

**RESOLUTION OF THE BOARD OF EDUCATION
ORANGE COUNTY, CALIFORNIA**

**Resolution Opposing Proposition 16
November 3, 2020 Ballot**

WHEREAS, all Californians, including residents of Orange County, have constitutionally protected rights to equality and freedom from racial and sex discrimination under Proposition 209 initiated and passed by the voters in 1996; and

WHEREAS, Proposition 209 added Article 1, Section 31 to the California Constitution as follows: *“The state shall not discriminate against or grant preferential to, any individual or group, on the basis of race, sex, color, ethnicity or national origin in the operation of public employment, public education, or public contracting”*; and

WHEREAS, the California Supreme Court has interpreted the California Constitution to require that California school children have a constitutional right to substantially equal opportunities for learning; and

WHEREAS, the Orange County Board of Education (OCBE) has a broad responsibility to ensure basic educational equality for its students; and

WHEREAS, the vision of the Orange County Department of Education (OCDE) is that “Orange County students will lead the nation in college and career readiness and success”; and

WHEREAS, under current Proposition 209, the OCDE employment practices shall be free from discrimination based on actual or perceived race, color, national origin, ethnic group identification and gender, among other actual or perceived characteristics; and

WHEREAS, if Proposition 16 is approved by voters, it would deprive each California resident of their existing constitutional right of equality and existing right to be free from racial, gender, skin color, ethnicity or national origin discrimination; and

WHEREAS, if Proposition 16 is approved, it will legalize politicians and government entities to discriminate against its own citizens through the use of race, sex, color, ethnicity or national origin in public employment, public education and public contracting; and

WHEREAS, under Proposition 209, there have been and continue to be increases in underrepresented minority student graduates, employees and contractors. The Attorney General’s ballot label, title and summary of Prop 16 is false and misleading. It summarizes and states the purpose of Proposition 16 is *“to address diversity,” but in fact* it is a ruse and factual incorrect; and

WHEREAS, the OCBE supports federal and state constitutional rights of its citizens for equality and freedom from racial and sex discrimination; and

WHEREAS, Proposition 16 is on the November 3, 2020 ballot, and a **yes** vote supporting this constitutional amendment repeals Proposition 209 (1996), which guarantees that government and public institutions cannot discriminate against or grant preferential treatment to persons on the basis of race, sex, color, ethnicity, or national origin in public employment, public education, and public contracting.

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NOW, THEREFORE BE IT RESOLVED THAT THE ORANGE COUNTY BOARD OF EDUCATION:

1. Affirms its support for Article 1 Section 31 of the California Constitution in its current language, also known as Proposition 209; and
2. Opposes Proposition 16 on the November 3, 2020 ballot because if passed would have a negative impact on communities and repeal Article 1, Section 31 of the California Constitution.

AYES: Williams, Barke, Sparks, Shaw

NOES: 0

ABSTAINED: Gomez

ABSENT: 0

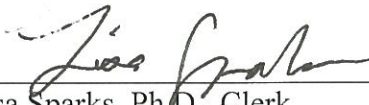
STATE OF CALIFORNIA)

COUNTY OF ORANGE)

I, Lisa Sparks, Ph.D., Clerk to the Board of Education of Orange County, California, hereby certify that the

foregoing Resolution was duly and regularly adopted by the said Board at a regular meeting thereof held at Costa Mesa, California on the 7th day of October 2020 and passed by a vote of 4-0-1 by said Board Members present.

IN WITNESS THEREOF, I have hereunto set my hand and seal this 7th day of October 2020.



Lisa Sparks, Ph.D., Clerk
Orange County Board of Education