
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No: AB 738 **Hearing Date:** July 5, 2017
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Urgency: No **Fiscal:** Yes
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Subject: Pupil instruction: Native American studies: model curriculum

SUMMARY

This bill requires the development of a model curriculum in Native American studies and requires school districts which elect to offer one course in Native American studies to make the course available in at least one year during a student's enrollment in grades 9-12.

BACKGROUND

Existing law:

- 1) Requires the Instructional Quality Commission (IQC) to develop, and the State Board of Education (SBE) to adopt, modify, or revise, a model curriculum in ethnic studies to ensure quality courses of study in ethnic studies. (Education Code § 51226.7)
- 2) Requires the model curriculum to be developed with participation from faculty of ethnic studies programs at universities and colleges with ethnic studies programs and a group of representatives of local educational agencies (LEAs), a majority of whom are kindergarten to grade 12, inclusive, teachers who have relevant experience or education background in the study and teaching of ethnic studies. (EC § 51226.7)
- 3) Requires the model curriculum to be written as a guide to allow school districts to adapt their courses to reflect the student demographics in their communities, and include examples of courses offered by LEAs that have been approved as meeting A-G admissions requirements including, to the extent possible, course outlines for those courses. (EC § 51226.7)
- 4) Requires that, by December 31, 2019, the IQC to submit the model curriculum to the SBE for adoption, and the SBE to adopt the model curriculum by March 31, 2020. (EC § 51226.7)
- 5) Requires the IQC to provide a minimum of 45 days for public comment before submitting the model curriculum to the SBE. (EC § 51226.7)
- 6) Requires a school district or charter school that elects to offer a course of study in ethnic studies pursuant to this subdivision 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 student's enrollment in grades 9 to 12. (EC § 51226.7)

- 7) States the intent of the Legislature that local educational agencies (LEAs) submit course outlines for ethnic studies for approval as A-G courses. (EC 51226.7)
- 8) Requires the California Commission on Teacher Credentialing, upon recommendation of the tribal government of a federally recognized Indian tribe in California to issue an American Indian language-culture credential to a candidate that meets certain requirements, including demonstrated fluency in that tribe's language and/or knowledge in that tribe's culture, based on an assessment developed and administered by that federally recognized Indian tribe.
- 9) Specifies that the American Indian language-culture credential authorizes the holder to teach the American Indian language, or culture, or both, for which the credential was issued in California public schools in preschool, kindergarten, grades 1 to 12, inclusive, and in adult education courses.

ANALYSIS

This bill requires the development of a model curriculum in Native American studies, and requires school districts which elect to offer one course in Native American studies to make the course available in at least one year during a student's enrollment in grades 9-12. Specifically, this bill:

- 1) Requires the Instructional Quality Commission (IQC) to develop, and the State Board of Education (SBE) to adopt, modify, or revise, a model curriculum in Native American studies to ensure quality courses of study in Native American studies.
- 2) Requires the model curriculum to be developed with participation from:
 - a) Federally recognized Native American tribes located in California and California Native American tribes. The bill defines, for purposes of this requirement, "California Native American tribe" to mean a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission.
 - b) Faculty of Native American studies programs at universities and colleges with Native American studies programs.
 - c) A group of representatives of LEAs, a majority of whom are kindergarten to grade 12 teachers who have relevant experiences or educational backgrounds in the study and teaching of Native American studies.
- 3) Requires the model curriculum to be written as a guide to allow school districts and charter schools to adapt their related courses to reflect the student demographics in their communities.

- 4) Requires the model curriculum to include examples of courses offered by LEAs that have been approved as meeting the A-G admissions requirements of the University of California and the California State University, including, to the extent possible, course outlines for those courses.
- 5) Requires, on or before December 31, 2019, the Instructional Quality Commission (IQC) to submit the model curriculum to the SBE for adoption, and the State Board of Education (SBE) to adopt the model curriculum on or before March 31, 2020.
- 6) Requires the IQC to provide a minimum of 45 days for public comment before submitting the model curriculum to the SBE.
- 7) Encourages school districts and charter schools to, beginning in the school year following the adoption of the model curriculum that maintaining any of grades 9 to 12 and do not otherwise offer a standards-based Native American studies curriculum to offer to all otherwise qualified students a course of study in Native American studies based on the model curriculum.
- 8) Requires that a school district or charter school that elects to offer a course of study in Native American studies 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 student's enrollment in grades 9 to 12.
- 9) States the intent of the Legislature that local educational agencies submit course outlines for Native American studies for approval as A-G courses.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Existing law specifies that the American Indian language-culture credential shall authorize the holder to teach in K-12 schools on the American Indian language, or culture, or both. A model curriculum is a standards-based curriculum that provides resources to K-12 teachers to help them prepare lessons on a specific subject. AB 738 ensures a model curriculum on Native American studies is available for teachers to provide a culturally appropriate and quality course to students in Native American studies. This subject is uniquely important and must be preserved, as it will benefit all students in many ways by providing curriculum that ensures students are academically engaged, to increase performance on academic tests, and improve graduation rates. This bill furthers the purpose of the American Indian language-culture teaching credential by providing an additional resource for teachers to maintain the integrity and differing cultural characteristics of all tribes in California.”
- 2) ***Revised History-Social Science curriculum framework offers some relevant instruction in grades 9-12.*** A revised History-Social Science curriculum framework was adopted by the SBE on July 14, 2016. The revised framework, while offering some relevant instruction in grades 9 to 12, largely presents instruction relating to Native Americans in the broader context of the

