

Date of Hearing: April 7, 2021

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 101 (Medina) – As Introduced December 11, 2020

SUBJECT: Pupil instruction: high school graduation requirements: ethnic studies

SUMMARY: Requires students, commencing with the graduating class of 2029-30, to complete a one semester course in ethnic studies, as specified, in order to receive a high school diploma, and requires, commencing with the 2025–26 school year, that local educational agencies and charter schools serving students in grades 9 through 12 offer at least a one-semester course in ethnic studies. Specifically, **this bill:**

- 1) Requires students enrolled in charter and non-charter public schools, commencing with those graduating in the 2029–30 school year, to complete a one-semester course in ethnic studies in order to receive a high school diploma.
- 2) States that a local educational agency (LEA) or a charter school may require a full-year course in ethnic studies at its discretion.
- 3) Requires that, commencing with the 2025–26 school year, an LEA and a charter school enrolling students in grades 9 to 12 offer at least a one-semester course in ethnic studies.
- 4) Authorizes, subject to its course offerings of the LEA or charter school, a pupil to fulfill this requirement through the completion of any of the following types of courses:
 - a) A course based on the ethnic studies model curriculum adopted by the State Board of Education (SBE);
 - b) An existing ethnic studies course;
 - c) An ethnic studies course taught as part of a course that has been approved as meeting the A-G requirements of the University of California (UC) and the California State University (CSU), except a course that does not use ethnic studies content as the primary content through which the subject is taught; or
 - d) A locally developed ethnic studies course approved by the governing board of the school district or the governing body of the charter school.
- 5) Requires that a student completing a course meeting these requirements also accrue credit for coursework in the subject that the course is offered, including, if applicable, credit towards satisfying a course required to earn a diploma of graduation from high school.
- 6) Requires that instruction and materials for a course:
 - a) Be appropriate for use with pupils of all races, religions, genders, sexual orientations, and diverse ethnic and cultural backgrounds, students with disabilities, and English learners;

- b) Not reflect or promote, directly or indirectly, any bias, bigotry, or discrimination against any person or group of persons on the basis of any category protected by Section 220 of the Education Code; and
 - c) Not teach or promote religious doctrine.
- 7) Prohibits the amendments made by the measure from being construed to alter any other requirement of existing graduation requirements for students enrolled in charter schools.

EXISTING LAW:

- 1) Establishes high school graduation requirements, and authorizes school districts to establish additional requirements for graduation.
- 2) Requires the Instructional Quality Commission (IQC) to develop and submit to the SBE by December 31, 2020, a model curriculum in ethnic studies, and requires by March 31, 2021, the SBE adopt, modify, or revise, the model curriculum.
- 3) Requires the model curriculum to be developed with participation from faculty of ethnic studies programs at universities and colleges with ethnic studies programs and a group of representatives of LEAs.
- 4) Requires that the model curriculum be written as a guide to allow school districts to adapt their courses to reflect the student demographics in their communities, and include examples of courses offered by LEAs that have been approved as meeting A-G admissions requirements of the UC and CSU including, to the extent possible, course outlines for those courses.
- 5) Requires the IQC to provide a minimum of 45 days for public comment before submitting the model curriculum to the SBE.
- 6) Requires a school district or charter school that elects to offer a course of study in ethnic studies to offer the course as an elective in the social sciences or English language arts and to make the course available in at least one year during a student's enrollment in grades 9 to 12.

FISCAL EFFECT: The Office of Legislative Counsel has identified this bill as a possible state mandated local program.

COMMENTS:

Need for the bill. According to the author's office, "Knowledge of our history plays a critical role in shaping who we become. When I was growing up, the history of those who look like me was not represented in the classroom. As a former Ethnic Studies teacher, I saw firsthand how much more engaged my students were when they saw themselves reflected in the coursework.

California is one of the most diverse states in the country and we should celebrate that diversity by teaching a curriculum that is inclusive of all of our cultures and backgrounds. Ethnic Studies provide students an opportunity to learn about histories outside of the Euro-centric teachings

most prominent in our schools. At a time when the national climate drives divisiveness and fear of otherness, Ethnic Studies can play a critical role in increasing awareness and understanding.”

State graduation requirements. Current law establishes state high school graduation requirements, including the equivalent of three year-long courses in social studies. These courses must include United States history and geography; world history, culture, and geography; a one-semester course in American government and civics, and a one-semester course in economics.

Existing law does not require course in ethnic studies for graduation, but does require a school district or charter school that elects to offer a course of study in ethnic studies to offer the course as an elective in the social sciences or English language arts and to make the course available in at least one year during a student’s enrollment in grades 9 to 12.

