

Date of Hearing: April 22, 2026

ASSEMBLY COMMITTEE ON EDUCATION

Darshana R. Patel, Chair

AB 2615 (Zbur) – As Amended April 16, 2026

SUBJECT: Educational equity: discrimination

SUMMARY: Requires that teacher instruction, in addition to being factually accurate, be balanced, fair, and foster critical thinking, and be consistent with adopted curriculum and standards; removes requirements that instruction and instructional materials be consistent with accepted standards of professional responsibility; and requires the Superintendent of Public Instruction (SPI), when instructional materials are found to be discriminatory, to ensure that local educational agencies (LEAs) omit all violating portions of the instructional materials.

Specifically, **this bill:**

- 1) Requires that teacher instruction, in addition to being factually accurate, be balanced, fair, and foster critical thinking, and be consistent with (instead of align to) adopted curriculum and standards.
- 2) Removes requirements that instruction and instructional materials be consistent with the accepted standards of professional responsibility.
- 3) Requires the SPI, when instructional materials are found to be discriminatory, to ensure that LEAs omit all violating portions of the instructional materials.
- 4) Requires the California Department of Education (CDE) to notify the LEA to issue an investigation report to both the complainant and the CDE within 20 days of being notified that an LEA has failed to issue an investigation report.

EXISTING LAW:

- 1) Requires that “teacher instruction” be:
 - a) Factually accurate;
 - b) Align with the adopted curriculum and standards; and
 - c) Be consistent with the accepted standards of professional responsibility, rather than advocacy, personal opinion, bias, or partisanship. (Education Code (EC) 51500)
- 2) Prohibits the State Board of Education (SBE) and any governing board from adopting any textbooks or other instructional materials for use in the public schools that contain any matter reflecting adversely upon persons on the basis of race or ethnicity, gender, religion, disability, nationality, or sexual orientation, or because of a characteristic listed in EC section 220, or that violates sections 243, 244, 51500, or 60044. (EC 51501)
- 3) Requires that instructional materials, including but not limited to materials adopted by the SBE or any governing body, be factually accurate, reflect the adopted curriculum and standards, and be consistent with accepted standards of professional responsibility, rather than advocacy, personal opinion, bias, or partisanship. (EC 60151)

- 4) Authorize, in accordance with existing regulations, a party to a written complaint of prohibited discrimination to appeal based on a governing board of an LEA's failure to issue an investigation report within the required timeline directly with the SPI. Require that the complaint present the SPI with evidence that supports the basis for the direct filing and why immediate action is necessary. Require the CDE, prior to direct intervention by the SPI, to attempt to work with the LEA and issue an LEA investigation report directly with the SPI. (EC 262.3)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, "AB 2615 advances and reaffirms the goals of AB 715 to strengthen how California schools prevent and respond to antisemitism by ensuring every student feels safe, respected, and protected from hate.

AB 2615 honors commitments made to continue working with stakeholders on four minor and technical issues related to AB 715. As with all proposed legislation, conversation with stakeholders will be ongoing as the bill moves through the legislative process."

Major provisions of this bill. This bill would make changes to several of the statutes enacted by AB 715 (Zbur and Addis), Chapter 428, Statutes of 2025 (AB 715). The changes proposed by this bill would:

- Require that teacher instruction, in addition to being factually accurate, be balanced, fair, and foster critical thinking, and be consistent with (instead of align to) adopted curriculum and standards;
- Remove a requirement that instruction and instructional materials be consistent with the accepted standards of professional responsibility; and
- Require the SPI, when instructional materials are found to be discriminatory, to ensure that LEAs omit all violating portions of the instructional materials, rather than the entirety of instructional materials series.

Commitments to address concerns with AB 715 in Assembly and Senate Education Committee hearings, also noted in the Governor's signing message. During hearings on AB 715 in the Assembly and Senate, the authors committed to addressing concerns raised by stakeholders and members. Additionally, the Governor signed AB 715 with a message noting "firm commitments," to address concerns with the measure:

As AB 715 moved through the legislative process, representatives from the entire education ecosystem – including teachers, administrators, school boards, school, staff, student students, and civil rights organizations – expressed deep commitment to the goals of the Bill, along with urgent concerns about unintended consequences. I appreciate the firm commitments made by the authors of AB715 to work quickly on a follow-up measure next year to continue addressing these issues. Public schools play a foundational role in our democracy, and we must continue to make our schools safe learning environments for all students while fostering critical thinking skills in the context of challenging conversations.