development of the United States. Examples of the instruction that is provided include:

- a) “How and why did Indians participate in the American Revolution? How did the alliances and treaties made by American Indians affect their relationships with both the Patriots and the British?”
- b) “The passage of the Northwest Ordinance set up a process for adding new states to the country and placed a limit on the spread of slavery, but this expansion also brought Americans into increased conflict with American Indian nations. While the Ordinance stated that, “The utmost good faith shall always be observed towards the Indians,” students learn that the reality was often very different.”
- c) “Students also examine the economic and social lives of ordinary people in the new nation, including farmers, merchants, laborers, and traders; women; African Americans, both slave and free; and American Indians.”
- d) “In studying Jackson’s presidency, students consider his spoils system, veto of the National Bank, policy of Indian removal, and opposition to the Supreme Court. Students can consider the question: How did Andrew Jackson change the country?”
- e) This idea became known as “manifest destiny” and inspired an imperial ideology that infused American attitudes of racial and political superiority towards American Indians and the Republic of Mexico. Students can consider the question: How did Manifest Destiny contribute to American expansion?”
- f) “To deepen their understanding of the changing political and economic geography and settlement of this immense land, students might read from the journals of the Lewis and Clark Expedition to the Northwest; they could describe the lives of fur trappers and the impact that they had on knowledge of the geography of the West; they could map the explorations of trailblazers such as Zebulon Pike, Jedediah Smith, Christopher “Kit” Carson, James Pierson Beckwourth, and John C. Fremont; they might discuss the searing accounts of the removal of Indians and the Cherokees’ “Trail of Tears”; and they could interpret maps and documents relating to the long sea voyages including around the horn of South America and overland treks that opened the West.”
- g) “Part of the reason this larger and more urban population could be sustained was because of major shifts in the country’s geography and demography. Students focus on the developing West and Southwest between the 1890s and 1910s. Yet, in order for the west to be developed in this way, American Indians had to be once again relocated and removed in many situations. The American Indian Wars, the creation of the reservation system, the development of federal Indian boarding schools, and the re-allotment of Native lands profoundly altered Native American social systems related to governance, family diversity, and

gender diversity. Reading Chief Joseph's words of surrender to U.S. Army troops in 1877 helps students grasp the heroism and human tragedy that accompanied the conquest of this last frontier. Allotment entailed breaking up Native lands into privately held units (largely based on the Anglo-American model of the male-headed nuclear family), displacing elements of female and two-spirit authority traditionally respected in many tribal societies. Boarding schools in the late 19th and early 20th centuries took Native children from their parents for years at a time, imposing Christianity, U.S. gender binaries and social roles, and English-only education in an attempt to make them into what school administrators viewed as proper U.S. citizens."

Additionally, AB 2016 (Alejo, Chapter 327, Statutes of 2016) requires the development of a model curriculum in ethnic studies. That measure was written to require that the model curriculum be adaptable so that it could be used as the framework for courses on any ethnic group, including Native Americans. One could argue that the ethnic studies model curriculum and revised curriculum framework could serve the purpose of this measure. However, given that Native Americans predate the founding of the United States, continue to exist as nations independent of the United States, and the complex and unique history, culture, and traditions of Native Americans, it also appears reasonable to develop a model curriculum specific to Native Americans that is separate from an adaptable ethnic studies model curriculum.

