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AMENDED IN ASSEMBLY APRIL 27, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 250

Introduced by Assembly Member Brownley

February 3, 2011

An act to amend Sections 33530, ~~33531, 33532, 33533, 33534, 33535, 33536, 33537, 33538, 33539, 33540, 60010, 60200, 60203, 33539, 60010,~~ 60204, 60601, 60603, and 60604.5 of, to add Sections 60207 and 60208 to, and to repeal Section 60200.1 of, the Education Code, relating to instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 250, as amended, Brownley. Instructional materials: pupil assessment.

(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, as defined, and authorizes the state 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 2015–16 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.

(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 English language arts no later than May 30, 2013, and May 30, 2014, respectively. The bill would require state board policies to ensure that the English language arts 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 core subjects of mathematics, science, and history-social science. 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 4 core subjects of mathematics, science, history-social science, and English language arts. The bill would require the curriculum frameworks to describe the manner in which content can be delivered to intentionally build pupil creativity, innovation, critical thinking, problem solving, collaboration, and communication into and across each content area.

(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 rename the commission the Instructional Quality ~~Advisory Committee~~, *Commission* and would make conforming changes. The bill *also* would ~~also~~ 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 specified directions to publishers; and would require the committee to perform additional prescribed functions.

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, and ensure that school districts are provided with as many standards-aligned instructional material options as possible. The bill would require the Superintendent to develop ~~a system of professional development for teachers and administrators that includes specified topics~~ *model professional development modules, as specified, and to report to the state board on the development of those modules.*

~~The bill would require the Superintendent and authorize school districts to recommend to the state board instructional materials for its adoption, and would require the state board to adopt procedures for the review of those instructional materials by the Superintendent and school districts, as specified. The bill would require the State Department of Education to assess a reasonable fee on a publisher or manufacturer if it submits instructional materials for review after the applicable timeframe, as specified.~~

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

This bill would require the Superintendent to develop recommendations, to be reported to the fiscal and appropriate policy committees of both houses of the Legislature on or before November 1, 2012, for the reauthorization of the statewide pupil assessment program and would require the recommendations to include a plan for transitioning to a system of high-quality assessments. The bill would

require the recommendations to consider including specified characteristics in the reauthorized assessment system.

The bill would define, for purposes of the Greene Act, formative assessment, high-quality assessment, and interim assessment.

The bill would make the Greene 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.

(5) This bill would make implementation of its provisions subject to the appropriation of funding for this purpose.

(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 successful in college, careers,
10 and citizenship, it is vital for educators to move beyond a focus
11 on basic competency in core subjects to promote deeper learning
12 and understanding of academic content at significantly higher
13 levels by focusing on critical thinking, communications,
14 collaboration, and creativity.

15 (3) To ensure that all pupils are provided with resources and
16 learning expectations necessary to succeed and be competitive in
17 the 21st century, it is imperative that the state’s curriculum and

1 assessment system be based on high-quality, research- and
2 evidence-based academic content standards and promote creativity,
3 innovation, critical thinking, problem solving, collaboration, and
4 communication skills in all content areas.

5 (4) To ensure that all California pupils are provided the
6 curriculum content necessary to be competitive in the 21st century,
7 it is essential that these pupils be taught by highly qualified and
8 effective teachers who are trained in strategies that promote
9 creativity, exploration, innovation, critical thinking, problem
10 solving, collaboration, and communication skills as well as the
11 academic content standards.

12 (5) To ensure that California schools will prepare pupils to be
13 competitive in the 21st century, it is necessary that school and
14 school district administrators be trained not only in the academic
15 content standards and the state's high-quality assessment system,
16 but also in instructional leadership and management strategies that
17 include, but are not limited to, pedagogies of learning, motivation
18 of pupil learning, collaboration, respect for diversity, parental
19 involvement, staff relations and morale, and general training in
20 day-to-day school operations.

21 (6) The state's current testing system includes grade level and
22 course specific tests, alternative and modified assessments for
23 pupils with special needs, primary language content tests in
24 Spanish, an English language development test, a high school exit
25 examination, and physical fitness tests.

26 (7) Extending much of the state assessment system by an
27 additional year will allow the Legislature to examine current federal
28 initiatives and the call for the development of common assessments,
29 and to position the state's assessments in a manner that will allow
30 the state to adapt to changes in federal law, including the
31 reauthorization of the federal Elementary and Secondary Education
32 Act, before considering proposals for the reauthorization of the
33 state assessment system.

34 (8) The recent adoption of California's new common core
35 academic content standards will only have an impact on the
36 academic achievement of the state's pupils if the state works to
37 support teachers and improve instruction by developing and
38 adopting curriculum frameworks, instructional materials,
39 professional development, and assessments that are aligned to the
40 standards 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) Develop a curriculum, instruction, and assessment system
4 to implement the common core state standards that intentionally
5 does both of the following:

6 (A) Focuses on integrating 21st century skills, including critical
7 thinking, problem solving, communication, collaboration,
8 creativity, and innovation, as a competency-based approach to
9 learning in all core academic content areas, including English
10 language arts, mathematics, history-social science, science, health
11 education, visual and performing arts, and world languages.

12 (B) Promotes higher order thinking skills and interdisciplinary
13 approaches that integrate the use of supportive technologies,
14 inquiry, and problem-based learning to provide contexts for pupils
15 to apply learning in relevant, real-world scenarios and that prepare
16 pupils for college, career, and citizenship in the 21st century.

