

AMENDED IN ASSEMBLY JANUARY 4, 2016

AMENDED IN ASSEMBLY APRIL 22, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 100

Introduced by Assembly Member Alejo

January 8, 2015

~~An act to add Section 8924.7 to, and to add Chapter 1.5 (commencing with Section 8050) to Division 1 of Title 2 of, the Government Code, relating to state government. An act to add Section 51226.7 to the Education Code, relating to pupil instruction.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 100, as amended, Alejo. ~~California Law Fellowship Program.~~
Pupil instruction: ethnic studies.

Existing law requires the adopted course of study for grades 7 to 12, inclusive, to include, among other subjects, the social sciences. Existing law requires the State Board of Education, with the assistance of the Superintendent of Public Instruction, to establish a list of textbooks and other instructional materials that highlight the contributions of minorities in the development of California and the United States. Existing law establishes the Instructional Quality Commission and requires the commission to, among other things, recommend curriculum frameworks to the state board.

This bill would require the Superintendent to oversee the development of, and the state board to adopt, a model curriculum to ensure quality courses in ethnic studies. The bill would require the Instructional Quality Commission to advise, assist, and make recommendations to the Superintendent regarding the development of the model curriculum.

The bill would, beginning the school year following the adoption of the model curriculum, require each school district maintaining grade 9 to offer to all otherwise qualified pupils in that grade, as an elective in the social sciences, a course of study in ethnic studies based on the model curriculum. By imposing additional duties on school districts, the bill would impose a state-mandated local program.

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.

~~Existing law authorizes certain internship and fellowship programs, as specified:~~

~~This bill would establish the California Law Fellowship Program for the purpose of offering licensed attorneys and other qualifying law school graduates limited-term placements in public sector positions within state government as California Law Fellows, and encouraging each fellow to seek permanent public-sector employment at the conclusion of his or her fellowship, as specified:~~

~~Existing law, commonly known as the Code of Ethics, prohibits a Member of the Legislature or an employee of either house of the Legislature from receiving or agreeing to receive, directly or indirectly, any compensation, reward, or gift from any source except the State of California for any service, advice, assistance, or other matter related to the legislative process, except for specified circumstances:~~

~~This bill would provide that the services of a California Law Fellow are not compensation, a reward, or a gift to a Member of the Legislature for purposes of the so-called Code of Ethics. The bill would also provide that a participant in the program is not an employee of either house of the Legislature for purposes of the Code of Ethics:~~

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

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

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

1 (a) *The State of California is committed to providing excellent*
2 *educational opportunities to all of its pupils.*

3 (b) *There are 92 languages other than English spoken*
4 *throughout the state, with the primary languages being Arabic,*
5 *Armenian, Cantonese, Korean, Russian, Spanish, Tagalog, and*
6 *Vietnamese.*

7 (c) *There is a growing body of academic research that shows*
8 *the importance of culturally meaningful and relevant curriculum.*

9 (d) *Based on the National Education Association (NEA)*
10 *publication, The Academic and Social Value of Ethnic Studies, the*
11 *inclusion of ethnic studies in a curriculum has a positive impact*
12 *on pupils of color.*

13 (e) *Ethnic studies benefit pupils in observable ways, such as*
14 *pupils becoming more academically engaged, increasing their*
15 *performance on academic tests, improving their graduation rates,*
16 *and developing a sense of self-efficacy and personal empowerment.*

17 (f) *The state's educational standards should be guided by core*
18 *values of equity and inclusiveness, and should reflect universally*
19 *high expectations.*

20 (g) *The state is committed to its efforts to provide all pupils with*
21 *excellent educational opportunities, without regard to race, gender,*
22 *ethnicity, nationality, income, sexual orientation, or disability.*

23 (h) *The state is committed to its obligation to ensure its youth*
24 *are college prepared and career ready, while graduating 100*
25 *percent of its pupils.*

