

ASSEMBLY COMMITTEE ON EDUCATION
Hon. Patrick O'Donnell, Chair

2021-22 COMMITTEE RULES

The Committee on Education will operate under the Joint Rules of the Senate and the Assembly, and the Standing Rules of the Assembly. The following Committee Rules are designed to further expedite the conduct of Committee business.

1. BACKGROUND INFORMATION REQUEST

(a) When a bill is referred to the Committee, the Committee Secretary shall forward to the author a Background Information Request to be completed to assist in the preparation of the Committee analysis. All Background Information Requests must be returned to the Committee within five (5) days of receipt of the request, or earlier upon request of the Committee.

(b) If the author fails to return a completed Background Information Request by the due date, the Chair may refuse to hear a bill, even if the bill has been set. Such a set may be counted against the three sets allowed a bill in Joint Rule 62(a). Lack of a completed Background Information Request may also be noted in the Committee Analysis for that bill.

(c) Background Information Requests and associated supplementary materials shall also be provided to the appropriate Republican policy staff.

2. SETTING OF BILLS

(a) Bills may be set for hearing on a date chosen at the discretion of the Chair.

(b) Pursuant to Joint Rule 62 (a) and (b), a bill may be set (i.e. notice of the hearing published in the Assembly Daily File) for hearing in the Committee a maximum of three (3) times. A bill set for hearing that is either not heard at the request of the author or is not heard in order to permit the preparation of amendments shall count against the three sets allowed. If a hearing as set in the File specifically indicates "testimony only," such hearing shall not be counted against the three sets allowed.

3. AUTHOR'S AMENDMENTS PRIOR TO HEARING

(a) Only amendments provided in Legislative Counsel form shall be accepted by the Committee. An author shall provide the signed original, seven (7) copies, and the in-context version of any amendments, or in another form and manner requested by the Chair.

(b) Subject to the Joint Rules, author's amendments shall be accepted by the Committee Secretary not later than nine (9) calendar days prior to the Committee hearing, or the Monday at 12:00 pm one week prior to the Wednesday at which the bill has been set. Substantive amendments must be accompanied by a revised Background Information Request. If the author fails to return a Background Information Request by the due date, this may be noted in the analysis and the Chair may refuse to hear a bill, even if the bill has been set. Such a set may be counted against the three sets allowed a bill in Joint Rule 62(a).

(c) For two year Assembly bills eligible to be heard by the Committee in the second year of a Legislative session, an author wishing to have a bill heard by the Committee shall provide any author's amendments and a Background Information Request to the Committee by the deadline established at the discretion of the Chair. Failure to do so may result in a bill not being set for hearing.

(d) For a non-substantive bill pending referral which the author anticipates will be referred to this Committee, the author must provide the Committee with author's amendments when they are provided to the Rules Committee. Failure to do so may result in a bill not being set for hearing.

4. COMMITTEE ANALYSES

Pursuant to Assembly Rule 56.5, a Committee analysis of each bill set for hearing shall be made available to the public at least one working day prior to the hearing, where a working day is defined as any day on which the Assembly Daily File is published. In the case of special meetings, the analysis shall be made available to the public at the beginning of the hearing.

5. LETTERS OF SUPPORT OR OPPOSITION

(a) Letters of support or opposition must be received by the Committee prior to 5:00 pm on the Tuesday of the week preceding the next hearing in order for that support or opposition to be listed in the Committee analysis.

(b) Letters of support and opposition must be received on letterhead or otherwise include the name, mailing address, and telephone number of the organization or individual communicating with the Committee. Letters from an organization or agency must also be provided by an individual or individuals authorized to state that organization's or agency's position, and must clearly state the position.

(c) The Committee strongly encourages the submission of letters electronically via the Committee's website.

(d) It is the responsibility of the Author's office to verify support and opposition to

the Committee for purposes of Committee and Floor analyses when requested by the Committee and by deadlines established by the Chair. Failure to do so may result in incorrect or incomplete information on the analysis.

6. HEARING AGENDA

(a) Bills set for hearing shall be heard in the order of member sign in, or at the discretion of the Chair. Exception shall be made for bills placed on the Committee's Consent Calendar and those designated for waiver of presentation. Committee members' bills will be heard after non-Committee members' bills. When the Chair determines that another order of business is more expedient, measures may be taken up out of order or set as a special order of business. If an author is not present or is otherwise unable to present the bill when the author's bill is called, the measure will be passed temporarily.

(b) If a bill is to be presented by someone other than the author, it will be taken up after all authors (including those temporarily "passed over" and Committee members) have been accommodated, unless the Chair determines that another order is more expedient. Anyone other than the author, or another member of the Committee, who is to present the bill must provide the Committee with an authorizing letter signed by the author, or in a form and manner determined by the Chair.

