

1-29-1996

Education. Four District Pilot Program. Advancement By Test. Grants For Private Schooling.

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BILL JONES

Secretary of State
State of California

July 9, 1996

#709

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND
PROPONENT (96223)

FROM:

A handwritten signature in cursive script that reads "Cathy Mitchell".

CATHY MITCHELL
Initiative Coordinator

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE STATUTE filed with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has **failed**.

TITLE: EDUCATION. FOUR DISTRICT PILOT PROGRAM.
ADVANCEMENT BY TEST. GRANTS FOR PRIVATE
SCHOOLING. INITIATIVE STATUTE.

SUMMARY DATE: January 29, 1996

PROPONENTS: David Barulich

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BILL JONES

Secretary of State
State of California

#709

January 29, 1996

TO: All County Clerks/Registrars of Voters (96061)

FROM: Cathy Mitchell

Cathy Mitchell
Initiative Coordinator

SUBJECT: **EDUCATION. FOUR DISTRICT PILOT PROGRAM. ADVANCEMENT BY TEST. GRANTS FOR PRIVATE SCHOOLING. INITIATIVE STATUTE.**

The Attorney General's office has sent us a revised title and summary for initiative #704.

The new title and summary along with the new calendar and the text of the initiative has been prepared and supersedes the previous initiative. It is enclosed. Please note that a new number has been assigned to this initiative.

Please feel free to contact me or Deirdre Avent if you have any questions.

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- Archives
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BILL JONES

Secretary of State
 State of California
 #709

January 29, 1996

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENT (96061)

Pursuant to Section 336 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

**EDUCATION. FOUR DISTRICT PILOT PROGRAM. ADVANCEMENT
 BY TEST. GRANTS FOR PRIVATE SCHOOLING.
 INITIATIVE STATUTE.**

Circulating and Filing Schedule

1. Minimum number of signatures required433,269
 Cal. Const., Art II, Sec. 8(b).
2. Official Summary Date Monday, 01/29/96
 Elec. C., Sec. 336.
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
 signatures Monday, 01/29/96
 Elec. C., Sec. 336.
 - b. Last day Proponent can circulate and file with
 the county. All sections are to be filed at
 the same time within each county. Wednesday, 06/26/96
 Elec. C., Secs. 336, 9030(a).
 - c. Last day for county to determine total number of
 signatures affixed to petitions and to transmit total
 to the Secretary of State Tuesday, 07/09/96
 Elec. C., Sec. 9030(b).

(If the Proponent files the petition with the county on a date prior to 06/26/96, the county has eight working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit the total to the Secretary of State.) Elec. C., Sec. 9030(b).

EDUCATION. FOUR DISTRICT PILOT PROGRAM.
ADVANCEMENT BY TEST. GRANTS FOR PRIVATE SCHOOLING.
INITIATIVE STATUTE.

January 29, 1996

Page 2

d. Secretary of State determines whether the total number of signatures filed with all county clerks meets the minimum number of required signatures, and notifies the counties Thursday, 07/18/96*
Elec. C., Sec. 9030(c).

e. Last day for county to determine total number of qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State . . . Thursday, 08/29/96
Elec. C., Sec. 9030(d), (e).

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 07/18/96, the last day is no later than the thirtieth day after the county's receipt of notification.)
Elec. C., Sec. 9030(d), (e).

f. If the signature count is more than 476,596 or less than 411,606 then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 411,606 and 476,596 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures Sunday, 09/08/96*
Elec. C., Secs. 9030(f), (g); 9031(a).

g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Tuesday, 10/22/96
Elec. C., Sec. 9031(b), (c).

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 09/08/96, the last day is no later than the thirtieth working day after the county's receipt of notification.)
Elec. C., Sec. 9031(b), (c).

h. Secretary of State certified whether the petition has been signed by the number of qualified voters required to declare the petition sufficient Saturday, 10/26/96*
Elec. C., Secs. 9031(d), 9033.

* Date varies based on receipt of county certification.

EDUCATION. FOUR DISTRICT PILOT PROGRAM.
ADVANCEMENT BY TEST. GRANTS FOR PRIVATE SCHOOLING.
INITIATIVE STATUTE.

