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AB-1805 Instructional materials: history-social science: Mendez v. Westminster School District of Orange County. (2023-2024)

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Assembly Bill No. 1805

CHAPTER 302

An act to amend Section 51226.3 of the Education Code, relating to pupil instruction.

[Approved by Governor September 20, 2024. Filed with Secretary of State September 20, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1805, Ta. Instructional materials: history-social science: Mendez v. Westminster School District of Orange County.

Existing law requires the State Board of Education to adopt at least 5 basic instructional materials in specified subject areas, including, among others, social science, for use in kindergarten and grades 1 to 8, inclusive, as specified. Existing law establishes the Instructional Quality Commission, as specified, and requires the commission to, among other things, develop criteria for evaluating instructional materials.

This bill would require the commission, when the state board adopts new instructional materials for history-social science on or after January 1, 2025, to consider providing for inclusion, in its evaluation criteria, content on the case of Mendez v. Westminster School District of Orange County.

This bill would incorporate additional changes to Section 51226.3 of the Education Code proposed by AB 1821 to be operative only if this bill and AB 1821 are enacted and this bill is enacted last.

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) In 1943, the children of Gonzalo and Felicitas Mendez were denied entry into the Seventeenth Street School in the City of Westminster, California, because they were Mexican American. As a result, the Mendez family in March 1945 joined four other Latino families and sued four school districts in the County of Orange on behalf of their children and 5,000 other children. The Mendez family earned a living as tenant farmers and was able to bring the lawsuit forward with the help of civil rights attorney David Marcus.

(b) The lawsuit, Mendez v. Westminster School District of Orange County (64 F. Supp. 544 (S.D. Cal. 1946)), aff'd, Westminster School District of Orange County v. Mendez (161 F. 2d 774 (9th Cir. 1947)), argued that the school districts denied the children equal protection under the law and due process of law under the Fourteenth Amendment to the United States Constitution. Eventually, amicus curiae briefs were filed by the American Jewish Congress, the American Civil Liberties Union, the National Lawyers Guild, the Japanese American Citizens League, and the National Association for the Advancement of Colored People.

The success of the lawsuit led to legislation in California that repealed laws mandating segregation and set legal and strategic precedent for other cases striving to end educational segregation, including the national landmark case of *Brown v. Board of Education*.

(c) As a result of the Mendez case, the Legislature and Governor Earl Warren in 1947 repealed the last school segregation statutes in California, making California the first state to end school segregation. The case is an integral part of the history and culture of the County of Orange and the City of Westminster, and is honored by the city at the Mendez Historic Freedom Trail and Monument. The Mendez case represents the beginning of the end of legal school segregation and signifies the important role of California in the civil rights movement, a role that should be both preserved and remembered.

SEC. 2. Section 51226.3 of the Education Code is amended to read:

51226.3. (a) (1) The department shall incorporate into publications that provide examples of curriculum resources for teacher use those materials developed by publishers of nonfiction, trade books, and primary sources, or other public or private organizations, that are age appropriate and consistent with the subject frameworks on history and social science that deal with civil rights, human rights violations, genocide, slavery, and the Holocaust.

(2) The Legislature encourages the department to incorporate into publications that provide examples of curriculum resources for teacher use those materials developed by publishers of nonfiction, trade books, and primary sources, or other public or private organizations, that are age appropriate and consistent with the subject frameworks on history and social science that deal with the Armenian, Cambodian, Darfur, and Rwandan genocides.

(b) (1) The Legislature encourages the incorporation of survivor, rescuer, liberator, and witness oral testimony into the teaching of human rights, the Holocaust, and genocide, including, but not limited to, the Armenian, Cambodian, Darfur, and Rwandan genocides.

(2) As used in 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.

(c) The Legislature encourages all state and local professional development activities to provide teachers with content background and resources to assist them in teaching about civil rights, human rights violations, genocide, slavery, the Armenian Genocide, and the Holocaust.

(d) The Legislature encourages all state and local professional development activities to provide teachers with content background and resources to assist them in teaching about the Great Irish Famine of 1845–50.

