

ASSEMBLY COMMITTEE ON EDUCATION
Hon. Patrick O'Donnell, Chair

2017-18 COMMITTEE RULES

The Committee on Education will operate under the Joint Rules of the Senate and the Assembly, and the Standing Rules of the Assembly. The following Committee Rules are designed to further expedite the conduct of Committee business.

1. COMMITTEE WORKSHEETS

When a bill is referred to the Committee, the Committee Secretary shall forward to the author a Committee worksheet to be completed to assist in the preparation of the Committee analysis. All Committee worksheets must be returned to the Committee at least fourteen (14) calendar days prior to the scheduled hearing of the bill. If the author fails to return a completed worksheet by the due date, then the Chair may refuse to hear a bill, even if the bill has been set. Such a set may be counted against the three sets allowed a bill in Joint Rule 62(a). Lack of a completed Committee worksheet may also be noted in the Committee Analysis for that bill. Worksheets and associated supplementary materials shall be available for review in the Committee office by designated staff of the Vice Chair or other Committee members.

2. SETTING OF BILLS

(a) Bills will be set for hearing on a date chosen at the discretion of the Chair.

(b) Pursuant to Joint Rule 62 (a) and (b), a bill may be set (i.e., notice of the hearing published in the Assembly Daily File) for hearing in the Committee a maximum of three (3) times. A bill set for hearing that is either not heard at the request of the author or is not heard in order to permit the preparation of amendments shall count against the three sets allowed. If a hearing as set in the File specifically indicates "testimony only," such hearing shall not be counted against the three sets allowed.

(c) Any bill that is double-referred, with the first referral being the Committee on Education, will, at the discretion of the Chair, be heard as soon as the bill is eligible and no later than 14 days prior to the applicable bill deadline.

3. AUTHOR'S AMENDMENTS PRIOR TO HEARING

(a) Only amendments provided in Legislative Counsel form shall be accepted by the Committee. An author shall provide the signed original and eight (8) copies of any amendments.

(b) Subject to the Joint Rules, substantive author's amendments (Legislative Counsel form) shall not be accepted by the Committee Secretary later than eight

calendar days prior to the Committee hearing at which the bill has been set. (e.g., no amendments shall be accepted after 5:00 p.m. on the Tuesday one week prior to the Wednesday that the bill is to be heard.) Substantive amendments will not be processed unless accompanied by a revised Committee worksheet. If the author fails to return a completed worksheet by the due date, then the Chair may refuse to hear a bill, even if the bill has been set. Such a set may be counted against the three sets allowed a bill in Joint Rule 62(a). Under extraordinary circumstances, at the Chair's discretion, amendments may be accepted after this deadline.

4. COMMITTEE ANALYSES

Pursuant to Assembly Rule 56.5, a Committee analysis of each bill set for hearing shall be made available to the public at least one working day prior to the hearing, where a working day is defined as any day on which the Assembly Daily File is published. In the case of special meetings, the analysis shall be made available to the public at the beginning of the hearing.

5. LETTERS OF SUPPORT OR OPPOSITION

(a) Letters of support or opposition must be received in the Committee office prior to 5:00 p.m. on the Thursday preceding the next hearing in order for that support or opposition to be listed in the Committee's analysis. Letters of support or opposition received after this deadline may be listed apart from the analysis as "Late Support and Opposition"; every effort will be made to communicate this listing to members of the Committee.

(b) Letters of support and opposition must be received on letterhead or otherwise include the name, mailing address, and telephone number of the organization or individual communicating with the Committee. Letters from an organization or agency must also be provided by an individual or individuals authorized to state that organization's or agency's position, and must clearly state the position.

6. HEARING AGENDA

(a) Bills set for hearing shall be heard in the order of member sign in, or at the discretion of the Chair. Exception shall be made for bills placed on the Committee's Consent Calendar. Committee members' bills will be heard after non-committee members' bills in file order. When the Chair determines that another order of business is more expedient, measures may be taken up out of order or set as a special order of business. If an author is not present when his or her bill is called, the measure will be passed temporarily.

(b) If a bill is to be presented by someone other than the author, it will be taken up after all authors (including those temporarily "passed over" and committee members) have been accommodated, unless the chair determines that another order is more

expedient. Anyone other than the author who is to present the bill must provide the Committee with an authorizing letter signed by the author.

(c) Prior to the hearing, the Chair may prepare a consent calendar for bills of a non-controversial nature. Any consent calendar shall include bills that: (i) are expected to receive a unanimous do pass or do pass as amended recommendation from the Committee, (ii) have no registered opposition on file with the Committee, and (iii) have been approved by the authors to be placed on the consent calendar. The Chair may take up the consent calendar at any opportunity convenient to the Committee.

