

*The California Constitution, Article IX, shall hereby be amended to include Section 17.1, as follows:*

**Section 17.1**

A Free Choice School may not operate in violation of Article IX, Section 8, of the California Constitution by using public funding for sectarian or denominational purposes prohibited thereby.

(a) Any Free Choice School operating under this Act shall abide by any and all nondiscrimination laws of the State of California or the United States.

(b) The Department of Consumer Affairs, or any other agency of the State of California, shall not discriminate against the formation, existence of, funding of, or continued operation of a Free Choice School on the basis of the school founders' race, ethnicity, religion, ancestry, marital/domestic status, or national origin of any person or entity maintaining ownership, control, employment with, or management of any institution created as a result of this Act.

(c) California Constitution, Article IX, Section 8, is not rendered void or ineffective by enactment of this particular constitutional provision.

(d) It is the intention of the People that Free Choice Schools be given the freedom to develop curricula, scheduling, methodologies, and delivery of educational services which are consistent with the diversity of California's population.

(e) No parent shall be compelled by this Act to enroll his/her child in a Free Choice School.

**ROLE OF THE DEPARTMENT OF CONSUMER AFFAIRS**

*The California Constitution, Article IX, shall hereby be amended to include Section 17.2, as follows:*

**Section 17.2**

(a) The State of California, Department of Consumer Affairs, shall adopt a regulatory program designed to ensure that licensees, engaged in providing kindergarten through 12<sup>th</sup> grade education as a Free Choice School, abide by the same standards applicable to other kindergarten through 12<sup>th</sup> grade institutions currently licensed by the Department of Consumer Affairs.

After licensing and the first quarter of a Free Choice School's operation, the school shall make available the following:

- (1) Truthful and accurate information concerning the background qualifications of any and all staff employed by the institution;
- (2) Regularly scheduled academic performance testing, reviews, and reports;
- (3) Adequate liability insurance and other commercially practicable measures to protect children attending such schools from the ordinary risks associated with attendance at an academic institution;
- (4) A free education as guaranteed by the California Constitution, Article IX, Section 5. No tuition charge, school fee, or other unlawful financial assessment shall be charged by a Free Choice School to any parent or child enrolled at a Free Choice School authorized to operate pursuant to this Act.

### **FUNDING FOR CALIFORNIA FREE CHOICE ACADEMIC INSTITUTIONS**

*The California Constitution, Article IX, shall hereby be amended to include Section 17.3, as follows:*

#### Section 17.3

(a) The California State Controller shall provide funding for each student of a Free Choice School in an amount equal to the State of California per student expenditures, as annually calculated,

reported, and indexed by EdSource, Inc. In the event that EdSource, Inc., is not able to provide index data, then the State Controller's office shall calculate, by way of an independent audit conducted by a private certified public accounting firm, the annual per student expenditures by the State of California.

(b) Unless otherwise restricted by federal law, Free Choice Schools shall be entitled to apply for and receive, where qualified, general and supplemental public education funding made available to any and all other publicly funded schools in the State of California, including, but not limited to, public schools, charter schools, and private institutions responsible for providing public education services to California's disadvantaged and special needs children.

(c) Each parent or guardian of a student enrolled in a Free Choice School shall certify enrollment of his/her child in said school under penalty of perjury. No child shall enroll, or continue to be enrolled, in more than one school at a time.

(d) Each Free Choice School shall collect and compile enrollment data biweekly and shall report total school enrollment quarterly (beginning with the quarter ending March 31, 2005) to the office of the State Controller. Each quarterly report shall be submitted within ten calendar days following the end of each calendar quarter.

(e) Based upon receipt of the quarterly total school enrollment data provided pursuant to Subsection (d) above, the State Controller shall release per student funding, within thirty calendar days, in an amount equal to one-fourth of the per student expenditure amount referenced in Subsection (a) above. Total school enrollment funding shall be distributed directly to the Free Choice School.

(f) Any Free Choice School licensed pursuant to this Act shall be subject to the

California Public Records Act (*California Government Code* § 6550, et seq.) in the same scope and manner as any existing California public school.

### **SEVERABILITY**

*The California Constitution, Article IX, shall hereby be amended to include Section 17.4, as follows:*

#### **Section 17.4**

If any part or parts of this statute are found to be in conflict with federal law, the United States Constitution or the California Constitution, the statute shall be implemented to the maximum extent that federal law, and the constitutions of the United States and California permit. Any provision held invalid shall be severed from the remaining portions of this statute.

### **OPERATIVE DATE**

*The California Constitution, Article IX, shall hereby be amended to include Section 17.5, as follows:*

#### **Section 17.5**

- (a) This initiative shall become operative beginning January 1, 2005.
- (b) The provisions of this Act may only be amended by a statute that becomes effective upon approval by the electorate or in accordance with the same legal requirements necessary for a proposed amendment by the Legislature to the California Constitution.

### **INTERPRETATION**

*The California Constitution, Article IX, shall hereby be amended to include Section 17.6, as follows:*

**Section 17.6**

(a) The provisions of this Act shall not be interpreted in any way that interferes with the right of a parent to determine the social, intellectual and academic upbringing of his or her child.

(b) This Act shall be deemed to contain the governing intent of its enactment and intended enforcement.

( c ) Pursuant to Article IX, Section 1, of the California Constitution, this Act shall be deemed to provide a “suitable means” of promoting the “intellectual, scientific, moral, and agricultural” improvement of the State of California.

(d) The State Superintendent of Public Instruction shall not interfere with the provision of educational services allowed by this act in any manner that contravenes the express intent of this Act.

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**Proponents & Authors:**

Children First, An Unincorporated Association of Parents and Concerned Californians.