

# :: Kids First

## A Campaign For A High-Quality Public Education



October 27, 2022

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Anabel Renteria  
Initiative Coordinator  
Office of the Attorney General  
State of California  
PO Box 994255  
Sacramento, CA 94244-25550

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary for Proposed Initiative

Dear Initiative Coordinator:

With this letter I submit a proposed statewide ballot measure entitled, "The Constitutional Right to a High-Quality Public Education Act," in accordance with Article II of Section 10(d) of the California Constitution. I am the proponent of the measure and a registered voter in the State of California. Please prepare a circulating title and summary of the measure as provided by law.

Enclosed with this letter and text of the proposed measure is a check in the amount of \$2,000 and the affidavits required by the Elections Code.

For purposes of inquiries from the public and the media, please direct them as follows:

Patricia Anne Reilly  
Kids1stCalifornia@gmail.com  
(916) 258-2025

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, 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 (“NAEP”), *even before* the COVID-19 pandemic closed schools, 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 only 10% of African-American 8<sup>th</sup> graders reading at grade level, before their schools were closed. And the first NAEP scores released *after* the school closures confirm that those closures have even further set back students.
- (c) As a result, *less than half* of the Los Angeles Unified School District’s class of 2022 were on-track to meet the admission requirements for even applying to 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 laws, regulations, and policies that undermine the availability of a high-quality public education. Many of California’s education laws and policies do not put the interests of students first. Instead, for instance, they hinder the retention of high-quality teachers, direct excessive funding to a bloated bureaucracy rather than investing in high-quality teacher training or class size reduction, avoid accountability for student outcomes, force children to attend low-quality public schools, implement curricula that is not developmentally appropriate for children, protect abusive school personnel or otherwise undermine school safety, impose appearance standards that discriminate against students based on race, and redirect funding to the education bureaucracy,

which had instead been targeted for students with the greatest needs.

- (e) The existing California Constitution guarantees only that public education be free. It makes no mention of school quality. As a result, the State's largest school district 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. Only the adoption of a constitutional right to a high-quality public education can prevent the enactment and enforcement of laws, regulations, policies, and official actions that infringe upon our children's access to a high-quality education.
- (f) All children deserve the opportunity to reach their full potential. But California's public education system has failed to deliver on the promise of a quality education for generations of students. It is past time to remedy this failure. The California Constitution should be amended to enshrine a fundamental right to a high-quality public education that puts the interests of students first and which will empower public school parents throughout this great State to advocate in the Legislature, in the State bureaucracy, in their school districts for the interests of their students. *All* public-school students would be protected by, and would benefit from, this civil right, regardless of their 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) No state or local law, regulation, policy, or official action shall be adopted or enforced which denies or abridges the right to a high-quality public education.
- (c) Any law, regulation, policy, or official action affecting public education, which does not put the interests of students first, shall be deemed to deny this right.
- (d) Where a law, regulation, policy, or official action that denies or abridges this right is nonetheless adopted, or not repealed or otherwise rescinded following the adoption of this right, the remedies to enforce this right shall be limited to invalidating, or otherwise enjoining the offending law, regulation, policy, or official

action to the extent necessary to remedy the violation. The remedies shall not include new mandates for taxes.

- (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) 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.

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