“Factually accurate” instruction. Current law (enacted through AB 715) requires that all “teacher instruction” and instructional materials be:

- Factually accurate;
- Align with the adopted curriculum and standards; and
- Be consistent with accepted standards of professional responsibility, rather than advocacy, personal opinion, bias, or partisanship.

This bill proposes to require that teacher instruction, in addition to being factually accurate, be balanced, fair, and foster critical thinking, and be consistent with (instead of align to) adopted curriculum and standards.

While the term “teacher instruction” is not defined in this bill or in the Education Code, it is generally understood to mean anything a teacher says and does in the course of teaching and engaging with students. Education Code section 46300 defines instructional time to mean any time a student is attending school and is under the immediate supervision and control of a certificated employee of the school district. As such, the above requirements are likely to be understood to apply, with the exception of times when students are under the supervision of classified staff, from “bell to bell.”

Educators have always been expected to provide accurate information in their instruction and follow the state-adopted curriculum. Establishing these expectations as a matter of law, however, raises a number of important concerns. Is it reasonable to require teachers to ensure that everything they say during a school day is factually accurate and free of opinion? Will teachers narrow the curriculum in order to avoid risking disciplinary action? Can fiction, art, and science be taught under the “factually accurate” standard?

As the California School Boards Association noted in their letter of opposition to AB 715, this requirement may cause schools to “hesitate to engage students in thoughtful, academically sound discussions of complex historical or political topics out of fear that their context could be misinterpreted as noncompliant. The threat of complaints and investigations may lead educators to avoid controversial subjects altogether, which would ultimately narrow the curriculum and undermine student learning.”

This bill proposes to add “balanced and fair” to the factually accurate requirement, which elevates the standard teachers would have to meet, and raises more concerns about the content they would be required to teach. Would teachers have to teach a “balanced” view of slavery? To achieve “balance,” would they need to teach creationism alongside evolution?

Beyond practical and political concerns, an emphasis on factual accuracy reflects a narrow view of teaching and learning. In some subjects, such as the humanities and the arts, personal opinion, individual interpretation, and creative expression are core parts of both curriculum and instruction. Even in the STEM subjects, instruction should foster creative problem solving, curiosity, and exploration. As technology rapidly changes the workforce and society as a whole, schools will increasingly need to focus on developing students’ distinctly human skills, such as critical thinking, creativity, curiosity, communication, and collaboration with others.

The requirement that instruction align or be consistent with state-adopted curriculum raises additional concerns. Teachers have always had the ability to introduce new content in order to keep their subjects current, explore new ways of teaching concepts, and make school engaging for students. It is unclear if content beyond the adopted curriculum could be delivered under the requirements of this bill.

AB 715 also extended these requirements to instructional materials, including but not limited to those adopted by an LEA's governing board, which means that all materials used by teachers need to meet this standard. Teachers frequently use materials they develop or find to supplement the adopted materials. Would all materials teachers use have to be factually accurate and free of opinion?

Additionally, the limitation on "advocacy," a term which is not defined, may cause confusion and limit educators' ability to teach. Would a poster of women mathematicians, posted to promote gender equality in STEM, be considered unlawful advocacy by a teacher? Could a teacher advocate for the right of his undocumented students to attend certain classes with their peers – a legal right threatened by the federal government? Would it be lawful to celebrate Black History Month or Pride Month at school?

Stakeholders have also expressed concerns that the factually accurate requirement will give advocates on different sides of controversial issues a new legal tool to disrupt instruction and harass educators. This could further inflame the already tense political environment in many communities. Recent survey data indicates that this charged political climate is taking a toll on educators, causing teachers stress and leading them to have negative views of the future of public education (RAND, 2025; Pew, 2024).

Standards of professional responsibility. This bill would remove a requirement of existing law, enacted through AB 715, that instruction and instructional materials be "consistent with accepted standards of professional responsibility." These standards are undefined in existing law.

