

AMENDED IN SENATE MARCH 25, 2010

SENATE BILL

No. 1451

Introduced by Senator Yee

February 19, 2010

~~An act to amend Section 2450 of the Business and Professions Code, relating to medicine. An act to amend Section 60050 of, and to add Section 60020.8 to, the Education Code, relating to instructional materials.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1451, as amended, Yee. ~~Osteopathic Medical Board of California. Education: instructional materials.~~

Existing law provides that the State Board of Education must adopt regulations to govern the social content reviews, as specified, conducted at the request of a publisher or manufacturer of instructional materials outside the primary and followup instructional material adoption processes.

This bill would require the state board, upon completion of the social content review, to inform the Chair of the Assembly Committee on Education, the Chair of the Senate Committee on Education, and the Secretary of Education of content that it interprets to be as a result of a specified action by the Texas Board of Education. The bill would also require the state board, upon the next adoption of the History-Social Science Curriculum Framework, to ensure that the framework is constituent with specified standards governing instructional materials.

~~Under existing law, the Osteopathic Medical Board of California is responsible for the certification and regulation of osteopathic physicians and surgeons.~~

~~This bill would make nonsubstantive, technical changes to that provision.~~

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The State Board of Education, among its other
- 4 responsibilities, is charged with adopting statewide academic
- 5 content standards in core and other curriculum areas.
- 6 (b) Despite other shortcomings in education funding, California
- 7 has some of the highest academic content standards in the United
- 8 States.
- 9 (c) Section 51204.5 of the Education Code requires instruction
- 10 of social sciences to include the early history of California and a
- 11 study of the role and contributions of both men and women, black
- 12 Americans, American Indians, Mexicans, Asians, Pacific Island
- 13 people, and other ethnic groups to the economic, political, and
- 14 social development of California and the United States of America,
- 15 with particular emphasis on portraying the role of these groups
- 16 in contemporary society.
- 17 (d) Section 60040 of the Education Code requires instructional
- 18 materials used in schools to accurately portray the cultural and
- 19 racial diversity of our society, including the contributions of both
- 20 men and women in all types of roles, including professional,
- 21 vocational, and executive roles, as well as the role and
- 22 contributions of Native Americans, African Americans, Mexican
- 23 Americans, Asian Americans, European Americans, and members
- 24 of other ethnic and cultural groups to the total development of
- 25 California and the United States, and finally, the role and
- 26 contributions of the entrepreneur and labor in the total
- 27 development of California and the United States.
- 28 (e) Section 60043 of the Education Code requires instructional
- 29 materials used in schools to accurately portray, when appropriate
- 30 to the comprehension of pupils, that textbooks for social science,
- 31 history or civics classes contain the Declaration of Independence
- 32 and the Constitution of the United States.

1 (f) Section 60044 of the Education Code prohibits instructional
2 material to be used in schools that contains any matter reflecting
3 adversely upon persons because of their race, color, creed, national
4 origin, ancestry, sex, handicap, or occupation, as well as any
5 sectarian or denominational doctrine or propaganda contrary to
6 law.

7 (g) On March 12, 2010, the Texas Board of Education, which
8 consists of 15 elected members statewide, voted to adopt revisions
9 to their social studies curriculum for the 2010–11 school year
10 (formally referred to as revisions to Texas Administrative Code,
11 Title 19, Chapter 113, Subchapters A-C, and Texas Administrative
12 Code, Title 19, Chapter 118, Subchapter A).

13 (h) Although not yet formally adopted, it is widely presumed
14 that the proposed changes to Texas' social studies curriculum will
15 have a national impact on textbook content since Texas is the
16 second largest purchaser of textbooks in the United States, second
17 only to California.

18 (i) As proposed, the revisions are a sharp departure from widely
19 accepted historical teachings that are driven by an inappropriate
20 ideological desire to influence academic content standards for
21 children in public schools.

22 (j) The proposed changes in Texas, if adopted and subsequently
23 reflected in textbooks nationwide, pose a serious threat to Sections
24 51204.5, 60040, 60041, 60043, and 60044 of the Education Code
25 as well as a threat to the apolitical nature of public school
26 governance and academic content standards in California.

27 SEC. 2. Section 60020.8 is added to the Education Code, to
28 read:

29 60020.8. Upon the next adoption of the History-Social Science
30 Curriculum Framework, the state board shall ensure the framework
31 is consistent with provisions governing instructional materials,
32 including, but not limited to, Sections 51204.5, 60040, 60200.5,
33 and 60200.6.

34 SEC. 3. Section 60050 of the Education Code is amended to
35 read:

36 60050. (a) The state board shall adopt regulations to govern
37 the social content reviews conducted at the request of a publisher
38 or manufacturer of instructional materials outside the primary and
39 followup instructional material adoption processes. A social content
40 review is intended to determine compliance with Sections 60040,

1 60041, 60042, 60043, 60044, 60048, 60200.5, and 60200.6, and
2 the guidelines for social content adopted by the state board.

3 *(b) Upon completion of the social content review, the state board*
4 *shall inform the Chair of the Assembly Committee on Education,*
5 *the Chair of the Senate Committee on Education, and the Secretary*
6 *of Education of content that it interprets are the result of changes*
7 *to the Texas Administrative Code, Title 19, Chapter 113,*
8 *Subchapters A-C, and Texas Administrative Code, Title 19, Chapter*
9 *118, Subchapter A, that were preliminarily approved on March*
10 *12, 2010 and formalized on_____.*

11 (b)
12 (c) (1) For purposes of this section, social content reviews of
13 instructional materials shall be conducted by the department or its
14 agents for all instructional materials, as defined in subdivision (h)
15 of Section 60010.

16 (2) The department may contract with agents to conduct social
17 content reviews pursuant to this section.

18 (e)
19 (d) The department shall assess a fee for social content reviews
20 conducted pursuant to this section. The fee shall be established
21 and assessed pursuant to the requirements specified in subdivisions
22 (d) to (f), inclusive, of Section 60227, and the publishers and
23 manufacturers shall be provided notice of the establishment of the
24 fee pursuant to subdivisions (b) and (c) of Section 60227.

25 (d)
26 (e) Revenue derived from fees charged pursuant to subdivision
27 (c) shall be budgeted as reimbursements and subject to review
28 through the annual budget process and may be used to pay costs
29 associated with the social content review of instructional materials.

30 (e)
31 (f) This section shall remain in effect only until January 1, 2011,
32 and as of that date is repealed, unless a later enacted statute, that
33 is enacted before January 1, 2011, deletes or extends that date.

34 ~~SECTION 1. Section 2450 of the Business and Professions~~
35 ~~Code is amended to read:~~

36 ~~2450. There is a Board of Osteopathic Examiners of the State~~
37 ~~of California, established by the Osteopathic Act, that shall be~~
38 ~~known as the Osteopathic Medical Board of California that~~
39 ~~enforces this chapter relating to persons holding or applying for~~

1 ~~physician's and surgeon's certificates issued by the Osteopathic~~
2 ~~Medical Board of California under the Osteopathic Act.~~
3 ~~Persons who elect to practice using the term of suffix "M.D.,"~~
4 ~~as provided in Section 2275, shall not be subject to this article,~~
5 ~~and the Medical Board of California shall enforce the provisions~~
6 ~~of this chapter relating to persons who made the election.~~

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