



F3 Law

- Business Operations and Facilities
- Labor and Employment
- Governance
- Students and Instruction

2023 LEGISLATIVE SUMMARY



California bills and laws affecting public education





F3 Law Next Level Client Services

This compilation was created by members of F3 Law's Next Level Client Services team, including Laura Preston and Sandy Lyon with legal review provided by Elizabeth "Lisa" Mori.



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F3 Law 2023 Legislative Summary

SECTOR	BILL #	TOPIC	EFFECTIVE DATE
BUSINESS OPERATIONS & FACILITIES			
 	AB 1433	CONSTRUCTION: Prequalifications and finances	1/1/24
	SB 515	CONSTRUCTION: Shade structures	1/1/24
	AB 1023	CYBERSECURITY: Sharing of cyber threat info	1/1/24
	SB 760	FACILITIES: All-gender restrooms	7/1/26
	AB 70	HEALTH & SAFETY: Trauma kits	1/1/24
	AB 1283	HEALTH & SAFETY: Albuterol inhalers	1/1/24
	AB 1651	HEALTH & SAFETY: Epipens	1/1/24
	AB 1166	HEALTH & SAFETY: Overdose treatments	1/1/24
	AB 334	INDEPENDENT CONTRACTORS: Conflicts of interest	1/1/24
	SB 348	PUPIL MEALS: Meal period	1/1/24
	AB 95	PUPIL MEALS: Sale of meals	1/1/24
	AB 230	RESTROOMS: Menstrual products	2024-25 school year
	SB 323	SCHOOL SAFETY: Students with disabilities	1/1/24
	SB 10	SCHOOL SAFETY: Opioid overdoses	1/1/24
	SB 671	SCHOOL SAFETY: Threats and violence	1/1/24
	AB 579	TRANSPORTATION: Electric bus acquisition	1/1/24
	SB 775	TRANSPORTATION: Electric bus signage	1/1/24
	SB 88	TRANSPORTATION: Driver Training	7/1/25

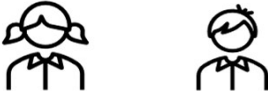


F3 Law 2023 Legislative Summary

SECTOR	BILL #	TOPIC	EFFECTIVE DATE
LABOR & EMPLOYMENT			
 	AB 897	ADULT EDUCATION: Permanent status	7/1/24
	AB 245	ATHLETICS: Cardiac arrest & AED training	7/1/24
	SB 432	CALSTRS: Overpayment errors	Immediately
	SB 765	CALSTRS: Retired teachers	7/1/24 - 7/1/26
	AB 472	CLASSIFIED: Criminal investigations	1/1/24
	AB 1273	CLASSIFIED: Staffing ratio workgroup	7/1/24
	SB 700	DISCRIMINATION: Prior cannabis use	1/1/24
	SB 848	LEAVE: Pregnancy loss	1/1/24
	SB 616	SICK LEAVE: Increase in paid days	1/1/24
	AB 5	STAFF: Safe & Supportive Schools - LGBTQ+ training	2024-25 school year
	AB 497	TEACHERS/ADMINISTRATORS: Credentialing-teacher aides	1/1/24
	SB 223	TEACHERS/ADMINISTRATORS: CTC credentialing - CWA	1/1/24
	AB 934	TEACHERS/ADMINISTRATORS: CTC recruitment campaign	1/1/24
	AB 1722	TEACHERS/ADMINISTRATORS: Nursing - supervision of LVNs	1/1/24
	AB 1127	TEACHERS: Bilingual professional development	1/1/24
	AB 908	TEACHERS: National board certification	Immediately
	SB 553	WORKPLACE VIOLENCE: Restraining orders & prevention plans	7/1/24

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SECTOR	BILL #	TOPIC	EFFECTIVE DATE
GOVERNANCE			
	AB 417	BOARDS: County student board members	1/1/24
	AB 275	BOARDS: Student board members compensation	1/1/24
	AB 1326	BOARDS: Vacancy	Immediately
	AB 557	BROWN ACT: Teleconferencing	1/1/24
	AB 773	ELECTIONS: Lead counties	Immediately
	AB 764	ELECTIONS: Local redistricting	1/1/24
	SB 798	ELECTIONS: Local tax bond rate ballot statement	1/1/24
	SB 29	ELECTIONS: Violations of election law	Immediately
	AB 721	PROPOSED BUDGET: Public hearing	1/1/27
	SB 790	PUBLIC RECORDS ACT: Goods & services	1/1/24
	SB 494	TERMINATIONS: Superintendent or assistant superintendent	1/1/24
	AB 1078	TEXTBOOK: Book banning (<i>see attached tipsheet</i>)	Immediately

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SECTOR	BILL #	TOPIC	EFFECTIVE DATE
STUDENTS & INSTRUCTION			
  	AB 87	504s: Audio recordings	1/1/24
	AB 1466	CDE: Seclusion and restraint reporting	1/1/24
	AB 714	ELA: Newcomer students	1/1/24
	SB 350	EXCUSED ABSENCES: Funerals	1/1/24
	AB 1503	EXCUSED ABSENCES: Religious holiday	1/1/24
	AB 723	FOSTER YOUTH: NPS School of origin	2023-24 school year
	AB 1173	HIGH SCHOOLS: College/Career Fairs	1/1/24
	AB 1605	HIGH SCHOOLS: Military Services	1/1/24
	AB 659	IMMUNIZATION: HPV	1/1/24
	AB 370	LANGUAGE: Biliteracy	1/1/24
	SB 321	LIBRARIES: Local Partnerships	1/1/26
	SB 609	LCAP: Posting on CA School Dashboard	1/1/24
	AB 665	MENTAL HEALTH: Minors consent for services	7/1/24
	AB 611	NPS/NPA: Certification status	1/1/24
	SB 531	SAFETY: Work experience / Workability	Immediately
	AB 285	SCIENCE: Climate change	2024-25 school year
	AB 1354	SOCIAL STUDIES: AAPI	1/1/24
	SB 369	SOCIAL STUDIES: Vietnam and Cambodia history and heritage	1/1/24
	AB 248	STUDENTS: Disability terms	1/1/24
	AB 1165	STUDENT DISCIPLINE: Restorative justice	1/1/24
	SB 274	STUDENT DISCIPLINE: Willful defiance	7/1/24
	AB 368	STUDENTS: College and Career Access	1/1/24
	SB 609	STUDENTS: Dashboard	1/1/24
	AB 373	STUDENTS: Homeless and foster students intersession	1/1/24
	SB 413	STUDENTS: Interdistrict appeals	1/1/24
	AB 483	STUDENTS: Medi-Cal billing	1/1/24
	SB 291	STUDENTS: Recess rights	2024-25 school year
	AB 872	STUDENTS: Residential placement	Immediately
	AB 800	WORK PERMITS: Workforce Readiness Week requirements	1/1/24
	AB 446	WRITING: Cursive	1/1/24

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SECTOR	BILL #	TOPIC	EFFECTIVE DATE
MISCELLANEOUS			
● ● ●	AB 1327	ATHLETICS: Harassment reporting	4/1/25
	AB 1653	ATHLETICS: Heat illness training	7/1/24
	AB 278	GRANT FUNDING: Dream resource centers	1/1/24
	AB 10	PARENTAL NOTIFICATION: Body shaming	6/30/25
	AB 1445	PARENTAL NOTIFICATION: Drowning prevention	2024-25 school year
	AB 889	PARENTAL NOTIFICATION: Synthetic drugs	1/1/24
	AB 452	SEXUAL ABUSE: Statute of limitations 1/1/24 forward	1/1/24
	SB 558	SEXUAL ABUSE: Statute of limitations prior to 1/1/24	1/1/24
	SB 293	STUDENTS: CASPP results	1/1/24
	SB 872	STUDENTS: Enrollment report	1/1/24
	AB 1071	STUDENTS: Teen dating violence prevention	1/1/24
	AB 1340	STUDENTS: Pupil graduation reports	1/1/25

***Comprehensive Summary
of the California 2023 Legislative Activity***

California's 2023 legislative work year is now concluded. To assist education agencies and officials with the task of figuring out what these all mean from a practical/operational sense, we have briefly summarized the applicable bills with our best thoughts concerning implementation as well as impacts on operations that should be considered.

