

Senate Bill No. 41

CHAPTER 870

An act to add Part 8.7 (commencing with Section 13040) to the Education Code, relating to California Native Americans, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 13, 2001. Filed
with Secretary of State October 14, 2001.]

I am signing Senate Bill 41, which requires the State Librarian to develop instructional resources for use in public schools and an information project to educate the general public on the State's Native Americans.

While I believe this new project will have a significant impact on how our students learn about Native Americans, I must reduce the appropriations as follows: The sum of \$175,000 is hereby appropriated from the General Fund for the purposes of this act as follows:

- a) One hundred thousand dollars (\$100,000) to the State Librarian for the purpose of Part 8.7 (commencing with Section 13040) of the Education Code.
- b) Twenty-five thousand dollars (\$25,000) to the State Librarian for the purposes of Section 3 of this act.
- c) Fifty thousand dollars (\$50,000) to the State Department of Education for supporting the Curriculum Development and Supplemental Materials Commission and the State Board of Education in the review of the standards-based instructional resources pursuant to this act.

GRAY DAVIS, Governor

LEGISLATIVE COUNSEL'S DIGEST

SB 41, Alpert. California Native Americans: instructional and reference resources.

(1) Existing law sets forth the required, authorized, and prohibited course of study for pupils in school districts maintaining grades 1 to 12, inclusive. Existing law provides for the development of California Indian education centers for the purposes of improving the academic achievement of American Indian pupils.

This bill would require the State Librarian to allocate grants to develop California Native American instructional resources for public schools, would require that the instructional resources be submitted to the Curriculum Development and Supplemental Materials Commission and to the State Board of Education for public hearings and approvals, as prescribed. The bill would appropriate \$425,000 from the General Fund and allocate \$250,000 of these moneys to the State Librarian for these purposes.

This appropriation would be General Fund revenues appropriated to school districts for the purposes of Section 8 of Article XVI of the California Constitution.

(2) This bill would require the State Librarian to develop the California's American Indian Nations Information Project, and would allocate \$75,000 of the appropriation in (1) above to the State Librarian for this purpose. The bill would require the cooperation of the University of California, if consented to by the Regents of the University of California.

(3) This bill would allocate \$100,000 of the appropriation in (1) above to the State Department of Education for supporting the commission and the board in review of the standards-based instructional resources pursuant to this bill.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) California's American Indians are the first peoples to have settled California, perhaps some 15,000 years before European colonization.

(b) California was a hospitable environment, and was home to approximately one-third of all American Indians prior to colonization. These peoples had developed widespread and unique cultures, including as many as 100 distinct languages.

(c) Colonization occurred by four distinct groups, Spanish, Russian, Mexican, and American. Each had its own distinct, yet significant, impact upon American Indians within California.

(d) The first people of California have a unique set of cultures that greatly enrich California and these have survived despite the many threats to them. There are 107 recognized Indian tribal governments in the State of California, the most of any state in the nation. California residents and pupils need to know more about the contemporary status of, and the social, governmental, and economic issues affecting California Native Americans.

(e) California Native American tribes differ from the Midwestern and Eastern Native American tribes in their original culture and language, their social evolution, and their current cultural practices. With a stronger educational foundation, Californians of the future will be better informed about the unique identities and cultural contributions of these tribes.



(f) Currently, the instructional resources available for use in the California public schools do not include accurate contemporary information concerning Native Americans in this state. Therefore, little can be taught that draws together the historic circumstances of California Native Americans with their lives and futures in today’s California. Unfortunately, as a result, myths and faulty stereotypes may be perpetuated.

(g) Tribal sovereignty, the constitutional and legal right of tribes to govern themselves and tribal lands in accordance with federal law and under a unique nation-to-nation status, is rarely understood. However, these matters are important, as tribes have governmental powers, responsibilities, and authority in relationship to the state and local governments.

(h) Instructional materials that incorporate California Native American history, culture, sovereignty, and contemporary issues of modern Native Americans, and their relationship and place in California’s diverse governmental, racial, and cultural communities will provide California’s children a more complete education and academic preparation to interact in today’s world.

(i) It is in the best interest of all the people, and of the future of this state, to ensure that each school district, charter school, county office of education, and California Native American education center have the opportunity to seek, learn, review, develop, and share culturally accurate instructional materials.

(j) The highest quality instructional materials that include a discussion of the role of California Native Americans, in the history, culture, governance, and socioeconomic dynamics of the state should be available to all Californians.