Current law also permits school districts to establish local graduation requirements which exceed those of the state. Several California school districts have made completion of a course in ethnic studies a local graduation requirement.

Adopted Ethnic Studies Model Curriculum. This bill makes completion of an ethnic studies course based on the state adopted ethnic studies model curriculum one means of meeting the graduation requirement proposed by this bill. This curriculum, like others developed in the past, was developed for voluntary use by LEAs.

Current law requires the IQC to develop and submit the model curriculum in ethnic studies to the SBE by December 31, 2020, and the SBE to adopt the curriculum by March 31, 2021, deadlines which were extended one year from the original statute. Between 2019 and 2021 the IQC produced several drafts and conducted three rounds of field reviews which generated considerable public comment and media attention. The SBE adopted the Ethnic Studies Model Curriculum on March 18, 2021.

The Model Curriculum adopted by the SBE this month is organized into the following chapters:

- Introduction and overview with a discussion of the background of the field of ethnic studies
- Guidance to district and site administrators on teacher, student, and community involvement in the development of these courses
- Instructional guidance for veteran and new teachers of ethnic studies content
- Guiding questions, sample lessons and topics for ethnic studies courses
- Links to instructional resources to assist educators in facilitating conversations about race, racism, bigotry, and the experiences of diverse Americans
- Examples of courses approved by the UC as meeting A–G admissions requirements

Governor’s veto and budget proposals regarding ethnic studies. AB 331 (Medina) of the 2019-20 Session was identical to this bill. Governor Newsom vetoed AB 331 with the following message:

This bill... would require ethnic studies to be taught in high school at a time when there is much uncertainty about the appropriate K-12 model curriculum for ethnic studies. I have been closely monitoring the progress of the development of the K-12 ethnic studies model

curriculum. Last year, I expressed concern that the initial draft of the model curriculum was insufficiently balanced and inclusive and needed to be substantially amended. In my opinion, the latest draft, which is currently out for review, still needs revision.

I am directing staff in my Administration to work with State Board of Education President Linda Darling-Hammond and State Superintendent of Public Instruction Tony Thurmond to ensure that the draft ethnic studies model curriculum achieves balance, fairness, and is inclusive of all communities.

Subsequent to this veto, the Governor included in his proposed budget for 2021-22 two proposed appropriations related to ethnic studies:

- \$5 million to the CDE to provide professional development and resources to support LEAs to offer new and expanded ethnic studies courses, through a contract with a county office of education. Funds would be required to be used to:
 - Provide professional development and regional training for teachers, administrators, and paraprofessionals to support creation or expansion of ethnic studies course offerings, including, but not limited to, courses that use the Ethnic Studies Model Curriculum as a guide.
 - Provide access to an online repository of resources to support ethnic studies courses. This includes the collection and review of materials to be made available for educators to use in implementing the Ethnic Studies Model Curriculum.
- \$2 million to the UC Subject Matter Projects to support teacher training and resources on delivering ethnic studies content to students.

Steep increases in enrollment and course offerings in ethnic studies, more ethnic studies courses A-G approved. Enrollment in ethnic studies courses and approval as meeting UC/CSU A-G admissions requirements has been growing steeply in recent years, but one-third of social science courses are not A-G approved, according to data reported by the CDE. In order for courses to receive approval, course outlines must be submitted to, and approved by, the UC. The statute authorizing the development of the model curriculum requires that it include examples of A-G approved courses, including course outlines for those courses, to the extent feasible.

CDE data on course enrollment and offerings in ethnic studies indicates the following:

- In 2018-19, 26,218 students were enrolled in ethnic studies courses (social science and English language arts combined), up from 8,678 in 2014-15.
- In 2018-19, 1,307 ethnic studies courses (social science and English language arts combined) were taught in 396 schools, compared with 696 courses in 177 schools in 2014-15.
- In 2018-19, for ethnic studies courses in social science, 707 of the 1057 courses (67%) were approved as meeting A-G admissions requirements, compared to 51% in 2016-17.
- In 2018-19, English language arts ethnic studies courses were more likely to be A-G approved, with 229 of 250 courses (92%) approved as meeting A-G admissions requirements, compared to 80% in 2016-17.

Ethnic studies courses are taught in different disciplines, most commonly in history-social science and English language arts. As of the 2014-15 school year, the Montebello Unified School District offered a history elective called “Mexican American Studies” and an English

language arts elective called “African American Literature.” The Oakland Unified School District offered a history-social science elective course titled “African American History,” and Los Angeles Unified School District offered an English language arts course titled “Mexican American Literature.” The San Francisco Unified School District offered a social studies elective called “Asian American History,” a year-long course taught in Chinese titled “Asian American Studies,” as well as a social studies elective titled “Ethnic Studies.”

