

AMENDED IN SENATE JUNE 18, 1998  
AMENDED IN ASSEMBLY MAY 22, 1998  
AMENDED IN ASSEMBLY APRIL 29, 1998  
AMENDED IN ASSEMBLY MARCH 31, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1785**

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**Introduced by Assembly Member Murray**  
**(Coauthor: Assembly Member Kuehl)**  
(Coauthors: Senators Solis and Watson)

February 6, 1998

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An act to amend Sections 60603 and 60605 of the Education Code, and to amend ~~Section 4 of Chapter 975 of the Statutes of 1995, as amended by Section 33 of Chapter 299 of the Statutes of 1997,~~ relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 1785, as amended, Murray. Visual and performing arts, and foreign language education.

(1) Existing law requires the adopted course of study for grades 1 to 12, inclusive, to include instruction, beginning in grade 1 and continuing through grade 12, in certain prescribed areas of study, including, but not limited to, foreign language or languages, and visual and performing arts, including instruction in the subjects of art and music, aimed at the development of aesthetic appreciation and the skills of creative expression.

Existing law, to be repealed on January 1, 2003, establishes the Local Arts Education Partnership Program to provide grants to local arts agencies, including school districts, to develop a locally based approach to the improvement of arts education in the public schools.

This bill would make legislative findings and declarations concerning the value of visual and performing arts and foreign language programs.

(2) Existing law, the Leroy Greene California Assessment of Academic Achievement Act, requires the State Board of Education to adopt statewide academically rigorous content and performance standards, pursuant to recommendations of the Commission for the Establishment of Academic Content and Performance Standards, in the core curriculum areas of reading, writing, and mathematics, no later than January 1, 1998, and in the core curriculum areas of history, social science, and science, no later than November 1, 1998, to serve as the basis for assessing the academic achievement of individual pupils and of schools, school districts, and the California education system.

This bill would also require the board to adopt core content standards, *pursuant to recommendations developed by the Superintendent of Public Instruction*, on or before June 1, 1999, for visual and performing arts and foreign languages. By expanding the core curriculum content and performance standards applicable to school districts, this bill would impose a state-mandated local program.

~~(3) Existing law established the Commission for the Establishment of Academic Content and Performance Standards, and required the commission, on or before October 1, 1997, to develop and submit the academically rigorous content standards and performance standards for the core curriculum areas of reading, writing, mathematics, history, social science, and science for all grade levels to the State Board of Education for approval by the board.~~

~~This bill would require the commission, upon the completion of those content standards to develop content standards for visual and performing arts and foreign languages. The bill would require the commission to submit those standards to the board on or before June 1, 1999.~~



~~(4)~~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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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.

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

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

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

3 (a) Evidence is growing that arts are critically  
4 important to education and learning. According to the  
5 College Entrance Examination Board, students of the arts  
6 outperform nonarts educated peers on measures of  
7 academic ability. In 1995, the Scholastic Assessment Text  
8 scores of students who studied the arts for more than four  
9 years were 59 points higher on the verbal test and 44  
10 points higher on the math test than the scores of students  
11 with no education in the arts.

12 (b) It has been shown that strong cognitive links exist  
13 between the arts and science. Such cognitive reasoning  
14 includes the ability to explore new concepts and  
15 associations, to understand abstract ideas, to build models  
16 and recognize patterns. Further arts education also  
17 contributes to student learning and achievement by  
18 enhancing motivation, self-discipline, and understanding  
19 of others, appreciation of diversity, a positive school  
20 climate, and preparation for the world of work.

21 (c) Jobs and careers that involve artistic expression are  
22 becoming increasingly important. According to the office  
23 of the Governor, the entertainment industry alone



1 contributes more than twenty-five billion dollars  
2 (\$25,000,000,000) to the state's economy and generates  
3 more than six hundred million dollars (\$600,000,000) in  
4 state tax revenues.

