

AMENDED IN SENATE JULY 13, 2023
AMENDED IN SENATE JUNE 28, 2023
AMENDED IN SENATE MAY 02, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 1078

Introduced by Assembly Member Jackson

(Coauthor: Assembly Member Lee)

February 15, 2023

An act to amend Sections 234.1, 1240, 35186, 51204.5, 51501, 60040, and 60119 of, to add Sections 202, 242, and 60040.5 to, and to add Article 8 (commencing with Section 60150) to Chapter 1 of Part 33 of Division 4 of Title 2 of, the Education Code, relating to pupil instruction, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1078, as amended, Jackson. Instructional materials and curriculum: diversity.

(1) Existing law, the Safe Place to Learn Act, requires the State Department of Education, as part of its regular monitoring and review of a local educational agency, to assess whether the local educational agency has, among other things, adopted a policy that prohibits discrimination, harassment, intimidation, and bullying based on specified protected characteristics.

This bill would require that policy to include a statement that the policy applies to all acts of the governing board or body of the local educational agency, the superintendent of the school district, and the county superintendent of schools in enacting policies and procedures that govern the local educational agency. Because this provision would impose an additional requirement on local educational agency officials, the bill would create a state-mandated local program.

The bill would require the department, as part of its regular monitoring and review of a local educational agency, to also assess whether the local educational agency has complied with state laws requiring public schools to provide pupils with comprehensive, culturally competent, and accurate instruction about the history, experiences, and viewpoints of people from different communities in California. The bill would require the department, no later than July 1, 2025, to develop guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum.

(2) Existing law requires, as a condition of receipt of specified funds for instructional materials, the governing board of a school district to take specified actions, including holding a public hearing or hearings and making a determination, through a resolution, as to whether each pupil in each school in the school district has sufficient textbooks and instructional materials aligned to specified content standards. Upon a determination that there are insufficient textbooks or instructional materials, existing law requires the governing board to take action, as provided, to ensure that each pupil has sufficient textbooks or instructional materials within 2 months of the beginning of the school year in which the determination is made. If the county superintendent determines that a school does not have sufficient textbooks or instructional materials in accordance with this public hearing process, existing law requires the county superintendent to provide the school district with the opportunity to remedy the deficiency. If the deficiency is not remedied, existing law requires the county superintendent to request the department, with approval by the State Board of Education, to purchase textbooks or instructional materials for the school, as provided.

If a governing board of a school district makes the above-described determination, by resolution, that there are insufficient textbooks or instructional materials, this bill would require the governing board to submit a copy of that resolution to the county superintendent of schools no later than 3 business days after the governing board hearing.

(3) Existing law requires a school district to use its uniform complaint process to help identify and resolve any deficiencies related to, among other things, instructional materials, and to report summarized data on unresolved complaints to the county superintendent of schools. Existing law requires a complaint under these provisions to be filed with the principal of the school or the principal's designee. Existing law requires the principal or the designee of the district superintendent to make all reasonable efforts to investigate any problem within their authority and to remedy a valid complaint within a reasonable time period, as specified. Existing law authorizes the complainant to appeal to the Superintendent of Public Instruction and requires the Superintendent to provide a written report to the state board describing the basis for the complaint and, as appropriate, a proposed remedy.

This bill would authorize a complaint regarding the sufficiency of textbooks or instructional materials to be filed directly with the Superintendent. The bill would authorize the Superintendent to directly intervene without waiting for the principal or the designee of the district superintendent to investigate.

(4) Existing law requires the governing board of each local educational agency to either provide for an audit of its books and accounts or make arrangements with the county superintendent to provide for that audit. Existing law requires the auditor's report to include, among other things, a summary of audit exceptions and requires each county superintendent to review audit exceptions related to, among other things, inventory of equipment and the use of instructional materials program funds.

