

Changes in Law 2018: Curriculum and Instruction

It was an odd year in the areas of curriculum and instruction (C&I) as the most significant policy changes were either addressed through the budget process, like Career Technical Education funding, or punted to a future legislative session, like special education funding equalization. In addition, the Governor vetoed two curriculum bills, AB 2772 (Medina) related to ethnic studies courses and SB 933 (Allen) related to visual and performing arts programs. Both bills, but in particular, AB 2772, were amended during the legislative process into more modest proposals before being vetoed. Ultimately, the most significant C&I legislation approved by Governor Brown related to course access for English learners and requiring local education agencies (LEAs) to provide students with information on postsecondary financial aid.

Modified ongoing CTE funding included in 2018-19 State Budget. AB 1743 by Assembly Member Patrick O'Donnell (D-Long Beach) would have extended funding for the Career Technical Education Incentive Grant (CTEIG) at \$500 million annually and established funding of \$12 million per year for regional assistance. AB 1743 had unanimous bipartisan support, signifying the priority placed on continuing the CTEIG program and maintaining ongoing funding. Under previous law, the CTEIG program ran through the 2017-18 school year and Governor Brown had no intent of continuing the program.

As expected, given the large funding allocation proposed in AB 1743, the conversation regarding CTE funding moved from the bill to state budget discussions. In one of his few compromises with the Legislature, Governor Brown agreed to include some ongoing funding for K-12 CTE programs and AB 1743 was put aside. The budget provided \$300 million with \$150 million allocated to the California Department of Education (CDE) for distribution through CTEIG and \$150 million provided to the California Community Colleges Chancellor's Office for distribution to K-12 programs through the Strong Workforce Program. This is a significant win for the Legislature and CTE stakeholders. K-12 CTE programs will continue to receive funding and the Legislature is expected to renew efforts to increase the ongoing funding under the next Administration. Additional detail on the allocations for CTE in the 2018-19 State Budget can be found in our section on School Finance.

Special Education funding equalization conversation delayed, expected to continue with new Administration. One of the biggest concerns consistently raised by LEAs is the growing costs of providing services to students with exceptional needs and the lack of sufficient funds to provide those services. AB 3136 by Assembly Member O'Donnell would have required special education funding rates be equalized to the 95th percentile following the full funding of the Local Control Funding Formula (LCFF). This equalization was proposed to be implemented over a five year period. The bill also proposed a new high-cost allowance to provide supplemental funding to Special Education Local Planning Areas (SELPA) for students with severe disabilities, such as autism, blindness, deafness, and serious emotional disturbances, as well as adding an estimate of preschool average daily attendance (ADA) to the AB 602 funding formula in order to provide funding for preschool students with exceptional needs.

AB 3136 became part of the state budget discussions with its estimated costs of approximately \$310 million to equalize special education funding and about \$262 million to fund special education in preschool. However, given Governor Brown's reluctance to address the issue of special education in any but the most minor of ways, the conversation died. Assembly Member O'Donnell, recognizing the likely fate of AB 3136 if it were to be sent to the Governor, decided not to move the bill forward but expectations are that similar legislation will be introduced next year with the opportunity for a more sympathetic Administration.

Ethnic studies grant program vetoed. AB 2772, by Assembly Member Jose Medina (D-Riverside) would have required every school district or charter school maintaining grades 9-12 to offer an ethnic studies course beginning in the 2021-22 school year. The bill would have established a grant program, administered by CDE, to provide funding to school districts for

the 2020-21, 2021-22 and 2022-23 school years to institute a semester- or year-long course in ethnic studies as part of a local graduation requirement in ethnic studies that is applicable to all students. Despite the efforts by Assembly Member Medina to craft a proposal the Governor would support, AB 2772 was vetoed by Governor Brown as he was “reluctant to encourage yet another graduation requirement.” We expect debate over requiring Ethnic Studies for graduation to resurface in 2019. A Newsom administration could take a page from San Francisco Unified School District, which already requires Ethnic Studies locally.

Competitive grant program for visual and performing arts denied. SB 933, by Senator Ben Allen (D–Santa Monica), would have established the Arts for Every Student Incentive Grant Program, administered by CDE and contingent upon funding provided, to encourage and maintain the delivery of high-quality visual and performing arts education programs and provide a jump start for LEAs lacking the capacity to provide access to a visual and performing arts education to every pupil. Governor Brown vetoed SB 933, stating, “Nurturing creativity is certainly one of the most important responsibilities of teachers and local schools. But under our philosophy of local control, this is a matter best handled by individuals at the school level, not at state headquarters.” The 2018-19 State Budget allocates \$44,080,000 in federal Title IV funds to LEAs through a competitive grant process with priority given to proposals for enhancing visual and performing arts education.

