

Date of Hearing: March 29, 2023

ASSEMBLY COMMITTEE ON EDUCATION  
Al Muratsuchi, Chair  
AB 802 (Joe Patterson) – As Introduced February 13, 2023

**SUBJECT:** Curriculum: right to examine

**SUMMARY:** Requires each school district, county office of education (COE), and charter school to provide written notice to a pupil's parent or guardian of their right to examine the curriculum materials of the class or classes in which their child is enrolled, to post information on that right to their website, and to ensure that each of their individual schools posts information on that right on their individual website. Specifically, **this bill:**

- 1) Requires each school district, county office of education, and charter school to provide written notice to a pupil's parent or guardian of the right to examine the curriculum materials of the class or classes in which their child is enrolled.
  - a) Authorizes a written notification be provided in the annual notification to parents and guardians at the beginning of the first semester or quarter of the regular school term.
  - b) Requires each school district, COE, and charter school to post information on the right to examine the curriculum materials on their website, and to ensure that each individual school within the school district, COE, or charter school, as applicable, posts information on the right to examine curriculum materials on their individual website for each school.

**EXISTING LAW:**

- 1) Establishes that the parents and guardians of pupils enrolled in public schools have the right and should have the opportunity, as mutually supportive and respectful partners in the education of their children within the public schools, to be informed by the school, and to participate in the education of their children, including: to examine the curriculum materials of the class or classes in which their child is enrolled. (Education Code (EC) 51101(a)(8))
- 2) Establishes the course of study for grades 1 to 6 and for grades 7-12, including in science and in history social science.
- 3) Authorizes the governing board of any school district to exclude from schools and school libraries all books, publications, or papers of a sectarian, partisan, or denominational character. (EC 18111)
- 4) Authorizes a local educational agency (LEA) to use instructional materials that are aligned with the academic content standards, including instructional materials that have not been adopted by the State Board of Education (SBE). Requires, if an LEA chooses to use instructional materials that have not been adopted by the SBE, the LEA to ensure that a majority of the participants of any review process conducted by the LEA are classroom teachers who are assigned to the subject area or grade level of the materials. (EC 60210)

- 5) Requires, when adopting instructional materials for use in the schools, governing boards to only include instructional materials which:
  - a) Accurately portray the cultural and racial diversity of our society, including: the contributions of both men and women in all types of roles, including professional, vocational, and executive roles; the role and contributions of Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups to the total development of California and the United States.; the role and contributions of the entrepreneur and labor in the total development of California and the United States;
  - b) Accurately portray humanity's place in ecological systems and the necessity for the protection of our environment;
  - c) Accurately portray the effects on the human system of the use of tobacco, alcohol, and narcotics and restricted dangerous drugs;
  - d) Encourage thrift, fire prevention and the humane treatment of animals and people;
  - e) Contain the Declaration of Independence and the Constitution of the United States;
  - f) Do not contain, in its determination: any matter reflecting adversely upon persons on the basis of race or ethnicity, gender, religion, disability, nationality, sexual orientation, occupation, or any sectarian or denominational doctrine or propaganda contrary to law;
  - g) Are accurate, objective, and current and suited to the needs and comprehension of pupils at their respective grade levels.
  - h) With the exception of literature and tradebooks, use proper grammar and spelling. (EC 60040-60045)
- 6) Prohibits a governing board from adopting any instructional materials for use in the schools that, in its determination, contain: any matter reflecting adversely upon persons on the basis of race or ethnicity, gender, religion, disability, nationality, or sexual orientation, occupation, as specified, and any sectarian or denominational doctrine or propaganda contrary to law. (EC 60044)
- 7) Prohibits the 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, as specified. (EC 51501)
- 8) Requires each district board to provide for substantial teacher involvement in the selection of instructional materials and to promote the involvement of parents and other members of the community in the selection of instructional materials. (EC 60002)
- 9) Requires the governing board of each school district maintaining one or more high schools to adopt instructional materials for use in the high schools under its control. (EC 60400)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

***Need for the bill.*** According to the author, “I am a father of four children and I know the struggles to stay on top of what they are viewing or learning in school. When talking within my community to parents, a large majority are not aware of their right to preview or help choose curriculum for their children. Parents or guardians can be empowered by understanding their right and feeling comfortable when asking to view curriculum.”

***Existing requirements.*** Existing law establishes that the parents and guardians of pupils enrolled in public schools have the right and should have the opportunity, as mutually supportive and respectful partners in the education of their children within the public schools, to be informed by the school, and to participate in the education of their children. This includes the right to examine the curriculum materials of the class or classes in which their child is enrolled. This bill would require that each school district, COE, and charter school to provide written notice to a pupil’s parent or guardian of this right. The notice may be provided via specified existing notification methods and requirements, and requires the information also be posted on both the school district, COE, or charter school website, as well as on individual school site website. This bill does not change the existing right for parents to examine curriculum materials, but it expands the related notice requirements to potentially increase awareness of the process within the school community.

***Curriculum, standards, frameworks.*** 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 content standards form the basis of California’s curriculum frameworks. The frameworks, which are developed by the IQC and adopted by the SBE, guide the implementation of these standards, and are used to establish criteria for the evaluation of instructional materials for state adoption for grades kindergarten through grade 8. They also guide school district selection of instructional materials for grades 9 through 12.

