

October 28, 2008

Krystal Paris, Initiative Coordinator
Office of the Honorable Edmund G. Brown, Jr.
Attorney General, State of California
1300 I Street
Sacramento, CA 95814

RECEIVED

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**INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE**

Re: Request for Preparation of a Title and Summary—Initiative Constitutional Amendment

Dear Ms. Paris:

This letter is to request that the Attorney General prepare a title and summary of the enclosed proposed initiative measure, provisionally entitled "Local Control of Local Classrooms Act." We have enclosed a draft of this proposed initiative measure, as well as our suggested summary text.

In accordance with Elections Code Section 9004, enclosed is a check payable to the State of California in the amount of \$200.00.

Please also find enclosed the statements of each of the undersigned proponents as required by Elections Code Section 9608, together with the voter registration address and other information for each proponent.

For any inquiries regarding this proposed measure, please contact Connell Lindh, Executive Director, Californians for Improved School Funding:

telephone: (800) 915-4768
email: campaign@improveschoolfunding.com
website: <http://www.improveschoolfunding.com>

Very truly yours,

The undersigned Proponents of this measure (this letter may be signed in counterparts),

<u>Name</u>	<u>Signature</u>
Connell Lindh	_____
Donald S. Gibson	_____
John M. Hartenstein	_____
Mark Anthony Olbert	
John Bradford Senden	

PROPOSED LAW

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

This initiative measure amends provisions of the California Constitution. Existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

LOCAL CONTROL OF LOCAL CLASSROOMS FUNDING ACT

SECTION ONE. TITLE

This act shall be known as the "Local Control of Local Classrooms Funding Act."

SECTION TWO. FINDINGS AND DECLARATIONS

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

Investing in education is crucial if we are to prepare our children and young adults for the 21st Century.

Local schools and community colleges are committed to attracting and retaining the very best teachers and faculty, and delivering excellence to all students, including students who attend public charter schools.

Perpetual California State budget problems threaten successful educational programs in local communities across the State with an increasingly uncertain fiscal future.

Local communities throughout California must have the means to ensure that their local school and community college districts can adequately fund the aspirations they hold for their children and college students and to maintain quality academic programs, including basic skills like reading and math, science, computers and technology, arts and music, foreign language, athletics and extra-curricular programs.

Local voters and taxpayers and their schools cannot be held hostage to legislative stalemate and the Statewide political objectives of those outside their community.

Superior and comprehensive education programs for elementary and high school students deliver many long-lasting benefits and advantages to all the children and residents of a community.

Visionary educational programs and training by our community colleges in state-of-the-art-techniques and technology is critical for vocational students, those seeking to transfer to 4-year degree programs, and those retooling to change careers, to keep our economy vibrant locally and statewide.

New funding sources are needed to ensure that California's commitment to class size reduction does not become an empty promise.

Contributions from parent clubs, businesses and educational foundations, even when generous, can never replace adequate funding by the community and the State for these academic core programs.

We need to ensure accountability in the use of public funds, so that education dollars are spent in the wisest possible fashion, and only as directed by citizens of the community.

Each community must have the means to decide what is best for its own schools and colleges.

SECTION THREE. PURPOSES.

This act is adopted by the voters of the State of California to allow the voters in each local community to determine for themselves, by a 55% vote, if and how they want to help their local school and community college districts with supplemental funding for education.

It is the intent of the voters of the State to provide the greatest local control permissible to each community to consider and adopt local Education Special Tax measures that conform to this act.

It is the intent of this act to give each locally elected governing board the flexibility to tailor local Education Special Tax measures to the needs of their local constituents and community.

It is the intent of this act to ensure accountability in the use of public funds, so that education dollars are spent in the wisest possible fashion, and only as directed by citizens and taxpayers of the community.

It is the intent of this act to ensure that taxes approved locally to supplement State education funding not be diverted directly or indirectly to fulfill the State's obligation to fund education or for any other State programs, and to that end, that proceeds of any Education Special Tax authorized hereby shall not be taken into account in calculating any local funding entitlement.

SECTION FOUR. A new Section is added to Article XIII A of the California Constitution, as follows:

SEC. 4. Cities, Counties and special districts, by a two-thirds vote of the qualified electors of such district, may impose special taxes on such district, except *ad valorem* taxes on real property or a transaction tax or sales tax on the sale of real property within such City, County or special district.