(e) The Great Irish Famine of 1845–50 shall be considered in the next cycle in which the history-social science curriculum framework and its accompanying instructional materials are adopted.

(f) (1) The Legislature encourages all state and local professional development activities to provide teachers with content background and resources to assist them in teaching about the Chinese Exclusion Act of 1882 and the contributions of Chinese Americans to the establishment of the transcontinental railroad.

(2) When the state board revises and adopts the curriculum framework for history-social science on or after January 1, 2017, the state board shall consider providing for the inclusion, in that curriculum framework, evaluation criteria, and accompanying instructional materials, of instruction on the Chinese Exclusion Act of 1882 and the contributions of Chinese Americans to the establishment of the transcontinental railroad.

(g) When the history-social science curriculum framework is revised as required by law, the Instructional Quality Commission shall consider including the Armenian, Cambodian, Darfur, and Rwandan genocides in the recommended history-social science curriculum framework.

(h) The Model Curriculum for Human Rights and Genocide adopted by the state board, pursuant to Section 51226, shall be made available to schools in grades 7 to 12, inclusive, as soon as funding is available for this purpose. In addition, the department shall make the curriculum available on its internet website.

(i) For purposes of this article, "Armenian Genocide" means the torture, starvation, and murder of 1,500,000 Armenians, which included death marches into the Syrian Desert, by the rulers of the Ottoman Turkish Empire and the exile of more than 500,000 innocent people during the period from 1915 to 1923, inclusive.

(j) When the state board revises and adopts the curriculum framework for history-social science on or after January 1, 2016, the state board shall consider providing for the inclusion, in that curriculum framework, evaluation criteria, and accompanying instructional materials, of instruction on the unconstitutional deportation to Mexico during the Great Depression of citizens and lawful permanent residents of the United States.

(k) As used in subdivisions (b) and (c), “human rights” and “human rights violations” include the unconstitutional deportation to Mexico during the Great Depression of citizens and lawful permanent residents of the United States.

(l) When the history-social science curriculum framework is next revised on or after January 1, 2024, the Instructional Quality Commission shall consider providing for inclusion, in that curriculum framework, related evaluation criteria, and accompanying instructional materials, of instruction on both of the following:

(1) The historical, social, economic, and political contributions of Asian Americans, Native Hawaiians, and Pacific Islanders in the United States.

(2) Examples of racism, discrimination, and violence perpetrated against Asian Americans, Native Hawaiians, and Pacific Islanders in the United States, including, but not limited to, hate crimes committed during the COVID-19 pandemic.

(m) When the state board adopts new instructional materials for history-social science on or after January 1, 2025, the Instructional Quality Commission shall consider providing for inclusion, in its evaluation criteria, content on the case of *Mendez v. Westminster School District of Orange County* (64 F. Supp. 544 (S.D. Cal. 1946)), *aff’d*, *Westminster School District of Orange County v. Mendez* (161 F. 2d 774 (9th Cir. 1947)).

SEC. 2.5. Section 51226.3 of the Education Code is amended to read:

51226.3. (a) (1) The department shall incorporate into publications that provide examples of curriculum resources for teacher use those materials developed by publishers of nonfiction, trade books, and primary sources, or other public or private organizations, that are age appropriate and consistent with the subject frameworks on history and social science that deal with civil rights, human rights violations, genocide, slavery, and the Holocaust.

(2) The Legislature encourages the department to incorporate into publications that provide examples of curriculum resources for teacher use those materials developed by publishers of nonfiction, trade books, and primary sources, or other public or private organizations, that are age appropriate and consistent with the subject frameworks on history and social science that deal with the Armenian, Cambodian, Darfur, and Rwandan genocides.

(b) (1) The Legislature encourages the incorporation of survivor, rescuer, liberator, and witness oral testimony into the teaching of human rights, the Holocaust, and genocide, including, but not limited to, the Armenian, Cambodian, Darfur, and Rwandan genocides.

