

ASSEMBLY BILL

No. 2069

Introduced by Assembly Member Carter

February 18, 2010

An act to amend Section 60200 of the Education Code, relating to educational material.

LEGISLATIVE COUNSEL'S DIGEST

AB 2069, as introduced, Carter. Education: educational material.

Existing law requires the state board to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive, for governing boards, subject to specified criteria.

This bill would make technical, nonsubstantive changes in those provisions.

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

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

- 1 SECTION 1. Section 60200 of the Education Code is amended
2 to read:
3 60200. The state board shall adopt basic instructional materials
4 for use in kindergarten and grades 1 to 8, inclusive, for governing
5 boards, ~~subject pursuant~~ to the following provisions:
6 (a) The state board shall adopt at least five basic instructional
7 materials for all applicable grade levels in each of the following
8 categories:
9 (1) Language arts, including, but not limited to, spelling and
10 reading. However, the state board may not adopt basic instructional

1 materials in this category or the category specified by paragraph
2 (2) in the year succeeding the year in which the state board adopts
3 basic instructional materials in this category for the same grade
4 level.

5 (2) Mathematics. However, the state board may not adopt basic
6 instructional materials in this category or the category specified
7 by paragraph (1) in the year succeeding the year in which the state
8 board adopts basic instructional materials in this category for the
9 same grade level.

10 (3) Science.

11 (4) Social science.

12 (5) Bilingual or bicultural subjects.

13 (6) Any other subject, discipline, or interdisciplinary areas for
14 which the state board determines the adoption of instructional
15 materials to be necessary or desirable.

16 (b) The state board shall adopt procedures for the submission
17 of basic instructional materials in order to comply with each of
18 the following:

19 (1) Instructional materials may be submitted for adoption in any
20 of the subject areas pursuant to paragraphs (1) to (5), inclusive, of
21 subdivision (a) not less than two times every six years and in any
22 of the subject areas pursuant to paragraph (6) of subdivision (a)
23 not less than two times every eight years. The state board shall
24 ensure that curriculum frameworks are reviewed and adopted in
25 each subject area consistent with the six- and eight-year submission
26 cycles and that the criteria for evaluating instructional materials
27 developed pursuant to subdivision (b) of Section 60204 are
28 consistent with subdivision (c). The state board may prescribe
29 reasonable conditions to restrict the resubmission of materials that
30 have been previously rejected if those resubmitted materials have
31 no substantive changes.

32 (2) Submitted instructional materials shall be adopted or rejected
33 within six months of the submission date of the materials pursuant
34 to paragraph (1), unless the state board determines that a longer
35 period of time, not to exceed an additional three months, is
36 necessary due to the estimated volume or complexity of the
37 materials for that subject in that year, or due to other circumstances
38 beyond the reasonable control of the state board.

39 (c) In reviewing and adopting or recommending for adoption
40 submitted basic instructional materials, the state board shall use

1 the following criteria, and ensure that, in its judgment, the
2 submitted basic instructional materials meet all of the following
3 criteria:

4 (1) Are consistent with the criteria and the standards of quality
5 prescribed in the state board's adopted curriculum framework. In
6 making this determination, the state board shall consider both the
7 framework and the submitted instructional materials as a whole.

8 (2) Comply with the requirements of Sections 60040, 60041,
9 60042, 60043, 60044, 60048, 60200.5, and 60200.6, and the state
10 board's guidelines for social content.

11 (3) Are factually accurate and incorporate principles of
12 instruction reflective of current and confirmed research.

13 (4) Adequately cover the subject area for the grade level or
14 levels for which they are submitted.

15 (5) Do not contain materials, including illustrations, that provide
16 unnecessary exposure to a commercial brand name, product, or
17 corporate or company logo. Materials, including illustrations, that
18 contain a commercial brand name, product, or corporate or
19 company logo may not be used unless the *state* board determines
20 that the use of the commercial brand name, product, or corporate
21 or company logo is appropriate based on one of the following
22 specific findings:

23 (A) If text, the use of the commercial brand name, product, or
24 corporate or company logo in the instructional materials is
25 necessary for an educational purpose, as defined in the guidelines
26 or frameworks adopted by the state board.

27 (B) If an illustration, the appearance of a commercial brand
28 name, product, or corporate or company logo in an illustration in
29 instructional materials is incidental to the general nature of the
30 illustration.

