

SA2003RF0046

September 30, 2003

Initiatives Coordinator
CALIFORNIA ATTORNEY GENERAL
1300 I Street
Sacramento, California 95814

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OCT 03 2003

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

RE : Equal Opportunity in Education Initiative

Dear Gentlepersons:

Please find enclosed a check for \$200.00 as required pursuant to *California Government Code* § 9004 and the language of a proposed initiative to appear on the November 2004 General Election Ballot should it be qualified by then.

Pursuant to *California Government Code* §§ 9002, et seq., you are hereby requested to prepare a title and summary for this initiative so that we may begin the circulation process. Please advise once the title and summary are prepared.

Should you have any other questions or concerns, please do not hesitate to contact the undersigned, counsel for the proponents herein.

Most Respectfully Yours:

LIVELY, ACKERMAN & CODY

RICHARD D. ACKERMAN, ESQ.,
Attorneys for Proponents/Authors,
CHILDREN FIRST.

CC : Client, LAC Sacramento Office.

SA2003RF0046

October 3, 2003

Ms. Knight (Initiatives)
Attorney General's Office
1300 I Street
Sacramento, CA

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

RE : Equal Opportunity in Education Initiative

I Richard D. Ackerman acknowledge that it is a misdemeanor under state law (*California Elections Code* § 18650) to knowingly or willfully allow the signatures on an initiative to be used for any other purpose than the qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for the initiative to be used for any purpose other than qualification of the measure for the ballot.

Executed this 3rd Day of October in the Year of Our Lord 2003, in the City of Temecula, County of Riverside, State of California.

RICHARD D. ACKERMAN, Proponent/Co-Author

**STATE OF CALIFORNIA
EQUAL OPPORTUNITY IN EDUCATION INITIATIVE**

This initiative measure is submitted to the People of the State of California in accordance with the provisions of Article II, Section 8, of the California Constitution.

PROPOSED LAW

This measure shall be commonly known as “The California Equal Opportunity in Education Initiative” and shall constitute an amendment to the California Constitution, Article IX, by adding Sections 17 through 17.6, as proposed herein.

FINDINGS AND DECLARATIONS

California Constitution, Article IX, Section 17

The California Constitution, Article IX, shall hereby be amended to include Section 17, as follows:

Section 17

The People of the State of California find and declare as follows:

- a.) Whereas, the State of California has declared education to be a priority of the state; and,
- b.) Whereas, the State of California is constitutionally required to provide a free and equal educational opportunity to all students; and,
- c.) Whereas, parents have a constitutional right to direct and control the moral and intellectual upbringing of their children; and,
- d.) Whereas, for lack of educational choice, many California parents have been forced to send their children to failing or mediocre, and overcrowded public schools; and,

- e.) Whereas, the California Department of Education has continually underperformed in its designated duty to provide a high quality and equal education to California's children; and,
- f.) Whereas, California's K-12 public education system would benefit from a competitive spirit similar to public colleges and universities, thereby driving the K-12 school system to a higher quality and broader range of choices for parents and their children; and,
- g.) Whereas, California's colleges, community colleges, and universities are world renowned due to their responsiveness to the rigors of consumer market competition, resulting in exceptional variety and quality of academic programs; and,
- h.) Whereas, the California Department of Consumer Affairs has an established and successful history of licensing schools and colleges, and has prevented fraud, corruption, and other illegal activities; and,
- i.) Whereas, California law allows for schools to be established and managed outside of the exclusive control of the California Department of Education.

THEREFORE be it resolved that the State of California, Department of Consumer Affairs, is instructed to license kindergarten through twelfth grade schools in California called Free Choice Schools. The Free Choice Schools program is to be designed in such a manner as to promote parents' authority and choice in the education of their children. Free Choice Schools shall be funded in the same amounts provided for California's public schools.

For purposes of this constitutional amendment, the Department of Consumer Affairs shall, effective January 1, 2005, be deemed an "officer of the public schools" within the meaning of Article IX, Section 8, of the California Constitution.

NON-DISCRIMINATION BY STATE OF CALIFORNIA