

:: Kids First

A Campaign For A High-Quality Public Education

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November 12, 2021

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Initiative 21-0033 - Amendment Number One

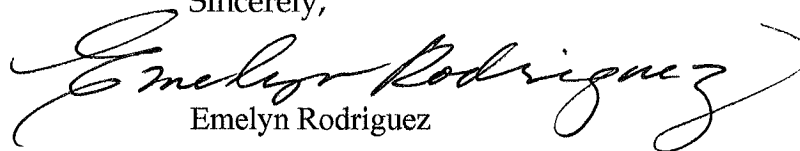
Dear Initiative Coordinator:

Pursuant to subdivision (b) of Section 9002 of the Elections Code, enclosed please find Amendment #1 to Initiative No. 21-0033 "The Constitutional Right to a High-Quality Public Education Act." The amendments are reasonably germane to the theme, purpose or subject of the initiative measure as originally proposed.

I am the proponent of the measure and request that the Attorney General prepare a circulating title and summary of the measure as provided by law, using the amended language.

Thank you for your time and attention processing my request.

Sincerely,


Emelyn Rodriguez

THE CONSTITUTIONAL RIGHT TO A HIGH-QUALITY PUBLIC EDUCATION ACT

Section 1. Title

This measure shall be known and may be cited as the “Constitutional Right to a High-Quality Public Education Act.”

Section 2. Findings and Declarations

The people of the State of California find and declare the following:

- (a) A strong public education system is the foundation of our democracy. High-quality public schools provide a ladder of opportunity for all children in California, offering them the skills necessary to participate fully in the economy, our democracy, and our society. High-quality public schools improve the quality of life for every Californian.
- (b) Unfortunately, according to the National Assessment of Education Progress, even before the 2020-2021 pandemic closed schools serving millions of children, only 34% of California’s 4th graders in public school were reading at grade level. California also has one of the widest achievement gaps in the nation, with only 19% of Latino and 10% of African-American students reading at grade level by the time they reach 8th grade.
- (c) As a result, *less than half* of the Los Angeles Unified School District’s class of 2022 are now on-track to meet the admission requirements to even apply for the University of California or California State University.
- (d) Yet, despite the low quality of California’s public schools, politicians and bureaucrats have persisted in adopting and defending policies that restrict the availability of a high-quality public education for all children. Many of California’s education laws and policies do not put the interests of students first, and instead, for instance: force children to attend low-quality public schools; hinder the retention of high-quality teachers; direct excessive funding to a bloated education bureaucracy rather than investing in high-quality teacher training or class size reduction; undermine accountability for student outcomes; implement curricula that is not developmentally appropriate for children; impose appearance standards that discriminate against students

based on race; redirect funding to the education bureaucracy which had been targeted for students with the greatest needs; and protect abusive school personnel or otherwise undermine school safety.

- (e) The existing California Constitution guarantees only that public education be free. It makes no mention of school quality. Indeed, the largest school district in the State recently cited the California Constitution's silence on school quality to justify its decision to cut 12 million instructional hours for students, with the damage landing hardest on low-income children and children of color. Accordingly, establishing a constitutional right to a high-quality public education to challenge laws and practices that infringe upon that civil right will finally empower public school parents with a seat at the table to advocate for the interests of all students.
- (f) All children deserve the opportunity to reach their full potential, but California's education system and bureaucracy have failed to deliver on the promise of public education for generations of students. To remedy this failure, the California Constitution should be amended to enshrine an inalienable right to a high-quality public education that puts the interests of students first. *All* public-school students would be protected by, and would benefit from, this civil right, regardless of race, ethnicity, gender, sexual orientation, economic status, disability, primary language, neighborhood, or community.

Section 3. Amendment to the California Constitution

Section 5.5 is hereby added to Article IX of the California Constitution to read as follows:

- (a) All public-school students shall have the right to a high-quality public education that provides them with the skills necessary to fully participate in the economy, our democracy, and our society.
- (b) This right to a high-quality public education shall not be denied or infringed by any state or local law, regulation, or policy, or by any official action that affects students generally.
- (c) Any law, regulation, or policy, or any official action affecting students generally, which does not put the interests of students first, shall be deemed to deny this right.
- (d) The remedies to enforce this right to a high-quality education shall be limited to invalidating, or otherwise enjoining, the offending law, regulation, policy, or official

action. The remedies for this right shall not include new mandates for taxes or spending.

- (e) The right to a high-quality public education belongs to all public-school students attending any public pre-school, kindergarten, elementary, or secondary school.
- (f) An action to enforce the right to a high-quality public education may only be brought by a parent or guardian of a public-school student or a nonprofit organization representing public-school students.
- (g) This section shall be self-executing.

Section 4. General Provisions

- (a) Any legislative enactment purporting to interpret the provisions of this act shall not be accorded the presumption of validity.
- (b) The provisions of this act are severable. The people of the State of California declare that any provision of this act that is held to be invalid by any court of competent jurisdiction shall not affect the validity of the remaining provisions of this act.
- (c) In the event that this initiative measure and another ballot measure or measures addressing the constitutional standards for public education shall appear on the same statewide election ballot, the other ballot measure or measures shall be deemed to be in conflict with this measure. If this initiative measure receives a greater number of affirmative votes, this measure's provisions shall prevail in their entirety, and the provisions of the other ballot measure(s) shall be null and void.