

3-20-1998

Education. School Bonds. Elimination Of Two-Thirds Vote Requirement. Property Tax Limit Exemption. Tobacco Tax For Educational Programs.

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BILL JONES
Secretary of State
State of California

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SACRAMENTO, CA 95814
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1-800-345-VOTE
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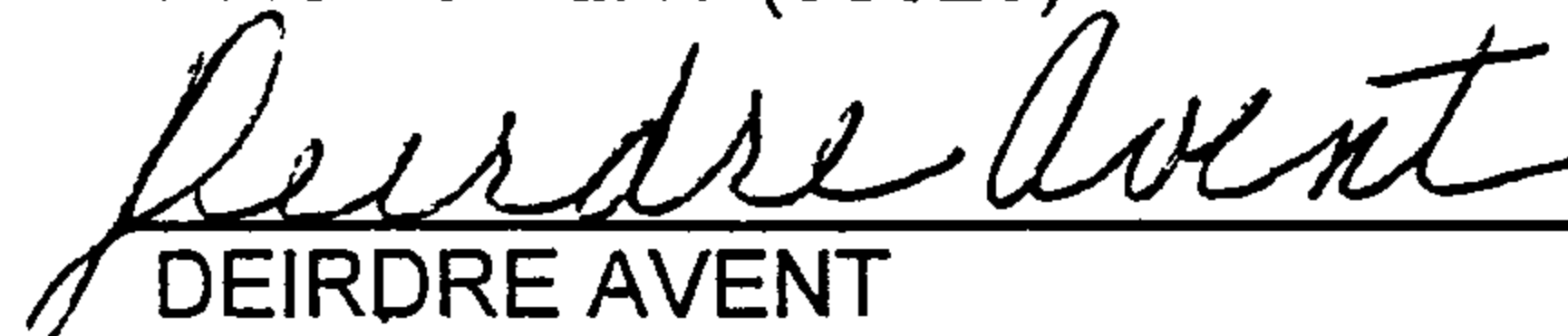
SEP 01 1998

August 27, 1998

#811

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND
PROPONENT (98329)

FROM:


DEIRDRE AVENT
Elections Analyst

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE CONSTITUTIONAL AMENDMENT AND 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. SCHOOL BONDS. ELIMINATION OF TWO-THIRDS
VOTE REQUIREMENT. PROPERTY TAX LIMIT EXEMPTION.
TOBACCO TAX FOR EDUCATIONAL PROGRAMS.

SUMMARY DATE: March 20, 1998

PROPONENT: Dianne Feinstein
Richard Riordan
John Doerr
Ted Mitchell
Jules Zimmer

1

2

3

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March 20, 1998

TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (98119)

FROM: *Deirdre Avent*
DEIRDRE AVENT
ELECTIONS ANALYST

SUBJECT: **INITIATIVE #811**

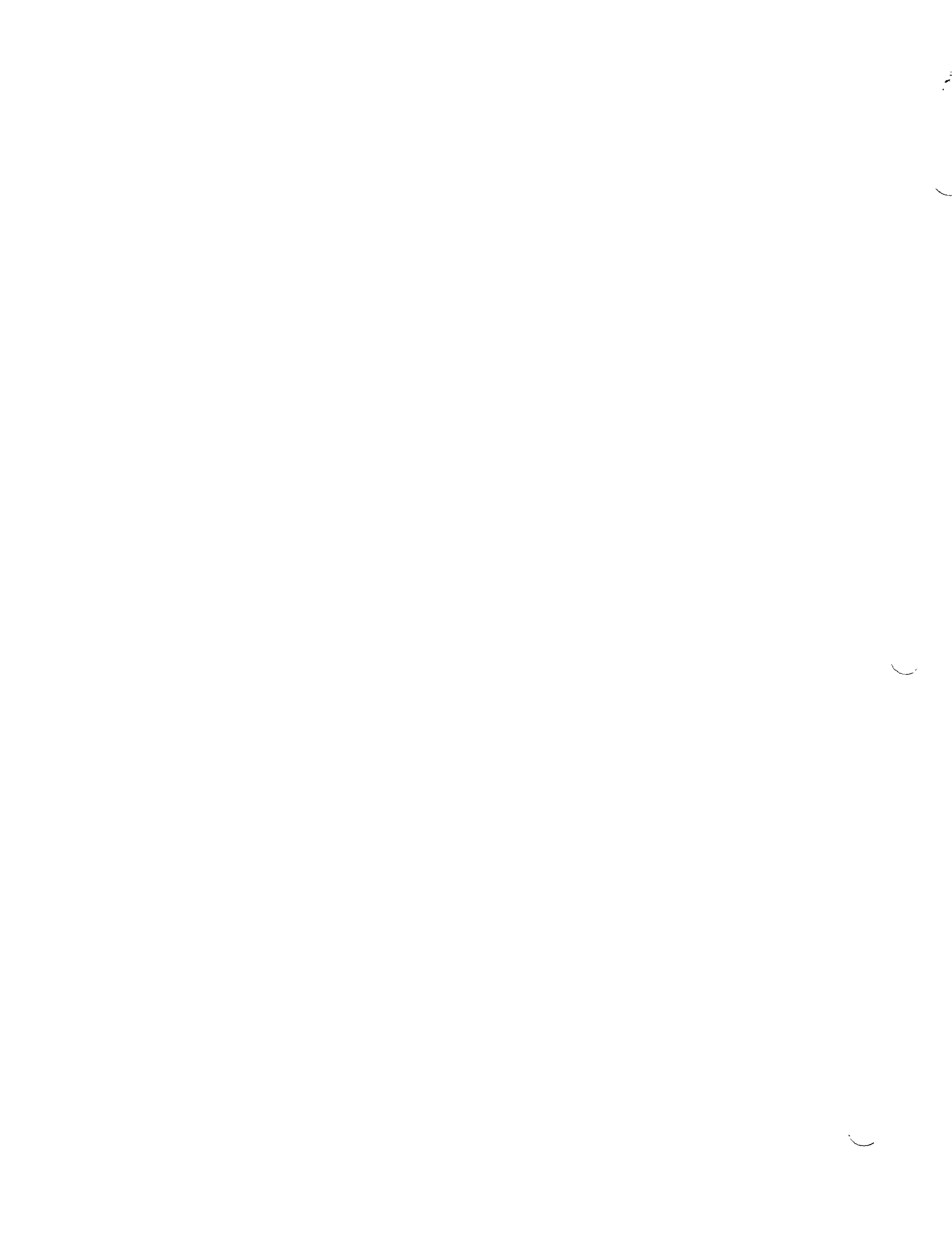
Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**EDUCATION. SCHOOL BONDS. ELIMINATION OF TWO-THIRDS
VOTE REQUIREMENT. PROPERTY TAX LIMIT EXEMPTION.
TOBACCO TAX FOR EDUCATIONAL PROGRAMS.
INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.**

The proponents of the above-named measure are:

Dianne Feinstein
Richard Riordan
John Doerr
Ted Mitchell
Jules Zimmer

c/o Karen Getman
Rogers, Joseph, O'Donnell & Quinn
311 California Street, 10th Floor
San Francisco, CA 94104
(415) 956-2828



#811

EDUCATION. SCHOOL BONDS. ELIMINATION OF TWO-THIRDS
VOTE REQUIREMENT. PROPERTY TAX LIMIT EXEMPTION.
TOBACCO TAX FOR EDUCATIONAL PROGRAMS.
INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 693,230
California Constitution, Article II, Section 8(b)

2. Official Summary Date:.....Friday, 03/20/98
Elections Code section (EC§) 336

3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336)Friday, 03/20/98

 - b. Last day Proponent can circulate and file
with the county. All sections are to be filed at the
same time within each county (EC §336, 9030(a)) Monday, 08/17/98

 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (EC §9030(b))..... Thursday, 08/27/98

(If the Proponent files the petition with the county on a date prior to 08/17/98,
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) (EC §9030(b)).