SEC. 2. Part 8.7 (commencing with Section 13040) is added to the Education Code, to read:

PART 8.7. CALIFORNIA NATIVE AMERICAN PUBLIC
EDUCATION GRANT PROGRAM

13040. (a) The State Librarian shall expend the funds allocated for the purposes of this part to develop, in consultation with the State Department of Education and the Curriculum Development and Supplemental Materials Commission related to history-social science curriculum framework and content standards, California Native American instructional resources for use in the public schools maintaining any combination of instructional settings from kindergarten to grade 12, inclusive.



(b) The State Librarian may award grants on a competitive basis or shall contract with instructional resource developers to prepare the instructional resources consistent with the state curriculum framework and content standards where the teaching of Native American history is identified, and shall consult with a broadly based group of experts to advise upon and review the instructional resources. The instructional resources shall be subject to Section 13041 and all other relevant statutes governing the content of educational materials prior to distribution to the public schools.

(c) In carrying out subdivision (b), the State Librarian is encouraged to do or enable each of the following, to the extent possible:

(1) Involve California Native Americans in the development of the instructional resources.

(2) Consult with local and regional consortia of organizations and individuals engaged in similar educational, research, and development efforts.

(3) Coordinate and collaborate with organizations and individuals engaging in similar educational, research, and development endeavors.

(4) Utilize creative and innovative methods and approaches in research for, and development of, the instructional resources.

(5) Seek matching funds, in-kind contributions, or other sources of support to supplement the funds provided in support of this part.

(6) Propose the use of a variety of media, including new technology and the arts, to creatively and strategically appeal to pupils while enhancing and enriching community-based educational efforts.

(7) Include scholarly inquiry related to the variety of experiences of California Native Americans.

(8) Add relevant materials to, or catalogue relevant materials in, libraries and other repositories for the creation, publication, and distribution of bibliographies, curriculum guides, oral histories, and other resource directories and supporting the continued development of scholarly work on this subject by making a broad range of archival, library, and research materials more accessible to the American public.

13041. (a) The State Librarian shall submit to the Curriculum Development and Supplemental Materials Commission the instructional resources developed pursuant to Section 13040.

(b) The Curriculum Development and Supplemental Materials Commission shall hold a public hearing regarding the instructional resources and shall recommend them, along with any modifications that the commission determines to be appropriate, to the State Board of Education.

(c) (1) The State Board of Education shall hold a public hearing regarding the recommendation of the Curriculum Development and



Supplemental Materials Commission pursuant to subdivision (b) and shall approve the instructional resources along with any modifications that the State Board of Education determines to be appropriate.

(2) The State Board of Education shall review the instructional resources approved pursuant to subdivision (c) in relation to the history-social science content standards adopted pursuant to Section 60605 and shall, at any subsequent revision, make adjustments, if any, to the content standards that it determines to be appropriate. The State Board of Education shall also ensure that the approved instructional resources are used as an advisory tool in developing the next revision of the history-social science curriculum framework and standards.

(d) Upon approval by the State Board of Education pursuant to subdivision (c), the instructional resources shall be made available to educators as efficiently and effectively as available funding will allow.

13042. On or before January 1, 2003, the State Librarian shall report to the Governor and the appropriate fiscal and policy committees of each house of the Legislature on the use of funds provided for the purposes of this part.

SEC. 3. The California State Librarian, with the cooperation of the University of California, shall develop the California's American Indian Nations Information Project within the California State Library. The State Library shall develop in-depth resources on California's federally recognized tribes and tribal peoples, including, but not limited to, articles, photographs, sound recordings, and other materials, as well as related appropriate textual explanation and contextual information that will assist the tribes, the general public, and pupils to respectfully appreciate these materials and the rich cultures they represent. This shall include, but shall not be limited to, facilitating online access to the California Indian Library Collection or any other suitable materials, to the maximum extent practicable. The instructional resources developed pursuant to Part 8.7 (commencing with Section 13040) of the Education Code shall be included in the California's American Indian Nations Information Project. This section is binding upon the University of California only if consented to by resolution of the Regents of the University of California.

SEC. 4. The sum of four hundred twenty-five thousand dollars (\$425,000) is hereby appropriated from the General Fund for the purposes of this act as follows:

(a) Two hundred fifty thousand dollars (\$250,000) to the State Librarian for the purposes of Part 8.7 (commencing with Section 13040) of the Education Code.

(b) Seventy-five thousand dollars (\$75,000) to the State Librarian for the purposes of Section 3 of this act.



(c) One hundred thousand dollars (\$100,000) to the State Department of Education for supporting the Curriculum Development and Supplemental Materials Commission and the State Board of Education in the review of the standards-based instructional resources pursuant to this act.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to permit the timely development of California Native American instructional resources, it is necessary that this act take effect immediately.

