

Assembly Bill No. 101

CHAPTER 661

An act to amend Sections 51225.3 and 51226.7 of the Education Code, relating to pupil instruction.

[Approved by Governor October 8, 2021. Filed with Secretary
of State October 8, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 101, Medina. Pupil instruction: high school graduation requirements: ethnic studies.

(1) Existing law requires a pupil to complete designated coursework while in grades 9 to 12, inclusive, in order to receive a diploma of graduation from high school. These graduation requirements include, among others, the completion of 3 years of courses in English and 3 years of courses in social studies, including one-year courses in United States history and geography and world history, culture, and geography, a one-semester course in American government and civics, and a one-semester course in economics.

Existing law requires the Instructional Quality Commission to develop, and the State Board of Education to adopt, modify, or revise, a model curriculum in ethnic studies. Existing law also encourages each school district and charter school that maintains any of grades 9 to 12, inclusive, and that does not otherwise offer a standards-based ethnic studies curriculum to offer, beginning in the school year following the adoption of the model curriculum, a course of study in ethnic studies based on the model curriculum.

This bill would add the completion of a one-semester course in ethnic studies, meeting specified requirements, to the graduation requirements commencing with pupils graduating in the 2029–30 school year, including for pupils enrolled in a charter school. The bill would expressly authorize local educational agencies, including charter schools, to require a full-year course in ethnic studies at their discretion. The bill would require local educational agencies, including charter schools, to offer an ethnic studies course commencing with the 2025–26 school year, as specified. The bill would authorize, subject to the course offerings of a local educational agency, including a charter school, a pupil to satisfy the ethnic studies course requirement by completing either (A) a course based on the model curriculum in ethnic studies developed by the commission, (B) an existing ethnic studies course, (C) an ethnic studies course taught as part of a course that has been approved as meeting the A–G requirements of the University of California and the California State University, or (D) a locally developed ethnic studies course approved by the governing board of the school district or the governing body of the charter school. The bill would prohibit a course that

does not use ethnic studies content as the primary content through which the subject is taught from being used to satisfy the ethnic studies course requirement. The bill would require a pupil who completes a course described above to also accrue credit for coursework in the subject that the course is offered, including, if applicable, credit towards satisfying a course required for a diploma of graduation from high school. These provisions would become operative only upon an appropriation of funds by the Legislature for these purposes in the annual Budget Act or another statute.

Because the bill would add new duties to local educational agencies, it would constitute a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. Section 51225.3 of the Education Code, as amended by Section 17 of Chapter 865 of the Statutes of 2018, is amended to read:

51225.3. (a) A pupil shall complete all of the following while in grades 9 to 12, inclusive, in order to receive a diploma of graduation from high school:

(1) At least the following numbers of courses in the subjects specified, each course having a duration of one year, unless otherwise specified:

(A) Three courses in English.

(B) Two courses in mathematics. If the governing board of a school district requires more than two courses in mathematics for graduation, the governing board of the school district may award a pupil up to one mathematics course credit pursuant to Section 51225.35.

(C) Two courses in science, including biological and physical sciences.

(D) Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics.

(E) One course in visual or performing arts, world language, or, commencing with the 2012–13 school year, career technical education.

(i) For purposes of satisfying the requirement specified in this subparagraph, a course in American Sign Language shall be deemed a course in world language.

(ii) For purposes of this subparagraph, “a course in career technical education” means a course in a district-operated career technical education program that is aligned to the career technical model curriculum standards and framework adopted by the state board, including courses through a

regional occupational center or program operated by a county superintendent of schools or pursuant to a joint powers agreement.

(iii) This subparagraph does not require a school or school district that currently does not offer career technical education courses to start new career technical education programs for purposes of this section.

(iv) If a school district or county office of education elects to allow a career technical education course to satisfy the requirement imposed by this subparagraph, the governing board of the school district or county office of education, before offering that alternative to pupils, shall notify parents, teachers, pupils, and the public at a regularly scheduled meeting of the governing board of all of the following:

(I) The intent to offer career technical education courses to fulfill the graduation requirement specified in this subparagraph.

