
SENATE COMMITTEE ON EDUCATION

Senator Sasha Renée Pérez, Chair

2025 - 2026 Regular

Bill No: AB 908
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Version: July 7, 2025
Urgency: No
Consultant: Therresa Austin

Hearing Date: July 16, 2025

Fiscal: Yes

Subject: Instructional materials: compliance review.

SUMMARY

This bill makes existing requirement for a governing board of a school to adopt only materials that accurately portray the cultural and racial diversity of society, subject to the California Department of Education's (CDE) annual compliance monitoring of state and federal programs.

BACKGROUND

Existing law:

- 1) Requires school governing boards, when adopting instructional materials for use in schools, to only include instructional materials that, in their determination, accurately portray the cultural and racial diversity of society, including:
 - a) The contributions of people of all genders in all types of roles, including professional, vocational, and executive roles.
 - b) The role and contributions of Native Americans, African Americans, Latino Americans, Asian Americans, Pacific Islanders, European Americans, LGBTQ+ Americans, persons with disabilities, and members of other ethnic, cultural, religious, and socioeconomic status groups to the total development of California and the United States.
 - c) The role and contributions of the entrepreneur and labor in the total development of California and the United States. (Education Code (EC) § 60040)
- 2) Requires the CDE to monitor, through its federal program monitoring process, whether local education agencies (LEAs) have:
 - a) Adopted a policy that prohibits discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics defined as hate crimes, and immigration status, disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. The policy must include a statement that the policy applies to all acts related to school activity or school attendance

- occurring within a school under the jurisdiction of the superintendent of the school district;
- b) Adopted a process for receiving and investigating complaints relating to discrimination, harassment, intimidation, and bullying;
 - c) Publicized antidiscrimination, anti-harassment, anti-intimidation, and anti-bullying policies, including information about the manner in which to file a complaint to students, parents, employees, agents of the governing board, and the general public;
 - d) Provided certificated school employees in schools serving students in grades 7 to 12, information on existing schoolsite and community resources related to the support of LGBTQ+ students, or related to the support of students who may face bias or bullying on the basis of religious affiliation, or perceived religious affiliation;
 - e) Posted the policy in all schools and offices, including staff lounges and student government meeting rooms;
 - f) Maintained documentation of complaints and their resolution for a minimum of one review cycle;
 - g) Ensured that complainants are protected from retaliation and that their identity remains confidential, as appropriate; and
 - h) Identified a responsible LEA officer for ensuring compliance. (EC § 234.1)
- 3) Requires the CDE, by July 1, 2021, to develop resources or, as appropriate, update existing resources for in-service training on schoolsite and community resources for LGBTQ+ students as well as strategies to increase support for LGBTQ+ students and improve overall school climate. Requires the resources to be designed for use in schools operated by a school district, county office of education (COE), and charter schools serving students in grades 7 to 12, inclusive. Encourages schools serving students in grades 7 to 12 to use these resources to provide training at least once every two years to teachers and other certificated employees. (EC § 218)
- 4) Requires CDE to issue guidance related to how to help school districts COEs, charter schools, and school personnel manage conversation about race, ethnicity, gender, and how to review instructional materials to ensure they represent perspectives and are culturally relevant. (EC § 60040.5)