 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures,
and notifies the counties (EC §9030(c))..... Saturday, 09/05/98*

 - 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
(EC §9030(d)(e)) Wednesday, 10/21/98

* Date varies based on receipt of county certification.



INITIATIVE #811
Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 09/05/98, the last day is no later than the thirtieth day after the county's receipt of notification). (EC §9030(d)(e)).

- f. If the signature count is more than 762,553 or less than 658,569 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 658,569 and 762,553 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures (EC §9030(f)(g); 9031(a)) Saturday, 10/31/98*

- 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. (EC §9031(b)(c)). Wednesday, 12/16/98

(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 10/31/98, the last day is no later than the thirtieth working day after the county's receipt of notification) (EC §9031(b)(c)).

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (EC §9031(d); 9033)..... Sunday, 12/20/98*

NOTE TO PROPONENTS WHO WISH TO QUALIFY FOR THE NOVEMBER 3, 1998 GENERAL ELECTION: This initiative must be certified for the ballot 131 days before the election (June 25, 1998). 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 official by April 17, 1998. If a 100% check of signatures is necessary, it is advised that the petitions be filed by February 25, 1998.

* Date varies based on receipt of county certification.

IMPORTANT POINTS

- 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 fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 123 Cal. App. 3d 825, 177 Cal. Rptr. 621; 63 Ops. Cal. Atty. Gen. 37 (1980).
- 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 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.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq. A brief summary is attached for your reference.
- 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.
- 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.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

Enclosures

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

FILED

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

March 20, 1998

MAR 20 1998

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

BILL JONES, Secretary of State

By *Heard Avent*
Deputy Secretary of State

Re: Initiative Title and Summary
Subject: EDUCATION. SCHOOL BONDS. ELIMINATION OF TWO-
THIRDS VOTE REQUIREMENT. PROPERTY TAX LIMIT
EXEMPTION. TOBACCO TAX FOR EDUCATIONAL PROGRAMS.
INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.
File No: SA 98 RF 0005

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 proponents of the above-identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponents, a copy of our title and summary, a declaration of service thereof, and a copy of the proposed measure.

According to information available in our records, the names and address of the proponents are as stated on the declaration of service.

Sincerely,

DANIEL E. LUNGREN
Attorney General

Handwritten signature of Connie Lemus in black ink.

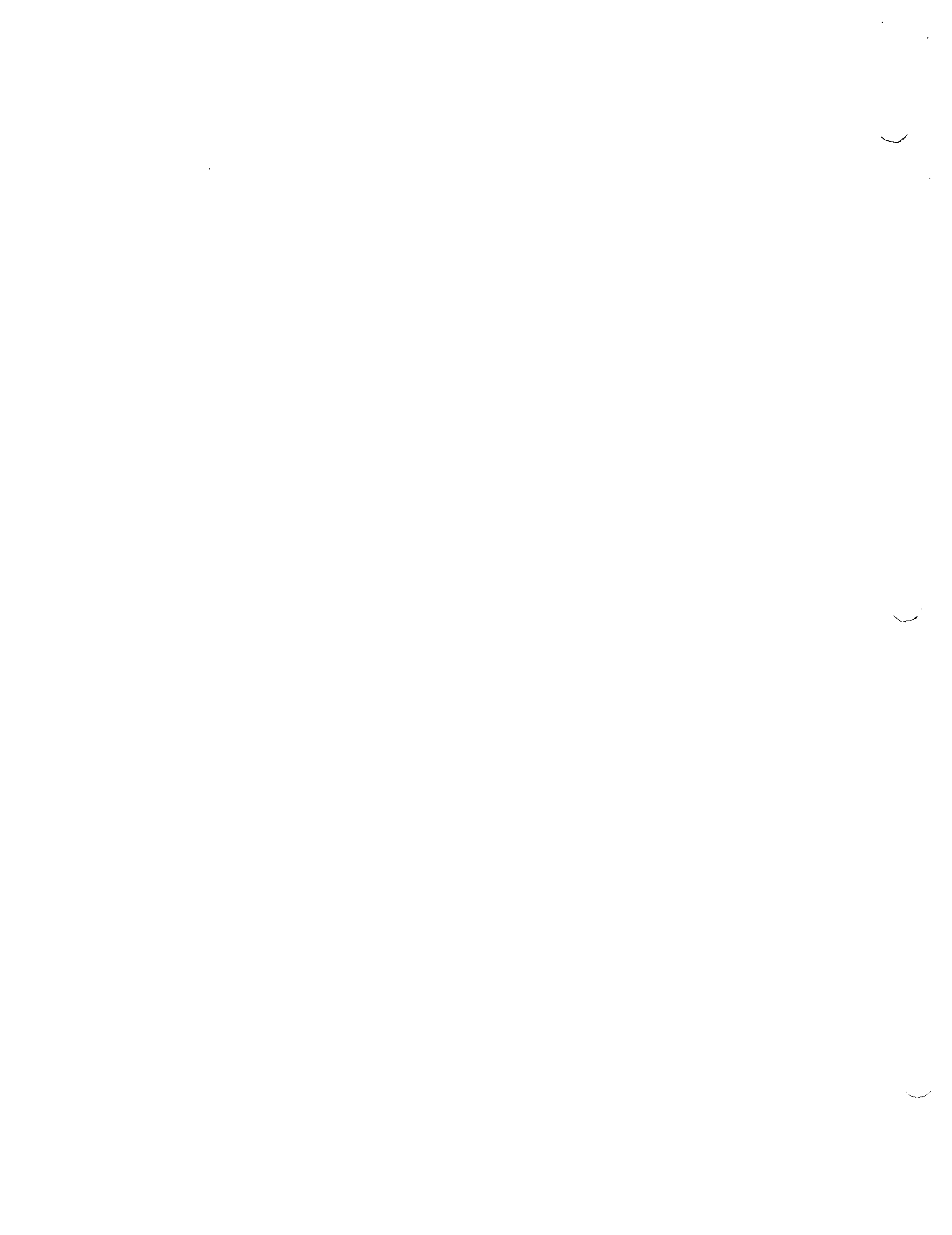
CONNIE LEMUS
Initiative Coordinator

CL:fec
Enclosures

Date: March 20, 1998
File No: SA98RF0005

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

EDUCATION. SCHOOL BONDS. ELIMINATION OF TWO-THIRDS VOTE REQUIREMENT. PROPERTY TAX LIMIT EXEMPTION. TOBACCO TAX FOR EDUCATIONAL PROGRAMS. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE. Reduces vote requirement to pass school construction bond measures from two-thirds to simple majority and exempts taxes for payments on bonds from one percent property tax limit. Increases tobacco tax by five cents per cigarette and equivalent amount for other products. Proceeds fund K-12 public education programs providing for achievement tests, class and school size reduction, school grants, and teacher qualifications, scholarships and salary supplements. Mandates 180 days of instruction in basic subjects annually. Limits teachers' development days. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure would result in (1) increased annual revenues to pay for new K-12 education programs due to higher tobacco excise taxes of about \$1.5 billion, which would slowly decrease in subsequent years; (2) long-run state school costs in the hundreds of millions of dollars as a result of students repeating grades under certain circumstances; and (3) increased local school bond revenues, potentially in the tens of millions to hundreds of millions of dollars annually, and potential long-term reduction in state school construction costs of a similar magnitude.