This bill would require a county superintendent of schools to take a range of actions if the county superintendent determines that there are insufficient textbooks or instructional materials pursuant to (A) the receipt of the above-described resolution related to insufficient textbooks or instructional materials from the governing board of a school district, (B) the receipt of the above-described report of an unresolved complaint related to instructional materials, or (C) the receipt of the above-described report related to an audit exception related to the inventory of equipment and the use of instructional materials program funds, as provided. The bill would require the county superintendent, upon making this determination, to provide the school district with the opportunity to remedy the deficiency

by no later than the 2nd month of the school term. If the deficiency is not remedied, the bill would require the department to purchase textbooks or instructional materials for the school, as specified. The bill would require the funds necessary for the purchase to be considered a loan to the school district and, unless the loan is repaid based upon an agreed-upon schedule with the Superintendent, would require the Controller to deduct the amount of the loan from the school district's next principal apportionment or other apportionment of state funds.

This bill would also require, if the deficiency in the provision of textbooks or instructional materials is not remedied, the county superintendent to prominently post a notice that the school district failed to provide pupils with sufficient textbooks or instructional materials on the homepage of the internet website of the county office of education. The bill would require the county superintendent to provide a copy of this notice to the district superintendent and the governing board of the school district, who would be required to prominently post the notice on the homepage of the internet website of the school district. If the governing board fails to take action to remedy the deficiency before the end of the 8th week of the school term, the bill would require these notices to prominently include the names of the individual members of the governing board of the school district.

By imposing new duties on county superintendents of schools, county offices of education, and school districts, the bill would impose a state-mandated local program.

(5) Existing law establishes a public school financing system that requires state funding for school districts, county offices of education, and charter schools to be calculated pursuant to a local control funding formula, as specified.

This bill would reduce a school district's local control funding formula allocation by a specified amount if the Superintendent determines the school district has not provided sufficient textbooks or instructional materials pursuant to these provisions.

(6) Existing law requires instruction in social sciences to include a study of the role and contributions of men and women and culturally and racially diverse groups, including, among others, Mexican Americans and lesbian, gay, bisexual, and transgender Americans, and members of other ethnic and cultural groups.

This bill would revise the list of the above-described groups to instead require instruction in social sciences to include a study of the role and contributions of, among others, people of all genders, Latino Americans, LGBTQ+ Americans, and members of other ethnic, cultural, ~~religious~~, and socioeconomic status groups. By imposing new obligations on local educational agencies, the bill would create a state-mandated local program.

(7) Existing law prescribes substantive requirements and particular processes that the State Board of Education, the Instructional Quality Commission, local educational agencies, and the Superintendent of Public Instruction are required to follow when adopting or evaluating instructional materials, as defined.

Existing law requires governing boards of school districts, when adopting instructional materials for use in the schools, to include materials that accurately portray the cultural and racial diversity of our society, including the contributions of both men and women and the role and contributions of culturally and racially diverse groups, including, among others, Mexican Americans, lesbian, gay, bisexual, and transgender Americans, and members of other ethnic and cultural groups. Existing law requires the state board to comply with those requirements related to the accurate portrayal of cultural and racial diversity when reviewing and adopting or recommending for adoption submitted basic instructional

materials. Existing law also requires the governing board of each school district maintaining one or more high schools to comply with those requirements related to the accurate portrayal of racial and cultural diversity when adopting instructional materials for use in the high schools under its control.

This bill would revise the list of the above-described culturally and racially diverse groups to instead include materials that accurately portray the contributions of people of all genders and the role and contributions of Latino Americans, LGBTQ+ Americans, and other ethnic, cultural, ~~religious~~, and socioeconomic status groups. By imposing new obligations on local educational agencies, the bill would impose a state-mandated local program. The bill would require the ~~department~~ *department, no later than July 1, 2025*, to issue guidance related to how to help school districts, county offices of education, charter schools, and school personnel manage conversations about race and gender, and how to review instructional materials to ensure that they represent diverse perspectives and are culturally relevant.