California Code of Regulations (CCR), Title V, sections 80311-80339.6 establish the Rules of Conduct for Professional Educators, which are binding upon all individuals holding credentials issued by the Commission on Teacher Credentialing (CTC). Violations of these rules can result in revocation or suspension of an educator's credential. These rules address numerous topics, including discriminatory conduct. In addition, EC section 44242.5 pertains to the discretionary review of misconduct for fitness for teaching, which provides the CTC the authority to take action, pursuant to EC sections 44345 and 44421. According to the CTC, CCR 80302, and 80331 through 80338, are applicable to professional conduct for teachers.

Since "accepted standards of professional responsibility" is undefined and could conflict with existing Rules of Conduct for Professional Educators, this provision will likely cause confusion, and possibly inconsistent or indiscriminate enforcement. ***The Committee may wish to consider that*** it is appropriate to remove these provisions to avoid these unintended outcomes.

Removal of instructional materials found to be discriminatory. This bill requires the SPI, when instructional materials are found to be discriminatory, to ensure that LEAs omit all violating portions of the instructional materials.

Current law, enacted through AB 715, requires that if instructional materials are found to be discriminatory, that they immediately and permanently be omitted from the all course materials and not be used in any current or subsequent course offerings.

When AB 715 was discussed in this Committee, stakeholders expressed concern that this requirement could lead to the immediate removal and disposal of an entire series of materials in order to remove one offending portion. Instructional materials adopted and purchased by LEAs constitute a major investment of funds and staff resources. LEAs spend considerable time piloting, reviewing, selecting, and training teachers on materials, all with teacher and community input.

As the California County Superintendents and the Association of California School Administrators wrote in response to AB 715, the requirement to could lead to the removal of “entire books, textbooks, and other instructional materials if the State determines the item includes even one instance of discriminatory content—and regardless of whether the action deprives students of a textbook or instructional materials during the current or subsequent school years.” *The Committee may wish to consider that* this bill would address this concern by referring to omitting “all violating portions,” while also creating a new responsibility to the SPI to ensure that LEAs omit those portions of materials.

Potential First Amendment issues. The following comments, provided by the Assembly Committee on Judiciary for the analysis of AB 715 in 2025, address potential First Amendment concerns with one provision of this bill.

The First Amendment limits the ability of a public employer to leverage the employment relationship to restrict, incidentally or intentionally, the liberties employees enjoy in their capacities as private citizens speaking about matters of public concern. (See *Pickering v. Board of Education* (1968) 391 U.S. 563.) So long as employees are speaking as *citizens* about matters of public concern, they are subject only to those speech restrictions that are necessary for their employers to operate efficiently and effectively. (See, e.g., *Connick v. Myers* (1983) 461 U. S. 138, 142, 147 [“Our responsibility is to ensure that citizens are not deprived of fundamental rights by virtue of working for the government”].) In *Pickering*, the relevant speech was a teacher’s letter to a local newspaper addressing issues including the funding policies of his school board. (391 U. S., at p. 566.) The Court reasoned that, “the interest of the school administration in limiting teachers’ opportunities to contribute to public debate is not significantly greater than its interest in limiting a similar contribution by any member of the general public.” (*Id.*, at p. 573.)

This bill does not restrict an employee’s ability to comment on public issues *in a public forum*. Instead, it is aimed at what teachers can say *in the classroom*. To the extent that the bill requires teacher instruction to align with curriculum and professional standards, it presents no First Amendment issues on its face. However, the somewhat ambiguous language at the end of subdivision (b)—“rather than advocacy, personal opinion, bias or partisanship”—could be deemed to be unconstitutional because if it is held to be overly broad in that it potentially sweeps in both protected and unprotected activity. In *Baggett v. Bullitt* (1964) 377 U.S. 360, the U.S. Supreme Court struck down loyalty oaths requiring Washington state employees to affirm that they were not members of alleged subversive organizations and requiring teachers to swear to promote “undivided allegiance to the government of the United States.” In ruling that these provisions violated the First Amendment rights of employees

who would be unable to determine what they were swearing to, the Court pointed out that, “The oath may prevent a professor from criticizing his state judicial system or the Supreme Court or the institution of judicial review. Or it might be deemed to proscribe advocating the abolition, for example, of the Civil Rights Commission, the House Committee on Un-American Activities, or foreign aid.” (*Id.*, at p. 376.)