(II) The impact that offering career technical education courses, pursuant to this subparagraph, will have on the availability of courses that meet the eligibility requirements for admission to the California State University and the University of California, and whether the career technical education courses to be offered pursuant to this subparagraph are approved to satisfy those eligibility requirements. If a school district elects to allow a career technical education course to satisfy the requirement imposed by this subparagraph, the school district shall comply with subdivision (m) of Section 48980.

(III) The distinction, if any, between the high school graduation requirements of the school district or county office of education, and the eligibility requirements for admission to the California State University and the University of California.

(F) Two courses in physical education, unless the pupil has been exempted pursuant to this code.

(G) (i) Commencing with pupils graduating in the 2029–30 school year, including for pupils enrolled in a charter school, a one-semester course in ethnic studies. A local educational agency, including a charter school, may require a full-year course in ethnic studies at its discretion. Commencing with the 2025–26 school year, a local educational agency, including a charter school, with pupils in grades 9 to 12, inclusive, shall offer at least a one-semester course in ethnic studies.

(ii) Subject to the course offerings of a local educational agency, including a charter school, a pupil may fulfill the requirement of clause (i) through the completion of any of the following types of courses:

(I) A course based on the model curriculum developed pursuant to Section 51226.7.

(II) An existing ethnic studies course.

(III) An ethnic studies course taught as part of a course that has been approved as meeting the A–G requirements of the University of California and the California State University.

(IV) A locally developed ethnic studies course approved by the governing board of the school district or the governing body of the charter school. The proposed course shall first be presented at a public meeting of the governing

board of the school district or the governing body of the charter school, and shall not be approved until a subsequent public meeting of the governing board or governing body at which the public has had the opportunity to express its views on the proposed course.

(iii) A course that does not use ethnic studies content as the primary content through which the subject is taught shall not be used to satisfy the requirement of clause (i).

(iv) A pupil completing a course described in clause (ii) shall also accrue credit for coursework in the subject that the course is offered, including, if applicable, credit towards satisfying a course required for a diploma of graduation from high school pursuant to this section.

(v) Curriculum, instruction, and instructional materials for a course described in clause (ii) shall meet all of the following requirements:

(I) Be appropriate for use with pupils of all races, religions, nationalities, genders, sexual orientations, and diverse ethnic and cultural backgrounds, pupils with disabilities, and English learners.

(II) Not reflect or promote, directly or indirectly, any bias, bigotry, or discrimination against any person or group of persons on the basis of any category protected by Section 220.

(III) Not teach or promote religious doctrine.

(vi) It is the intent of the Legislature that local educational agencies, including charter schools, consider that, pursuant to Section 51226.7, the Instructional Quality Commission undertook a lengthy, thorough, deliberative, and inclusive process before submitting a model curriculum in ethnic studies to the state board. To the extent that local educational agencies, including charter schools, choose to locally develop an ethnic studies program for approval by their governing board or governing body, it is the intent of the Legislature that local educational agencies not use the portions of the draft model curriculum that were not adopted by the Instructional Quality Commission due to concerns related to bias, bigotry, and discrimination.

(vii) The amendments made to this section by the act adding this subparagraph shall not be construed to alter any other requirement of this section for pupils enrolled in a charter school.

(2) Other coursework requirements adopted by the governing board of the school district.

(b) The governing board, with the active involvement of parents, administrators, teachers, and pupils, shall adopt alternative means for pupils to complete the prescribed course of study that may include practical demonstration of skills and competencies, supervised work experience or other outside school experience, career technical education classes offered in high schools, courses offered by regional occupational centers or programs, interdisciplinary study, independent study, and credit earned at a postsecondary educational institution. Requirements for graduation and specified alternative modes for completing the prescribed course of study shall be made available to pupils, parents, and the public.

(c) On or before July 1, 2017, the department shall submit a comprehensive report to the appropriate policy committees of the Legislature on the addition of career technical education courses to satisfy the requirement specified in subparagraph (E) of paragraph (1) of subdivision (a), including, but not limited to, the following information:

(1) A comparison of the pupil enrollment in career technical education courses, world language courses, and visual and performing arts courses for the 2005–06 to 2011–12 school years, inclusive, to the pupil enrollment in career technical education courses, world language courses, and visual and performing arts courses for the 2012–13 to 2016–17 school years, inclusive.

