

1-9-1980

Education

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Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

Elections Division
(916) 445-0820

June 13, 1980

TO: ALL REGISTRARS OF VOTERS/COUNTY CLERKS/PROPONENTS

FROM: CASHMERE M. APPERSON - ELECTIONS TECHNICIAN

Pursuant to Elections Code 3520(b) you are hereby notified that the total number of signatures to the herein-after hamed proposed Initiative Constitutional Amendment filed with all county clerks is less than 100 percent of the number of qualified voters required to find the petition sufficient.

TITLE: EDUCATION

SUMMARY DATE: JANUARY 8, 1980

PROPONENTS: JOHN J. HICKEY AND ROGER CANFIELD

The petition has failed and no further action is necessary.



Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

Elections Division
(916) 445-0820

January 8, 1980

TO ALL COUNTY CLERKS/ REGISTRARS OF VOTERS

Pursuant to Section 3513 of the Elections Code, there is transmitted herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

EDUCATION
INITIATIVE CONSTITUTIONAL AMENDMENT

Circulating and Filing Schedule

1. Minimum number of signatures required 553,790
Constitution II, 8(b).
2. Official Summary Date Tuesday, 1/08/80
Elections Code Section 3513.
3. Petition Sections:
 - a. First day Proponent can circulate
Sections for signatures Tuesday, 1/08/80
Elections Code Section 3513.
 - b. Last day Proponent can circulate and
file with the county. All Sections are
to be filed at the same time within
each county Friday, 6/06/80*
Elections Code Sections 3513, 3520(a).
 - c. Last day for county to determine total
number of signatures affixed to petition
and to transmit total to the Secretary
of State Friday, 6/13/80

(If the Proponent files the petition with the county on a date prior to 6/06/80, the county has 5 working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit this total to the Secretary of State).
Elections Code Section 3520(b).

* PLEASE NOTE: To Proponent(s) who wish to qualify for the 1980 General Election. The law allows up to 55 days to county election officials for checking and reporting petition signatures. The law also requires that this process be completed 131 days before the election in which the people will vote on any initiative. It is possible that the county may not need the whole 55 days. But if you want to be sure that this initiative qualifies for the 1980 General Election, you should file this petition with the county by May 1, 1980.

- d. Last day for county to determine number of qualified electors who have signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Saturday, 6/28/80

(If the Secretary of State notifies the counties to determine the number of qualified electors who signed the petition on a date prior to 6/13/80, the last day is not later than the fifteenth day after the notification). Elections Code Section 3520(d), (e).

- e. If the signature count is between 498,411 and 609,169 then the Secretary of State notifies counties using the random sampling technique to determine validity of all signatures.

Last day for county to determine actual number of all qualified electors who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Monday, 7/28/80

(If the Secretary of State notifies the counties to determine the number of qualified electors who have signed the petition on a date prior to 6/28/80, the last day is not later than the thirtieth day after the notification). Elections Code Section 3521(b), (c).

4. Campaign Statements:

Last day for Proponent to file a Campaign Statement of Receipts and Expenditures for period ending 7/04/80 Friday, 7/11/80

(If the Secretary of State finds that the measure has either qualified or failed to qualify on a date earlier than 6/06/80, the last date to file is the 35th calendar day after the date of notification by the Secretary of State that the measure has either qualified or failed to qualify. The closing date for this campaign statement is 7 days prior to the filing deadline). Government Code Section 84204.

5. The proponents of the above named measure are:

John J. Hickey
243 Ferndale Way
Redwood City, CA 94062
(415) 368-5722

Roger Canfield
1208 North Road
Belmont, CA 94002
(415) 591-3186
(415) 595-4662

Sincerely,

WILLIAM N. DURLEY
Assistant to the Secretary of State
Elections and Political Reform



CASHMERE M. APPERSON
Elections Technician

CMA:rh

NOTE TO PROPONENT(S): Your attention is directed to Elections Code Sections 41, 44, 3501, 3507, 3508, 3516, 3517, and 3519 for appropriate format and type considerations in printing, typing, and otherwise preparing your initiative petition for circulation and signatures. Your attention is further directed to the campaign disclosure and petition circulating requirements of the Political Reform Act of 1974, Government Code Sections 81000 et seq.

To the Attorney General

We hereby request that you prepare a title and summary of the proposed Amendment to the Constitution of the State of California enclosed herein. Also enclosed is \$200 in cash.

JOHN J. HICKEY
243 FERNDALE WAY
REDWOOD CITY, CALIF. 94062
415-368-5722

ROGER CANFIELD
1208 NORTH RD.
BELMONT, CA. 94002

PROPOSERS

Please hold title and summary until
Jan. 8, 1980.

