

Date of Hearing: March 20, 2024

ASSEMBLY COMMITTEE ON EDUCATION

Al Muratsuchi, Chair

AB 1805 (Ta) – As Introduced January 8, 2024

SUBJECT: Academic content standards: History-Social Science: Mendez v. Westminster School District of Orange County

SUMMARY: Requires the State Board of Education (SBE) and the Superintendent of Public Instruction (SPI), on or before December 31, 2028, to revise one academic content standard in the History–Social Science Content Standards to incorporate the case of *Mendez v. Westminster School District of Orange County*, and requires that any revisions to the History-Social Science curriculum framework or to the evaluation criteria for the adoption of instructional materials occur only within the timeframes and procedures set forth in the existing schedule for the adoption of curriculum frameworks and instructional materials. Specifically, **this bill:**

- 1) Requires that the SBE and the SPI, on or before December 31, 2028, revise the academic content standard HSS-11.10.2 from the History–Social Science Content Standards for California Public Schools, Kindergarten Through Grade Twelve, as adopted by the SBE on October 9, 1998, to incorporate the case of *Mendez v. Westminster School District of Orange County* (64 F. Supp. 544 (C.D. Cal. 1946)).
- 2) Requires that any revisions to the History-Social Science curriculum framework or to the evaluation criteria for the adoption of instructional materials occur only within the timeframes and procedures set forth in the existing schedule for the adoption of curriculum frameworks and instructional materials.

EXISTING LAW:

- 1) Requires the SBE to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive, for governing boards, as specified. (Education Code (EC) 60200)
- 2) Requires that, when the SBE revises and adopts the curriculum framework for History-Social Science on or after January 1, 2017, it consider providing for the inclusion, in that curriculum framework, evaluation criteria, and accompanying instructional materials, of instruction on the Chinese Exclusion Act of 1882 and the contributions of Chinese Americans to the establishment of the transcontinental railroad. (EC 51226.3)
- 3) Requires in the next revision of the History-Social Science curriculum framework, the Instructional Quality Commission (IQC) to consider the historical, social, economic, and political contributions of, and examples of racism, discrimination, and violence perpetrated against, Asian Americans, Native Hawaiians, and Pacific Islanders in the United States.
- 4) States the intent of the Legislature to provide accurate instructional materials to schools on the internment in the United States of persons of Japanese origin and its impact on Japanese American citizens, the Armenian genocide, and the World War II internment, relocation, and restriction in the United States of persons of Italian origin and its impact on the Italian American community. (EC 52740)

- 5) Establishes the California Civil Liberties Public Education Act, for the purpose of sponsoring public educational activities and the development of educational materials to ensure that the events surrounding the exclusion, forced removal, and internment of citizens and permanent residents of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood. (EC 13000)
- 6) Requires students, commencing with students graduating in the 2029–30 school year, to complete a one-semester course in ethnic studies, as specified. (EC 51225.3)
- 7) Requires local educational agencies (LEAs) and charter schools with pupils in grades 9 to 12, commencing with the 2025–26 school year, to offer at least a one-semester course in ethnic studies. (EC 51225.3)
- 8) Requires the CDE, in collaboration with the SBE, enter into contracts with a county office of education (COE) or a consortium of COEs for the purposes of developing separate model curricula related to the Native American studies, the Vietnamese American refugee experience, the Cambodian Genocide, and Hmong history and cultural studies. Requires that the designated COE or consortia of COEs to work with the California History-Social Science Project and Teaching California to ensure that the curriculum is accessible and compatible with its platform. (EC 33540.2, 33540.4, 33540.6)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. The author states, “As the former Mayor of Westminster, I know the power of the *Mendez v. Westminster* case. It’s important for California students to learn of the civil rights challenges faced by Mexican-Americans in this state. Furthermore, I am confident California students will benefit from learning of the historical link between *Mendez v. Westminster* and *Brown v. Board of Education*, and of how California led the way as the first state to outlaw all public school segregation. Similar legislation to place *Mendez v. Westminster* into the school curriculum has been approved by the Legislature before, and this session should waste no time placing *Mendez v. Westminster* into the education standards to ensure this trailblazing case receives its proper place in history.”

Curriculum, standards, frameworks, and model curricula. California’s public school curriculum is based on content standards in various subjects, including English-Language Arts, Mathematics, Science, History-Social Science, Physical Education, English Language Development, Career Technical Education, Health Education, World Languages, and Visual and Performing Arts. These standards are developed by the IQC through a public process, and are adopted by the SBE.

These standards form the basis of California’s curriculum frameworks - documents that guide the implementation of these standards. The frameworks also establish criteria used to evaluate instructional materials. These criteria are used to select, through the state adoption process, instructional materials for kindergarten through grade eight. Frameworks also guide district selection of instructional materials for grades nine through twelve.