SA98RF0005

January 28, 1998

RECEIVED

JAN 29 1998

Via hand delivery

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Ms. Michele W. Olsen
Acting Initiative Coordinator
State of California Department of Justice
1300 I Street, Suite 125
Sacramento, CA 94244-2550

Re: Request for Title and Summary

Dear Ms. Olsen:

Pursuant to Elections Code section 9002, we request the Attorney General to prepare a title and summary for an initiative measure entitled "the Excellence and Accountability in Education Act of 1998." We are the proponents of this initiative and are registered voters in this State. Enclosed are the text of the initiative, the \$200 filing fee, and the addresses at which we are registered to vote.

Please direct any correspondence and questions to our attorney:

Karen Getman // Rogers, Joseph, O'Donnell & Quinn
311 California Street, 10th Floor
San Francisco, CA 94104
Phone: 415/956-2828, Fax: 415/956-6457, Email: kgetman@rjoq.com

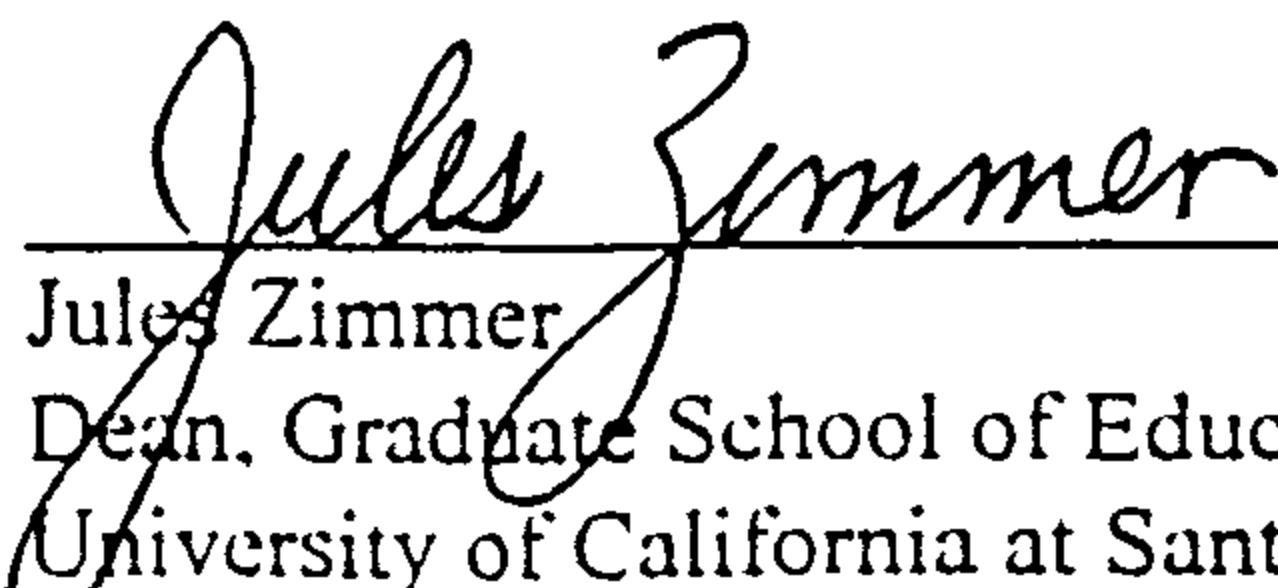
Sincerely,

Dianne Feinstein
United States Senator

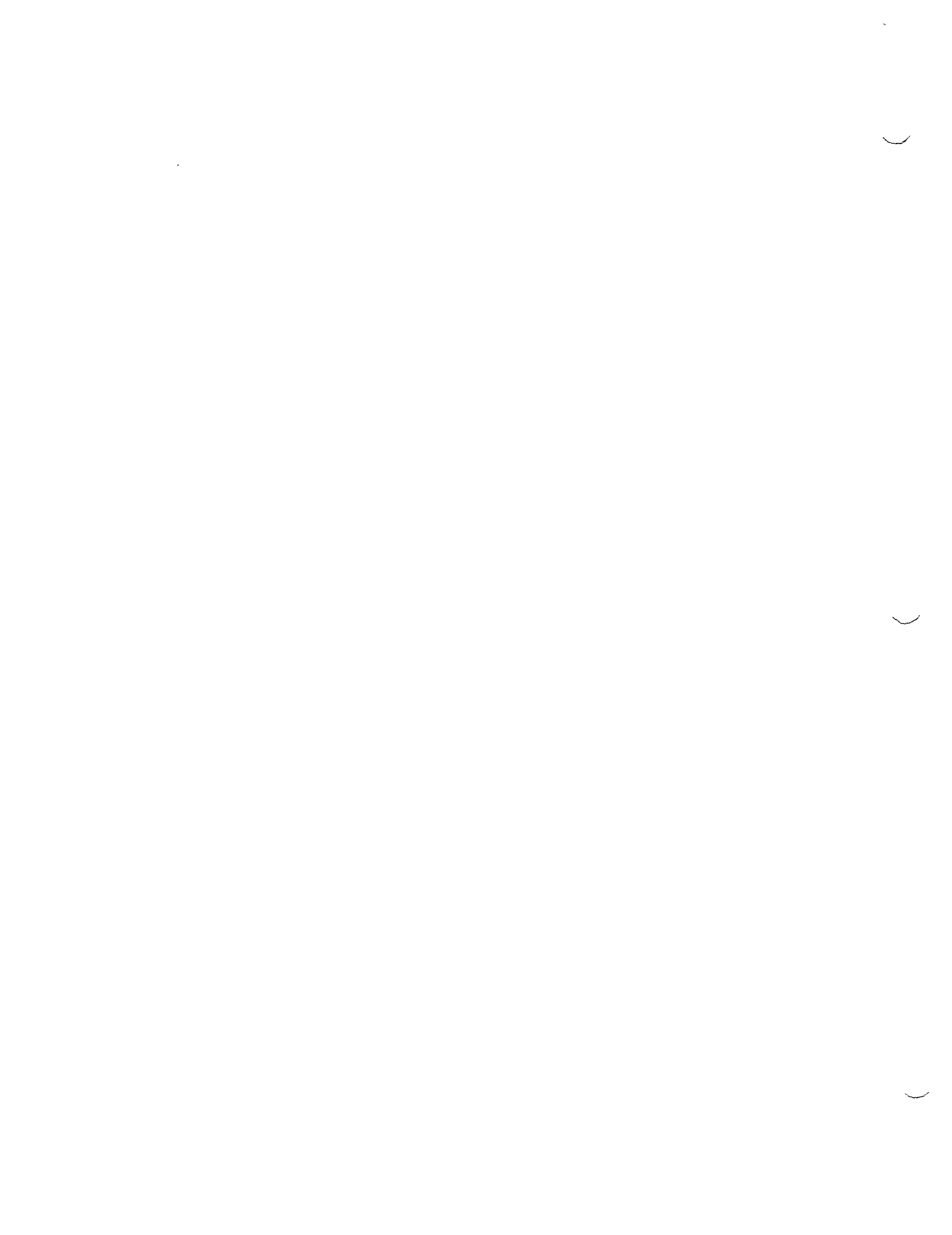
Richard Riordan
Mayor, City of Los Angeles

