

Date of Hearing: June 28, 2023

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
SB 369 (Nguyen) – As Amended March 21, 2023

SENATE VOTE: 40-0

SUBJECT: Pupil instruction: model curricula: Vietnamese American refugee experience: Cambodia and the Cambodian American refugee experience

SUMMARY: Requires that the model curriculum related to the Vietnamese American refugee experience include the period from the Vietnam War and the Fall of Saigon in 1975 to the year 2000, and modifies the model curriculum on the Cambodian Genocide to instead focus on Cambodian culture, history, heritage, and the Cambodian American refugee experience. Specifically, **this bill:**

- 1) Requires that the model curriculum related to the Vietnamese American refugee experience include the period from the Vietnam War and the Fall of Saigon in 1975 to the year 2000.
- 2) Requires that the model curriculum on the Cambodian Genocide focus on Cambodian culture, history, heritage, and the Cambodian American refugee experience.
- 3) Makes changes to the process required to develop the model curriculum on the Cambodian Genocide, including by requiring that:
 - a) The County Office of Education (COE) or consortium of COEs producing the model curriculum ensure the inclusion of a myriad of voices and perspectives in the development of the model curriculum and provide stakeholders' active engagement and participation across the state, including through town halls, community forums, and other forms of input;
 - b) The COE or consortium of COEs consult with Cambodian Americans that span generations and have diverse social backgrounds, including educators, scholars, students, and artistic, creative, cultural, and religious groups, rather than survivors of the Cambodian genocide, representatives of local educational agencies (LEAs), members of the Instructional Quality Commission (IQC), and teachers, including teachers who have relevant experience or educational backgrounds in the study and teaching of the Cambodian Genocide; and
 - c) The model curriculum include the incorporation of tangible and intangible expressions, including, but not limited to, writings, media, other artistic, cultural, and historical artifacts, multigenerational storytelling, and oral history that represent Cambodian culture, history, heritage, and the Cambodian American refugee experience, rather than the incorporation of writings or other media that represent all perspectives of the Cambodian Genocide, including oral testimony by survivors as specified, to ensure quality standards and materials for this area of study.

EXISTING LAW:

- 1) Requires the California Department of Education (CDE), no later than March 1, 2022, in collaboration with, and subject to the approval of the executive director of the State Board of Education (SBE), to enter into a contract with a COE or a consortium of COEs for the purposes of developing a model curriculum related to the Vietnamese American refugee experience by September 1, 2024. (Education Code (EC) 33540.2 (a))
- 2) Requires the CDE, no later than March 1, 2022, in collaboration with, and subject to the approval of, the executive director of the SBE, to enter into a contract with a COE or a consortium of COEs for the purposes of developing a model curriculum related to the Cambodian Genocide by September 1, 2024. (EC 33540.4 (a))
- 3) Requires the COE or consortium of COEs to consult with survivors of the Cambodian Genocide, representatives of LEAs, members of the IQC, and teachers, including teachers who have relevant experience or educational backgrounds in the study and teaching of the Cambodian genocide. (EC 33540.4 (b))
- 4) Requires that the model curriculum related to the Cambodian Genocide include the incorporation of writings or other media that represent all perspectives of the Cambodian genocide, including oral testimony by survivors, to ensure quality standards and materials for this area of study, as specified. (EC 33540.4(c))
- 5) Encourages, beginning in the school year following the completion of the model curriculum, each LEA, charter school, or COE maintaining kindergarten or any of grades 1 to 12, inclusive to offer to pupils a course of study relative to the Cambodian Genocide. (EC 33540.4 (h))
- 6) Requires that if an LEA, COE, or charter school elects to offer a course of study in the Cambodian Genocide, then they must offer that course as an elective in the social sciences or world history and make that course available in at least one year during a pupil's enrollment in grades 7 to 12. (EC 33540.4(h))

FISCAL EFFECT: According to the Senate Appropriations Committee:

- By recasting the scope of the Cambodian Genocide model curriculum that is already in the process of being developed, it is likely that the Orange County Department of Education (who was contracted to perform the work) would not be able to absorb the expansion within its existing contract.
- Based on the amount of funding that was provided by the 2021 Budget package for model curriculum development related to the Vietnamese American Refugee Experience Model, the Cambodian Genocide, Hmong history and cultural studies, and Native American studies, this bill could lead to one-time General Fund cost pressure in the tens of thousands to low hundreds of thousands of dollars.

