

ASSEMBLY BILL

No. 250

Introduced by Assembly Member Brownley

February 3, 2011

An act to amend Sections 60204 and 60601 of, to add Sections 60200.8, 60207, 60208, and 60640.1 to, and to repeal Section 60200.1 of, the Education Code, relating to instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 250, as introduced, Brownley. Instructional materials.

(1) Existing law requires the State Board of Education to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive, for governing boards and authorizes the board to establish criteria for that purpose. Existing law sets forth a schedule for the submission of instructional materials to the state board for adoption. Notwithstanding this schedule, existing law prohibits the state board from adopting instructional materials or following the procedures related to that adoption until the 2013–14 school year.

This bill would delete the schedule for submission of instructional materials for foreign languages and health and the exception to the requirement that criteria for the evaluation of instruction be approved when curriculum frameworks are approved or at least 30 months before the date that the materials are to be approved for adoption. The bill would require that materials for mathematics be submitted for adoption in 2014, and for English language arts in 2016.

(2) Existing law establishes the Academic Content Standards Commission and requires the commission to develop internationally benchmarked academic content standards, at least 85% of which are required to be the common core academic standards developed by the

Common Core State Standards Initiative Consortium or another specified interstate collaboration. Existing law requires the state board by August 2, 2010, to either adopt the standards proposed by the commission or reject them.

This bill would require the state board to adopt revised curriculum frameworks and evaluation criteria that are aligned to the common core academic content standards developed by the consortium and adopted by the board for mathematics and language arts no later than December 31, 2012, and March 1, 2013, respectively. The bill would require state board policies to ensure that curriculum frameworks for kindergarten and grades 1 to 12, inclusive, and instructional materials for kindergarten and grades 1 to 8, inclusive, include the English language development standards as adopted by the state board in 1997 and revised thereafter, and English language development strategies in the four core subjects of mathematics, science, history-social science, and English language arts. The bill also would require state board policies to ensure that curriculum frameworks for kindergarten and grades 1 to 12, inclusive, and instructional materials for kindergarten and grades 1 to 8, inclusive, include strategies to address the needs of pupils with disabilities in the four core subjects of mathematics, science, history-social science, and English language arts.

(3) Existing law requires the Curriculum Development and Supplemental Materials Commission to recommend curriculum frameworks for adoption by the state board, develop criteria for evaluating instructional materials, study and evaluate instructional materials submitted for adoption, recommend to the state board instructional materials that it approves for adoption, and review specified educational films or video recordings.

This bill would delete the requirement that the commission study and evaluate instructional materials, recommend instructional materials, and review specified educational films or video recordings. The bill would require the criteria developed for evaluating instructional materials to include directions to publishers to align the materials with English language development standards and incorporate strategies to address the needs of English learners and pupils with disabilities.

The bill would state the intent of the Legislature to provide to local educational agencies a process by which they may identify, evaluate, and recommend instructional materials for adoption to the state board, ensure that school districts are provided with as many standards-aligned instructional material options as possible, and offer opportunities for

professional development training to teachers to support the transition to and implementation of the common core academic content standards adopted by the state board.

(4) Existing law, the Leroy Greene California Assessment of Academic Achievement Act (hereafter the Greene Act), requires the Superintendent to design and implement a statewide pupil assessment program, and requires school districts, charter schools, and county offices of education to administer to each of its pupils in grades 2 to 11, inclusive, certain achievement tests, including a standards-based achievement test pursuant to the Standardized Testing and Reporting (STAR) Program.

Existing law authorizes a school district, at its option to administer to pupils with limited English proficiency who are enrolled in any of grades 2 to 11, inclusive, a second achievement test in their primary language. Existing law requires the department to use funds made available pursuant to Title VI of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and appropriated by the annual Budget Act for the purpose of developing and adopting primary language assessments that are aligned to the state academic content standards.

This bill would authorize the department, subject to approval by the state board, to make these primary language assessments available to school districts to assess their nonlimited-English-proficient pupils who are enrolled in a dual language immersion program and their redesignated fluent-English-proficient pupils. The bill would require a school district that chooses to administer a primary language assessment pursuant to this authority to do so at its own expense.

(5) Existing law makes the Greene Act inoperative on July 1, 2013, and repeals it on January 1, 2014.

This bill would make the act inoperative on July 1, 2014, and would repeal the act as of January 1, 2015. By extending the time period during which school districts are required to perform various duties relating to the administration of achievement tests, the bill would impose a state-mandated local program.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. This act shall be known and may be cited as the
2 Curriculum Support and Reform Act of 2011.