17 (2) Start a process for the development and adoption of
18 curriculum frameworks that are aligned to the state’s common core
19 academic content standards, *build upon the state’s previous*
20 *accomplishments, and integrate successful practices from other*
21 *state initiatives implementing the common core academic content*
22 *standards.*

23 (3) Create and sustain professional development training
24 opportunities that support teachers and administrators in delivering
25 to all pupils curriculum and instruction that are aligned to the
26 state’s common core academic content standards.

27 (4) Extend the operative date of the state’s assessment system
28 by one year and position the state’s assessments in a manner that
29 will give the state flexibility to adapt to changes in federal law and
30 transition to high-quality assessments that are aligned to the
31 common core academic content standards.

32 SEC. 3. Section 33530 of the Education Code is amended to
33 read:

34 33530. (a) There is in the state government the Instructional
35 Quality ~~Advisory Committee~~ *Commission* consisting of a Member
36 of the Assembly appointed by the Speaker of the Assembly, a
37 Member of the Senate appointed by the Senate Committee on
38 Rules, one public member appointed by the Speaker of the
39 Assembly, one public member appointed by the Senate Committee
40 on Rules, one public member appointed by the Governor, and 13

1 public members appointed by the state board upon the
2 recommendation of the Superintendent or the members of the state
3 board.

4 (b) So far as is practical and consistent with the duties assigned
5 to the ~~committee~~ *commission* by the state board, at least seven of
6 the 13 public members appointed by the state board shall be
7 persons, who because they have taught, written, or lectured on the
8 subject matter fields specified in Section 33533, in the course of
9 public or private employment, have become recognized authorities
10 or experienced practitioners in those fields. The state board shall
11 make its appointments to ensure that, at any one time, at least seven
12 of the public members shall be current classroom teachers, or
13 mentor teachers, or both assigned to teach kindergarten or any of
14 grades 1 to 12, inclusive.

15 (c) Notwithstanding the requirement that seven of the public
16 members shall be current classroom teachers or mentor teachers,
17 current members of the ~~committee~~ *commission* who were appointed
18 on or before December 31, 1989, shall be allowed to complete
19 their terms.

20 (d) In making the remaining appointments to the ~~committee~~
21 *commission*, and in establishing the ~~committee's~~ *commission's*
22 advisory task forces or committees, the state board is encouraged
23 to consider the role of other representatives of the educational
24 community in the development of curriculum and instructional
25 materials, including, but not limited to, administrators, governing
26 school board members, and parents who are reflective of the
27 various ethnic groups and types of school districts in California.

28 ~~SEC. 4. Section 33531 of the Education Code is amended to~~
29 ~~read:~~

30 ~~33531. (a) The Members of the Legislature appointed to the~~
31 ~~committee pursuant to Section 33530 shall have the powers and~~
32 ~~duties of a joint legislative committee on the subject of curriculum~~
33 ~~development and supplemental materials, and shall meet with, and~~
34 ~~participate in, the work of the committee to the extent that~~
35 ~~participation is not incompatible with their positions as Members~~
36 ~~of the Legislature.~~

37 ~~(b) The Members of the Legislature appointed to the committee~~
38 ~~shall serve at the pleasure of the appointing power.~~

39 ~~SEC. 5. Section 33532 of the Education Code is amended to~~
40 ~~read:~~

1 ~~33532. (a) Committee members shall serve for four-year terms,~~
2 ~~and shall not be eligible to serve more than one full term. Prior~~
3 ~~service on the committee for a term of less than three years~~
4 ~~resulting from an initial appointment or an appointment for the~~
5 ~~remainder of an unexpired term shall not be counted as a full term.~~
6 ~~(b) With respect to the appointment of 13 public members by~~
7 ~~the state board to the first committee, four shall be appointed for~~
8 ~~terms of two years, four shall be appointed for terms of three years,~~
9 ~~and five shall be appointed for a term of four years.~~

10 ~~SEC. 6. Section 33533 of the Education Code is amended to~~
11 ~~read:~~
12 ~~33533. The Superintendent and the state board shall consider~~
13 ~~for membership on the committee persons representing subjects~~
14 ~~commonly taught in public schools, including:~~
15 ~~(a) English.~~
16 ~~(b) Social sciences.~~
17 ~~(c) Foreign languages.~~
18 ~~(d) Science.~~
19 ~~(e) Mathematics.~~
20 ~~(f) Visual and performing arts.~~
21 ~~(g) Applied arts.~~
22 ~~(h) Conservation education.~~

23 ~~SEC. 7. Section 33534 of the Education Code is amended to~~
24 ~~read:~~
25 ~~33534. The Superintendent or his or her representative shall~~
26 ~~serve as executive secretary to the committee.~~

27 ~~SEC. 8. Section 33535 of the Education Code is amended to~~
28 ~~read:~~
29 ~~33535. The members of the committee shall serve without~~
30 ~~compensation, except that they shall receive their actual and~~
31 ~~necessary travel expenses in attending meetings of the committee~~
32 ~~and in attending meetings of any subcommittee of the committee~~
33 ~~of which they are members. Expenses of the committee shall be~~
34 ~~paid out of appropriations made to the Superintendent or the State~~
35 ~~Department of Education.~~

36 ~~SEC. 9. Section 33536 of the Education Code is amended to~~
37 ~~read:~~
38 ~~33536. The committee shall select one of its members to be~~
39 ~~chairman of the committee.~~

1 ~~SEC. 10.— Section 33537 of the Education Code is amended to~~
2 ~~read:~~

3 ~~33537.— Whenever an employee of any public school district,~~
4 ~~state college, or other public agency is appointed to membership~~
5 ~~on the committee, his or her employer shall grant him or her~~
6 ~~sufficient time away from his or her regular duties, without loss~~
7 ~~of income or other benefits to which he or she is entitled by reason~~
8 ~~of his or her employment, to attend meetings of the committee and~~
9 ~~to attend to the duties imposed upon him or her by reason of his~~
10 ~~or her membership on the committee. The employer of a committee~~
11 ~~member may make available the stenographic, secretarial, and~~
12 ~~staff assistance that is reasonably necessary to enable him or her~~
13 ~~to execute the duties imposed upon him or her by reason of his or~~
14 ~~her membership on the committee.~~

