

AMENDED IN SENATE JUNE 12, 2012

AMENDED IN SENATE AUGUST 15, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 580

Introduced by Assembly Member Davis

February 16, 2011

An act to amend Sections 51204.5, 51500, 51501, 60040, and 60044 of *add Section 51204.8* to the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 580, as amended, Davis. Pupil instruction: ~~content.~~ *curriculum: civil rights.*

Existing law establishes courses of study to be provided to elementary and secondary school pupils. The State Department of Education is required to incorporate, into publications that provide examples of curriculum resources for teacher use, those materials that are age appropriate and consistent with subject frameworks on history and social science that deal with, among other things, civil rights.

This bill would provide that the Legislature encourages the State Board of Education to develop curriculum that teaches pupils about the importance of the civil rights movement, as specified.

~~(1) Existing law requires instruction in social sciences to include a study of the role and contributions of both men and women and specified categories of persons to the economic, political, and social development of California and the United States.~~

~~This bill would instead require that instruction to include a study of the role and contributions of people of all races, colors, genders, sexual~~

~~orientations, national origins, religions, and marital statuses, including, but not limited to, those specified categories of persons, but with updated references, and additionally including European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other cultural groups, to the economic, political, and social development of California and the United States. To the extent this bill would impose additional requirements on school districts, this bill would impose a state-mandated local program.~~

~~(2) Existing law prohibits instruction or school district-sponsored activities that promote a discriminatory bias because of disability, gender, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. Existing law prohibits the State Board of Education and the governing board of any school district from adopting textbooks or other instructional materials that contain any matter that reflects adversely upon persons because of their race, sex, color, creed, handicap, national origin, or ancestry.~~

~~This bill would revise the list of characteristics included in these provisions by referring to race, ethnicity, color, national origin, marital status, gender, religion, disability, nationality, and sexual orientation, or other characteristic listed, as specified.~~

~~(3) Existing law requires governing boards of school districts, when adopting instructional materials for use in the schools, to include instructional materials that accurately portray the role and contributions of culturally and racially diverse groups, including 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.~~

~~This bill would instead require governing boards of school districts to include instructional materials that accurately portray the role and contributions of people of all races, colors, genders, sexual orientations, national origins, religions, and marital statuses, including, but not limited to, those groups listed above, and additionally including Pacific Islanders, lesbian, gay, bisexual, and transgender Americans, and persons with disabilities. To the extent this bill would impose additional requirements on school districts, this bill would impose a state-mandated local program.~~

~~(4) Existing law prohibits a governing board of a school district from adopting instructional materials that contain any matter reflecting adversely upon persons because of their race, color, creed, national~~

~~origin, ancestry, sex, handicap, or occupation, or that contain any sectarian or denominational doctrine or propaganda contrary to law.~~

~~This bill would revise the list of characteristics included in this prohibition to include race, ethnicity, marital status, religion, disability, nationality, sexual orientation, and occupation, or other specified characteristic.~~

~~(5) 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-no. State-mandated local program: yes-no.~~

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

1 SECTION 1. Section 51204.8 is added to the Education Code,
2 to read:

3 51204.8. The Legislature encourages the state board to develop
4 curriculum to teach pupils about the importance of the civil rights
5 movement in American history and the lives of all Americans. The
6 curriculum developed under this section may include, but not
7 necessarily be limited to, all of the following:

8 (a) Issues related to social justice, power relations, diversity,
9 mutual respect, and civic engagement.

10 (b) The definition of civil rights and the modern civil rights
11 movement and the tactics used by civil rights activists to achieve
12 social change.

13 (c) A focus on the modern civil rights era and the events that
14 took place in the 1950s, 1960s, 1970s, and 1980s, including, but
15 not limited to, demonstrations, resistance, organizing, nonviolent
16 civil disobedience, and collective action and unity in the pursuit
17 of fair and equal treatment for all Americans.

