

AMENDED IN ASSEMBLY MARCH 28, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1719

Introduced by Assembly Member Fuentes
(Coauthor: Assembly Member Brownley)

February 16, 2012

An act to add and repeal Section 60605.87 of the Education Code, relating to instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 1719, as amended, Fuentes. Supplemental instructional materials: English language development.

Existing law requires the State Board of Education to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive, and authorizes the state board to establish criteria for that purpose. Existing law requires the state board in reviewing and adopting instructional materials to use specified criteria and ensure that, in its judgment, the submitted instructional materials meet all of the specified criteria.

Existing law requires the State Department of Education to recommend, and the state board to approve, evaluation criteria to guide the development and review of supplemental instructional materials for English language arts and mathematics to provide a bridge between the California common core academic content standards and the standards-aligned instructional materials currently being used by local educational agencies. Existing law requires the state board to perform specified reviews and to approve or reject all, or a portion, of the list of supplemental instructional materials proposed by the department and authorizes the state board to add an item to that list, as specified.

Existing law also permits the governing board of a school district to approve supplemental instructional materials other than those approved by the state board if the governing board performs specified reviews and determines that other supplemental instructional materials are aligned with the California common core academic content standards and meet the needs of the pupils of the district. Existing law requires supplemental instructional materials approved by the state board and the governing board of a school district to be reviewed by content review experts, as specified.

This bill would require the department to recommend, and the state board to approve, evaluation criteria to guide the development and review of supplemental instructional materials for English learners. The bill would require the department to develop a list by January 1, 2014, of supplemental instructional materials that are aligned with the California common core academic content standards for language arts and the English language development standards. The bill would require content review experts, who are recommended by the department and approved by the state board, to review the supplemental instructional materials. The bill would require the state board to approve or reject supplemental instructional materials, as specified. The bill would authorize the governing boards of school districts *and county boards of education* to approve supplemental instructional materials other than those approved by the state board if the governing board *of a school district or county board of education* performs specified reviews and determines that other supplemental instructional materials are aligned with the California common core academic content standards and meet the needs of the pupils of the district.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California and 40 other states have adopted common core
- 4 academic standards for language arts and mathematics to provide
- 5 consistent and clear expectations of what pupils need to learn to
- 6 compete in a global economy.
- 7 (b) Eighty-five percent of the standards are common across the
- 8 nation, with 1.5 percent unique to California.

1 (c) In 1999, California adopted the English language
2 development standards for the purpose of stating what pupils must
3 know and be able to do as they move toward full fluency in the
4 English language. The standards are to work in tandem with the
5 language arts academic standards; however, they have not been
6 revised or aligned to the approved common core language arts
7 standards.

8 (d) Chapter 605 of the Statutes of 2011 (A.B. 124) requires the
9 revision and alignment of the English language development
10 standards as specified.

11 (e) There are currently 1.4 million pupils who are English
12 learners and enrolled in California public schools.

13 (f) It is critical that “bridge” supplemental instructional materials
14 be available to English learners that reflect both the common core
15 language arts and English language development standards in order
16 for pupils to be held accountable to the common core language
17 arts standards via assessments.

18 (g) School districts, county offices of education, and charter
19 schools, at a minimum, need supplemental English language
20 development instructional materials to ensure teachers and pupils
21 have the proper tools to begin to bridge the curriculum between
22 the state’s current content standards in language arts to the English
23 language development standards.

24 SEC. 2. Section 60605.87 is added to the Education Code, to
25 read:

26 60605.87. (a) The department shall recommend, and the state
27 board shall approve, evaluation criteria to guide the development
28 and review of supplemental instructional materials for English
29 learners.

30 (b) Notwithstanding any other law, and on a one-time basis, the
31 department, on or before January 1, 2014, shall develop a list of
32 supplemental instructional materials for use in kindergarten and
33 grades 1 to 8, inclusive, that are aligned with the California
34 common core academic content standards for language arts and
35 the English language development standards. The supplemental
36 instructional materials shall provide a bridge between the revised
37 and aligned English language development standards to the
38 California common core academic language arts content standards
39 and the standards-aligned instructional materials currently being
40 used by local educational agencies.

1 (c) (1) The department shall recommend, and the state board shall
2 approve, content review experts to review, in an open and
3 transparent process, supplemental instructional materials submitted
4 for approval in the subject area of English language development.

