

Senate Bill No. 1451

Passed the Senate August 31, 2010

Secretary of the Senate

Passed the Assembly August 30, 2010

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 60050 of, and to add Section 60049 to, the Education Code, relating to instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

SB 1451, Yee. Education: instructional materials.

Existing law provides that the State Board of Education must adopt regulations to govern the social content reviews, as specified, conducted at the request of a publisher or manufacturer of instructional materials outside the primary and followup instructional material adoption processes.

This provision remains in effect only until January 1, 2011, and as of that date is repealed.

This bill would require the state board to inform the Chairperson of the Assembly Committee on Education, the Chairperson of the Senate Committee on Education, and the Secretary for Education of content that it interprets to be the result of certain changes made to the Texas Administrative Code. The bill would repeal this provision on January 1, 2016. The bill would also require the state board, upon the next adoption of the history-social science curriculum framework, to ensure that the framework is consistent with specified standards governing instructional materials.

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

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

(a) The State Board of Education, among its other responsibilities, is charged with adopting statewide academic content standards in core and other curriculum areas.

(b) Despite other shortcomings in education funding, California has some of the highest academic content standards in the United States.

(c) Section 51204.5 of the Education Code requires instruction of social sciences to include the early history of California and a study of the role and contributions of both men and women, Black Americans, American Indians, Mexicans, Asians, Pacific Island

people, and other ethnic groups to the economic, political, and social development of California and the United States of America, with particular emphasis on portraying the role of these groups in contemporary society.

(d) Section 60040 of the Education Code requires instructional materials used in schools to accurately portray the cultural and racial diversity of our society, including the contributions of both men and women in all types of roles, including professional, vocational, and executive roles, as well as the role and contributions of Native Americans, African Americans, Mexican Americans, Asian Americans, European Americans, and members of other ethnic and cultural groups to the total development of California and the United States, and finally, the role and contributions of the entrepreneur and labor in the total development of California and the United States.

(e) Section 60043 of the Education Code requires instructional materials used in schools to accurately portray, when appropriate to the comprehension of pupils, that textbooks for social science, history, or civics classes contain the Declaration of Independence and the Constitution of the United States.

(f) Section 60044 of the Education Code prohibits instructional material to be used in schools that contains any matter reflecting adversely upon persons because of their race, color, creed, national origin, ancestry, sex, handicap, or occupation, as well as any sectarian or denominational doctrine or propaganda contrary to law.

(g) On March 12, 2010, the Texas State Board of Education, which consists of 15 elected members statewide, voted to adopt revisions to their social studies curriculum for the 2010–11 school year (formally referred to as revisions to Texas Administrative Code, Title 19, Chapter 113, Subchapters A-C, and Texas Administrative Code, Title 19, Chapter 118, Subchapter A).

(h) It is widely presumed that the proposed changes to Texas' social studies curriculum will have a national impact on textbook content since Texas is the second largest purchaser of textbooks in the United States, second only to California.

(i) As proposed, the revisions are a sharp departure from widely accepted historical teachings that are driven by an inappropriate ideological desire to influence academic content standards for children in public schools.

(j) The proposed changes in Texas, if subsequently reflected in textbooks nationwide, pose a serious threat to Sections 51204.5, 60040, 60041, 60043, and 60044 of the Education Code as well as a threat to the apolitical nature of public school governance and academic content standards in California.

SEC. 2. Section 60049 is added to the Education Code, to read:

60049. (a) Upon the next adoption of the history-social science curriculum framework, the state board shall ensure the framework is consistent with provisions governing instructional materials, including, but not limited to, Sections 51204.5, 60040, 60041, 60042, 60043, 60044, 60048, 60200.5, and 60200.6.

(b) School districts shall ensure that the content of instructional materials adopted for use in grades 9 to 12, inclusive, is consistent with provisions governing the content of instructional materials, including, but not limited to, Sections 51204.5, 60040, 60041, 60042, 60043, 60044, 60048, 60200.5, and 60200.6.

SEC. 3. Section 60050 of the Education Code is amended to read:

60050. (a) The state board shall adopt regulations to govern the social content reviews conducted at the request of a publisher or manufacturer of instructional materials outside the primary and followup instructional material adoption processes. A social content review is intended to determine compliance with Sections 51204.5, 60040, 60041, 60042, 60043, 60044, 60048, 60200.5, and 60200.6, and the guidelines for social content adopted by the state board.

(b) The state board shall inform the Chairperson of the Assembly Committee on Education, the Chairperson of the Senate Committee on Education, and the Secretary for Education of content that it interprets is the result of changes to the Texas Administrative Code, Title 19, Chapter 113, Subchapters A-C, and Texas Administrative Code, Title 19, Chapter 118, Subchapter A, that were approved on May 21, 2010, once per year during years in which social content reviews are conducted pursuant to this section.

(c) (1) For purposes of this section, social content reviews of instructional materials shall be conducted by the department or its agents for all instructional materials, as defined in subdivision (h) of Section 60010.

(2) The department may contract with agents to conduct social content reviews pursuant to this section.

(d) The department shall assess a fee for social content reviews conducted pursuant to this section. The fee shall be established and assessed pursuant to the requirements specified in subdivisions (d) to (f), inclusive, of Section 60227, and the publishers and manufacturers shall be provided notice of the establishment of the fee pursuant to subdivisions (b) and (c) of Section 60227.

(e) Revenue derived from fees charged pursuant to subdivision (c) shall be budgeted as reimbursements and subject to review through the annual budget process and may be used to pay costs associated with the social content review of instructional materials.

(f) This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.

Approved _____, 2010

Governor