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SB-1412 Instructional Quality Commission: qualifications: prohibited communications. (2023-2024)

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CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

SENATE BILL

NO. 1412

Introduced by Senator Ochoa Bogh

February 16, 2024

An act to amend Section 33530 of, and to add Section 33530.5 to, the Education Code, relating to curriculum.

LEGISLATIVE COUNSEL'S DIGEST

SB 1412, Ochoa Bogh. Instructional Quality Commission: qualifications: prohibited communications.

Existing law establishes the Instructional Quality Commission and requires the commission to, among other things, recommend curriculum frameworks and instructional materials to the State Board of Education for adoption. Existing law requires the membership of the commission to consist of one Member of the Assembly and one public member appointed by the Speaker of the Assembly, one Member of the Senate and one public member appointed by the Senate Committee on Rules, one public member appointed by the Governor, and 13 public members appointed by the state board upon the recommendation of the Superintendent of Public Instruction or the members of the state board, and prescribes their qualifications. Existing regulations of the state board prohibit certain communications between publishers, and their representatives, and members of the commission and certain people involved in the instructional material adoption process, as provided.

This bill would prohibit curriculum vendors, as defined, from being eligible for appointment to a curriculum framework and evaluation criteria committee of the commission or being selected to serve as a member of the writing team, as defined. The bill would prohibit communications between (1) curriculum vendors and (2) members of the commission or the writing team, during their tenure, except as specifically authorized. If there is a prohibited communication, the bill would authorize the state board to take corrective action, including disqualification from further participation in the adoption at issue.

This bill would incorporate additional changes to Section 33530 of the Education Code proposed by SB 1411 to be operative only if this bill and SB 1411 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. It is the intent of the Legislature in adding Section 33530.5 to the Education Code, to codify and expand the prohibitions in Section 9514 of Title 5 of the California Code of Regulations.

SEC. 2. Section 33530 of the Education Code is amended to read:

33530. (a) There is in the state government the Instructional Quality Commission consisting of one Member of the Assembly appointed by the Speaker of the Assembly, one Member of the Senate appointed by the Senate Committee on Rules, one public member appointed by the Speaker of the Assembly, one public member appointed by the Senate Committee on Rules, one public member appointed by the Governor, and 13 public members appointed by the state board upon the recommendation of the Superintendent or the members of the state board.

(b) So far as is practical and consistent with the duties assigned to the commission by the state board, at least 7 of the 13 public members appointed by the state board shall be persons who, because they have taught, written, or lectured on the subject matter fields specified in Section 33533, in the course of public or private employment, have become recognized authorities or experienced practitioners in those fields. The state board shall make its appointments to ensure that, at any one time, at least 7 of the 13 public members shall be current classroom teachers, or mentor teachers, or both assigned to teach kindergarten or any of grades 1 to 12, inclusive.

(c) Notwithstanding the requirement that 7 of the 13 public members shall be current classroom teachers or mentor teachers, current members of the commission who were appointed on or before December 31, 1989, shall be allowed to complete their terms.

(d) (1) It is the intent of the Legislature to encourage the state board to consider appointing a pupil to the commission, using the current appointment process.

(2) Notwithstanding Section 1020 of the Government Code, if the state board elects to appoint a pupil to the commission, the pupil shall meet both of the following criteria:

(A) The pupil has been enrolled in a California high school for a minimum of two consecutive years.

(B) The pupil is in good standing.

(e) In making the remaining appointments to the commission, and in establishing the commission's advisory task forces or committees, the state board is encouraged to consider the role of other representatives of the educational community in the development of curriculum and instructional materials, including, but not limited to, administrators, governing school board members, pupils, and parents who are reflective of the various ethnic groups and types of school districts in California.

(f) A curriculum vendor, as defined in subdivision (e) in Section 33530.5, shall not be appointed to a curriculum framework and evaluation criteria committee or be selected to serve as a member of the writing team, as defined in subdivision (e) in Section 33530.5.

SEC. 2.5. Section 33530 of the Education Code is amended to read:

33530. (a) There is in the state government the Instructional Quality Commission consisting of one Member of the Assembly appointed by the Speaker of the Assembly, one Member of the Senate appointed by the Senate Committee on Rules, one public member appointed by the Speaker of the Assembly, one public member appointed by the Senate Committee on Rules, one public member appointed by the Governor, and 13 public members appointed by the state board upon the recommendation of the Superintendent or the members of the state board.

