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Governor Delivers 2008 State of the State Address

On Tuesday January 8 Governor Arnold Schwarzenegger delivered his annual State of the State address, outlining a gloomy scenario regarding the state's financial crisis that stems from a failure to tackle the chronic structural budget problem by balancing revenue and spending – despite years of warnings by the Legislative Analyst and others. (For more information regarding the Governor's 2008 State of the State visit the Governor's web site at <http://gov.ca.gov/sots/2008/>.)

Everyone is waiting to see how he will propose handling the state's \$10 billion to \$14 billion budget shortfall when he outlines a new spending plan on January 10. At the same time the Governor is expected to declare a "fiscal emergency," marking the first time he has used the "fiscal emergency" authority he asked voters to approve in Proposition 58 in 2004.

Administration finance officials said Wednesday that the Governor would not propose more borrowing or any new taxes. They said he instead plans to propose equal cuts -- "as much as possible" -- to state services, departments and programs. That solution could affect all state residents. Representatives from a number of groups said looming cuts could affect nearly every aspect of California's government, especially social services for the poor.

The Education Coalition, of which the California State PTA is a member, has adopted a position paper

on K-12 education budget priorities in preparation for the significant, upcoming budget debate, which says in part: "The development and final enactment of a state budget for 2008-09 will present some extraordinary challenges. While the Education Coalition is committed to working with the Governor and the Legislature to address these challenges, it is important to emphasize that budget cuts to education are fundamentally inconsistent with state discussions over the past year regarding how to match our public education programs to the academic standards we expect students to achieve."

In the past the California State PTA has supported a balanced approach to budget deficits.

Statewide Presidential Primary Election Student Mock Elections

California's Presidential Primary Election will be held on February 5. There are seven propositions on the ballot. The California State PTA has no position on any of the seven measures, including Proposition 92, which would establish a funding guarantee for California's community colleges, reduce community college fees, and change the way community colleges are governed.

Secretary of State Debra Bowen and Superintendent of Public Instruction Jack O'Connell are inviting high school students, teachers and principals to

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join My Vote California. This program offers high school students, teachers and principals an opportunity to learn about the 2008 presidential candidates and issues. Students will then be able to vote for their presidential candidate of choice in a mock election to be held on January 28-29, one week before California's Presidential Primary Election. This is a great opportunity to get students involved in the political process. For more information check out the MyVote California website at www.sos.ca.gov/elections/studentmockelection.htm.

Pat Dingsdale

Director of Legislation

Governor's Education Proposals

David Long, the Governor's Secretary for Education, has issued the following message concerning the Governor's education proposals:

The Governor is proposing several things; let me mention a few of them.

First of all, to improve the delivery and access to California education data and information. Now, this is extremely important, meaning information and data, because it allows us to do several things as citizens and as teachers. It helps drive decisions as to where parents send their children. It also enables teachers to react to that information and make decisions in that classroom, bearing in mind that that data must be accurate, it must be integrated, it must be accessible, and most importantly it must be transparent. For many years in California that has not been the case. Now, the Governor proposes that we fund, link and determine additional data elements for a new system.

Secondly, he is proposing that we establish a Data Commission. The governor will create a nine-member Educational Data Commission by Executive Order, and by May 31st of 2008 the recommendations will be given, and those recommendations will be involving the development and implementation of the Educational Data System. The Commission will include appointees of the Governor, the Speaker, the Senate Pro-Tem, and the State Superintendent.

Another proposal that the Governor is coming forth with is to launch the School Finder website. This is a follow-through on his commitment from the State of the State Address from last year. This is through a partnership with both Microsoft and Google. It will compare schools side-by-side and it will enable parents to make a choice. This is a good example of a strong public and private partnership.

Another proposal is this: We have quite a teacher shortage in the state of California. In the next 10 years we're going to need 100,000 more teachers. Now, those critical areas will be in special education, math, and high school English. Remember, 100,000 in 10 years. The Governor is proposing expanding teacher certification, alternative teacher certification, so that we can have more teachers, quality teachers, in that classroom.

Superintendent Jack O'Connell will deliver his State of Education Address on January 22. At that time he plans to provide a detailed plan for reform.

