

Date of Hearing: March 12, 2025

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 86 (Boerner) – As Introduced January 6, 2025

SUBJECT: Instructional materials: health education

SUMMARY: Requires the State Board of Education (SBE) to adopt instructional materials for health education for kindergarten through 8th grade, on or before July 1, 2028. Specifically, this bill:

- 1) Requires, on or before July 1, 2028, the SBE to adopt instructional materials for health education for kindergarten through grade 8, pursuant to the requirements in existing law relating to follow-up adoptions of instructional materials, and in alignment with the health curriculum framework adopted by the SBE in 2019.

EXISTING LAW:

- 1) Requires the SBE to adopt at least five instructional materials for grades K-8 in the following subjects:
 - a) Language arts;
 - b) Mathematics;
 - c) Science;
 - d) Social science;
 - e) Bilingual or bicultural subjects; and
 - f) Any other subject, discipline, or interdisciplinary areas for which the SBE determines the adoption of instructional materials to be necessary or desirable. (Education Code (EC) 60200)
- 2) Establishes procedures for the adoption of instructional materials for grades K-8 by the SBE. (EC 60200)
- 3) Authorizes a process for conducting a follow-up adoption of instructional materials, and defines it as one other than the primary adoption.
- 4) Requires that, before conducting a follow-up adoption in the subject areas of language arts and mathematics, the department post an appropriate notice on its website and notify all publishers or manufacturers known to produce basic instructional materials in that subject area.
- 5) Requires that the notice specify that publishers will be assessed a fee based on the number of programs the publisher or manufacturer indicates will be submitted for review and the number of grade levels proposed to be covered by each program.
- 6) Prohibits the fee from exceeding the reasonable costs to the California Department of Education (CDE) to conduct the follow-up adoption process, and requires the CDE to take

reasonable steps to limit costs of the follow-up adoption and to keep the fee modest, recognizing that some of the work necessary for the primary adoption need not be duplicated.

- 7) Authorizes the SBE, upon the request of a small publisher or manufacturer, as defined, to reduce the fee for participation in the follow-up adoption.
- 8) Requires that revenue derived from fees be budgeted as reimbursements and be subject to review through the annual budget process, and may be used to pay costs associated with any adoption and any costs associated with the review of instructional materials.
- 9) Requires the CDE, if it determines that there is little or no interest by publishers in participating in a follow-up adoption, to recommend to the SBE that the follow-up adoption not be conducted, and authorizes the SBE to cancel the follow-up adoption.
- 10) Prohibits General Fund revenue from being used for the cost of conducting a follow-up adoption.
- 11) Sunsets the follow-up adoption statutes on January 1, 2032. (EC 60277)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, “If passed, AB 86 will ensure that we are giving educators the tools necessary to teach about sensitive subjects, such as how to establish and maintain healthy relationships, and serious subjects, presented in age-appropriate ways, such as how to identify and report child sexual abuse and human trafficking. Students would gain knowledge about these issues as well as related topics such as affirmative consent, relationship violence, bullying, sexual harassment, and media influences in adopted materials. These materials would also explore protective skills such as setting boundaries, identifying emotions, and telling a trusted adult if a boundary is crossed.

Currently the burden is placed on teachers to teach complicated and sensitive material. Without these materials we are putting educators in a position that could result in disciplinary actions or a position where they just won’t teach the material at all.

AB 86 does not change the curriculum standards or mandate teaching health education. It simply allows for the opportunity for publishers to produce standardized material that aligns with the state’s established framework.”

California teachers do not have state-adopted instructional materials to teach the state’s health curriculum. As noted above, the SBE adopts instructional materials for grades K-8 after each revision of a curriculum framework.

After the revision of the Health Education Framework in 2019, the SBE scheduled an instructional materials adoption in 2020, with final consideration of programs scheduled for November 2020. While the prior adoption in 2004 yielded four adopted programs in Health, the 2020 adoption failed to produce any publisher submissions, and the adoption was cancelled.