(c) Prior to the hearing, the Chair may prepare a consent calendar for bills of a non-controversial nature. Any consent calendar shall include bills that: (i) are expected to receive a unanimous do pass or do pass as amended recommendation from the Committee, (ii) have no registered opposition on file with the Committee, and (iii) have been approved by the authors to be placed on the consent calendar. The Chair may take up the consent calendar at any opportunity convenient to the Committee. If any Committee member objects to a bill being placed on the consent calendar, then that bill shall be removed from the consent calendar. If a bill is removed from the consent calendar, the author's office will be notified and the bill will be taken in the order specified in 6(a) and (b) above.

(d) The Chair may designate bills for which the author's presentation may be waived, Individuals wishing to make statements in support or opposition to a measure shall be able to do so at the appropriate time. Each designated bill shall be voted on separately by a roll call vote. If any Committee member objects, or if the author of a bill approved for this designation chooses not to waive presentation, a sergeant will call the author's office, and the bill shall be presented to the Committee in the order specified in 6(a) and (b) above.

(e) The Committee, at the discretion of the Chair, will seek to consolidate related subject matter into a single legislative proposal to avoid reporting out duplicative or conflicting bills.

7. MEETING AND QUORUM

(a) A majority of the Committee membership shall constitute a quorum; a quorum is necessary to take action or to adopt amendments. Whenever one or more Committee member is disqualified from taking any action on a bill pursuant to Joint Rule 44, a quorum shall remain a majority of membership of the Committee. A member shall advise the Chair of any such disqualification at the beginning of the hearing. If a quorum is not present, the Chair may start or continue the hearing as a subcommittee, subject to both Assembly and Joint Rules. A quorum is necessary to report a bill out of Committee.

(b) In the absence of the Chair, or when the Chair is presenting a bill, the Vice Chair shall preside. In the absence of both the Chair and the Vice Chair, another member designated by the Chair shall preside. Any member having to leave the Committee for any reason shall advise the Chair where the member can be reached.

8. VOTING

(a) Voting in the Committee shall be conducted pursuant to Joint Rules 62(c) and (d), and to Assembly Rule 58.5 and 68.5. Upon conclusion of a roll call vote, absent a request to place a bill on-call, the vote shall be announced.

(b) Prior to announcement of the vote, upon the request of the author or any member of the Committee, the Chair shall announce that the bill subject to a vote will be placed on-call for a period of time not to exceed the adjournment of the Committee meeting. Absent extraordinary circumstances a vote on a bill that is on-call shall not be permitted when testimony is being taken. The Chair shall announce the time or times when the roll shall be opened and any vote on a bill that is on-call may be cast.

(c) After the final vote on a motion is announced, any member may change or add a vote prior to the Chair leaving the hearing room, unless the change or addition would alter the announced outcome of the vote.

(d) Pursuant to Assembly Rule 59, the Committee may decide not to give a bill a do pass recommendation, but instead refer the subject matter of the bill to the Rules Committee for study. The Committee may, however, subsequently reconsider and act on the bill.

(e) Any motion from the Chair made "without objection" does not require a second; however, upon objection by any member, such motion will be automatically withdrawn.

(f) Reconsideration of a bill, pursuant to Joint Rule 62(a), may be granted only once. A reconsideration vote cannot be taken without the same notice required to set a bill, unless it is taken at the same meeting at which the bill failed passage and the author is present. If reconsideration is granted, the Committee may vote on the bill immediately if

the author is present or may postpone the vote until the next regular hearing. Authors seeking reconsideration after the hearing at which the bill failed passage shall notify the Committee Secretary in writing in sufficient time for the required notice to be published in the file and for the Committee to take action within fifteen (15) legislative days of the initial defeat of the bill. If the motion for reconsideration or the vote on the bill after the granting of reconsideration fails, the bill shall be immediately returned to the Chief Clerk. At the discretion of the Chair, additional testimony may be permitted on a bill that has been granted reconsideration.

9. LIMITATIONS ON TESTIMONY

The Chair, at the Chair's discretion, and based on the time allotted for the hearing and the agenda, may: 1) limit duplicative testimony; 2) limit the number of witnesses providing testimony in support or opposition to a bill; or 3) limit the time allotted to the presentation of testimony on a bill provided that both support and opposition receive equal time for their presentations.

10. REVIEW OF ADMINISTRATIVE REGULATIONS AND POLICIES

(a) The Chair may assign staff or other resources of the Committee to review any proposed or existing rules, regulations, guidelines, advisories, policies, or practices of the State Department of Education or any other agency or program that affects, directly or indirectly, any education program or organizational entity, to determine whether those rules, regulations, guidelines, advisories, policies, or practices are consistent with state or federal law to the full extent and scope of the Committee's jurisdiction.