If any Committee member objects to a bill being placed on the consent calendar, then that bill shall be removed from the consent calendar. If a bill is removed from the consent calendar, the author's office will be notified and the bill will be taken in the order specified in 5(a) and (b) above. Not more than an additional five minutes will be allocated for discussion of the measure among Committee members, unless that time is extended by the affirmative vote of a majority of the Committee membership.

(d) The Chair may prepare a separate calendar of bills for which the author's presentation may be waived. At the Chair's discretion, statements of support or opposition may be presented to the Committee. Each bill on this calendar shall be voted on separately by a roll call vote. If any Committee member objects, or if the author of a bill approved for inclusion on the calendar chooses not to waive presentation, the bill shall be removed from the calendar, a sergeant will call the author's office, the bill will be taken in the order specified in 5(a) and (b) above, and the bill shall be presented to the Committee. If the author or authorized designee is not available to present the bill in that hearing, then the bill shall be set for another hearing and the set shall not count against the three sets allowed the bill.

(e) The Committee, at the discretion of the Chair, will seek to consolidate related subject matter into a single legislative proposal to avoid reporting out duplicative or conflicting bills.

7. MEETING AND QUORUM

(a) A majority of the Committee membership shall constitute a quorum; a quorum is necessary to take action or to adopt amendments. Whenever one or more Committee member is disqualified from taking any action on a bill pursuant to the Joint Rule 44, a quorum shall consist of a majority of the remaining qualified members of the Committee. A member shall advise the Chair of any such disqualification at the beginning of the hearing. If a quorum is not present, the Chair may start or continue the hearing as a subcommittee, subject to both Assembly and Joint Rules. A quorum is necessary to report a bill out of committee.

(b) In the absence of the Chair, or when the Chair is presenting a bill, the Vice Chair shall preside. In the absence of both the Chair and the Vice Chair, another member designated by the Chair shall preside. Any member having to leave the committee for any reason shall advise the chair where the member can be reached.

8. VOTING

(a) Voting in the Committee shall be conducted pursuant to Joint Rules 62(c) and (d), and to Assembly Rule 58.5 and 68.5. Upon conclusion of a roll call vote, absent a request to place a bill on-call, the vote shall be announced.

(b) Prior to announcement of the vote, upon the request of the author or any member of the Committee, the Chair shall announce that the bill subject to a vote will be placed on-call for a period of time not to exceed the adjournment of the Committee meeting. Absent extraordinary circumstances a vote on a bill that is on-call shall not be permitted when testimony is being taken. The Chair shall announce the time or times when the roll shall be opened and any vote on a bill that is on-call may be cast.

(c) After the final vote on a motion is announced, any member may change or add a vote prior to the Chair adjourning and leaving the hearing room, unless the change or addition would alter the announced outcome of the vote.

(d) Pursuant to Assembly Rule 59, the Committee may decide not to give a bill a do pass recommendation, but instead refer the subject matter of the bill to the Rules Committee for study. The Committee may, however, subsequently reconsider and act on the bill.

(e) Any motion from the Chair made "without objection" does not require a second; however, upon objection by any member, such motion will be automatically withdrawn.

(f) Reconsideration of a bill, pursuant to Joint Rule 62(a), may be granted only once. A reconsideration vote cannot be taken without the same notice required to set a bill, unless it is taken at the same meeting at which the bill failed passage and the author is present. If reconsideration is granted, the Committee may vote on the bill immediately if the author is present or may postpone the vote until the next regular hearing. Authors seeking reconsideration after the hearing at which the bill failed passage shall notify the Committee Secretary in writing in sufficient time for the required notice to be published in the file and for the Committee to take action within 15 legislative days of the initial defeat of the bill. If the motion for reconsideration or the vote on the bill after the granting of reconsideration fails, the bill shall be immediately returned to the Chief Clerk. At the discretion of the Chair, additional testimony may be permitted on a bill that has been granted reconsideration.

9. Limitations on Testimony

When it is necessary, due to the number or complexity of the bills on the agenda at a hearing, to limit testimony on one or more of the bills in order to ensure that all of the bills on the agenda have a fair and reasonable opportunity to be presented by the author and heard and discussed by the Committee, the Chair, at his or her discretion, may: 1) limit duplicative testimony; 2) limit the number of witnesses appearing in support or opposition to a bill; or 3) limit the time allotted to the presentation of testimony on a bill provided that both support and opposition receive equitable time for their presentation.