18 (d) A review of significant court cases, legislation,
19 organizations, events, monuments, literature, arts, and
20 contributions of men, women, and other significant figures of the
21 modern civil rights era.

1 SECTION 1. ~~Section 51204.5 of the Education Code is~~
2 ~~amended to read:~~

3 ~~51204.5. Instruction in social sciences shall include the early~~
4 ~~history of California and a study of the role and contributions of~~
5 ~~people of all races, colors, genders, sexual orientations, national~~
6 ~~origins, religions, and marital statuses, including, but not limited~~
7 ~~to, men and women, Native Americans, African Americans,~~
8 ~~Mexican Americans, Asian Americans, Pacific Islanders, European~~
9 ~~Americans, lesbian, gay, bisexual, and transgender Americans,~~
10 ~~persons with disabilities, and members of other ethnic and cultural~~
11 ~~groups, to the economic, political, and social development of~~
12 ~~California and the United States of America, with particular~~
13 ~~emphasis on portraying the role of these groups in contemporary~~
14 ~~society.~~

15 SEC. 2. ~~Section 51500 of the Education Code is amended to~~
16 ~~read:~~

17 ~~51500. A teacher shall not give instruction and a school district~~
18 ~~shall not sponsor any activity that promotes a discriminatory bias~~
19 ~~on the basis of race, ethnicity, color, national origin, marital status,~~
20 ~~gender, religion, disability, nationality, or sexual orientation, or~~
21 ~~because of a characteristic listed in Section 220.~~

22 SEC. 3. ~~Section 51501 of the Education Code is amended to~~
23 ~~read:~~

24 ~~51501. The state board and any governing board of a school~~
25 ~~district shall not adopt any textbooks or other instructional~~
26 ~~materials for use in the public schools that contain any matter~~
27 ~~reflecting adversely upon persons on the basis of their race,~~
28 ~~ethnicity, color, national origin, marital status, gender, religion,~~
29 ~~disability, nationality, or sexual orientation, or because of a~~
30 ~~characteristic listed in Section 220.~~

31 SEC. 4. ~~Section 60040 of the Education Code is amended to~~
32 ~~read:~~

33 ~~60040. When adopting instructional materials for use in the~~
34 ~~schools, governing boards shall include only instructional materials~~
35 ~~that, in their determination, accurately portray the cultural and~~
36 ~~racial diversity of our society, including:~~

37 ~~(a) The contributions of both men and women in all types of~~
38 ~~roles, including professional, vocational, and executive roles.~~

39 ~~(b) The role and contributions of people of all races, colors,~~
40 ~~genders, sexual orientations, national origins, religions, and marital~~

1 statuses, including, but not limited to, Native Americans, African
2 Americans, Mexican Americans, Asian Americans, Pacific
3 Islanders, European Americans, lesbian, gay, bisexual, and
4 transgender Americans, persons with disabilities, and members of
5 other ethnic and cultural groups, to the total development of
6 California and the United States.

7 (e) ~~The role and contributions of the entrepreneur and labor in~~
8 ~~the total development of California and the United States.~~

9 SEC. 5. ~~Section 60044 of the Education Code is amended to~~
10 ~~read:~~

11 ~~60044. The governing board of a school district shall not adopt~~
12 ~~instructional materials for use in the schools that, in its~~
13 ~~determination, contain:~~

14 (a) ~~Any matter reflecting adversely upon persons on the basis~~
15 ~~of their race, ethnicity, color, national origin, marital status, gender,~~
16 ~~religion, disability, nationality, sexual orientation, or occupation,~~
17 ~~or because of a characteristic listed in Section 220.~~

18 (b) ~~Any sectarian or denominational doctrine or propaganda~~
19 ~~contrary to law.~~

20 SEC. 6. ~~If the Commission on State Mandates determines that~~
21 ~~this act contains costs mandated by the state, reimbursement to~~
22 ~~local agencies and school districts for those costs shall be made~~
23 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
24 ~~4 of Title 2 of the Government Code.~~