Core course access for English learners ensured. Given the limits of school and course schedules, English learners are often not enrolled in core academic subject courses. In some cases, English language development courses are substituted for English language arts courses. In others, English learners are placed in intervention courses which do not provide access to the full curriculum. Students can become unintentionally trapped - unable to take English language arts classes until they are reclassified but unable to be reclassified due to a lack of proficiency in English language arts. AB 2735 by Assembly Member O’Donnell ensures English learners have access to a school’s standard instructional program by prohibiting an English learner from being denied enrollment in core curriculum courses, courses required for high school graduation, or courses that either meet the subject matter requirements for college admission or are advanced classes such as honors or advanced placement courses simply based on that student’s classification as an English learner.

New grant for dual language immersion programs. The advantages of biliteracy programs for students in grades Pre-K through 12th Grade are well documented. In addition, California voters overwhelmingly approved Proposition 58 (California Education for a Global Economy Initiative) which provided LEAs with the opportunity to establish or expand existing multi-lingual programs. However, LEAs often lack the resources to do so. AB 2514, by Assembly Member Tony Thurmond (D–Richmond), addresses that need through the establishment of the Pathways to Success Grant Program, administered by CDE, which will provide grants for the creation and expansion of dual immersion programs, developmental bilingual programs for English learners, and early learning dual language learner programs.

Beginning in September 2019, CDE will award a minimum of ten one-time grants of up to \$300,000 per grant to school districts, consortia of school districts, county offices of education (COEs), bilingual teacher programs in higher education schools of education, or charter schools. Priority will be given to proposals for programs with an enrollment that consists of at least 40 percent English learners at the elementary level and at least 40 percent English learners and reclassified English proficient pupils at the middle and high school levels.

School districts must now provide information on FAFSA to students. One of the main reasons students do not continue their education in college is cost. Many students interested in pursuing higher education are often either unaware of the availability of financial aid or are unsure how to access that funding. AB 2015, by Assembly Member Eloise Gomez Reyes (D–Grand Terrace), requires school districts and charter schools, beginning with the 2020-21 school year, to ensure every student receives information on how to complete and submit the Free Application for Federal Student Aid (FAFSA) or the California Dream Act Application (CDAA), as appropriate, at least once before the student enters 12th Grade. The manner in which the information is to be disseminated is at the discretion of the LEA, however the information must include material related to the required documentation for each application, an explanation of definitions used for each application, eligibility

requirements for student financial aid, and application timelines and submission deadlines. Any related information shared by parents, guardians or students must be handled in accordance with state and federal privacy laws and regulations.

The Governor signed the following curriculum and instruction bills:

Adult Education

HR 90 (McCarty) - Relative to Adult Education Week.

Adopted by the Assembly, HR 90 proclaims the week of April 8, 2018, to April 14, 2018 as Adult Education Week.

Adopted

Career Technical Education

AB 235 (O'Donnell) - Apprenticeship and preapprenticeship.

This bill establishes the Interagency Advisory Committee on Apprenticeship within the Division of Apprenticeship Standards, and requires that committee to provide advice and guidance to the Administrator of Apprenticeship and the chief on apprenticeship programs, standards, and agreements, as well as preapprenticeship, certification, and on-the-job training and retraining programs, in nonbuilding trades industries. The bill also requires the membership of the committee to be composed of specified ex officio members of various departments and six persons appointed by the Secretary of Labor and Workforce Development who are familiar with apprenticeable occupations.

Chapter 704, Statutes of 2018

AB 2134 (Rubio) - Cosmetology students: externships.

The Barbering and Cosmetology Act authorizes a student who is enrolled at a school of cosmetology approved by the Bureau for Private Postsecondary Education in a course approved by the State Board of Barbering and Cosmetology to work as an unpaid extern in a cosmetology establishment. This bill extends this authorization to a student enrolled in a California public school, if the student provides an approved course of instruction in cosmetology.

Chapter 387, Statutes of 2018

AB 2358 (Carrillo) - Apprenticeships: discrimination: prohibition.

This bill expressly prohibits discrimination in any building and construction trades apprenticeship program on the basis of certain categories, including, race, sex, religious creed, or national origin, with regard to acceptance into or participation in the program. AB 2358 also requires an apprenticeship program to designate one or more individuals to oversee the commitment to equal opportunity in the program and to maintain records regarding compliance.