COMMENTS:

Need for the bill. According to the author, “SB 369 will offer the Cambodian and Cambodian-American community within California an opportunity to share their history and experiences through an accurate lens and provide students and educators with more historical and social context. The history of Cambodia and its people is a rich and diverse one that involves social and religious points of interest such as Angkor Wat but also includes an unfortunate struggle under European colonialism, a transition from a monarchy to a despotic communist regime before finally achieving democracy and holding accountable the many figures and leaders who committed atrocities against the Cambodian people.”

Curriculum, Standards, Frameworks, and Model Curricula. California’s public school curriculum is based on content standards in various subjects, including English language arts (ELA), 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. The state has, on a few occasions, required the development of model curricula on specific topics, such as human rights and genocide, the life of Cesar Chavez, and ethnic studies.

Status of model curriculum projects. AB 167 (Committee on Budget) Chapter 252, Statutes of 2021 required the CDE in collaboration with, and subject to the approval of, the executive director of the SBE, enter into contracts with a COE or a consortium of COEs to develop the following model curricula:

- Vietnamese American Refugee Experience Model Curriculum;
- Cambodian Genocide Model Curriculum;
- Hmong History and Cultural Studies Model Curriculum; and
- Native American Studies Model Curriculum.

AB 167 also recast the model curricula from state-adopted written products and instead defined model curricula to mean lesson plans, primary source documents, planning resources, teaching strategies, and professional development activities to assist teachers in teaching the specified content.

Work on these projects began in 2022 and will conclude in September 2025. The model curriculum related to the Vietnamese American Refugee experience, Cambodian Genocide, and Hmong History and Cultural Studies, according to the provision of AB 167, are due to be completed by September 1, 2024. The Native American Studies Model Curriculum is due to be completed by September 1, 2025.

The CDE selected the Orange County Department of Education (OCDOE) to develop the model curriculum related to the Vietnamese American Refugee Experience and the Cambodian

Genocide Model Curriculum, and Hmong History and Cultural Studies Model Curriculum. The Humboldt COE and the San Diego COE were selected to jointly develop the Native American Studies Model Curriculum.

The OCDOE has been holding meetings for the Cambodian Genocide Model Curriculum since October 7, 2022 and October 11, 2022 for the Vietnamese American Refugee Experience Model Curriculum.

Arguments in support. The Santa Clara County Office of Education writes, “In 2021, the education budget trailer bill (AB 167) included language requiring the California Department of Education (CDE) to contract with a consortium of county offices of education (COEs) to develop model curriculum on the “Cambodian genocide” and the “Vietnamese refugee” experience. As currently written, the statute narrowly focuses on brief periods in Vietnam and Cambodia’s histories which were marked by war, famine, fascism, and emigration.

As part of the COE consortium drafting the model curriculum, the SCCOE shares stakeholder concerns that the current legislative directive fails to reflect the dynamic and rich history of the Cambodian and Vietnamese people and is working to ensure that the model curriculum covers a broader time period and historical perspective. We are therefore supportive of the proposed amendments in SB 369 which would update legislative language to align with the model curriculum currently being developed and includes a broader historical and cultural perspective.”

Related Legislation. AB 1039 (Nguyen and Kalra) of the 2021-22 Session would have extended the deadlines for the IQC to develop and submit, and for the SBE to adopt, modify, or revise, three model curricula relative to the Vietnamese American refugee experience, the Cambodian genocide, and Hmong history and culture. This bill was held in Senate Appropriations Committee.

AB 167 (Committee on Budget), Chapter 252, Statutes of 2021, among other things, required that the CDE enter into contracts with a COE or a consortium of COE for the development of Vietnamese American refugees, Cambodian Genocide, Hmong history and cultural studies by September 1, 2024; and Native American studies by September 1, 2025.

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 and submit to the SBE by December 31, 2022, and requires the SBE to adopt, modify, or revise, by March 31, 2023, model curricula on the Vietnamese American refugee experience that includes the fall of Saigon in 1975; the Cambodian genocide; and Hmong history and cultural studies.

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 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 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 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 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 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

Santa Clara County Office of Education

Opposition

None on file

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