5 (d) Students who study ~~other languages~~ acquire  
6 *foreign languages* acquire a variety of skills that help  
7 them succeed academically. ~~These skills are easily~~  
8 ~~transferable across the curriculum.~~ Students learn to  
9 think critically and to develop a global perspective in  
10 spite of language barriers and national boundaries. They  
11 become aware of the interconnectedness of all people  
12 and are motivated to learn more about the history,  
13 geography, art, music, and culture of those whose  
14 languages they are studying. ~~Students learn to interact~~  
15 ~~positively with people from other cultural and linguistic~~  
16 ~~backgrounds. By developing cross-cultural sensitivity,~~  
17 ~~they are able to view situations from many perspectives.~~  
18 *The educational rationale for studying a foreign language*  
19 *can be divided into three main categories of benefit:*  
20 *economic, civic and cultural, and intellectual. The study*  
21 *of foreign languages is especially valuable in California,*  
22 *where a rich diversity of cultural traditions is represented*  
23 *and where one out of four immigrants to the United*  
24 *States eventually settles.*

25 (e) For these reasons and others, it is important that  
26 visual and performing arts and foreign language  
27 instruction be available for all students in order to  
28 increase cognitive reasoning, improve student  
29 performance, and to prepare students for our global  
30 world.

31 SEC. 2. Section 60603 of the Education Code is  
32 amended to read:

33 60603. As used in this chapter:

34 (a) "Achievement test" means any standardized test  
35 that measures the level of performance that a pupil has  
36 achieved in the core curriculum areas.

37 (b) "Assessment of applied academic skills" means a  
38 form of assessment that requires pupils to demonstrate  
39 their knowledge of, and ability to apply, academic  
40 knowledge and skills in order to solve problems and



1 communicate. It may include, but is not limited to,  
2 writing an essay response to a question, conducting an  
3 experiment, or constructing a diagram or model. An  
4 assessment of applied academic skills may not include  
5 assessments of personal behavioral standards or skills,  
6 including, but not limited to, honesty, sociability, ethics,  
7 or self-esteem.

8 (c) “Basic academic skills” means those skills in the  
9 subject areas of reading, spelling, written expression, and  
10 mathematics that provide the necessary foundation for  
11 mastery of more complex intellectual abilities, including  
12 the synthesis and application of knowledge.

13 (d) “Content standards” means the specific academic  
14 knowledge, skills, and abilities that all public schools in  
15 this state are expected to teach and all pupils expected to  
16 learn in each of the core curriculum areas, at each grade  
17 level tested.

18 (e) “Core curriculum areas” means the areas of  
19 reading, writing, mathematics, history, social science,  
20 science, visual and performing arts, and foreign language.

21 (f) “Direct writing assessment” means an assessment  
22 of applied academic skills that requires pupils to use  
23 written expression to demonstrate writing skills,  
24 including writing mechanics, grammar, punctuation, and  
25 spelling.

26 (g) “End of course exam” means a comprehensive and  
27 challenging assessment of pupil achievement in a  
28 particular subject area or discipline such as the Golden  
29 State Exams.

30 (h) “Performance standards” are standards that  
31 define various levels of competence at each grade level  
32 in each of the curriculum areas for which content  
33 standards are established. Performance standards gauge  
34 the degree to which a student has met the content  
35 standards and the degree to which a school or school  
36 district has met the content standards.

37 (i) “Publisher” means a commercial publisher or any  
38 other public or private entity, other than the State  
39 Department of Education, which is able to provide tests  
40 or test items that meet the requirements of this chapter.



1 (j) “Statewide pupil assessment program” means the  
 2 systematic achievement testing of pupils in grades 2 to 11,  
 3 inclusive, pursuant to the standardized testing and  
 4 reporting program under Article 4 (commencing with  
 5 Section 60640) and the assessment of basic academic skills  
 6 and applied academic skills, administered to pupils in  
 7 grade levels specified in subdivision (c) of Section 60605,  
 8 required by this chapter in all schools within each school  
 9 district by means of tests designated by the State Board  
 10 of Education.

11 SEC. 3. Section 60605 of the Education Code is  
 12 amended to read:

13 60605. (a) (1) No later than January 1, 1998, the  
 14 State Board of Education shall adopt statewide  
 15 academically rigorous content and performance  
 16 standards, pursuant to the recommendations of the  
 17 Commission for the Establishment of Academic Content  
 18 and Performance Standards, in the core curriculum areas  
 19 of reading, writing, and mathematics to serve as the basis  
 20 for assessing the academic achievement of individual  
 21 pupils and of schools, school districts, and the California  
 22 education system. No later than November 1, 1998, the  
 23 State Board of Education shall adopt such standards in the  
 24 core curriculum areas of history, social science and  
 25 science. ~~No~~

26 (2) No later than June 1, 1999, the State Board of  
 27 Education shall adopt content standards, *pursuant to*  
 28 *recommendations developed by the Superintendent of*  
 29 *Public Instruction*, on the core curriculum areas of visual  
 30 and performing arts and foreign languages.

