

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following title and summary of the chief purposes and points of the proposed measure:

ELIMINATION OF PUBLIC SCHOOLS AND FUNDING, VOUCHER SYSTEM. INITIATIVE CONSTITUTIONAL AMENDMENT. Amends Constitution to eliminate public education for grades K-12. Prohibits State from operating or regulating K-12 or technical schools and providing instructional materials. Establishes Educational Performance Fund to provide redeemable vouchers for educational expenses. Eliminates public educational funding after 20 years. Requires testing of students to determine performance levels. Requires Legislature to encourage formation of open-enrollment schools and provide legislation for low cost teacher housing/training facilities. Automatically qualifies credentialed teachers as licensed child care providers who may receive assignments of vouchers. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Sales of public schools could generate one-time revenues potentially exceeding \$100 billion. Measure could also result in annual long-term savings approaching \$100 billion for elimination of public support of K-12 education; capital outlay savings to state and local governments of as much as \$1 billion annually; and potential loss of federal funds in the billions of dollars annually.

I, the undersigned Petitioner/Circulator, a registered, qualified voter of California, hereby propose amendments to the Constitution of California and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to the general election or otherwise provided by law. The proposed constitutional amendments read as follows:

I. ARTICLE IX, SECTIONS 1-8 AND 10-16 ARE REPEALED AND REPLACED BY THE FOLLOWING:
 Sec. 1. INTENT OF THE PEOPLE
 a. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage, by the means provided for in this Article, the promotion of intellectual, scientific, moral and agricultural improvement.
 b. The Principles of Subsidiarity and Accountability being the essence of this Article, it is the will of the people that the Legislature shall enact no laws restricting how, where, why or when the education of the people occurs, and, unless otherwise provided for in this Article, all monies expended by the State or any of its agencies for the education of the people shall be allocated in the form of Performance Payments made directly to the student, parent, legal guardian or their assignees, for subject-related performance.
 c. Full implementation of this Article as Amended, including removal of statutes and Code sections made obsolete by its passage, shall be completed within five years after passage.
 d. With an ultimate goal of promoting self sufficiency in families, the Legislature shall provide that initial year funding for this Amendment shall be reduced in equal increments over the following 20 years, at which time all funding will cease.
 e. Concurrent with the funding reductions in subsection (d) above, the Legislature shall reduce the sales tax and the Gann Expenditure Limit as embodied in Article XIIIb.
 f. Nothing in this section shall affect the provisions of Article XIII.
 Sec. 2 EDUCATIONAL PERFORMANCE FUND
 An Educational Performance Fund is hereby created, to be funded and administered as provided in this Article.
 Sec.3. ADMINISTRATION
 The Legislature shall establish from within the Department of Education, a successor thereto to be known as the Department of Educational Accountability hereinafter referred to as the Department. The Superintendent of Public Instruction shall assume the position of Director of the Department. The Department shall:
 a. establish an Educational Performance Payment Schedule for subject and grade related performance improvements for grades K-12, with Basics accounting for at least 70% of payments.
 b. provide initial determinations of subject and grade related performance for all students between the ages of 5 and 21 years, which determinations shall in no instance exceed the age-related grade level which, absent testing, is presumed.
 c. issue Educational Performance Fund Certificates, hereinafter referred to as Certificates, annually beginning June 30, next, for students between the ages of 5 and 21 years. Redeemable value shall not exceed \$4,000 per student per annum. Unredeemed Certificates retain their value until the student reaches age 25.