The language of the bill presents potentially similar issues in that teachers may not understand which statements in the classroom could expose them to professional discipline. Teachers of history, social science, and humanities often address morally and politically charged issues for which there is no scholarly or community consensus. Teachers of biology discuss public health issues long considered to be factual, such as efficacy of vaccines, but are now subject to debate at the highest levels of the federal government. Would a teacher who discussed a politically contested issue run the risk of introducing “advocacy, personal opinion, bias, or partisanship?” Would parents and outside interest groups be emboldened to challenge a teacher’s statements in the classroom because of their alleged factual inaccuracy, or because they reflected the teacher’s personal opinion, bias or partisanship? Would teachers be discouraged from discussing factual historic events that are controversial, despite their alignment with curriculum and standards, such as the attempted coup on January 6, 2021 and the multiple impeachments of Donald Trump, to avoid such risks? Given that teachers may not know how to comply with the proposed law, as well intentioned as this measure may be, the bill may pose a chilling effect on educator’s ability to teach about politically contested issues. This provision of the bill could be subject to an overbreadth challenge.

Since the publication of the analysis on AB 715, a related lawsuit, *Prichett et al. v. Newsom, et al.*, was filed.

Correcting CDE complaint response timelines. This bill corrects an error in existing law, established by AB 715, which requires the CDE to respond to a complaint that an LEA has not issued an investigation report related to a complaint of discrimination on the same day the CDE receives the complaint. This bill requires the CDE to notify the LEA to issue an investigation report to both the complainant and the CDE within 20 days of the notification. According to the CDE, this is a necessary change to make this provision implementable.

Recommended Committee amendments to sections 2 and 3 of this bill:

- Amend EC 51500(b) to read: Teacher instruction shall be factually accurate within the meaning of paragraph (3) of subdivision (c) of Section 60200 and align with state adopted curriculum and standards, rather than issue advocacy, personal opinion on controversial issues, bias, or partisanship.
- Amend EC 51501(b) to read: Instructional materials, including, but not limited to, materials adopted by the state board or any governing body, shall be factually accurate and reflect the adopted curriculum and standards as described in subdivision (c) of Section 60200, rather than issue advocacy, personal opinion on controversial issues, bias, or partisanship.

Related legislation. AB 715 (Zbur and Addis), Chapter 428, Statutes of 2025, establishes an Office of Civil Rights (OCR) at the Government Operations Agency (GovOps), and establishes

an Antisemitism Prevention Coordinator within the OCR; requires that all instruction be factually accurate, aligned to state curriculum, and consistent with accepted standards of professional responsibility, rather than advocacy, personal opinion, bias, or partisanship; requires that any organization contracted with a local education agency (LEA) to provide curriculum, instructional materials, or professional development which is found by an LEA or the Superintendent of Public Instruction (SPI) to have violated specified anti-discrimination statutes to reimburse all funds received for their services from the LEA, and notify every LEA with which they contract of this finding; and becomes operative only upon enactment of SB 48 of this Session, among other provisions. This bill was signed by the Governor with the following message:

As AB 715 moved through the legislative process, representatives from the entire education ecosystem – including teachers, administrators, school boards, school, staff, student students, and civil rights organizations – expressed deep commitment to the goals of the Bill, along with urgent concerns about unintended consequences. I appreciate the firm commitments made by the authors of AB715 to work quickly on a follow-up measure next year to continue addressing these issues. Public schools play a foundational role in our democracy, and we must continue to make our schools safe learning environments for all students while fostering critical thinking skills in the context of challenging conversations.

SB 48 (Gonzalez), Chapter 428, Statutes of 2025, requires, contingent upon the enactment of AB 715 of this Session, the Office of Civil Rights (OCR), as created by that measure within the Government Operations Agency (GovOps), to employ a Religious Discrimination Prevention Coordinator, a Race and Ethnicity Discrimination Prevention Coordinator, a Gender Discrimination Prevention Coordinator, and an LGBTQ Discrimination Prevention Coordinator, all to be appointed by the Governor and confirmed by the Senate. This bill was signed with the following message:

As AB 715 moved through the legislative process, representatives from the entire education ecosystem – including teachers, administrators, school boards, school, staff, student students, and civil rights organizations – expressed deep commitment to the goals of the Bill, along with urgent concerns about unintended consequences. I appreciate the firm commitments made by the authors of AB715 to work quickly on a follow-up measure next year to continue addressing these issues. Public schools play a foundational role in our democracy, and we must continue to make our schools safe learning environments for all students while fostering critical thinking skills in the context of challenging conversations.