***SBE.*** The SBE was established first by statute in 1852, then by amendment to the California Constitution in 1884. Both the Constitution and statutes set forth the SBE’s duties. Constitutional duties of the SBE include the appointment of one deputy and three associate superintendents upon nomination of the SPI and the adoption of textbooks for use in grades one through eight. By statute, the SBE is the governing and policy-making body of the State. The Constitution and statute also assign the SBE a variety of other responsibilities: regulations, standards, waivers, assessment, district reorganization, instructional materials adoption K-8, charter schools, the federal Every Student Succeeds Act, funding allocations, and study and planning.

***Curriculum use at the local level.*** Existing law authorizes an LEA to use instructional materials that are aligned with the academic content standards, including instructional materials that have not been adopted by the SBE. If an LEA chooses to use instructional materials that have not

been adopted by the SBE, the LEA is required to ensure that a majority of the participants of any review process conducted by the LEA are classroom teachers assigned to the subject area or grade level materials.

***School district governance in California.*** California school districts are overseen by elected boards of trustees that set policy and hire a chief executive, the superintendent. School district governing boards usually have five to seven members, sometimes chosen at large from across a district and sometimes drawn from candidates who live in a specific region of the district. School district governing boards are responsible for passing an annual budget, hiring staff, adopting instructional materials, and for setting policy. The superintendent has the job of implementing policies, managing the district, and making all other hiring decisions.

***Impacts of curriculum adoption.*** According to a 2015 Center for American Progress (CAP) report, *The Hidden Value of Curriculum Reform: Do States and Districts Receive the Most Bang for Their Curriculum Buck?*, there is a strong body of evidence which suggests that curriculum plays an important role in how students are taught, and those school districts that approve and utilize a high-quality curriculum can have significant positive impacts on student achievement. The effects of the choice of curriculum and instructional materials can significantly impact student learning—effects that compete with those that are associated with differences in teacher effectiveness (Chingos, 2012).

For example, according to a 2010 National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education study, *Achievement Effects of Four Early Elementary School Math Curricula: Findings for First and Second Graders*, in a large-scale randomized comparative trial of the effectiveness of four leading elementary school mathematics curricula (consisting of a textbook, ancillary materials, and teacher professional development), second grade students taught using Saxon Math scored on average 0.17 standard deviations higher in mathematics than students taught using Scott Foresman-Addison Wesley Mathematics. By way of comparison, a review of 10 studies of teacher effectiveness found that a student taught by an above-average teacher—one at the 75<sup>th</sup> percentile—will learn more than the student of an average teacher by 0.08-0.11 standard deviations (Hanushek and Rivkin, 2010).

***National trends in school district curriculum adoption.*** Nineteen states, including California, have a curriculum adoption process that produces a list of products that schools either must use or are encouraged to use. The CAP report suggests that when hard evidence on curriculum quality is available, it should supersede the often, “vague impressions of stakeholder groups that frequently dominate the process.” Throughout the country, state or local politics can dominate the discussion over the adoption of textbooks and other instructional material, particularly as it relates to the teaching of controversial topics of evolution, race, and gender. The report also noted a clear gap between the effectiveness of standards-aligned curricula and the effectiveness of curricula as advertised by publishers. Nationally, school districts have struggled to make informed curriculum decisions, even those in states with a strong curriculum review process. One promising strategy currently used in some districts is to pilot new products alongside existing curricula in order to produce evidence on effectiveness before committing to the new product. Districts can also benefit by increasing information sharing across districts about experiences with different instructional products.

According to a 2017 Babson Survey Research Group research study, *What We Teach: K-12 School District Curriculum Adoption Process*, a national survey yielded information that over three-quarters of districts have made a full-course curricula decision in the preceding three years, with two-thirds of these making decisions in more than one subject area, largely due to the adoption of the Common Core Standards. The most common subject area is Mathematics, followed by English Language Arts. For those school districts that adopted a full-course curriculum, teachers are almost always included in the section process, alongside administrators and principals. About half of the districts reported the formal involvement of parents and outside experts. When adopting new standards, school districts typically initially consider 3 to 5 alternatives, narrowing that number to 2 or 3 for a final decision, and most adoption processes take about one year to complete, and the materials being replaced are usually 6 to 10 years old.

***Recommended Committee Amendments.*** Staff recommends that the bill be amended as follows:

- Require each school district, COE, and charter school to provide written notice to a pupil’s parent or guardian of the right to examine the curriculum materials of the class or classes in which their child is enrolled in the annual notification to parents, pursuant to EC 48980.
- Authorize, rather than require, each school district, COE, and charter school to post information on the right to examine the curriculum materials of the class or classes in which their child is enrolled on their website if they maintain an internet website. Remove the requirement for individual schools within the school district, COE, or charter school, as applicable, to post this information on their individual website.

***Arguments in support.*** An individual, Maril Adrian, writes, “Parents have the right to know what schools are teaching their children.”

***Related legislation.*** AB 1078 (Jackson) of the 2023-24 Session would require the SBE to develop, by July 1, 2024, a policy for LEAs to follow before removing any instructional materials or ceasing to teach any curriculum. The bill would require the policy to include a requirement that the LEA receive approval from the SBE before removing any instructional materials or ceasing to teach any curriculum. The bill would also require that every instructional material adopted by a governing board include proportional and accurate representation of California’s diversity in the categories of race, gender, socioeconomic status, religion, and sexuality.

AB 1652 (Sanchez) of the 2023-24 Session would require each school district, COE, and charter school to post the process for examining curriculum materials on their website.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

8 individuals

### **Opposition**

None on file

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