(b) Any rules, regulations, guidelines, advisories, policies, or practices determined by assigned staff to be inconsistent with state or federal law may be placed on the Committee's agenda for appropriate action to the full extent and scope of the Committee's jurisdiction.

11. PILOT PROJECTS

It is recommended that any bill that proposes the creation of a pilot project contain a statement of purpose of the proposed pilot project which specifically states the goals or objectives and the length of time of the project; any such bill shall also contain a sunset provision not to exceed five years. Such bill shall also contain a definitive mechanism by which the value and success, if any, of the project may be quantified. This mechanism shall include specific numerical objectives that must be met or exceeded, if a project is to be judged successful, and a suggested time line. Precise cost projections and methods by which costs or savings may be calculated shall be provided on the Background Information Request.

12. CURRICULUM MEASURES

Measures that propose to require, or require consideration of, modifications to state curriculum must comply with requirements set forth in the Committee's Policy on Curriculum Measures (Attachment 1).

**ASSEMBLY EDUCATION COMMITTEE
ASSEMBLYMEMBER PATRICK O'DONNELL, CHAIR
2021-22 SESSION**

Committee Policy On: BILLS RELATING TO CURRICULUM FRAMEWORKS AND MODEL CURRICULA

Policy: Measures which propose to require, or require consideration of, modifications to state curriculum frameworks, or that propose the development of new model curricula, must comply with requirements set forth in this policy.

The Committee strongly discourages the introduction of measures which require, or require consideration of, modifications to state curriculum through changes to the curriculum frameworks, or which require the development of new model curricula.

The Committee encourages Members to engage in the existing administrative processes for modifying state curricula. Members may wish, for example, to provide written comments or public testimony to the Instructional Quality Commission, the State Board of Education, or the Superintendent of Public Instruction. Members may also wish to engage in the Legislature's oversight or appointment processes for this purpose.

If, after exhausting all administrative processes, a Member wishes to introduce such a measure, the measure must meet all of the following requirements:

- 1) Measures should be in the form of a resolution.
- 2) Measures should be introduced only after a Member has tried, unsuccessfully, to use administrative routes to address the issue. Committee staff can share a model letter to the Instructional Quality Commission. Evidence of efforts to engage in the existing process, such as through a letter to the Instructional Quality Commission, must be described on, and attached to, the Committee background sheet.
- 3) Measures, including resolutions, should request consideration only of content not already included in the existing or draft curriculum standards frameworks, or other model curricula.

Rationale:

The Legislature has vested the Instructional Quality Commission and the State Board of Education with the authority to develop and adopt state curriculum and instructional materials. The Instructional Quality Commission develops curriculum frameworks by convening expert panels, developing drafts, and holding public hearings to solicit input. Changes are frequently made in response to public comment. The frameworks are then

adopted by the State Board of Education in a public meeting. The State Board of Education also adopts, in a public process, instructional materials aligned to those frameworks. School district governing boards and charter schools then adopt instructional materials aligned to these standards and frameworks. This process occurs on a regular schedule which gives schools a predictable timetable to plan and budget for changes to the curriculum. Local adoption of new curricula involves significant local cost and investment in professional development.

These existing processes involve practitioners and experts who have in-depth understanding of curriculum and instruction, including the full scope and sequence of the curriculum in each subject and at each grade level, constraints on instructional time and resources, and the relationship of curriculum to state assessments and other measures of student progress. This Committee does not have the capacity or mandate to conduct this kind of review.

Legislation requiring the curriculum frameworks to contain specific content overrides this careful and deliberate process. Because legislation forces the inclusion of content without the benefit of thorough review and benefit of context, it can also inadvertently displace other important content in the curriculum.

Model curricula were first developed in the 1990's in order to provide educators the means to teach about a topic in an in depth manner, on a voluntary basis. At that time, there were few resources available for this purpose on the Internet. Until 2016, only two model curricula were required to be developed. According to the California Department of Education, those curricula are rarely accessed. This may be due to the fact that there is now a vast array of curriculum resources available on the Internet, much of it available at no cost.

The Instructional Quality Commission is vested with duties, as noted above, that require the careful allocation of limited time and resources. Recent legislation has required the development of numerous model curricula. The Commission will be developing these model curricula through 2023. Any new proposals for additional model curricula are unlikely to be adopted until 2025, a timeframe which coincides with the next regular revision of several curriculum frameworks. The Committee encourages Members to engage the Commission's administrative process to ensure that the subject matter of concern is included in the revised frameworks.

It is therefore the policy of the Committee to discourage the introduction of legislation which requires, or requires consideration of, modifications to state curriculum frameworks, or that requires the development of new model curricula, and instead encourage Members to engage in existing administrative processes as delineated above.