SB 153 (Committee on Budget and Fiscal Review), Chapter 38, Statutes of 2024, prohibits the governing board of a school district, a county board of education, or the governing body of a charter school from adopting or approving the use of any textbook, instructional material, supplemental instructional material, or curriculum for classroom instruction if it would subject a pupil to unlawful discrimination pursuant to Section 220. Permits a complaint to be filed with the applicable school district, county office of education (COE), or charter school under the UCP, or to be filed with the SPI directly. Authorizes the SPI to directly intervene without waiting for an investigation by the school district, COE, or charter school.

AB 2925 (Friedman), Chapter 844, Statutes of 2024, changed the definition of the terms nationality and religion for purposes of defining what constitutes discrimination in higher education, and established a requirement for specific antidiscrimination training or diversity,

equity, and inclusion training offered by postsecondary education institutions to include training on how to combat and address discrimination against the five most targeted groups in the state, as defined.

SB 472 (Stern) Chapter 761, Statutes of 2025, requires the SPI to establish the Holocaust and Genocide Education Grant Program to provide direct allocations to LEAs for the purposes of providing Holocaust and genocide education and professional training; requires the CDE to issue a notice to LEAs serving students in grades 7 to 12, clarifying that social science instruction is designed to provide a foundation for the understanding of human rights issues with particular attention to the study of the inhumanity of genocide, slavery, and the Holocaust; and authorizes the CDE to issue a survey to LEAs, no more than two years after the notice, on the status of Holocaust and genocide instruction at their schools.

AB 1468 (Zbur and Addis) of the 2023-24 Session would have required the SBE, to develop and adopt academic content standards for ethnic studies instruction in high school; required the Instructional Quality Commission (IQC) to recommend, and the SBE to adopt, reject, or modify, curriculum frameworks and instructional materials for instruction in ethnic studies; require the SBE to issue guidance to LEAs on instruction in ethnic studies; established new anti-discrimination requirements for the content of ethnic studies; and required an LEA or a charter school to provide the CDE with a copy of all curricula, instruction, and instructional materials used in teaching ethnic studies. This bill was held in the Assembly Education Committee.

AB 2918 (Zbur and Addis) of the 2023-24 Session would have required, before adopting a course in ethnic studies or any instructional materials for a course in ethnic studies, or revising any existing ethnic studies course or instructional materials for a course in ethnic studies, an LEA to ensure that the course and instructional materials are developed in conjunction with specified stakeholders, including certificated teachers, classified public school staff, and parents and guardians of pupils. This bill was held in the Senate Appropriations Committee.

SB 1277 (Stern), Chapter 890, Statutes of 2024, establishes the California Teachers Collaborative for Holocaust and Genocide Education (Collaborative), to establish a statewide professional development program on genocide for school district, COE, and charter school teachers.

SB 693 (Stern) of the 2021-22 Session would have 1) established the Governor's Council on Genocide and Holocaust Education and required the council to develop best practices to facilitate the instruction on genocide and the Holocaust, identify available resources that are aligned to the best practices, and identify programs and resources to train teachers to provide education on genocide and the Holocaust; and 2) required the CDE to make available the best practices and approved lessons, resources, and materials to support the integration of instruction on genocide and the Holocaust, and to conduct a voluntary study to assess the impact of the instruction based on the best practices. This bill was held in the Senate Appropriations Committee.

SB 141 (Committee on Budget and Fiscal Review), Chapter 194, Statutes of 2023, appropriated \$1.5 million to the SPI for allocation to the California Teachers Collaborative for Holocaust and Genocide Education to continue work developing and providing curriculum resources related to genocide and Holocaust education; and providing professional development, including educator trainings, on genocide and Holocaust education.

AB 1078 (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 130 (Committee on Budget), Chapter 44, Statutes of 2021, appropriated \$2 million to the SPI for allocation to the Marin County Office of Education to contract with nonprofit organizations with subject matter expertise in genocide and Holocaust education to develop and provide curriculum resources related to genocide and Holocaust education; and provide professional development, including educator trainings, on genocide and Holocaust education.

REGISTERED SUPPORT / OPPOSITION:**Support**

None on file

Opposition

None on file

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