d. provide for biannual, objective testing by an outside agency or agencies, of all students, at the request of the student or their legal guardian, and maintaining records of student performance.
 e. disburse and record payments from the Educational Performance Fund for Certificates presented, in amounts dictated by student attainments applied in accordance with provisions of this section. Redeemed Certificates shall be returned to the student as a permanent record of attainments.
 f. payments for students not previously enrolled in Public Schools in any of the preceding two years prior to passage of this Amendment may be Legislatively deferred, with payment in full to be made no later than four years after passage of this Amendment.
 Sec.4 TESTING
 a. For the purpose of determining performance, the Department, on June 30 next, and annually thereafter, shall specify from norm-referenced tests in use, those five tests most frequently used nationally in the preceding twelve month period.
 b. The Department may additionally provide for local test variations.
 c. Provision shall be made on Certificates for selection from the above tests, by the student or their legal guardian, that to be used in testing each student. Once made, such selection may be used for the entire lifetime of the Certificate.
 d. Acceptance into any accredited 4-year institution of higher education shall evidence the attainment of all K-12 skills. Outstanding Certificates for students attaining such acceptance are thereby rendered redeemable.
 Sec. 5 RESOURCES UTILIZATION
 a. The Legislature shall provide for a phaseout of public schools by disposition of the publicly-owned educational properties in this State, with monies accruing therefrom being first applied to reduce bonded indebtedness, and then applied to funding of the Educational Performance Fund; effective upon passage of this Amendment. Disposition shall be accomplished in not more than five annual increments, with Charter Schools in the State a preferred element of the first increment.
 b. To facilitate a continuity of educational experiences and accreditation's, the Legislature shall encourage participation by corporations, teachers, and other organizations in the formation and operation of open-enrollment schools from existing government institutions. Loans from the Educational Performance Fund secured by Certificate assignments totaling not more than \$4,000 for any one student may be made to such open-enrollment schools. Regulation of these schools shall be no more restrictive than that imposed on Charter Schools as codified on 1 January, 2000.
 c. The Legislature shall redefine the structure and powers of the School Districts to carry out the provisions of this Article, and shall supplement Certificate funding to maintain the fiscal year 2000 per pupil funding during public school phaseout.
 d. The Legislature shall provide Legislation facilitating the inclusion of low cost teacher housing/training complexes on educational properties.
 e. The Legislature shall provide for Federal education resources, originating from assets of the citizens of California, to be recaptured at the state level for inclusion in the Fund.

Sec. 5.1 CREDENTIALLED TEACHERS AND LICENSED CHILD CARE PROVIDERS
 a. Teachers holding credentials to teach in the Public School System on Jan. 1, 1970 or thereafter shall automatically qualify as licensed child care providers as defined in statutes in effect on Jan 1, 2000.
 b. Licensed Child Care providers who receive assignments of Certificates issued under this Article shall have no additional regulations or requirements imposed upon them or their facilities.
 5.2 CHARITABLE TAX DEDUCTIONS
 To encourage the ultimate goal of self sufficiency in families, and reduce transitional and administrative costs:
 a. the Legislature shall provide for Income Tax deductions for families which donate unredeemed Certificates, at full redemption value, back into the Educational Performance Fund.
 b. the Legislature shall solicit provision of similar Federal Income Tax deductions.
 Sec. 6. EXPENDITURE INDEXING
 For the purpose of this Article, all dollars are in June 30, 2000 values, adjusted for inflation by the Consumer Price Index of the U.S. Department of Labor or successor agency.
 Sec. 7. PROHIBITIONS UPON THE STATE
 a. Neither the State nor any of its creations shall engage in the operation or regulation of primary, secondary or technical schools.
 b. Excepting 5c above, nothing in sections 1-6 of this article shall be interpreted as empowering the State to regulate the providers of educational experiences.
 c. The State shall not engage in the specification, preparation, production or distribution of textbooks or other instructional materials.
 Sec. 8. EXPENDITURE LIMIT
 a. Annual expenditures for administration of the Department of Educational Accountability shall not exceed \$200 times the total projected number of Certificates issued annually in accordance with section 3c of this Article.
 Sec. 14. COMMUNITY COLLEGES
 The Legislature shall have power, by general law, to provide for the incorporation, organization and funding of community college districts.
 Sec. 18. SEVERABILITY
 If any section, part, clause or phrase hereof is held to be invalid or unconstitutional for any reason, the remaining sections shall not be affected but will remain in full force and effect.
 II. All references in this Constitution to "Superintendent of Public Instruction" shall be replaced by "Director of the Department of Educational Accountability".
 III. ARTICLE XVI, SECTIONS 8 AND 8.5 ARE REPEALED AND REPLACED BY THE FOLLOWING:
 Sec. 8. The Educational Performance Fund and the Department of Educational Accountability shall be supported first by sales tax revenues, then by revenues determined by the Legislature.
 IV. THIS AMENDMENT SHALL BE EFFECTED BEGINNING JUNE 30, NEXT, UNLESS OTHERWISE PROVIDED FOR HEREIN.

As both circulator of this document, and petitioner, and a resident of _____ County, I declare under penalty of perjury under the laws of the State of California, that the information on this petition, which I personally entered in my own hand, is true and correct. Executed on: MM/DD/2000, at Place of signing

1 Print Your Name: _____	Residence Address ONLY: _____
Sign As Registered To Vote: _____	City: _____ Zip: _____

Mail the signed petition to PAVE2000, 243 Ferndale Way, Emerald Hills, CA 94062-3905