(b) So far as is practical and consistent with the duties assigned to the commission by the state board, at least 7 of the 13 public members appointed by the state board shall be persons who, because they have taught, written, or lectured on the subject matter fields specified in Section 33533, in the course of public or private employment, have become recognized authorities or experienced practitioners in those fields. The state board shall make its appointments to ensure that, at any one time, at least 7 of the 13 public members shall be current classroom teachers, or mentor teachers, or both assigned to teach kindergarten or any of grades 1 to 12, inclusive.

(c) Notwithstanding the requirement that 7 of the 13 public members shall be current classroom teachers or mentor teachers, current members of the commission who were appointed on or before December 31, 1989, shall be allowed to complete their terms.

(d) (1) It is the intent of the Legislature to encourage the state board to consider appointing a pupil to the commission, using the current appointment process.

(2) Notwithstanding Section 1020 of the Government Code, if the state board elects to appoint a pupil to the commission, the pupil shall meet both of the following criteria:

(A) The pupil has been enrolled in a California high school for a minimum of two consecutive years.

(B) The pupil is in good standing.

(e) In making the remaining appointments to the commission, and in establishing the commission's advisory task forces or committees, the state board is encouraged to consider the role of other representatives of the educational community in the development of curriculum and instructional materials, including, but not limited to, administrators, governing school board members, pupils, and parents who are reflective of the various ethnic groups and types of school districts in California.

(f) A curriculum vendor, as defined in subdivision (e) in Section 33530.5, shall not be appointed to a curriculum framework and evaluation criteria committee or be selected to serve as a member of the writing team, as defined in subdivision (e) in Section 33530.5.

(g) When the commission revises a curriculum framework in mathematics or science, it shall ensure that the associated curriculum framework and evaluation criteria committee includes representation from higher education faculty with relevant subject matter expertise. The Intersegmental Committee of the Academic Senates may nominate two faculty from California public institutions of higher education for consideration to serve on the relevant curriculum framework and evaluation criteria committee for these purposes.

SEC. 3. Section 33530.5 is added to the Education Code, to read:

33530.5. (a) (1) A curriculum vendor shall not communicate with a member of the writing team during their tenure, and a member of the writing team, during their tenure, shall not communicate with a curriculum vendor about anything related to the evaluation or adoption of instructional materials submitted for adoption, other than when a curriculum vendor is making presentations or providing public comment in open publicly noticed meetings.

(2) If a curriculum vendor or a member of the writing team makes a prohibited communication, the state board may take corrective action, including disqualification of the curriculum vendor or a member of the writing team from further participation in the adoption at issue.

(b) (1) A curriculum vendor shall not communicate with members of the commission about anything related to the evaluation or adoption of instructional materials, other than during the times for public comment in open publicly noticed meetings or through written submissions addressed to all members of the commission in care of the executive director of the commission, between the date set forth in the schedule of significant events when instructional materials are delivered to instructional materials reviewers, content review experts, and learning resources display centers and the date when the state board takes action to adopt.

(2) If a curriculum vendor or members of the commission make a prohibited communication, the state board may take corrective action, including disqualification of the curriculum vendor and the member of the commission from further participation in the adoption at issue.

(c) Notwithstanding subdivisions (a) and (b), a member of the writing team and members of the commission may contact a curriculum vendor for technical assistance in using electronic instructional materials.

(d) Notwithstanding subdivisions (a) and (b), a curriculum vendor may communicate with the chair of the commission, or the chair's designee, or the chair of the subject matter committee, or the chair's designee, involved in the adoption during the time set forth for deliberations.

(e) For purposes of this section, the following definitions apply:

(1) "Curriculum vendor" means an individual who sells curriculum or professional development associated with a curriculum, or a representative of an entity that sells curriculum or professional development associated with a curriculum.

(2) "Writing team" means the group of individuals tasked with writing framework drafts during the process of the framework's development.

SEC. 4. Section 2.5 of this bill incorporates amendments to Section 33530 of the Education Code proposed by both this bill and Senate Bill 1411. 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 33530 of the Education Code, and (3) this bill is enacted after Senate Bill 1411, in which case Section 2 of this bill shall not become operative.