
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: AB 2864
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Consultant: Lynn Lorber
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Subject: Pupil instruction: Chinese Exclusion Act of 1882: Chinese Americans' contributions to establishment of transcontinental railroad

SUMMARY

This bill requires the State Board of Education (SBE), during the next revision of the history-social science framework, to consider including instruction on the Chinese Exclusion Act of 1882 and the contributions of Chinese Americans to the establishment of the transcontinental railroad.

BACKGROUND

- 1) Establishes the Instructional Quality Commission (formerly known as the Curriculum Commission) as an advisory body to the State Board of Education (SBE) on matters related to curriculum, instructional materials, and content standards. (Education Code § 33530)
- 2) Requires the Instructional Quality Commission (IQC), when the history-social science framework is revised, to receive input from civics learning experts, consider how civics and history instruction includes the application of content, ensure that voter education information is included, ensure specified historical documents are incorporated, and consider incorporating additional historical documents. (EC § 33540)
- 3) Requires the IQC, during the next revision (after 2014) of the history-social science framework, to consider including instruction on the election of President Barack Obama and the significance of the United States electing its first African American President. (EC § 33543)
- 4) Requires the Great Irish Famine of 1845-50 to be considered in the next cycle (after mid-1990s) in which the history-social science framework is adopted. (EC § 51226.3)
- 5) Requires the IQC to consider incorporating into the history-social science framework the Armenian, Cambodian, Darfur, and Rwandan genocides. (EC § 51226.3)
- 6) Requires the SBE, when it revises and adopts the history-social science framework after January 1, 2016, to consider including instruction on the

- unconstitutional deportation to Mexico during the Great Depression of citizens and lawful permanent residents of the United States. (EC § 51226.3)
- 7) Requires the Instructional Quality Commission (IQC), when next revising the history-social science framework (after 2013) to ensure that voter education information is included in the American government and civics curriculum at the high school level. (EC § 33540)
 - 8) Requires the State Board of Education (SBE) to ensure that the state curriculum and framework, where appropriate, include instruction on Cesar Chavez and the history of the farm labor movement in the United States, and the role of immigrants, including Filipino Americans, in that movement, and that the state criteria for selecting textbooks include information to guide the selection of textbooks that contain sections that highlight the life and contributions of Cesar Chavez, the history of the farm labor movement in the United States, and the role of immigrants, including Filipino Americans, in that movement. (EC § 51008)
 - 9) Authorizes instruction in all areas of study to include grade-level appropriate instruction on violence awareness and prevention, as specified. (EC § 51210.5 and § 51220.3)
 - 10) Encourages the incorporation of survivor, rescuer, liberator, and witness oral testimony into the teaching of human rights, the Holocaust, and genocide. (EC § 51226.3)
 - 11) Encourages 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, the Holocaust, and the Great Irish Famine of 1845-50. (EC § 51226.3)

ANALYSIS

This bill requires the State Board of Education (SBE), during the next revision of the history-social science framework, to consider including instruction on the Chinese Exclusion Act of 1882 and the contributions of Chinese Americans to the establishment of the transcontinental railroad. Specifically, this bill:

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

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Asian Americans have played a significant role in the history of California and the United States. They have contributed to America and California as builders of the Transcontinental Railroad and other important infrastructure, as farmers, inventors, entrepreneurs, scholars, artists, soldiers and civic leaders. However, the history of Asian Americans is also filled with hardship, discrimination, and unequal treatment. Education plays an important role in developing and creating an active and responsible citizen. For this reason, it is important to teach students a curriculum that allows them to study the origins and implications of discrimination in any society in order to assist in developing an acceptance of diversity, as well as full respect for human rights.”
- 2) ***Already in the framework.*** The most recent draft of the update to the history-social science framework, approved by the Instructional Quality Commission (IQC) at its meeting on May 19-20, 2016, includes references to the Chinese Exclusion Act of 1882 and contributions of Chinese Americans to the establishment of the transcontinental railroad in grades 4 and 8, and a reference to the Chinese Exclusion Act of 1882 in grade 11. This bill does not provide any indication as to what additional information should be included in the history-social science framework. It is unclear why the existing references in the draft framework are insufficient.
- 3) ***Open process to develop frameworks.*** The IQC is responsible for advising the State Board of Education (SBE) on matters related to curriculum and instruction. The IQC has numerous subject matter committees, including the History-Social Science Subject Matter Committee. The process to revise the history-social science framework:
 - Began in March 2008 with the recruitment of participants on the Curriculum Framework and Evaluation Criteria Committee.
 - Four focus groups were held across the state from May-June 2008.
 - The review committee was selected in September 2008, and met approximately every four weeks between February-June 2009 to develop the framework.
 - The process was suspended in July 2009 due to budget reductions.
 - The process resumed in September 2014, at which time the IQC approved the draft framework for field review.
 - The draft was released for a 60-day public review and comment period.