The bill would prohibit the governing board of a school district or a county board of education from prohibiting the use of an existing textbook, other instructional material, or curriculum that contains inclusive and diverse perspectives. The bill would prohibit the governing board of a school district or a county board of education from prohibiting the use of an existing textbook, other instructional material, or curriculum for any other reason unless the removal is approved by a $\frac{2}{3}$ vote of the governing board. By imposing new obligations on school districts and county board of education, the bill would create a state-mandated local program.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(9) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 202 is added to the Education Code, immediately following Section 201, to read:

202. The Legislature finds and declares all of the following:

(a) California reaffirms that its laws and public policy support accurate and inclusive education in all of California's schools, including in all school districts, county offices of education, and charter schools.

(b) The California Constitution protects pupils' rights to share ideas and beliefs, including the right to receive information and knowledge, and guarantees pupils equal protection under the law.

(c) Education is a fundamental right under the California Constitution. State statutes further place upon local educational agencies the affirmative obligation to combat bias against pupils within their schools. Under California law, California schools must create an equitable learning environment where lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ) pupils and Black, Indigenous, and other pupils of color feel welcome, including through honest discussions of racism, the history of slavery in our society and in California, and the diversity of gender and sexual orientation that reflects the lived reality of those pupils.

(d) Accurate and inclusive education is essential to ensure the educational success of all pupils, especially LGBTQ pupils and Black, Indigenous, and other pupils of color.

(e) Restricting access to classroom and library materials because they feature LGBTQ people or were written by LGBTQ authors discriminates against LGBTQ people and constitutes censorship in violation of California law and policy. Similarly, efforts to categorically exclude topics related to race, ethnicity, gender, sexual orientation, or other protected characteristics, or of present or historical discrimination based on protected characteristics, from school library collections, curricula, or classroom discussions constitute censorship that violates California law and policy.

(f) The Superintendent and other state officials and agencies have the authority to enforce federal and state laws that protect pupils from unlawful discrimination and harassment and that require local educational agencies to create an equitable learning environment for all pupils, regardless of race, ethnicity, gender, sexual orientation, or other protected characteristics. This authority includes the power to ensure that local educational agencies comply with laws supporting pupils' right to receive accurate and inclusive education in California's schools.

SEC. 2. Section 234.1 of the Education Code is amended to read:

234.1. The department, pursuant to subdivision (b) of Section 64001, shall monitor adherence to the requirements of Chapter 5.3 (commencing with Section 4900) of Division 1 of Title 5 of the California Code of Regulations and this chapter as part of its regular monitoring and review of local educational agencies, commonly known as the Categorical Program Monitoring process. The department shall assess whether local educational agencies have done all of the following:

(a) Adopted a policy that prohibits discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics set forth in Section 422.55 of the Penal Code, including immigration status, and Section 220 of this code, and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. The policy shall include a statement that the policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the local educational agency, and all acts of the governing board or body of the local educational agency, the superintendent of the school district, and the county superintendent of schools in enacting policies and procedures that govern the local educational agency.

(b) Adopted a process for receiving and investigating complaints of discrimination, harassment, intimidation, and bullying based on any of the actual or perceived characteristics set forth in Section 422.55 of the Penal Code, including immigration status, and Section 220 of this code, and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or

group with one or more of these actual or perceived characteristics. The complaint process shall include, but not be limited to, all of the following:

(1) A requirement that, if school personnel witness an act of discrimination, harassment, intimidation, or bullying, they shall take immediate steps to intervene when safe to do so.

(2) A timeline to investigate and resolve complaints of discrimination, harassment, intimidation, or bullying that shall be followed by all schools under the jurisdiction of the school district.

(3) An appeal process afforded to the complainant in the case of a disagreement with the resolution of a complaint filed pursuant to this section.

(4) All forms developed pursuant to this process shall be translated pursuant to Section 48985.

(c) Complied with state ~~laws~~ *laws, including, but not limited to, Sections 51204.5, 51500, 51501, 60040, and 60044*, requiring that public schools provide pupils with comprehensive, culturally competent, and accurate instruction about the history, experiences, and viewpoints of people from different communities in California.