BUSINESS OPERATIONS AND FACILITIES

AB 1433: Public Contracts; School Facility Projects
Operative January 1, 2024

This bill extends the existing requirement for general contractors and subcontractors to complete and submit a prequalification questionnaire and financial statement prior to bidding on certain school construction projects to those projects funded using state General Fund resources.

SB 515: School Facilities; Shade Structures
Operative January 1, 2024

The purpose of SB 515 is to reduce regulatory barriers for the installation of shade structures at school sites by reducing the costs of the improvements to 20% of the adjusted construction costs of the shade structure. SB 515 streamlines the process for approving and installing free-standing, open-sided shade structures that have been pre-approved by the Division of the State Architect (DSA).

AB 1023: California Cybersecurity Integration Center; School Cybersecurity
Operative January 1, 2024

This bill expands the scope of the California Cybersecurity Integration Center (Cal-CSIC) by requiring it to coordinate cyber threat information sharing with school districts, county offices of education, charter schools and the CDE.

SB 760: School Facilities; All-Gender Restrooms
Requirements of this bill must be met by July 1, 2026

By July 1, 2026, each school site serving students in any combination of grades 1-12 that has more than one female restroom and more than one male restroom will be required to provide and maintain at least one all-gender restroom for students to use. For sites that do not have more than one female and one male restroom, LEAs that apply for modernization funds under the state school building program will be required to include an application to provide for an all-gender restroom at each site. This bill also requires LEAs to designate a staff member as a point of contact for implementation of these requirements and the related public notices.

PRACTICE POINTER: While the deadline for implementation seems to be far away, it is important for districts to start planning now, whether they anticipate the need for modernization of existing facilities or not, and should consider how the required point of contact staff member will be determined.

AB 70: Emergency Response; Trauma Kits
Operative January 1, 2024

Requires buildings, including educational buildings, constructed after January 1, 2023 to have at least six trauma kits on the premises. Trauma kits are to be placed in buildings constructed prior to that date if being renovated or modernized. Trauma kits include one tourniquet, one bleeding control bandage, one pair of protective gloves and a marker, one pair of scissors, and instructional materials.

AB 1283: Pupil Health; Emergency Stock Albuterol Inhalers
Operative January 1, 2024

Authorizes school districts, county offices, and charter schools, to make emergency stock albuterol inhalers available at school sites. The bill allows school nurses or other trained staff who have volunteered to administer the inhaler.

PRACTICE POINTER: This law is permissive and does not require schools to secure and/or make stock albuterol inhalers available. If this is available, LEAs should ensure that their procedures are in compliance with the specific requirements of the law, including the need for individual school prescriptions, stocking, training for administration, etc. The solicitation of volunteers may also have union notice and bargaining implications.

AB 1651: Pupil Health; Emergency Medical Care; Epinephrine Auto-Injectors
Operative January 1, 2024

This bill modifies existing law by requiring LEAs, county offices and charter schools with emergency epinephrine auto-injectors (epi-pens) to store them in an accessible location and to include that location in its annual parent notification. The scope of authorized volunteers and trained personnel was also extended to include those with an Activity Supervisor Clearance Certificate.

AB 1166: Liability for Opioid Antagonist Administration
Operative January 1, 2024

Provides immunity to those who have administered or provided in good faith, an anti-opioid antagonist at the scene of an overdose or suspected overdose.

AB 334: Public Contracts; Conflicts of Interest
Operative January 1, 2024

When a public entity (school districts for purposes of this analysis) enters into a contract with an independent contractor to perform one phase of a project, and that same school district seeks to enter into a subsequent contract with the same independent contractor for a later phase of the same project, the independent contractor will not be considered an “officer” with regard to the applicable prohibitions and restrictions on public officers. However, the exception only applies if the independent contractor’s duties and services related to the initial contract did not include, or engage in, or advising on, public contracting on behalf of the school district. AB 334 defines “engaging in or advising on public contracting” as preparing or assisting the school district for qualifications or any other solicitation regarding a subsequent or additional contract with the school district. School districts retain the right to set their own contract requirements or disallow contracts for any reason they desire.

PRACTICE POINTER: This bill was introduced to clarify previous court rulings and Fair Political Practices Commission guidance requirements with independent contractors. The bill returns control to public agencies to once again determine for themselves their own contracting decisions.

SB 348: Pupil Meals
Operative January 1, 2024

Requires the CDE to establish guidelines for school districts, county superintendents, and charter schools to provide adequate time for students to eat. Once these guidelines are established, this bill will require school districts, county superintendents, and charter schools to implement the guidelines. New charter schools may also ask their chartering authority to provide breakfast and lunch for their charter school students until the charter school becomes an approved school food authority or until July 1 of the school year after the charter school becomes operational – whichever comes first.

AB 95: Pupil Nutrition; Pupil Meals
Operative January 1, 2024

Clarifies that a school may sell an additional meal for breakfast or lunch to the same pupil after already receiving a meal that qualifies for federal reimbursement and is from the same meal service.

AB 230: Menstrual Products; Menstrual Equity for All Act of 2021
Applicable beginning with the 2024-25 school year

Expands the grade range in which public school women’s and all gender restrooms, and at least one men’s restroom, must stock menstrual products to grades 3-12 instead of the current grades 6-12.

SB 323: Comprehensive School Safety Plans; Individualized Safety Plans
Operative January 1, 2024

This bill is tied to SB 10 and SB 671 and requires school safety plans for all grade levels, including charter schools, to add to the disaster procedures adaptations for students with disabilities. The bill outlines the process a parent/guardian/educational rights holder/staff/student can use to bring concerns about an individual student’s access to the safety precautions. The complaints can be referred to the school principal directly. If the complaint has merit, the team responsible for amending the school safety plan is required to make modification(s).

SB 10: Pupil Health; Opioid Overdose Prevention and Treatment; Melanie’s Law
Operative January 1, 2024

This bill is tied to SB 323 and SB 671 and requires school safety plans, for grades 7-12, including charter schools, to include a protocol for responding to a student’s opioid overdose. The bill requires the California Department of Education (CDE) to post informational materials on its website pertaining to overdose prevention and encourages county offices of education (COEs) to establish workgroups on fentanyl education in schools.

SB 671: School Safety Plans; Dangerous, Violent, or Unlawful Activities
Operative January 1, 2024

This bill is tied to SB 10 and SB 323 and requires school safety plans for all grade levels, including charter schools, to include procedures to assess and respond to reports of any dangerous, violent, or unlawful activity that is occurring or is being threatened to occur at the school, at an activity sponsored by the school, or on a school bus serving the school.

PRACTICE POINTER: These three bills represent a lot of work for student services departments and sites in the next few months. Superintendents will need to monitor the work to ensure that it is completed and to communicate with the board and the public.

