

August 28, 2009

Office of the Attorney General
ATTN: Initiative Coordinator
1300 I Street
Sacramento, California 95814

09 - 0030
RECEIVED
SEP 08 2009
INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Ladies and Gentlemen

Here is a draft of our proposed initiative statute allowing for Christmas music in the public schools. Mark Terry of the California Legislative Counsel wrote the draft.

I am requesting that a title and summary of the chief purpose and points of the proposed initiative measure be prepared by your office. Please find a money order for \$200.00 enclosed.

I, Merry Hyatt, am a proponent for this measure. Since, there are many signatures to get I have asked my brother, David Joseph Hyatt, to also be a proponent. His address is _____
_____ He is registered in Shasta County.

I have moved to Redding but I will keep my registration in Riverside County.

Yours Truly,

Ms. Merry Susan Hyatt

08/25/09 04:19 PM
RN 09 11257 PAGE 1

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

12-point
Boldface
Type

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

(Here set forth the title and summary prepared by the Attorney General. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

Type: Roman
Boldface not
smaller than
12-point

We, the undersigned, registered, qualified voters of California, residents of _____ County (or City and County), hereby propose amendments to the Education Code, relating to public schools, 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 that general election or otherwise provided by law. The proposed statutory amendments (full title and text of measure) read as follows:

SECTION 1. Article 1.5 (commencing with Section 52710) is added to Chapter 11 of Part 28 of Division 4 of Title 2 of the Education Code, to read:

Article 1.5. Freedom to Present Christmas Music in Public School Classrooms or
Assemblies

52710. The people of California find and declare both of the following:

(a) Listening to, or performing, Christmas music during the holiday season is a longstanding American tradition and a significant element of our cultural heritage as Americans.

(b) The parents and guardians of public school children should have the right to decide whether or not their children may hear Christmas music in the classrooms and assemblies at those schools.

52711. As used in this article, "Christmas music" includes, but is not necessarily limited to, carols, songs, and instrumental works whose subject matter relates to the celebration of the Christmas holiday or to the season during which that holiday is observed.

52712. (a) Each public elementary and secondary school shall provide opportunities to its pupils for listening to or performing Christmas music at an appropriate time of year. The appreciation or performance of the Christmas music may be incorporated into the subject matter of an arts or social studies class, presented for cultural enrichment during a school assembly, or both.

(b) Each public elementary and secondary school shall provide the parent or guardian of a pupil with written notice of the presentation or performance of Christmas music in a classroom or assembly at least 21 calendar days before that pupil would be required to be present for the presentation or performance of the Christmas music. The written notice provided to the parent or guardian shall include a tear-off slip or other method for the parent or guardian to inform the school if he or she chooses that the pupil not be present for the presentation or performance of the Christmas music.

(c) A pupil who is not present for the appreciation or performance of Christmas music pursuant to the expressed choice of his or her parent or guardian shall be provided with an appropriate alternative to the arts or social studies subject matter served by the Christmas music in the classroom or the cultural enrichment served by the Christmas music in a school assembly.

52713. (a) Notwithstanding the Tort Claims Act or any other provision of law, this article may be enforced by a civil action brought in superior court by any of the following:

(1) A parent or guardian of an affected public school pupil either on his or her own behalf or on behalf of that pupil.

(2) An adult resident of an affected school district.

(3) The governing board of an affected school district.

(b) The superior court may issue an injunction, or award money damages or attorney's fees, or may order any or all of these remedies, as it finds appropriate in handling a civil action brought under this section.