

Date of Hearing: March 24, 2021

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
AB 1039 (Nguyen) – As Introduced February 18, 2021

**SUBJECT:** Model curricula: Vietnamese American refugee experience, the Cambodian genocide, and Hmong history and cultural studies

**SUMMARY:** Extends by four years the dates by which the Instructional Quality Commission (IQC) must develop and submit to the State Board of Education (SBE), and the SBE must adopt, modify, or revise or reject, model curricula relative to the Vietnamese American refugee experience, the Cambodian genocide, and Hmong history and cultural studies, to March 31, 2023 to March 31, 2027, respectively. Specifically, **this bill:**

- 1) Extends, from December 31, 2022, to December 31, 2026, the date by which the IQC must develop and submit to the SBE a model curriculum relative to the Vietnamese American refugee experience, the Cambodian Genocide, and Hmong history and cultural studies.
- 2) Extends, from March 31, 2023 to March 31, 2027, the date by which the SBE must adopt, modify, or revise the model curricula.

**EXISTING LAW:**

- 1) Requires the IQC to develop and submit to the SBE by December 31, 2022, and requires the SBE to adopt, modify, or revise, by March 31, 2023, the following model curricula: (1) relative to the Vietnamese American refugee experience that includes, but is not limited to, curriculum on the fall of Saigon in 1975, (2) relative to the Cambodian genocide, and (3) in Hmong history and cultural studies.
- 2) Encourages that instruction be provided on the Vietnam war, including the “Secret War” in Laos and the role of Southeast Asians in that war, and encourages that this instruction include a component drawn from personal testimony, especially in the form of oral or video history of Southeast Asians who were involved in the Vietnam war and those men and women who contributed to the war effort on the homefront.
- 3) Requires that the oral histories used as a part of the instruction regarding the role of Southeast Asians in the Vietnam War and the “Secret War” in Laos exemplify the personal sacrifice and courage of the wide range of ordinary citizens who were called upon to participate and provide intelligence for the United States.
- 4) Requires that the oral histories contain the views and comments of their subjects regarding the reasons for their participation in the war.
- 5) Requires that the oral histories solicit comments from their subjects regarding the aftermath of the war and the immigration of Southeast Asians to the United States.
- 6) Establishes high school graduation requirements, and authorizes school districts to establish additional requirements for graduation.

- 7) Requires the 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.
- 8) 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 local educational agencies (LEAs).
- 9) 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 University of California (UC) and the California State University (CSU) including, to the extent possible, course outlines for those courses.
- 10) Requires the IQC to provide a minimum of 45 days for public comment before submitting the model curriculum to the SBE.
- 11) 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.
- 12) 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.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

***Need for the bill.*** The author states, "When I was in the State Senate, my bill SB 895 related to developing a model curriculum around the Vietnamese American, Cambodian American and Hmong American experiences passed both houses unanimously and was signed into law by Governor Brown. SB 895 required the Instructional Quality Commission (IQC) to develop and recommend to the State Board of Education the adoption of model curriculum relative to the refugee experience, specifically to include the stories of Vietnamese-American refugees, among them the accounts of Vietnamese boat people and the members of the Republic of Vietnam Armed Forces, as well as stories of the Cambodian genocide and Hmong history and cultural studies. It sought to help and increase cultural awareness. Given the COVID-19 shutdown, the various communities have had to delay their work with the Department of Education. AB 1039 will simply extend the sunset in order for the IQC and the various communities to continue this important work with the State Board of Education and get this curriculum to our students."

***Adopted Ethnic Studies Model Curriculum.*** Current law requires the IQC to develop and submit a 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 ethnic studies 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

***Related bill vetoed.*** 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.

***Related legislation.*** AB 101 (Medina) of this Session would require 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 require, 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.

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. As noted above, this bill was vetoed by Governor Newsom.

SB 895 (Nguyen), Chapter 686 Statutes of 2018, requires the IQC to develop and submit to the SBE by December 31, 2022, and requires the SBE to adopt, modify, or revise, by March 31, 2023, the following model curricula: (1) relative to the Vietnamese American refugee experience that includes, but is not limited to, curriculum on the fall of Saigon in 1975, (2) relative to the Cambodian genocide, and (3) in Hmong history and cultural studies.

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), 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 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.

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 Superintendent of Public Instruction 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 the Governor with the following message:

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. That 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 that existing law, teacher training, and curriculum already addressed this topic.

AB 78 (Reyes), Chapter 44, Statutes of 2003 encourages instruction in the area of social sciences, as required pursuant to subdivision (b) of Section 51220, which may include instruction on the Vietnam war including the "Secret War" in Laos and the role of Southeast Asians in that war.

AB 2064 (Arambula) of the 2007-08 Session would have required the SBE and the Curriculum Development and Supplemental Materials Commission to ensure that the history-social science framework adopted in the course of the next submission cycle after January 1, 2009, includes the Vietnam War, including the "Secret War" in Laos, the role of Southeast Asians in that war, and the refugee/immigrant/new American experiences. This bill was vetoed by the Governor, who stated:

While I respect the author's intent to recognize the role that Southeast Asians played in the Vietnam War, 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.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

None on file

**Opposition**

None on file

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