AB 579: Schoolbuses; Zero-Emission Vehicles
Operative January 1, 2035

Beginning January 1, 2035, 100% of all newly purchased or contracted school buses by school districts, county offices, and charter schools, must be zero-emission vehicles, where feasible. A one-time 5 year extension may be requested if the purchase or contracting is not feasible due to both terrain and route constraints, upon the satisfaction of certain conditions, including demonstration that a daily bus route to and from school cannot be done with zero-emission technology. Requests will be evaluated and decided by the State Air Resources Board. Beginning January 1, 2040, frontier local educational agencies (defined as less than 600 ADA or counties where a school has a total population of less than 10 people per square mile) will be authorized to request annual extensions for exemptions to the zero-emission vehicle requirements.

SB 775: Vehicles; Zero-Emission Schoolbuses; Signage
Operative January 1, 2024

Authorizes school districts, county offices, and charter schools that use electric school buses, to place a sign on the back of the bus indicating it is a zero-emission bus. The California Highway Patrol is authorized to issue guidelines regarding the size and placement of the sign.

PRACTICE POINTER: This bill does not require but authorizes placement of signage on school buses at the LEA’s discretion.

SB 88: Pupil Transportation; Driver Qualifications
Operative on July 1, 2025 or upon the expiration of an existing transportation contract, whichever is later

Establishes new requirements for school bus drivers, whether employed by a LEA, contracted by an LEA, or by an entity contracted by a LEA to provide school related transportation services to students. There are a number of individuals and entities exempted from the requirements of this bill including but not limited to, parents/guardians, family members of a student, students, court-appointed educational/special advocates, individuals employed by a municipally owned transit system offering supplementary services, congregate care facilities licensed by the California Department of Social Services, county human services agencies, entities serving homeless students, county probation agencies, non-LEA governmental agencies, foster family agencies, or tribal authorities.

PRACTICE POINTER: The delay in implementation was agreed to in order to give LEAs time to plan for the enhanced safety standards. It is important to review the requirements and exemptions carefully to ensure you are in compliance.

LABOR AND EMPLOYMENT

AB 897: Adult School Certificated School Employees; Probationary Employees; Service Credit ***Operative July 1, 2024***

This bill makes changes to the service calculation for purposes of attaining permanent status for certificated employees working in adult school programs and completely eliminates the provisions applicable to the attainment of tenure for those working in evening programs. Now, in order to count as a full year of service, the employee must work at least 75% of the hours constituting a full-time equivalent position in the adult education program. The two-year probationary service requirement remains intact. To the extent the new law conflicts with existing language in a collective bargaining agreement entered into before July 1, 2024, the changes shall not apply until the expiration or renewal of that agreement. This bill also provides that the option to employ certificated employees in categorically funded programs and projects, where such service will not count towards the attainment of permanent status, does not apply to adult school teachers.

AB 245: High School Athletics; California High School Coaching Education and Training Program; Emergency Action Plan ***Deadline for updates to be completed is July 1, 2024***

Under existing law, every high school sports coach must complete the California High School Coaching Education Training Program developed by their school district or the California Interscholastic Federation (CIF). AB 245 adds the signs and symptoms of cardiac arrest and the use of an automated external defibrillator (AED) to this training. Currently, the governing board of school districts or a charter school that offers any interscholastic athletic program must ensure there is a written emergency action plan in place. By July 1, 2024, AB 245 requires the emergency action plan be updated to include the procedures to be followed in the event of sudden cardiac arrest. AB 245 also contains some of the same provisions as in AB 1653.

SB 432: Teachers' Retirement ***These changes are effective retroactively to January 1, 2023***

Last year, AB 1677 was enacted to address situations involving errors in a school employer's reporting of creditable compensation and when a retiree is informed that their retirement benefit amount is incorrect and must be reduced or paid back due to such error or a change or incorrect interpretation of law by CalSTRS. This anticipated cleanup bill makes additional revisions to existing law relating to the liability for errors in reporting creditable compensation. The changes include a provision that if CalSTRS later determines that the compensation was reported consistent with then-current CalSTRS direction, the overpayment will be deemed a CalSTRS error and CalSTRS will be responsible for the recovery. In addition, this bill requires CalSTRS to, at least annually, provide resources on its website pertaining to the interpretation and clarification of reporting creditable compensation and creditable services law, and clarifies that these resources are to be specifically relied upon by employers for their calculations.

SB 765: Teachers; Retired Teachers; Compensation Limitation
Operative July 1, 2024 through July 1, 2026

To further help school districts address the teacher shortage, this bill temporarily increases the postretirement compensation earnings limit administered by CalSTRS and amends the 180-day separation from service requirements.

AB 472: Classified School District and Community College Employees; Compulsory Leaves of Absence; Compensation
Operative January 1, 2024

If a school or community college district places a classified employe on an involuntary leave of absence or unpaid suspension due to the employee being charged with a criminal offense or under criminal investigation, and the matter is ultimately resolved in favor of the employee, the district is required to pay the employee their full compensation for the term of their compulsory unpaid leave upon their return to work.

AB 1273: Classified Employees; Classified Employee Staffing Ratio Workgroup
Operative July 1, 2024

Requires the CDE to convene a Classified Employee Staffing Ratio Workgroup in consultation with representatives of Cal-OSHA, the Labor Commissioner, employee organizations, and voluntary local agencies (districts, county offices and SELPAs) on or before December 31, 2024, which workgroup shall identify and then recommend staffing ratios by identified groupings of classified jobs to the Legislature by no later than December 31, 2025.

SB 700: Employment Discrimination; Cannabis Use
Operative January 1, 2024

Adds prior cannabis use to the list of items employers are not allowed to ask of a job applicant under the Fair Housing and Employment Act (FEHA). The bill makes an exemption for employees in the construction and building trades.

SB 848: Employment; Leave for Reproductive Loss
Operative January 1, 2024

Makes it an unlawful employment practice to refuse to grant up to five days of unpaid leave for an employee that experienced reproductive loss. The leave does not need to be taken consecutively. Reproductive loss means a failed adoption, failed surrogacy, miscarriage, stillbirth, or unsuccessful assisted reproduction. If an employee experiences more than one reproductive loss in one year, an employer is not obligated to grant more than 20 days in a one-year period.

PRACTICE POINTER: This issue will likely come up during collective bargaining and how this additional unpaid leave entitlement may be integrated into existing paid employee bereavement leave provisions should be carefully considered.

SB 616: Sick Days; Paid Sick Days Accrual and Use
Operative January 1, 2024

This bill did not capture the attention of the education community until it was signed into law. SB 616 amends the Healthy Workplaces, Healthy Families Act to increase the number of paid sick days from 3 to 5 (i.e. Paid Sick for All), including a corresponding increase to permitted carryover days/hours, and extends existing procedural requirements on employers regarding employee use of paid sick days, to those employees covered by a collective bargaining agreement.

PRACTICE POINTER: Employers are well-advised to review their existing collective bargaining agreement language to ensure that their provisions regarding the use of paid sick leave align and are consistent with the Healthy Workplaces, Healthy Families Act, including minimum use increments (i.e. 2 hours).

AB 5: The Safe and Supportive Schools Act
Effective starting with the 2025-26 school year and sunsets after the 2029-30 school year

Establishes the Safe and Supportive Schools Act. By July 1, 2025, the CDE must finalize a one-hour online annual training curriculum available for teachers and other certificated employees to support LGBTQ+ cultural competency. This bill deletes the existing encouragement and instead now requires LEAs to provide this training or an in-service alternative to all teachers serving students in grades 7-12. LEAs will be required to maintain documentation of compliance.

AB 497: Special Education; Braille Instructional Aide; Notice of Teacher Credentialing Programs
Operative January 1, 2024

Requires a LEA to provide a braille instructional aide with information regarding the California Classified School Employee Teacher Credentialing Program.