According to the CDE, the 2020 adoption was canceled due to a lack of interest from publishers and content developers, and that “while the exact reasons are unknown, this outcome could have

resulted from a small pool of K-8 schools with sufficient resources prepared and interested in purchasing health instructional materials or the controversies surrounding this subject area.”

The result of the failed adoption is that school districts are unable to purchase state-adopted materials to provide to teachers of grades K-8. These teachers are responsible for delivering instruction on topics which can be challenging to teach, including comprehensive sexual health education, substance abuse prevention, mental health, human trafficking, sexual assault, and intimate partner violence. When there are no state-adopted materials school districts must purchase materials which have not been reviewed by the state for alignment with state standards, or teachers must develop their own materials.

Why does this matter? In addition to the burden that the lack of adopted programs likely places on teachers to assemble or develop their own materials, the state has no assurances that the materials teachers use are aligned to the state’s standards (as required by law) nor that they are of sufficient quality to enable teachers to teach the material.

This matters because a growing body of research is establishing that the quality of instructional materials used by teachers has a significant effect on student outcomes. One study (Koedel, 2023) of mathematics textbooks used in California found that the effects of high quality materials “are on par with what one could expect from a hypothetical policy that substantially increases the quality of the teaching workforce.” Evidence published as a working paper suggests that the most significant positive effects of high quality materials are seen among teachers in lower performing classrooms (Kirabo, 2016).

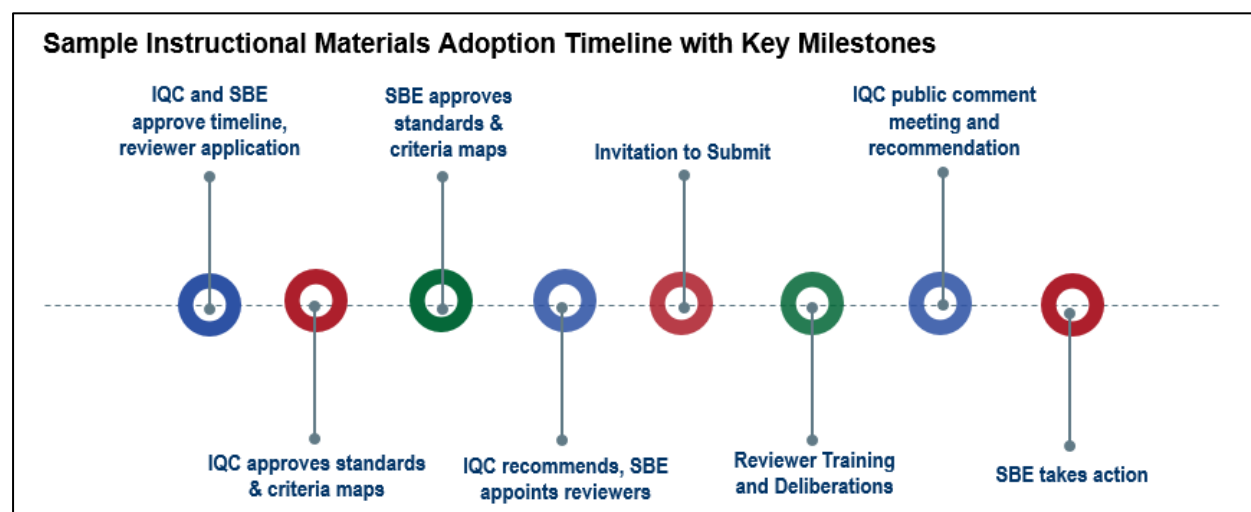
Health curriculum framework revision adopted in 2019 made significant changes to the curriculum. In 2019, the SBE adopted a revised Health curriculum framework, including a schedule of significant events for the instructional materials adoption. According to the SBE, the framework represents a significant revision to a document that guides implementing standards-based instruction in classrooms in six content areas of health education: (1) nutrition and physical activity; (2) growth, development, and sexual health; (3) injury prevention and safety; (4) alcohol, tobacco, and other drugs; (5) mental, emotional, and social health; and (6) personal and community health. Notably, significant revisions were made in the following areas:

