

AMENDED IN ASSEMBLY MARCH 7, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 339

Introduced by Assembly Member Bonilla

February 10, 2011

~~An act to amend Section 35239 of the Education Code, relating to school districts. An act to add Sections 60050 and 60227 to the Education Code, relating to instructional materials.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 339, as amended, Bonilla. ~~School districts: governing board members. Instructional materials: reviews: fees.~~

(1) Existing law requires the State Board of Education to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive. Existing law further requires the state board to ensure that curriculum frameworks are reviewed and adopted in each subject area consistent with specified submission cycles.

This bill would reenact a provision that, until January 1, 2011, required the State Department of Education, prior to conducting a followup adoption, to notify all publishers and manufacturers known to produce basic instructional materials in that subject, that a fee will be assessed on a publisher or manufacturer choosing to participate in the followup adoption based on the number of programs the publisher or manufacturer indicates will be submitted for review. The bill would provide that the amount of the fee shall not exceed the reasonable costs to the department in conducting the followup adoption, and would prohibit the review of a submission from being conducted until the fee is paid in full.

(2) Existing law requires the State Board of Education in reviewing and adopting instructional materials to use specified criteria, and ensure that, in its judgment, the submitted basic instructional materials meet all of the specified criteria, including, but not limited to, compliance with the specified requirements and guidelines for social content.

This bill would reenact a provision that, until January 1, 2011, required the state board to 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. The bill would authorize the State Department of Education to contract with agents to conduct the specified social content reviews and require the department to assess a fee for the review that meets specified requirements, including notice to publishers and manufacturers.

~~Existing law authorizes a school district that had an average daily attendance in the prior fiscal year of 70 pupils or less to provide reasonable compensation to a member of the governing board for necessary work and labor performed by the member for the district in repairing the schoolhouse, fences, and other property belonging to the district, or in furnishing wood or other necessary supplies or, if the collective bargaining agent for classified employees in that district and the governing board concur that no other qualified person is available, for providing services in a classified position.~~

~~This bill would make technical, nonsubstantive changes in this provision.~~

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

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

- 1 SECTION 1. Section 60050 is added to the Education Code,
- 2 to read:
- 3 60050. (a) The state board shall adopt regulations to govern
- 4 the social content reviews conducted at the request of a publisher
- 5 or manufacturer of instructional materials outside the primary
- 6 and followup instructional material adoption processes. A social
- 7 content review is intended to determine compliance with Sections
- 8 60040, 60041, 60042, 60043, 60044, 60048, 60200.5, and 60200.6,
- 9 and the guidelines for social content adopted by the state board.

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

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

7 (c) The department shall assess a fee on a publisher or
8 manufacturer in an amount that does not exceed the reasonable
9 costs to the department to conduct a social content review pursuant
10 to this section. The fee shall be established and assessed pursuant
11 to the requirements specified in subdivisions (d) to (f), inclusive,
12 of Section 60227, and the publishers and manufacturers shall be
13 provided notice of the establishment of the fee pursuant to
14 subdivisions (b) and (c) of Section 60227.

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

19 SEC. 2. Section 60227 is added to the Education Code, to read:
20 60227. (a) For purposes of this section, a followup adoption
21 is any adoption other than the primary adoption that occurs within
22 a six- or eight-year cycle established pursuant to subdivision (b)
23 of Section 60200.

24 (b) Before conducting a followup adoption in a particular
25 subject, the department shall provide notice, pursuant to
26 subdivision (c), to all publishers or manufacturers known to
27 produce basic instructional materials in that subject, post an
28 appropriate notice on the Internet Web site of the department, and
29 take other reasonable measures to ensure that appropriate notice
30 is widely circulated to potentially interested publishers and
31 manufacturers.

32 (c) The notice shall specify that each publisher or manufacturer
33 choosing to participate in the followup adoption shall be assessed
34 a fee based upon the number of programs the publisher or
35 manufacturer indicates will be submitted for review and the number
36 of grade levels proposed to be covered by each program.

37 (d) The fee shall be in an amount that does not exceed the
38 reasonable costs to the department in conducting the followup
39 adoption process. The department shall take reasonable steps to
40 limit costs of the followup adoption and to keep the fee modest,

1 recognizing that some of the work necessary for the primary
2 adoption need not be duplicated.

3 (e) The department, prior to incurring substantial costs for the
4 followup adoption, shall require that a publisher or manufacturer
5 that wishes to participate in the followup adoption first declare
6 the intent to submit one or more specific programs for the followup
7 adoption and specify the specific grade levels to be covered by
8 each program. After a publisher or manufacturer has declared the
9 intent to submit one or more programs and the grade levels to be
10 covered by each program, a fee shall be assessed by the
11 department. The fee shall be payable by the publisher or
12 manufacturer even if the publisher subsequently chooses to
13 withdraw a program or reduce the number of grade levels covered.
14 A submission by a publisher or manufacturer shall not be reviewed
15 for purposes of adoption, either in a followup adoption or in any
16 other primary or followup adoption conducted thereafter, until
17 the fee assessed has been paid in full.

18 (f) (1) It is the intent of the Legislature that the fee not be so
19 substantial that it prevents small publishers or manufacturers from
20 participating in a followup adoption.

21 (2) Upon the request of a small publisher or manufacturer, the
22 state board may reduce the fee for participation in the followup
23 adoption.

24 (3) For purposes of this section, “small publisher” or “small
25 manufacturer” means an independently owned or operated
26 publisher or manufacturer that is not dominant in its field of
27 operation, and that, together with its affiliates, has 100 or fewer
28 employees, and has average annual gross receipts of ten million
29 dollars (\$10,000,000) or less over the previous three years.

30 (g) Notwithstanding subdivision (b) of Section 60200, if the
31 department determines that there is little or no interest in
32 participating in a followup adoption by publishers and
33 manufacturers, it shall recommend to the state board that the
34 followup adoption not be conducted, and the state board may chose
35 not to conduct the followup adoption.

36 (h) Revenue derived from fees charged pursuant to subdivision
37 (e) shall be budgeted as reimbursements and subject to review
38 through the annual budget process and may be used to pay costs
39 associated with any followup adoption and any costs associated
40 with the review of instructional materials.

1 SECTION 1. Section 35239 of the Education Code is amended
2 to read:

3 ~~35239. (a) In a school district that had an average daily~~
4 ~~attendance of 70 or less in the prior fiscal year, a member of the~~
5 ~~governing board may receive a reasonable compensation from the~~
6 ~~district for necessary work and labor performed by him or her for~~
7 ~~the district in repairing the schoolhouse, fences, and other property~~
8 ~~belonging to the district, or in furnishing wood or other necessary~~
9 ~~supplies.~~

10 (b) ~~In a school district that had an average daily attendance of~~
11 ~~70 or less in the prior fiscal year, a member of the governing board~~
12 ~~may receive a reasonable compensation from the district for~~
13 ~~providing services in a classified position if the collective~~
14 ~~bargaining agent for classified employees in that district and the~~
15 ~~governing board concur that no other qualified person is available.~~

16 (c) ~~The requisition drawn pursuant to subdivision (a) or (b) for~~
17 ~~payment for services or supplies shall be signed by the other~~
18 ~~members of the governing board and shall be approved by the~~
19 ~~county superintendent of schools.~~