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SB-895 Pupil instruction: model curricula: Vietnamese American refugee experience, the Cambodian genocide, and Hmong history and cultural studies. (2017-2018)

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Senate Bill No. 895

CHAPTER 686

An act to add Sections 33540.2, 33540.4, and 33540.6 to the Education Code, relating to pupil instruction.

[Approved by Governor September 22, 2018. Filed with Secretary of State September 22, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 895, Nguyen. Pupil instruction: model curricula: Vietnamese American refugee experience, the Cambodian genocide, and Hmong history and cultural studies.

Existing law requires the adopted course of study for grades 1 to 12, inclusive, to include, among other subjects, the social sciences. Existing law encourages instruction in the area of social sciences for grades 7 to 12, inclusive, that may include instruction on the Vietnam War, including a component drawn from personal testimony of Southeast Asians who were involved in the Vietnam War and men and women who contributed to the war effort on the homefront, as specified. Existing law requires the State Board of Education, with the assistance of the Superintendent of Public Instruction, to establish a list of textbooks and other instructional materials that highlight the contributions of minorities in the development of California and the United States. Existing law establishes the Instructional Quality Commission and requires the commission to, among other things, recommend curriculum frameworks to the state board.

This bill would require the commission to develop and submit to the state board, on or before December 31, 2022, and the state board to adopt, modify, or revise, on or before March 31, 2023, a model curriculum relative to the Vietnamese American refugee experience and a model curriculum relative to the Cambodian genocide, as specified, for use in elementary schools, middle schools, and high schools. The bill would encourage a school district, charter school, or county office of education that maintains kindergarten or any of grades 1 to 12, inclusive, that does not otherwise offer a standards-based curriculum relative to the Vietnamese American refugee experience, Vietnamese boat people, and the Republic of Vietnam Armed Forces, or that does not otherwise offer a standards-based curriculum relative to the Cambodian genocide, to offer a course of study based on the respective model curriculum. The bill would require the model curricula to be developed with participation from specified entities and individuals. The bill would provide that implementation of its provisions is subject to the receipt of grants, donations, or other financial support from private or public sources for its purposes, including, but not limited to, an appropriation in the annual Budget Act or another statute.

The bill would require the commission to develop a model curriculum in Hmong history and cultural studies, as provided. The bill would require the commission, on or before December 31, 2022, to submit the model curriculum to the state board for adoption, and would require the state board to adopt, modify, or reject the model curriculum on or before March 31, 2023. The bill would require the Superintendent, following the adoption of the model curriculum, to post the model curriculum on the State Department of Education's Internet Web site for use on a voluntary basis by educators. The bill, beginning in the school year following the adoption of the model curriculum, would encourage local educational agencies, as defined, to use the model curriculum to provide instruction in kindergarten and grades 1 to 12, inclusive. The bill would provide that implementation of its provisions is

subject to the receipt of grants, donations, or other financial support from private or public sources for its purposes, including, but not limited to, an appropriation in the annual Budget Act or another statute.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

- (a) The State of California is committed to providing excellent educational opportunities to all of its pupils.
- (b) There are 92 languages other than English spoken throughout the state, with the primary languages being Arabic, Armenian, Cantonese, Korean, Russian, Spanish, Tagalog, and Vietnamese.
- (c) There is a growing body of academic research that shows the importance of culturally meaningful and relevant curriculum.
- (d) The state's educational standards should be guided by core values of equity, inclusiveness, and universally high expectations.
- (e) The state is committed to its obligation to ensure its youth are college prepared and career ready, while graduating 100 percent of its pupils.
- (f) The implementation of various culturally relevant courses within California's curriculum that are A–G approved, with the objective of preparing all pupils to be global citizens with an appreciation for the contributions of multiple cultures, will close the achievement gap, reduce pupil truancy, increase pupil enrollment, reduce dropout rates, and increase graduation rates.
- (g) For the past 40 years, Vietnamese American refugees have enriched the social, cultural, and economic landscape of California and have achieved success in many professional fields, including business, politics, law, science, education, literature, journalism, sports, and entertainment.
- (h) The state encourages the participation of pupils, community members, and members of California Vietnamese American communities in the development of a model curriculum that recognizes the importance of survivors, rescuers, and liberators of the Vietnam War, including Vietnamese American refugees, Vietnamese boat people, and members of the Republic of Vietnam Armed Forces.
- (i) The state currently encourages the incorporation of survivor, rescuer, liberator, and witness oral testimony into the teaching of human rights, the Holocaust, and genocide, including the Armenian, Cambodian, Darfur, and Rwandan genocides.
- (j) Currently, the instructional resources available for use in California public schools do not include sufficient oral testimony from survivors, rescuers, and liberators of the Vietnam War, including Vietnamese American refugees, Vietnamese boat people, and members of the Republic of Vietnam Armed Forces in the United States and especially in California.
- (k) The state acknowledges the need to elevate tragic personal stories like those of the Vietnamese boat people who, after the fall of Saigon in 1975, risked their lives escaping communism only to spend weeks or months at sea battling storms, diseases, starvation, and pirates.
- (l) The state acknowledges the importance of the history and experience of the more than 250,000 members of the Republic of Vietnam Armed Forces who were sent to reeducation camps after the fall of Saigon, where many spent up to 17 years in captivity and more than 20,000 died before they were released.
- (m) The state acknowledges that oral histories can help pupils better relate to and understand different perspectives in curriculum by providing first-person accounts from individuals who have experienced some of the most tragic times in international history, helping the subject become more than statistics on a page.
- (n) The County of Orange, along with the City of San Jose, are home to the largest Vietnamese populations outside of Vietnam.
- (o) It is in the best interest of all people and the future of this state to ensure that each school district, charter school, and county office of education has access to a model curriculum and culturally accurate instructional materials relative to the Vietnamese American refugee experience, including the experiences of the Vietnamese boat people and the members of the Republic of Vietnam Armed Forces.