SB 223: Pupil Personnel Services; Child Welfare and Attendance Services
Operative January 1, 2024

The Commission on Teacher Credentialing (CTC) recently adopted new program standards for all Pupil Personnel Service Credential programs to include Child Welfare and Attendance (CWA) authorization. Many higher education programs stopped offering the CWA program as a result. SB 223 authorizes the CTC to approve a Child Welfare and Attendance (CWA) authorization program for Pupil Personnel Services credential holders, offered by a local education agency (LEA). The program must meet the standards and program quality and effectiveness that have been adopted by the CTC.

AB 934: Commission on Teacher Credentialing; Public Awareness Campaign
Operative January 1, 2024

In one more attempt at reducing the teacher shortage, the CTC will be required to contract with a public relations organization to develop a public awareness campaign that highlights the value and benefits of a career in education with a focus on teaching.

AB 1722: Public Health; Credentialed School Nurses; Registered Nurses, and Licensed Vocational Nurses
Operative January 1, 2024 through January 1, 2029

In an attempt to address the school nurse shortage, AB 1722 authorizes LEAs to hire licensed vocational nurses (LVNs) who are supervised by a credentialed school nurse employed by the same or a different LEA. This bill sunsets on January 1, 2029.

PRACTICE POINTER: LEAs should be careful to ensure that their School Nurse job descriptions include supervision of staff such as LVNs and negotiate changes with the appropriate exclusive representative as necessary prior to implementation.

AB 1127: Teachers; Professional Development; Bilingual Teacher Professional Development Program; Eligibility
Operative January 1, 2024

SB 114, the 2023 education budget trailer bill, includes an additional appropriation of \$20 million to support the Bilingual Teacher Professional Development Program (BTPDP). The BTPDP allocates grant funding to eligible school districts, county offices of education, charter schools, or a consortia of education agencies, to provide professional development to support bilingual teachers and paraprofessionals. These funds are available for grants totaling \$4 million for each fiscal year from 2023-24 through 2027-28. AB 1127 extends the deadline for a grantee to submit a final report to the CDE from January 1, 2029 to January 1, 2030. Program participants who are currently enrolled in, or have completed, programs to support bilingual teacher education in languages in the classroom that are represented in an instructional program, are eligible for professional development services.

AB 908: Education Finance; National Board for Professional Teaching Standards Certification Incentive Program; Local Control Funding Formula
Urgency legislation and was effective immediately upon the Governor's signature.

Beginning July 1, 2023, authorizes teachers participating in the National Board for Professional Teaching Standards Certification Incentive Program and teaching in a high-priority school, to receive \$495 in grant funding for the renewal of their certification. Renewal or Maintenance of Certification is required every five years.

SB 553: Occupational Safety; Workplace Violence; Restraining Orders and Workplace Violence Prevention Plan
Operative January 1, 2024

In response to recent increases in workplace violence, this bill now authorizes collective bargaining representatives to seek temporary restraining orders (TROs) on behalf of an employee or employees at the worksite and adds to the required elements of an employer's injury prevention program (IPP), a workplace violence prevention plan (WVPP) and a requirement that employers provide WVPP training to their employees beginning July 1, 2024. SB 553 also now requires employers to record certain information in a violent incident log (VIL), outlining the requirements for the VIL and associated reporting requirements. As the responsible enforcement entity, this bill will require the Division of Occupational Safety and Health (Cal/OSHA) to enforce the WVPP and related requirements through issuance of citations and civil penalties. Cal/OSHA is also required to propose, no later than December 31, 2025, and their Standards Board to adopt, no later than December 31, 2026, standards regarding the WVPP.

PRACTICE POINTERS: Given the new requirements and intensified focus on addressing workplace safety, it is critically important to review the new requirements and pay careful attention to the definitions of conduct, unlawful violence, etc.

GOVERNANCE

AB 417: County Boards of Education; Pupil Members
Operative January 1, 2024

Clarifies that a pupil enrolled in a high school under the jurisdiction of a county board of education may be selected to serve as a student board member on the county board of education. Prior law inadvertently left out certain students such as those in special education, community schools, juvenile court schools, and in some cases, charter and secondary schools.

AB 275: School Governance; Governing Boards; Pupil Members; Compensation
Operative January 1, 2024

Permits a governing board of a school district, county board of education, or charter school, to award a student member elective course credit or financial compensation, or both, while serving as a pupil member of the governing board.

PRACTICE POINTER: The amount of compensation is determined by the governing board.

AB 1326: School District Board Vacancies; Internet Website Notifications
Operative January 1, 2024

This bill adds a requirement that when a vacancy occurs on a school district governing board, the board must also post the required notices on its internet website.

AB 557: Open Meetings; Local Agencies; Teleconferences
Operative January 1, 2024

During the COVID-19 pandemic, the Governor issued an Executive Order to provide school districts and other public entities with more flexibility to use teleconferencing without making the locations accessible to the public in certain circumstances. Legislation was signed by the Governor to extend this flexibility until January 1, 2024. This bill eliminates the 2024 sunset date on the Brown Act's provisions providing teleconferencing to allow local agencies in certain state emergencies. It also changes the frequency that governing boards must make the required findings to continue to teleconference from every 30 days to every 45 days.

AB 764: Local Redistricting
Operative January 1, 2024

Standardizes the criteria used for drawing school districts when adopting or adjusting boundaries and for drawing trustee areas for districts and county offices for governing board elections. Prior to the passage of AB 764, cities and counties had an established process for drawing new districts under the Fair Inclusive Redistricting for Municipalities and Political Subdivisions Act (FAIR MAPS). This bill brings school districts and county boards of education under the FAIR MAPS Act so all local bodies will follow the same procedures. FAIR MAPS establishes community outreach requirements and the number of hearings and workshops required through the redistricting process. AB 764 exempts a small education district from the requirement that the body that adopts district lines for a local jurisdiction issue a report explaining the basis of how the district lines were determined. This bill defines a small education district as either a county office of education in a county that has a population with fewer than 250,000

residents or a school district with less than 250,000 residents. AB 764 clarifies that any change in district boundaries due to redistricting does not affect the term of office of any governing board member and clarifies that a governing board member continues to serve the duration of their term.

AB 773: Elections; Filings

Urgency legislation and was effective immediately upon the Governor's signature.

Establishes a series of improvements to streamline the election filing process for local school measures printed on a ballot. Under existing law, a school district is required to determine a reasonable date before the election to submit arguments in favor of and against a local district or school district measure. The deadlines vary from jurisdiction to jurisdiction. For school districts that cover more than one county, this can cause confusion for ballot measure proponents and opponents and has resulted in missed deadlines. AB 773 establishes a "lead county" in the instances where a school district's boundaries contain more than one county. For school district elections, a lead county means the county whose superintendent of schools covers the district.

SB 798: Elections; Local Bond Measures; Tax Rate Statement

Operative January 1, 2024

Sample ballots for local bond measures are required to include the tax rate per \$100 of assessed valuation. Due to the rising cost of housing, SB 798 changes the tax rate statement from \$100 to \$100,000 of assessed valuation.

PRACTICE POINTER: For those districts considering a bond measure, you should keep this in mind to ensure compliance.

SB 29: The Political Reform Act of 1974; Fair Political Practices Commission; Political Reform Education Program

Urgency legislation and was effective immediately upon the Governor's signature.

Creates a new political reform education program (PREP) within the Political Reform Act (PRA) in order to address low-level campaign violations in lieu of an administrative, civil, or criminal proceeding. The Fair Political Practices Commission (FPPC) will determine the low-level offenses eligible for participation. Redirecting low level violations into this new education program allows the FPPC to focus on more serious violations with higher public harm.