The case of Mendez v. Westminster challenged racial segregation in Orange County schools.

In March of 1945, Gonzalo Mendez, William Guzmán, Frank Palomino, Thomas Estrada, and Lorenzo Ramírez, all Latino parents in Orange County, filed a lawsuit against four local school districts for segregating their children into separate schools.

In February of 1946, the United States (U.S.) District Court in Los Angeles ruled in favor of Mendez and his co-plaintiffs, finding segregated schools to be an unconstitutional denial of equal protection. On April 14, 1947, the U.S. Court of Appeals for the Ninth Circuit affirmed the district court's ruling. As a result of this case, the Legislature passed and then Governor Earl Warren signed legislation that repealed segregation laws. This case helped set a precedent for *Brown v. Board of Education* seven years later.

History-Social Science standards are out-of-date but curriculum framework was revised in 2016. This bill proposes to require that one of the History-Social Science standards be updated. The current History-Social Science standards were adopted by the SBE in 1998, and so do not reflect many years of history and social developments.

However, the curriculum framework for this subject was revised and adopted in 2016. This reflected a departure from the practice of revising content standards before curriculum frameworks. It occurred as the state emerged from a period in which all work on curriculum standards and frameworks was suspended due to budget constraints resulting from the Great Recession.

The Mendez v. Westminster case is included in the California curriculum. The History-Social Science Framework adopted by the SBE in 2016 contains content in at least two grades about the *Mendez v. Westminster* case:

Fourth grade: *California: A Changing State.* To extend students' learning and involve them in service connected to Chavez's values, teachers may have students plan a celebration for or participate in a local Cesar Chavez Day (March 31) observance or activities. Students can also study the famous court case *Mendez v. Westminster* (1947), predecessor to *Brown v. Board of Education* (1954), which banned the segregation of Mexican students; student activism at San Francisco State University and UC Berkeley in the 1960s that forced the recognition of Asian American identity and history; the occupation of Alcatraz by California Indians in 1969–1971; and the emergence of the nation's first gay rights organizations in the 1950s. In the 1970s, California gay rights groups fought for the right of gay men and women to teach, and, in the 2000s, for their right to get married, culminating in the 2013 and 2015 U.S. Supreme Court decisions *Hollingsworth v. Perry* and *Obergefell v. Hodges*.

Eleventh grade: *U.S. History and Geography: Continuity and Change in Modern U.S. History:* Some of the most successful state and federal court cases challenged racial segregation and inequality in education, including cases in state and federal district courts, such as *Mendez v. Westminster* (1947), which addressed segregation of Mexican and Mexican-American schoolchildren and involved then-Governor Earl Warren, who would later, as Chief Justice of the U.S. Supreme Court, write the *Brown* decision.

The *Mendez v. Westminster* case is also addressed in several places in the Ethnic Studies Model Curriculum adopted by the SBE in 2021, including in model course outlines for an Ethnic Studies course and a Chicano/a Studies course, and as an example of interethnic bridge building:

When the *Mendez v. Westminster* case challenged school segregation in California, amicus curiae briefs in support of Mendez were submitted by the American Civil Liberties Union, the National Lawyers Guild, the Japanese American Citizens League, the American Jewish Congress, and the National Association for the Advancement of Colored People.

Content standards are not revised piece by piece. This bill proposes to require that a single History-Social Science standard be updated. When content standards are developed or revised, and adopted, by the SBE, they are adopted as a set of standards for the entire subject. For this reason, ***staff recommends that this bill be amended*** to remove this provision.

No schedule for revision of curriculum frameworks and adoption of instructional materials. This bill requires that any revisions to the History-Social Science curriculum framework or to the evaluation criteria for the adoption of instructional materials occur only within the timeframes and procedures set forth in the existing schedule for the adoption of curriculum frameworks and instructional materials. There is no current schedule for the adoption of curriculum frameworks and instructional materials, and there is no statutory requirement for the CDE, IQC, or SBE to publish one. Accordingly, ***staff recommends that the bill be amended*** to delete this provision.

However, this provision highlights a deficiency in the state's system of curriculum revision. During the standards movement in the 1990s, when the state began adopting content standards in a number of subject areas, no process was established in state law to allow for regular revisions to these standards. In contrast, curriculum frameworks – which are built on those standards - are updated on an eight-year cycle.

But as curriculum and instruction have continued to evolve, it has become clear that the regular updating of standards is a necessary part of the state's curriculum-setting function. As the list of bills below (under the comment "Related legislation") illustrates, many legislative attempts at revising content standards in different areas have failed, resulting in an unpredictable system of curriculum revision for teachers and students.