15 ~~SEC. 11.— Section 33538 of the Education Code is amended to~~
16 ~~read:~~

17 ~~33538.— The committee shall study problems of courses of study~~
18 ~~in the schools of the state and shall, upon request of the state board,~~
19 ~~recommend to the state board the adoption of minimum standards~~
20 ~~for courses of study in preschool, kindergarten, elementary, and~~
21 ~~secondary schools. Courses of study in the public schools shall~~
22 ~~conform to those minimum standards when adopted.~~

23 ~~SEC. 12.—~~

24 ~~SEC. 4.~~ Section 33539 of the Education Code is amended to
25 ~~read:~~

26 ~~33539. As used in this article, “committee” “commission”~~
27 ~~means the Instructional Quality Advisory Committee *Commission*.~~

28 ~~SEC. 13.— Section 33540 of the Education Code is amended to~~
29 ~~read:~~

30 ~~33540.—(a) The state board and the department shall request~~
31 ~~that the committee review and revise, as necessary, the course~~
32 ~~requirements in the history-social science framework developed~~
33 ~~by the History-Social Science Curriculum Framework and Criteria~~
34 ~~Committee of the state board to ensure that minimum standards~~
35 ~~for courses in American government and civics include sufficient~~
36 ~~attention to teaching pupils how to interact, in a practical manner,~~
37 ~~with state and local governmental agencies and representatives to~~
38 ~~solve problems and to petition for changes in laws and procedures.~~

39 ~~(b) When the history-social science framework is revised as~~
40 ~~required by law, the committee shall ensure that the following~~

1 ~~historical documents are incorporated into the framework, as~~
2 ~~appropriate:~~

3 ~~(1) The Declaration of Independence.~~

4 ~~(2) The United States Constitution, including the Bill of Rights.~~

5 ~~(3) The Federalist Papers.~~

6 ~~(4) The Emancipation Proclamation.~~

7 ~~(5) The Gettysburg Address.~~

8 ~~(6) George Washington's Farewell Address.~~

9 ~~SEC. 14.~~

10 *SEC. 5.* Section 60010 of the Education Code is amended to
11 read:

12 60010. For purposes of this part, the following terms have the
13 following meanings unless the context in which they appear clearly
14 requires otherwise:

15 (a) "Basic instructional materials" means instructional materials
16 that are designed for use by pupils as a principal learning resource
17 and that meet in organization and content the basic requirements
18 of the intended course.

19 ~~(b) "Committee"~~ "Commission" means the Instructional Quality
20 ~~Advisory Committee~~ *Commission*.

21 (c) "Curriculum framework" means an outline of the components
22 of a given course of study designed to provide state direction to
23 school districts in the provision of instructional programs.

24 (d) "District board" means the board of education or governing
25 board of a county, city and county, city, or other district that has
26 the duty to provide for the education of the children in its county,
27 city and county, city, or district.

28 (e) "Elementary school" means all public schools in which
29 instruction is given through grade 8 or in any one or more of those
30 grades.

31 (f) "Governing boards" means the state board and any one or
32 more district boards.

33 (g) "High school" means all public schools other than
34 elementary schools in which instruction is given through grade
35 12, or in any one or more of those grades.

36 (h) "Instructional materials" means all materials that are
37 designed for use by pupils and their teachers as a learning resource
38 and help pupils to acquire facts, skills, or opinions or to develop
39 cognitive processes. Instructional materials may be printed or

1 nonprinted, and may include textbooks, technology-based
2 materials, other educational materials, and tests.

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

6 (j) “School official” means a member of a governing board, a
7 city, county, city and county, or district superintendent of schools,
8 and a principal, teacher, or other employee under his or her charge.

9 (k) “State board” means the State Board of Education.

10 (l) “Supplementary instructional materials” means instructional
11 materials designed to serve, but not be limited to, one or more of
12 the following purposes, for a given subject, at a given grade level:

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

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

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

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

22 (5) To use current, relevant technology that further engages
23 interactive learning in the classroom and beyond.

24 (m) (1) “Technology-based materials” means basic or
25 supplemental instructional materials that are designed for use by
26 pupils and teachers as learning resources and that require the
27 availability of electronic equipment in order to be used as a learning
28 resource. Technology-based materials include, but are not limited
29 to, software programs, video disks, compact disks, optical disks,
30 video and audiotapes, lesson plans, and databases.

31 (2) Technology-based materials do not include the electronic
32 equipment required to make use of those materials, unless that
33 equipment is to be used by pupils and teachers as a learning
34 resource. However, this shall not be construed to authorize a school
35 district to replace computers or related equipment in an existing
36 computer lab or allow a school district to establish a new computer
37 lab.

38 (3) ~~Nothing in this subdivision shall be construed to~~ *This*
39 *subdivision does not* relieve a school district of the obligation to
40 provide pupils with sufficient textbooks or instructional materials

1 pursuant to paragraph (1) of subdivision (c) of Section 60119. If
 2 a county office of education determines that a school district is out
 3 of compliance with paragraph (1) of subdivision (c) of Section
 4 60119, that school district is not authorized to procure electronic
 5 equipment pursuant to paragraph (2) of this subdivision.

6 (n) “Test” means a device used to measure the knowledge or
 7 achievement of pupils.