AB 721: School Districts; Budgets; Public Hearings; Notice

Operative January 1, 2027

Under current law, school districts are required to post their proposed budget in the newspaper. AB 721 authorizes school districts to post their proposed budget on their website in addition to the newspaper. As of January 1, 2027, however, this bill eliminates the requirement to post the budget in the newspaper and instead requires posting of budget information solely on each school's website.

SB 790: Public Records; Contracts for Goods and Services
Operative January 1, 2024

This bill specifically clarifies that any contract for goods and services, including the price and terms of payment, with a local agency is a public record for purposes of the Public Records Act. The bill also provides that a written agreement to keep a public agency contract for goods and services confidential is void and unenforceable.

SB 494: School District Governing Boards; Meetings; School District Superintendents and Assistant Superintendents; Termination
Operative January 1, 2024

Prohibits a governing board of a school district from taking action to terminate a superintendent or assistant superintendent without cause at a special or emergency meeting of the governing board. In a month where a governing board meeting is not scheduled, the bill allows a governing board to call and hold a regular meeting for this purpose. The bill also prohibits a governing board from terminating a superintendent or assistant superintendent without cause within 30 days after the first meeting of the governing board after an election at which one or more members of the governing board are elected or recalled.

AB 1078*: Instructional Materials and Curriculum; Diversity
Urgency legislation and was effective immediately upon the Governor's signature.

Creates the Adoption of Textbooks and Other Instruction Material: Fair, Accurate, Inclusive, and Respectful (FAIR) Education Act. This bill prohibits a governing board of a school district, county office of education, or charter school from refusing the approval of textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, on the basis that it includes a study of the role and contributions of any individual or group. The bill outlines the complaint process and penalties that can be imposed on a governing board.

*** See attached ACSA/F3 tipsheet.**

STUDENTS AND INSTRUCTION

AB 87: Pupils; Section 504 Plans; Meetings and Team Meetings
Operative January 1, 2024

Under current law, parents, guardians, and LEAs are allowed to make audio recordings of individualized education plan (IEP) meetings. This bill expands the right to audio record to Section 504 plan meetings. LEAs are defined as a school districts, county offices, charter schools, and any other educational entity that is subject to Section 504 of the Federal Rehabilitation Act.

AB 1466: Pupil Discipline; Restraint and Seclusion; Reporting
Operative January 1, 2024

Extends the current reporting to the CDE on seclusion and restraint to also be posted annually on the LEA's website.

AB 714: Pupil Instruction; Newcomer Pupils; Curriculum Frameworks; High School Coursework and Graduation Requirements; Exemptions and Alternatives
Operative January 1, 2024

Many teachers of newcomer students feel unprepared on how to teach recently arrived immigrant students (newcomers) speaking a language other than English. There are few resources available to assist teachers to meet the student's needs. Newcomer students also need support understanding their new communities and how to fit in. As such, AB 714 requires the CDE to maintain information on its website relating to newcomer students. The bill also requires the Instructional Quality Commission (IQC) to consider at their next regularly scheduled revision of the English Language Arts (ELA)/English Language Development (ELD) curriculum framework, to provide resources for teachers to meet the unique needs and language development of newcomer students. This bill further revises the definition of newcomer students to align with the federal definition in order to be consistent with their educational rights.

SB 350: Pupil Attendance; Excused Absences
Operative January 1, 2024

Allows an excused absence for students attending a funeral or grieving the death of family or someone who is close to the family, to no more than three days if the service is in California and no more than five days if the service is outside of California. Any additional time needed would need the approval of the school administrator.

AB 1503: Pupil Attendance; Excused Absences; Religious Retreats
Operative January 1, 2024

Extends the excused absence for a pupil to attend a religious retreat from four hours to one day.

AB 723: Pupil Placement; Special Education; Foster Children; Nonpublic, Nonsectarian Schools or Agencies; School of Origin
Operative beginning with the 2024-2025 school year

Foster youth are entitled to remain at their “school of origin” after moving to a new placement. It has been unclear whether a “school of origin” includes non-public, nonsectarian schools. To this end, AB 723 clarifies that non-public, nonsectarian schools (NPS) schools are considered a “school of origin” so that foster youth with disabilities may remain in the same placement. Beginning in the 2024-25 school year, an NPS must provide assurances in its application for state certification that it agrees to serve as the “school of origin” for a foster youth, and allow these students to continue their education in the school.

AB 1173: College and Career Fairs
Operative January 1, 2024

If a school district has a school serving grades 9-12 and chooses to hold a college or career fair, each community college district with overlapping jurisdiction must be notified and given the opportunity to participate in the college fair.

AB 1605: High Schools; Military Services; United States Space Force
Operative January 1, 2024

Updates the Education Code to include the U.S. Space Force in the definition of “Uniformed Services” and “military services.” This bill also prohibits school districts, county offices, and charter schools serving students in grades 9-12 from excluding access by the military services.

AB 659: Cancer Prevention Act
Operative January 1, 2024

Establishes the Cancer Prevention Act and provides that it is the public policy of the State that pupils are recommended to be fully immunized against the human papillomavirus (HPV) before admission or advancement to the eighth grade. The Act further requires the governing entity of any public or private elementary or secondary school to notify the parent or guardian of a student entering or advancing to the sixth grade of the immunization policy of the state.

PRACTICE POINTERS: It is important to note that this bill only requires parent/guardian notification of the State policy and that vaccination for HPV remains only a recommendation.

AB 370: Pupil Instruction; State Seal of Biliteracy
Operative January 1, 2024

Modifies the criteria for demonstrating proficiency in English and a language other than English in earning the State Seal of Biliteracy. Modifications include passing assessments, earning credit at a community college, passing a school district identified examination, and successful completion of high school level courses completed in another country in a language other than English.

PRACTICE POINTER: The bill specifies the types of assessments that can be used.

SB 321: Literacy; Libraries; Local Public Library Partnership Program
Operative January 1, 2024

Establishes the Local Public Library Partnership Program to ensure all students have access to a local public library by the third grade by January 1, 2026. This bill authorizes LEAs, including charter schools, to provide student information to the State Librarian in connection with administration of the program. The State Librarian is to ensure partnerships are developed between LEAs and local public libraries.

SB 609: Local Control and Accountability Plans; California School Dashboard
Operative January 1, 2024

Requires school districts, county offices, and charter schools, to post the current school year's approved Local Control and Accountability Plan (LCAP) on the performance overview portion of the California School Dashboard.

AB 665: Minors; Consent to Mental Health Services
Operative January 1, 2024

Aligns state law so that minors over the age of 12 who are covered by Medi-Cal will have the same right to consent to mental health services as minors who do not rely upon Medi-Cal.

AB 611: Special Education; Nonpublic, Nonsectarian Schools or Agencies; Change in Certification Status; Parental Notification
Operative January 1, 2024

Requires a school district, COE, or charter school who contracts with a nonpublic, nonsectarian school or agency (NPS/A) to inform parents and guardians of students who attend the NPS/A within fourteen days of becoming aware of any change to the NPS/A's certification status. These notices must be maintained by the contracting LEA or charter school and made available for inspection upon request by the CDE.

SB 531: Pupil Safety; Local Agency Contractors; Background Checks
Urgency legislation and was effective immediately upon the Governor's signature.

Exempts an entity that partners with a LEA to provide work experience from the requirement to have a valid criminal background check for all employees. Many employers who previously hosted students for work experience and WorkAbility programs were either unable or unwilling to comply with the fingerprinting requirement for all employees. SB 531 instead requires work experience or WorkAbility programs that have a contract with an LEA to have at least one adult employee with a criminal background check who has direct contact with the student and a parent or guardian to have signed a consent form regarding the student's placement. If a student who is part of an Independent Study Program is under the immediate supervision of a parent or guardian during the work services, the bill requires an LEA to either verify completion of a criminal records summary for all employees of the contractor or the parent or guardian has signed a consent form.