Recommended Committee amendments. ***Staff recommends that this bill be amended***, in addition to the amendments shown above, to require that, the next time the SBE adopts instructional materials in history social science for grades K-8, the IQC consider requiring that the evaluation criteria for the adoption of those materials include content related to the Mendez v. Westminster School District of Orange County case.

Arguments in support. The Westminster School District writes, "As a supporter of this bill, the Westminster School District believes strongly that California students will benefit from learning the trailblazing story of the Mendez family and the historic legacy of this pivotal court case. *Mendez v. Westminster* led to California becoming the first state to outlaw all public-school segregation, the end of segregated schools for Mexican-American children across the American Southwest, and paved the way for nationwide school desegregation by setting the legal and strategic precedent for *Brown v. Board of Education*. AB 1805 would ensure this landmark lawsuit is properly recognized and rightfully incorporated into the state's education curriculum."

Related legislation. AB 531 (Salas) of the 2007-08 Session would have required the SBE and the Curriculum Development and Supplemental Materials Commission to ensure that the case of *Mendez v. Westminster School District* and the role of this case in the civil rights movement and the desegregation of public schools in California and the nation be included in the next revision

and adoption of the History-Social Science framework, criteria and instructional materials for grade four and either grade 11 or 12. This bill was vetoed by the Governor, who stated:

While I respect the author's intent to recognize the role that the Mendez v. Westminster School District case played in the civil rights movement, I have consistently vetoed legislation that has attempted to mandate specific details or events into areas of instruction. The State Board of Education adopted content standards are developed by a diverse group of experts and are intentionally broad in order to allow coverage of various events, developments, and issues. I continue to believe that the State should establish rigorous academic standards and frameworks, but refrain from being overly prescriptive in specific school curriculum.

AB 852 (Burke and Weber) of the 2019-20 Session would have established a process for the regular revision of academic content standards prior to the revision of curriculum frameworks. This bill was vetoed by the Governor, who stated:

This bill creates a new process to routinely evaluate and revise academic content standards. AB 852 shifts the responsibility from the State Board of Education to the State Superintendent of Public Instruction to review and recommend updates to academic content standards.

I do not support shifting this responsibility away from the State Board of Education or further complicating the current process.

AB 740 (Weber) of the 2015-16 Session would have required the SPI, by January 1, 2017, to recommend to the SBE a schedule for the regular update of academic content standards and would have granted the SBE the authority to convene academic content standards advisory committees to update the standards. This bill was held in the Senate Appropriations Committee.

AB 1354 (Fong and Ting), Chapter 140, Statutes of 2023 requires, in the next revision of the History-Social Science curriculum framework, the IQC to consider the historical, social, economic, and political contributions of, and examples of racism, discrimination, and violence perpetrated against, Asian Americans, Native Hawaiians, and Pacific Islanders in the United States.

SB 1363 (Nielsen) of the 2021-22 Session would have encouraged schools to adopt a course of study related to Asian American and Pacific Islander history for grades 1 to 6 and 7 to 12, within the social sciences area. This bill was held in the Assembly Education Committee.

AB 2684 (Chau), Chapter 648, Statutes of 2016, requires that, when the SBE revises and adopts the curriculum framework for History-Social Science on or after January 1, 2017, the SBE consider providing for the inclusion, in that curriculum framework, evaluation criteria, and accompanying instructional materials, of instruction on the Chinese Exclusion Act of 1882 and the contributions of Chinese Americans to the establishment of the transcontinental railroad.

SB 895 (Nguyen), Chapter 686, Statutes of 2018, requires the IQC to develop a model curriculum on the Vietnamese American refugee experience, a model curriculum on the Cambodian genocide, and a model curriculum on Hmong history and culture.

AB 167 (Committee on Budget), Chapter 252, Statutes of 2021, requires the CDE to, no later than March 1, 2022, enter into contracts with a COE or a consortium thereof for the purposes of developing model curricula related to the Vietnamese American refugee experience, the Cambodian genocide, and Hmong history and culture by September 1, 2024.

AB 146 (C. Garcia), Chapter 392, Statutes of 2015, requires the SBE to consider including content on the deportation of citizens and lawful permanent residents of the United States to Mexico during the Great Depression in the next revision of the History-Social Science framework and related materials.

REGISTERED SUPPORT / OPPOSITION:**Support**

California Charter School Association
California Hispanic Chamber of Commerce
California State PTA
City of Fountain Valley
City of Westminster
Coast Community College District
Orange County Hispanic Chamber of Commerce
Women for American Values and Ethics
Westminster School District

Opposition

None on file

Analysis Prepared by: Tanya Lieberman / ED. / (916) 319-2087