January 29, 1996

Page 3

4. The Proponent of the above-named measure is:

David Barulich
Back to Basics Committee
1041 Rutland Ave.
Los Angeles, CA 90042
(213) 257-1827

5. Important Points:

- (a) California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fund raising or requests for support. Any such misuse constitutes a crime under California law. Elections Code sections 18650; *Bilofsky v. Deukmejian* (1981) 123 Cal.App. 3d 825, 177 Cal.Rptr. 621; 63 Ops. Cal.Atty.Gen.37 (1980).
- (b) Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- (c) Your attention is directed to the campaign disclosure requirements of the Political Reform Act of 1974, Government Code section 81000 et seq.
- (d) When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- (e) When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- (f) When filing the petition with the county elections official, please provide a blank petition for elections official use.

NOTE TO PROPONENTS WHO WISH TO QUALIFY FOR THE NOVEMBER 5, 1996 GENERAL ELECTION: This initiative must be certified for the ballot 131 days before the election (June 27, 1996). Please remember to time your submissions accordingly. For example, in order to allow the maximum time permitted by law for the random sample verification process, it is suggested that proponents file their petitions to county elections officials by April 19, 1996. If a 100% check of signatures is necessary, it is advised that the petitions be filed by February 28, 1996.

Sincerely,


DEIRDRE AVENT
ELECTIONS ANALYST

Attachment: POLITICAL REFORM ACT OF 1974 REQUIREMENTS

DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550
(916) 445-9555
Facsimile: (916) 323-2137
(916) 324-5490

January 29, 1996

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

JAN 29 1996

Bill Jones
Secretary of State
1500 - 11th Street
Sacramento, CA 95814

BILL JONES, Secretary of State

By *Peardre Avent*
Deputy Secretary of State

Re: Initiative Title and Summary
Subject: EDUCATION. FOUR DISTRICT PILOT PROGRAM.
ADVANCEMENT BY TEST. GRANTS FOR PRIVATE SCHOOLING.
INITIATIVE STATUTE.
File No: SA 95 RF 0045 (REVISED)

Dear Mr. Jones:

Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed to the proponent of the above-identified proposed initiative a REVISED title and summary.

Enclosed is a copy of our transmittal letter to the proponent, a copy of our REVISED title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the name and address of the proponent is as stated on the declaration of mailing.

Sincerely,

DANIEL E. LUNGREN
Attorney General

Kathleen F. DaRosa
KATHLEEN F. DaROSA
Initiative Coordinator

KFD:ms
Enclosures

Date: January 29, 1996
File No: SA95RF0045
(REVISED)

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

EDUCATION. FOUR DISTRICT PILOT PROGRAM. ADVANCEMENT BY TEST. GRANTS FOR PRIVATE SCHOOLING. INITIATIVE STATUTE.

Establishes 10-year pilot program for grades 1-12 in Oakland, Fresno, Los Angeles, and San Diego unified school districts. Program requires selection of independently developed, standardized grade-level examinations, offered at least every two months, to assess academic skills in English, mathematics, geography, physical science, history, and civics. Passing score required for most public school pupils before advancement to next grade. Comparative performance reports required. Provides annual state-funded grants of \$2,800 or \$3,000 to parents of privately-schooled pupils in pilot districts who pass examinations. Restricts initial eligibility for grants. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Unknown General Fund costs or savings due to (1) the availability of private school scholarships in four urban school districts and (2) additional education costs of students who fail a mandated proficiency test. State costs in the range of \$30 million per year for administration and reporting results of the grade-level examinations. Most of this cost would reduce funding available for other education activities.

November 8, 1995

RECEIVED
NOV 9 1995

Attorney General
1300 I St.
Suite 1700
Sacramento, CA 95814

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Sir:

I request that you prepare a title and summary for the proposed initiative measure that I have enclosed.

I name myself as the chief proponent of this measure. I am registered to vote in Los Angeles County. To the best of my knowledge, my signature at the end of this letter is the same as it appears on my voter registration.

My payment of \$200 is enclosed.

Sincerely,



David Barulich
Back to Basics Committee
1041 Rutland Ave
Los Angeles, CA 90042
(213) 257-1827

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

[Suggested title and summary follows:

EDUCATION. PARENTAL RIGHTS, RESPONSIBILITIES. 10-YEAR PILOT PROGRAM, FOUR SCHOOL DISTRICTS. GRADE LEVEL EXAMINATIONS. PERFORMANCE GRANTS. INITIATIVE STATUTORY AMENDMENT.

Establishes presumption of parental capability to direct children's education. Establishes 10-year pilot program in Oakland, Fresno, Los Angeles, San Diego school districts.

