
THIRD READING

Bill No: AB 908
Author: Solache (D)
Amended: 7/7/25 in Senate
Vote: 21

SENATE EDUCATION COMMITTEE: 5-2, 7/16/25
AYES: Pérez, Cabaldon, Cortese, Gonzalez, Laird
NOES: Ochoa Bogh, Choi

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

ASSEMBLY FLOOR: 62-15, 6/2/25 - See last page for vote

SUBJECT: Instructional materials: compliance review

SOURCE: Equality California
Genders & Sexualities Alliance Network

DIGEST: This bill makes existing requirements 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.

ANALYSIS:

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 educational 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 conversations about race, ethnicity, gender, and how to review instructional materials to ensure they represent perspectives and are culturally relevant. (EC § 60040.5)

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.

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, 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. 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 guidance 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.

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

According to the Senate Appropriations Committee:

- The CDE estimates General Fund costs of approximately \$404,000 each year for 2.0 positions and associated travel costs to comply with this bill's requirements.

SUPPORT: (Verified 8/29/25)

Equality California (co-source)

Genders & Sexualities Alliance Network (co-source)

ACLU California Action

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
 El/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: (Verified 8/29/25)

California Baptist for Biblical Values
 California Family Council
 Cause: Californians United for Sex-Based Evidence in Policy and Law
 The Intersection of Faith and Culture
 1 Individual

ASSEMBLY FLOOR: 62-15, 6/2/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas
NOES: Castillo, Chen, DeMaio, Dixon, Ellis, Flora, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Macedo, Patterson, Sanchez, Ta, Tangipa
NO VOTE RECORDED: Davies, Lackey

Prepared by: Therresa Austin / ED. / (916) 651-4105
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**** END ****