

February 19, 2008

Hon. Edmund G. Brown Jr.  
Attorney General  
1300 I Street, 17<sup>th</sup> Floor  
Sacramento, California 95814

Attention: Ms. Krystal Paris  
Initiative Coordinator

Dear Attorney General Brown:

Pursuant to Elections Code 9005, we have reviewed the proposed initiative, the "Save Our Kids Initiative" (A.G. File No. 08-0001).

### **Background**

Section 51500 of the Education Code currently prohibits instruction or district sponsorship of any activity that "promotes a discriminatory bias of a characteristic listed in Section 220." Section 220 of the Education Code prohibits discrimination by a publicly funded educational institution on the basis of "disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code." One exception to Section 220 is provided for educational institutions that are controlled by a religious organization if the application would not be consistent with the religious tenets of that organization.

### **Proposal**

This measure amends Section 51500 of the Education Code to remove "promotes a discriminatory bias because of a characteristic listed in Section 220" and replace it with "reflects adversely upon persons because of their race, sex, color, creed, disability, national origin, religion, or ancestry." As a result, the measure removes the prohibition against instruction that reflects adversely or promotes discrimination against persons because of their sexual orientation.

### **Fiscal Effect**

The measure does not require any particular action by school districts. In addition, it does not affect the state's K-12 academic content standards or instructional materials. That is, teachers would not be required to use a new curriculum or change any other

aspect of their coursework. As a result, the measure would have no direct fiscal impact on state or local government.

*Summary.* This measure would have no direct fiscal effect on state or local government.

Sincerely,

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Elizabeth G. Hill  
Legislative Analyst

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Michael C. Genest  
Director of Finance