John Doerr
Partner, Kleiner, Perkins, Caufield & Byers

Ted Mitchell
Vice Chancellor, UCLA



Jules Zimmer
Dean, Graduate School of Education
University of California at Santa Barbara



SA98RF0005

January 28, 1998

Via hand delivery

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JAN 28 1998

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ATTORNEY GENERAL'S OFFICE

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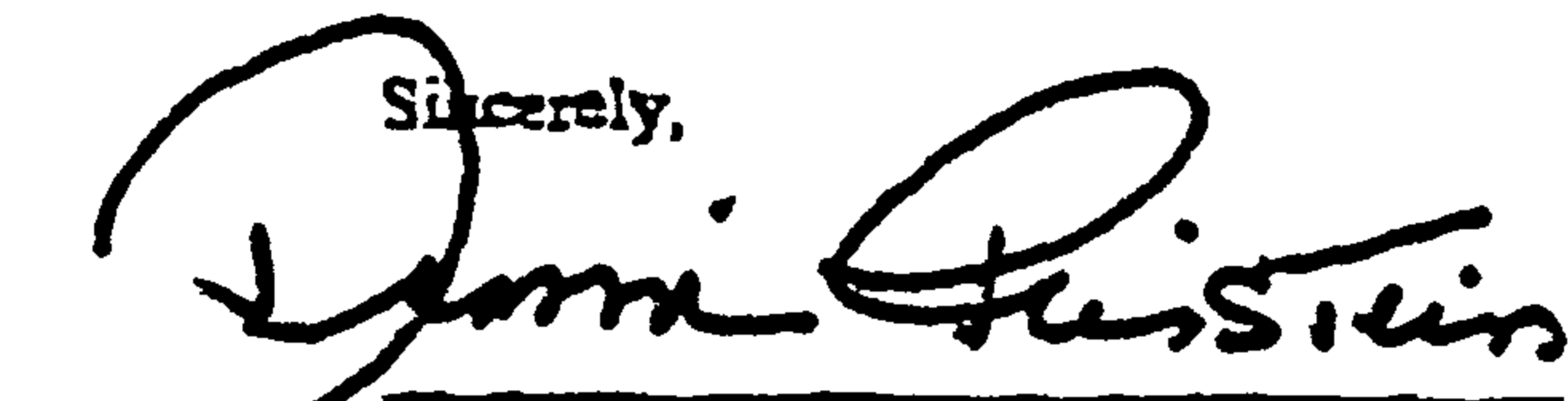
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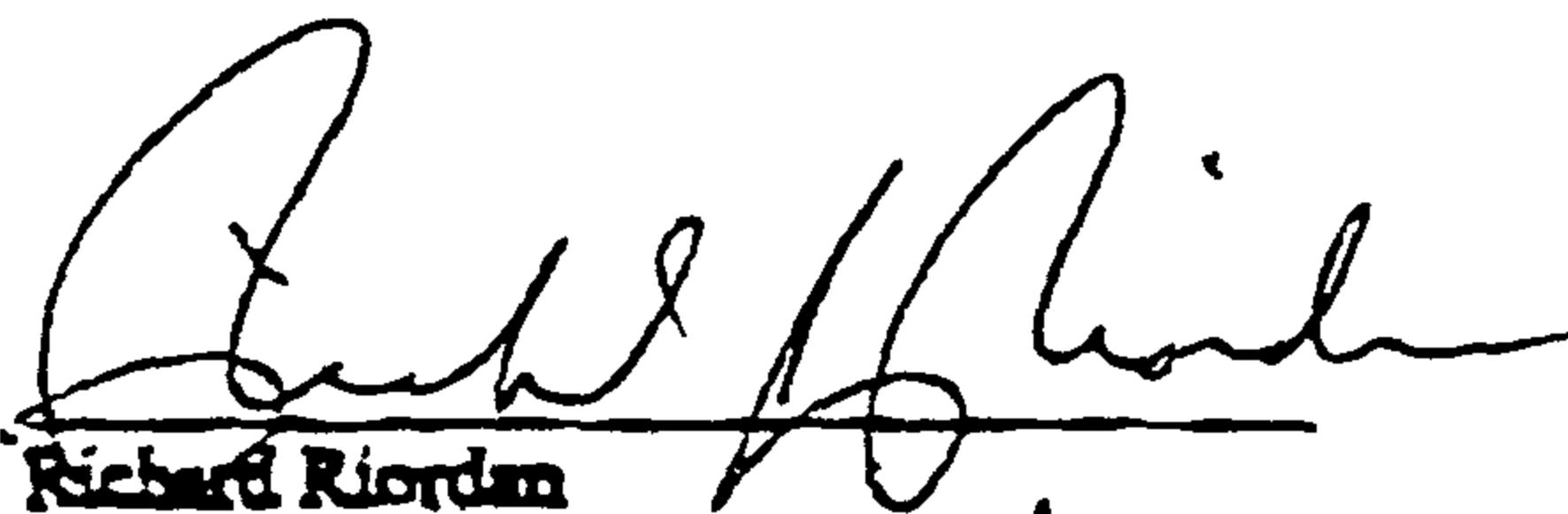
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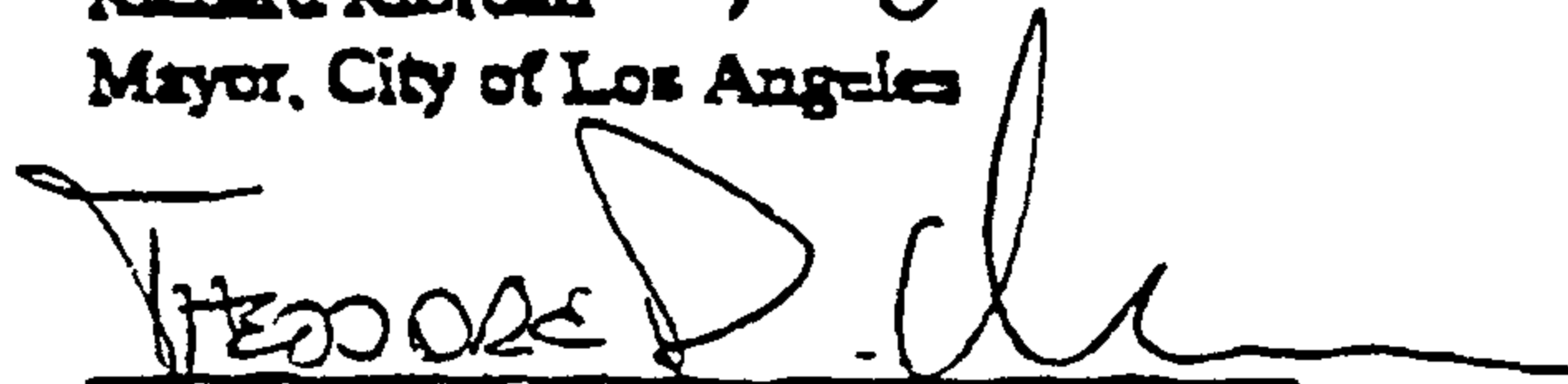
Sincerely,



