SB 48 (Leno) – Pupil Instruction: Prohibition of Discriminatory Content

Introduced December 13, 2010, Chaptered July 14, 2011

Existing law requires instruction in social sciences to include a study of the role and contributions of both men and women and specified categories of persons to the development of California and the United States.

This bill would update references to certain categories of persons and additionally would require instruction in social sciences to include a study of the role and contributions of lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other cultural groups, to the development of California and the United States. Existing law prohibits instruction or school sponsored activities that promote a discriminatory bias because of race, sex, color, creed, handicap, national origin, or ancestry. Existing law prohibits the State Board of Education and the governing board of any school district from adopting textbooks or other instructional materials that contain any matter that reflects adversely upon persons because of their race, sex, color, creed, handicap, national origin, or ancestry.

This bill would revise the list of characteristics included in these provisions by referring to race or ethnicity, gender, religion, disability, nationality, and sexual orientation, or other characteristic listed as specified.

Existing law prohibits a governing board of a school district from adopting instructional materials that contain any matter reflecting adversely upon persons because of their race, color, creed, national origin, ancestry, sex, handicap, or occupation, or that contain any sectarian or denominational doctrine or propaganda contrary to law.

This bill would revise the list of characteristics included in this provision to include race or ethnicity, gender, religion, disability, nationality, sexual orientation, and occupation, or other characteristic listed as specified.

Existing law requires that when adopting instructional materials for use in the schools, governing boards of school districts shall include materials that accurately portray the role and contributions of culturally and racially diverse groups including Native Americans, African Americans, Mexican Americans, Asian Americans, European Americans, and members of other ethnic and cultural groups to the total development of California and the United States.

This bill would revise the list of culturally and racially diverse groups to also include Pacific Islanders, lesbian, gay, bisexual, and transgender Americans, and persons with disabilities.

Existing law provides that there shall be no discrimination on the basis of specified characteristics in any operation of alternative schools or charter schools.

This bill would state the intent of the Legislature that alternative and charter schools take notice of the provisions of this bill in light of provisions of existing law that prohibit discrimination in any aspect of their operation. This bill also would make other technical, nonsubstantive changes.

Senate Bill No. 48

CHAPTER 81

An act to amend Sections 51204.5, 51500, 51501, 60040, and 60044 of the Education Code, relating to instruction.

[Approved by Governor July 13, 2011. Filed with Secretary of State July 14, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

SB 48, Leno. Pupil instruction: prohibition of discriminatory content.

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This bill would update references to certain categories of persons and additionally would require instruction in social sciences to include a study of the role and contributions of lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other cultural groups, to the development of California and the United States.

Existing law prohibits instruction or school sponsored activities that promote a discriminatory bias because of race, sex, color, creed, handicap, national origin, or ancestry. Existing law prohibits the State Board of Education and the governing board of any school district from adopting textbooks or other instructional materials that contain any matter that reflects adversely upon persons because of their race, sex, color, creed, handicap, national origin, or ancestry.

This bill would revise the list of characteristics included in these provisions by referring to race or ethnicity, gender, religion, disability, nationality, and sexual orientation, or other characteristic listed as specified.

Existing law prohibits a governing board of a school district from adopting instructional materials that contain any matter reflecting adversely upon persons because of their race, color, creed, national origin, ancestry, sex, handicap, or occupation, or that contain any sectarian or denominational doctrine or propaganda contrary to law.

This bill would revise the list of characteristics included in this provision to include race or ethnicity, gender, religion, disability, nationality, sexual orientation, and occupation, or other characteristic listed as specified.

Existing law requires that when adopting instructional materials for use in the schools, governing boards of school districts shall include materials that accurately portray the role and contributions of culturally and racially diverse groups including Native Americans, African Americans, Mexican Americans, Asian Americans, European Americans, and members of other ethnic and cultural groups to the total development of California and the United States.

This bill would revise the list of culturally and racially diverse groups to also include Pacific Islanders, lesbian, gay, bisexual, and transgender Americans, and persons with disabilities.

Existing law provides that there shall be no discrimination on the basis of specified characteristics in any operation of alternative schools or charter schools.

This bill would state the intent of the Legislature that alternative and charter schools take notice of the provisions of this bill in light of provisions of existing law that prohibit discrimination in any aspect of their operation.

This bill also would make other technical, nonsubstantive changes.

The people of the State of California do enact as follows:

SECTION 1. Section 51204.5 of the Education Code is amended to read:

51204.5. Instruction in social sciences shall include the early history of California and a study of the role and contributions of both men and women, Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups, to the economic, political, and social development of California and the United States of America, with particular emphasis on portraying the role of these groups in contemporary society.

SEC. 2. Section 51500 of the Education Code is amended to read:

51500. A teacher shall not give instruction and a school district shall not sponsor any activity that promotes a discriminatory bias on the basis of race or ethnicity, gender, religion, disability, nationality, sexual orientation, or because of a characteristic listed in Section 220.

SEC. 3. Section 51501 of the Education Code is amended to read:

51501. The state board and any governing board shall not adopt any textbooks or other instructional materials for use in the public schools that contain any matter reflecting adversely upon persons on the basis of race or ethnicity, gender, religion, disability, nationality, sexual orientation, or because of a characteristic listed in Section 220.

SEC. 4. Section 60040 of the Education Code is amended to read:

60040. When adopting instructional materials for use in the schools, governing boards shall include only instructional materials which, in their determination, accurately portray the cultural and racial diversity of our society, including:

(a) The contributions of both men and women in all types of roles, including professional, vocational, and executive roles.

(b) The role and contributions of Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups to the total development of California and the United States.

(c) The role and contributions of the entrepreneur and labor in the total development of California and the United States.

SEC. 5. Section 60044 of the Education Code is amended to read:

60044. A governing board shall not adopt any instructional materials for use in the schools that, in its determination, contain:

(a) Any matter reflecting adversely upon persons on the basis of race or ethnicity, gender, religion, disability, nationality, sexual orientation, occupation, or because of a characteristic listed in Section 220.

(b) Any sectarian or denominational doctrine or propaganda contrary to law.

SEC. 6. It is the intent of the Legislature that alternative and charter schools take notice of the provisions of this act in light of Section 235 of the Education Code, which prohibits discrimination on the basis of disability, gender, nationality, race or ethnicity, religion, sexual orientation, or other specified characteristics in any aspect of the operation of alternative and charter schools.

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