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Anabel Renteria
Initiative Coordinator
Office of the Attorney General
1300 I Street, 17th Floor
Sacramento, CA 95814

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Initiative No. 23-0018 – 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. 23-0018, the "School Transparency and Partnership Act." The amendments are reasonably germane to the theme, purpose or subject of the initiative measure as originally proposed.

I am one of the proponents 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 this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Zachreson".

Jonathan Zachreson



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Sincerely,

A handwritten signature in black ink that reads "Clare Erin Friday". The signature is written in a cursive, flowing style.

Clare Erin Friday

School Transparency and Partnership Act

Section 1. This measure shall be known as the “School Transparency and Partnership Act.”

Section 2. The people of California find and declare the following:

1. In order for parents or legal guardians to make the best decisions possible with respect to their children, schools must keep parents fully informed about all matters that are important to a parent and the well-being of a student, including the child’s mental health and social and psychological development.
2. Schools’ mental health services are inadequate to diagnose or treat students exhibiting symptoms of gender dysphoria, gender incongruence, issues with gender identity and suicidal ideation. The best way for children to obtain proper and timely treatment is to inform and involve parents who possess the primary authority to investigate, approve and decline possible treatments.
3. The Supreme Court has consistently opined that parental rights are a fundamental liberty interest and has further ruled that the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children.
4. Parents or legal guardians of a student have the legal right to be informed of any psychosocial or psychological testing or treatments that is being conducted or will be conducted by or through the school or its employees or agents. Schools must provide the opportunity for the parents or legal guardians to be involved with the child’s experience at school.

Section 3. It is the intent of the people of California in enacting this measure to:

1. Provide procedures to maintain trust between school districts and parents and legal guardians of students.
2. Bring parents and legal guardians into the decision-making process for mental health and social-emotional issues of their children at the earliest possible time to reduce instances of self-harm.
3. Support communication and positive relationships between schools and parents and legal guardians of students that promote the best outcomes for students’ academic and social-emotional success.
4. Ensure timely notification to parents or legal guardians if their student has requested to be referred to, or to be treated as a gender that differs from the student’s biological sex listed on the student’s birth certificate, student record or other official record.
5. Require consent from parents or legal guardians for social transition accommodations provided to their child at school.

Section 4. Subdivision (b) of Section 49061 of Education Code is amended to read:

(b) “Pupil record” means any item of information directly related to an identifiable pupil, other than directory information, that is maintained by a school district or required to be maintained by an employee in the performance of his or her duties whether recorded by handwriting, print, tapes, film, microfilm, or other means. *“Pupil record” includes the pupil’s name, including the legal name of the pupil and any other names, and the gender used to refer to and treat a pupil by schools, teachers, administrators, certified staff, school counselors, employees or other agents of the school.*

Section 5. Section 51101.5 of the Education Code is added to read:

(a) Notwithstanding any other law, a school shall notify parents and legal guardians as soon as practicable, but preferably within three days, from the date a pupil, or any person acting on behalf of a pupil if not the parents or legal guardians, requests that the school treat the pupil as a gender that differs from the pupil’s gender in the pupil’s record as submitted by the parents or legal guardians or per government issued documentation.

(b) A request that a school treat a pupil as a gender that differs from the pupil's record includes a request to:

(1) Address the pupil by a name that differs from the pupil's legal name for the purpose of the pupil identifying as a gender different from the pupil's record.

(2) Address the pupil with pronouns for a gender that does not correspond to the pupil's record.

(3) Participate in sex-segregated school programs and activities, including athletic teams and competitions, or using facilities for a gender that does not correspond to the pupil's record.

(4) Receive accommodations at school-related activities, including field trips, excursions or school camp programs, for a gender that does not correspond with the pupil's record.

(5) Have access to any type of body-modification clothing or materials, including breast binders or compression garments, tape, cosmetics or any other body or appearance-altering materials for the purpose of appearing as a gender different from the pupil's record.

(c) Nothing in this section affects confidentiality between a school counselor and a pupil as provided in Section 49602 of the Education Code, Section 6924 of the Family Code, and Section 124260 of the Health and Safety Code, as applicable.

(d) Notwithstanding any other law, the school shall obtain explicit advance written approval from the parents or legal guardians of the pupil before the school, teachers, administrators, certified staff, school counselors, employees or agents of the school, including health centers on school sites or in contract with the school provide any of the accommodations in Subdivision (b) of this section.

(e) This section is inapplicable to pupils aged 18 years and older.

Section 6. General provisions.

1. This act shall not be amended by the Legislature except by a statute that furthers the purposes, intent, findings, and declarations of the act and is passed by each house of the Legislature by roll call vote entered into the journal, seven-eighths of the membership concurring, or by a statute that becomes effective only when approved by the voters.

2. If any provision of this act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected but shall remain in full force and effect. To this end, the provisions of this measure are severable.

3. The Legislature is instructed to resolve any provision of law in conflict with the intent of this act.

4. In the event that this measure and another measure related to the intent of this act shall appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to conflict with this measure. In the event that this measure receives a greater number of affirmative votes than a measure deemed to conflict with it, the provisions of this measure shall prevail in their entirety, and the other measure or measures shall be null and void.

5. If this measure is approved by voters but superseded by law by any conflicting measure approved by the voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force and effect.

6. The Attorney General shall defend against any action challenging, in whole or in part, the validity of this act, and is prohibited from challenging in whole or in part, the validity of this act. Where the Governor and Attorney General have declined to defend the validity of the act, the official proponent(s) are also authorized to act on the state's behalf in asserting the state's interest in the validity of the act and shall be reimbursed from the State of California for the purposes of defending this act.

7. The official proponent(s) of the act have an unconditional right to participate, either as interveners or real parties in interest, in any action affecting the validity or interpretation of the act.

8. Nothing in this section precludes other public officials from asserting the state's interest in the validity of the act.