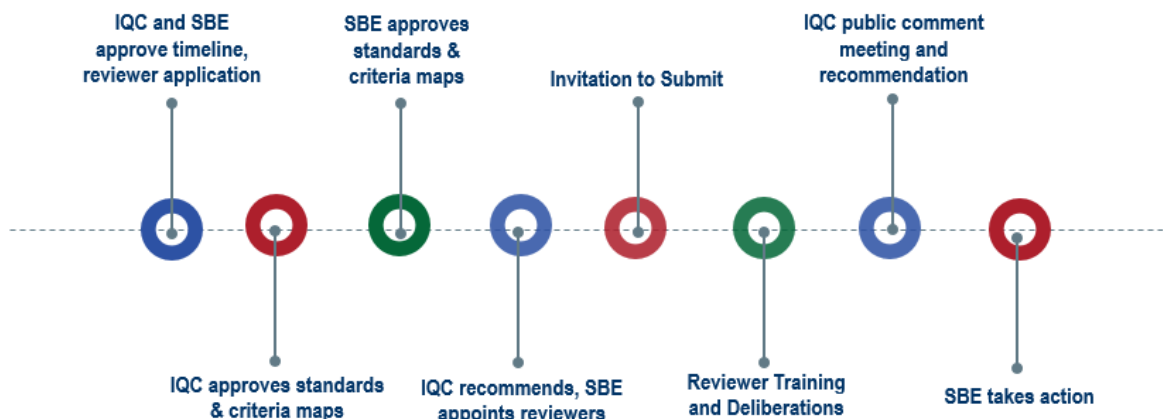
ANALYSIS

This bill adds the requirement for a governing board of a school to only adopt inclusive instructional materials, as defined, to CDE's annual compliance monitoring process.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “AB 908, the LGBTQ+ Inclusion and Fair Treatment in Schools Act, will help California schools achieve truly supportive, inclusive, and safe environments. The inclusion of the LGBTQ+ community in instructional materials is linked to greater student safety at school for ALL students and lower rates of bullying. Adding compliance monitoring to the FAIR Act will ensure our schools uphold their obligations under state law to create safe, inclusive learning environment for all our students.”
- 2) ***State Board of Education (SBE) Instructional Materials Adoption Process.*** State law requires the SBE to adopt instructional materials for kindergarten through grade 8 in the curriculum areas of English Language Arts/English Language Development (ELA/ELD), 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.

Sample Instructional Materials Adoption Timeline with Key Milestones



CA Department of Education, Nov 2023

According to CDE, the instructional materials adoption process takes place over a period of approximately two years. The sample timeline above includes the following key milestones:

- The Instructional Quality Commission (IQC) recommends the timeline and online reviewer application to the SBE and the SBE approves the timeline and application.
- The IQC approves the evaluation criteria and standards maps.
- SBE approves the evaluation criteria and standards maps.

- The IQC recommends reviewers to the SBE, and the SBE appoints reviewers.
- The publisher *Invitation to Submit* meeting takes place, and submission forms are due approximately two months later.
- Reviewer training takes place for approximately one week, publishers submit materials for review, and reviewers reconvene for deliberations approximately three months after training. Reviewers make program adoption recommendations to the IQC.
- The IQC holds a public meeting to receive public comment and makes recommendations to the SBE.
- The SBE holds a public meeting to receive public comment and takes action on program recommendations.

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. Under current state law, LEAs are not required to purchase state-adopted instructional materials.

In 2024, SBE adopted new [Guidance for Local Instructional Materials Adoption](#) to help LEAs identify, review, pilot, and adopt instructional materials in all academic content areas. This document also includes resources and information for schools seeking to adopt non-SBE adopted K-12 instructional materials. These resources may also be helpful for LEAs considering instructional materials for grades 9 through 12.

- 3) ***FAIR Education Act.*** In 2011, the Legislature passed the Fair, Accurate, Inclusive, Respectful (FAIR) Education Act (SB 48 (Leno, Chapter 81, Statutes of 2011)), making the following additions to the Education Code in the interest of advancing inclusivity:
 - a) Added lesbian, gay, bisexual, and transgender Americans, and persons with disabilities, to the list of groups of people whose role and contributions must be accurately portrayed in social science instruction and instructional materials, and
 - b) Prohibited the SBE and the governing board of any school district from adopting textbooks or other instructional materials that reflect adversely upon a person's religion or sexual orientation.

To support schools in their efforts to comply with the law, the SBE adopted an updated *History–Social Science Framework for California Public Schools* in 2016 that includes new guidance for how to integrate the content required by SB 48 into classroom instruction. The framework includes the evaluation criteria for

the kindergarten through grade 8 instructional materials, which specifically references the new content required by the law as a prerequisite for adoption.

According to information provided by the author and sponsor, in November 2023, Equality California Institute staff conducted their Safe and Supportive Schools Survey. Of the 146 respondents, the survey resulted in the following findings:

- 59% of responding districts (86/146) reported that they had adopted FAIR Act compliant instructional materials in social studies and history for at least one age cohort (elementary, middle, or high school).
- 37% of responding districts (54/146) reported that they had adopted FAIR Act compliant instructional materials in social studies and history for all grades (elementary, middle, & high school).
- 31% of responding districts (45/146) reported that they had adopted FAIR Act compliant instructional materials in all four minimum required topics: History, Government, Social Studies, and English Language Arts.

