
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2021 - 2022 Regular Session

AB 101 (Medina) - Pupil instruction: high school graduation requirements: ethnic studies

Version: July 15, 2021

Urgency: No

Hearing Date: August 16, 2021

Policy Vote: ED. 4 - 2

Mandate: Yes

Consultant: Lenin Del Castillo

Bill Summary: This bill, commencing with the 2029-30 school year, adds the completion of a semester-long course in ethnic studies to the list of state high school graduation requirements, and also applies all high school graduation requirements to charter schools.

Fiscal Impact:

- The California Department of Education (CDE) estimates that adding a new graduation requirement in ethnic studies on top of other existing requirements, rather than replacing an existing course, this bill could result in ongoing General Fund costs of approximately \$276 million each year for school districts to comply. This estimate assumes that 1,686 additional teachers would be need to be hired at an average salary of \$83,000 (plus benefits). This estimate also assumes indirect costs of about \$37 million and an additional \$54.3 million for instructional materials. Staff notes that the activities necessary for school districts to comply with this measure could be deemed to be reimbursable by the Commission on State Mandates. These activities include the hiring of new teachers, providing additional training for teachers, facilities related expenses, and the purchase of instructional materials. However, actual costs would depend upon a determination by the Commission regarding specific elements of the bill that may be deemed reimbursable, should school districts file a successful mandate claim. To the extent that school districts are already requiring an ethnic studies course as a local graduation requirement, the related costs could still be eligible for reimbursement from the state.
- By explicitly requiring charter schools to be subject to all state high school graduation requirements along with the completion of an ethnic studies course, this bill could result in unknown, potentially significant local costs for them to comply. The associated costs could include the hiring of additional teachers needed for courses not currently offered, training, expanding facilities, and the purchase of instructional materials. These costs could be offset by converting resources from other courses to those needed to comply with the bill's requirements.

Background: The ethnic studies model curriculum was adopted by the State Board of Education (SBE) on March 18, 2021. The development process elicited controversy, as there were concerns over which groups the ethnic studies model curriculum would ultimately include, and on some of the specifics within the initial draft. After public

comment periods and a revision, the California Department of Education (CDE) ultimately recommended that the model curriculum increase the breadth and depth of the four foundational disciplines of ethnic studies—African American Studies, Asian American Studies, Chicana/o/x Latina/o/x Studies, and Native American Studies. Additionally, the CDE proposed updating and expanding an existing set of resources—where all sample lessons are housed—to further reflect California's diversity by offering instructional materials that raise the voices of many identities whose experiences intersect with the core disciplines of ethnic studies, such as Arab Americans, Armenian Americans, Jewish Americans, and Sikh Americans.

Existing law encourages local educational agencies (LEAs) maintaining any of grades 9 to 12, inclusive, that does not otherwise offer a standards-based ethnic studies curriculum, beginning in the school year following the adoption of the model curriculum, to offer to all otherwise qualified pupils a course of study in ethnic studies based on the model curriculum. The law also requires a school district or charter school that elects to offer a course of study in ethnic studies pursuant to the model curriculum to offer the course as an elective in the social sciences or English language arts and to make the course available in at least one year during a pupil's enrollment in grades 9 to 12, inclusive.

Existing law establishes statewide high school graduation requirements. Specifically, student are required to have completed all of the following one-year (unless otherwise specified) courses while in high school: three courses in English; two courses in mathematics, including one year of Algebra I; two courses in science, including biological and physical sciences; three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics, and a one-semester course in economics; one course in visual or performing arts, foreign language, or commencing with the 2012-13 school year, career technical education; and two courses in physical education.

These statewide minimum requirements are not as robust as the A-G admissions requirements of the CSU and UC, which require:

- Two years of history/social science, including one year of world history, cultures and historical geography and one year of U.S. history, or one-half year of U.S. history and one-half year of American government or civics.
- Four years of college preparatory English that integrates reading of classic and modern literature, frequent and regular writing, and practice listening and speaking.
- Three years of college-preparatory math, including or integrating the topics covered in elementary and advanced algebra and two- and three-dimensional geometry.
- Two years of laboratory science providing fundamental knowledge in at least two of the three disciplines of biology, chemistry and physics.
- Two years of the same language other than English or equivalent to the second level of high school instruction.

- One year of visual and performing arts chosen from dance, music, theater or the visual arts.
- One year of a college-preparatory elective beyond those used to satisfy the requirements above, or courses that have been approved solely in the elective area.