Dianne Feinstein
United States Senator

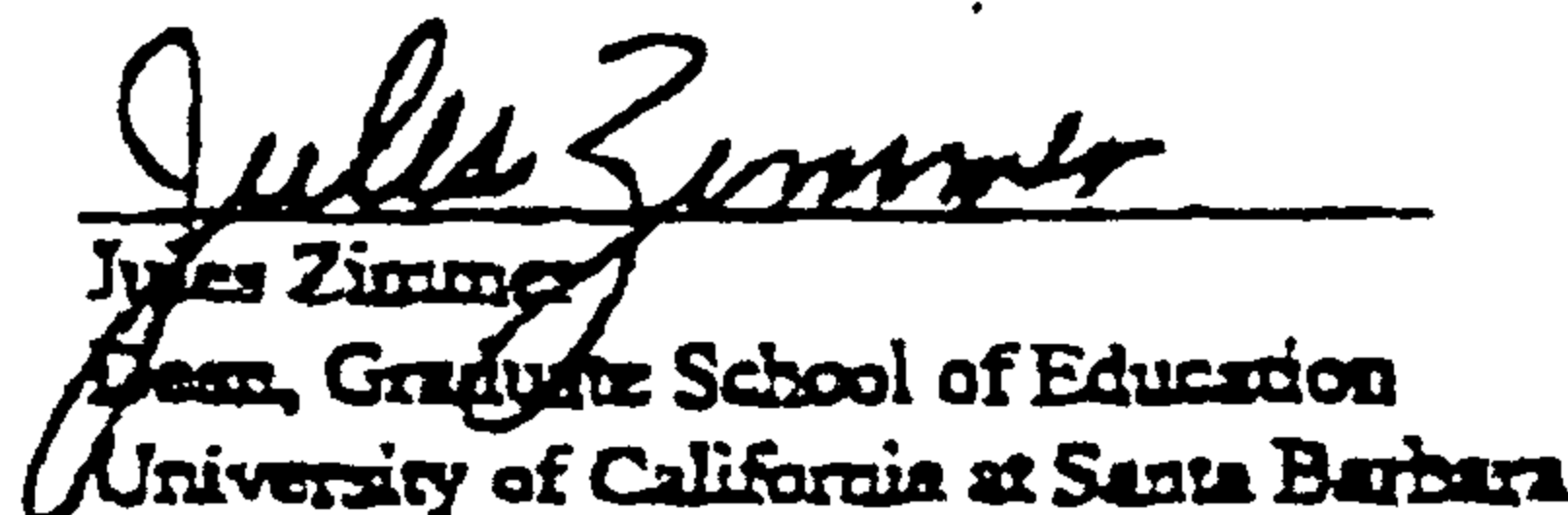


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Partner, Kleiner, Perkins, Caufield & Byers



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January 28, 1998

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JAN 28 1998

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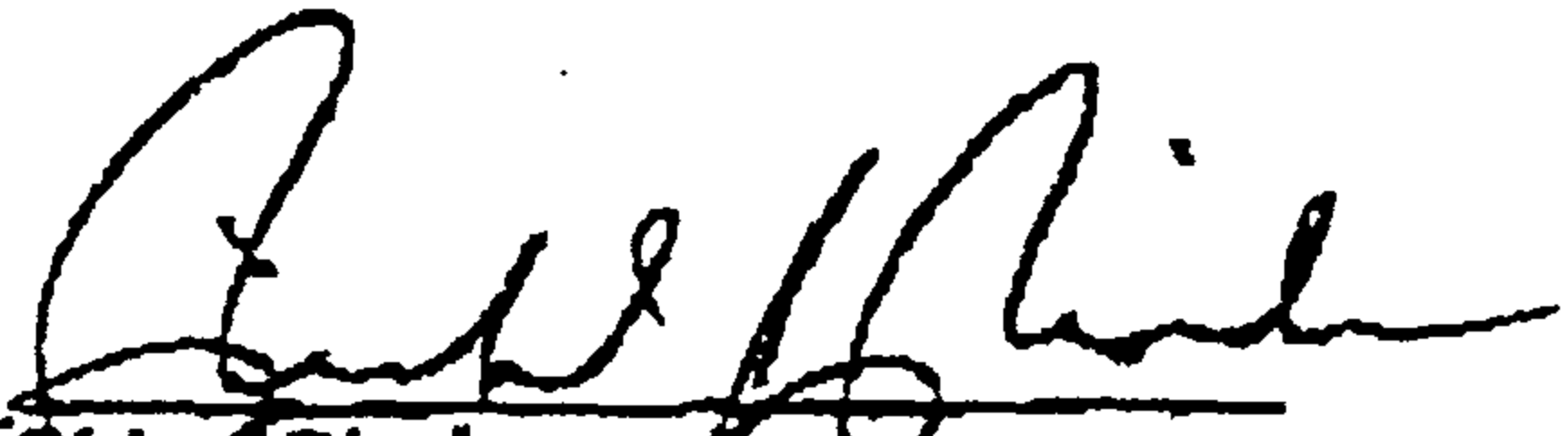
Karen Getman // Rogers, Joseph, O'Donnell & Quinn
311 California Street, 10th Floor
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Phone: 415/956-2828, Fax: 415/956-6457, Email: kgetman@rjoq.com

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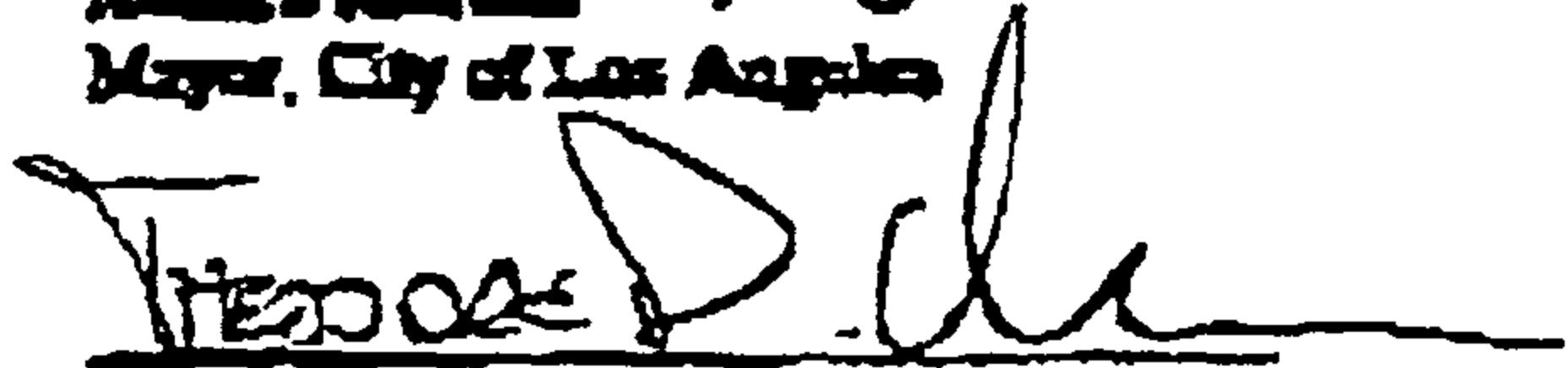
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Partner, Kleiner, Perkins, Caufield & Byers



Richard Riordan
Mayor, City of Los Angeles



Ted Mitchell
Vice Chancellor, UCLA


Julia Zimmer
Dean, Graduate School of Education
University of California at Santa Barbara



INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

SECTION 1. Title.

