
THIRD READING

Bill No: AB 86
Author: Boerner (D)
Introduced: 1/6/25
Vote: 21

SENATE EDUCATION COMMITTEE: 5-1, 6/25/25
AYES: Pérez, Cabaldon, Cortese, Gonzalez, Laird
NOES: Ochoa Bogh
NO VOTE RECORDED: Choi

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/29/25
AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 62-0, 5/29/25 - See last page for vote

SUBJECT: Instructional materials: health education

SOURCE: Author

DIGEST: This bill requires the State Board of Education (SBE) to adopt instructional materials for health education for kindergarten and grades 1 to 8, inclusive, on or before July 1, 2028.

ANALYSIS:

Existing Law:

- 1) Requires the SBE to adopt at least five instructional materials for grades K-8 in the following subjects:
 - a) Language arts;
 - b) Mathematics;
 - c) Science;

- d) Social science;
 - e) Bilingual or bicultural subjects; and
 - f) Any other subject, discipline, or interdisciplinary areas for which the SBE determines the adoption of instructional materials to be necessary or desirable. (Education Code (EC) § 60200)
- 2) Establishes procedures for the adoption of instructional materials for grades K-8 by the SBE. (EC § 60200)
 - 3) Authorizes a process for conducting a follow-up adoption of instructional materials, and defines it as one other than the primary adoption. (EC § 60227)
 - 4) Authorizes local educational agencies (LEAs) to use instructional materials that are aligned with state adopted academic content standards, including instructional materials that have not been adopted by the SBE. (EC § 60210)
 - 5) Requires that if an LEA chooses to use instructional materials that have not been adopted by the state board, the LEA shall ensure that a majority of the participants of any review process it conducts are classroom teachers who are assigned to the subject area or grade level of the materials. (EC § 60210)
 - 6) Requires the California Department of Education (CDE) to make a recommendation to SBE whether or not an instructional materials adoption shall be conducted, if CDE determines that there is little or no interest in participating in an adoption by publishers and manufacturers. Authorizes SBE may choose not to conduct the instructional material adoption. (EC § 60213)
 - 7) Requires the adopted course of study for grades 1 to 6, inclusive, to include instruction, beginning in grade 1 and continuing through grade 6, in specified areas of study that include health, including instruction in the principles and practices of individual, family, and community health. (EC § 51210)
 - 8) Requires each school district, county office of education (COE), state special school, and charter school that offers one or more courses in health education to pupils in middle school or high school to include instruction in mental health in those courses, as specified. (EC § 51925)

- 9) Requires that, on or before January 1, 2024, the CDE develop a plan to expand mental health instruction in California public schools. (EC § 51929)

This bill requires the SBE to adopt instructional materials for health education for kindergarten and grades 1 to 8, inclusive, in alignment with the health curriculum framework adopted by the SBE in 2019.

Comments

- 1) *Need for this bill.* According to the author, “If passed AB 86 will ensure that we are giving educators the tools necessary to teach about sensitive subjects, such as how to establish and maintain healthy relationships, and serious subjects, presented in age-appropriate ways, such as how to identify and report child sexual abuse and human trafficking. Students would gain knowledge about these issues as well as related topics such as affirmative consent, relationship violence, bullying, sexual harassment, and media influences in adopted materials. These materials would also explore protective skills such as setting boundaries, identifying emotions, and telling a trusted adult if a boundary is crossed.

“Currently the burden is placed on teachers to teach complicated and sensitive material. Without these materials, we are putting educators in a position that could result in disciplinary actions or a position where they just won’t teach the material at all.

“AB 86 does not change the curriculum standards or mandate teaching health education. It simply allows for the opportunity for publishers to produce standardize material that aligns with the state’s established framework.”

- 2) *Health Education Framework for California Public Schools, Kindergarten Through Grade Twelve.* In May 2019, the SBE adopted the Health Education Framework for California Public Schools, Kindergarten Through Grade Twelve (the Framework) to provide instructional guidance and support to California teachers, administrators, curriculum specialists, other educators, and school boards for implementation of the health education content standards. According to CDE, the Framework was designed to “help students build strong and healthy relationships with their families, friends, and communities while strengthening their resiliency and personal decision-making skills for healthy living.” The Framework covers six content areas of health education: nutrition and physical activity; growth, development, and sexual health; injury prevention and safety;

alcohol, tobacco, and other drugs; mental, emotional, and social health; and personal and community health.