8 ~~SEC. 15.— Section 60200 of the Education Code is amended to~~
 9 ~~read:~~

10 ~~60200.— The state board shall adopt basic instructional materials~~
 11 ~~for use in kindergarten and grades 1 to 8, inclusive, for governing~~
 12 ~~boards, subject to the following provisions:~~

13 ~~(a) The state board shall adopt at least five basic instructional~~
 14 ~~materials for all applicable grade levels in each of the following~~
 15 ~~subject areas:~~

16 ~~(1) Language arts, including, but not limited to, spelling and~~
 17 ~~reading. However, the state board may not adopt basic instructional~~
 18 ~~materials in this category or the category specified by paragraph~~
 19 ~~(2) in the year succeeding the year in which the state board adopts~~
 20 ~~basic instructional materials in this category for the same grade~~
 21 ~~level.~~

22 ~~(2) Mathematics. The state board may not adopt basic~~
 23 ~~instructional materials in this category or the category specified~~
 24 ~~by paragraph (1) in the year succeeding the year in which the state~~
 25 ~~board adopts basic instructional materials in this category for the~~
 26 ~~same grade level.~~

27 ~~(3) Science.~~

28 ~~(4) Social science.~~

29 ~~(5) Bilingual or bicultural subjects.~~

30 ~~(6) Any other subject, discipline, or interdisciplinary areas for~~
 31 ~~which the state board determines the adoption of instructional~~
 32 ~~materials to be necessary or desirable.~~

33 ~~(b) The state board shall adopt procedures for the submission~~
 34 ~~of basic instructional materials and for review of submitted~~
 35 ~~instructional materials by the Superintendent and school districts~~
 36 ~~in order to comply with each of the following:~~

37 ~~(1) The Superintendent shall, and school districts may, submit~~
 38 ~~instructional materials for review in any of the subject areas~~
 39 ~~pursuant to paragraphs (1) to (6), inclusive, of subdivision (a) every~~
 40 ~~eight years. The state board shall ensure that curriculum~~

1 frameworks are reviewed and adopted in each subject area and
2 that the criteria for evaluating instructional materials developed
3 pursuant to subdivision (b) of Section 60204 are consistent with
4 subdivision (d). The state board may prescribe reasonable
5 conditions to restrict the resubmission of materials that have been
6 previously rejected if those resubmitted materials have no
7 substantive changes.

8 (2) If a publisher or manufacturer submits an instructional
9 material for review to the Superintendent after the timeframe
10 specified by the state board, the department shall assess a fee on
11 the submitting publisher or manufacturer in an amount that shall
12 not exceed the reasonable costs to the department to conduct a
13 review of the instructional material pursuant to this section.

14 (3) Instructional materials recommended by the Superintendent
15 or a school district for adoption by the state board shall be adopted
16 or rejected within six months of the date the materials are
17 recommended by the Superintendent or a school district, unless
18 the state board determines that a longer period of time, not to
19 exceed an additional three months, is necessary due to the estimated
20 volume or complexity of the materials for that subject in that year,
21 or due to other circumstances beyond the reasonable control of the
22 state board.

23 (4) Instructional materials submitted by school districts may be
24 developed by either a district or by publishers or manufacturers
25 of instructional materials. Publishers or manufacturers of
26 instructional materials may submit instructional materials to either
27 a school district or to the Superintendent.

28 (5) The process for review of instructional materials shall
29 involve review committees, which shall include, but not be limited
30 to, volunteer content experts and instructional material reviewers,
31 and shall be composed of a majority of classroom teachers from
32 a wide variety of affected grade levels and subject areas.

33 (6) The rules and procedures for adoption of instructional
34 materials shall be transparent and consistently applicable regardless
35 of the format of the instructional materials, which may include,
36 but not be limited to, print, digital, and open-source instructional
37 materials.

38 (e) (1) The Superintendent and school districts may recommend
39 to the state board instructional materials for its adoption and use
40 in kindergarten and grades 1 to 8, inclusive.

~~1 (2) The Superintendent or a school district may recommend
2 only instructional materials that meet the criteria specified in
3 paragraphs (1) to (5), inclusive, of subdivision (d) and any other
4 criteria that the state board may establish as necessary to
5 accomplish the intent of Section 7.5 of Article IX of the California
6 Constitution.~~

~~7 (3) When the Superintendent and school districts recommend
8 instructional materials to the state board, they shall include reports
9 of findings that include information regarding alignment of
10 standards, program organization, pupil assessments, teacher
11 support, and support for English learners and pupils with
12 disabilities.~~

~~13 (4) The governing board of a school district choosing to
14 recommend instructional materials to the state board shall ensure
15 that a majority of a review committee convened by the school
16 district for the purpose of selecting the instructional materials is
17 comprised of classroom teachers who are assigned to teach the
18 grade in which the instructional materials are to be used.~~

~~19 (d) In reviewing and adopting or recommending for adoption
20 submitted basic instructional materials, the state board shall use
21 the following criteria, and ensure that, in its judgment, the
22 submitted basic instructional materials meet all of the following
23 criteria:~~

~~24 (1) Are consistent with the criteria and the standards of quality
25 prescribed in the state board's adopted curriculum framework. In
26 making this determination, the state board shall consider both the
27 framework and the submitted instructional materials as a whole.~~

~~28 (2) Comply with the requirements of Sections 60040, 60041,
29 60042, 60043, 60044, 60048, 60200.5, and 60200.6, and the state
30 board's guidelines for social content.~~

~~31 (3) Are factually accurate and incorporate principles of
32 instruction reflective of current and confirmed research.~~

~~33 (4) Are aligned to the content standards adopted by the state
34 board in the subject area and the grade level or levels for which
35 they are submitted.~~

~~36 (5) Do not contain materials, including illustrations, that provide
37 unnecessary exposure to a commercial brand name, product, or
38 corporate or company logo. Materials, including illustrations, that
39 contain a commercial brand name, product, or corporate or
40 company logo may not be used unless the state board determines~~

1 that the use of the commercial brand name, product, or corporate
2 or company logo is appropriate based on one of the following
3 specific findings:

4 (A) If text, the use of the commercial brand name, product, or
5 corporate or company logo in the instructional materials is
6 necessary for an educational purpose, as defined in the guidelines
7 or frameworks adopted by the state board.