This act shall be known and may be cited as the **Excellence and Accountability in Education Act of 1998**.

SECTION 2. Purpose and findings.

The People of the State of California find and declare:

(a) Nothing is more important to the future of this State than the education of its children. As California prepares for the 21st Century, we must assure that our public schools improve so today's children are educated properly for tomorrow's jobs.

(b) California's schools face a major crisis: in recent reports our State ranks last in the nation in the percentage of young adults with a high school diploma; our students rank 37th in the nation in SAT scores; our classrooms have the highest student-to-teacher ratio in the nation; nearly half of all students entering the California State University system require remedial work in mathematics or English, or both; and California ranks 41st in the nation in per pupil expenditures on public education.

(c) Every child in California has the right to be taught by a qualified teacher and every parent has the right to expect that their son or daughter will receive a quality education.

(d) Through this Act, the People of California reaffirm the importance of public schooling and their commitment to guaranteeing educational excellence and accountability in the public school system of this State. This Act will improve the quality of education by:

- (1) Setting high achievement levels in every grade for every student;
- (2) Adding reduced class size of no more than 20 students for every teacher in grade four;
- (3) Creating smaller schools so students have closer interaction with teachers;
- (4) Requiring 180 days per year of instruction in core subjects (a net increase of seven days);
- (5) Recruiting new teachers who are adequately trained in the subject they teach;

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- (6) Requiring all students to pass an examination to earn a high school diploma;
- (7) Prohibiting the "social promotion" of students;
- (8) Providing mandatory summer school for students who fail to pass major exams in the 4th, 8th and 12th grades;
- (9) Holding teachers and principals accountable to high standards;
- (10) Lowering voter approval of local school bonds from 2/3 to a simple majority.

WHEREFORE, THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 3. High Achievement Levels for Students.

Article 2.6 (commencing with section 51219) of chapter 2 is added to part 28 of the Education Code, to read:

ARTICLE 2.6. ACHIEVEMENT LEVELS FOR STUDENTS

51219. (a) The State Superintendent of Public Instruction shall propose and the State Board of Education shall amend, if necessary, and adopt a plan to implement no later than September 1, 2000, the following mandatory goals:

- (1) Set minimum achievement levels for K-12 students in the core curriculum. For purposes of this section, "core curriculum" shall mean English (including reading and writing); mathematics; social science (including history); and science.*
- (2) Assess on a yearly basis individual student progress toward meeting those minimum achievement levels. Students in the regular education program who are not meeting those minimum achievement levels in the core curriculum shall be provided, and shall be required to participate in, remedial programs, the content of which shall be determined by the school and school district.*
- (3) Require comprehensive examinations in the 4th, 8th and 12th grades to measure whether the student meets the minimum achievement levels in the core curriculum for that grade. Any student in the regular education program in the 4th, 8th or 12th grade who fails to pass the comprehensive examination required by this section for that grade shall attend a four week summer school or inter-session program or an alternative remedial program designated by the school or school district, at the end of which the student again shall take the comprehensive examination required by this section for that grade level. Any student who, after having completed the required summer school or other remedial program, fails again to pass the comprehensive examination required by this section for the 4th or 8th grade, shall not be*

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promoted to the next grade level. No student shall receive a diploma from a California public high school unless and until he or she successfully passes the comprehensive examination required by this section for the 12th grade.

(b) The Superintendent of Public Instruction may propose and the State Board of Education may review and amend updates or changes to the standards, assessments, and examinations provided for by this section from time to time, and each may propose model plans for the remedial programs provided for herein. The State Board shall consider any amendments, updates, changes or model plans proposed by the Superintendent, and after public hearing and comment, but no later than six months after the date of receipt of the Superintendent's proposal, shall take action to amend, approve or reject the proposal by majority vote. The State Board's rationale for its action shall be set forth fully in writing.

SECTION 4. Annual Report on the Schools.

Section 33126.1 is added to the Education Code, to read:

33126.1. Beginning no later than January 1, 1999, the Superintendent of Public Instruction shall systematically collect and analyze information to prepare an annual report that sets forth, in a clear and easily understandable format, the comparative ranking of each school in the following areas: academic achievement of its students; quality and qualifications of its teaching staff; any other area which, in the discretion of the Superintendent, provides information regarding the quality of the overall instructional program of the school. The Superintendent's report shall be publicized and shall be provided to taxpayers and parents or guardians of students upon request.

SECTION 5. Additional Instructional Time in the Core Curriculum.

(a) Section 46101 is added to the Education Code, to read:

46101. Commencing September 1, 1999, the minimum school year for grades 1 through 12 must include at least 180 days or its equivalent of instruction in the core curriculum. "Core curriculum" means English, including reading and writing; mathematics; social sciences, including history; and science.

(b) Section 46200.1 is added to the Education Code, to read:

46200.1. (a) As used throughout this article, the phrase "180 days of instruction" shall mean 180 days of instruction in the core curriculum, as defined in section 46101.

(b) This section shall become operative no later than September 1, 1999.

(c) Subsection (a) of Section 44670.6 of the Education Code is amended, to read:

—

—

44670.6. (a) Schools may include as part of their school development plan, the provision of time during the regular school year to conduct professional development activities pursuant to a school development plan and shall receive full ~~average daily attendance reimbursement under the provisions of Section 46300. The time shall not exceed eight days each year.~~ *reimbursement therefore for a period not to exceed seven days each year; provided, however, that the professional development time shall be primarily devoted to the development of skills in teaching the core curriculum and shall be in addition to, and not in lieu of, the minimum 180 days of instruction in the core curriculum required for every school in this State. For purposes of this section, "full reimbursement" means an amount equal to the average teacher salary for the prior year divided by 180 and multiplied by the number of certificated employees working at school sites.*

SECTION 6. Expansion of Class Size Reduction.

(a) Subsection (a) of Section 52122 of the Education Code is amended, to read:

52122. (a) Except as otherwise provided by Section 52123, any school district that maintains any kindergarten or any of grades 1 to 3, inclusive, may apply to the Superintendent of Public Instruction for an apportionment to implement a class size reduction program in that school district in kindergarten and any of the grades designated in this chapter. *Any school district that has implemented a class size reduction program pursuant to this section may apply to the Superintendent of Public Instruction for an apportionment to extend the class size reduction program in that school district to grade 4 for any school year commencing on or after July 1, 1999.*

(b) Subsection (i) of Section 52126 of the Education Code is repealed:

~~52122. (i) It is the intent of the Legislature that the total statewide amount computed for the purpose of this chapter pursuant to this section, commencing with the 1997-98 fiscal year, be appropriated to the Superintendent of Public Instruction in the annual Budget Act.~~

(c) Subsection (b) of Section 52124 of the Education Code is amended, to read:

52124. (b) A school district may establish a program to reduce class size in kindergarten and grades 1 to ~~3~~ 4, inclusive, and that program shall be implemented at each schoolsite according to the following priorities:

(1) If only one grade level is reduced at a schoolsite, the grade level shall be grade 1.

(2) If only two grade levels are reduced at a schoolsite, the grade levels shall be grades 1 and 2.

(3) If three grade levels are reduced at a schoolsite, then those grade levels shall be kindergarten and grades 1 and 2 or grades 1 to 3, inclusive. Priority shall be given to the reduction of class sizes in grades 1 and 2 before the class sizes of kindergarten or grade 3 are reduced.