Proposed Law: This bill adds, commencing with the 2029–30 school year, a one-semester course in ethnic studies, based on the model curriculum, to the list of statewide graduation requirements. The bill authorizes a pupil, subject to the course offerings of an LEA, to fulfill the requirement above through the completion of either of the following types of courses:

- a) A course based on the ethnic studies model curriculum adopted by the SBE.
- b) An existing ethnic studies course.
- c) An ethnic studies course taught as a part of a course that has been approved as meeting the A-G requirements of the UC/CSU.
- d) A locally developed ethnic studies course approved by the governing board of the school district or the governing body of the charter school.

This bill prohibits a course that does not use ethnic studies content as the primary content through which the subject is taught from being used to satisfy the ethnic studies graduation requirement, and provides that a pupil completing an ethnic studies course taught as a course in another subject shall also accrue credit for coursework in the subject that the course is offered, including, if applicable, credit towards satisfying a course required for a diploma of graduation from high school.

This bill requires instruction and materials for such an ethnic studies course to meet specified requirements, including that it be appropriate for use with pupils of all races, religions, genders, sexual orientations, and diverse ethnic and cultural backgrounds, pupils with disabilities, and English learners and not reflect or promote, directly or indirectly, any bias, bigotry, or discrimination against any person or group of persons on the basis of any category protected the Education Code.

This bill deletes language encouraging LEAs to offer an ethnic studies course after the adoption of the ethnic studies model curriculum and instead requires LEAs, commencing with the 2025-26 school year, to offer at least a one-semester course in ethnic studies.

Related Legislation: AB 331 (Medina, 2019) was substantially similar to this bill and vetoed by the Governor with the following message:

This bill would require a course that incorporates ethnic studies as its primary content as a high school graduation requirement starting in the 2029-30 school year.

I value the role ethnic studies plays in helping students think critically about our history and understand the experience of marginalized communities in our state. This academic discipline will help prepare our young adults to become civically engaged and participate fully in our democracy. For these reasons, I already signed AB 1460, which will mandate ethnic studies as a graduation requirement for the California State University system.

I appreciate the amendments the author accepted to ensure that any ethnic studies coursework is free of bias and discrimination. I am also pleased that many more schools and districts have recently joined the hundreds of schools across our state that have adopted ethnic studies courses, and we intend to support these schools with professional development resources.

This bill, however, would require ethnic studies to be taught in high school at a time when there is much uncertainty about the appropriate K-12 model curriculum for ethnic studies. I have been closely monitoring the progress of the development of the K-12 ethnic studies model curriculum. Last year, I expressed concern that the initial draft of the model curriculum was insufficiently balanced and inclusive and needed to be substantially amended. In my opinion, the latest draft, which is currently out for review, still needs revision.

I am directing staff in my Administration to work with State Board of Education President Linda Darling-Hammond and State Superintendent of Public Instruction Tony Thurmond to ensure that the draft ethnic studies model curriculum achieves balance, fairness, and is inclusive of all communities.

In California, we don't tolerate our diversity. We celebrate it. That should be reflected in our high school curriculum. I look forward to our model curriculum achieving these goals."

AB 1460 (Weber, Chapter 32, Statutes of 2019) requires the CSU, commencing with the 2021-22 academic year, to (1) provide courses in ethnic studies at each of its campuses; and (2) require, as an undergraduate graduation requirement commencing with students graduating in the 2024-25 academic year, the completion of, at minimum, one three-unit course in ethnic studies.

AB 2772 (Medina, 2018) would have established a three-year grant program to require the CDE, contingent upon funding, to award grants to school districts to fund 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. AB 2772 was vetoed by Governor Brown, who stated:

This bill establishes a three-year grant program for school districts that require ethnic studies in order to graduate.

School districts already can, and are, requiring ethnic studies for graduation. While I recognize the value of these courses, I am reluctant to encourage yet another graduation requirement, especially when students are already overburdened by multiple tests and endless hours of homework.

Staff Comments: Requiring students to complete a course in ethnic studies as a condition of graduation necessitates that each high school offers sufficient sections of ethnic studies courses to each student that attends high school. Of the estimated 2 million students currently enrolled in high school, a small percentage has been enrolled in an ethnic studies course in recent years. This means that schools will have to significantly ramp up ethnic studies course offerings in order to meet the 2029-30 school year deadline proposed by the bill. Staff notes that AB 130 (Committee on Budget, Chapter 44, Statutes of 2021), the education trailer bill, includes \$5 million for the CDE to, among other things, provide access to an online repository of resources to support ethnic studies courses.

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