8 (B) If an illustration, the appearance of a commercial brand
9 name, product, or corporate or company logo in an illustration in
10 instructional materials is incidental to the general nature of the
11 illustration.

12 (6) Meet other criteria as are established by the state board as
13 being necessary to accomplish the intent of Section 7.5 of Article
14 IX of the California Constitution and of Section 1 of Chapter 1181
15 of the Statutes of 1989, provided that the criteria are approved by
16 resolution at the time the resolution adopting the framework for
17 the current adoption is approved, or at least 30 months before the
18 date that the materials are to be approved for adoption.

19 (e) If basic instructional materials are rejected, the state board
20 shall provide a specific, written explanation of the reasons why
21 the submitted materials were not adopted, based upon one or more
22 of the criteria established under subdivision (d). In providing this
23 explanation, the state board may use, in whole or in part, materials
24 written by the Superintendent, school districts, or any other advisers
25 to the state board.

26 (f) The state board may adopt fewer than five basic instructional
27 materials in each subject area for each grade level if either of the
28 following occurs:

29 (1) Fewer than five basic instructional materials are submitted.

30 (2) The state board specifically finds that fewer than five basic
31 instructional materials meet the criteria prescribed by paragraphs
32 (1) to (5), inclusive, of subdivision(d), or the materials fail to meet
33 the state board's adopted curriculum framework. If the state board
34 adopts fewer than five basic instructional materials in any subject
35 for any grade level, the state board shall conduct a review of the
36 degree to which the criteria and procedures used to evaluate the
37 submitted materials for that adoption were consistent with the state
38 board's adopted curriculum framework.

39 (g) This section does not limit the authority of the state board
40 to adopt materials that are not basic instructional materials.

1 (h) If the governing board of a school district establishes to the
2 satisfaction of the state board that the state-adopted instructional
3 materials do not promote the maximum efficiency of pupil learning
4 in the school district, the state board shall authorize that governing
5 board of the school district to use its instructional materials
6 allowances to purchase materials as specified by the state board,
7 in accordance with standards and procedures established by the
8 state board.

9 (i) Consistent with the quality criteria for the state board's
10 adopted curriculum framework, the state board shall prescribe
11 procedures to provide the most open and flexible materials
12 submission system and ensure that the adopted materials in each
13 subject, taken as a whole, provide for the educational needs of the
14 diverse pupil populations in the public schools, provide collections
15 of instructional materials that illustrate diverse points of view,
16 represent cultural pluralism, and provide a broad spectrum of
17 knowledge, information, and technology-based materials to meet
18 the goals of the program and the needs of pupils.

19 (j) Upon making an adoption, the state board shall make
20 available to listed publishers and manufacturers and all school
21 interests a listing of instructional materials, including the most
22 current unit cost of those materials as computed pursuant to existing
23 law. Items placed upon lists shall remain thereon, and be available
24 for procurement through the state's systems of financing, from the
25 date of the adoption of the item and until a date established by the
26 state board. The date established by the state board for continuing
27 items on that list shall be the date on which the state board adopts
28 instructional materials based upon a new or revised curriculum
29 framework. Lists of adopted materials shall be made available by
30 subject and grade level to school districts and posted on the
31 department's Internet Web site and shall include information from
32 the reports of findings pursuant to paragraph (3) of subdivision
33 (e). The lists shall terminate and shall no longer be effective on
34 the date prescribed by the state board pursuant to this subdivision.

35 (k) The state board may approve multiple lists of instructional
36 materials, without designating a grade or subject, and the state
37 board may designate more than one grade or subject whenever it
38 determines that a single subject designation or a single grade
39 designation would not promote the maximum efficiency of pupil
40 learning. Any materials so designated may be placed on single

1 grade or single subject lists, or multigrade or interdisciplinary lists,
2 or may be placed on separate lists including other materials with
3 similar grade or subject designations.

4 ~~(l) A composite listing in the format of an order form may be~~
5 ~~used to meet the requirements of this section.~~

6 ~~(m) The lists maintained pursuant to this section shall not be~~
7 ~~deemed to control the use period by any school district.~~

8 ~~(n) The state board shall give publishers the opportunity to~~
9 ~~modify instructional materials, in a manner provided for in~~
10 ~~regulations adopted by the state board, if the state board finds that~~
11 ~~the instructional materials do not comply with paragraph (5) of~~
12 ~~subdivision (d).~~

13 ~~(o) This section does not prohibit the publisher of instructional~~
14 ~~materials from including whatever corporate name or logo on the~~
15 ~~instructional materials that is necessary to provide basic~~
16 ~~information about the publisher, to protect its copyright, or to~~
17 ~~identify third-party sources of content.~~

18 ~~(p) The state board may adopt regulations that provide for other~~
19 ~~exceptions to this section, as determined by the board.~~

20 ~~(q) The Superintendent shall develop, and the state board shall~~
21 ~~adopt, guidelines to implement this section.~~

22 ~~SEC. 16.~~

23 ~~SEC. 6.~~ Section 60200.1 of the Education Code is repealed.