(4) If four grade levels are reduced at a schoolsite, then those grade levels shall be kindergarten and grades 1 to 3, inclusive. First priority shall be given to the reduction of class sizes in grades 1 and 2, second priority shall be given to the reduction of class size in kindergarten and grade 3. ~~This paragraph shall be operative only in those fiscal years for which funds are appropriated expressly for the purposes of this paragraph.~~

(5) *If five grade levels are reduced at a schoolsite, then those grade levels shall be kindergarten and grades 1 to 4, inclusive.*

(d) The Legislature shall fund class size reduction in grade 4 and the source of the funding shall be funds made available by operation of section 11 of this Act.

SECTION 7. Construction of Smaller Schools.

Section 16007.5 is hereby added to the Education Code, to read:

16007.5. It is the intent of the People to construct smaller public schools to foster closer interaction between teachers and students. Effective immediately, no school district shall be allocated state funds for the construction of new school buildings unless the school to be built falls within the following size guidelines:

Elementary schools (K-5): no more than 500 students.

Middle schools (6-8): no more than 750 students.

High schools (9-12): no more than 1500 students.

(b) A proposal may be exempted from the maximum size requirements of subsection (a) if the school district submitting the proposal demonstrates to the satisfaction of the State Allocation Board that the district has in place and will implement a plan to accomplish the goal of developing smaller school communities through other means, such as building a "school within a school" or using alternative school sites.

SECTION 8. Teacher Quality.

(a) Article 4.5 (commencing with section 44500) of chapter 3 is added to part 25 of the Education Code, to read:

ARTICLE 4.5. GOLDEN STATE SENIOR TEACHER PROGRAM

44500. The People recognize that it is in the best interest of the public schoolchildren of this State that excellence in teaching be encouraged, recognized and rewarded. However, all too often excellent teachers leave the classroom because other arenas, including school administration, offer greater financial rewards and career opportunities. It is the intent

of the People that the Golden State Senior Teacher Program encourage excellent, experienced teachers to remain in the classroom and serve as mentors to less experienced teachers, thereby furthering the People's goal of increasing the quality of teaching in the public schools.

44501. (a) The People hereby establish the Golden State Senior Teacher Program. The Superintendent of Public Instruction shall propose, and the State Board of Education shall amend as necessary and adopt, no later than September 1, 2000, rules, regulations and qualifications for the Golden State Senior Teacher Program.

(b) The rules and regulations established under this section shall specify that persons seeking classification as a Golden State Senior Teacher have at least the following qualifications:

(1) A basic teaching credential;

(2) Eight years of classroom teaching experience;

(3) Demonstrated excellence in teaching ability;

(4) A commitment to remain in the classroom at least an additional five years and serve as mentors to other teachers in the school and district.

(c) The rules and regulations established under this section shall specify a pay scale and working year for Golden State Senior Teachers that is no lower than the beginning pay scale and working year for local district administrators in the employing district. Any additional days worked by Golden State Senior Teachers as a result of the change in their working year shall be, whenever possible, in the remedial and summer school programs required by section 51219 of the Education Code.

(d) The rules and regulations established under this section shall specify the number of teachers who shall be eligible to serve as Golden State Senior Teachers and shall propose a plan for ensuring, to the extent possible, the fair allocation of Golden State Senior Teachers throughout the public schools of the State.

(b) The Legislature shall fund the Golden State Senior Teacher program by providing funds for the salary differential between the present salary and the new Senior Teacher salary from revenues made available by section 11 of this Act.

(c) Chapter 3.55 (commencing with section 44765) is added to part 25 of the Education Code, to read:



CHAPTER 3.55. ACHIEVEMENT LEVELS FOR TEACHERS

44765. The Superintendent of Public Instruction shall propose and the State Board of Education shall amend if necessary, and adopt no later than September 1, 2000, a plan to ensure that California public school students are taught only by highly qualified teachers. The plan shall include at least the following:

(a) Establishment of high standards for teacher performance in the classroom;

(b) Creation of three stages of professional development for teachers: a first stage consisting of a two-year internship program during which time the teacher may be terminated at will; a second stage during which time the teacher holds a full certificated staff position in the school; and a third stage consisting of the Golden State Senior Teacher program.

(c) Local implementation of current law on evaluating, assisting, disciplining and terminating under-performing teachers.

(d) Section 44252.1, concerning time limitations on emergency credentials, is added to the Education Code, to read:

44252.1 Notwithstanding any other provision of law, emergency basic teaching credentials issued or renewed pursuant to subdivision (b) of section 44252 and in existence as of September 1, 2000, shall expire no later than September 1, 2003. Commencing on September 1, 2000, no emergency basic teaching credential issued or renewed pursuant to subdivision (b) of section 44252 shall be valid for a period exceeding three years from the date of initial issuance.

(e) Section 44250.1, concerning requirement of teacher credential, is added to the Education Code, to read:

44250.1. Notwithstanding any other provision of law, commencing on September 1, 2005, all teachers in the public school system in California must possess a teaching credential issued by the Commission on Teacher Credentialing.

(f) Section 44258.4, concerning requirement of training in the subject matter taught, is added to the Education Code, to read:

44258.4. Commencing on September 1, 2000, all persons newly hired as public school teachers in grades 7 through 12 shall be adequately trained in the subject matter that they are hired to teach. For purposes of this section, "adequately trained" means any of the following: possessing a college or university degree with a major or minor area of concentration



in the subject matter to be taught; significant work or other experience in the subject matter to be taught; successful completion of a nationally-recognized teacher exam in the subject matter to be taught.

(g) Chapter 3.56 (commencing with section 44765) is added to part 25 of the Education Code, to read:

CHAPTER 3.56. SCHOLARSHIP PROGRAM

44766. The People recognize that the increased growth in the student population of this State, and the importance of high quality education to the future of this State, make it imperative that California attract increasing numbers of talented persons to the teaching profession. It is the People's intent that the Scholarship Program set forth in this article encourage talented persons to enter the teaching profession, thereby increasing the number of qualified teachers in this State.

44767. (a) The People hereby establish the Scholarship Program to fund post-baccalaureate course work used to secure a teaching credential in this State. The State Superintendent of Public Instruction shall propose, and the State Board of Education shall amend as necessary, and adopt no later than June 1, 1999, rules, regulations and qualifications for the Scholarship Program.

(b) The rules and regulations established under this section shall specify that students applying for a Scholarship meet at least the following qualifications:

(1) Have attended an accredited college or university at which they maintained at least a 3.0 grade point average during their undergraduate studies;

(2) Provide the same information and meet the same criteria regarding criminal arrests, pleas and convictions as is required for certificated employees;

(3) Be accepted at an accredited teacher certification program in an accredited college or university;

(4) Commit to teach in the California public schools for a period of not less than five years.

(c) The rules and regulations established under this section shall specify the scholarship amounts that shall be awarded under the Scholarship Program and the conditions for receipt of the scholarship.

(h) The Legislature shall fund the Scholarship Program commencing with the fiscal year beginning July 1, 1999 from revenues made available by operation of section 11 of



this Act. While the amount of funds allocated to the Student Scholarship Program shall depend on the amount of revenue generated by this Act, it is the goal of this Act that the Scholarship Program provide up to \$5,000 in assistance to students who demonstrate financial need, and that the Program recruit at least an additional 5,000 new teachers each year until such time as the Commission on Teacher Credentialing certifies that a lesser number of scholarships will suffice to encourage sufficient numbers of new teachers.