26 (i) *The implementation of various ethnic studies courses within*
27 *California's curriculum that are A-G approved, with the objective*
28 *of preparing pupils to be global citizens with an appreciation for*
29 *the contributions of multiple cultures, will close the achievement*
30 *gap, reduce pupil truancy, increase pupil enrollment, reduce*
31 *dropout rates, and increase graduation rates.*

32 (j) *The state should support efforts in recruiting and retaining*
33 *teachers who have relevant experience and educational*
34 *background in the study or teaching of ethnic studies.*

35 SEC. 2. *Section 51226.7 is added to the Education Code, to*
36 *read:*

37 51226.7. (a) *The Superintendent shall oversee the development*
38 *of, and the state board shall adopt, a model curriculum to ensure*
39 *quality courses of study in ethnic studies through partnerships*
40 *with universities with ethnic studies programs. The model*

1 curriculum shall meet the A-G approval requirements of the
2 Regents of the University of California.

3 (b) On or before the beginning of the 2017–18 school year, the
4 Instructional Quality Commission shall advise, assist, and make
5 recommendations to the Superintendent regarding the development
6 of the model curriculum pursuant to subdivision (a).

7 (c) Beginning the school year following the adoption of the
8 model curriculum pursuant to subdivision (a), each school district
9 maintaining grade 9 shall offer to all otherwise qualified pupils
10 in that grade, as an elective in the social sciences, a course of
11 study in ethnic studies based on the model curriculum.

12 SEC. 3. If the Commission on State Mandates determines that
13 this act contains costs mandated by the state, reimbursement to
14 local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.

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

19 ~~(a) California has the eighth largest economy in the world, and~~
20 ~~its laws have a far-reaching impact on individuals, entities, and~~
21 ~~organizations within the state and throughout the world.~~

22 ~~(b) Because of its extraordinary economic impact and leadership~~
23 ~~on timely issues, California's statutory framework and legal~~
24 ~~structures have a national and global impact.~~

25 ~~(c) Rapid technological and societal advances require the~~
26 ~~development of public policy in new and evolving areas.~~

27 ~~(d) State government officials must make informed policy~~
28 ~~decisions about issues that have increasingly complex and~~
29 ~~interrelated legal components.~~

30 ~~(e) California is home to some of the world's most prestigious~~
31 ~~universities and law schools.~~

32 ~~(f) California is currently facing one of the largest surpluses of~~
33 ~~recent law school graduates in the nation, and the unique education~~
34 ~~and training of these skilled graduates could greatly assist the state~~
35 ~~government in its work.~~

36 ~~(g) Only approximately 5 percent of attorneys nationwide work~~
37 ~~for state governments, meaning that the nation's state governments~~
38 ~~derive insufficient benefit from those attorneys' legal training and~~
39 ~~expertise.~~

1 ~~(h) Approximately 36 percent of attorneys working for the State~~
2 ~~of California are 55 years of age or older; therefore, California~~
3 ~~must encourage attorneys to enter public service to fill vacancies~~
4 ~~as those attorneys retire.~~

5 ~~(i) The establishment of a law fellowship program in California~~
6 ~~will enable the state to capitalize on the experience of its law school~~
7 ~~graduates for the betterment of its government.~~

8 ~~SEC. 2. Chapter 1.5 (commencing with Section 8050) is added~~
9 ~~to Division 1 of Title 2 of the Government Code, to read:~~

10
11 ~~CHAPTER 1.5. CALIFORNIA LAW FELLOWSHIP PROGRAM~~
12

13 ~~8050. (a) The California Law Fellowship Program is hereby~~
14 ~~established.~~

15 ~~(b) The purpose of the program is to offer licensed attorneys~~
16 ~~and other qualifying law school graduates limited-term placements~~
17 ~~in public sector positions within state government.~~

18 ~~(c) The program shall provide each California Law Fellow with~~
19 ~~the opportunity to work in the public sector and shall encourage~~
20 ~~each participant to seek permanent public-sector employment at~~
21 ~~the conclusion of the fellowship.~~