24 ~~SEC. 17.~~ Section 60203 of the Education Code is amended to
25 read:

26 ~~60203. The state board shall hold a public hearing before~~
27 ~~adopting instructional materials for use in the elementary schools~~
28 ~~of the state.~~

29 ~~SEC. 18.~~

30 ~~SEC. 7.~~ Section 60204 of the Education Code is amended to
31 read:

32 ~~60204. The Instructional Quality Advisory Committee~~
33 ~~Commission established pursuant to Section 33530 shall do all of~~
34 ~~the following:~~

35 ~~(a) Recommend curriculum frameworks to the state board.~~

36 ~~(b) Develop criteria for evaluating instructional materials~~
37 ~~submitted for adoption so that the materials adopted shall~~
38 ~~adequately cover the subjects in the indicated grade or grades and~~
39 ~~comply with the provisions of Article 3 (commencing with Section~~
40 ~~60040) of Chapter 1. The criteria developed by the committee~~

1 *commission* shall be consistent with the duties of the state board
 2 pursuant to Section 60200. The criteria shall be public information
 3 and shall be provided in written or printed form to any person
 4 requesting that information.

5 (1) The criteria for English language arts instructional materials
 6 shall include directions to publishers to align both lessons and
 7 teacher’s editions, as appropriate, with English language
 8 development standards and incorporate strategies to address, at
 9 every grade level, the needs of all English learners. The criteria
 10 for other subject areas shall include directions to publishers to
 11 incorporate strategies for English learners that are consistent with
 12 the English language development standards.

13 (2) The criteria also shall include directions to publishers to
 14 incorporate instructional strategies to address the needs of pupils
 15 with disabilities in both lessons and teacher’s editions, as
 16 appropriate, at every grade level and subject.

17 ~~(e) Review reports of findings made by the Superintendent or~~
 18 ~~by school districts pursuant to paragraph (3) of subdivision (e) of~~
 19 ~~Section 60200, at the request of the state board, and review~~
 20 ~~instructional materials, as necessary.~~

21 ~~(d) Hear appeals at the request of the state board.~~

22 ~~(e) Give independent advice to the state board about whether~~
 23 ~~instructional materials meet the evaluation criteria developed~~
 24 ~~pursuant to subdivision (b).~~

25 (c) *Study and evaluate instructional materials submitted for*
 26 *adoption.*

27 (d) *Recommend instructional materials for adoption to the state*
 28 *board.*

29 ~~(f)~~

30 (e) Recommend to the state board policies and activities to assist
 31 the department and school districts in the use of the curriculum
 32 framework and other available model curriculum materials for the
 33 purpose of guiding and strengthening the quality of instruction in
 34 the public schools.

35 ~~(g)~~

36 (f) Advise and make recommendations to the state board,
 37 including, but not limited to, what policies and activities are needed
 38 to implement the ~~common core~~ *state’s academic content* standards,
 39 and bring the state’s curriculum frameworks, instructional
 40 materials, professional development programs, pupil assessments,

1 and academic accountability systems into alignment with those
2 standards.

3 ~~SEC. 19.~~

4 *SEC. 8.* Section 60207 is added to the Education Code, to read:

5 60207. (a) Notwithstanding Section 60200.7, the state board
6 shall adopt revised curriculum frameworks and evaluation criteria
7 that are aligned to the content standards adopted pursuant to Section
8 60605.8 for mathematics and English language arts no later than
9 May 30, 2013, and May 30, 2014, respectively.

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

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

23 (d) Each curriculum framework that the state board adopts shall
24 describe, to the extent the state board deems appropriate, the
25 manner in which content can be delivered to intentionally build
26 all of the following skills into and across each content area:

27 (1) Creativity and innovation, including, but not limited to,
28 thinking creatively, working creatively with others, and
29 implementing innovations.

30 (2) Critical thinking and problem solving, including, but not
31 limited to, reasoning effectively, using systems thinking, making
32 judgments and decisions, and solving problems.

33 (3) Collaboration, including, but not limited to, working
34 effectively in diverse teams, adapting to change and being flexible,
35 demonstrating initiative and self-direction, working independently,
36 demonstrating productivity and accountability, and demonstrating
37 leadership and responsibility.

38 (4) Communication, including, but not limited to,
39 communicating clearly and effectively through reading, writing,
40 and speaking.

1 (5) Construction and exploration of new understandings of
 2 knowledge through the integration of content from one subject
 3 area to another and to provide pupils with multiple modes for
 4 demonstrating innovative learning.

5 ~~SEC. 20.~~

6 *SEC. 9.* Section 60208 is added to the Education Code, to read:

7 60208. (a) It is the intent of the Legislature to do both of the
 8 following:

9 (1) Provide to local educational agencies a process that involves
 10 teachers, and is consistent with the implementation of
 11 standards-based curricula and the principle of local control and by
 12 which they may identify, evaluate, and recommend instructional
 13 materials for adoption to the state board.

14 (2) Consistent with Section 60200.7, ensure that school districts
 15 are provided with as many high-quality standards-aligned
 16 instructional material options as possible, so that educators may
 17 have many rigorous options in choosing the best materials that
 18 meet the needs of all pupils, including English learners and pupils
 19 with disabilities, and that ensure that their pupils are able to master
 20 the academic content standards adopted by the state board pursuant
 21 to Section 60605.8.

