

## Governor Approves Bills Affecting the Health and Science Curriculum in Schools, GATE Program Standards, and Observance of the Labor Movement

On September 26, 2012, Governor Brown signed into law two bills that change pupil curriculum in the areas of organ procurement and tissue donation, as well as school districts' observance of the labor movement. The Governor also signed into law legislation intended to ensure GATE program identification of gifted children living in disadvantaged situations. The three new laws are effective January 1, 2013.

### Organ Procurement and Tissue Donation

Under existing law, the Instructional Quality Commission (IQC) is required to recommend curriculum frameworks for adoption by the State Board of Education (SBE). A "curriculum framework" is a blueprint designed to provide state direction to school districts in the provision of instructional programs. Currently, the topic of organ procurement and tissue donation is not included in the State's academic content standards. Assembly Bill (AB) 1967 adds section 33542 to the Education Code, and mandates both the IQC and the SBE to ensure that the health and science curriculum frameworks adopted in the course of the next submission cycle include the subject of organ procurement and tissue donation. AB 1967 specifies that the topic of organ procurement and tissue donation shall be included in the science disciplines "as appropriate," recognizing that this topic may be more appropriate to discuss in a biology class, for example, than in a physics class.

### Gifted and Talented Education

Gifted and Talented Education (GATE) programs provide unique, differentiated curriculum opportunities for pupils who are identified as gifted and talented. It is optional for school districts to offer GATE, and districts can apply to the SBE for categorical funding in order to operate such a program in their district. The method of identification of gifted and talented students must be included in the school district's application to the SBE.

Existing law states the intent of the Legislature to improve the quality of existing programs for gifted and talented pupils and to ensure that pupils from economically disadvantaged and varying cultural backgrounds are provided with full participation in GATE programs. Existing law also requires the SBE to review criteria for programs for gifted and talented pupils proposed by applicant school districts. Thus, a school district's application is approved or denied based on the quality of the proposed plan in accordance with the criteria adopted by the SBE.

AB 2491 amends Education Code section 52203 by requiring (upon the next revision of the specified criteria) the SBE to *formally* adopt a standard for pupil identification to ensure the identification procedures of an applicant school district provide economically disadvantaged pupils and pupils of varying cultural backgrounds with full participation in GATE programs. The

# CLIENT NEWS BRIEF

October 2012  
Number 68

Legislature acknowledged that there is a problem with under-identification of gifted and talented pupils among students who are poor or have limited English skills. The passage of AB 2491 is intended to encourage better integration of gifted students (regardless of their socioeconomic or cultural backgrounds) who are not in GATE programs, but would otherwise qualify.

## Labor History Month

Existing law deems the first week of April to be Labor History Week, and encourages school districts to commemorate that week with appropriate educational exercises that make students aware of the role that the labor movement has played in shaping California and the United States. The Legislature determined that for many school districts, this week was not conducive to such observances. Not only are students often on spring break during the first week of April, but the entire month of April is a busy time for schools and students as they prepare for statewide assessments. AB 2269 amends Education Code, section 51009, and changes existing law by deeming the entire month of May as Labor History Month. By changing the month and extending the length of time of observance, the Legislature provides more flexibility to school districts in determining when to conduct educational activities to commemorate and raise awareness about the labor movement.

If you have any questions about AB 1967, AB 2491, AB 2269, or about any other issues related to pupil curriculum instruction or programs, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#), or download our [Client News Brief App](#).

*Written by:*

[Sloan R. Simmons](#)

Shareholder and Student Practice Group Co-Chair

Sacramento Office

[ssimmons@lozanosmith.com](mailto:ssimmons@lozanosmith.com)

Sara Elena Santoyo

Law Clerk

Fresno Office

[ssantoyo@lozanosmith.com](mailto:ssantoyo@lozanosmith.com)



*As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.*