

AMENDED IN SENATE MARCH 29, 2011

SENATE BILL

No. 48

Introduced by Senator Leno

(Principal coauthor: Senator Kehoe)

(Principal coauthors: Assembly Members Ammiano, Atkins, Gordon,
and Lara)

**(Coauthors: Senators *Alquist, Hancock, Pavley, Lowenthal, Pavley,*
Price, and Yee)**

(Coauthors: Assembly Members Allen, Blumenfield, Fong, Galgiani,
Hayashi, Huffman, *Bonnie Lowenthal*, Mendoza, Portantino, and
Yamada)

December 13, 2010

An act to amend Sections 51204.5, 51500, 51501, 60040, and 60044
of the Education Code, relating to instruction.

LEGISLATIVE COUNSEL'S DIGEST

SB 48, as amended, Leno. Instruction: prohibition of discriminatory
content.

Existing law requires instruction in social sciences to include a study
of the role and contributions of both men and women to the development
of California and the United States.

This bill would require instruction in social sciences to also include
a study of the role and contributions of Native Americans, African
Americans, Mexican Americans, Asian Americans, Pacific Islanders,
European Americans, lesbian, gay, bisexual, and transgender Americans,
persons with disabilities, and other ethnic and cultural groups, to the
development of California and the United States.

Existing law prohibits instruction or school sponsored activities that
reflect adversely upon persons because of their race, sex, color, creed,

handicap, national origin, or ancestry. Existing law prohibits the State Board of Education and the governing board of any school district from adopting textbooks or other instructional materials that contain any matter that reflects adversely upon persons because of their race, sex, color, creed, handicap, national origin, or ancestry.

This bill would revise the list of characteristics included in these provisions ~~to include~~ *by referring to* race or ethnicity, gender, religion, disability, nationality, and sexual orientation, or other characteristic listed as specified.

Existing law prohibits a governing board from adopting instructional materials that contain any matter reflecting adversely upon persons because of their race, color, creed, national origin, ancestry, sex, handicap, or occupation, or that contain any sectarian or denominational doctrine or propaganda contrary to law.

This bill would revise the list of characteristics included in this provision to include race or ethnicity, gender, religion, disability, nationality, ~~and~~ sexual orientation, *and occupation*, or other characteristic listed as specified.

Existing law requires that when adopting instructional materials for use in the schools, governing boards shall include materials that accurately portray the role and contribution of culturally and racially diverse groups including Native Americans, African Americans, Mexican Americans, Asian Americans, and European Americans to the total development of California and the United States.

This bill would revise the list of culturally and racially diverse groups to also include Pacific Islanders, lesbian, gay, bisexual, and transgender Americans, *persons with disabilities*, and other ethnic and cultural groups.

Existing law provides that there shall be no discrimination on the basis of specified characteristics in any operation of alternative schools or charter schools.

This bill would state the intent of the Legislature that alternative and charter schools take notice of the provisions of this bill in light of provisions of existing law that prohibit discrimination in any aspect of their operation.

This bill also would make other technical, nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Section 51204.5 of the Education Code is
2 amended to read:

3 51204.5. Instruction in social sciences shall include the early
4 history of California and a study of the role and contributions of
5 both men and women, Native Americans, African Americans,
6 *Mexican Americans*, Asian Americans, Pacific Islanders, European
7 Americans, lesbian, gay, bisexual, and transgender Americans,
8 *persons with disabilities*, and members of other ethnic and cultural
9 groups, to the economic, political, and social development of
10 California and the United States of America, with particular
11 emphasis on portraying the role of these groups in contemporary
12 society.

13 SEC. 2. Section 51500 of the Education Code is amended to
14 read:

15 51500. A teacher shall not give instruction and a school district
16 shall not sponsor any activity that ~~reflects adversely upon persons~~
17 *promotes a discriminatory bias* on the basis of race or ethnicity,
18 gender, religion, disability, nationality, sexual orientation, or
19 because of a characteristic listed in Section 220.

20 SEC. 3. Section 51501 of the Education Code is amended to
21 read:

22 51501. The state board ~~or~~ *and* any governing board shall not
23 adopt any ~~textbook~~ *textbooks* or other instructional materials for
24 use in the public schools that ~~contains~~ *contain* any matter reflecting
25 adversely upon persons on the basis of race or ethnicity, gender,
26 religion, disability, nationality, sexual orientation, or because of
27 a characteristic listed in Section 220.

28 SEC. 4. Section 60040 of the Education Code is amended to
29 read:

30 60040. When adopting instructional materials for use in the
31 schools, governing boards shall include only instructional materials
32 which, in their determination, accurately portray the cultural and
33 racial diversity of our society, including:

34 (a) The contributions of both men and women in all types of
35 roles, including professional, vocational, and executive roles.

36 (b) The role and contributions of Native Americans, African
37 Americans, Mexican Americans, Asian Americans, Pacific
38 Islanders, European Americans, lesbian, gay, bisexual, and

1 transgender Americans, *persons with disabilities*, and members of
2 other ethnic and cultural groups to the total development of
3 California and the United States.

4 (c) The role and contributions of the entrepreneur and labor in
5 the total development of California and the United States.

6 SEC. 5. Section 60044 of the Education Code is amended to
7 read:

8 60044. A governing board shall not adopt any instructional
9 materials for use in the schools that, in its determination, ~~contains~~
10 *contain*:

11 (a) Any matter reflecting adversely upon persons on the basis
12 of race or ethnicity, gender, religion, disability, nationality, sexual
13 orientation, *occupation*, or because of a characteristic listed in
14 Section 220.

15 (b) Any sectarian or denominational doctrine or propaganda
16 contrary to law.

17 SEC. 6. It is the intent of the Legislature that alternative and
18 charter schools take notice of the provisions of this act in light of
19 Section 235 of the Education Code, which prohibits discrimination
20 on the basis of disability, gender, nationality, race or ethnicity,
21 religion, sexual orientation, or other specified characteristics in
22 any aspect of the operation of alternative and charter schools.