22 (b) The Superintendent, ~~in consultation with teachers~~
 23 *collaboration with the state board, teachers of various grade levels*
 24 *and subject areas*, district and county office of education
 25 curriculum administrators *selected from various geographic areas*,
 26 professional development training experts, and representatives
 27 from postsecondary institutions or other educational agencies and
 28 organizations, as deemed appropriate by the Superintendent, shall
 29 ~~develop a system of professional development for teachers and~~
 30 ~~administrators that includes, but is not limited to,~~ *do* all of the
 31 following:

32 ~~(1) Model professional development modules for teachers,~~
 33 ~~principals, and other school leaders.~~

34 ~~(2) Criteria~~

35 *(1) Develop criteria* to guide the development of ~~the~~ model
 36 professional development modules *that provide critical information*
 37 *and strategies to be used as the common core academic content*
 38 *standards are implemented.* The criteria shall be based on the
 39 California Standards for the Teaching Professions and developed

1 in consideration of the National Staff Development Council's
2 Standards for Staff Development.

3 ~~(3) The use of assessments and data to support teaching and~~
4 ~~learning.~~

5 ~~(4) Model~~

6 (2) *Develop model* professional development modules for
7 *teachers, principals, and school leaders that incorporate, make*
8 *use of, and build upon existing professional development programs*
9 *and opportunities currently available at the local, state, and*
10 *national levels* to deepen the understanding of at least all of the
11 following:

12 (A) The common core academic content standards.

13 ~~(B) Curriculum frameworks.~~

14 ~~(C) English language development standards.~~

15 ~~(D)~~

16 (B) Instructional strategies to support the learning of all pupils,
17 including English learners, pupils with disabilities, and
18 underperforming pupils.

19 ~~(E)~~

20 (C) Instructional strategies that promote creativity, innovation,
21 critical thinking, problem solving, collaboration, and
22 communication skills in all academic content areas.

23 ~~(F) The use of instructional technology.~~

24 ~~(G)~~

25 (D) The integration of subject content knowledge.

26 ~~(H)~~

27 (E) Instructional leadership and coaching.

28 ~~(5) Professional development opportunities for teachers,~~
29 ~~principals, and school leaders.~~

30 ~~(6)~~

31 (c) Model professional development modules, ~~available through~~
32 ~~multiple delivery~~ shall be designed for delivery through various
33 methods, including, but not limited to, school-based and web-based
34 delivery.

35 ~~(e) Consult with teachers, including, but not limited to,~~
36 ~~consulting with credentialed employees selected from a wide~~
37 ~~variety of affected grade levels, subject areas, and geographical~~
38 ~~areas.~~

1 (d) *The Superintendent shall report to the state board on the*
2 *development pursuant to subdivision (b) of the model professional*
3 *development modules.*

4 ~~SEC. 21.~~

5 *SEC. 10.* Section 60601 of the Education Code is amended to
6 read:

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

11 ~~SEC. 22.~~

12 *SEC. 11.* Section 60603 of the Education Code is amended to
13 read:

14 60603. As used in this chapter:

15 (a) “Achievement test” means any standardized test that
16 measures the level of performance that a pupil has achieved in the
17 core curriculum areas.

18 (b) “Assessment of applied academic skills” means a form of
19 assessment that requires pupils to demonstrate their knowledge
20 of, and ability to apply, academic knowledge and skills in order
21 to solve problems and communicate. It may include, but is not
22 limited to, writing an essay response to a question, conducting an
23 experiment, or constructing a diagram or model. An assessment
24 of applied academic skills may not include assessments of personal
25 behavioral standards or skills, including, but not limited to, honesty,
26 sociability, ethics, or self-esteem.

27 (c) “Basic academic skills” means those skills in the subject
28 areas of reading, spelling, written expression, and mathematics
29 that provide the necessary foundation for mastery of more complex
30 intellectual abilities, including the synthesis and application of
31 knowledge.

32 (d) “Content standards” means the specific academic knowledge,
33 skills, and abilities that all public schools in this state are expected
34 to teach and all pupils expected to learn in each of the core
35 curriculum areas, at each grade level tested.

36 (e) “Core curriculum areas” means the areas of reading, writing,
37 mathematics, history-social science, and science.

38 (f) “Diagnostic assessment” means interim assessments of the
39 current level of achievement of a pupil that serves both of the
40 following purposes:

1 (1) The identification of particular academic standards or skills
2 a pupil has or has not yet achieved.

3 (2) The identification of possible reasons that a pupil has not
4 yet achieved particular academic standards or skills.

5 (g) “Direct writing assessment” means an assessment of applied
6 academic skills that requires pupils to use written expression to
7 demonstrate writing skills, including writing mechanics, grammar,
8 punctuation, and spelling.

9 (h) “End of course exam” means a comprehensive and
10 challenging assessment of pupil achievement in a particular subject
11 area or discipline.

12 (i) “Formative assessment” means assessment tools and
13 processes that are embedded in instruction and are used by teachers
14 and pupils to provide timely feedback for purposes of adjusting
15 instruction to improve learning.

16 (j) “High-quality assessment” means an assessment designed
17 to measure a pupil’s knowledge of, understanding of, and ability
18 to apply critical concepts through the use of a variety of item types
19 and formats, including, but not limited to, items that allow for
20 open-ended responses and items that require the completion of
21 performance-based tasks. A high-quality assessment should have
22 the following characteristics:

23 (1) Enable measurement of pupil achievement and pupil growth.

24 (2) Be of high technical quality by being valid, reliable, fair,
25 and aligned to standards.

26 (3) Incorporate technology where appropriate.

27 (4) Include the assessment of pupils with disabilities and English
28 learners.

29 (5) Use, to the extent feasible, universal design principles, as
30 defined in Section 3 of the federal Assistive Technology Act of
31 1998 (29 U.S.C. Sec. 3002) in its development and administration.

