

November 9, 2009

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 Section 9005, we have reviewed the proposed constitutional initiative that would require parents or guardians to possess sole authority and responsibility to establish the educational curriculum of their children or wards (AG File No. 09-0047).

## **Background**

The California Constitution has few provisions relating to K-12 curricula. The most notable provision (contained in Section 7.5 of Article IX) requires the State Board of Education to adopt textbooks for use in grades one through eight. The Constitution is silent on other curricula matters. Although the Constitution includes few requirements in this area, the state's Education Code provides more specific guidelines for the development of curriculum frameworks. Specifically, Education Code Sections 33530-33541 authorize a state-level commission to establish curriculum guidelines. This commission—consisting largely of curriculum experts who volunteer their time—is responsible for developing minimum curriculum standards, which are then considered for adoption by the State Board of Education.

## **Proposal**

This proposal gives parents and guardians the sole authority and responsibility over their children's or wards' education curriculum. The proposal also declares that this responsibility and authority shall not be usurped by any local, state, or higher-level governmental entity.

## **Fiscal Effects**

This initiative's fiscal impact at the local and state levels depends heavily upon its interpretation—specifically regarding the word “responsibility”—and implementation.

On the one hand, the measure could be interpreted as simply requiring parents or guardians to approve the curriculum at their child's or ward's school. If so, the impact at the local level might be negligible. On the other hand, if parents choose to or are required to develop a specialized curriculum for each child, then the fiscal impact to districts could be large. Under the scenario, many more teachers might need to be added to the school workforce to accommodate individual plans of study. At the state level, the fiscal effect is also uncertain. Depending upon the measure's interpretation, there could be savings related to reduced staff required to administer state standards. On the other hand, future costs to the state could include decreased economic productivity should curricula developed by parents and guardians result in a less educated public.

### **Summary of Fiscal Effects**

This measure would have the following fiscal effect:

- Uncertain fiscal effect for local school districts and state governments depending upon how the measure is interpreted and implemented.

Sincerely,

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Mac Taylor  
Legislative Analyst

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Michael C. Genest  
Director of Finance