31 ~~(2)~~

32 (3) The board may modify any proposed content  
 33 standards or performance standards prior to adoption and  
 34 may adopt content and performance standards in  
 35 individual core curriculum areas as those standards are  
 36 submitted to the board by the commission. The  
 37 performance standards shall be established against  
 38 specific grade level benchmarks of academic  
 39 achievement for each subject area tested and shall be  
 40 based on the knowledge and skills that pupils will need in



1 order to succeed in the information-based, global  
2 economy of the 21st century. These skills shall not include  
3 personal behavioral standards or skills, including, but not  
4 limited to, honesty, sociability, ethics, or self-esteem. The  
5 standards adopted pursuant to this section shall be for the  
6 purpose of guiding state decisions regarding the  
7 development, adoption, and approval of assessment  
8 instruments pursuant to this chapter and shall not be  
9 construed to mandate any actions or activities by school  
10 districts.

11 ~~(3)~~

12 (4) Prior to the adoption of academic content and  
13 performance standards, the board shall hold regional  
14 hearings for the purpose of giving parents and other  
15 members of the public the opportunity to comment on  
16 the proposed standards.

17 (b) (1) The State Board of Education shall require the  
18 State Department of Education to notify publishers of the  
19 opportunity to submit, for consideration by the State  
20 Board of Education pursuant to Section 60642, tests of  
21 achievement that include all of the basic academic skills  
22 identified in subdivision (c) of Section 60603 in grades 2  
23 to 8, inclusive, and the core curriculum areas identified in  
24 subdivision (e) of Section 60603 in grades 9 to 11,  
25 inclusive.

26 (2) On or before October 31, 1997, the Superintendent  
27 of Public Instruction shall recommend to the State Board  
28 of Education which achievement test to adopt pursuant  
29 to subdivision (b) of Section 60642.

30 (c) (1) The State Board of Education shall adopt an  
31 assessment instrument that meets the objectives of  
32 Section 60602 and that yields valid, reliable estimates of  
33 school performance, school district performance, and  
34 statewide performance of pupils that, in grades 4, 5, 8, and  
35 10, assess basic academic skills and incorporate the use of  
36 direct writing assessment and other assessments of  
37 applied academic skills.

38 (2) The State Board of Education shall annually  
39 require that each school district administer the statewide  
40 assessment pursuant to this subdivision to all pupils in



1 grades 4, 5, 8, and 10. The core curriculum areas shall be  
2 addressed by that assessment. Notwithstanding any other  
3 provision of law, the assessment provided for under this  
4 subdivision shall address, in grade 4, only reading, written  
5 expression, and mathematics, and, in grade 5, only  
6 history/social science and science. Pupils in a given school  
7 shall be administered a portion of all subjects of the  
8 assessment that will be representative of all the  
9 assessment objectives, goals, and categories of items on  
10 the entire assessment in a manner that will produce  
11 results that are valid and reliable at the school and school  
12 district level. The State Department of Education may  
13 provide assistance to school districts in the  
14 implementation of the assessment established pursuant  
15 to this subdivision.

16 (3) Nothing in this subdivision shall be construed to  
17 prevent the State Board of Education from developing or  
18 adopting an assessment instrument that also contains  
19 assessments of basic academic skills.

20 (d) The State Board of Education shall adopt  
21 assessments pursuant to subdivision (c) that are aligned  
22 with the statewide content and performance standards  
23 adopted pursuant to subdivision (a). The State Board of  
24 Education shall not adopt an assessment pursuant to  
25 subdivision (c) for any core curriculum area until the  
26 statewide content and performance standards for that  
27 core curriculum area have been adopted by the board  
28 pursuant to subdivision (a). The State Board of Education  
29 shall not award contracts pursuant to subdivision (h) for  
30 any core curriculum area until after adoption of statewide  
31 content and performance standards for that core  
32 curriculum area.

33 (e) After the adoption of the statewide content and  
34 performance standards, the State Board of Education  
35 shall review the achievement test designated pursuant to  
36 Section 60642 for conformance with these statewide  
37 standards.