32 (k) “Interim assessment” means an assessment that is given at
33 regular and specified intervals throughout the school year, is
34 designed to evaluate a pupil’s knowledge and skills relative to a
35 specific set of academic standards, and produces results that can
36 be aggregated by course, grade level, school, or local educational
37 agency in order to inform teachers and administrators at the pupil,
38 classroom, school, and local educational agency levels.

39 (l) “Performance standards” are standards that define various
40 levels of competence at each grade level in each of the curriculum

1 areas for which content standards are established. Performance
 2 standards gauge the degree to which a pupil has met the content
 3 standards and the degree to which a school or school district has
 4 met the content standards.

5 (m) “Publisher” means a commercial publisher or any other
 6 public or private entity, other than the department, which is able
 7 to provide tests or test items that meet the requirements of this
 8 chapter.

9 (n) “Statewide pupil assessment program” means the systematic
 10 achievement testing of pupils in grades 2 to 11, inclusive, pursuant
 11 to the standardized testing and reporting program under Article 4
 12 (commencing with Section 60640) and the assessment of basic
 13 academic skills and applied academic skills, administered to pupils
 14 in grade levels specified in subdivision (c) of Section 60605,
 15 required by this chapter in all schools within each school district
 16 by means of tests designated by the state board.

17 ~~SEC. 23.~~

18 *SEC. 12.* Section 60604.5 of the Education Code is amended
 19 to read:

20 60604.5. (a) It is the intent of the Legislature that the
 21 reauthorization of the statewide pupil assessment program include
 22 all of the following:

23 (1) A plan for transitioning to a system of high-quality
 24 assessments.

25 (2) Alignment with the standards developed pursuant to
 26 subdivision (d) of Section 60605.8.

27 (3) Any common assessments aligned with the standards
 28 developed pursuant to subdivision (d) of Section 60605.8.

29 (4) Conformity to the assessment requirements of any
 30 reauthorization of the federal Elementary and Secondary Education
 31 Act or any other federal law that effectively replaces that act.

32 (b) The Superintendent shall develop recommendations for the
 33 reauthorization of the statewide pupil assessment program. The
 34 recommendations shall include, but not be limited to, a plan for
 35 transitioning to a system of high-quality assessments. The
 36 recommendations shall consider including all of the following in
 37 the reauthorized assessment system:

38 (1) Aligning the assessments to the standards adopted or revised
 39 pursuant to Section 60605.8.

1 (2) Implementing and incorporating any common assessments
2 aligned with the common set of standards developed by the
3 Common Core State Standards Initiative consortium or other
4 interstate collaboration in which the state participates.

5 (3) Conforming to the assessment requirements of any
6 reauthorization of the federal Elementary and Secondary Education
7 Act (20 U.S.C. Sec. 6301 et seq.) or any other federal law that
8 effectively replaces that act.

9 (4) Enabling the valid, reliable, and fair measurement of
10 achievement at a point in time and over time for groups and
11 subgroups of pupils, and for individual pupils.

12 (5) Allowing the comparison from one year to the next of an
13 individual pupil's scale scores in each content area tested, so as to
14 reflect the growth in that pupil's actual scores over time.

15 (6) Enabling and including the valid, reliable, and fair
16 measurement of achievement of all pupils, including pupils with
17 disabilities and English learners.

18 (7) Ensuring that no aspect of the system creates any bias with
19 respect to race, ethnicity, culture, religion, gender, or sexual
20 orientation.

21 (8) Incorporating a variety of item types and formats, including,
22 but not limited to, open-ended responses and performance-based
23 tasks.

24 (9) Generating multiple measures of pupil achievement, which,
25 when combined with other measures, can be used to determine the
26 effectiveness of instruction and the extent of learning.

27 (10) Including the assessment of science and history-social
28 science in all grade levels at or above grade 4.

29 (11) Assessing a pupil's understanding of and ability to use the
30 technology necessary for success in the 21st century classroom
31 and workplace.

32 (12) Providing for both formative and interim assessments, as
33 those terms are defined in this chapter, in order to provide timely
34 feedback for purposes of continually adjusting instruction to
35 improve learning.

36 (13) Making use of test administration and scoring technologies
37 that will allow the return of test results to parents and teachers as
38 soon as is possible in order to support instructional improvement.

1 (14) Minimizing testing time while not jeopardizing the validity,
2 reliability, fairness, or instructional usefulness of the assessment
3 results.

4 (15) Including *options for* diagnostic assessments for pupils in
5 grade 2.

6 (c) In developing the recommendations pursuant to this section,
7 the Superintendent shall consult with all of the following:

8 (1) The state board.

9 (2) The committee advising the Superintendent on the Academic
10 Performance Index pursuant to subdivision (a) of Section 52052.5.

11 (3) Measurement experts from California’s public and private
12 universities.

13 (4) Individuals with expertise in assessing pupils with disabilities
14 and English learners.

15 (5) Teachers, administrators, and governing board members,
16 from California’s local educational agencies.

17 (6) Parents.

18 (d) The Superintendent shall report the recommendations
19 developed pursuant to this section to the fiscal and appropriate
20 policy committees of both houses of the Legislature on or before
21 November 1, 2012.

22 ~~SEC. 24.~~

23 *SEC. 13.* Implementation of this act is subject to the
24 appropriation of funding for this purpose in the annual Budget Act
25 or other measure.

26 ~~SEC. 25.~~

27 *SEC. 14.* If the Commission on State Mandates determines
28 that this act contains costs mandated by the state, reimbursement
29 to local agencies and school districts for those costs shall be made
30 pursuant to Part 7 (commencing with Section 17500) of Division
31 4 of Title 2 of the Government Code.