SEC. 2. Section 33540.2 is added to the Education Code, to read:

33540.2. (a) On or before December 31, 2022, the commission shall develop and submit to the state board a model curriculum relative to the Vietnamese American refugee experience that includes, but is not limited to, curriculum on the fall of Saigon in

1975. On or before March 31, 2023, the state board shall adopt, modify, or revise the model curriculum. The commission shall provide a minimum of 45 days for public comment before submitting the model curriculum to the state board.

(b) The model curriculum shall be developed with participation from Vietnamese American cultural centers and community groups located in California, survivors, rescuers, and liberators of the Vietnam War, Vietnamese American refugees, and a group of representatives of local educational agencies, a majority of which are kindergarten and grades 1 to 12, inclusive, teachers who have relevant experience or educational backgrounds in the study and teaching of Vietnamese American history.

(c) (1) The model curriculum shall include the incorporation of writings and other media that represent all perspectives of the Vietnamese refugee experience, including oral testimony by survivors, rescuers, and liberators of the Vietnam War, including Vietnamese American refugees, Vietnamese boat people, and members of the Republic of Vietnam Armed Forces, to ensure quality standards and materials for this area of study.

(2) For purposes of this subdivision, "oral testimony" means the firsthand accounts of significant historical events presented in a format that includes, but is not limited to, in-person testimony, video, or a multimedia option, such as a DVD or an online video.

(d) The model curriculum shall include discussion of the Vietnamese boat people and members of the Republic of Vietnam Armed Forces, the reasons behind the exodus, the hardships faced by the Vietnamese people attempting to flee who were apprehended by the communist government, and the conditions that led to the resettlement of Vietnamese people in the United States.

(e) The model curriculum shall include curriculum appropriate for use in elementary schools, middle schools, and high schools.

(f) The model curriculum shall be written as a guide to allow school districts, charter schools, and county offices of education to adapt their related courses to best meet the educational needs of their communities. The model curriculum developed for use in high schools 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.

(g) Beginning in the school year following the adoption of the model curriculum pursuant to subdivision (a), each school district, charter school, or county office of education maintaining kindergarten or any of grades 1 to 12, inclusive, that does not otherwise offer standards-based curriculum relative to the Vietnamese American refugee experience, Vietnamese boat people, and the Republic of Vietnam Armed Forces, is encouraged to offer to pupils a course of study relative to the Vietnamese American refugee experience based on the model curriculum. A school district, charter school, or county office of education that serves pupils in any of grades 7 to 12, inclusive, that elects to offer a course of study in the Vietnamese American refugee experience pursuant to this subdivision, shall offer the course as an elective in the social sciences or world history and shall make the course available in at least one year during a pupil's enrollment in grades 7 to 12, inclusive.

(h) It is the intent of the Legislature that local educational agencies that maintain high schools submit course outlines for studies relative to the Vietnamese American refugee experience for approval as A–G courses.

(i) The implementation of this section is subject to the receipt of grants, donations, or other financial support from private or public sources for its purposes, including, but not limited to, an appropriation in the annual Budget Act or another statute.

SEC. 3. Section 33540.4 is added to the Education Code, to read:

33540.4. (a) On or before December 31, 2022, the commission shall develop and submit to the state board a model curriculum relative to the Cambodian genocide. On or before March 31, 2023, the state board shall adopt, modify, or revise the model curriculum. The commission shall provide a minimum of 45 days for public comment before submitting the model curriculum to the state board.

(b) The model curriculum shall be developed with participation from survivors of the Cambodian genocide and a group of representatives of local educational agencies, a majority of which are kindergarten and grades 1 to 12, inclusive, teachers who have relevant experience or educational backgrounds in the study and teaching of the Cambodian genocide.

(c) (1) The model curriculum shall include the incorporation of writings or other media that represent all perspectives of the Cambodian genocide, including oral testimony by survivors, to ensure quality standards and materials for this area of study.