(d) Publicized antidiscrimination, antiharassment, anti-intimidation, and antibullying policies adopted pursuant to subdivision (a), including information about the manner in which to file a complaint, to pupils, parents, employees, agents of the governing board, and the general public. The information shall be translated pursuant to Section 48985.

(e) (1) Provided, incident to the publicizing described in subdivision (d), to certificated schoolsite employees who serve pupils in any of grades 7 to 12, inclusive, who are employed by the local educational agency, information on existing schoolsite and community resources related to the support of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) pupils, or related to the support of pupils who may face bias or bullying on the basis of religious affiliation, or perceived religious affiliation.

(2) As used in this subdivision, both of the following apply:

(A) Schoolsite resources may include, but are not limited to, peer support or affinity clubs and organizations, safe spaces for LGBTQ or other at-risk pupils, counseling services, staff who have received antibias or other training aimed at supporting these pupils or who serve as designated support to these pupils, health and other curriculum materials that are inclusive of, and relevant to, these pupils, online training developed pursuant to Section 32283.5, and other policies adopted pursuant to this article, including related complaint procedures.

(B) Community resources may include, but are not limited to, community-based organizations that provide support to LGBTQ or other at-risk pupils and their families, and physical and mental health providers with experience or training in treating or supporting these pupils.

(f) Posted the policy established pursuant to subdivision (a) in all schools and offices, including staff lounges and pupil government meeting rooms.

(g) Maintained documentation of complaints and their resolution for a minimum of one review cycle.

(h) Ensured that complainants are protected from retaliation and that the identity of a complainant alleging discrimination, harassment, intimidation, or bullying remains confidential, as appropriate.

(i) Identified a responsible local educational agency officer for ensuring school district or county office of education compliance with the requirements of Chapter 5.3 (commencing with Section 4900) of Division 1 of Title 5 of the California Code of Regulations and this chapter.

(j) Nothing in this section shall be construed to require school employees to engage with religious institutions in the course of identifying community support resources pursuant to this section.

SEC. 3. Section 242 is added to the Education Code, to read:

242. No later than July 1, 2025, the department shall develop guidance and public educational materials, including an internet website and other communications materials, to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum.

~~SEC. 4. Section 1240 of the Education Code is amended to read:~~

~~1240. The county superintendent of schools shall do all of the following:~~

~~(a) Superintend the schools of that county.~~

~~(b) Maintain responsibility for the fiscal oversight of each school district in that county pursuant to the authority granted by this code.~~

~~(c)(1) Visit and examine each school in the county at reasonable intervals to observe its operation and to learn of its problems. The county superintendent of schools annually may present a report of the state of the schools in the county, and of the county office of education, including, but not limited to, observations from visiting the schools, to the board of education and the board of supervisors of the county.~~

~~(2)(A)(i) Commencing with the 2021–22 fiscal year, the Superintendent shall identify a list of schools, which shall include charter schools, for which the county superintendent, or a designee, shall inspect annually, and about which the county superintendent, or a designee, shall submit an annual report, at a regularly scheduled November board meeting, to the governing board of each school district under the jurisdiction of the county superintendent, the county board of education of that county, and the board of supervisors of that county, that describes the state of the schools in the county. After the initial list is established in the 2021–22 fiscal year, the Superintendent shall identify the list of these schools again in the 2022–23 fiscal year, and then every three fiscal years thereafter, during the same fiscal year that schools are identified for comprehensive support and improvement or additional targeted support and improvement pursuant to the federal Every Student Succeeds Act (Public Law 114–95) or identified as low performing under the federal Elementary and Secondary Education Act of 1965 (Public Law 89–10), or any subsequent amendments to that act. Each list shall be established in accordance with clause (ii), and shall be used for inspections beginning the following fiscal year.~~

~~(ii) The list of schools pursuant to clause (i) shall be compiled as follows:~~

~~(I) The Superintendent shall include on the list all schools identified for comprehensive support and improvement and additional targeted support and improvement pursuant to the federal Every Student Succeeds Act (Public Law 114–95) or identified as low performing under the federal Elementary~~

and Secondary Education Act of 1965 (Public Law 89-10), or any subsequent amendments to that act. For the 2021-22 fiscal year and until a new list of federally identified schools is established, the Superintendent shall use the list of schools identified in the 2019-20 fiscal year for comprehensive support and improvement and for additional targeted support and improvement.