Ethnic studies course outlined in History-Social Science framework. The History-Social Science Framework adopted by the SBE in 2016 describes high school elective courses in ethnic studies as follows:

Ethnic studies is an interdisciplinary field of study that encompasses many subject areas including history, literature, economics, sociology, and political science, among others. In this course, students focus on an in-depth comparative study of the history, politics, culture, contributions, challenges, and current status of ethnic groups in the United States. It is also important for students to learn the national origins of ethnic groups and their transnational linkages. In Ethnic Studies, students examine the process of racial and ethnic formation of ethnic minorities in a variety of contexts: political, legal, social, historical, economic, and cultural. The course concentrates, to a great extent, on the experiences of various ethnic minorities in the United States and the ways in which their experiences were impacted by the issues of race, ethnicity, class, gender, and the interaction among different ethnic groups. Students will also address how individuals within specific ethnic groups think and feel about themselves and their group as it can be represented by literature, memoirs, art, and music. To understand ethnic identity in their local communities, students can volunteer with local community organizations and centers that serve specific ethnic populations.

Recommended amendments. Staff recommends that the bill be amended as follows:

- 1) Affirm that all state course requirements for graduation from a public school apply to students enrolled in charter schools. It has long been understood that existing law requires charter school students, as public school students, to meet the same state minimum requirements in order to receive of a diploma of graduation as other public school students. This amendment is a restatement of existing law.
- 2) Correct a drafting error which requires that only courses approved as meeting A-G admissions requirements use ethnic studies as the primary content in order to meet the definition of an ethnic studies course which can be taken to fulfill the graduation requirement, by instead making this requirement apply to all of the types of ethnic studies courses identified in the bill.

Arguments in support. The California Association of Student Councils writes, “Requiring ethnic studies to be taught in high schools is an integral part of cultivating a classroom environment that is accepting of diversity. It is vital for young people to learn about their history, it is also important for them to feel like they can contribute to their communities in positive ways. AB 101 will help close the achievement gap by reducing student truancy and student enrollment, reduce drop-out rates, and better prepare Californian youth to be college prepared and career ready.”

Arguments in opposition. The AMCHA Initiative writes, “My organization is deeply concerned that classes taught using [the Ethnic Studies Model Curriculum] will become vehicles for highly controversial, one-sided and extremely coercive political advocacy and activism that will both

subvert the educational mission of our schools and incite bigotry and harm against many students...Considering the catastrophic educational losses and trauma that have already been inflicted on millions of California students due to the COVID-19 pandemic, we believe it is irresponsible and unethical to pass a bill requiring students to take a course that has not been shown to improve students' academic achievement, and is quite likely to incite strife and hatred.”

Prior legislation. AB 1039 (Nguyen) of this Session would extend the timelines for the IQC to develop and submit to the SBE, and the SBE to adopt, modify, or revise or reject, model curricula relative to the Vietnamese American refugee experience, the Cambodian genocide, and Hmong history and cultural studies, from March 31, 2023 to March 31, 2027, respectively.

AB 331 (Medina) of the 2019-20 Session would have required, commencing with the graduating class of 2029-30, students enrolled in grades 9 to 12 to complete a semester-long course in ethnic studies in order to graduate from high school; required LEAs and charter schools to offer a one-semester course in ethnic studies by the 2025-26 school year; permitted the ethnic studies course requirement to be met through several course options, including locally developed courses and courses aligned to the ethnic studies model curriculum required to be developed under current law; and required that instruction and materials used in these courses be appropriate for use with a broad range of students, among other requirements. This bill was vetoed by Governor Newsom with the following message:

I value the role ethnic studies plays in helping students think critically about our history and understand the experience of marginalized communities in our state. This academic discipline will help prepare our young adults to become civically engaged and participate fully in our democracy. For these reasons, I already signed AB 1460, which will mandate ethnic studies as a graduation requirement for the California State University system.

I appreciate the amendments the author accepted to ensure that any ethnic studies coursework is free of bias and discrimination. I am also pleased that many more schools and districts have recently joined the hundreds of schools across our state that have adopted ethnic studies courses, and we intend to support these schools with professional development resources.

