

**Senate Bill No. 140**

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Passed the Senate September 1, 2011

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*Secretary of the Senate*

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Passed the Assembly August 31, 2011

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to add and repeal Section 60605.86 of the Education Code, relating to pupil instruction.

## LEGISLATIVE COUNSEL'S DIGEST

SB 140, Lowenthal. Instructional materials.

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 establishes the Academic Content Standards Commission and requires the commission to develop academic content standards in language arts and mathematics and to present its recommended academic content standards to the state board. Existing law requires at least 85% of these standards to be the common core academic standards developed by the Common Core State Standards Initiative consortium or any associated or related interstate collaboration. Existing law requires the state board to adopt or reject the academic content standards.

This bill would require 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. The bill also would require the department, on a one-time basis, to develop a list, on or before July 1, 2012, of supplemental instructional materials for use in kindergarten and grades 1 to 8, inclusive, that are aligned with the California common core academic content standards for language arts and for use in kindergarten and grades 1 to 7, inclusive, that are aligned with the California common core academic content standards for mathematics. The bill would require 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 would authorize the state board to add an item to that list, as specified. The bill also would permit 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. The bill would require supplemental instructional materials approved by the state board and the governing board of a school district in the subject areas of mathematics and English language arts to be reviewed by content review experts, as specified. The bill also would require supplemental instructional materials to comply with specified social content review requirements. The bill would require the department to maintain on its Internet Web site a list of supplemental instructional materials approved by the state board.

The bill would require the department to use certain federal funds to implement the provisions of the bill. The provisions of the bill would become inoperative on July 1, 2014, and would be repealed on July 1, 2015.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) California and 40 other states have adopted common core academic content standards for language arts and mathematics to provide consistent and clear expectations of what pupils need to learn to compete in a global economy.

(b) Eighty-five percent of the standards are common across the nation, with 15 percent being unique to California.

(c) It is the intent of the Legislature that the state collaborate with other states in the development of instructional materials to realize efficiencies, particularly for the 85 percent of the standards that are common across the nation.

(d) It is also the intent of the Legislature that the California common core academic content standards in 8th grade mathematics be reviewed to ensure they are rigorous, clear, and concise for classroom instructional purposes. This review should be conducted before developing a process for adopting instructional materials that are aligned to the California common core academic content standards for 8th grade mathematics.

SEC. 2. Section 60605.86 is added to the Education Code, to read:

60605.86. (a) The department shall recommend, and the state board shall approve, evaluation criteria to guide the development and review of supplemental instructional materials.

(b) Notwithstanding any other law, and on a one-time basis, the department shall develop a list, on or before July 1, 2012, of supplemental instructional materials for use in kindergarten and grades 1 to 8, inclusive, that are aligned with the California common core academic content standards for language arts and for use in kindergarten and grades 1 to 7, inclusive, that are aligned with the California common core academic content standards for mathematics. The supplemental instructional materials shall provide a bridge between the California common core academic content standards and the standards-aligned instructional materials currently being used by local educational agencies.

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

(2) The majority of content review experts approved pursuant to paragraph (1) shall be teachers who are credentialed in the subject area they are reviewing. The content review experts shall also include appropriate persons from postsecondary institutions and school and school district curriculum administrators, and other persons who are knowledgeable in the appropriate subject area.

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

(d) (1) On or before September 30, 2012, the state board shall do the following:

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

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

(2) The state board may add an item to the list of supplemental instructional materials proposed by the department.

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

(e) (1) The governing boards of school districts may approve supplemental instructional materials other than those approved by the state board pursuant to subdivision (d) if the governing board 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. The governing board of a school district may only approve supplemental instructional materials that comply with the evaluation criteria approved pursuant to subdivision (a) and the requirements of Section 60226, subdivision (h), and Article 4 (commencing with Section 60060).

(2) (A) A supplemental instructional material approved by a governing board of a school district pursuant to this subdivision that is in the subject area of mathematics or English language arts shall be reviewed by content review experts chosen by the governing board.

(B) The majority of the content review experts chosen pursuant to subparagraph (A) shall be teachers who are credentialed in the subject area they are reviewing. The content review experts shall include appropriate persons from postsecondary institutions and school and school district curriculum administrators, and other persons who are knowledgeable in the appropriate subject area.

(C) The content review experts shall serve without compensation.

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

(g) (1) Before approving supplemental instructional materials pursuant to this section, the state board shall review those

instructional materials for academic content, social content, and instructional support to teachers and pupils. Supplemental instructional materials approved by the state board pursuant to this section shall meet required program criteria for grade-level programs, intervention programs, and English learners and shall include materials for use by teachers.

(2) Before approving supplemental instructional materials pursuant to this section, the governing board of a school district shall review those instructional materials for academic content and instructional support to teachers and pupils. Supplemental instructional materials approved by the governing board of a school district pursuant to this section shall meet required program criteria for grade-level programs, intervention programs, and English learners, and shall include materials for use by teachers.

(h) Supplemental instructional materials approved pursuant to this section shall comply with the social content review requirements that would be imposed by Assembly Bill 339 of the 2011–12 Regular Session if that bill becomes operative; otherwise, the governing board of a school district shall review supplemental instructional materials for social content in compliance with Article 3 (commencing with Section 60040).

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

(j) The department shall use federal carryover funds received pursuant to Title I of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) to implement this section.

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



Approved \_\_\_\_\_, 2011

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*Governor*