3 SEC. 2. (a) The Legislature finds and declares all of the
4 following:

5 (1) California’s pupils need and deserve access to instructional
6 programs that reflect the knowledge and skills that will prepare
7 them to be successful in college, careers, citizenship, and the global
8 economy.

9 (2) To ensure that all pupils are provided with resources and
10 learning expectations necessary to succeed and be competitive in
11 the 21st century, it is imperative that the state’s curriculum and
12 assessment system be based on high-quality, research- and
13 evidence-based academic content standards and promote creativity,
14 innovation, critical thinking, problem solving, collaboration, and
15 communication skills in all content areas.

16 (3) The state’s current testing system includes grade level and
17 course specific tests, alternative and modified assessments for
18 pupils with special needs, primary language content tests in
19 Spanish, an English language development test, a high school exit
20 examination, and physical fitness tests.

21 (4) Extending much of the state assessment system by an
22 additional year will allow the Legislature to examine current federal
23 initiatives and the call for the development of common assessment,
24 and to position the state’s assessments in a manner that will allow
25 the state to adapt to changes in federal law, including the
26 reauthorization of the federal Elementary and Secondary Education
27 Act, before considering proposals for the reauthorization of the
28 state assessment system.

29 (5) The recent adoption of California’s new common core
30 content standards will only have an impact on the academic
31 achievement of the state’s pupils if the state works to support
32 teachers and improve instruction by developing and adopting
33 curriculum frameworks, instructional materials, professional
34 development, and assessments that are aligned to the standards
35 and appropriate for all pupils.

1 (b) It is the intent of the Legislature, in enacting this act, to do
2 all of the following:

3 (1) Start a process for the development and adoption of
4 curriculum frameworks and instructional materials that are aligned
5 to the state's common core academic content standards.

6 (2) Extend the operative date of the state's assessment system
7 by one year and position the state's assessments in a manner that
8 will give the state flexibility to adapt to changes in federal law and
9 transition to high-quality assessments that are aligned to the
10 common core standards.

11 (3) Create professional development training opportunities that
12 support teachers in delivering to all pupils curriculum and
13 instruction that are aligned to the state's common core academic
14 standards.

15 SEC. 3. Section 60200.1 of the Education Code is repealed.

16 ~~60200.1. (a) (1) The instructional materials described in
17 paragraph (1) of subdivision (a) of Section 60200 shall be
18 submitted to the state board for adoption in 2008.~~

19 ~~(2) The instructional materials for foreign languages shall be
20 submitted to the state board for adoption in 2012.~~

21 ~~(3) The instructional materials for health shall be submitted to
22 the state board for adoption in 2013.~~

23 ~~(b) Notwithstanding any other provision of law, the requirement
24 in paragraph (6) of subdivision (c) of Section 60200 that other
25 criteria be approved at least 30 months before the date that the
26 materials are to be approved for adoption shall not apply if all of
27 the following conditions are met:~~

28 ~~(1) The criteria adopted are consistent with the content standards
29 adopted by the state board in each of the four core content areas
30 for which standards are adopted.~~

31 ~~(2) The schedule for the adoption of instructional materials
32 requires instructional materials for history-social science to be
33 adopted in November 2011, and instructional materials for science
34 to be adopted by November 2012.~~

35 ~~(3) The state board approves criteria for the adoption of
36 instructional materials in history-social science at least 18 months
37 before the state board adopts instructional materials in
38 history-social science.~~

1 ~~(4) The state board approves the criteria for the adoption of~~
2 ~~instructional materials for science at least 24 months before the~~
3 ~~state board adopts instructional materials in science.~~

4 SEC. 4. Section 60200.8 is added to the Education Code, to
5 read:

6 60200.8. Notwithstanding Section 60200.7, instructional
7 materials aligned to the content standards adopted pursuant to
8 Section 60605.8 shall be submitted for adoption as follows:

9 (a) Mathematics in 2014.

10 (b) English language arts in 2016.

11 SEC. 5. Section 60204 of the Education Code is amended to
12 read:

13 60204. The commission shall *do all of the following*:

14 (a) Recommend curriculum frameworks to the state board.

15 (b) Develop criteria for evaluating instructional materials
16 submitted for adoption so that the materials adopted shall
17 adequately cover the subjects in the indicated grade or grades and
18 comply with the provisions of Article 3 (commencing with Section
19 60040) of Chapter 1. The criteria developed by the commission
20 shall be consistent with the duties of the state board pursuant to
21 Section 60200. The criteria shall be public information and shall
22 be provided in written or printed form to any person requesting
23 ~~such~~ *that* information.