Importantly, the new Framework also provides standards-based guidance, resources, and instructional strategies that are consistent with the California Healthy Youth Act, which requires LEAs to provide comprehensive sexual health education and HIV prevention education to all students at least once in middle school and at least once in high school. The new Framework also includes information about grade-level appropriate sexual abuse and trafficking prevention education as well as chapters on assessment, access and equity, instructional strategies, and professional learning to assist teachers and administrators.

- 3) *SBE Instructional Materials Adoption Process*. State law requires the SBE to adopt instructional materials for grades K-8 in the curriculum areas of English language arts/English language development, mathematics, science, history–social science, visual and performing arts, health, and world languages. Each new instructional materials adoption process is typically initiated after adopting a new or revised curriculum framework—each of which contain a chapter describing the criteria for evaluation of instructional materials.

According to CDE, the instructional materials adoption process takes place over a period of approximately two years. Once adopted by the SBE, school district governing boards and charter schools may adopt the instructional materials or separately adopt materials that have not been adopted by the SBE but have been verified to be in alignment with the state SBE adopted content standards and curricular frameworks.

- 4) *2019 Health Education Instructional Materials Adoption*. As discussed in Comment 2, the instructional materials adoption process typically follows the SBE adoption of a new or updated curricular framework. In March 2019, as the SBE prepared to adopt the Health Curriculum Framework, the SBE approved a Schedule of Significant Events with the intent to conduct final SBE considerations of submitted instructional materials programs in November 2020.

However, according to CDE, the SBE canceled the 2020 Health Instructional Materials Adoption as it determined that there was a lack of publisher interest. As noted in the Assembly Education Committee Analysis, CDE further commented that “while the exact reasons are unknown, this outcome could have resulted from a small pool of K-8 schools with sufficient resources prepared

and interested in purchasing health instructional materials or the controversies surrounding this subject area.”

In the absence of statewide adoption, some schools have used the Health Education Instructional Materials Evaluation Toolkit, the Mental Health Education Instructional Materials Assessment Tools for grades 7-8 and grades 9-12, and the California Healthy Youth Act Compliance Assessment Tool—all resources developed by the CDE in collaboration with selected COEs. These tools support school districts in their local evaluation and adoption of new instructional materials that align with the 2008 Health Education Standards, the 2019 Health Education Curriculum Framework, and California Education Code.

Related/Prior Legislation

SB 153 (Committee on Budget and Fiscal Review, Chapter 38, Statutes of 2024) extended the sunset on the provisions of law authorizing follow-up adoptions of instructional materials, to January 1, 2032.

AB 1078 (Jackson, Chapter 229, Statutes of 2023) made various changes to the adoption of instructional materials for use in schools, including a provision that would prohibit a governing board from disallowing the use of an existing textbook, other instructional material, or curriculum that contains inclusive and diverse perspectives, as specified.

AB 575 (O'Donnell, Chapter 550, Statutes of 2016) re-established a sunsetted process for the follow-up adoption of instructional materials, with a sunset of January 1, 2024.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

- This bill could result in one-time Proposition 98 General Fund costs ranging in the hundreds of thousands to low millions of dollars for LEAs to purchase new instructional materials.
- According to the CDE, the cost to purchase state approved instructional materials for a classroom of 24 students is approximately \$2550.

SUPPORT: (Verified 8/29/25)

California Alliance of Child and Family Services
California Association for Health, Physical Education, Recreation & Dance
California Teachers Association
CFT - A Union of Educators & Classified Professionals, AFT, AFL-CIO
San Diego Unified School District

OPPOSITION: (Verified 8/29/25)

California Baptists for Biblical Values
California Family Council
Real Impact
3 Individuals

ASSEMBLY FLOOR: 62-0, 5/29/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Arambula, Ávila Farías, Bains, Bauer-Kahan, Berman, Boerner, Bonta, Calderon, Caloza, Carrillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Stefani, Valencia, Wallis, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Alvarez, Bennett, Bryan, Castillo, Chen, Hadwick, Lackey, Nguyen, Patterson, Michelle Rodriguez, Sanchez, Sharp-Collins, Solache, Soria, Ta, Tangipa, Ward

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