

(Without Reference to File)

CONCURRENCE IN SENATE AMENDMENTS

AB 101 (Medina, et al.)

As Amended September 3, 2021

Majority vote

SUMMARY

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

Senate Amendments

- 1) Requires that a locally developed ethnic studies course used to meet the graduation requirement first be presented at a public meeting of the governing board of the school district or the governing body of the charter school, and not be approved until a subsequent public meeting of the governing board or governing body at which the public has had the opportunity to express its views on the proposed course.
- 2) States the intent of the Legislature that LEAs, including charter schools, consider that the Instructional Quality Commission (IQC) undertook a lengthy, thorough, deliberative, and inclusive process before submitting a model curriculum in ethnic studies to the State Board of Education (SBE).
- 3) States that to the extent that LEAs and charter schools choose to locally develop an ethnic studies program for approval by their governing board or governing body, it is the intent of the Legislature that they not use the portions of the draft model curriculum that were not adopted by the IQC due to concerns related to bias, bigotry, and discrimination.
- 4) Requires that the curriculum and instructional materials used in required ethnic studies courses not reflect or promote, directly or indirectly, any bias, bigotry, or discrimination, and that they be appropriate for all nationalities of pupils, among other requirements.
- 5) Remove language clarifying the existing requirement that charter school pupils meet the same graduation requirements as all other public school pupils.
- 6) Makes the measure operative only upon an appropriation of funds by the Legislature for its purposes in the annual Budget Act or another statute.

COMMENTS

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 a 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. Some California school districts have made completion of a course in ethnic studies a local graduation requirement.

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 is organized into the following chapters:

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

According to the Author

"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.

It is not my intent, in specifically referring to charter school pupils in the requirements of the bill, to imply that these pupils are not required to meet other graduation requirements specified in current law. Indeed, it is my long-held understanding that the law requires all public school students, regardless of where they are enrolled, to meet, at a minimum, the course requirements in the law in order to earn a high school diploma."

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."

FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) The California Department of Education (CDE) estimates that adding a new graduation requirement in ethnic studies on top of other existing requirements, rather than replacing an existing course, this bill could result in ongoing General Fund costs of approximately \$276 million each year for school districts to comply. This estimate assumes that 1,686 additional teachers would need to be hired at an average salary of \$83,000 (plus benefits). This estimate also assumes indirect costs of about \$37 million and an additional \$54.3 million for instructional materials. Staff notes that the activities necessary for school districts to comply with this measure could be deemed to be reimbursable by the Commission on State Mandates. These activities include the hiring of new teachers, providing additional training for teachers, facilities related expenses, and the purchase of instructional materials. However, actual costs would depend upon a determination by the Commission regarding specific elements of the bill that may be deemed reimbursable, should school districts file a successful mandate claim. To the extent that school districts are already requiring an ethnic studies course as a local graduation requirement, the related costs could still be eligible for reimbursement from the state.
- 2) The bill's provision utilizing the Uniform Complaint Procedures (UCP) process to resolve complaints could result in additional, unknown Proposition 98 General Fund costs for the existing UCP mandate. A precise amount would depend on the number and extent of the complaints filed each year.

VOTES:

ASM EDUCATION: 5-2-0

YES: O'Donnell, Bennett, Lee, McCarty, Quirk-Silva

NO: Kiley, Megan Dahle

ASM APPROPRIATIONS: 12-4-0

YES: Lorena Gonzalez, Calderon, Carrillo, Chau, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Holden, Luz Rivas

NO: Bigelow, Megan Dahle, Davies, Fong

ASSEMBLY FLOOR: 58-9-11

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Burke, Calderon, Carrillo, Cervantes, Chau, Chiu, Choi, Cooley, Cooper, Daly, Frazier, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Holden, Irwin, Jones-Sawyer, Kalra, Lee, Levine, Low, Maienschein, McCarty, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Stone, Ting, Villapudua, Ward, Akilah Weber, Wicks, Wood, Rendon

NO: Bigelow, Megan Dahle, Davies, Fong, Gallagher, Kiley, Patterson, Seyarto, Smith

ABS, ABST OR NV: Chen, Cunningham, Flora, Grayson, Lackey, Mathis, Mayes, Nguyen, Valladares, Voepel, Waldron

UPDATED

VERSION: September 3, 2021

CONSULTANT: Tanya Lieberman / ED. / (916) 319-2087

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