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The Quality of Preschool

One characteristic of what many consider to be a “high-quality” preschool experience is the educational attainment level of the preschool teacher. The National Institute of Early Education Research (NIEER) has set benchmarks in this area as a measure of program quality. Their benchmark is that lead teachers should have a BA degree with specialized training in early care and education. The notion that lead teachers should have BA degrees is not without controversy. A number of researchers have found that the evidence is not conclusive in this regard. What is not controversial, however, is the assertion that teachers who come to the job with more formal education provide higher quality care to children. Research also has shown that preschool providers or child care providers with only a high school education suppress the development of young children.

A study by *First 5 California* can provide some insight into the status of the educational attainment level of the early care and education workforce in California. The data comes from the 2004 [California Early Care and Education Workforce Study](#), which surveyed a random sample of 1,800 licensed family child care homes and 1921 licensed child care centers. (www.ccfc.ca.gov)

Among the findings, the study shows that providers in licensed family child care homes have lower levels of education compared to staff in licensed centers. 43 percent of providers in licensed family care homes have completed some college course work, 15 percent have an associate degree, and 14 percent have a bachelor’s degree or higher. Among center staff, 68 percent of associate teachers have some college education, and 19 percent have an associate degree or higher. 25 percent of teachers have a bachelor’s degree or higher. The survey data also show that educational levels of staff are generally higher in centers with Head Start or CDE contracts (such as State Preschool).

Proposed increases in the educational requirements for teachers in publically funded preschool programs may be within reach or already met for a significant portion of the ECE workforce as shown in the workforce study. For others, they may find it daunting.

The recent reauthorization of the federal Head Start Program calls for half of all Head Start teachers nationally to hold bachelor’s degrees by 2013, but it

would not penalize any program that did not meet that requirement.

California State PTA has a Support position on AB571 (Jones), a bill that would require access to voluntary state preschool programs for all three- and four-year-old children from low-income families by 2011-12. In addition this bill would require a system of professional development be developed for pre-kindergarten teachers and would require the state Department of Education to develop teacher competencies and issue a report to the Legislature by January 31, 2009. This bill is currently stalled in the Assembly Appropriations Committee.

California State PTA has a Support position on AB 1236 (Mullin). The bill would establish the Kindergarten Readiness Program, (a preschool program) beginning in 2011-12. It would also phase in education requirements for kindergarten readiness teachers and associate teachers so that by July 1, 2016, all readiness classes would be taught by a teacher with a BA who holds an early education credential or a multiple subject credential and has 24 units of early learning. Associate teachers by July 1, 2016 would be required to have at a minimum, an AA degree and 24 units in early childhood education. This bill is also stalled in the Assembly Appropriations Committee.

Michael Butler
Parent Involvement Advocate

School Safety and Youth Violence Prevention Likely Hot Topics This Session

As in many other areas, the State's fiscal crisis is likely to severely impact Community Concerns bills being brought forward. Those bills requiring new budget allocations are being discouraged. Within those parameters however, the area of youth violence prevention and school safety appear to be topics that will come to the forefront in this session. California State PTA will be reviewing a number of bills in these areas including **AB 1446 (DeSaulnier)** that would specify a notification time line for schools to notify parents when students are designated as truant. Truancy is considered one indicator of a student at risk and requires intervention on the part of both the school and the family.

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AB 86 (Lieu) would add cyber bullying to the list of factors to be addressed by schools in developing programs and strategies to improve school attendance and to reduce school crime and violence.

SB 844 (Calderon) extends “safe school zones” from 1,000 to 1,500 feet and adds penalties for certain crimes in these safe school zones.

In addition, a large number of bills are pending in the area of gang violence prevention. Many of these are sponsored by the Los Angeles City Attorney's office. One bill, Speaker Nunez's **AB 1381**, establishing the creation, within the Office of Emergency Services, the Office of Violence and Gang Prevention, was chaptered on October 11, 2007. It remains to be seen whether other legislators will continue to pursue their individual bills in this area.

Other areas within Community Concerns that have numerous bills pending include juvenile justice reform, transitions for foster youth and child abuse/sexual exploitation prevention. California State PTA will be reviewing bills in these areas for consideration as well.

*Debbie Look
Community Concerns Advocate*

2008 Legislative Health Priorities

As we begin the second year of this two-year session of the legislature, California State PTA priorities for health will be: Healthy Lifestyles, including nutrition, child obesity, P.E.; Chronic Diseases, including asthma, diabetes, allergies; School Based Health Centers, including immunizations, oral health, vision and, Environmental Health, including indoor air quality and poison control. We will focus on these issues as we determine which bills to support or oppose in this session of the legislature.