AB 285: Pupil Instruction; Science Requirements; Climate Change
Operative beginning with the 2024-2025 school year

Adds content on the causes and effects of, methods to mitigate, and adapt to, climate change to the Science course of study in grades 1-12.

AB 1354: Pupil Instruction; Asian Americans and Pacific Islanders
Operative January 1, 2024

In the next revision of the history-social science framework adoption, the Instructional Quality Commission (IQC) is required to consider the historical, social, economic, and political contribution by, and examples of racism, discrimination, and violence against, Asian Americans, Native Hawaiians, and Pacific Islander in the United States.

SB 369: Pupil Instruction; Model Curricula; Vietnamese American Refugee Experience; Cambodian American History and Heritage
Operative January 1, 2024

This bill requires that the model curriculum related to the Vietnamese American refugee experience includes the period from the Vietnam War and the Fall of Saigon in 1975 to the year 2000. In addition, SB 369 modifies the model curriculum on the Cambodian Genocide to instead focus on Cambodia American history and heritage. These changes are to the current drafting of the model curriculum to be completed by September 1, 2024.

AB 248: Individuals with Disabilities; The Dignity for All Act
Operative January 1, 2024

Establishes the Individuals with Disabilities: The Dignity for All Act. It strikes the terms “handicapped”, “mentally retarded persons”, “mentally retarded children”, and “retardation” and instead uses the terms individuals with intellectual, developmental disabilities, impaired, or disability throughout the Health and Safety Code and Welfare and Institutions Code.

AB 1165: Pupil Discipline; Racist Bullying, Harassment, or Intimidation; Restorative Justice Practice
Operative January 1, 2024

This bill encourages LEAs to refer both the victim and perpetrator of an incident of racist bullying, harassment, or intimidation to a restorative justice program that suits the needs of both the victim and perpetrator.

SB 274: Suspensions and Expulsions; Willful Defiance; Interventions and Supports
Operative January 1, 2024 and sunsets/expires on July 1, 2029

Beginning July 1, 2024, this bill expands the ban on suspending a student for willful defiance from grades K-5 to K-12 and authorizes certificated or classified employees to refer a student to school administrators for in-school interventions or supports on the basis of willful defiance. SB 274 requires a school administrator, within 5 business days, to document such actions taken and place the documentation in the student’s record for access by a parent/guardian. The school administrator is also required, by the end of the 5th day, to inform the referring employee, verbally or in writing, what actions were taken, and if no action was taken, the rationale for that decision. Lastly, SB 274 prohibits

the suspension or expulsion of a student based solely on being truant, tardy, or otherwise absent from school activities.

AB 368: College and Career Access Pathways Partnerships
Operative January 1, 2024

Requires a Community College to provide priority enrollment to College and Career Access Pathways (CCAP) students. The courses can be offered at either a high school or community college campus. This bill does not affect a dual enrollment partnership agreement that existed on January 1, 2016, under which an early college high school, a middle college high school, or a California Career Pathways Trust existing on January 1, 2016, exist. An early college high school, middle college high school, of California Career Pathways Trust partnership existing on January 1, 2016 can no longer operate as a CCAP partnership unless it complies with the new section. This bill clarifies that CCAP students are exempt from paying community college fee requirements.

SB 609: Local Control and Accountability Plans; California School Dashboard
Operative January 1, 2024

Requires school districts, county offices, and charter schools, to post the current school year's approved Local Control and Accountability Plan (LCAP) on the performance overview portion of the California School Dashboard.

AB 373: Intersession Programs; Foster Children and Homeless Youth; Priority Access
Operative January 1, 2024

Requires any school district, COE, or a charter school that offers an intersession program to give priority access to homeless children or youth. If the homeless student moves during the intersession period, the student's parent/guardian/educational rights holder/Indian Rights Holder or the unaccompanied youth, is entitled to determine which school the student will attend for the intersession period. For purposes of AB 373, an intersession program means an expanded learning program (ELOP) offered by a LEA on non-school days but not limited to summer school. It does not include an extended school year program for students with exceptional needs.

SB 413: School Attendance; Interdistrict Attendance
Operative January 1, 2024

Requires a county board of education to decide interdistrict appeals within 30 calendar days and authorizes class 1 and class 2 counties to decide interdistrict appeals within 60 days in those cases that involve delays and scheduling conflicts initiated by the parent or home school district, and when the application was filed outside the home school district transfer window. A "class 1 county" is a county with countywide ADA of more than 500,000 (LA County) and a "class 2" county is a county with countywide ADA of at least 180,00 but less than 500,000 (Alameda Fresno, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Joaquin, and Santa Clara counties).

AB 483: Local Educational Agency; Medi-Cal Billing Option
Operative January 1, 2024

Makes numerous changes to the Local Education Agency Medi-Cal Billing Option Program (LEA BOP), a program that allows schools to seek reimbursement for a portion of the cost of delivering health services to Medi-Cal eligible students. Among the changes is the requirement that the Department of Health Care Services (DHCS) provide clear and consistent guidance to LEAs and reform the audit claims process for schools participating in LEA BOP.

SB 291: Pupil Rights; Recess
Operative January 1, 2024 and provisions to be implemented starting with the 2024-2025 school year.

Requires any school district, COE, or charter school already providing recess, to ensure that their recess is at least 15 minutes in length on early release days and at least 30 minutes in length on non-release days. Schools are exempt from the recess time requirements on days in which there is a field trip or other educational program. Staff members are prohibited from denying recess unless the pupil's participation poses an immediate threat to the physical safety of the pupil or other pupils.

PRACTICE POINTERS: For those schools that have a practice or policy of implementing alternatives to recess for those students with discipline issues, this bill would appear to eliminate that option unless the school makes a finding that the student's participation would jeopardize their physical safety or the physical safety of other students. Schools are thus advised to ensure sufficient documentation of the specific facts supporting a denial of recess in their student information systems (SIS).

AB 872: Elementary and Secondary Education; Omnibus Bill
Urgency legislation and was effective immediately upon the Governor's signature.

The annual elementary and secondary education omnibus bill contains two provisions, one impacting special education. This bill allows a student to remain in their residential placement as long as they remain eligible for K-12 services under their IEP. It does not require Department of Social Services licensed homes to accept any student with an IEP, but rather removes the prohibition on them doing so.

AB 800: Workplace Readiness Week; Work Permits
Operative January 1, 2024

This bill covers several areas of policy. For purposes of curriculum and instruction, AB 800 designates the week of each year that includes April 28 as Workplace Readiness Week and requires each high school, including charters, to annually provide information to pupils on their rights as workers. This bill also requires for students in grades 11 and 12, that the observance of this week be integrated into the regular school program consistent with the history-social science framework. This integration can be offered at any time but AB 800 encourages it to occur during Workplace Readiness Week. This bill also provides that beginning August 1, 2024, any minor seeking the signature for a work permit-certificate shall also receive a document clearly explaining basic labor rights. The bill encourages the University of California Center for Labor Research and Education to produce a draft template for use by verifying authorities.

AB 446: Pupil Instruction; Handwriting
Operative January 1, 2024

This bill includes cursive or joined italics in the grades 1-6 English adopted course of study.

MISCELLANEOUS

AB 1327: Interscholastic Athletics; California Interscholastic Federation; Racial Discrimination, Harassment, or Hazing
Implementation of report posting to occur on or before April 1, 2025

On or before January 1, 2025, the CDE is required to develop a standardized incident form to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events. The bill further requires that on or before April 1, 2025, each LEA that participates in the CIF to post on their internet website the standardized incident form and how to submit a completed incident report to the LEA.