(2) For purposes of this subdivision, "oral testimony" means the firsthand accounts of significant historical events presented in a format that includes, but is not limited to, in-person testimony, video, or a multimedia option, such as a DVD or an online video.

(d) The model curriculum shall include curriculum appropriate for use in elementary schools, middle schools, and high schools.

(e) The model curriculum shall be written as a guide to allow school districts, charter schools, and county offices of education to adapt their related courses to best meet the educational needs of their communities. The model curriculum developed for use in high schools 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.

(f) Beginning in the school year following the adoption of the model curriculum pursuant to subdivision (a), each school district, charter school, or county office of education maintaining kindergarten or any of grades 1 to 12, inclusive, that does not otherwise offer standards-based curriculum relative to the Cambodian genocide, is encouraged to offer to pupils a course of study relative to the Cambodian genocide based on the model curriculum. A school district, charter school, or county office of education that serves pupils in any of grades 7 to 12, inclusive, that elects to offer a course of study in the Cambodian genocide pursuant to this subdivision, shall offer the course as an elective in the social sciences or world history and shall make the course available in at least one year during a pupil's enrollment in grades 7 to 12, inclusive.

(g) It is the intent of the Legislature that local educational agencies that maintain high schools submit course outlines for studies relative to the Cambodian genocide for approval as A–G courses.

(h) The implementation of this section is subject to the receipt of grants, donations, or other financial support from private or public sources for its purposes, including, but not limited to, an appropriation in the annual Budget Act or another statute.

SEC. 4. Section 33540.6 is added to the Education Code, to read:

33540.6. (a) The commission shall develop, and the state board shall adopt, modify, or reject, a model curriculum in Hmong history and cultural studies. The model curriculum shall be developed with participation from representatives of Hmong advocacy, community, social, and cultural organizations; faculty of Hmong studies programs at universities and colleges; and local educational agencies. A majority of the individuals with whom the commission consults shall be teachers of kindergarten or grades 1 to 12, inclusive, who have relevant experiences or educational backgrounds in the study and teaching of Hmong studies. The model curriculum shall identify the ways in which the model curriculum aligns with, and is supportive of, the common core academic content standards and of the goals of the curriculum framework in history-social science adopted by the state board in 2016.

(b) 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) The model curriculum shall address, but shall not necessarily be limited to, all of the following:

(1) The history of the Hmong people who lived in Laos, Thailand, Vietnam, and China.

(2) The history of the Hmong migration to the United States and California, as well as other parts of the world.

(3) Cultural beliefs, practices, and traditions of the Hmong people, including, among other things, Hmong New Year celebrations, marriages, newborns, and funerals.

(4) Contributions of the Hmong people to California and the United States.

(5) The contributions and sacrifices of the Lao-Hmong and other Southeast Asians who served in the “Secret Army” in Laos, which was funded by the United States Central Intelligence Agency.

(d) The commission shall hold a minimum of two public hearings in order for the public to provide input on the model curriculum. The public hearings required by this subdivision shall be held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(e) The commission shall provide a minimum of 45 days for public comment before submitting the model curriculum to the state board.

(f) On or before December 31, 2022, the commission shall submit the model curriculum to the state board for adoption, and the state board shall adopt, modify, or reject the model curriculum on or before March 31, 2023.

(g) If the state board modifies the model curriculum submitted by the commission, the state board shall explain, in writing, the reasons for the modifications to the Governor and the appropriate policy and fiscal committees of the Legislature.

(h) If the state board modifies the model curriculum, the state board shall, in a meeting conducted pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code), provide written reasons for its modifications. The state board shall not adopt the model curriculum at the same meeting at which it provides its written reasons, but, instead, shall adopt these modifications at a subsequent meeting conducted no later than July 31, 2023.

(i) If the state board rejects the model curriculum, the state board shall transmit to the Superintendent, the Governor, and the appropriate policy and fiscal committees of the Legislature a specific written explanation of the reasons for the rejection of the model curriculum.

(j) Following the adoption of the model curriculum, the Superintendent shall post the model curriculum on the department's Internet Web site for use on a voluntary basis by educators.

(k) Beginning in the school year following the adoption of the model curriculum, local educational agencies are encouraged to use the model curriculum to provide instruction in kindergarten and grades 1 to 12, inclusive.

(l) Beginning in the school year following the adoption of the model curriculum, each local educational agency maintaining any of grades 9 to 12, inclusive, that does not otherwise offer a standards-based Hmong studies curriculum is encouraged to offer to all otherwise qualified pupils a course of study in Hmong studies based on the model curriculum.

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

(n) For purposes of this section, "local educational agency" means a school district, county office of education, or charter school.

(o) The implementation of this section is subject to the receipt of grants, donations, or other financial support from private or public sources for its purposes, including, but not limited to, an appropriation in the annual Budget Act or another statute.