

Frequently Asked Questions: Senate Bill 48

Frequently Asked Questions related to the implementation of Senate Bill 48 (Chapter 81 of the Statutes of 2011).

1. What exactly are the changes introduced by this new legislation?

The law made several additions to the *Education Code* sections dealing with the course of study, classroom instruction, and instructional materials.

The bill added language to *Education Code* Section 51204.5, which prescribes the inclusion of the contributions of various groups in the history of California and the United States. This section already included men and women and numerous ethnic groups; the expanded language now includes (additions bolded):

“...a study of 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 economic, political, and social development of California and the United States of America, with particular emphasis on portraying the role of these groups in contemporary society.”

The legislation also added some requirements with regard to instructional materials.

Education Code Section 51501 outlines prohibitions on material included in textbooks or other instructional materials. This section already included prohibitions on matter “reflecting adversely upon persons because of their race, sex, color, creed, handicap, national origin, or ancestry”; this bill added “sexual orientation” to the list. *Education Code* Section 60044 includes a similar prohibition; the language was added there as well, along with a prohibition on materials that contain materials that reflect adversely on persons on the basis of their occupation.

Education Code Section 60040 directs governing boards to only adopt instructional materials that “accurately portray the cultural and racial diversity of our society.” That section already included a number of groups, and was amended to include all of those in Section 51204.5 as listed above. Finally, the legislation provides a reminder to charter and alternative schools that they are also prohibited in engaging in discrimination per Section 235 of the *Education Code*.

2. Does the law prohibit discrimination based on sexual orientation?

Discrimination based on sexual orientation was already prohibited by *Education Code* Section 220 before Senate Bill 48 was passed. Districts are obligated to protect students from discriminatory harassment; see the [CDE Duty to Protect Students](#) Web page for more information. Senate Bill 48 emphasized that protection by reiterating in *Education Code* Section 51500 the ban on classroom instruction or other school activities that promote discrimination based on sexual orientation.

3. When does the law take effect?

The law takes effect on January 1, 2012.

4. What new instruction is required to be taught by this law? At which grade levels does this content have to be taught?

Instruction in history–social science should include the contributions of those groups listed above in *Education Code* Section 51204.5, but it is up to local districts to determine how the instructional content is included. That section applies to the course of study in grades one through twelve, but again it falls to the teacher and the local school and district administration to determine how the content is covered and at which grade level(s).

There are, of course, many places in the existing history–social science curriculum where the contributions of the groups covered in Section 51204.5 can be addressed. In the *History–Social Science Content Standards for California Public Schools*, Kindergarten through Grade Twelve, possible relevant areas include the California history standards in grade four, the United States history and geography standards in grade eleven, and the Principles of American Democracy standards in grade twelve.

5. Does this law change the California history–social science standards?

This law does not change the standards, nor does it include any authority for the State Board of Education (SBE) to change the standards to reflect the law's provisions. However, the content required by the law is not in conflict with the standards. The California content standards provide a description of what students are expected to know and be able to do at each grade level, but they are not intended to be a restrictive or exhaustive list of topics.

6. When can we expect textbooks that include the content required by the legislation?

Currently all SBE adoptions of kindergarten through grade eight instructional materials are suspended through July 1, 2015. A new adoption of history–social science instructional materials could only be initiated after that date.

Instructional materials for high schools are adopted at the local level by the governing board of a school district or other educational agency. The schedule for new adoptions is set by the local agency.

Districts may adopt supplemental instructional materials at any time, as long as those materials have undergone a review for social content (*Education Code* sections 60040–60045 and 60048). The CDE conducts social content reviews on an ongoing basis but a local agency may conduct that review itself at its discretion. More information about social content requirements can be found on the [CDE's Curriculum Frameworks and Instructional Materials](#) Web page.

7. How should school districts address questions and concerns from parents and other members of the community about this legislation?

As with any other district policy, school districts should be open and transparent in determining policies with regard to the implementation of this and any legislation. As noted in the answers above, the law provides a great deal of flexibility on how it is implemented. *Education Code* Section 35145.5 requires that local governing boards include opportunities for public participation in their regular meetings, subject to local regulations, to ensure the proper functioning of those meetings.

Education Code sections 51100–51102 outline the rights of parents and guardians to information, and support collaboration between parents and districts in the advancement of student educational goals. Those rights include the right to examine curriculum materials of classes in which their children are enrolled, and the right to meet with their child's teacher and/or principal.

Education Code Section 60002 states that, "Each district board shall provide for substantial teacher involvement in the selection of instructional materials and shall promote the involvement of parents and other members of the community in the selection of instructional materials."

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