AB 1653: Interscholastic Athletic Programs; Emergency Action Plans; Heat Illness; Guidelines
Operative January 1, 2024 with guidelines to be finalized no later than July 1, 2024

By July 1, 2024, the CIF along with the CDE, is required to develop guidelines, procedures, and safety standards for the prevention and management of exertional heat illness. AB 1653 also contains some of the same provisions as in AB 245.

AB 278: High Schools; Dream Resources Center Grant Program
Becomes operative January 1, 2024 if the legislature provides funding in the state budget.

Establishes the Dream Resource Center Grant Program to be administered by the CDE for four years in order to create Dream Resource Centers at high schools. Dream Centers provide all students with resources that can include financial aid support, social services support, state-funded immigration legal services, academic opportunities, and more. Both LEAs that currently have a Dream Resource Center and those that want to establish one, may apply for funds.

AB 10: Pupils; Body Shaming Model Policy and Resources
Operative June 30, 2025

By June 30, 2025, the CDE is required to develop and post on its website a model policy and resources about body shaming. For purposes of this bill, body shaming means mocking or stigmatizing a person by making critical comments about the size, shape, or appearance of the person's body. School districts, COEs, and charter schools, are encouraged to inform parents, staff, and students about the resources available.

AB 1445: The Neng Thao Drowning Prevention Safety Act
Operative with the 2024-25 school year

Establishes the Neng Thao Drowning Prevention Safety Act. A local, state, or national drowning or injury prevention organization may provide informational materials to a public school about water safety, access to information to prevent drowning, and contact information. Beginning in the 2024-25 school year, a public school may provide this informational materials to parents or guardians of students at the time of enrollment at the school and at the beginning of the school year.

PRACTICE POINTER: This bill is permissive and notices to parents and guardians is not required.

AB 889: Pupil Safety; Parental Notification; Synthetic Drugs
Operative January 1, 2024

Aimed at trying to reduce the use of synthetic drugs by our youth, this bill requires school districts, COEs, and charter schools, to annually inform parents/guardians and enrolled students about the dangers of using synthetic drugs that are not prescribed by a physician. The notification is required to be provided annually at the beginning of each school year. If the district, COE, or charter school has a website, the information must also be posted on it and every school's website.

PRACTICE POINTER: School agencies are advised to review their current annual notices and make this and all other required updates in time for publication of 2024-25 school year notices.

AB 452: Childhood Sexual Assault; Statute of Limitations
Operative January 1, 2024

With the passage of this bill, California joined the federal government and 15 other states and eliminated the statute of limitations for filing claims for damages for childhood sexual assault, effective January 1, 2024. Actions filed on or before December 31, 2023, however, are still subject to prior law.

SB 558: Civil Actions; Childhood Sexual Abuse
Operative January 1, 2024

This bill limited the 22 year or within 5 years of discovery statute of limitations on commencing an action for damages suffered as a result of childhood sexual assault to only those incidents occurring before January 1, 2024. This bill further expanded the definition of childhood sexual assault to including victims of child pornography prior to January 1, 2024.

SB 293: Pupil Assessments; California Assessment of Student Performance and Progress; Statewide Results
Operative January 1, 2024

In response to delays in releasing the California Assessment of Student Performance and Progress (CAASPP) scores, this bill establishes a specific deadline by which the CDE must make scores available to the public. Specifically, scores must be made public on or before October 15 of each year.

SB 872: Pupil Enrollment; Class Size; Report
Operative January 1, 2024

Requires the CDE to create a "California raw class size data report" and to annually post the results on its website. The information the CDE will collect and post includes the average class size of each self-contained classroom at every school site in every school district, county office of education, and charter school, for transitional kindergarten through grade 12.

AB 1071: Teen Dating Violence Prevention Education; Online Information and Resources
Operative January 1, 2024

Requires the CDE to post resources on its website on abuse and teen dating violence prevention. Posting is to include information for professional development purposes, information on local and national hotlines and available services for youth experiencing teen dating violence.

AB 1340: School Accountability; Pupils with Exceptional Needs

Operative on January 1, 2025 if the legislature provides funding in the state budget

On or before January 1, 2025, the CDE will be required to post on its website state-wide four and five-year cohort graduation rates for students with exceptional needs. The information is to be disaggregated by the identified disability(ies).

Adopting Curriculum and Related Resources

The Facts. The Law. The Process.

Although adopting curriculum and instructional materials has always been an action subject to local context and community needs, recent concerted actions have made it clear that what has been a routine procedure for many may now become a contested act. The information provided here is meant to give district leaders the definitions, language, guidelines, and references needed as they undertake the adoption process this year.

INSTRUCTIONAL MATERIALS AND TEXTBOOKS

Definitions

Although the Education Code does not define *curriculum*, it does define the term *curriculum framework* as an outline of the components of a given course of study designed to provide state direction to school districts in the provision of education programs.¹

Instructional materials are all materials designed for use by students and their teachers as a learning resource to help students acquire facts, skills, or opinions or to develop cognitive processes. Instructional materials may be printed or nonprinted, and may include textbooks, technology-based materials, other educational materials, and tests.²

Supplementary instructional materials are those designed to serve a purpose, such as provide for meeting various learning ability levels of students in a given age group or grade level.³

THE ROLE OF THE DISTRICT BOARD

Textbook and Curriculum Adoption

The Education Code specifies that for grades K-8, **the Board must** select instructional materials that have been approved by the State Board of Education (SBE) **or** have otherwise been determined to be aligned with the state academic content standards adopted pursuant to Section 60605.⁴

For grades 9 through 12, **the Board must** determine and adopt instructional materials that meet the criteria specified in state law and administrative regulations.⁵

Policies and procedures for adoption of curriculum and instructional materials are found in District board policies (“BPs”) and administrative regulations (“ARs”), which delineate the involvement of the Board and Superintendent, and those with subject-matter expertise, such as teachers, principals, and district administrators.

District Governing Boards and school officials must not accept any money or any inducement to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional materials, with the exception of sample copies of instructional materials.⁶

STATE REQUIREMENTS FOR TEXTBOOKS AND INSTRUCTIONAL MATERIALS

As boards consider the adoption of textbooks and instructional materials, they need to know that Education Code specifies the following requirements:

Textbooks and instructional materials must:

1. Be aligned to academic content standards adopted by the SBE **or** aligned with state academic content standards and/or the Common Core Standards;⁷
2. Be accurate, objective, current and suited to the needs and comprehension of district students at their respective grade levels, to the satisfaction of the Board;⁸
3. Use proper grammar and spelling, with the exception of literature and trade books;⁹
4. Meet the requirements of Education Code 60040-60043 for specific subject content; and
5. Otherwise meet the standards set forth in the applicable BP and AR.