38 (f) After the adoption of the statewide content and  
39 performance standards, the board shall review the  
40 existing curriculum frameworks for conformity with the



1 new statewide standards and shall modify the curriculum  
2 frameworks where appropriate to bring them into  
3 alignment with the standards.

4 (g) The State Board of Education shall adopt  
5 regulations for the conduct and administration of the  
6 testing and assessment program.

7 (h) The State Board of Education shall adopt a  
8 regulation for minimum security procedures that test and  
9 assessment publishers and school districts must follow to  
10 ensure the security and integrity of test and assessment  
11 questions and materials.

12 (i) Following consideration of recommendations of  
13 the Superintendent of Public Instruction, the State Board  
14 of Education shall award contracts to develop  
15 instruments to be used for the purposes of subdivision (c),  
16 according to competitive bidding procedures.

17 (1) As part of this process, the board may convene an  
18 advisory panel composed of nationally recognized  
19 experts in pupil assessment. Two members of the panel  
20 shall be selected from a list of at least 10 nominees of the  
21 Superintendent of Public Instruction. This panel, if  
22 convened, shall assist the board in the preparation of the  
23 request for proposals to develop instruments for use as  
24 assessments of applied academic skills and in the review  
25 and rating of proposals that are submitted. The panel shall  
26 also assist the board in determining methods of ensuring  
27 that the achievement test designated pursuant to Section  
28 60642 meets the requirements of Section 60644.

29 (2) Any contractor to whom a contract is awarded  
30 pursuant to this subdivision shall assure that parents,  
31 classroom teachers, administrators, school district  
32 governing board members, and the general public are  
33 actively involved in the development of any assessment  
34 instruments.

35 (j) (1) Not less than 60 days before adoption of the  
36 statewide pupil assessment pursuant to subdivision (c),  
37 the State Board of Education shall make the proposed  
38 assessment available for inspection by the public. The  
39 board shall adopt any proposed amendments or  
40 modifications to the assessment before this public



1 inspection period so that the materials available for  
2 inspection are the same materials that the board shall  
3 consider for final adoption. This provision applies to  
4 subsequent amendments or modifications of the  
5 examination in addition to the initial adoption. The  
6 proposed assessment shall be available for inspection by  
7 the public for a reasonable period of time.

8 (2) The assessment adopted pursuant to subdivision  
9 (c) shall be available for inspection at each county  
10 superintendent of schools' office and within each school  
11 district at a centrally located site selected by the  
12 governing board of each school district. The governing  
13 board may also make the assessment available for public  
14 inspection at other locations within the school district. No  
15 assessment may be copied or taken from the inspection  
16 site.

17 ~~SEC. 4. Section 4 of Chapter 975 of the Statutes of~~  
18 ~~1995, as amended by Section 33 of Chapter 299 of the~~  
19 ~~Statutes of 1997, is amended to read:~~

20 ~~Sec. 4. (a) There is hereby established in state~~  
21 ~~government the Commission for Establishment of~~  
22 ~~Academic Content and Performance Standards, to~~  
23 ~~consist of 21 members:~~

24 ~~(1) The members of the commission shall be as follows:~~

25 ~~(A) Twelve members appointed by the Governor.~~

26 ~~(B) The Superintendent of Public Instruction, or his or~~  
27 ~~her designee.~~

28 ~~(C) Six members appointed by the Superintendent of~~  
29 ~~Public Instruction.~~

30 ~~(D) One member appointed by the Senate~~  
31 ~~Committee on Rules.~~

32 ~~(E) One member appointed by the Speaker of the~~  
33 ~~Assembly.~~

34 ~~(2) The chair of the commission shall be elected by the~~  
35 ~~members of the commission.~~

36 ~~(3) Members of the commission shall serve at the~~  
37 ~~pleasure of the appointing authority.~~

38 ~~(4) It is the intent of the Legislature that the~~  
39 ~~membership of the commission include, but not~~  
40 ~~necessarily be limited to, parents, classroom teachers,~~



1 ~~representatives of the business community, and~~  
2 ~~individuals with expertise in pupil assessment or~~  
3 ~~expertise in the subject matter areas included in the~~  
4 ~~statewide pupil assessment program.~~

5 ~~(b) The commission shall develop academically~~  
6 ~~rigorous content standards and performance standards to~~  
7 ~~be used in public schools maintaining kindergarten and~~  
8 ~~grades 1 to 12, inclusive. Those academically rigorous~~  
9 ~~content standards and performance standards shall~~  
10 ~~comply with all of the following requirements:~~