This bill, however, would require ethnic studies to be taught in high school at a time when there is much uncertainty about the appropriate K-12 model curriculum for ethnic studies. I have been closely monitoring the progress of the development of the K-12 ethnic studies model curriculum. Last year, I expressed concern that the initial draft of the model curriculum was insufficiently balanced and inclusive and needed to be substantially amended. In my opinion, the latest draft, which is currently out for review, still needs revision.

I am directing staff in my Administration to work with State Board of Education President Linda Darling-Hammond and State Superintendent of Public Instruction Tony Thurmond to ensure that the draft ethnic studies model curriculum achieves balance, fairness, and is inclusive of all communities.

In California, we don't tolerate our diversity. We celebrate it. That should be reflected in our high school curriculum. I look forward to our model curriculum achieving these goals.

AB 2772 (Medina) of the 2017-18 Session, as passed by this Committee, would have required all students to complete a semester-long social studies or English language arts course in ethnic studies to graduate from high school, based on a state-adopted model curriculum, commencing in the 2023-24 school year. The bill was later amended to establish a grant program, administered by the CDE, for the purpose of providing funding for courses in ethnic studies in school districts which would make ethnic studies a graduation requirement. This bill was vetoed by Governor Brown, who stated:

School districts already can, and are, requiring ethnic studies for graduation. While I recognize the value of these courses, I am reluctant to encourage yet another graduation requirement, especially when students are already overburdened by multiple tests and endless hours of homework.

AB 1393 (Weber) of the 2019-20 Session would have added Laotian history and cultural studies to the model curriculum in Hmong history and cultural studies that the IQC is required to develop and submit to the SBE by December 31, 2022, and that the SBE is required to adopt, modify, or reject by March 31, 2023. This bill was vetoed by Governor Newsom, who stated:

While I appreciate the interest in addressing a gap in prior legislation, I remain concerned that the current process is piecemeal and fragmented, as the adoption of the ethnic studies model has displayed. Before we move forward with additional model curricula, I believe a review of the existing process is necessary to support reforms needed so that our schools can provide instruction in a manner that reflects and honors the experiences of all Californians.

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 738 (Limon), Chapter 614, Statutes of 2017, requires the development of a model curriculum in Native American studies, and requires school districts which elect to offer one course in Native American studies to make the course available in at least one year during a student's enrollment in grades 9-12.

HR 29 (Weber) of the 2017-18 Session resolves that the state will establish an ethnic studies graduation requirement for all high school pupils.

AB 2016 (Alejo) Chapter 327, Statutes of 2016, requires the development of a model curriculum in ethnic studies, and requires school districts which elect to offer one course in ethnic studies to make the course available in at least one year during a student's enrollment in grades 9-12.

AB 101 (Alejo) of the 2015-16 Session would have required the SPI to oversee the development of a model curriculum in ethnic studies, and would have established an advisory committee on ethnic studies to make recommendations on the development of the curriculum. AB 101 was vetoed by Governor Brown, who stated:

This bill creates what is essentially a redundant process. The Instructional Quality Commission is in the midst of revising the History-Social Science Framework, which includes guidance on ethnic studies courses. Creating yet another advisory body specific to ethnic studies would be duplicative and undermine our current curriculum process.

AB 1750 (Alejo) of the 2013-14 Session would have required the IQC to identify a model curriculum on ethnic studies at the high school level. This bill was held in the Senate Appropriations Committee.

AB 2001 (Diaz) of the 2001-02 Session would have required the Curriculum Development and Supplemental Materials Commission (now the IQC) to identify model programs, standards, and curricula for ethnic studies at the high school level. This bill was vetoed by the Governor, who stated:

While I support encouraging respect for diversity and educating children about the impact of California's ethnic groups, this bill is duplicative of existing efforts. Current law specifically requires instruction about various ethnic groups and existing teacher training programs already train teachers in how to work with pupils from diverse backgrounds. In addition, existing state academic content standards and curriculum frameworks include substantial discussion of the history and contributions of various ethnic groups, and how to implement programs teaching this information.

REGISTERED SUPPORT / OPPOSITION:

Support

California Teachers Association (co-sponsor)
Generation Up (co-sponsor)
Asian Americans Advancing Justice - California
California Association for Bilingual Education
California Association of Student Councils
California State PTA
Californians Together
Dolores Huerta Foundation
Fair Housing Council of Riverside County, Inc.
Hispanic Association of Colleges and Universities
County of Monterey
Office of the Riverside County Superintendent of Schools
Peace and Freedom Party of California
Riverside County Public K-12 School District Superintendents
The Education Trust – West
Several individuals

Opposition

AMCHA Initiative
California Family Council
Californians for Equal Rights
Capitol Resource Institute
Pacific Justice Institute
Several hundred individuals

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