SECTION 9. Majority Vote for School Bonds.

(a) Section 1 of Article XIII A of the California Constitution is amended to read:

SECTION 1. (a) The maximum amount of any ad valorem tax on real property shall not exceed one percent (1%) of the full cash value of such property. The one percent (1%) tax to be collected by the counties and apportioned according to law to the districts within the counties.

(b) The limitation provided for in subdivision (a) shall not apply to ad valorem taxes or special assessments to pay the interest and redemption charges on (1) any indebtedness approved by the voters prior to July 1, 1978, or (2) any bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by the voters voting on the proposition, or (3) *any bonded indebtedness incurred by a school district, county office of education, or community college district for the construction, reconstruction, or rehabilitation of school facilities, including the furnishing and equipping of school facilities, or the acquisition of real property for school facilities, approved by a majority of the voters voting on the proposition on or after the effective date of this subdivision. This paragraph shall apply only if the proposition approved by the voters and resulting in the bonded indebtedness includes all of the following:*

(A) *A requirement that the proceeds from the sale of the bonds shall be used only for capital expenditures, and not for any other purpose, including school operations or administration.*

(B) *A list of the specific school facilities projects to be funded.*

(C) *A provision to establish a citizens' advisory committee to review the expenditure of the funds generated by the sale of the bonds.*

(D) *An annual audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.*

(c) *No ad valorem tax levied pursuant to subdivision (b) shall be deemed a special tax for purposes of this article.*

(b) Section 18 of Article XVI of the California Constitution is amended to read:

SECTION 18. (a) No county, city, town, township, board of education, or school

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district, shall incur any indebtedness or liability, in any manner or for any purpose, exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the qualified electors thereof, voting at an election to be held for that purpose, except that with respect to any such public entity which is authorized to incur indebtedness for public school purposes, any proposition for the incurrence of indebtedness in the form of general obligation bonds for the purpose of repairing, reconstructing, or replacing public school buildings determined, in the manner prescribed by law, to be structurally unsafe for school use, shall be adopted upon the approval of a majority of the qualified electors of the public entity voting on the proposition at such election; nor unless before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof, on or before maturity, which shall not exceed forty years from the time of contracting the same; provided, however, anything to the contrary herein notwithstanding, when two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds or a majority of the qualified electors, as the case may be, voting on any one of such propositions, vote in favor thereof, such proposition shall be deemed adopted.

(b) Notwithstanding subdivision (a), any proposition for the incurrence of indebtedness in the form of general obligation bonds for the construction, reconstruction, or rehabilitation of school facilities, including the furnishing and equipping of school facilities, or the acquisition of real property for school facilities, shall be adopted upon the approval of a majority of the voters of the district or county, as appropriate, voting on the proposition at an election. This subdivision shall apply only to a proposition for the incurrence of indebtedness in the form of general obligation bonds for the purposes specified in this subdivision if the proposition includes all of the following:

(A) A requirement that the proceeds from the sale of the bonds shall be used only for capital expenditures, and not for any other purpose, including school operations or administration.

(B) A list of the specific school facilities projects to be funded.

(C) A provision to establish a citizens' advisory committee to review the expenditure of the funds generated by the sale of the bonds.

(D) An annual audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.

SECTION 10. Improving Technology in the Classroom.

(a) Chapter 16 (commencing with section 53010) is added to part 28 of the Education Code, to read:

CHAPTER 16. CHALLENGE GRANT PROGRAM TO IMPROVE TECHNOLOGY IN THE CLASSROOM



53010. (a) *The State Superintendent of Public Instruction shall propose, and the State Board of Education shall amend as necessary and adopt a plan to implement no later than September 1, 1999, a challenge grant program to increase the utilization of technology in the creation and delivery of high quality curriculum. The challenge grant program shall give preference to the following:*

- (1) schools and school districts with low current use of technology;*
- (2) schools and school districts that demonstrate a long-term and broad partnership with private enterprise in the provision of matching funds, equipment, training or maintenance;*
- (3) schools and school districts whose applications address both the need for computer equipment and the need for planning, training and maintenance; and*
- (4) schools and school districts whose plans aim clearly at increasing student achievement in the core subjects.*

(b) The Legislature shall appropriate annually to the Superintendent at least \$75 million for this program from funds generated by operation of section 30133 of the Revenue and Taxation Code, which shall be allocated to schools and school districts that meet requirements imposed by the Superintendent for the program; provided, however, that schools and school districts applying for the funds shall be required to provide matching funds from other state or private sources as a condition of receiving a grant under this section. The intent of the People is that the annual appropriation referred to in this section be in addition to, and not in lieu of, other appropriations and allocations made in the 1997-1998 fiscal year for school-based technology and technological training.

(b) It is the intent of the People that surplus funds generated by operation of section 11 of this Act that are not needed to fund the programs and policies set forth in this Act shall, prior to the end of each fiscal year, be allocated equally to purchase new textbooks for students and to support technology in the classroom.

SECTION 11. Tobacco Tax.

Article 2.6 (commencing with section 30132) is added to chapter 2 of part 13 of the Revenue and Taxation Code, to read:

ARTICLE 2.6 TOBACCO TAX FOR EDUCATIONAL IMPROVEMENT

30132. The following definitions shall apply for purposes of this article:

(a) "Cigarette" has the same meaning as in section 30003 as that section read on January 1, 1997.

(b) "Tobacco products" includes, but is not limited to, all forms of cigars,

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smoking tobacco, chewing tobacco, snuff, and any other articles or products made of, or containing at least fifty (50) percent, tobacco, but does not include cigarettes.

30133. (a) In addition to the taxes imposed upon the distribution of cigarettes by article 1 (commencing with section 30101) and article 2 (commencing with section 30121) and any other taxes in this chapter, there shall be imposed an additional surtax upon every distributor of cigarettes at the rate of fifty mills (\$0.050) for each cigarette distributed.

(b) In addition to the taxes imposed upon the distribution of tobacco products by article 1 (commencing with section 30101) and article 2 (commencing with section 30121) and any other taxes in this chapter, there shall be imposed an additional tax upon every distributor of tobacco products, based on the wholesale cost of these products, at a tax rate, as determined annually by the State Board of Equalization, which is equivalent to the rate of tax imposed on cigarettes by subdivision (a) of this section.

30134. All moneys raised pursuant to the taxes imposed by section 30133 of this article shall be allocated to that portion of the State School Fund restricted for elementary and high school purposes. Such moneys shall be in addition to and shall not supplant all other funds required to be appropriated to school districts pursuant to Section 8 of Article XVI of the California Constitution. The money raised pursuant to section 30133 shall be appropriated first to fund the programs and policies set forth in the Excellence and Accountability in Education Act of 1998.

SECTION 12. Severability.

If any provision of this Act or its application to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 13. Amendment.

The provisions of this Act may be amended by a statute that becomes effective upon approval by the electorate or by a statute to further the Act's purposes passed by a two-thirds vote of each house of the Legislature and signed by the Governor.

SECTION 14. Relationship to Other Initiatives.

The provisions of this Act are intended to be in addition to and not in conflict with any other initiative measure that may be adopted by the People at the November, 1998 general statewide election, and the provisions of this Act shall be interpreted and construed so as to avoid conflicts with any such measure whenever possible.

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