31 (6) Meet other criteria as are established by the state board as
32 being necessary to accomplish the intent of Section 7.5 of Article
33 IX of the California Constitution and of Section 1 of Chapter 1181
34 of the Statutes of 1989, provided that the criteria are approved by
35 resolution at the time the resolution adopting the framework for
36 the current adoption is approved, or at least 30 months prior to the
37 date that the materials are to be approved for adoption.

38 (d) If basic instructional materials are rejected, the state board
39 shall provide a specific, written explanation of the reasons why
40 the submitted materials were not adopted, based upon one or more

1 of the criteria established under subdivision (c). In providing this
2 explanation, the state board may use, in whole or in part, materials
3 written by the commission or any other advisers to the state board.

4 (e) The state board may adopt fewer than five basic instructional
5 materials in each subject area for each grade level if either of the
6 following occurs:

7 (1) Fewer than five basic instructional materials are submitted.

8 (2) The state board specifically finds that fewer than five basic
9 instructional materials meet the criteria prescribed by paragraphs
10 (1) to (5), inclusive, of subdivision (c), or the materials fail to meet
11 the state board's adopted curriculum framework. If the state board
12 adopts fewer than five basic instructional materials in any subject
13 for any grade level, the state board shall conduct a review of the
14 degree to which the criteria and procedures used to evaluate the
15 submitted materials for that adoption were consistent with the state
16 board's adopted curriculum framework.

17 (f) This section does not limit the authority of the state board
18 to adopt materials that are not basic instructional materials.

19 (g) If a district board establishes to the satisfaction of the state
20 board that the state-adopted instructional materials do not promote
21 the maximum efficiency of pupil learning in the district, the state
22 board shall authorize that district governing board to use its
23 instructional materials allowances to purchase materials as
24 specified by the state board, in accordance with standards and
25 procedures established by the state board.

26 (h) Consistent with the quality criteria for the state board's
27 adopted curriculum framework, the state board shall prescribe
28 procedures to provide the most open and flexible materials
29 submission system and ensure that the adopted materials in each
30 subject, taken as a whole, provide for the educational needs of the
31 diverse pupil populations in the public schools, provide collections
32 of instructional materials that illustrate diverse points of view,
33 represent cultural pluralism, and provide a broad spectrum of
34 knowledge, information, and technology-based materials to meet
35 the goals of the program and the needs of pupils.

36 (i) Upon making an adoption, the state board shall make
37 available to listed publishers and manufacturers and all school
38 interests a listing of instructional materials, including the most
39 current unit cost of those materials as computed pursuant to existing
40 law. Items placed upon lists shall remain thereon, and be available

1 for procurement through the state's systems of financing, from the
2 date of the adoption of the item and until a date established by the
3 state board. The date established by the board for continuing items
4 on that list shall be the date on which the state board adopts
5 instructional materials based upon a new or revised curriculum
6 framework. Lists of adopted materials shall be made available by
7 subject and grade level. The lists shall terminate and shall no longer
8 be effective on the date prescribed by the state board pursuant to
9 this subdivision.

10 (j) The state board may approve multiple lists of instructional
11 materials, without designating a grade or subject, and the state
12 board may designate more than one grade or subject whenever it
13 determines that a single subject designation or a single grade
14 designation would not promote the maximum efficiency of pupil
15 learning. Any materials so designated may be placed on single
16 grade or single subject lists, or multigrade or interdisciplinary lists,
17 or may be placed on separate lists including other materials with
18 similar grade or subject designations.

19 (k) A composite listing in the format of an order form may be
20 used to meet the requirements of this section.

21 (l) The lists maintained pursuant to this section shall not be
22 deemed to control the use period by any school district.

23 (m) The state board shall give publishers the opportunity to
24 modify instructional materials, in a manner provided for in
25 regulations adopted by the state board, if the state board finds that
26 the instructional materials do not comply with paragraph (5) of
27 subdivision (c).

28 (n) This section does not prohibit the publisher of instructional
29 materials from including whatever corporate name or logo on the
30 instructional materials that is necessary to provide basic
31 information about the publisher, to protect its copyright, or to
32 identify third-party sources of content.

33 (o) The state board may adopt regulations that provide for other
34 exceptions to this section, as determined by the board.

35 (p) The Superintendent shall develop, and the state board shall
36 adopt, guidelines to implement this section.