(2) The reasons, reported by school districts, that pupils give for choosing to enroll in a career technical education course to satisfy the requirement specified in subparagraph (E) of paragraph (1) of subdivision (a).

(3) The type and number of career technical education courses that were conducted for the 2005–06 to 2011–12 school years, inclusive, compared to the type and number of career technical education courses that were conducted for the 2012–13 to 2016–17 school years, inclusive.

(4) The number of career technical education courses that satisfied the subject matter requirements for admission to the University of California or the California State University.

(5) The extent to which the career technical education courses chosen by pupils are aligned with the California Career Technical Education Model Curriculum Standards, and prepare pupils for employment, advanced training, and postsecondary education.

(6) The number of career technical education courses that also satisfy the visual and performing arts requirement, and the number of career technical education courses that also satisfy the world language requirement.

(7) Annual pupil dropout and graduation rates for the 2011–12 to 2014–15 school years, inclusive.

(d) For purposes of completing the report described in subdivision (c), the Superintendent may use existing state resources and federal funds. If state or federal funds are not available or sufficient, the Superintendent may apply for and accept grants, and receive donations and other financial support from public or private sources for purposes of this section.

(e) For purposes of completing the report described in subdivision (c), the Superintendent may accept support, including, but not limited to, financial and technical support, from high school reform advocates, teachers, chamber organizations, industry representatives, research centers, parents, and pupils.

(f) The amendments made to this section by the act adding this subdivision shall become operative only upon an appropriation of funds by the Legislature for purposes of these amendments in the annual Budget Act or another statute.

(g) This section shall become inoperative on the earlier of the following two dates:

(1) On July 1, immediately following the first fiscal year after the enactment of the act that adds this paragraph in which the number of career technical education courses that, as determined by the department, satisfy the world language requirement for admission to the California State University and the University of California is at least twice the number of career technical education courses that meet these admission requirements as of January 1, 2012. This section shall be repealed on the following January 1, unless a later enacted statute, that becomes operative on or before that date, deletes or extends the dates on which it becomes inoperative and is repealed. It is the intent of the Legislature that new career technical education courses that satisfy the world language requirement for admission to the California State University and the University of California focus on world languages aligned with career preparation, emphasizing real-world application and technical content in related career and technical education courses.

(2) On July 1, 2022, and, as of January 1, 2023, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2023, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. Section 51225.3 of the Education Code, as amended by Section 18 of Chapter 865 of the Statutes of 2018, is amended to read:

51225.3. (a) A pupil shall complete all of the following while in grades 9 to 12, inclusive, in order to receive a diploma of graduation from high school:

(1) At least the following numbers of courses in the subjects specified, each course having a duration of one year, unless otherwise specified:

(A) Three courses in English.

(B) Two courses in mathematics. If the governing board of a school district requires more than two courses in mathematics for graduation, the governing board of the school district may award a pupil up to one mathematics course credit pursuant to Section 51225.35.

(C) Two courses in science, including biological and physical sciences.

(D) Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics.

(E) One course in visual or performing arts or world language. For purposes of satisfying the requirement specified in this subparagraph, a course in American Sign Language shall be deemed a course in world language.

(F) Two courses in physical education, unless the pupil has been exempted pursuant to this code.

(G) (i) Commencing with pupils graduating in the 2029–30 school year, including for pupils enrolled in a charter school, a one-semester course in ethnic studies. A local educational agency, including a charter school, may require a full-year course in ethnic studies at its discretion. Commencing with the 2025–26 school year, a local educational agency, including a charter school, with pupils in grades 9 to 12, inclusive, shall offer at least a one-semester course in ethnic studies.

(ii) Subject to the course offerings of a local educational agency, including a charter school, a pupil may fulfill the requirement of clause (i) through the completion of any of the following types of courses:

(I) A course based on the model curriculum developed pursuant to Section 51226.7.

(II) An existing ethnic studies course.

(III) An ethnic studies course taught as part of a course that has been approved as meeting the A–G requirements of the University of California and the California State University.

