

SA2004RF0023

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JUN 15 2004

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Current Date

May 28, 2004

Hon Attorney General
Bill Lockyer

Attention Trish Knight, Initiative Coordinator
Re: Amendment

Dear Trish:

Enclosed you will find an initiative, entitled "CIVIL RIGHTS FOR FAMILIES". # 3
pages in length. Also included is a check for \$200.00 as is requested for filing fees.

I am asking you to prepare a title and summary. I am a registered voter in California and a citizen of the
United States. I am also enclosing a 9608 affidavit.

Thank You

Your Name

916-230-2123
TONY95683@NETZERO.NET

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AFFIDAVIT

I, Anthony Andrade, acknowledge that it is a misdemeanor under state law (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 this ballot.

Anthony Andrade

Dated this 28 day of MAY, 2004

Proposed California Ballot Initiative

SECTION 1. Section 51556 is added to the Education Code, to read:

51556. (a) Before sodomy, pederasty, pedophilia, sadism, masochism, transvestitism, homosexuality, lesbianism, bisexuality, transgenderism, transexuality, necrophilia, bestiality, domestic partnerships, orgies, or masturbation may be taught in any public school setting in the presence of any *pupil* in grades 7 to 12, *inclusive*, the school *shall* notify the parent or guardian of the *pupil* in writing no more than 15 days and no less than 10 days in advance, and obtain the *parent's or guardian's* written consent.

(b) The subjects specified in subdivision (a) *may* not be taught in any public school setting in the presence of any *pupil* in kindergarten or grades 1 to 6, *inclusive*.

(c) *The* written consent shall be effective for only one day. Notice and written consent shall be required for each additional day.

(d) *The* notice provided by the school shall include all of the following:

1. The date, time and location of the instruction.
2. The name of the teacher or administrator in charge of the instruction.
3. The telephone number where the teacher or administrator in charge may be reached during regular school hours.
4. A reminder that parents and guardians *may* attend the class or assembly.
5. A detailed and accurate description of the information to be taught, including but not limited to the scope and content of any instruction, activity, program, testimonial or counseling; copies of any curriculum, text, illustration, poster, handout, literature, test, survey, audio or visual presentation, and the address of any Internet site to be used.

(e) Any curriculum, text, illustration, poster, handout, literature, test, survey, audio or visual presentation to be used in the *instruction* of *any* of the subjects specified in subdivision (a) shall be *kept* in the school office, *out of the sight of pupils*, and shall be available for

inspection and copying by *any* parent, guardian, or agent of the *parent or guardian* beginning at least 15 days in advance, and for at least 15 days after the *instruction*. Written consents shall be retained by the school for at least 90 days. A parent, guardian, or agent of the *parent or guardian* is entitled to inspect and copy the *completed* consent form of the *parent or guardian* upon request. *The school district may charge a reasonable fee to cover costs associated with copying the requested items.*

(f) If a parent or guardian *does not grant* consent, the *pupil* may not be penalized, but shall be excused from the *instruction* and offered other activities worth equal credit. If the parents or guardians of a majority of the students in a class or assembly withhold their written consent, then the *instruction* of *any of* the subjects in subdivision (a) shall be *relocated*.

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(g) A school district in which a district employee, contractor, agent, or volunteer is determined to *be in violation* of this section shall be liable to the *pupil or the pupil's* parent or guardian for damages of five thousand dollars (\$5,000), adjusted annually by *an inflation factor based on* the change in the California Consumer Price Index for all items, *per incident*. In any action brought under this section, the school district shall have the burden of proving that it complied with the *notice and consent* requirements. The prevailing plaintiff shall be entitled to reasonable attorney fees and court costs.

(h) *For purposes of this section, the following definitions apply:*

1. *"Guardian" means the legal guardian of the pupil.*
2. *"Instruction" means any explanation, demonstration, discussion, counseling, depiction, dissemination, display, posting, test, question, survey, or assignment.*
3. *"Notice" or "Notify" means any written advisory, subject to the requirements of subdivision (d), that one or more of the subjects specified in subdivision (a) will be taught.*
4. *"Parent" means the biological parent or the legally adoptive parent.*

5. "Public school setting" means on school grounds or any school sponsored activity *involving* any school district employee, contractor, volunteer or agent *regardless of location*.
6. "Taught" means *providing any*, explanation, demonstration, discussion, counseling, depiction, dissemination, display, posting, test, question, survey, or assignment.

(i) This section *is not intended to, and shall not be construed to,* prevent or limit a school district from disciplining any person who *engages in unlawful conduct with respect to a pupil or a school employee*.

(j) *Consistent with the other requirements of this article, subdivisions (a) and (b) do not apply to applicable* federally mandated instruction regarding the prevention of disease or to individual *pupils who* request confidential counseling with a school psychologist or peace officer.

(k) This section *does not apply to students who are 18 years of age or older*.

(l) This section shall be liberally construed in favor of prohibiting the teaching of the subjects specified in subdivision (a).

(m) This section shall supercede all other provisions of law.

(n) The provisions of this section are severable. If any provision of *this section* or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.