SEC. _____. (a) *Notwithstanding Section 4, an Education Special Tax proposed by a 2/3 vote of the governing board of a school district or community college district shall be approved by a*

55% vote of the qualified electors of such district if all of the following accountability requirements are included in the measure:

[Accountability Measures]

- (1) The measure shall include a list of the specific purposes and programs to be funded.*
- (2) The measure shall include a requirement that the proceeds be used only for the purposes and programs specified in the measure, and not for any other purpose.*
- (3) To ensure compliance with subdivision (a)(2), the measure shall include a requirement that the governing board of the school district or community college district shall conduct an annual, independent financial audit of the amount of funds collected and expended, and the specific authorized purposes and programs funded.*
- (4) To ensure compliance with subdivision (a)(2), the measure shall include a requirement that the governing board of the school district or community college district shall establish a citizens' oversight committee to review all expenditures of proceeds and financial audits, and to report its findings to the governing board and to the public.*

[Maximum Rate]

- (b) (1) The total of any Education Special Tax measure or measures proposed for voter approval by the governing board of any district on any election date shall not exceed \$250 per parcel per year.*
- (2) The Education Special Tax shall be expressed as a fixed rate per taxable parcel. A "taxable parcel" for purposes of this section shall be defined as any unit of real property in the school district or community college district that receives a separate tax bill for ad valorem property taxes from the county tax collector.*
- (3) For any Education Special Tax measure placed on a local ballot on or after July 1, 2011, the maximum amount that may be requested shall be adjusted to account for inflation, measured as the annual change, from June to June of each year, in the cost of living index known as "CPI-U" published by the U.S. Bureau of Labor Statistics (U.S. City Average, All items, 1982-84=100 - CUUR0000SA0).*

[Exemption for Residential Parcel Owned by Person Age 65 or Older:]

- (c) Any local Education Special Tax measure proposed under this section shall allow an exemption from taxation for parcels owned and occupied, as of July 1 of each year, by a person or persons 65 years of age or older, pursuant to procedures established by the governing board of the district.*

[Authorized Purposes]

- (d) A measure approved pursuant to this section may authorize the proceeds of the Education Special Tax to be used by the school district or community college district for any lawful district purpose.*

[No Administrator Salaries]

(e) Notwithstanding subdivision (d), no proceeds of any Education Special Tax approved pursuant to this section may be used to pay administrator salaries.

[Security From State Seizure or Use of Education Special Tax Proceeds]

(f) Under no circumstances may the Legislature take for any State purpose any tax revenues raised from a local Education Special Tax approved pursuant to this section, nor account for such revenues in calculating State support of any school district or community college district under Section 8 of Article XVI, nor in any program of categorical aid, special aid or special programs for school districts or community college districts.

[Provision For Charter School Students]

(g) The governing board of any school district that levies an Education Special Tax approved pursuant to this section shall apply the proceeds for the benefit of all students, including charter school students, enrolled in schools operated by or chartered by the district governing board.

[Two-Thirds Vote Election Authority Preserved]

(h) Nothing in this section shall limit the authority of a school district or community college district to conduct an election on an Education Special Tax as authorized by Section 4(a) hereof.

SECTION FIVE. A new subdivision (e) is added to Section 2 of Article XIII C of the California Constitution, as follows:

SEC. 2. Local Government Tax Limitation. Notwithstanding any other provision of this Constitution:

(a) All taxes imposed by any local government shall be deemed to be either general taxes or special taxes. Special purpose districts or agencies, including school districts, shall have no power to levy general taxes.

(b) No local government may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote. A general tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved. The election required by this subdivision shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body.

(c) Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, shall continue to be imposed only if approved by a majority vote of the voters voting in an election on the issue of the imposition, which election shall be held within two years of the effective date of this article and in compliance with subdivision (b).

(d) No local government may impose, extend, or increase any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote. A special tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved.

(e) Notwithstanding subdivision (d), an Education Special Tax for a school district or community college district shall be approved by a 55% vote of the qualified electors, pursuant to Section ___ of Article XIII.A.

SECTION SIX. CONFORMITY

The Legislature shall conform all applicable laws to this act. Until the Legislature has done so, any statutes that would be affected by this act shall be deemed to have been conformed with the 55 percent vote requirements of this act, and such statutes shall be interpreted in accordance with Section Three hereof.

SECTION SEVEN. SEVERABILITY

If any of the provisions of this act or the applicability of any provision of this act to any person or circumstances shall be found to be unconstitutional or otherwise invalid, such finding shall not affect the remaining provisions or applications of this act to other persons or circumstances, and to that extent the provisions of this act are deemed to be severable.

SECTION EIGHT. LIBERAL CONSTRUCTION

The provisions of this act shall be liberally construed and applied to effectuate its purposes.

SECTION NINE. EFFECTIVE DATE

The provisions of this act shall become effective upon its adoption.