24 ~~(c) Study and evaluate instructional materials submitted for~~
25 ~~adoption.~~

26 ~~(d) Recommend to the state board instructional materials that~~
27 ~~it approves for adoption.~~

28 ~~(e) Review and have the authority to adopt the educational films~~
29 ~~or video recordings produced in accordance with Article 3~~
30 ~~(commencing with Section 52740) of Chapter 11 of Part 28.~~

31 *(1) The criteria shall include directions to publishers to align*
32 *both lessons and teacher's editions, as appropriate, with English*
33 *language development standards and incorporate strategies to*
34 *address, at every grade level and subject, the needs of English*
35 *learners, including, but not limited to, speakers of Spanish,*
36 *Vietnamese, Filipino, Cantonese, Hmong, and Korean.*

37 *(2) The criteria also shall include directions to publishers to*
38 *incorporate instructional strategies to address the needs of pupils*
39 *with disabilities in both lessons and teacher's editions, as*
40 *appropriate, at every grade level and subject.*

1 (f)

2 (c) Recommend to the state board policies and activities to assist
3 the department and school districts in the use of the curriculum
4 framework and other available model curriculum materials for the
5 purpose of guiding and strengthening the quality of instruction in
6 the public schools.

7 SEC. 6. Section 60207 is added to the Education Code, to read:

8 60207. (a) Notwithstanding Section 60200.7, the state board
9 shall adopt revised curriculum frameworks and evaluation criteria
10 that are aligned to the content standards adopted pursuant to Section
11 60605.8 for mathematics and English language arts no later than
12 December 31, 2012, and March 1, 2013, respectively.

13 (b) State board policies shall ensure that curriculum frameworks
14 for kindergarten and grades 1 to 12, inclusive, and instructional
15 materials for kindergarten and grades 1 to 8, inclusive, include the
16 English language development standards as adopted by the state
17 board in 1997 and revised thereafter, and English language
18 development strategies in the four core subjects of mathematics,
19 science, history-social science, and English language arts.

20 (c) State board policies shall ensure that curriculum frameworks
21 for kindergarten and grades 1 to 12, inclusive, and instructional
22 materials for kindergarten and grades 1 to 8, inclusive, include
23 strategies to address the needs of pupils with disabilities in the
24 four core subjects of mathematics, science, history-social science,
25 and English language arts.

26 SEC. 7. Section 60208 is added to the Education Code, to read:

27 60208. It is the intent of the Legislature to do all of the
28 following:

29 (a) Provide to local educational agencies a process that is
30 consistent with the implementation of standards-based curricula
31 and the principle of local control and by which they may identify,
32 evaluate, and recommend instructional materials for adoption to
33 the state board.

34 (b) Ensure that school districts are provided with as many
35 standards-aligned instructional material options as possible, so
36 that educators may have many rigorous options in choosing the
37 best materials that meet the needs of all pupils, including English
38 learners and pupils with disabilities, and that ensure that their
39 pupils are able to master the academic content standards adopted
40 by the state board pursuant to Section 60605.8.

1 (c) Offer opportunities for professional development training
2 to teachers to support the transition to and implementation of the
3 state’s common core academic content standards adopted by the
4 state board pursuant to Section 60605.8.

5 SEC. 8. Section 60601 of the Education Code is amended to
6 read:

7 60601. This chapter shall become inoperative on July 1, ~~2013~~
8 ~~2014~~, and as of January 1, ~~2014~~ 2015, is repealed, unless a later
9 enacted statute that is enacted before January 1, ~~2014~~ 2015, deletes
10 or extends the dates on which it becomes inoperative and is
11 repealed.

12 SEC. 9. Section 60640.1 is added to the Education Code, to
13 read:

14 60640.1. Subject to approval by the state board, the department
15 may make a primary language assessment developed pursuant to
16 subparagraph (A) of paragraph (3) of subdivision (f) of Section
17 60640 available to school districts to assess their
18 nonlimited-English-proficient pupils, as defined in Section 60643,
19 who are enrolled in a dual language immersion program that
20 includes the primary language of the assessment, and their
21 redesignated fluent-English-proficient pupils. A school district
22 that chooses to administer a primary language assessment pursuant
23 to this subdivision shall do so at its own expense and shall enter
24 into an agreement for that purpose with the state testing contractor,
25 as described in subparagraph (C) of paragraph (3) of subdivision
26 (f) of Section 60640, subject to the approval of the department.
27 The cost for the assessment shall be the same for all school districts
28 and shall not exceed the marginal cost of the assessment.

29 SEC. 10. If the Commission on State Mandates determines
30 that this act contains costs mandated by the state, reimbursement
31 to local agencies and school districts for those costs shall be made
32 pursuant to Part 7 (commencing with Section 17500) of Division
33 4 of Title 2 of the Government Code.

O