(IV) A locally developed ethnic studies course approved by the governing board of the school district or the governing body of the charter school. The proposed course shall first be presented at a public meeting of the governing board of the school district or the governing body of the charter school, and shall not be approved until a subsequent public meeting of the governing board or governing body at which the public has had the opportunity to express its views on the proposed course.

(iii) A course that does not use ethnic studies content as the primary content through which the subject is taught shall not be used to satisfy the requirement of clause (i).

(iv) A pupil completing a course described in clause (ii) shall also accrue credit for coursework in the subject that the course is offered, including, if applicable, credit towards satisfying a course required for a diploma of graduation from high school pursuant to this section.

(v) Curriculum, instruction, and instructional materials for a course described in clause (ii) shall meet all of the following requirements:

(I) Be appropriate for use with pupils of all races, religions, nationalities, genders, sexual orientations, and diverse ethnic and cultural backgrounds, pupils with disabilities, and English learners.

(II) Not reflect or promote, directly or indirectly, any bias, bigotry, or discrimination against any person or group of persons on the basis of any category protected by Section 220.

(III) Not teach or promote religious doctrine.

(vi) It is the intent of the Legislature that local educational agencies, including charter schools, consider that, pursuant to Section 51226.7, the Instructional Quality Commission undertook a lengthy, thorough, deliberative, and inclusive process before submitting a model curriculum in ethnic studies to the state board. To the extent that local educational agencies, including charter schools, choose to locally develop an ethnic studies program for approval by their governing board or governing body, it is the intent of the Legislature that local educational agencies not use the portions of the draft model curriculum that were not adopted by the Instructional Quality Commission due to concerns related to bias, bigotry, and discrimination.

(vii) The amendments made to this section by the act adding this subparagraph shall not be construed to alter any other requirement of this section for pupils enrolled in a charter school.

(2) Other coursework requirements adopted by the governing board of the school district.

(b) The governing board, with the active involvement of parents, administrators, teachers, and pupils, shall adopt alternative means for pupils to complete the prescribed course of study that may include practical demonstration of skills and competencies, supervised work experience or other outside school experience, career technical education classes offered in high schools, courses offered by regional occupational centers or programs, interdisciplinary study, independent study, and credit earned at a postsecondary educational institution. Requirements for graduation and specified alternative modes for completing the prescribed course of study shall be made available to pupils, parents, and the public.

(c) If a pupil completed a career technical education course that met the requirements of subparagraph (E) of paragraph (1) of subdivision (a) of Section 51225.3, as amended by the act adding this section, before the inoperative date of that section, that course shall be deemed to fulfill the requirements of subparagraph (E) of paragraph (1) of subdivision (a) of this section.

(d) The amendments made to this section by the act adding this subdivision shall become operative only upon an appropriation of funds by the Legislature for purposes of these amendments in the annual Budget Act or another statute.

(e) This section shall become operative upon the date that Section 51225.3, as amended by the act adding this section, becomes inoperative.

SEC. 3. Section 51226.7 of the Education Code is amended to read:

51226.7. (a) The Instructional Quality Commission shall develop, and the state board shall adopt, modify, or revise, a model curriculum in ethnic studies to ensure quality courses of study in ethnic studies. The model curriculum shall be developed with participation from faculty of ethnic studies programs at universities and colleges with ethnic studies programs and a group of representatives of local educational agencies, a majority of whom are kindergarten to grade 12, inclusive, teachers who have relevant experience or education background in the study and teaching of ethnic studies.

(b) The model curriculum shall be written as a guide to allow school districts to adapt their courses to reflect the pupil demographics in their communities. The model curriculum shall include examples of courses offered by local educational agencies that have been approved as meeting the A–G admissions requirements of the University of California and the California State University, including, to the extent possible, course outlines for those courses.

(c) On or before December 31, 2020, the Instructional Quality Commission shall submit the model curriculum to the state board for adoption, and the state board shall adopt the model curriculum on or before March 31, 2021.

(d) The Instructional Quality Commission shall provide a minimum of 45 days for public comment before submitting the model curriculum to the state board.

(e) It is the intent of the Legislature that local educational agencies submit course outlines for ethnic studies for approval as A–G courses.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.