22 ~~(d) The Legislature requests that The University of the Pacific~~
23 ~~McGeorge School of Law, in consultation with California law~~
24 ~~schools accredited by the American Bar Association, and with any~~
25 ~~other appropriate person or entity, do all of the following with~~
26 ~~respect to the California Law Fellowship Program:~~

27 ~~(1) Create the program to provide law graduates a post-graduate~~
28 ~~educational experience and provide the Legislature and other~~
29 ~~governmental entities with legal assistance and advice.~~

30 ~~(2) House and administer the program, including managing~~
31 ~~funding and processing applications.~~

32 ~~(e) A California Law Fellow's placement with a state agency~~
33 ~~shall be contingent on that agency's acceptance of the fellow,~~
34 ~~according to criteria adopted by the participating state agency for~~
35 ~~purposes of the program.~~

36 ~~(f) (1) It is the intent of the Legislature that participation in the~~
37 ~~program by an attorney or other qualifying law school graduate,~~
38 ~~by a state agency, or by a public official within a state agency shall~~
39 ~~not constitute a gift of public money or thing of value for purposes~~
40 ~~of Section 6 of Article XVI of the California Constitution, a gift~~

1 for purposes of the Political Reform Act of 1974 (Title 9
2 (commencing with Section 81000)), or a gift, bequest, or favor for
3 purposes of the Code of Judicial Ethics adopted pursuant to
4 subdivision (m) of Section 18 of Article VI of the California
5 Constitution.

6 (2) To the extent feasible, the program shall be designed and
7 administered to accomplish the Legislature's intent as specified
8 in this subdivision.

9 (g) State funds shall not be used to administer the program.

10 (h) For purposes of this section:

11 (1) "California Law Fellow" means a participant in the program.

12 (2) "Program" means the California Law Fellowship Program.

13 (3) "Qualifying law school graduate" means a recipient of a law
14 degree from a law school accredited by the American Bar
15 Association.

16 SEC. 3. Section 8924.7 is added to the Government Code, to
17 read:

18 8924.7. (a) The Legislature finds and declares that the
19 California Law Fellowship Program, established pursuant to
20 Chapter 1.5 (commencing with Section 8050) of Division 1,
21 establishes a formal fellowship program that provides substantial
22 public benefits to the Legislature as a participating state agency.

23 (b) The services of a California Law Fellow, whose placement
24 with the Legislature is duly authorized by the Senate Committee
25 on Rules, the Assembly Committee on Rules, or the Joint
26 Committee on Rules, as appropriate, are not compensation, a
27 reward, or a gift to a Member of the Legislature for purposes of
28 paragraph (4) of subdivision (b) of Section 8920.

29 (c) A California Law Fellow, whose placement with the
30 Legislature is duly authorized by the Senate Committee on Rules,
31 the Assembly Committee on Rules, or the Joint Committee on
32 Rules, as appropriate, is not an employee of either house of the
33 Legislature for purposes of this article.

34 (d) For purposes of this section, a California Law Fellow is
35 "duly authorized by the Senate Committee on Rules, the Assembly
36 Committee on Rules, or the Joint Committee on Rules" only if
37 both of the following requirements are satisfied:

38 (1) The California Law Fellow has been selected according to
39 criteria, and pursuant to a process, approved by the Senate

1 ~~Committee on Rules, the Assembly Committee on Rules, or the~~
2 ~~Joint Committee on Rules:~~
3 ~~(2) The program has executed an agreement with the Senate~~
4 ~~Committee on Rules, the Assembly Committee on Rules, or the~~
5 ~~Joint Committee on Rules whereby the California Law Fellow is~~
6 ~~bound to abide by standards of conduct, economic interest~~
7 ~~disclosure requisites, and other requirements specified by the~~
8 ~~Senate Committee on Rules, the Assembly Committee on Rules,~~
9 ~~or the Joint Committee on Rules:~~

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