5 (2) The majority of content review experts approved pursuant to
6 paragraph (1) shall be *elementary and secondary* teachers who are
7 credentialed in English language arts, possess the appropriate state
8 English learner authorization, and have five years of classroom
9 experience instructing English learners. The content review experts
10 also shall include appropriate persons possessing English learner
11 expertise from postsecondary institutions and school and school
12 district curriculum administrators possessing English learner
13 expertise, and other persons who are knowledgeable in English
14 language arts and English language development.

15 (3) The content review experts shall serve without compensation.

16 (d) (1) On or before June 30, 2014, the state board shall do the
17 following:

18 (A) Approve all, or a portion, of the list of supplemental
19 instructional materials proposed by the department, taking into
20 consideration the review of the content review experts and any
21 other relevant information, as appropriate.

22 (B) Reject all, or a portion, of the list of supplemental
23 instructional materials proposed by the department, taking into
24 consideration the review of the content review experts and any
25 other relevant information, as appropriate.

26 (2) If the state board rejects all, or a portion, of the list of
27 supplemental instructional materials proposed by the department,
28 or adds an item to the list, the state board, in a public meeting held
29 pursuant to the Bagley-Keene Open Meeting Act (Article 9
30 (commencing with Section 11120) of Chapter 1 of Part 1 of
31 Division 3 of Title 2 of the Government Code), shall provide
32 written reasons for the removal or addition of an item on the list.
33 The state board shall not approve a supplemental instructional
34 material it adds to the list at the same time it provides its written
35 reason for adding the material; instead, the state board shall
36 approve the added material at a subsequent public meeting.

37 (e) (1) The governing board of a school district *and a county*
38 *board of education* may approve supplemental instructional
39 materials other than those approved by the state board pursuant to
40 subdivision (d) if the governing board *of a school district or county*

1 *board of education* determines that other supplemental instructional
2 materials are aligned with the California common core academic
3 content and English language development standards and meet the
4 needs of pupils who are English learners of the district. The
5 governing board of a school district *or the county board of*
6 *education* may only approve supplemental instructional materials
7 that comply with all of the following:

8 (A) The evaluation criteria approved pursuant to subdivision
9 (a).

10 (B) Section 60226.

11 (C) Subdivision (h).

12 (D) Article 4 (commencing with Section 60060) of Chapter 1.

13 (2) (A) A supplemental instructional material approved by a
14 governing board of a school district *or county board of education*
15 pursuant to this subdivision that is in the subject area of English
16 language development shall be reviewed by content review experts
17 chosen by the governing board.

18 (B) The majority of the content review experts chosen pursuant
19 to subparagraph (A) shall be *elementary and secondary* teachers
20 who are credentialed in English language arts, possess the
21 appropriate state English learner authorization, and have five years
22 of classroom experience instructing English learners.

23 (C) The content review experts also shall include appropriate
24 persons possessing English learner expertise from postsecondary
25 institutions and school and school district curriculum administrators
26 possessing English learner expertise, and other persons who are
27 knowledgeable in English language arts and English language
28 development.

29 (D) The content review experts shall serve without
30 compensation.

31 (f) Publishers choosing to submit supplemental instructional
32 materials for approval by the state board shall submit standards
33 maps.

34 (g) (1) Before approving supplemental instructional materials
35 pursuant to this section, the state board shall review those
36 instructional materials for academic content, social content, and
37 instructional support to teachers and pupils. Supplemental
38 instructional materials approved by the state board pursuant to this
39 section shall meet required program criteria for grade-level
40 programs and shall include materials for use by teachers.

1 (2) Before approving supplemental instructional materials
2 pursuant to this section, the governing board of a school district
3 *or county board of education* shall review those instructional
4 materials for academic content and instructional support to teachers
5 and pupils who are English learners. Supplemental instructional
6 materials approved by the governing board of a school district *or*
7 *county board of education* pursuant to this section shall meet
8 required program criteria for grade-level programs and shall include
9 materials for use by teachers.

10 (h) Supplemental instructional materials approved pursuant to
11 this section shall comply with the social content review
12 requirements pursuant to Section 60050.

13 (i) The department shall maintain on its Internet Web site the
14 list of supplemental instructional materials approved by the state
15 board pursuant to subdivision (d).

16 (j) This section shall become inoperative on July 1, 2014, and,
17 as of July 1, 2015, is repealed, unless a later enacted statute, that
18 becomes operative on or before July 1, 2015, deletes or extends
19 the dates on which it becomes inoperative and is repealed.