The special session of the legislature called by the Governor to address healthcare has ended with the passage of ABX 1 (Nunez) on December 17. It is now awaiting a vote by the Senate. Assembly speaker Nunez and Governor Schwarzenegger have filed to have an initiative placed on the ballot once it is approved by the Senate. Healthcare reform continues to be a hot topic in Sacramento, although the budget crisis overshadows all other issues. State PTA will follow the healthcare issue to the extent our PTA authority allows, and we continue to support AB 1 (Laird) which extends healthcare coverage to uninsured children in the state. AB 1 has

passed both houses of the Legislature, but Assemblymember Laird is holding the bill at the desk to see what happens to ABX1 which would cover children as well as adults. Watch for updates on this and other health related topics in future issues.

*Shayne Silva
Health Advocate*

DC Corner

No Child Left Behind Reauthorization

The Elementary and Secondary Education Act (NCLB) reauthorization stalled in 2007. This is no surprise given the myriad of issues to resolve and the fact that it took four years to reauthorize Head Start. The major issue is accountability. Should AYP (Adequate Yearly Progress) stand, should it include multiple measures? Should a growth model be employed? Other major issues include teacher quality, English-language-learners (ELL), and high school reform. There is a window of opportunity for the House to get a bill through committee between January and mid-April. If a bill has not passed committee by then, progress will halt as Congress must pass a budget resolution before election season commences in earnest in June 2008.

As of December 7, 2007, all states that meet federal criteria will now be allowed to take part in the U.S. Department of Education's 2-year-old experiment with “growth models,” which allow states to measure the achievement gains of individual students as a way of ensuring accountability under the No Child Left Behind Act. Nine states currently use the growth model: North Carolina, Tennessee, Alaska, Arizona, Arkansas, Delaware, Florida, Iowa and Ohio.

After originally capping participation at 10 states, department officials opened eligibility for the growth-model pilot project to all qualified states in December. The officials say the first states to use those models in the project have shown it can be done without compromising the goals of the law. The new states will have to meet the same criteria including lowered “n” size—the minimum number of students needed in a racial, ethnic, economic, or other category. States will have to gauge whether students are on track to attain proficiency in reading and mathematics by the end of the 2013-14 school year. States also will have to make sure their testing systems produce consistent results across grade

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levels. Just 34 states collect all the data they need to produce reports for growth models, such as a unique number to identify each student in the state. The Education Department is advising states to submit proposals by February 1, 2008. Applications will be reviewed by an expert panel in April, with Secretary Spellings scheduled to approve the states in time for them to publish AYP results for the current school year.

Head Start for School Readiness Act

President Bush signed the reauthorization bill into law on December 12. Some highlights of the bill include: dedication of \$2 million in fiscal year 2008 to Head Start agencies for local training and improvement efforts; goal that half of all Head Start teachers and curriculum specialists earn a bachelors degree within six years; expansion of Early Head Start; *elimination of the National Reporting System which required 4 and 5 year-olds to be tested; *expansion of the income eligibility; *preservation of the parent policy councils and explanation of the governing board responsibility and the policy council responsibility. Although the four-year reauthorization effort has concluded Head Start did not receive enough funding to keep pace with inflation, Head Start lost 9 percent between FY's 2002 and 2006.

Appropriations

The House passed an omnibus appropriations bill on December 19 following passage in the Senate yesterday. The omnibus bill contains 11 of the 12 annual appropriations bill; Defense Appropriations was signed into law earlier this year. President Bush is expected to sign the omnibus into law. The omnibus provides an increase over fiscal year 2007 (FY07) but is significantly below the \$3.2 billion additional the Labor-HHS-Education Conference Report would have provided. That bill was vetoed by Bush earlier in the year.

PTA is very disappointed in Congress for folding in the face of further veto threats. Congress had promised significant increases. The bill does increase Title I by \$1.2 billion, roughly 9.2 percent. However, the bill provides less than inflation level increases for IDEA, Impact Aid and Improving Teacher Quality State Grants, among other programs. Additionally, there is a 1.74 percent across the board cut to all programs in the omnibus. This

means that programs that were "level-funded", i.e. funded at the same level as FY07 which is a decrease due to inflation in cost of services, must make due with even less funding in a worsening economic period.

State Children's Health Insurance Program (SCHIP)

On December 29, 2007, the president signed a bill extending the State Children's Health Insurance Program (SCHIP) through March 2009. While this was not the expansion PTA pushed for earlier in the year, which was vetoed twice by President Bush, it does keep a very important program alive for another 15 months covering the 6 million currently enrolled, and includes some extra funding to address expected state shortfalls. This bill avoids the political pitfalls that mired the earlier attempts to expand the program down in very public policy disagreements ranging from taxation to immigration. In addition, concessions were made in order to fast track this legislation through Congress.