Parents responsible for children's academic success. State Board of Education selects for districts grade level examinations that are nationally normed, standardized by grade level, developed by independent, non-government organizations. Permits particular substitute examinations. Most pupils promoted to next grade must pass examinations. Parents of non-public school pupils who pass examinations receive education performance grants.

Eligibility restrictions for grants. *Insert fiscal impact report.]*

TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

We, the undersigned registered qualified voters of California, residents of afore-described County (or City and County), hereby propose additions and amendments to the Education Code, relating to education, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. The proposed statutory amendments read as follows:

**GRADE LEVEL EDUCATION STANDARDS AND
PERFORMANCE GRANTS INITIATIVE**

SECTION 1. This measure shall be known and may be cited as the Grade Level Education Standards and Performance Grants Initiative.

SECTION 2. (a) The People of California find and declare the following:

(1) A large number of public school pupils being promoted to higher grade levels do not possess basic skills in reading, writing, and arithmetic.

(2) Many parents do not know that their children lack basic skills in reading, writing, and arithmetic because they wrongly assume that being promoted to higher grade levels and receiving passing marks on report cards guarantees a mastery of basic skills.

(3) Many parents wrongly assume that the public schools are totally responsible for ensuring the proper education of their children.

(4) Therefore, parents need an independent assessment of their children's progress in school, and they need incentives to assume more responsibility for their children's success.

SECTION 3. Article 8 (commencing with Section 100) is added to Chapter 1 of Part 1 of the Education Code, to read:

Article 8. Parent's Rights and Duties

100. Children are not mere creatures of the State. Parents and guardians have the right, coupled with the duty, to prepare their children for adulthood and additional obligations. Parents and guardians shall be presumed capable of directing the education of children under their control. The Legislature and the public school system, including the

State Department of Education, the State Board of Education, school districts, and county offices of education, shall have the legal burden of proving that a parent or guardian is not capable of directing the education of children under their control. This section shall not be construed to limit the development and control of the curriculum by public and private schools.

SECTION 4. Part 28.5 (commencing with Section 53000) is added to the Education Code, to read:

PART 28.5. SCHOOL REFORM LAW

CHAPTER 1. GENERAL PROVISIONS

53000. (a) There is hereby established a 10-year pilot program. The Oakland Unified School District, the Fresno Unified School District, the Los Angeles Unified School District, the San Diego City Unified School District, and the parents, guardians, and pupils residing within those school districts shall participate in the pilot program.

(b) Unless otherwise specified, all references to pupils, parents, guardians, and schools in this part shall refer to those pupils, parents, guardians, and schools within the school districts specified in subdivision (a).

(c) School officials shall assume that parents and guardians participating in this program are informed about their children's level of achievement in basic academic subject matters. During the operation of this program, these parents and guardians shall be primarily responsible for their children's academic success.

53001. This part shall be implemented no later than the beginning of the first fiscal year following 12 months after the date it is adopted by voters voting on the measure.

53002. Beginning on the implementation date specified in Section 53001, this part shall remain in effect only for ten years, and as of that date is repealed, unless a later enacted statute, that is enacted before that date, deletes or extends that date.

CHAPTER 2. GRADE LEVEL TESTING SYSTEM

53010. Tests measuring the achievement in the subjects of grammar, spelling, and reading comprehension of the English language, mathematics, geography, physical sciences, and the history and civic institutions of California and the United States of America shall be administered to public school pupils to determine whether they can be promoted to the next grade level. The grade level examinations shall be administered in addition to any other examination required by law.

53011. The State Board of Education shall select the grade level examinations and prescribe the manner in which those examinations shall be administered for the purposes of this chapter and Chapter 4. Examination dates shall be offered no fewer than every two months at convenient times and locations within the participating school districts.

53012. (a) The grade level examinations shall be designed and scored by one or more independent organizations chosen by the State Board of Education. Independent organizations may be chosen to either design or score, or design and score, grade level examinations in any number of the subject areas specified in Section 53010. For the purposes of this part, those independent organizations shall be called the "examiners."

(b) The examiners shall not be affiliated or controlled by persons who are affiliated, controlled, or employed by governmental entities, school districts, public universities, or private elementary and secondary schools.

53013. (a) The costs of procuring, administering, and scoring all the required subjects on the grade level examinations and distributing the results of the grade level examinations and reports, described in Section 53018(d), to parents and guardians shall not exceed ten dollars (\$10) per annual or periodic examination. This maximum amount may be annually adjusted for inflation after the implementation date.