Chapter 675, Statutes of 2018

AB 2420 (Quirk-Silva) - Workforce development: soft skills training.

This bill authorizes the Employment Training Panel (ETP) to include "soft skills," in the type of job-related basic and literacy skills training for which a training contract may be provided. The bill defines "soft skills" as social, oral, written, nonverbal, listening, problem solving, critical thinking, decision-making skills, as well as self-regulation of behavior and the exercise of delayed gratification or directing focus or attention, or both.

Chapter 216, Statutes of 2018

ACR 164 (Cunningham) - Career Technical Education Month.

This measure declares the month of February as Career Technical Education Month in the State of California.

Chapter 26, Statutes of 2018

October 2018

ACR 182 (Baker) - Women in Construction Week.

This measure proclaims the week of March 4, 2018, through March 10, 2018, inclusive, as Women in Construction Week.
Chapter 43, Statutes of 2018

HR 30 (Quirk-Silva) - Relative to the California Career Resource Network.

This measure resolves that California public schools should make full use of available resources provided by the California Career Resource Network in efforts to provide their students with full exposure to various career options.
Adopted

Curriculum and Instruction

AB 1861 (Rodriguez) - Pupil instruction: human trafficking: use of social media and mobile device applications.

The California Healthy Youth Act requires school districts to ensure that all pupils in grades 7 to 12, inclusive, receive comprehensive sexual health education and human immunodeficiency virus (HIV) prevention education, including information about human trafficking. This bill requires the information about human trafficking to also include information on how social media and mobile device applications are used for human trafficking.
Chapter 807, Statutes of 2018

AB 2015 (Reyes) - Pupil instruction: information about completing applications for student financial aid.

This bill requires, commencing with the 2020–21 school year, the governing board of a school district or the governing body of a charter school to ensure that each of its pupils receives information on how to properly complete and submit the Free Application for Federal Student Aid (FAFSA) or the California Dream Act Application at least once before the pupil enters grade 12. The manner in which the information is provided is at the discretion of the governing board.
Chapter 533, Statutes of 2018

AB 2239 (Garcia, Eduardo) - Pupil instruction: world language courses: A–G course certification.

This bill requires CDE to encourage the governing board of each school district, and the governing body of each charter school, whose schools offer world language courses that are specifically designed for native speakers that are not approved as “A–G” courses, to support their respective schools in submitting those courses to the University of California for certification and addition to the schools’ “A–G” course list.
Chapter 188, Statutes of 2018

AB 2319 (Nazarian) - Foreign language education: world language.

This bill deletes references in the Education Code to the term “foreign language” and instead substitutes the term “world language.” Under the bill, LEAs are not required to make modifications to their language programs.
Chapter 865, Statutes of 2018

AB 2514 (Thurmond) - Pupil instruction: dual language programs: grant program.

This bill establishes the Pathways to Success Grant Program with the goal of providing pupils in preschool, transitional kindergarten, kindergarten, and grades 1 to 12, inclusive, with dual language immersion programs, developmental bilingual programs for English learners, or early learning dual language learners programs. CDE will administer the program and, commencing September 1, 2019, will award a minimum of 10 one-time grants of up to \$300,000 per grant, to school districts and consortia of school districts in partnership with other entities.
Chapter 763, Statutes of 2018

AB 2644 (Reyes) - Dolores Huerta Day.

This bill requires the Governor to annually proclaim April 10 as Dolores Huerta Day, and designates that date each year as having special significance. The bill also encourages all public schools and educational institutions to observe that date by conducting exercises remembering the life of Dolores Huerta and recognizing her accomplishments and the contributions she made to the state.

Chapter 130, Statutes of 2018

AB 2969 (Low) - LGBT Pride Month.

This bill requires the Governor annually to proclaim the month of June as LGBT Pride Month.

Chapter 105, Statutes of 2018

ACR 143 (Muratsuchi) - Day of Remembrance.

This measure declares February 19, 2018, as a Day of Remembrance in order to increase public awareness of the events surrounding the incarceration of Americans of Japanese ancestry during World War II.

Chapter 18, Statutes of 2018

ACR 150 (Limón) - Dual Enrollment Week.

This measure recognizes the week of March 18, 2018, to March 24, 2018, as Dual Enrollment Week in California and encourages colleges and universities to visit high schools and take action to help pupils register in dual enrollment courses.

