facilities in California. The study will be completed by an independent contractor and funded through the Budget Act of 2005 with money allocated to the State Department of Education. PTA believes that parents need to be informed about the quality of a childcare facility to ensure the safety of their children. PTA has an APPROVE on this bill.

**SB 875** (Runner), After School Educational and Safety Program: career technical education. This bill will expand the After School Educational programs to include Career Technical programs. PTA believes that young people need a variety of choices in school programs as well as after-school programs and that many young people need access to programs that will prepare them for work. Adding the opportunity for Career Technical programs to the options for after school programs will provide many young people with a much needed option. PTA has a SUPPORT on this bill.

We look forward to having the Governor sign these bills into law.

*Vicky Reinke, Parent Involvement Advocate*



## **Violent Video Games Bill, Other Bills Awaiting Governor's Signature**

**AB 1179** (Yee) Violent Video Games (formerly AB 450) was sent to the Governor for signature on September 19. This bill would prohibit the sale or rental of violent video games to minors. The bill also specifies that violation of this act would result in fines of up to \$1,000 for each incident. The California State PTA supports this bill due to concerns relating to the potential negative impacts of violent video games on the health and well being of children and youth.

California State PTA is pleased that **SB 116** (Dutton), Child Abandonment: Newborns, passed both houses and went to the Governor on September 7. This bill would delete the 2006 expiration date of the existing law, which specifies that a newborn child 72 hours or younger may be voluntarily surrendered to an employee at a hospital or other designated site without prosecution. PTA believes that all children are entitled to live and grow in an atmosphere of love and respect.

Also on the Governor's desk is **SB 161** (Soto), California Youth Access to Information Act, which would require the State Department of Education to develop and post on its website a statement of student rights by July 1, 2006. These include a child's right to consent to certain medical care and to adoption procedures, rights relating to attendance at a safe school, and the right to be free from discrimination in schools. School districts would be required to make this information available to students.

California State PTA is tracking legislative efforts to address issues relating to teen driving and the alarming rate of teen lives lost due to motor vehicle accidents. PTA's position on Senator Speier's bill, **SB 806**, Provisional Licensing Program has changed from a SUPPORT IF AMENDED to a SUPPORT position. PTA was concerned with the requirement that a person with a provisional driver's license would be required to display a placard, which could place teens in unsafe situations. PTA

also had concerns with language regarding the ability of law enforcement officials to stop a vehicle for the sole purpose of determining whether the driver was in violation of these driving restrictions. Both of these provisions have been deleted through amendments, and **SB 806** is now a two-year bill. In the meanwhile, some of the provisions of **SB 806** were addressed in a bill by Assemblymember Maze, on **AB 1474**, that was signed into law on September 23. **AB 1474, Chapter 337, Statutes of 2005**, extends the period of time from 6 months to 12 months that a person with a provisional driver's license is prohibited from transporting passengers under the age of 20 years and driving between the hours of 11 pm and 5 am unless supervised. Certain exclusions apply in both cases. PTA did not have a position on AB 1474

California PTA is continuing to address the issue of protecting student identity information through its support of Senator Simitian's bill **SB 768** (formerly SB 682), Identity Information Act. Although this bill did not pass this session, it is expected to return in the next session. The bill would mandate that K-12 student identification cards not include an imbedded radio frequency ID tag due to concerns that unauthorized third parties could access the personal student data. PTA believes that the utmost care must be used to preserve the confidentiality of personal data about students. SB 768 takes an important step in this direction.

*Debbie Look, Community Concerns Advocate*

## **Governor Acts on Health Bills**

Your letters, calls, visits, and emails were vital in getting two important bills supported by California PTA passed and signed into law by Governor Schwarzenegger:

- **SB 12 (Escutia), Chapter 235, Statutes of 2005** – School food nutrition. Landmark legislation to prohibit junk food and certain beverage sales on elementary, middle school, and high school campuses during school hours.
- **SB 965 (Escutia), Chapter 237, Statutes of 2005** – Pupil nutrition: beverages. Again, landmark legislation to prohibit sale of soda on high school campuses during school hours.

In addition a resolution by Senator Torlakson, **SCR 4**, Public health awareness, was chaptered in

May after passing both the Senate and the Assembly. Resolutions do not require the Governor's signature. **SCR 4** encourages government, community, school and workplace activities to promote awareness and prevention of obesity and diabetes.

Unfortunately, another bill strongly supported by the California State PTA was vetoed by the Governor. **SB 567** (Torlakson), Pupil nutrition: school wellness policy. This bill would have required school districts to implement a school wellness policy, consistent with federal law, and in addition, requires that beverages be covered by the policy.

Several other PTA supported bills are on the Governor's desk awaiting action:

- **AB 121** (Vargas) – Adulterated candy: maximum allowable lead levels.
- **AB 405**,(Montanez) – Schools: pesticide use.
- **AB 689**(Nava)– Nutrition and physical activity curriculum.
- **AB 1415** (Pavley) – Hazardous waste: mercury relays and switches.
- **SB 37** (Speier) – Prohibited substances.
- **SB 688** (Speier) – Skin Cancer Prevention Act for California Schools.
- **SB 689** (Speier) – Vehicles: organ and tissue donors: registry.