John J. Hickey

Roger Canfield will be
mailing his confirmation
as a proponent of this initiative.

RECEIVED
ATTORNEY GENERAL
NOV 29 11 15 AM '79
DEPT. OF JUSTICE
SACRAMENTO OFFICE



State of California
Department of Justice
George Deukmejian
(PRONOUNCED DUKE-MAY-GIN)
Attorney General

555 CAPITOL MALL, SUITE 350
SACRAMENTO 95814
(916) 445-9555

January 8, 1980

FILED
In the office of the Secretary of State
of the State of California

JAN-9 1980

MARCH FONG EU, Secretary of State

By *Cashmere M. Apperson*
Deputy

Honorable March Fong Eu
Secretary of State
1230 J Street
Sacramento, California 95814

Attention: Rico Nannini

RE: Initiative Constitutional Amendment - Education
Our File # 00002115-SA79RF0126

Dear Mrs. Eu:

Pursuant to the provisions of sections 3503 and 3513 of the Elections Code, you are hereby informed that on this day we mailed the following title and summary to John J. Hickey and Roger Canfield, as proponents:

EDUCATION. INITIATIVE CONSTITUTIONAL AMENDMENT. Prohibits state and its creations from operating or regulating primary, secondary or technical schools or from specifying, preparing, producing or distributing instructional materials. Requires establishment of Educational Performance Fund to be supported from sales tax revenues, utilization or disposition of publicly-owned educational properties and other revenues determined by the Legislature. Students to receive annually from Fund tax-exempt redeemable certificates in values up to \$2,000 based on performance determined by prescribed tests. Authorizes loans to be made from Fund for formation and operation of open enrollment schools through utilization of existing publicly-owned educational properties. Fiscal impact on state or local governments: Because the timing and magnitude of the initiative's financial changes are unknown, the initiative's net fiscal effect cannot be estimated. However, the initiative will cause substantial fiscal changes in state and local support of educational programs.

Enclosed herewith is a declaration of mailing thereof, and a copy of the proposed measure.

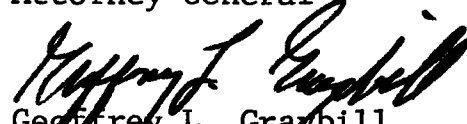
Honorable March Fong Eu

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According to information available in our records, the addresses and telephone numbers of the proponents of this measure are as stated on the declaration of mailing.

Very truly yours,

George Deukmejian
Attorney General



Geoffrey L. Graybill
Deputy Attorney General

GLG:glb
enclosures

I. ARTICLE IX, SECTIONS 1-8 AND 10-16 ARE AMENDED TO READ AS FOLLOWS.

Sec. 1. INTENT OF THE PEOPLE

a. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage, by the means provided for in this Article, the promotion of intellectual, scientific, moral and agricultural improvement.

b. The Principles of Subsidiarity and Accountability being the essence of this Article, and acknowledging the diversity of life-styles in this State, it is the will of the people that the Legislature shall enact no laws restricting how, where, why or when the education of the people occurs, and, unless otherwise provided for in this Article, all monies expended by the State or any of its agencies for the education of the people, shall be allocated, in the form of Performance Payments, directly to the student, or legal guardian or assignee thereof, for subject-related performance.

c. Nothing in this section shall affect the provisions of Article XIII.

Sec. 2. EDUCATIONAL PERFORMANCE FUND

The Legislature shall establish an Educational Performance Fund providing for a lifetime total of payments for students under the age of 21 years not to exceed the lesser of: \$25,000, or: the product of \$2,000 multiplied by the difference between 21 and the age of such student on June 30, 1981.

Sec. 3. ADMINISTRATION

Upon Passage of this Amendment, the Legislature shall establish from within the Department of Education, a successor thereto to be known as the Department of Educational Accountability, hereinafter referred to as the Department, for the purpose of:

a. providing for initial determinations of subject and grade related performance levels of all students between the ages of 5 and 21 years, which determinations shall in no instances exceed the age-related grade level.

b. providing for bi-annual, objective testing by an outside agency or agencies, of all students, at the request of the student or their legal guardian, and maintaining records of student performance.

c. establishing an Educational Performance Payment Schedule for subject and grade related performance for grades K-12, with Basics accounting for at least 70% of payments.

d. issuing Educational Performance Fund Redemption Certificates, hereinafter referred to as Certificates, annually beginning June 30, 1981, for students between the ages of 5 and 21 years, having a total redeemable value not to exceed \$2,000 per student per annum.

e. succeeding the Department of Education beginning June 30, 1981.

f. disbursing and recording payments from the Educational Performance Fund for Certificates presented, in amounts dictated by student attainments applied in accordance with provisions of this section; upon the death of a student less than 21 years of age, payment shall be made for obligations which would have accrued as a result of prior testing, as well as a pro-rated payment based on a presumption of normal improvement from the previous levels, with a maximum presumption of one grade-level improvement; redeemed Certificates shall be returned to the student as a permanent record of attainments.