(2) As used in 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.

(c) The Legislature encourages all state and local professional development activities to provide teachers with content background and resources to assist them in teaching about civil rights, human rights violations, genocide, slavery, the Armenian Genocide, and the Holocaust.

(d) The Legislature encourages all state and local professional development activities to provide teachers with content background and resources to assist them in teaching about the Great Irish Famine of 1845–50.

(e) The Great Irish Famine of 1845–50 shall be considered in the next cycle in which the history-social science curriculum framework and its accompanying instructional materials are adopted.

(f) (1) The Legislature encourages all state and local professional development activities to provide teachers with content background and resources to assist them in teaching about the Chinese Exclusion Act of 1882 and the contributions of Chinese Americans to the establishment of the transcontinental railroad.

(2) When the state board revises and adopts the curriculum framework for history-social science on or after January 1, 2017, the state board shall consider providing for the inclusion, in that curriculum framework, evaluation criteria, and accompanying instructional materials, of instruction on the Chinese Exclusion Act of 1882 and the contributions of Chinese Americans to the establishment of the transcontinental railroad.

(g) When the history-social science curriculum framework is revised as required by law, the Instructional Quality Commission shall consider including the Armenian, Cambodian, Darfur, and Rwandan genocides in the recommended history-social science curriculum framework.

(h) The Model Curriculum for Human Rights and Genocide adopted by the state board, pursuant to Section 51226, shall be made available to schools in grades 7 to 12, inclusive, as soon as funding is available for this purpose. In addition, the department shall make the curriculum available on its internet website.

(i) For purposes of this article, "Armenian Genocide" means the torture, starvation, and murder of 1,500,000 Armenians, which included death marches into the Syrian Desert, by the rulers of the Ottoman Turkish Empire and the exile of more than 500,000 innocent people during the period from 1915 to 1923, inclusive.

(j) When the state board revises and adopts the curriculum framework for history-social science on or after January 1, 2016, the state board shall consider providing for the inclusion, in that curriculum framework, evaluation criteria, and accompanying instructional materials, of instruction on the unconstitutional deportation to Mexico during the Great Depression of citizens and lawful permanent residents of the United States.

(k) As used in subdivisions (b) and (c), "human rights" and "human rights violations" include the unconstitutional deportation to Mexico during the Great Depression of citizens and lawful permanent residents of the United States.

(l) When the history-social science curriculum framework is next revised on or after January 1, 2024, the Instructional Quality Commission shall consider providing for inclusion, in that curriculum framework, related evaluation criteria, and accompanying instructional materials, of instruction on both of the following:

(1) The historical, social, economic, and political contributions of Asian Americans, Native Hawaiians, and Pacific Islanders in the United States.

(2) Examples of racism, discrimination, and violence perpetrated against Asian Americans, Native Hawaiians, and Pacific Islanders in the United States, including, but not limited to, hate crimes committed during the COVID-19 pandemic.

(m) When the state board adopts new instructional materials for history-social science on or after January 1, 2025, the Instructional Quality Commission shall consider providing for inclusion, in its evaluation criteria, content on the case of *Mendez v. Westminster School District of Orange County* (64 F. Supp. 544 (S.D. Cal. 1946)), *aff'd*, *Westminster School District of Orange County v. Mendez* (161 F. 2d 774 (9th Cir. 1947)).

(n) When the state board next revises the history-social science curriculum framework or adopts new instructional materials, after January 1, 2025, the Instructional Quality Commission shall consider, in consultation with California tribes, including in that curriculum framework or including in its evaluation criteria for instructional materials, content on the treatment and perspectives of Native Americans during the periods of the Spanish colonization of California and the Gold Rush Era.

SEC. 3. Section 2.5 of this bill incorporates amendments to Section 51226.3 of the Education Code proposed by both this bill and Assembly Bill 1821. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2025, (2) each bill amends Section 51226.3 of the Education Code, and (3) this bill is enacted after Assembly Bill 1821, in which case Section 2 of this bill shall not become operative.