- To bring the framework into alignment with other recently adopted standards and curriculum frameworks, chapters on assessment, access and equity, instructional strategies, examples of standards-based instruction, and recommendations for supporting and improving health education in the school, classroom, and community were added to provide guidance to help educators meet the diverse instructional and cultural needs of students.
- Information regarding sexual abuse and sex trafficking prevention education as it relates to schools and the community were added as an appendix that is meant to be a tool for educators, school staff, administrators, district staff, parents, and community members. Instructional information related to sex trafficking and sexual abuse is embedded in the appropriate grade-level chapters.

- Language was added to reflect continuing statutes as well as changes in statute affecting the health curriculum and instructional materials that have been enacted since the last revision and adoption of framework in 2003, including the California Healthy Youth Act.
- While California's Health Education Content Standards have not changed since their adoption in 2008, the framework's instructional guidance, information, and professional learning sections were completely rewritten to reflect recent scholarship, advances in instructional pedagogy, and current statute. The draft was revised to include numerous practical classroom examples that support interdisciplinary instruction through connections with California Environmental Principles and Concepts, California Next Generation Science Standards, California Common Core Standards for English Language Arts, California English Language Development Standards, and the California Model School Library Standards for California Public Schools.

According to the SBE, the revision stimulated a substantial volume of public comment.

Instructional materials adoption process. Current law requires the SBE to conduct instructional materials adoptions for grades K-8 in language arts, mathematics, science, social science, bilingual or bicultural subjects, and any other subject the SBE determines to be necessary or desirable.



Source: CDE

Instructional materials adoptions generally occur after the revision of a curriculum framework. According to the CDE, the process takes place over a period of approximately two years. The sample timeline above includes the following key milestones:

- The Instructional Quality Commission (IQC) recommends the timeline and online reviewer application to the SBE, and the SBE approves the timeline and application;
- The IQC approves the evaluation criteria and standards maps;
- The SBE approves the evaluation criteria and standards maps;
- The IQC recommends reviewers to the SBE, and the SBE appoints reviewers;
- The publisher Invitation to Submit meeting takes place, and submission forms are due approximately two months later;

- Reviewer training takes place for approximately one week, publishers submit materials for review, and reviewers reconvene for deliberations approximately three months after training. Reviewers make program adoption recommendations to the IQC;
- The IQC holds a public meeting to receive public comment and makes recommendations to the SBE; and
- The SBE holds a public meeting to receive public comment and takes action on program recommendations.

Many school districts purchase instructional materials from the list of adopted programs, because it ensures that the materials have been reviewed for quality and alignment with the state's standards and frameworks.

Current law authorizes the SBE to conduct a follow-up instructional materials adoption after a primary adoption, but there is no requirement to do so.

Arguments in support. The California Teachers Association writes, "Health education is a continuum of learning experiences that enables students, as individuals and as members of society, to make informed decisions, modify behaviors, and change social conditions in ways that are health enhancing and will increase health literacy. Students need to make better health-related choices that can result in the prevention of disease and disability and improve their health and lead them to have more satisfying and productive lives. Adoption of instructional materials for health education will assist educators in helping students make positive health-related choices."

Prior legislation. SB 153 (Committee on Budget and Fiscal Review), Chapter 38, Statutes of 2024, extended the sunset on the provisions of law authorizing follow-up adoptions of instructional materials, to January 1, 2032.

AB 1087 (Jackson), Chapter 229, Statutes of 2023, makes various changes to the adoption of instructional materials for use in schools, including a provision that would prohibit a governing board from disallowing the use of an existing textbook, other instructional material, or curriculum that contains inclusive and diverse perspectives, as specified.

AB 575 (O'Donnell) of the 2015-16 Session re-established a sunsetted process for the follow-up adoption of instructional materials, with a sunset of January 1, 2024.

REGISTERED SUPPORT / OPPOSITION:

Support

California Teachers Association

Opposition

None on file

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