

Introduced by Senator LiuFebruary 7, 2013

An act to add Section 60211 to the Education Code, relating to instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

SB 201, as introduced, Liu. Instructional materials: academic content standards: language arts and 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, for governing boards, as specified. Existing law also requires the state board to adopt and approve academic content standards for language arts and for English language development for pupils whose primary language is a language other than English.

This bill would authorize the state board to adopt basic instructional materials for kindergarten and grades 1 to 8, inclusive, that are aligned to those standards for language arts and English language development by no later than November 30, 2015. The bill would, among other things, require the State Department of Education, before conducting an adoption of basic instructional materials for language arts and English language development, to provide notice, as specified, to all publishers or manufacturers that each publisher or manufacturer is required to pay a fee, as specified, to offset the cost of conducting the adoption process.

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. (a) It is the intent of the Legislature, in enacting
2 this act, to continue the implementation of the common core
3 academic content standards by ensuring the adoption of
4 instructional materials that are aligned to the common core
5 academic content standards for language arts and by providing
6 local educational agencies flexibility in their use of instructional
7 materials.

8 (b) It is further the intent of the Legislature that this adoption
9 of instructional materials will meet the needs of English learners
10 by requiring alignment of the materials to the English language
11 development standards adopted pursuant to Section 60811 of the
12 Education Code.

13 (c) It is further the intent of the Legislature to ensure that school
14 districts have access to as many high-quality standards-aligned
15 instructional material options as possible, so that educators may
16 have as many rigorous options in choosing the best instructional
17 materials that meet the needs of all pupils, including English
18 learners and pupils with disabilities, and that ensure that their
19 pupils are able to master the academic content standards adopted
20 by the State Board of Education pursuant to Section 60605.8 of
21 the Education Code.

22 SEC. 2. Section 60211 is added to the Education Code, to read:

23 60211. (a) Notwithstanding subdivision (a) of Section 60200
24 and Section 60200.7, the state board may adopt basic instructional
25 materials for kindergarten and grades 1 to 8, inclusive, that are
26 aligned to the language arts content standards adopted pursuant to
27 Section 60605.8 and the English language development standards
28 adopted pursuant to Section 60811 by no later than November 30,
29 2015.

30 (b) For purposes of conducting an adoption of basic instructional
31 materials pursuant to subdivision (a), all of the following shall
32 apply:

33 (1) (A) The department shall provide notice, pursuant to
34 subparagraph (B), to all publishers or manufacturers known to
35 produce basic instructional materials in language arts and English
36 language development, post an appropriate notice on its Internet
37 Web site, and take other reasonable measures to ensure that

1 appropriate notice is widely circulated to potentially interested
2 publishers and manufacturers.

3 (B) The notice provided pursuant to subparagraph (A) shall
4 specify that each publisher or manufacturer choosing to participate
5 in the adoption shall be assessed a fee based on the number of
6 programs the publisher or manufacturer indicates will be submitted
7 for review and the number of grade levels proposed to be covered
8 by each program.

9 (2) The department, before incurring substantial costs for the
10 adoption, shall require that a publisher or manufacturer that wishes
11 to participate in the adoption first declare the intent to submit one
12 or more specific programs for adoption and specify the specific
13 grade levels to be covered by each program.

14 (3) After a publisher or manufacturer has declared the intent to
15 submit one or more programs and the grade levels to be covered
16 by each program, the department shall assess a fee that shall be
17 payable by the publisher or manufacturer even if the publisher or
18 manufacturer subsequently chooses to withdraw a program or
19 reduce the number of grade levels covered.

20 (4) The fee assessed pursuant to paragraph (3) shall be in an
21 amount that does not exceed the reasonable costs to the department
22 in conducting the adoption process. The department shall take
23 reasonable steps to limit costs of the adoption and to keep the fee
24 modest.

25 (5) A submission by a publisher or manufacturer shall not be
26 reviewed for purposes of adoption until the fee assessed pursuant
27 to paragraph (3) has been paid in full.

28 (6) (A) Upon the request of a small publisher or small
29 manufacturer, the state board may reduce the fee for participation
30 in the adoption.

31 (B) For purposes of this section, “small publisher” and “small
32 manufacturer” mean an independently owned or operated publisher
33 or manufacturer that is not dominant in its field of operation and
34 that, together with its affiliates, has 100 or fewer employees, and
35 has average annual gross receipts of ten million dollars
36 (\$10,000,000) or less over the previous three years.

37 (7) If the department determines that there is little or no interest
38 in participating in an adoption by publishers and manufacturers,
39 the department shall recommend to the state board whether or not

1 the adoption shall be conducted, and the state board may choose
2 not to conduct the adoption.
3 (8) Revenue derived from fees assessed pursuant to paragraph
4 (3) shall be budgeted as reimbursements and subject to review
5 through the annual budget process, and may be used to pay for
6 costs associated with any adoption and for any costs associated
7 with the review of instructional materials, including reimbursement
8 of substitute costs for teacher reviewers and may be used to cover
9 stipends for content review experts.