Sec. 3.5. DIRECTOR OF THE DEPARTMENT OF EDUCATIONAL ACCOUNTABILITY

The Superintendent of Public Instruction shall assume the position of Director of the Department of Educational Accountability, and the Legislature shall provide for the election, by qualified voters of the State, of the successors thereto; effective upon passage of this Amendment.

Sec. 4. TESTING

a. For the purpose of determining performance, the Department, beginning June 30, 1981 and annually thereafter, shall specify from norm-referenced tests in use, those five tests most frequently used nationally in the preceding

twelve month period, providing that such usage of any one test shall compose at least 2% of the total for all five.

b. The Department may additionally provide for local test variations.

c. Provision shall be made on Certificates for selection from the above tests, by the student or their legal guardian, that to be used in testing each student.

Sec. 5. RESOURCES UTILIZATION

a. To encourage participation by a broad spectrum of the populace, the Legislature shall provide that income derived from allocations made in accordance with provisions of Section 1 of this Article be tax-exempt.

b. The Legislature shall provide for the utilization and/or disposition of the publicly-owned educational properties in this State, with monies accruing therefrom being used to provide initial funding of the Educational Performance Fund; effective upon passage of this Amendment.

c. To facilitate a continuity of educational experiences and accreditations, the Legislature shall encourage participation by large corporations and other organizations in the formation and operation of open-enrollment schools from existing government institutions, providing for loans from the Educational Performance Fund, such loans being secured by Certificate assignments and totaling not more than \$2,000 for any one student. Students may withdraw from such schools following testing, with the school receiving any Performance Payments resulting therefrom, and the residual value of the previously assigned Certificate reverting to the legal guardian.

Sec. 6. EXPENDITURE INDEXING

For the purpose of this Article, all dollars are in June 30, 1979 values, adjusted for inflation by the Consumer Price Index of the U.S. Department of Labor or successor agency.

Sec. 7. PROHIBITIONS UPON THE STATE

a. Neither the State nor any of its creations shall engage in the operation or regulation of primary, secondary or technical schools.

b. Nothing in sections 1-6 of this article shall be interpreted as empowering the State to regulate the providers of educational experiences.

c. The State shall not engage in the specification, preparation, production or distribution of textbooks or other instructional materials.

Sec. 8. EXPENDITURE LIMIT

Annual expenditures for administration of the Department of Educational Accountability shall not exceed 10% of the total projected redeemable value of Certificates issued in accordance with section 3d of this Article.

Sec. 10. SEVERABILITY

If any section, part, clause or phrase hereof is held to be invalid or unconstitutional for any reason, the remaining sections shall not be affected but will remain in full force and effect.

II. All references in this Constitution to "Superintendent of Public Instruction" shall be replaced by "Director of the Department of Educational Accountability."

III. The following deletions are included as a part of this Amendment to remove references which are obsolete by it:

a. Article IV; delete from section 12d, the phrase "except appropriations for the public schools".

b. Article VII; delete section 4i.

c. Article XIII; delete from section 3d, the words "public schools".

IV. ARTICLE XVI, SECTION 8 IS AMENDED TO READ AS FOLLOWS:

Sec. 8. The Educational Performance Fund and the Department of Educational Accountability shall be supported first by sales tax revenues, then by revenues determined by the Legislature.

V. THIS AMENDMENT SHALL BE EFFECTED BEGINNING JUNE 30, 1981, UNLESS OTHERWISE PROVIDED FOR HEREIN.

DECLARATION OF SERVICE BY MAIL

I, Gale Baker, declare as follows: I am over the age of 18 years, and not a party to the within action; my place of employment and business address is 555 Capitol Mall, Suite 350, Sacramento, California 95814.

On January 8, 1980, I served the attached letter to Honorable March Fong Eu, Secretary of State, dated January 8, 1980, re: Initiative Constitutional Amendment-- Education (our file # SA79RF0126),

by placing a true copy thereof in an envelope addressed to each of the persons named below at the address set out immediately below each respective name, and by sealing and depositing said envelope in the United States Mail at Sacramento, California, with postage thereon fully prepaid. There is delivery service by United States Mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed:

John J. Hickey
243 Ferndale Way
Redwood City, CA 94062
415/368-5722

Roger Canfield
1208 North Rd.
Belmont, CA 94002
415/591-3186
415/595-4662

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 8, 1980, at Sacramento, California.

Gale Baker
Declarant