

AMENDED IN SENATE JULY 23, 2009

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 97

Introduced by Assembly Member Torlakson

January 6, 2009

An act to amend and repeal Section 60605 of, and to add and repeal Section 60605.4 of, the Education Code, relating to school curriculum.

LEGISLATIVE COUNSEL'S DIGEST

AB 97, as amended, Torlakson. School curriculum: content standards.

Existing law, operative until July 1, 2011, and to be repealed on January 1, 2012, requires the State Board of Education to adopt statewide academic content standards and performance standards, based on the recommendation of the Commission for the Establishment of Academic Content and Performance Standards and the Superintendent of Public Instruction, respectively. Existing law authorizes the state board to modify any proposed content standard or performance standard prior to its adoption.

This bill would instead repeal these provisions on January 1, 2017, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date. This bill would delete the provisions allowing the state board to modify the recommended standards prior to adoption.

The bill would require the Superintendent to convene an Academic Content and Performance Standards Review Panel for the ~~reading/language~~ *English-language* arts and mathematics curriculum

area content standards adopted by the state board. Teachers appointed to the panels would be required to meet specified requirements, and in choosing members for the panels, the specified appointing authorities would be required to consult with each other to ensure that each review panel consists of members who meet prescribed requirements. The bill would require each review panel to review the content and performance standards in its particular curriculum area, and recommend changes to the state board as the review panel may deem necessary.

This bill would require the state board to hold hearings on the recommended changes to the standards, and adopt or reject the recommended changes to the standards within 120 days of receipt from the review panel, and at least 2 years prior to the adoption of the curriculum framework for the relevant subject area. The bill would require the state board, if it does not adopt the recommended changes, to provide a specific, written explanation of the reasons why the recommended changes were not adopted. The bill would authorize a review panel to modify the recommendations to correct deficiencies identified by the state board and to resubmit the recommended changes for adoption. *The bill would provide that upon recommendation of the Superintendent, the state board shall adopt a schedule for reviewing the science and history-social science curriculum area content standards so they can be reviewed when funding permits, as specified.* The bill would not be implemented unless an appropriation is specifically enacted for the purposes of the bill.

The bill would make these provisions inoperative on January 1, 2014, and repeal them on January 1, 2015, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.

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 60605 of the Education Code is amended
- 2 to read:
- 3 60605. (a) (1) (A) Not later than January 1, 1998, the state
- 4 board shall adopt statewide academically rigorous content
- 5 standards, pursuant to the recommendations of the Commission
- 6 for the Establishment of Academic Content and Performance
- 7 Standards, in the core curriculum areas of reading, writing, and
- 8 mathematics to serve as the basis for assessing the academic

1 achievement of individual pupils and of schools, school districts,
2 and the California educational system. Not later than November
3 1, 1998, the state board shall adopt these standards in the core
4 curriculum areas of history/social science and science.

5 (B) The state board shall adopt statewide performance standards
6 in the core curriculum areas of reading, writing, mathematics,
7 history/social science, and science based on the recommendations
8 made by the Superintendent of a contractor or contractors.

9 (C) The state board shall require the contractor or contractors
10 to submit performance standards to the Superintendent and the
11 state board not later than a specified date that allows sufficient
12 opportunity for the Superintendent to make a recommendation to
13 the state board and for the state board to conduct regional hearings
14 prior to the adoption of the performance standards.

15 (2) (A) The state performance standards shall be established
16 against specific grade level benchmarks of academic achievement
17 for each subject area tested, and shall be based on the knowledge
18 and skills that pupils will need in order to succeed in the
19 information-based, global economy of the 21st century. These
20 skills shall not include personal behavioral standards or skills,
21 including, but not necessarily limited to, honesty, sociability, ethics,
22 or self-esteem. The standards adopted pursuant to this section shall
23 be for the purpose of guiding state decisions regarding the
24 development, adoption, and approval of assessment instruments
25 pursuant to this chapter, and shall not mandate any actions or
26 activities by school districts.

27 (B) Because these standards are models, the adoption of these
28 standards is not subject to the Administrative Procedure Act. This
29 subparagraph is declaratory of existing law.

30 (3) Before adopting academic content and performance
31 standards, the state board shall hold regional hearings for the
32 purpose of giving parents and other members of the public the
33 opportunity to comment on the proposed standards.

34 (b) (1) The state board shall ensure that the statewide
35 assessment system adopted pursuant to this chapter yields valid,
36 reliable individual pupil scores and, if applicable, aggregate school
37 scores, school district scores, and statewide scores of pupils, and
38 assesses basic academic skills and content standards, including
39 the use of a direct writing assessment or other applied academic

1 skills if deemed valid and reliable and if resources are made
2 available for their use.

3 (2) This subdivision does not prevent the state board from
4 developing or adopting an assessment instrument that also contains
5 assessments of basic academic skills.

6 (c) To the extent feasible and as otherwise required, the state
7 board shall ensure that assessments developed, or contracted for,
8 pursuant to Section 60642.5 by the state are aligned with the
9 statewide content and performance standards adopted pursuant to
10 subdivision (a), or pursuant to Section 60605.4. The department,
11 with the approval of the state board, periodically shall contract for
12 a review of the achievement test for conformance with these
13 standards.