Chapter 46, Statutes of 2018

ACR 155 (Baker) - Abraham Lincoln's birthday.

This measure declare that President Abraham Lincoln be honored on February 12, 2018, the anniversary of his birthday.

Chapter 24, Statutes of 2018

ACR 166 (Baker) - International Day of Women and Girls in Science.

This measure designates February 11, 2018, as International Day of Women and Girls in Science in the State of California and encourages all Californians to observe the day and recognize the critical role women and girls play in advancing technology and innovation.

Chapter 27, Statutes of 2018

ACR 176 (Rubio) - Domestic Violence Awareness Month.

This measure proclaims the month of October 2018, and each following October, as Domestic Violence Awareness Month.

Chapter 187, Statutes of 2018

ACR 178 (Mullin) - Irish American Heritage Month.

This measure designates March 2018 as Irish American Heritage Month in honor of the multitude of contributions that Irish Americans have made to the country and state.

Chapter 34, Statutes of 2018

ACR 206 (Holden) - California Diversity in STEM and Tech Week.

This measure designates the week of April 1, 2018, to April 7, 2018 as California Diversity in Science, Technology, Engineering and Math (STEM) and Tech Week and encourages all citizens and community organizations to support the observance of California Diversity in STEM and Tech Week by encouraging and celebrating diversity in the STEM fields and in California's technology and innovation economy.

Chapter 53, Statutes of 2018

HR 74 (Cervantes) - Relative to California Girls and Women in Sports Week.

This measure resolves that the Assembly recognizes female athletes, coaches, officials, and sports administrators for their important contributions in promoting the value of sports in the achievement of full human potential and hereby proclaims the week of January 29, 2018 to February 4, 2018, as California Girls and Women in Sports Week.

Adopted

HR 76 (Eggman) - Relative to Women's History Month.

This measure resolves that the Assembly takes pleasure in joining the California Commission on the Status of Women and Girls in honoring the contributions of women, and proclaims the month of March 2018 as Women's History Month.

Adopted

HR 78 (Thurmond) - Relative to Read Across America Day.

This bill resolves that the Assembly joins the California Teachers Association in recognizing March 2, 2018, as Read Across America Day.

Adopted

HR 87 (Chu) - Relative to Arts Education Month.

This measure resolves that the Assembly proclaims the month of March 2018 as Arts Education Month and encourages all elected officials to participate with their educational communities in celebrating the arts with meaningful activities and programs for pupils, teachers, and the public that demonstrate learning and understanding in the visual and performing arts. The measure also urges all residents to become interested in and give full support to quality school arts programs for children and youth.

Adopted

SB 720 (Allen) - Environmental education: environmental principles and concepts.

This bill revises the provisions relating to the education principles for the environment by renaming them the environmental principles and concepts and by revising the process for updating the environmental principles and concepts. The bill also requires the Instructional Quality Commission (IQC) to ensure that the environmental principles and concepts are integrated into content standards and frameworks whenever those standards and frameworks are revised.

Chapter 374, Statutes of 2018

SB 892 (Pan) - Lunar New Year.

This bill requires the Governor to annually proclaim a specified date as the Lunar New Year, and designates this date each year as a day having special significance. The bill also encourages all public schools and educational institutions to, on Lunar New Year, conduct exercises recognizing the traditions and cultural significance of the Lunar New Year.

Chapter 199, Statutes of 2018

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

This bill requires the IQC to develop and submit to the State Board of Education (SBE), on or before December 31, 2022, and the SBE to adopt, modify, or revise, on or before March 31, 2023, a model curriculum relative to the Vietnamese American refugee experience that includes the fall of Saigon in 1975, the Cambodian genocide, and Hmong history and cultural studies, for use in elementary schools, middle schools, and high schools.

Chapter 686, Statutes of 2018

SB 1428 (McGuire) - Minors: employment: work permits.

This bill prohibits a school from denying a work permit for a minor on the basis of the pupil's grades, grade point average, or school attendance, if the permit allows the pupil to participate in a government-administered employment and training program that will occur during the regular summer vacation.

Chapter 420, Statutes of 2018

SCR 93 (Skinner) - California Girls and Women in Sports Week.

This measure recognizes female athletes, coaches, officials, and sports administrators for their important contributions in promoting the value of sports in the achievement of full human potential and proclaims the week of January 29, 2018, to February 4, 2018, as California Girls and Women in Sports Week.

Chapter 8, Statutes of 2018

SCR 103 (Fuller) - California Physical Education Week.