Two of these bills are particularly noteworthy:

**AB 689** is a bill to require the State Board of Education to adopt academic content standards for health education. The bill, through the addition of amendments for which PTA actively advocated, contains elements necessary to give students a comprehensive health education addressing physical, mental, emotional, and social well-being, and providing the knowledge and background essential for each child to develop to his fullest potential. State PTA believes that this bill is a very high priority bill, and we urge everyone to **write to the Governor today** telling him of the great importance of quality health education for our kids and urging him to sign this bill.

**SB 688** is a bill to address the need for increased awareness and prevention of skin cancer. It aims at educating children about the dangers of excessive sun exposure, and ways to protect themselves against skin cancer. It also promotes the study of ways to provide more shade on school playgrounds and eating areas. You will all remember the Resolu-

tion adopted last May by delegates to the California State PTA Convention – *Sun Safety: Skin Cancer Prevention Measures at School*. This bill is a very apt response to the issues raised in our resolution, and we hope you will **support SB 688 today with your letters to the Governor**.

*Kathy Moffat, Health Advocate*

## DC Corner

### **Funding Restored for Parent Information Resource Centers**

As reported in July, funding for the Parent Information Resource Centers (PIRCs) was eliminated from the House Labor – HHS – Education Appropriations bill. PIRCs across the country help schools fulfill the parent involvement requirements of the No Child Left Behind Act (NCLB). PTA members countrywide successfully lobbied members of Congress to return funding for the PIRCs. National PTA will continue this advocacy effort to ensure that the Senate Appropriations Committee decision to return the funding remains in the budget bill as it passes through the Senate and in conference.

### **Daylight-Saving Time Extension**

President Bush signed a comprehensive energy bill (H.Rept.109-190). Included in the bill is an extension of Daylight-Saving Time as a means of conserving energy consumption. Effective March 2007, Daylight-Saving Time will begin three weeks earlier, on the second Sunday in March and extend one week longer ending the first Sunday in November.

In a letter to House and Senate Conferees, National PTA expressed concern that the extension would negatively impact the safety of children traveling to school. PTA asked that safety ramifications be studied. Part of National PTA's authority in taking this position stems from a National PTA resolution adopted in 1974 which opposed the extension of Daylight-Saving Time due to the increased danger of traveling to school in dark hours.

### **Military Recruitment in Schools**

In accordance with Section 544 of the National Defense Authorization Act for FY 2002 and Section 9528 of the No Child Left Behind Act of 2001, military recruiters are entitled to receive the name, address and telephone number of all high school ju-

niors and seniors.

National PTA is concerned about the privacy of student records, and consistent with a National PTA resolution on privacy, will continue to work toward building community sensitivity about the hazards involved in the collection and dissemination of information regarding students.

National PTA continues to support HR 551 (Honda) that would amend the provisions of Section 9528 in NCLB regarding access to students information by military recruiters. Currently this section requires parents to “opt out” of the disclosure requirement. HR 551 would provide that no student information be released unless parents “opt in”. In March the bill was referred to the House Subcommittee on Education Reform where it remains.

**Department of Defense’s Joint advertising  
and Marketing Research & Studies Office  
(JAMRS)**

In May 2005, the Department of Defense (DOD) announced that it was creating a massive database for recruiting and other “routine” purposes. The Pentagon has been building this database of information on more than 25 million children over the past three years. It is updated daily and distributed monthly to the Armed Services for recruitment purposes.

The database contains the child’s full name, address, email addresses, home and cell phone numbers, ethnicity, social security numbers, date of birth, gender, high school name, graduation date, Grade Point Average code, education level, college intend (if documented), military interest (if documented), field of study, current college attending, Armed Services Vocational Aptitude Battery (ASVAB) test date, and the ASVAB Armed Forces Qualifying Test Category Score.

Parents and students can also “opt out” of being included in this database but the information is not deleted only moved to a “suppression file,” where the Pentagon will retain, but not release, the information.

National PTA will continue to support legislation and policies that would change current law by providing for an “opt in” policy. Parents and students deserve to know who has their information, and parents should be involved in the important decision to enlist in military service.

*Barbara Paxton, Federal Advocate*

**Mark Your Calendar  
Plan Now to Join the  
Legislation Team in  
Sacramento, California  
March 19-21, 2006  
For the Annual  
California State PTA  
Legislation Conference**

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Director of Legislation.....Nancy Adalian

*Sacramento Update* Editor.....Cecelia Mansfield

Education Advocate.....Pat Dingsdale

Education Advocate.....	Carol Koci- var
Education Advocate.....	Cecelia Mans- field
Community Concerns Advocate.....	Debbie Look
Health Advocate.....	Kathy Moffat
Parent Involvement Advocate.....	Vicky Reinke
Federal Advocate.....	Barbara Pax- ton
Consultant.....	Michael But- ler
Consultant.....	Betty De- Fea
Consultant	Rochelle Fanali

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