14 (d) After adopting statewide content and performance standards,
15 the state board shall review the existing curriculum frameworks
16 for conformity with the new statewide standards, and shall modify
17 the curriculum frameworks, if appropriate, to bring them into
18 alignment with the standards.

19 (e) The state board shall adopt regulations for the conduct and
20 administration of the testing and assessment program.

21 (f) The state board shall adopt a regulation for minimum security
22 procedures that test and assessment publishers and school districts
23 shall follow to ensure the security and integrity of test and
24 assessment questions and materials.

25 (g) Notwithstanding Section 60601, this section shall remain in
26 effect only until January 1, 2017, and as of that date is repealed,
27 unless a later enacted statute, that is enacted before January 1,
28 2017, deletes or extends that date.

29 SEC. 2. Section 60605.4 is added to the Education Code, to
30 read:

31 60605.4. (a) The Superintendent shall convene an Academic
32 Content and Performance Standards Review Panel, consisting of
33 13 members, for the ~~reading/language~~ *English language* arts and
34 mathematics curriculum area content standards adopted pursuant
35 to this chapter.

36 (1) The members of each review panel shall be as follows:

37 (A) Six members appointed by the Governor, four of whom
38 shall be credentialed teachers and have public school classroom
39 experience in the curriculum area and in those grade levels for
40 which they are appointed.

1 (B) The Superintendent, or his or her designee.

2 (C) Four members appointed by the Superintendent, three of
3 whom shall be credentialed teachers and have public school
4 classroom experience in the curriculum area and in those grade
5 levels for which they are appointed.

6 (D) One member appointed by the Senate Committee on Rules.

7 (E) One member appointed by the Speaker of the Assembly.

8 (2) Members of each panel shall serve a two-year term at the
9 pleasure of the appointing authority.

10 (3) It is the intent of the Legislature that the membership of each
11 review panel include, but not necessarily be limited to, parents,
12 classroom teachers, representatives of the business community,
13 and individuals with expertise in the curriculum areas included
14 within the content standards.

15 (4) In making appointments to each review panel, the appointing
16 authorities specified in paragraph (1) of subdivision (a) shall
17 consult with each other to ensure that each review panel consists
18 of all of the following:

19 (A) Individuals with expertise in the academic subject matter
20 under review.

21 (B) Individuals who are knowledgeable about the following:

22 (i) Urban and rural schools.

23 (ii) English learners.

24 (iii) Special education.

25 (C) Individuals from different geographical areas of the state.

26 (D) Individuals who reflect the ethnic and gender diversity of
27 California.

28 (b) Each Academic Content and Performance Standards Review
29 Panel shall review the content standards and performance standards
30 approved by the state board to ensure that the standards meet all
31 of, but are not limited to, the following:

32 (1) Are measurable and objective.

33 (2) Reflect the knowledge and skills necessary for California's
34 workforce to be competitive in the global, information-based
35 economy of the 21st century.

36 (3) Are comparable in rigor to academic content and
37 performance standards used in the school systems of America's
38 global economic competitors.

39 (4) Provide the basis for statewide assessments.

40 (5) Provide for grade level continuity.

1 (c) Each Academic Content and Performance Standards Review
2 Panel shall review the content and performance standards
3 established in its particular curriculum area, and shall recommend
4 changes to the state board as it may deem necessary.

5 (d) If an Academic Content and Performance Standards Review
6 Panel recommends changes to the content or performance standards
7 in its particular curriculum area, it shall forward the recommended
8 changes to the state board. The state board shall hold hearings on
9 the recommended changes to the standards. The state board shall
10 adopt or reject the recommended changes to the standards within
11 120 days of their receipt from a review panel, and at least two
12 years prior to the adoption of curriculum frameworks for the
13 relevant subject area.

14 (e) If the recommended changes to the content or performance
15 standards submitted by an Academic Content and Performance
16 Standards Review Panel are rejected, the state board shall provide
17 a specific, written explanation of the reasons why the submitted
18 recommendations were not adopted. The review panel may modify
19 the recommendations to correct deficiencies identified by the state
20 board, and may resubmit recommended changes for adoption by
21 the state board.

22 (f) A member of an Academic Content and Performance
23 Standards Review Panel shall serve without compensation, except
24 for reimbursement for actual and necessary travel expenses.

25 *(g) Upon recommendation of the Superintendent, the state board*
26 *shall adopt a schedule for reviewing the science and history-social*
27 *science curriculum area content standards so they can be reviewed,*
28 *when funding permits, pursuant to the process established in this*
29 *section.*

30 ~~(g)~~

31 *(h)* This section shall not be implemented unless an
32 appropriation is provided specifically for the purposes of this
33 section in the annual Budget Act or another statute.

34 ~~(h)~~

35 *(i)* Notwithstanding Section 60601, this section shall become
36 inoperative on January 1, 2014, and as of January 1, 2015, is
37 repealed, unless a later enacted statute, that is enacted before
38 January 1, 2015, deletes or extends that date.

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