This measure declares the week of May 1, 2018, to May 7, 2018, as California Physical Education Week, to coincide with National Physical Education and Sport Week, in an effort to promote high-quality physical education instruction for all pupils in California. The measure also encourages teachers, school policymakers, and school leaders to provide the highest quality physical education instruction in their schools for all pupils and provide that the week serve as an opportunity for those persons to collaboratively review current instructional practices in physical education and make needed recommendations.

Chapter 60, Statutes of 2018

SR 81 (Mitchell) - Relative to Women and Girls in Science Day in California.

This resolution resolves that the Senate calls upon all citizens and community organizations to support the observance of International Day of Women and Girls in Science by encouraging and celebrating women, girls, and those who identify as such, in STEM fields. The Senate declares February 11, 2018, as Women and Girls in Science Day in California.

Adopted

SR 83 (Leyva) - Relative to Women's History Month.

This measure resolves that the Senate takes pleasure in joining the California Commission on the Status of Women and Girls in honoring the contributions of women, and proclaims the month of March 2018 as Women's History Month.

Adopted

SR 95 (Hueso) - Relative to California Diversity in STEM and Tech Week.

This resolution resolves that the Senate encourages all citizens, community organizations, and the technology industry to support the observance of California Diversity in STEM and Tech Week by encouraging and celebrating diversity in the STEM fields and in California's technology and innovation economy. The measure declares the week of April 1, 2018, to April 7, 2018, as California Diversity in STEM and Tech Week.

Adopted

English Learners

AB 2735 (O'Donnell) - English learners: participation in standard instructional program.

This bill prohibits, commencing in the 2019-20 school year, an English learner (EL) student enrolled in middle or high school from being denied enrollment in core curriculum courses and courses required for high school graduation and college admission, except for ELs who are newcomers to the United States.

Chapter 304, Statutes of 2018

Instructional Materials

AB 1868 (Cunningham) - Pupil instruction: sexual health education: sexually suggestive or sexually explicit materials.

This measure explicitly authorizes a school district to provide optional instruction, as part of comprehensive sexual health education and HIV prevention education, regarding the potential risks and consequences of creating and sharing sexually suggestive or sexually explicit materials through cellular telephones, social networking websites, computer networks, or other digital media.

Chapter 428, Statutes of 2018

SB 830 (Dodd) - Pupil instruction: media literacy: resources.

Current law requires the adopted course of study for grades 1 to 6, inclusive, and for grades 7 to 12, inclusive, to offer courses in specified areas of study, including social sciences. This bill requires, on or before July 1, 2019, CDE to make available to school districts on its website a list of resources and instructional materials on media literacy, including media literacy professional development programs for teachers.

Chapter 448, Statutes of 2018

Special Education

AB 2423 (Holden) - Physical therapists: direct access to services: plan of care approval.

The Physical Therapy Practice Act authorizes a patient to access physical therapy treatment directly from a licensed physical therapist if the treatment is within the scope of practice of physical therapists and prescribed conditions are met, including a treatment limit prohibiting the physical therapist from continuing treatment beyond 45 calendar days or 12 visits, whichever occurs first. This bill exempts from that condition the provision of physical therapy services as part of an individualized family service plan or an individualized education plan (IEP) to an individual who does not have a medical diagnosis.

Chapter 761, Statutes of 2018

AB 2580 (Cunningham) - Special education: due process hearings: extension of hearings: good cause.

Current law authorizes either party to a hearing regarding whether an individual with exceptional needs received a free appropriate public education to request that the hearing officer grant an extension and requires the extension to be granted upon a showing of good cause. This bill requires the hearing officer to apply California Rules of Court Rule 3.1332 in making a determination of what constitutes good cause and authorizes a second or subsequent extension to be granted for good cause or any other purpose at the discretion of the hearing officer.

Chapter 874, Statutes of 2018

AB 3223 (Grayson) - Special education: visually impaired pupils: braille: Unified English Braille.

This bill changes the definition of braille utilized in the IEP for Visually Impaired Pupils from Standard English, American Edition to Unified English Braille (UEB).

Chapter 85, Statutes of 2018

Capitol Advisors Group has produced a series of comprehensive client briefs detailing new education laws that were passed by the Legislature and signed into law by Governor Brown in 2018. Each brief is organized by subject area and includes an executive summary highlighting major changes we think you should know about. Bills signed by the Governor take effect on January 1, 2019, unless the bill specifically states otherwise.