

**ASSEMBLY BILL**

**No. 1599**

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**Introduced by Assembly Member Mendoza**

February 23, 2007

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An act to amend Section 60010 of, to add Article 8 (commencing with Section 60120) to Chapter 1 of Part 33 of Division 4 of Title 2 of, and to repeal Section 60424 of, the Education Code, relating to instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 1599, as introduced, Mendoza. Instructional materials.

(1) Existing law authorizes a school district to use the allowance it receives from the State Instructional Materials Fund and funds received pursuant to the instructional materials realignment program to purchase supplementary instructional materials and defines "supplementary instructional materials" for that purpose.

This bill would provide that supplementary instructional materials may also be known as pupil support instructional materials.

(2) Under existing law, the State Instructional Materials Fund is a means of annually funding the acquisition of instructional materials and is administered by the State Department of Education under policies established by the State Board of Education.

This bill would establish the Pupil Support Instructional Materials Account within the State Treasury and would require the State Board to administer it. The bill would make all moneys in the Pupil Support Instructional Materials Account available, subject to an appropriation in the Budget Act or other legislation, for reimbursement to school districts on a per pupil basis as approved by the State Board. The bill would require that the funds in the account be used to supplement, rather

than to supplant, existing funds available for instructional materials and would authorize the State Board to deny future funding if it determines that a school district has exhibited a pattern of a failure to exercise due diligence or of using the funding to supplant other funding sources.

(3) Existing law establishes the Instructional Materials Funding Realignment Program and requires program funds to be apportioned to school districts to ensure that each pupil is provided with a standards-aligned textbook or basic instructional materials as adopted by the State Board of Education subsequent to the adoption of content standards for kindergarten and grades 1 to 8, inclusive, or as adopted by the local governing board for grades 9 to 12, inclusive. The program becomes inoperative on July 1, 2007, and is repealed on January 1, 2008.

This bill would repeal the inoperative and repeal dates, thereby extending the program indefinitely.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

1 SECTION 1. Section 60010 of the Education Code is amended  
2 to read:

3 60010. For the purpose of this part, the following terms have  
4 the following meanings unless the context in which they appear  
5 clearly requires otherwise:

6 (a) “Basic instructional materials” means instructional materials  
7 that are designed for use by pupils as a principal learning resource  
8 and that meet in organization and content the basic requirements  
9 of the intended course.

10 (b) “Commission” means the Curriculum Development and  
11 Supplemental Materials Commission.

12 (c) “Curriculum framework” means an outline of the components  
13 of a given course of study designed to provide state direction to  
14 school districts in the provision of instructional programs.

15 (d) “District board” means the board of education or governing  
16 board of any county, city and county, city, or other district that  
17 has the duty to provide for the education of the children in its  
18 county, city and county, city, or district.

1 (e) “Elementary school” means all public schools in which  
2 instruction is given through grade 8 or in any one or more of those  
3 grades.

4 (f) “Governing boards” means the state board and any one or  
5 more district boards.

6 (g) “High school” means all public schools other than  
7 elementary schools in which instruction is given through grade  
8 12, or in any one or more of those grades.

9 (h) “Instructional materials” means all materials that are  
10 designed for use by pupils and their teachers as a learning resource  
11 and help pupils to acquire facts, skills, or opinions or to develop  
12 cognitive processes. Instructional materials may be printed or  
13 nonprinted, and may include textbooks, technology-based  
14 materials, other educational materials, and tests.

15 (i) “Nonpublic school” means a school that both satisfies the  
16 requirements of Section 48222, and is exempt from taxation under  
17 Section 214 of the Revenue and Taxation Code.

18 (j) “School official” means any member of any governing board,  
19 any city, county, city and county, or district superintendent of  
20 schools, and any principal, teacher, or other employee under his  
21 or her charge.

22 (k) “~~State board~~ *Board*” means the State Board of Education.

23 (l) “Supplementary instructional materials” *may also be known*  
24 *as “pupil support instructional materials”* and means instructional  
25 materials designed to serve, but not be limited to, one or more of  
26 the following purposes, for a given subject, at a given grade level:

27 (1) To provide more complete coverage of a subject or subjects  
28 included in a given course.

29 (2) To provide for meeting the various learning ability levels  
30 of pupils in a given age group or grade level.

31 (3) To provide for meeting the diverse educational needs of  
32 pupils with a language disability in a given age group or grade  
33 level.

34 (4) To provide for meeting the diverse educational needs of  
35 pupils reflective of a condition of cultural pluralism.

36 (m) “Technology-based materials” means those basic or  
37 supplemental instructional materials that are designed for use by  
38 pupils and teachers as learning resources and that require the  
39 availability of electronic equipment in order to be used as a learning  
40 resource. Technology-based materials include, but are not limited

1 to, software programs, video disks, compact disks, optical disks,  
2 video and audio tapes, lesson plans, and data bases.  
3 Technology-based materials do not include the equipment required  
4 to make use of those materials.

5 (n) “Test” means any device used to measure the knowledge or  
6 achievement of students.

7 SEC. 2. Article 8 (commencing with Section 60120) is added  
8 to Chapter 1 of Part 33 of Division 4 of Title 2 of the Education  
9 Code, to read:

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11 Article 8. Pupil Support Instructional Materials Account

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13 60120. (a) There is hereby established in the State Treasury  
14 the Pupil Support Instructional Materials Account, to be  
15 administered by the State Board.

16 (b) All moneys in the account established pursuant to this section  
17 are available, subject to an appropriation in the Budget Act or other  
18 legislation, for reimbursement to schools on a per pupil basis as  
19 approved by the State Board.

20 (c) (1) It is the intent of the Legislature that a school district  
21 exercise due diligence in the administration of funds appropriated  
22 for pupil support instructional materials.

23 (2) Funds made available pursuant to this article shall  
24 supplement, rather than supplant, existing funds available for  
25 instructional materials.

26 (3) The State Board may deny future funding pursuant to this  
27 article to a school district if the State Board determines that there  
28 is a pattern of failure to exercise due diligence pursuant to  
29 paragraph (1) or supplantation contrary to paragraph (2). If the  
30 State Board finds a pattern of failure to exercise due diligence, the  
31 State Board shall notify the appropriate county superintendent of  
32 schools for the school district.

33 SEC. 3. Section 60424 of the Education Code is repealed.

34 ~~60424. This chapter shall be administered for purposes of~~  
35 ~~funding as if it had been in effect at the beginning of the 2002-03~~  
36 ~~fiscal year. This chapter shall become inoperative on July 1, 2007,~~  
37 ~~and, as of January 1, 2008, is repealed, unless a later enacted~~  
38 ~~statute, that becomes operative on or before January 1, 2008,~~

- 1 ~~deletes or extends the dates on which it becomes operative and is~~
- 2 ~~repealed.~~

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