- 3) ***Example of Native American content in a survey ethnic studies course.*** The Los Angeles Unified School District offers a survey ethnic studies course which includes content on the experience of varied ethnic groups. The course description states, in part:

"In this four-week unit, students will study and explore the experience of American Indians both historically and in terms of contemporary issues. How has cultural conflict affected American Indians? How have the experiences of different tribes within the United States varied and what impact have these differences had on the economic/political status of the tribes? What role has assimilation played in the experience of American Indians? How did political power develop within the American Indian community and how has this power evolved to work effectively with changing power structures in the United States?"

- 4) ***Data show an achievement gap between Native American students and their peers.*** Data from the California Department of Education suggest that there is a significant achievement gap between American Indian students and their peers:

- On the 2015 administration of the California Assessment of Student Performance and Progress, (CAASPP) test of English language arts, 33 percent of American Indian/Alaska Native students scored at "met standard" or above, compared to 61 percent of their white peers.

- On the 2015 administration of the CAASPP) test of mathematics, 22 percent of American Indian/Alaska Native students scored at “met standard” or above, compared to 49 percent of their white peers.
- On the 2013 English language arts test, 47 percent of American Indian/Alaska Native students scored at proficient or higher, compared with 72 percent of white students. On the mathematics assessment, 42 percent scored at this level, compared with 62 percent of white students.
- The cohort graduation rate for the class of 2014 for American Indian/Alaska Native students was 71 percent, compared to 87 percent of white students. American Indian/Alaska Native students had the second lowest graduation rate of any ethnic group, and the second highest annual dropout rate (4.4 percent).

Moreover, according to the author, “According to the United States Department of Education, California has the third largest American Indian student population. The number of students who identified as American Indian/Alaska Native in the 2013-14 and 2014-15 school years are 38,616 and 36,755, respectively. These figures account for 0.62% and 0.59% of California’s total student enrollment. According to a 2016 report by the American Indian Education Center Program, American Indian students have some of the lowest achievement rates in the state.”

- 5) **Research on academic value of ethnic studies.** A review by the National Education Association found that “there is considerable research evidence that well-designed and well-taught ethnic studies curricula have positive academic and social outcomes for students.” Another recent analysis found “a consistent, significant, positive relationship between [Mexican American Studies] participation and student academic performance.”

A 2016 study from Stanford University (published as a working paper) on the effects of an ethnic studies curriculum piloted in several San Francisco Unified School District (SFUSD) high schools found that assignment to a year-long 9th grade ethnic studies course was associated with an increase of ninth-grade student attendance by 21 percentage points, GPA by 1.4 grade points, and credits earned by 23. The authors conclude that “these surprisingly large effects are consistent with the hypothesis that the course reduced dropout rates and suggest that culturally relevant teaching when implemented in a supportive, high-fidelity context, can provide effective support to at-risk students.” They also note, “the implementation of ethnic studies in SFUSD was, arguably, conducted with a high degree of fidelity, forethought, and planning. In particular, it appeared to draw upon the work of a core group of dedicated teachers, engaging in a regular professional learning community, with outside support from experts in the subject to create and sustain the program. As scholars from a number of disciplines have noted, the effects of such smaller-scale interventions are often very different when the same policies are implemented at scale.”

- 3) **Previous legislation.** AB 2016 (Alejo, Chapter 327, Statutes of 2016) required the development of a model curriculum in ethnic studies and required school

districts which elect to offer one course in ethnic studies to make the course available in at least one year during a student's enrollment in grades 9-12.

AB 101 (Alejo, 2015-16 Regular Session) would have required the Superintendent of Public Instruction to oversee the development of a model curriculum in ethnic studies and would have established an advisory committee on ethnic studies to make recommendations on the development of the curriculum. AB 101 was vetoed by the Governor.

AB 1750 (Alejo, 2013-14 Regular Session) would have required the Instructional Quality Commission (IQC) to identify a model curriculum on ethnic studies at the high school level. AB 1750 was held in the Senate Appropriations Committee.

AB 2001 (Diaz, 2001-02 Regular Session) would have required the Curriculum Development and Supplemental Materials Commission (now the IQC) to identify model programs, standards, and curricula for ethnic studies at the high school level. AB 2001 was vetoed by the Governor, who stated that existing law, teacher training, and curriculum already addressed this topic.

SUPPORT

Alliance for Boys and Men of Color
Barona Band of Mission Indians
California School Boards Association
California Teachers Association
Karuk Tribe
Morongo Band of Mission Indians
Santa Ynez Band of Chumash Indians
Southern California Tribal Chairmen's Association
Sycuan Band of the Kumeyaay Nation
Tribal Alliance of Sovereign Indian Nations
Viejas Band of Kumeyaay Indians

OPPOSITION

None received

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