

Governor Approves Changes to Laws Regarding Independent Study, Social Science Curriculum, and Primary Language Standardized Testing

In recent weeks, Governor Brown has approved several bills that will make changes to the Education Code regarding student assessment, instruction, and curriculum.

On August 17, 2012, the Governor approved Assembly Bill (AB) 1987, which revises Education Code section 51745. Section 51745 currently allows school districts to operate independent study programs and provides a list of examples of the types of programs that may be offered through independent study. AB 1987 adds "leadership opportunities" to the list of permissible independent study offerings. Note, however, AB 1987 does not provide any further explanation or clarification of what is considered "leadership opportunities" for purposes of independent study offerings.

Governor Brown signed Senate Bill (SB) 993 into law on August 28, 2012, which revises Education Code section 51221.3. Section 51221.3 relates to social science curriculum for seventh through twelfth grades, and encourages school districts to include the Korean War, Vietnam War, America's role in World War II, and the contributions of Filipino-American veterans to World War II, as well as personal accounts from soldiers involved in those wars, as topics of instruction. With SB 993, school districts are now permitted to provide instruction on the effects of the Bracero program during and after World War II. SB 993 clarifies that this change neither creates new duties nor imposes any new programs on school districts. As such, school districts and local educational agencies are not required to purchase new materials to comply with SB 993.

On September 8, 2012, the Governor approved SB 1540, which establishes Education Code section 60200.8. In 2009, the State was in the process of updating the K-12 History-Social Science Framework. Due to the State budget, adoption of the updated curriculum was put on hold until the 2015-2016 school year. The State Board of Education (SBE) is also currently prohibited from adopting new instructional materials until the 2015-2016 school year. With the passage of SB 1540, the SBE is now authorized to consider the adoption of revised curriculum framework and the evaluation criteria for instructional materials for History-Social Science. However, the California Department of Education (CDE) will not actually revise the History-Social Science curriculum framework or evaluation criteria for instructional materials until after it has developed the curriculum frameworks for the common core academic contents standards for English language arts, the completion of which has a deadline of May 30, 2014.

Most recently, the Governor approved AB 1521 on September 21, 2012, which adds Education Code section 60640.2, regarding assessing students in their primary language for purposes of the Standardized Testing and Reporting Program (STAR). Current law requires a limited English proficient student to take a state standards-based test in his or her primary language, if the student has been enrolled in a school in the United States for less than twelve months or if the student receives instruction in his or her primary language. At this time, a non-English standards-based test is currently only available in Spanish, i.e., the Standard-based Test in Spanish (STS). STS

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results are not used for state or federal accountability purposes. Standards-based tests, if developed in the future, may also be available in non-English languages other than Spanish.

In this context, AB 1521 will allow for the administration of the STS to more students. Under the bill, the CDE is permitted, subject to the approval of the SBE, to make available a primary language assessment for students who are enrolled in a dual-language immersion program and are classified as either non-limited English proficient or re-designated fluent English proficient. With this change in the law, a school district or charter school, for example, may now administer the STS to a native English speaker who is enrolled in a dual-language program. The original intent of the STS was to provide English learners with a means of demonstrating their mastery of academic standards in their primary language. Thus, school districts and charter schools were not permitted to administer the STS to students who are not limited English proficient.

The legislature noted that allowing the STS to be administered to more students could serve additional educational purposes. For example, while a student who is enrolled in a dual-language program in kindergarten may at some point feel more comfortable taking assessments in Spanish, the student may be required to take such assessments in English. Thus, implementation of AB 1521's changes has the potential of providing valuable information regarding the performance of native English speakers in acquiring academic content that is taught in the Spanish language. School districts and charter schools may choose to administer the STS to students enrolled in dual-language immersion programs who are classified as non-limited English proficient or re-designated fluent English proficient, but school districts and charter schools must do so at their own expense and through an agreement with the state testing contractor, subject to CDE approval. Finally, because the STS is optional and only intended as an additional measure of progress for certain students, students to whom the STS might apply are still required to take the California Standards Test in English.

If you have any questions regarding AB 1521, AB 1987, SB 993 or SB 1540, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#) or download our Client News Brief [App](#).

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