

1-26-2012

Education. Repeals Non-Discrimination Requirements for School Instruction. Initiative Statute.

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DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

July 10, 2012

County Clerk/Registrar of Voters (CC/ROV) Memorandum #12227

TO: All County Clerks/Registrars of Voters and Proponent

FROM:


Katherine Montgomery

Initiative Program Manager

RE: Initiative: Failure of #1561, Related to Education

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures for the hereinafter named 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. REPEALS NON-DISCRIMINATION
REQUIREMENTS FOR SCHOOL INSTRUCTION.
INITIATIVE STATUTE.

SUMMARY DATE: January 26, 2012

PROPONENT: Louis P. Sheldon



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January 26, 2012

County Clerk/Registrar of Voters (CC/ROV) Memorandum #12042

TO: All County Clerks/Registrars of Voters and Proponent

FROM:


Joanna Southard
Assistant Chief

RE: Initiative: 1561, Related to Education

Pursuant to Elections Code section 9004 (c), we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**EDUCATION. REPEALS NON-DISCRIMINATION
REQUIREMENTS FOR SCHOOL INSTRUCTION. INITIATIVE STATUTE.**

The proponent of the above-named measure is:

Louis P. Sheldon
c/o Paul Rolf Jensen
Jensen & Associates
650 Town Center Drive, 12th Floor
Costa Mesa, CA 92626

(714) 662-5527

**EDUCATION. REPEALS NON-DISCRIMINATION
REQUIREMENTS FOR SCHOOL INSTRUCTION. INITIATIVE STATUTE.**

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 504,760
California Constitution, Article II, Section 8(b)
2. Official Summary Date: Thursday, 01/26/12
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elections Code § 336) Thursday, 01/26/12
 - b. Last day Proponent can circulate and file with the county.
All sections are to be filed at the same time within each
county. (Elections Codes §§ 9014, 9030(a)) Monday, 06/25/12*
 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (Elections Code § 9030(b)) Friday, 07/06/12

(If the Proponent files the petition with the county on a date prior to
06/25/12, 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) (Elections Code § 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 Sunday, 07/15/12**
 - 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
(Elections Code §§ 9030(d)(e)) Friday, 08/24/12

* Date adjusted for official deadline, which falls on a weekend (Elec. Code § 15).

** Date varies based on the date of county receipt.

INITIATIVE #1561
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 07/15/12, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elections Code §§ 9030(d)(e).)

- f. If the signature count is more than 555,236 or less than 479,522 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 479,522 and 555,236 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures (Elections Code § 9030(f)(g); 9031(a))Monday, 09/03/12*
- 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. (Elections Code §§ 9031(b)(c))Wednesday, 10/17/12

(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 09/03/12, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elections Code §§ 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 (Elections Code §§ 9031(d), 9033). ...Sunday, 10/21/12*

*Date varies based on the date of county receipt.

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 § 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal.App.3d 825, 177 Cal.Rptr. 621; 63 Ops.Cal.Atty.Gen. 37 (1980).
- Please refer to Elections Code §§ 100, 101, 104, 9008, 9009, 9013, 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.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- 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.

KAMALA D. HARRIS
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

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Telephone: (916) 445-4752
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E-Mail: Ashley.Johansson@doj.ca.gov

January 26, 2012

The Honorable Debra Bowen
Secretary of State
Office of the Secretary of State
1500 11th Street, 5th Floor
Sacramento, CA 95814

Attention: Ms. Katherine Montgomery
Elections Analyst

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

JAN 26 2012

VIA
E-mail

Debra Bowen, Secretary of State
By 
Deputy Secretary of State

Dear Secretary Bowen:

Pursuant to Elections Code section 9004, you are hereby notified that on this day we sent our title and summary for the following proposed initiative to the proponent:

- 11-0083, "The Bipartisan Initiative to Restore Local School Board Control Act"

A copy of that title and summary and text of the proposed initiative is enclosed. Please contact me if you have questions. Thank you.

Sincerely,

ASHLEY JOHANSSON
Initiative Coordinator

For KAMALA D. HARRIS
Attorney General

cc: Paul Rolf, Jensen, Jensen, & Associates
Louis P. Sheldon, Traditional Values Coalition

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

EDUCATION. REPEALS NON-DISCRIMINATION REQUIREMENTS FOR SCHOOL INSTRUCTION. INITIATIVE STATUTE. Repeals requirement that schools prohibit instructional materials that reflect adversely on persons based on their sexual orientation and other characteristics. Repeals requirement that school instructional materials recognize societal contributions of various groups to the economic, political, and social development of California and the United States. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **This measure would not impose additional costs on school districts.** (11-0083)

Traditional Values Coalition
100 South Anaheim Boulevard, Suite 350
Anaheim, California 92805

22 November 2011

Office of the Attorney General
Attn: Initiative Coordinator
1300 "T" Street
Sacramento, California 95814

RECEIVED

NOV 23 2011

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

RE: Request to Prepare Title and Summary
THE BIPARTISAN INITIATIVE TO RESTORE LOCAL SCHOOL BOARD
CONTROL ACT

Dear Madam Coordinator:

This is to request that the Attorney General prepare a title and summary for The Bipartisan Initiative to Restore Local School Board Control Act, a proposed initiative statute.