Textbooks and instructional materials must not:

1. Reflect adversely upon persons because of their race/ethnicity, gender, religion, disability; sexual orientation or other characteristic listed in Education Code section 220;¹⁰
2. Contain any sectarian or denominational doctrine or propaganda contrary to law;¹¹ or
3. Expose students to a commercial brand name, product or company logo unless the Board makes a specific finding that the use is appropriate.¹²

Additionally, **boards must provide for substantial teacher involvement and promote involvement of parents and other community members** in the selection of instructional materials.¹³

PUBLIC HEARING ON SUFFICIENCY OF TEXTBOOKS AND INSTRUCTIONAL MATERIALS

Annually, Boards must conduct one or more public hearings on the sufficiency of the district's textbooks and other instructional materials. The hearing must be held before the end of the eighth week after the first day of school for that year.¹⁴ The hearing cannot take place during or immediately following school hours.¹⁵

The Superintendent or designee must post a notice in three public places within the district containing the time, place, and purpose of the hearing ten days before the hearing. At the hearing(s), the Board will determine, through a resolution:

- Whether each student in each school, including each English learner, has sufficient textbooks or instructional materials¹⁶ which are aligned to the state content standards or the Common Core Standards and which are consistent with the content and cycles of the state's curriculum frameworks in mathematics, science, history-social science¹⁷ and English language arts;¹⁸ and
- The availability of laboratory science equipment for science laboratory classes offered in grades 9 through 12.¹⁹

The Board must also make a written determination regarding sufficiency of materials in world language and health.²⁰

If the Board determines there are insufficient textbooks or instructional materials at a school, it will provide teachers and the public, through a resolution, with the percentage of students who lack sufficient standards-aligned textbooks or instructional materials in each subject area and the reasons why.²¹

The Board must take action to ensure that each student has sufficient materials **within 2 months** of the beginning of the school year in which the determination is made.²²

Complaints

If the District receives complaints that allege any of the following, the complaints should be managed according to Williams Uniform Complaint procedures:

- A student does not have standards-aligned textbooks or instructional materials or district-adopted materials to use in class;
- A student does not have access to instructional materials to use at home or after school in order to complete homework assignments; and/or
- Instructional materials are in poor or unusable condition, have missing pages, or are unreadable.²³

Some districts state in their relevant board policies and administrative regulations that complaints shall be handled in accordance with law, BPs, and ARs to address complaints regarding instructional materials that are not subject to the Williams Uniform Complaint procedures.

LIBRARY BOOKS

Boards are required to provide school library services for students and teachers by establishing and maintaining school libraries or by contracting with another agency.²⁴ Boards are responsible for the proper care and preservation of school libraries, and may make all necessary rules and regulations not provided by the SBE or the Superintendent of Public Instruction.²⁵ Boards may exclude from schools and school libraries all books, publications or papers of a sectarian, partisan or denominational character.²⁶

County boards of education may adopt books and other library materials for districts not employing a superintendent or full-time librarian.²⁷

Current Caselaw

In *Board of Education, Island Trees Union Free School District No. 26 v. Pico* ("Pico"), the U.S. Supreme Court opined that, while a district or administrator may remove books and other materials from a school library because of their educational suitability, pervasive vulgarity or profanity, or factual inaccuracies, it **"may not remove books from school library shelves simply because [officials] dislike the ideas contained in those books[.]"**²⁸ Nothing in the Pico case affects the discretion of boards to choose books to add to district school libraries.

"Those who choose the books and literature that will influence the minds and hearts of our nation's youth and those who teach young people in our schools bear an awesome responsibility."²⁹

SUGGESTED BEST PRACTICES FOR MATERIAL REVIEW

Ensure Access to Instructional Materials and Consider a Review Committee

- Make recommended instructional materials available for public inspection at the district office and/or online in accordance with District BPs and ARs, and/or enable the Superintendent or a designee to establish a process for the review and recommendation of instructional materials to the Board.
- Consider allowing the Superintendent to establish and work with an instructional materials review committee to evaluate and recommend instructional materials.³⁰
 - o Make sure to include teachers, administrators and staff who have subject-matter expertise, parents/guardians, and community members, and potentially students.
 - Examples include, but are not limited to, input from certificated staff as part of curriculum adoption committees, grade level review, and cross-level articulation of curriculum committees.
 - o Consider the involvement of other groups which are representative of your school community.
 - Examples include, but are not limited to, DELAC, SSCs, PTA/PTO, parent affinity groups, LCAP steering committee, and students to solicit input and feedback regarding content and titles.

Review Relevant BP/AR to Ensure Clear Procedures

- Consider reviewing BPs/ARs pertaining to the selection of instructional materials and textbooks. CSBA/standard titles and numbering are as follows: 6141, Curriculum Development and Evaluation; 6161.1, Selection and Evaluation of Instructional Materials; 6161.11, Supplementary Instructional Materials; 1312.2, Complaints Concerning Instructional Materials; 1312.4, Williams Uniform Complaint Procedures. Model policies are available to districts that subscribe to CSBA's policy services.

Establish Processes for Library Books:

- Establish internal procedures to select library books, which may include input from the Superintendent and a school librarian.
- Comply with any BPs/ARs regarding grade-level-appropriateness of library books and consider recommendations from the California Department of Education regarding school library policies.³¹
- Address complaints regarding literature in school libraries. Districts should determine how best to informally or formally resolve complaints in accordance with any relevant District BPs and ARs.

Clarify Required Curriculum vs. Optional Reading

- Have clear communication to parents and community members when instructional materials, textbooks, or other books and materials are required versus made available to all students or just particular grade levels.

Special thanks to F3 Law, leaders in education law, and their Next Level Client Services for assisting our members by creating this important resource.

¹ Ed. Code § 60010(c).

² Ed. Code § 60010(h).

³ Ed. Code § 60010(l).

⁴ Ed. Code §§ 60200, 60210.

⁵ Ed. Code § 60400.

⁶ Ed. Code §§ 60072, 60075.

⁷ Ed. Code §§ 60200, 60210.

⁸ Ed. Code § 60045.

⁹ Ed. Code § 60045.

¹⁰ Education Code 220 prohibits discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, immigration status, or association with a person or group with one or more of these actual or perceived characteristics in any district program that receives or benefits from state financial assistance. See Ed. Code §§ 51500, 51501, 60044.

¹¹ Ed. Code §§ 51501, 60044.

¹² Ed. Code §§ 60048, 60200.

¹³ Ed. Code § 60002.

¹⁴ Ed. Code § 60119(a)(1)(A).

¹⁵ Ed. Code § 60119(b).

¹⁶ "Sufficient textbook or instructional materials" means that each student has a standards-aligned textbook or instructional materials, or both, to use in class and to take home. Ed. Code § 60119(c).

¹⁷ Social sciences curriculum must include "the role and contributions of both men and women, Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups" to the development of California and the United States and "the role of these groups in contemporary society." Ed. Code § 51204.5; Ed. Code § 60040 [materials must accurately portray cultural and racial diversity of our society].

¹⁸ Ed. Code § 60119 (a)(1)(A).

¹⁹ Ed. Code § 60119(a)(1)(C).

²⁰ Ed. Code § 60119(a)(1)(C).

²¹ Ed. Code § 60119(a)(2)(A).

²² Ed. Code § 60119(a)(2)(A).

²³ Ed. Code 35186; 5 CCR § 4680.

²⁴ Ed. Code §§ 18100-18104.

²⁵ Ed. Code § 18121.

²⁶ Ed. Code § 18111.

²⁷ Ed. Code § 18110.

²⁸ *Board of Educ., Island Trees Union Free School Dist. No. 26 v. Pico* (1982) 457 U.S. 872 [Some library books at issue in the case included *Slaughterhouse Five* by Kurt Vonnegut, Jr., *Laughing Boy*, by Oliver LaFarge, and *Best Short Stories of Negro Writers*, edited by Langston Hughes; see *Montiero v. Tempe Union High School District* (9th Cir. 1998) 158 F.3d 1022, 1029 ["[A] student's First Amendment rights are infringed when books that have been determined by the school district to have legitimate educational value are removed from a mandatory reading list because of threats of damages, lawsuits, or other forms of retaliation."].

²⁹ *Monteiro v. Tempe Union High School District* (9th Cir. 1998) 158 F.3d 1022, 1029

³⁰ Ed. Code § 60002; see Ed. Code § 49091.10.

³¹ California Department of Education, School Library Policies, <https://www.cde.ca.gov/ci/cr/lb/policies.asp>.