10. WORKING GROUPS

The Chair, subject to the approval of the Speaker, may create Working Groups for the study and discussion of particular subject matters. These Working Groups will provide for informational meetings where members may discuss issues and otherwise interact with experts in the field. Working Groups shall be responsible for periodically reporting back to the full Committee.

11. REVIEW OF ADMINISTRATIVE REGULATIONS AND POLICIES

(a) The Chair may assign staff or other resources of the Committee to review any proposed or existing rules, regulations, guidelines, advisories, policies, or practices of the State Department of Education or any other agency or program that affects, directly or indirectly, any education program or organizational entity, to determine whether those rules, regulations, guidelines, advisories, policies, or practices are consistent with state or federal law to the full extent and scope of the Committee's jurisdiction.

(b) Any rules, regulations, guidelines, advisories, policies, or practices determined by assigned staff to be inconsistent with state or federal law may be placed on the Committee's agenda for appropriate action to the full extent and scope of the Committee's jurisdiction.

12. PILOT PROJECTS

It is recommended that any bill that proposes the creation of a pilot project contain a statement of purpose of the proposed pilot project which specifically states the goals or objectives and the length of time of the project; any such bill shall also contain a sunset provision not to exceed five years. Such bill shall also contain a definitive mechanism by which the value and success, if any, of the project may be quantified. This mechanism shall include specific numerical objectives that must be met or exceeded, if a project is to be judged successful, and a suggested time line. Precise cost projections and methods by which costs or savings may be calculated shall be provided on the Committee worksheet.

13. CURRICULUM MEASURES

Measures that propose to require, or require consideration of, modifications to state curriculum must comply with requirements set forth in the Committee's Policy on Curriculum Measures (Attachment 1).

Attachment 1

Assembly Education Committee Policy on Curriculum Measures

Rationale for the policy: California's curriculum frameworks for the public schools are developed by the Instructional Quality Commission (IQC) through an extensive, public process. The curriculum frameworks are then adopted in a public hearing by the State Board of Education (SBE).

The IQC develops the curriculum frameworks by convening expert panels, developing drafts, and holding hearings around the state in order to solicit input from the public. This process involves master practitioners and recognized content experts who have in-depth understanding of curriculum and instruction, including the full scope and sequence of the curriculum in each subject and at each grade level, the constraints on instructional time and resources, and the relationship of curriculum to state assessments and other measures of student progress.

The SBE also adopts, through a public process, instructional materials aligned to those frameworks for grades K-8. School district governing boards and charter schools then adopt instructional materials aligned to the frameworks, again through a public process. This process occurs on an eight-year cycle which gives schools a predictable timetable to plan for the cost of purchasing new instructional materials and providing professional development for their teachers.

Over the years the Committee has considered many measures that have proposed to require the inclusion of specific content in the curriculum frameworks. The Committee notes that many of these measures are unnecessary because the target content is already included in the frameworks, unlikely to have timely effect because of the framework updating cycle, or will not have the desired influence on instructional materials because they are not adopted by the state for the secondary grades. Most importantly, the Committee acknowledges that it lacks the capacity or mandate to conduct an appropriate review of such proposals, independent of the public process described above.

The Committee does support the active involvement of members of the Legislature in the development of the state's curriculum through administrative routes. These processes offer many opportunities for members to engage, as noted below.

It is therefore the policy of the Committee to strongly discourage the introduction of legislation that requires, or requires consideration of, modifications to state curriculum, and instead encourages members to engage in existing administrative processes designed for this purpose.

Policy: The Committee strongly discourages the introduction of measures that require, or require consideration of, modifications to state curriculum.

The Committee encourages members to engage in the existing administrative processes for modifying state curricula. Members may wish, for example, to provide written comments or in-person testimony to the IQC, the SBE, or the Superintendent of Public Instruction. They may also wish to engage with the Legislative representatives who serve on the IQC, or through Legislature's budget or appointment processes. Using these processes can be a highly effective way for members to influence curriculum content.

If, after exhausting all means of resolving an issue by administrative means, a member wishes to introduce such a measure, the measure must meet the following requirements:

- 1) Measures should be in the form of a resolution.
- 2) Measures should be introduced only after a member has tried to use administrative routes to address the issue. Evidence of efforts to engage in the existing process must be described on the Committee background sheet.
- 3) Measures must request consideration only of content not already included in the existing curriculum standards or frameworks.
- 4) Additional information will be required on the Committee background sheet, including but not limited to a specific explanation of content requested for inclusion at each grade level, location in the sequence of instruction, and an estimate of the amount of instructional time required.

This policy does not apply to legislation that proposes the development of model curricula, the revision of existing standards, or the establishment of new subjects or new sets of standards.