

SA2004RF0012

STANLEY LEE HARPER  
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February 12, 2004

Via Hand Delivery

The Honorable Bill Lockyer  
Attorney General of the State of California  
c/o Tricia Knight, Initiative Coordinator  
1300 I Street  
Sacramento, California 95814

**RECEIVED**  
FEB 13 2004  
INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE  
SA 2004RF0012

Re: Request for Title and Summary - California Scholarship Opportunity Act  
Initiative Constitutional Amendment

Dear Attorney General Lockyer:

I am the proponent of a proposed measure entitled the "California Scholarship Opportunity Act," a copy of which is attached hereto. Pursuant to Article II, Section 10(d) of the California Constitution and California Elections Code Section 9002, I request that a title and summary be prepared for the attached proposed measure. Enclosed is a check for \$200.

I am a registered voter in the State of California. My address as registered to vote is set forth on an attachment page. I request that this address be used to verify my status as a registered voter, but otherwise to be kept confidential pursuant to your policy. I have signed and attached to this letter the Declaration required by Elections Code Section 9608. You are hereby authorized to direct all inquiries and correspondence relative to this proposed measure to our attorney as follows:

Dana W. Reed, Esq.  
Reed & Davidson, LLP  
520 South Grand Avenue, Suite 700  
Los Angeles, California 90071-2665  
Telephone: (213) 624-6200  
Facsimile: (213) 623-1692  
E-mail: [Danareed@politicallaw.com](mailto:Danareed@politicallaw.com)

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Attorney General of the State of California  
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Thank you for your assistance in this matter.

Sincerely,

~~Stanley Lee~~ Harper  
Proponent  
Telephone: (661) 391-5627

Enclosures

**DECLARATION PURSUANT TO ELECTIONS CODE SECTION 9608**

I, Stanley Lee Harper, acknowledge that it is a misdemeanor under state law (California Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

\_\_\_\_\_  
STANLEY LEE HARPER

Dated this \_\_\_ day of February, 2004

**RECEIVED**  
FEB 13 2004

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

## Text of Proposed Law

### CALIFORNIA SCHOLARSHIP OPPORTUNITY ACT

#### CONSTITUTIONAL AMENDMENT

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

This initiative expressly amends the Constitution by adding a section thereto. New provisions proposed to be added are printed in *italic type* to indicate they are new.

**SECTION 1. Title.** This measure shall be known and may be cited as the "California Scholarship Opportunity Act."

**SECTION 2. Findings and declarations.** The people find and declare as follows:

(a) Meeting the educational needs of children attending any public school that is identified as an underperforming school is of great importance to the future welfare of California.

(b) The state's school and district accountability system must be supported and expanded, especially as it relates to opportunities for students to transfer from schools that are failing to properly educate such students to schools that can provide a better education for the students.

(c) Scholarship opportunities should be made available in order to give parents the opportunity for their children to attend a public school that is performing satisfactorily or to attend an eligible private school when the parent chooses to apply the equivalent of the public education funds generated by the parent's child to the cost of tuition in the eligible private school.

(d) The scholarship program provided pursuant to this measure is a grant of aid to parents for the education of their children. The decision by a parent to accept a scholarship and how it is used is not the decision of the state, but an exercise of independent parental judgment.

(e) Education is a paramount responsibility of the state.

(f) The economic and social viability of California depends on a well educated citizenry.

(g) The state is responsible for providing a uniform, safe, secure, efficient, and high-quality system that allows the opportunity for children to obtain a high-quality education.

(h) Parents are best equipped to make decisions for their children, including the educational setting that will best serve the interests and educational needs of their children.

(i) Providing a broader range of educational options to parents and utilizing existing resources and educational structures may help children improve their academic achievement.

(j) Citizens of the state need to be assured that their taxpayer dollars are being invested in schools that are performing well and are providing the children of this state with high-quality educational opportunities that allow each child to develop to his or her potential.

(k) A child should not be compelled, against the wishes of the child's parent, to remain in a public school determined to be an underperforming school.

(l) The scholarship program provided pursuant to this measure is not intended to establish, support, promote, or in any way endorse any religion. The people intend only to provide the parents of schoolchildren with the financial means to make their own school choices, not to promote or disadvantage any particular class of schools.

**SECTION 3. Addition of Section 17 to Article IX of Constitution.**  
Section 17 is hereby added to Article IX of the Constitution to read in its entirety as follows:

*Section 17. (a) A Scholarship Opportunity Program is established in the state.*

*(b) Commencing with the fiscal year following the effective date of this section, the parents of school age children who are starting kindergarten or who were enrolled for the previous school year in any of the grades kindergarten through 11, inclusive, in a public school that constitutes an underperforming school shall receive, upon request, a scholarship opportunity for purposes of providing the parents with additional choices in the type of*

*educational setting in which to enroll their children. For the purposes of this section, an “underperforming school” shall mean a school that scores below the fiftieth percentile on the standardized achievement tests administered pursuant to the provisions of the Public Schools Accountability Act (Section 52050 and following of the Education Code) or its designated successor.*

*(c) The State Department of Education shall administer and provide for implementation of the Scholarship Opportunity Program pursuant to rules and regulations developed and adopted by the State Board of Education upon consultation with the Superintendent of Public Instruction. Such rules and regulations shall, without limitation, include the following procedures and guidelines:*

*(1) A parent of an eligible student who chooses to enroll the student in an eligible nonpublic school may apply for and receive a scholarship for the costs of the educational services offered by the school redeemable by the school from the department.*

*(2) The value of each scholarship issued pursuant to the Scholarship Opportunity Program shall be determined by the department, which value shall be equal to (A) the average per pupil allocation of state revenues to the local educational agency or school district in which the eligible student is residing for that school year, or (B) the actual cost of tuition and fees at the eligible nonpublic school for which the eligible student will begin participating in the program, whichever is less.*

*(3) Each scholarship issued pursuant to the Scholarship Opportunity Program shall continue to be provided to the student for attendance at an eligible nonpublic school until the student completes the highest grade level offered at the school which the student is attending, or until the student withdraws from the school. The parent of an eligible student participating in the program at an eligible nonpublic school with the highest grade level offered at such school being the eighth grade, which student continues participation in the program through the eighth grade, may reapply for participation in the program by the student provided that the public school*