(b) Pupils, or parents or guardians of pupils in public schools shall not be charged fees to recoup the costs of administering and processing grade level examinations.

53014. The examiners shall design examinations that are nationally normed and standardized by grade level.

53015. The grade level examinations shall include questions on the subject matters that pupils should master before promotion to the next grade level.

53016. (a) The examiners shall design two separate types of grade level examinations as follows:

(1) Periodic examinations that assess the incremental progress of pupils within each grade level during the course of the school year, culminating in an annual examination. No fewer than six periodic examinations, inclusive of the final annual examination, shall be offered during a fiscal year.

(2) Annual examinations that assess the progress of a pupil within a grade level during the entire school year.

(b) School districts participating in the pilot program shall administer annual examinations to pupils within the school district.

53017. Pupils participating in special education shall be exempt from taking the grade level examinations required by this chapter, provided that no more than 12 percent

of the total pupil enrollment in the participating school districts shall be exempted from taking the grade level examinations.

53018. (a) Grade level examinations shall be scored to measure each pupil's level of achievement and the change in the level of achievement over a period of time.

(b) If a pupil participating in the program described in Chapter 4 passed the grade level examinations or an alternative examination described in Chapter 3, then that information shall be reported to the State Controller no later than 30 days after the pupil has completed the examination.

(c) Each pupil's scores shall be reported to the pupil's parent or guardian no later than 30 days after the pupil has completed the examination.

(d) A report prepared by the State Department of Education and distributed to every parent or guardian whose children took grade level examinations shall disclose the following information no later than 90 days after the pupil has completed the examination:

(1) The pupil's percentile ranking in levels of achievement relative to national norms.

(2) The pupil's percentile ranking in levels of achievement in various subjects relative to the performance of other pupils in the district.

(3) When applicable, the pupil's rate of change in levels of achievement compared to the prior grade level examination scores in various subjects.

(4) The number of full-time equivalent certificated classroom teachers and the number of full-time equivalent non-teaching employees in the school district.

(5) The mean annual total compensation for full-time, certificated classroom teachers in the pupil's school district, including salaries, pension, insurance, vacation, sick leave, and all other benefits.

(6) The average number of classroom instruction days offered by the school district to pupils in grades 1 through 12.

(7) The average expenditure per pupil in the school district computed by dividing the total annual expenditures on district pupils by the school district and county office of education by the average daily attendance.

53019. (a) A public school pupil shall not be promoted to the next grade level until that pupil receives a passing grade on an annual examination for that pupil's grade level.

(b) The State Superintendent of Public Instruction shall determine the passing score on grade level examinations based on scores in the various subject areas being tested.

(c) Notwithstanding subdivision (a), the governing board of a school district may, at its discretion, promote up to 1 percent of its pupils per year who failed to receive a passing score on a grade level examination if the governing board believes those pupils have otherwise demonstrated a mastery of the required subject matters and therefore merit a promotion.

53020. (a) The questions on the grade level examinations shall have a corresponding set of answers against which pupils' responses can be compared.

(b) The grade level examinations shall not contain questions that ask pupils personal questions relating to themselves, family members, or friends.

(c) Evaluation of the answers to questions on the grade level examinations shall be made with respect to information the pupil is expected to master or conclusions reached by the pupil based upon information presented to the pupil in the narrative of examination questions.

53021. (a) All grade level examination results shall be confidential and shall only be released to the pupil's parents or guardians by the State Department of Education, unless the parent or guardian, or the pupil who is 18 years or older, authorizes the State Department of Education to release the examination results.

(b) The State Department of Education, State Controller, and the examiners shall destroy any information identifying an individual pupil's records of grade level examination scores after two years elapse from the date of the examinations.

(c) Examiners may only release examination results to the State Department of Education.

(d) The State Department of Education shall produce reports of aggregate data on public school pupil and non-public school pupil performance on the grade level examinations in the various subjects. The State Department of Education shall also produce reports of public school pupil performance at the school district level and the school level. These reports shall be made available to the public.

53022. Any person who disseminates grade level examination questions to unauthorized persons, who aids pupils taking the examinations in violation of testing procedures, or who alters or tampers with examination answers or the processing of test results shall be barred from receiving any money for contracts or employment from state or local government or school districts for a period of no less than 12 months.