While the author and the sponsors are primarily focused on the importance of LGBTQ+ inclusivity within instructional materials, the compliance monitoring requirements established by this bill would also require that instructional materials accurately portray the full scope of cultural and racial diversity of society as identified in EC § 60040:

- a) The contributions of people of all genders in all types of roles, including professional, vocational, and executive roles.
 - b) The role and contributions of Native Americans, African Americans, Latino Americans, Asian Americans, Pacific Islanders, European Americans, LGBTQ+ Americans, persons with disabilities, and members of other ethnic, cultural, religious, and socioeconomic status groups to the total development of California and the United States.
 - c) The role and contributions of the entrepreneur and labor in the total development of California and the United States.
- 4) **CDE Compliance Monitoring.** Under existing state and federal law, the CDE is required to review and monitor implementation of categorical programs operated by LEAs to ensure that they are spending the funding in compliance with statutory requirements. At the end of each CDE compliance monitoring review, the CDE compiles a report that details any findings of non-compliance (Notification of Findings (NOF)) and informs the school, district, or COE how to correct the findings.

LEAs are assigned to one of four cohorts: A, B, C, or D. Each school year, approximately 130 LEAs are selected for review—65 LEAs from one cohort for an onsite review, and 65 LEAs from a different cohort for an online review. CDE selects LEAs using established selection criteria, including program size, fiscal analysis, compliance history, and continuous improvement. CDE posts the cohort

rotation schedule by school year and demonstrates the rotation of the cohorts over a four-year cycle on the CDE website. The CDE also posts on its website the program instrument and monitoring tool, updated annually, which contains the applicable requirements, and CDE compliance monitoring staff use program instruments to determine whether an LEA is meeting the requirements of each item.

This bill would add the adoption of inclusive instructional materials, as defined, to the list of programs included in CDE's compliance monitoring.

5) ***Related legislation.***

AB 1078 (Jackson, Chapter 229, Statutes of 2023) makes various changes to the requirements on local school governing boards regarding 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. Additionally requires CDE to issue guidance help school districts, COEs, charter schools, and school personnel manage conversations about race and gender, and how to review instructional materials to ensure that they represent diverse perspectives and are culturally relevant.

AB 5 (Zbur, Chapter 220, Statutes of 2023) requires the CDE to complete the development of an online training curriculum and online delivery platform by July 1, 2025, and requires LEAs to provide and require at least one hour of training annually to all certificated staff, beginning with the 2025-26 school year through the 2029-30 school year, on cultural competency in supporting LGBTQ students.

SB 857 (Laird, Chapter 228, Statutes of 2023) requires the State Superintendent of Public Instruction (SPI) on or before July 1, 2024, to convene an advisory task force to identify the statewide needs of LGBTQ+ pupils and report its findings to the Legislature, the SPI, and Governor by January 1, 2026.

AB 493 (Gloria, Chapter 775, Statutes of 2019) requires that, no later than July 1, 2021, the CDE develop resources or update existing resources for in-service training on schoolsite and community resources for the support of LGBTQ+ students for use in LEAs and charter schools serving students in grades 7-12. Requires the CDE to periodically provide online training on this topic that can be accessed on a statewide basis.

AB 827 (O'Donnell, Chapter 562, Statutes of 2015) requires the CDE, as part of its compliance monitoring, to assess whether LEAs have provided information to certificated staff serving grades 7-12 on schoolsite and community resources for LGBTQ+ students.

SB 48 (Leno, Chapter 81, Statutes of 2011) adds lesbian, gay, bisexual and transgender Americans and persons with disabilities to the list of groups of people whose role and contributions shall be accurately portrayed in instructional materials and included in social science instruction; and adds sexual orientation

and religion to the existing list of characteristics that shall not be reflected adversely in adopted instructional materials.

SUPPORT

Equality California (co-sponsor)
Genders & Sexualities Alliance Network (co-sponsor)
Alliance for TransYouth Liberation
Black Women for Wellness Action Project
California Alliance of Child and Family Services
California Faculty Association
California Legislative LGBTQ Caucus
California School-Based Health Alliance
California State PTA
City of West Hollywood
Community Health Project LA
Courage California
EI/La Para TransLatinas
Los Angeles LGBT Center
PFLAG Los Angeles
Rainbow Families Action Bay Area
Sacramento LGBT Community Center
The San Diego LGBT Community Center
TransFamilies of Silicon Valley
TransFamily Support Services
Viet Voices

OPPOSITION

California Baptist for Biblical Values
California Family Council
The Intersection of Faith and Culture
One individual

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