- The History-Social Science Subject Matter Committee met in May 2015 to review the draft.
- The IQC analyzed the field review results and revised the draft framework.
- The History-Social Science Subject Matter Committee met again in October 2015.
- The IQC held a public two-day hearing in November 2015, and recommended approval of the draft framework.
- The draft framework was released for the second 60-day public comment period.
- The IQC considered and approved the draft framework in May 2016, and will present it to the SBE for adoption as early as July 2016.

The recently-revised framework for history-social science went through a lengthy public process, and generated over 1,000 public comments, including several letters sent by legislators. The author has not clarified why the existing content is insufficient and specifically what revisions should be made, or if concerns were raised during the existing process.

The IQC completed this process less than one month ago. Should the legislature prescribe content that may have already been considered, or prescribe action that may not occur for another eight years (see comment # 5)?

- 4) ***Storied history of the history-social science framework.*** The most recent history-social science framework was developed in 2005. This framework was undergoing revisions when that process was suspended in July 2009, due to budget reductions, and subsequently resumed in July 2014. The draft revision was released for field review in September 2014, and generated extensive public comment (nearly 700 comments). The IQC determined that more subject matter expertise was needed for certain areas (including some mandated for inclusion by legislation), and received a budget augmentation of \$124,000 to hire experts through an interagency agreement. The draft framework was released for the second field review in November 2015. The IQC voted at its meeting on May 19-20, 2016, to approve the draft framework for presentation to the State Board of Education, which could consider adoption of the updated framework as early as July 2016.
- 5) ***Not effective until 2024?*** The current revision of the history-social science framework is complete and near adoption by the SBE. This bill relates to the next revision of this framework after January 1, 2017. Existing law references an eight-year cycle for revisions to frameworks and the adoption of instructional materials (although a true schedule no longer exists). It is likely that the next

revision of the history-social science framework will not occur for another eight years. This Committee may wish to consider whether it is appropriate to pass legislation that may not be implemented until 2024.

- 6) ***Fiscal impact.*** According to the Assembly Appropriations Committee analysis, this bill would have “no fiscal effect to the California Department of Education as Chinese Exclusion Act is currently incorporated into the pending History-Social Science Framework, set for adoption by the State Board of Education in May 2016. As written, the bill would not require additional consideration until the next framework, likely to occur 2024. It is difficult to project costs that may occur eight years from now.”
- 7) ***Related legislation specific to the history-social science framework.*** AB 2546 (Calderon) requires the Instructional Quality Commission (IQC), when revising the history-social science framework after January 1, 2017, to consider including age-appropriate information on financial literacy as specified. AB 2546 is scheduled to be heard by this Committee on June 15.
- 8) ***Prior legislation specific to the history-social science framework.*** AB 659 (Nazarian, 2014) would have encouraged the California Department of Education to include the Armenian Genocide in its published curriculum resources, encouraged the incorporation oral testimony when teaching specific instances of genocide into existing curriculum, and encouraged including the Armenian Genocide into state and local professional development activities and in the next revision of the history/social science curriculum framework. AB 659 was referred to but never heard by this Committee.

AB 1616 (Buchanan, 2014) required the IQC, when revising the history-social science framework, to receive input from civics education experts for the purpose of integrating civics learning content, concepts, and skills, at all appropriate grade levels. AB 1616 was never heard.

SB 521 (Wyland, 2013) required the history-social science framework to include the comparative differences between the rights of the citizens in America and those in other countries, and the connection of civics and American government to western civilizations. SB 521 was never heard.

SUPPORT

None received.

OPPOSITION

None received.

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