53023. The examiners shall solicit organizations representing various businesses and industries to determine the scores on grade level examinations in various subject areas they believe demonstrate the minimum achievement levels necessary for entry level positions with their members. In addition, these organizations may report other skills that are important to obtain that are not covered on the examinations or that are not taught in the public schools. The examiners shall publish and the State Department of Education shall distribute a report of these findings to every public high school and public library in participating school districts.

CHAPTER 3. ALTERNATIVE EXAMINATIONS

53030. (a) Parents or guardians of pupils attending a public school in a participating school district or parents or guardians applying for an education performance grant pursuant to Chapter 4 may elect to have pupils take an alternative examination. The cost of the examination shall be the responsibility of the parents or guardians. The State Department of Education shall publish a list of alternative examinations meeting the requirements specified in subdivision (b) of this Section, and it shall administer alternative examinations at a site and by personnel approved by the State Department of Education.

(b) To qualify as an alternative examination, the examination must be in one or more of the subject areas specified in Section 53010 and meet the following requirements:

(1) Nationally normed

(2) Standardized by grade level

(3) Measure achievement levels and changes in achievement levels in one or more of the tested subject areas.

(4) Used in public schools in five or more states.

(c) Pupils that take an alternative examinations in less than all of the subject areas specified in Section 53010 shall still be required to be tested in the remaining subject areas by taking the grade level examination in the remaining subject areas.

53031. The examiners shall be responsible for determining the passing scores on substitute examinations that are reasonably equivalent to the passing scores set by the State Superintendent of Public Instruction for the grade level examinations approved by the State Board of Education.

53032. No later than six months following the date of adoption of this measure by voters voting on the measure, the State Superintendent of Public Instruction shall select examinations already developed by independent organizations that most closely meet the requirements listed in section 53030, subdivisions (a) and (b) and shall set the minimum passing scores on these examinations to ensure that the implementation of sections 53018, 53019 and Chapter 4 shall not be delayed in the event that the grade level examination program cannot be developed and implemented by the starting date specified in Section 53001.

CHAPTER 4. EDUCATION PERFORMANCE GRANT PROGRAM

Article 1. Establishment of Education Performance Grant Program

53040. Parents or guardians of a pupil residing in one of the participating school districts who do not choose to send that pupil to a public school may receive an education performance grant from the state if the parents or guardians of the pupil agree to ensure that the pupil learns a sufficient amount to have been promoted one grade level in the

public school system, and if the pupil demonstrates fulfillment of those criteria by receiving a passing score on the appropriate grade level examinations.

53041. (a) To be eligible for an education performance grant, the pupil shall not be enrolled in a public school during the education performance grant reimbursement period. The education performance grant reimbursement period is the interval of time for which a pupil's achievement is being measured by a grade level examination.

(b) Parents or guardians of pupils taking a grade level examination for the purposes of this chapter shall not be charged fees to recoup the costs of administering and processing the grade level examination, except if the pupil has previously failed that grade level examination on two occasions.

53042. Sections 53011 and 53012, subdivision (a) of Section 5013, Sections 53014, 53016, and 53018, subdivision (b) of Section 53019, and Sections 53020, 53021, and 53022, which pertain to the administration of grade level examinations in the public schools, shall also be applicable to the grade level examinations administered under this chapter.

53043. (a) Special education pupils shall not be required to take a grade level examination in order to receive education performance grants.

(b) Parents or guardians of pupils participating in special education who have an approved individual education plan shall be eligible to receive education performance grants upon certification of satisfactory progress by a panel of special education experts appointed by the State Department of Education.

(c) Members of the panel shall not be employed by organizations that have a financial conflict of interest in the assessment of a pupil's progress.

53044. Education performance grants shall be paid directly to parents or guardians who have custody of the pupil, or a trust established for the benefit of the pupil.

53045. (a) No pupil may receive education performance grants for more than 12 years.

(b) No pupil may receive more than one year's worth of education performance grants during a fiscal year.

53046. (a) No pupil may receive an education performance grant for receiving a passing score on a grade level examination of the same or lesser grade level taken and passed by that pupil on a previous occasion.

(b) The State Department of Education may determine which grade level examinations are appropriate for education performance grant applicants based on the age of similar pupils enrolled in public schools.

53047. (a) Education performance grants shall be disbursed by the Controller no later than 30 days after a pupil has received grade level examination results that confirm a passing score on the grade level examination.

(b) In order to minimize the costs of disbursement, parents or guardians participating in this program shall be encouraged to maintain accounts at banks capable of receiving the education performance grants as electronic fund transfers. The Controller may deduct a reasonable check processing fee from education performance grant payments made by a check.

