

AMENDED IN SENATE JUNE 27, 2012

AMENDED IN ASSEMBLY MAY 25, 2012

AMENDED IN ASSEMBLY MARCH 28, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1719**

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

February 16, 2012

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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 *for beginning through advanced levels of proficiency for use in kindergarten and grades 1 to 8, inclusive*, that are aligned with the revised 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 revised English language development standards and meet the needs of pupils ~~who are English learners~~ of the district *who are English learners*.

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

1 consistent and clear expectations of what pupils need to learn to  
2 compete in a global economy.

3 (b) Eighty-five percent of the standards are common across the  
4 nation, with 1.5 percent unique to California.

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

12 (d) Chapter 605 of the Statutes of 2011 (Assembly Bill 124)  
13 requires the revision and alignment of the English language  
14 development standards as specified.

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

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

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

28 SEC. 2. Section 60605.87 is added to the Education Code, to  
29 read:

30 60605.87. (a) The department shall recommend, and the state  
31 board shall approve, evaluation criteria to guide the development  
32 and review of supplemental instructional materials for English  
33 learners.

34 (b) Notwithstanding any other law, and on a one-time basis, the  
35 department, on or before January 1, 2014, shall develop a list of  
36 supplemental instructional materials *for beginning through*  
37 *advanced levels of proficiency* for use in kindergarten and grades  
38 1 to 8, inclusive, that are aligned with the revised English language  
39 development standards adopted pursuant to Section 60811.3. The  
40 supplemental instructional materials shall provide a bridge between

1 ~~the revised and aligned~~ *current* English language development  
2 ~~standards instructional materials and the English language~~  
3 ~~development standards that will be revised and aligned~~ to the  
4 California common core language arts standards *pursuant to*  
5 *Section 60811.3.*

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

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

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

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

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

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

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

1 reason for adding the material; instead, the state board shall  
2 approve the added material at a subsequent public meeting.

3 (e) (1) The governing board of a school district and a county  
4 board of education may approve supplemental instructional  
5 materials other than those approved by the state board pursuant to  
6 subdivision (d) if the governing board of a school district or county  
7 board of education determines that other supplemental instructional  
8 materials are aligned with the revised English language  
9 development standards adopted pursuant to Section 60811.3 and  
10 meet the needs of pupils ~~who are English learners~~ of the district  
11 *who are English learners*. The governing board of a school district  
12 or the county board of education may only approve supplemental  
13 instructional materials that comply with all of the following:

14 (A) The evaluation criteria approved pursuant to subdivision  
15 (a).

16 (B) Section 60226.

17 (C) Subdivision (h).

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

19 (2) (A) A supplemental instructional material approved by a  
20 governing board of a school district or county board of education  
21 pursuant to this subdivision that is in the subject area of English  
22 language development shall be reviewed by content review experts  
23 chosen by the governing board.

24 (B) The majority of the content review experts chosen pursuant  
25 to subparagraph (A) shall be elementary and secondary school  
26 teachers who are credentialed in English language arts, possess  
27 the appropriate state English learner authorization, and have five  
28 years of classroom experience instructing English learners.

29 (C) The content review experts also shall include appropriate  
30 persons possessing English learner expertise from postsecondary  
31 *educational* institutions and school and school district curriculum  
32 administrators possessing English learner expertise, and other  
33 persons who are knowledgeable in English language arts and  
34 English language development.

35 (D) The content review experts shall serve without  
36 compensation.

37 (f) Publishers choosing to submit supplemental instructional  
38 materials for approval by the state board shall submit standards  
39 maps.

- 1 (g) (1) Before approving supplemental instructional materials  
2 pursuant to this section, the state board shall review those  
3 instructional materials for academic content, social content, and  
4 instructional support to teachers and pupils. Supplemental  
5 instructional materials approved by the state board pursuant to this  
6 section shall meet required program criteria for grade-level  
7 programs and shall include materials for use by teachers.
- 8 (2) Before approving supplemental instructional materials  
9 pursuant to this section, the governing board of a school district  
10 or county board of education shall review those instructional  
11 materials for academic content and instructional support to teachers  
12 and pupils who are English learners. Supplemental instructional  
13 materials approved by the governing board of a school district or  
14 county board of education pursuant to this section shall meet  
15 required program criteria for grade-level programs and shall include  
16 materials for use by teachers.
- 17 (h) Supplemental instructional materials approved pursuant to  
18 this section shall comply with the social content review  
19 requirements pursuant to Section 60050.
- 20 (i) The department shall maintain on its Internet Web site the  
21 list of supplemental instructional materials approved by the state  
22 board pursuant to subdivision (d).
- 23 (j) This section shall become inoperative on July 1, 2014, and,  
24 as of July 1, 2015, is repealed, unless a later enacted statute, that  
25 becomes operative on or before July 1, 2015, deletes or extends  
26 the dates on which it becomes inoperative and is repealed.