11 ~~(1) Be measurable and objective.~~  
12 ~~(2) Reflect the knowledge and skills necessary for~~  
13 ~~California's work force to be competitive in the global,~~  
14 ~~information-based economy of the 21st century.~~

15 ~~(3) Be comparable in rigor to academic content and~~  
16 ~~performance standards used in the school systems of~~  
17 ~~America's global economic competitors.~~

18 ~~(4) Provide the basis for assessments for kindergarten~~  
19 ~~and grades 1 to 12, inclusive, in the following groupings:~~

20 ~~(A) Early elementary grades consisting of~~  
21 ~~kindergarten and grades 1 to 3, inclusive.~~

22 ~~(B) Upper elementary grades consisting of grades 4 to~~  
23 ~~6, inclusive.~~

24 ~~(C) Early departmentalized grades consisting of~~  
25 ~~grades 7 and 8.~~

26 ~~(D) Secondary grades consisting of grades 9 to 12,~~  
27 ~~inclusive.~~

28 ~~(e) The commission shall first develop content~~  
29 ~~standards and performance standards in reading, writing,~~  
30 ~~and mathematics prior to developing content standards~~  
31 ~~and performance standards in other core curriculum~~  
32 ~~areas. Upon completion of the development of content~~  
33 ~~standards in the curriculum areas of reading, writing,~~  
34 ~~mathematics, history, social science, and science, the~~  
35 ~~commission shall develop content standards for visual and~~  
36 ~~performing arts and foreign languages. The commission~~  
37 ~~shall submit content standards and performance~~  
38 ~~standards in each of the core curriculum areas to the State~~  
39 ~~Board of Education for its consideration and adoption as~~  
40 ~~they are completed by the commission.~~



1 ~~(d) In developing the academically rigorous content~~  
2 ~~standards and performance standards pursuant to~~  
3 ~~subdivision (b), the commission shall hold a sufficient~~  
4 ~~number of public hearings to allow input from parents,~~  
5 ~~educators, and the public in all geographic regions of the~~  
6 ~~state, but in no case fewer than six public hearings.~~

7 ~~(e) (1) On or before October 1, 1997, the commission~~  
8 ~~shall have developed and submitted the academically~~  
9 ~~rigorous content standards and performance standards~~  
10 ~~for the core curriculum areas of reading, writing, and~~  
11 ~~mathematics for all grade levels to the State Board of~~  
12 ~~Education for approval by the board. On or before August~~  
13 ~~1, 1998, the commission shall develop and submit to the~~  
14 ~~board the standards for science and history/social~~  
15 ~~science.~~

16 ~~(2) On or before June 1, 1999, the commission shall~~  
17 ~~develop and submit standards for visual and performing~~  
18 ~~arts and foreign languages for all grade levels to the State~~  
19 ~~Board of Education for approval.~~

20 ~~(f) Upon approval of a staffing and expenditure plan~~  
21 ~~by the commission, funds appropriated for support of the~~  
22 ~~commission shall be allocated by the chair or his or her~~  
23 ~~designee. The commission may appoint personnel and~~  
24 ~~enter into contracts and interagency agreements for~~  
25 ~~services in support of the commission.~~

26 ~~(g) This section shall become inoperative on~~  
27 ~~December 31, 1999, and as of January 1, 2000, is repealed,~~  
28 ~~unless a later enacted statute, which is enacted before~~  
29 ~~January 1, 2000, deletes or extends the date on which it~~  
30 ~~becomes inoperative and is repealed.~~

31 ~~SEC.—5.—~~Notwithstanding Section 17610 of the  
32 Government Code, if the Commission on State Mandates  
33 determines that this act contains costs mandated by the  
34 state, reimbursement to local agencies and school  
35 districts for those costs shall be made pursuant to Part 7  
36 (commencing with Section 17500) of Division 4 of Title  
37 2 of the Government Code. If the statewide cost of the  
38 claim for reimbursement does not exceed one million  
39 dollars (\$1,000,000), reimbursement shall be made from  
40 the State Mandates Claims Fund.



1 Notwithstanding Section 17580 of the Government  
2 Code, unless otherwise specified, the provisions of this act  
3 shall become operative on the same date that the act  
4 takes effect pursuant to the California Constitution.

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