53048. (a) Education performance grants may be paid annually to the parents or guardians of a pupil in a lump sum after the pupil has passed an annual examination.

(b) Education performance grants may be paid in equal installments after the pupil has passed periodic examinations.

53049. Education performance grants shall not be treated as taxable income for parents, guardians, or pupils.

53050. The Legislature shall provide for the distribution of education performance grants as payments drawn from the General Fund.

53051. Federal funds shall constitute no part of education performance grants funded under this chapter for pupils who do not meet the conditions of subdivisions (a) and (b) of Section 53043.

53052. (a) Funds appropriated for education performance grants pursuant to this chapter shall not be counted as moneys to be applied by the state for the support of the public school system and public institutions of higher education as required by Section 8 and 8.5 of Article XVI of the California Constitution.

(b) Pupils receiving education performance grants shall not be counted as enrolled in the public school system and public institutions of higher education for purposes of state apportionments and Section 8 and 8.5 of Article XVI of the California Constitution.

Article 2. Prevention of Fraud and Unlawful Activities

53055. The State Department of Education shall adopt procedures that minimize the risk of the following:

- (a) Awarding education performance grants to fictitious individuals.
- (b) Duplicate awards of education performance grants.
- (c) People falsely sitting for an examination on behalf of other pupils.

53056. The State Department of Education shall require that the parents or guardians of pupils sitting for an examination present documentation that verifies the identity of the pupil. Documents may include, but are not limited to, a United States passport, certificate of United States citizenship, certificate of naturalization, foreign passport, alien registration card with a photograph, original social security card, or birth certificate issued by a state, county, or municipal authority.

53057. (a) Parents or guardians who direct the education of their children to advocate the overthrow of the United States or the State of California by force or violence or other unlawful means or who advocate the support of a foreign government against the United States in the event of hostilities shall not be eligible to receive education performance grants.

(b) Parents or guardians who direct the education of their children to include instruction in unlawful behavior or the hatred of any person or group on account of race, ethnicity, color, national origin, or religion shall not be eligible to receive education performance grants.

Article 3. Awarding of Education Performance Grants

53060. The parents or guardians of a pupil who can demonstrate that the pupil was enrolled in a California Public School for an entire school year during the first fiscal year following the fiscal year during which this measure is adopted by the voters may apply to receive an education performance grant in the amount of three thousand dollars (\$3,000) for the fiscal year specified in section 53001 and each fiscal year thereafter, provided that the pupil is not enrolled in a public school but is a resident in one of the

participating school districts during the education performance grant reimbursement period.

53061. (a) This section shall apply to the parents or guardians of pupils who were not enrolled in a California public school during the first fiscal year following the fiscal year during which this measure is adopted by the voters.

(b) The parents or guardians of a pupil who is eligible to attend grade 1 in one of the participating school districts in the fiscal year specified in Section 53001 may apply to receive an education performance grant in the amount of two thousand eight hundred dollars (\$2,800) for the fiscal year specified in Section 53001 and each fiscal year thereafter, provided that the pupil is not enrolled in a public school during the education performance grant reimbursement period.

(c) In each succeeding fiscal year, the parents or guardians of pupils in the next grade level shall be eligible to apply to receive an education performance grant in the amount of two thousand eight hundred dollars (\$2,800), provided that the pupil is not enrolled in a public school but is a resident in one of the participating school districts during the education performance grant reimbursement period.

53062. Notwithstanding Sections 53060 and 53061, commencing in the fiscal year following the fiscal year specified in Section 53001, the dollar amount of education performance grants shall be adjusted annually in proportion to the percentage change in state funding per pupil in the state's public schools for grades 1 to 12, inclusive, as compared to the prior fiscal year.

53063. Parents or guardians of a pupil who is eligible to enroll in a special education program may apply to receive education performance grants in an amount no

less than 80 percent of the estimated cost of the pupil's individual education plan at a public school.

SECTION. 5. The people find and declare that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the potential for an adverse fiscal impact if the program were adopted statewide without first amending Sections 8 and 8.5 of Article XVI of the California Constitution.

Limiting the scope and duration of the program to these four school districts for ten years will provide evidence to determine whether or not the State Constitution should be amended at a later date to expand eligibility for the programs described in Section 4 to the State's remaining school districts without adverse fiscal impact.

SECTION. 6. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

SECTION. 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remaining provisions or applications shall remain in force. To this end, the provisions of this act are severable.