Enclosed are the text of the proposed initiative statute, the statement required under Elections Code section 9608, the address at which I am currently registered to vote, and a check payable to the State of California in the amount of \$200.00.

Please direct any inquiries regarding this request to my attorney Paul Rolf Jensen, Jensen & Associates, 650 Town Center Drive, 12th Floor, Costa Mesa, California 92626, phone (714) 662-5527.

Very truly yours



LOUIS P. SHELDON

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

SECTION 1. Title, Findings, and Declaration of Purpose

- A. In 2011, The Legislature of California passed into law Senate Bill 48, on a strictly party-line vote save for a single Republican who voted with the Democrats, which made sweeping and unnecessary changes to California law, wresting from local school boards many important rights and powers essential to local governance and subjecting all California schoolchildren to massive new instructional standards. This same law also requires the herculean task and incalculable expense of re-writing of virtually all textbooks and other curricula acceptable for use in California schools. In signing the bill into law, the Governor, a Democrat, ignored the pleas of hundreds of thousands of Californians that he veto the bill.
- B. The law of California, as it existed prior to Senate Bill 48's passage, had been created on a bi-partisan basis with the intent to maximize control by local school boards of the educational standards and materials to be taught in each respective school district, a laudatory goal. Such sweeping changes as those codified by SB 48 should not have been enacted without broad bi-partisan support throughout the State of California.
- C. For these reasons, and in order to restore to each of California's school districts the control that Senate Bill 48 took away from them, the People of the State of California hereby enact the Bipartisan Initiative to Restore Local School Board Control Act in order to effectively repeal each and every change made by Senate Bill 48.

SECTION 2. The Bipartisan Initiative to Restore Local School Board Control Act

Section 51204.5 of the Education Code, to restore its pre-SB 48 language, is amended to read as follows:

- § 51204.5. Instruction in social sciences shall include the early history of California and a study of the role and contributions of both men and women, *black Americans, American Indians, Mexicans, Asians, Pacific Island people, and other ethnic groups* ~~Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups~~ to the economic, political, and social development of California and the United States of America, with particular emphasis on portraying the role of these groups in contemporary society.

Section 51500 of the Education Code, to restore its pre-SB 48 language, is amended to read as follows:

- § 51500. ~~No~~ *A* teacher shall give instruction *nor shall* and a school district shall not sponsor any activity that promotes a discriminatory bias ~~on the basis of race or~~

~~ethnicity, gender, religion, disability, nationality, sexual orientation~~ or because of a characteristic listed in Section 220.

Section 51501 of the Education Code, to restore its pre-SB 48 language, is amended to read as follows:

§51501. ~~The state board and any governing board shall not adopt any~~ *No* textbooks, or other instructional materials *shall be adopted by the state board or by any governing board* for use in the public schools ~~which that~~ contains any matter reflecting adversely upon persons ~~because on the basis of their race, or ethnicity, gender, religion, disability, nationality, sexual orientation, or because of a characteristic listed in Section 220~~ *sex, color, creed, handicap, national origin or ancestry.*

Section 60040 of the Education Code, to restore its pre-SB 48 language, is amended to read as follows:

§60040. When adopting instructional materials for use in the schools, governing boards shall include ~~only~~ instructional materials which, in their determination, accurately portray the cultural and racial diversity of our society, including:

(a) The contributions of both men and women in all types of roles, including professional, vocational, and executive roles.

(b) The role and contributions of Native Americans, African Americans, Mexican Americans, Asian Americans, ~~Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities,~~ and members of other ethnic and cultural groups to the total development of California and the United States.

(c) The role and contributions of the entrepreneur and labor in the total development of California and the United States.

Section 60044 of the Education Code, to restore its pre-SB 48 language, is amended to read as follows:

§600344. ~~No instructional materials shall be adopted by any~~ *A governing board shall not adopt any instructional materials* for use in the schools ~~that~~ *which*, in its determination, contains:

(a) Any matter reflecting adversely upon persons ~~on the basis of~~ *because of their* race, or ethnicity, gender, religion, disability, nationality, sexual orientation, occupation, or because of a characteristic listed in Section 220, *color, creed, national origin, ancestry, sex, handicap, or occupation.*

(b) Any sectarian or denominational doctrine or propaganda contrary to law.

SECTION 3. Section 6 of Senate Bill 48 which expressed the intent of the Legislature and did not change any statutory language, is expressly retracted.

SECTION 4. The provisions of this Act are severable. If any part of this Act is, by any Court of competent jurisdiction, declared invalid or unconstitutional, that declaration shall not affect the part which remains.