Along with the 15 month extension of SCHIP, the bill includes a six month extension of policy to stop a ten percent cut to **Medicare** physician payment rates, and six month extension of the transitional medical assistance and abstinence education programs. Like any good compromise, no one is truly happy with the end result. However, the bill was passed in the Senate by unanimous consent and supported overwhelmingly in the House, passing by a vote of 411-3. Democratic lawmakers still want to expand enrollment to include 10 million children and are negotiating with some Republican leaders on another try.

Child Nutrition (Farm Bill)

After weeks of inaction then frenzied effort, the Senate passed its version of the 2007 Farm bill. Typical of legislation that affects more than \$300 billion of federal funding, the process was not clean. In an obscure political move, both party leaders agreed to forego the day between making a motion to invoke cloture, limiting debate, and the vote on the motion itself. Due to this maneuver, a wide variety of amendments that were to be addressed by the full Senate were never voted upon. Among these amendments was the Harkin/Murkowski amendment to improve national school nutrition standards. Although it was not passed as part of the Farm bill, PTA will continue to get this legislation passed.

Overall, the Farm bill increases spending under the Nutrition title by \$5 billion. The total includes a
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funding increase for the Fresh Fruit and Vegetable program from \$9 million to \$70 million. This money will go to at least 35 elementary or secondary schools in every state with the remaining funds dispersed based upon the states' student populations. These totals are the same in both the Senate and House versions of the bill, so they appear to be relatively safe going into the conference committee process on the Farm bill.

Juvenile Justice

On December 5, 2007, the Senate Judiciary Committee held a hearing on the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP). Committee members had a positive response to the reauthorization of the Act with very few objections. Concerns raised during the hearing focused on racial disparities and keeping kids out of adult jails. Another concern raised was the under funding of the Act. The Office of the Juvenile Justice and Delinquency Prevention needs more money for oversight. Committee staff, however, said JJDP is not a priority in Congress now, but more media attention could place it on Congress' priority agenda. The Coalition for Juvenile Justice is asking for State PTAs to sign onto a statement of principles that will be sent to Members of Congress encouraging them to strengthen and reauthorize the JJDP.

*Linda Mayo
Federal Advocate*



BREAKING NEWS!

**Federal Appeals Court Deems
NCLB "Unfunded Mandate"**

On the eve of the No Child Left Behind Act's 6th anniversary, the United States Court of Appeals for

the Sixth Circuit revived a lawsuit challenging how the federal No Child Left Behind law is funded. The [court ruled](#) in *Pontiac v. Spellings* that the federal government was in violation of the Spending Clause of the U.S. Constitution for not providing clear notice as to who bears the additional costs of compliance.

The lawsuit, brought by school districts in Michigan, Texas and Vermont, the [National Education Association](#) and nine of its state affiliates, contends that the Department of Education violated the Constitution in enacting the law by requiring states and school districts to spend local money to administer standardized tests and to meet other federal requirements. At issue is [Section 9527\(a\)](#) of the law which states "Nothing in this Act shall be construed to... mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act." [20 U.S.C. § 7907(a)]

The lawsuit was initially filed in April 2005 with the U.S. District Court for the Eastern District of Michigan. The District Court dismissed the complaint on procedural grounds for failure to state a claim upon which relief can be granted. Plaintiffs subsequently appealed to the Sixth Circuit Court of Appeals. In the ruling Monday, the appeals court sent the suit back to the lower court and reversed the lower courts ruling arguing that the Spending Clause of the Constitution requires Congress to give states clear notice of their financial liabilities when they accept federal financing that may fall short of the full costs of complying with requirements from Washington.

In a statement yesterday, Education Secretary Margaret Spellings left open the possibility of an appeal to the Supreme Court. "The federal government is exploring all legal options available," Spellings said. "This decision could undermine efforts to improve the education of our nation's children, in particular those students most in need."

Monday's ruling, however, does not mean that states and local school districts no longer have to comply with NCLB. The immediate effect of the ruling is that states and local school districts are not required to comply with the requirements of NCLB that are not paid for by the federal government. If a state or district chooses to continue to accept federal

money, it must still comply with the NCLB requirements for which there is federal funding.

This Week In Washington, January 9, 2008