(II) The Superintendent shall include on the list all schools where 15 percent or more of the teachers are holders of a permit or certificate, such as a temporary or short-term permit, a substitute permit, a waiver, an intern credential, or any other authorization that is a lesser certification than a preliminary or clear California teaching credential.

(III) The list of schools compiled pursuant to clause (i) shall exclude alternative schools within the meaning of subdivision (d) of Section 52052 and other schools accepted for participation in the Dashboard Alternative School Status program by the department.

(iii) The annual report shall include the determinations for each school made by the county superintendent, or the county superintendent's designee, regarding the status of all of the circumstances listed in subparagraph (E) and teacher misassignments and teacher vacancies, as described in Section 44258.9, and the county superintendent, or the county superintendent's designee, shall use a standardized template to report the circumstances listed in subparagraph (E) and teacher misassignments and teacher vacancies, as described in Section 44258.9, unless the current annual report being used by the county superintendent, or the county superintendent's designee, already includes those details with the same level of specificity that is otherwise required by this subdivision.

(B) The county superintendent of the Counties of Alpine, Amador, Del Norte, Mariposa, Plumas, and Sierra, and the City and County of San Francisco shall contract with another county office of education or an independent auditor to conduct the required visits and make all reports required by this paragraph.

(C) On a quarterly basis, the county superintendent, or the county superintendent's designee, shall report the results of the visits and reviews conducted that quarter to the governing board of the school district at a regularly scheduled meeting held in accordance with public notification requirements. The results of the visits and reviews shall include the determinations of the county superintendent, or the county superintendent's designee, for each school regarding the status of all of the circumstances listed in subparagraph (E) and teacher misassignments and teacher vacancies, as described in Section 44258.9. If the county superintendent, or the county superintendent's designee, conducts no visits or reviews in a quarter, the quarterly report shall report that fact.

(D) The visits made pursuant to this paragraph shall be conducted at least annually and shall meet the following criteria:

(i) Minimize disruption to the operation of the school.

(ii) Be performed by individuals who meet the requirements of Section 45125.1.

~~(iii) Consist of not less than 25 percent unannounced visits in each county. During unannounced visits in each county, the county superintendent shall not demand access to documents or specific school personnel. Unannounced visits shall only be used to observe the condition of school repair and maintenance, and the sufficiency of instructional materials, as defined by Section 60119.~~

~~(E) The priority objective of the visits made pursuant to this paragraph shall be to determine the status of all of the following circumstances:~~

~~(i) Sufficient textbooks, as defined in Section 60119 and as specified in subdivision (i).~~

~~(ii) The condition of a facility that poses an emergency or urgent threat to the health or safety of pupils or staff, as described in school district policy or paragraph (1) of subdivision (c) of Section 17592.72.~~

~~(iii) The accuracy of data reported on the school accountability report card with respect to the availability of sufficient textbooks and instructional materials, as defined by Section 60119, and the safety, cleanliness, and adequacy of school facilities, including good repair, as required by Sections 17014, 17032.5, 17070.75, and 17089.~~

~~(F) The county superintendent may make the status determinations described in subparagraph (E) during a single visit or multiple visits. In determining whether to make a single visit or multiple visits for this purpose, the county superintendent shall take into consideration factors such as cost effectiveness, disruption to the school site, deadlines, and the availability of qualified reviewers.~~

~~(G) If the county superintendent determines that the condition of a facility poses an emergency or urgent threat to the health or safety of pupils or staff as described in school district policy or paragraph (1) of subdivision (c) of Section 17592.72, or is not in good repair, as specified in subdivision (d) of Section 17002 and required by Sections 17014, 17032.5, 17070.75, and 17089, the county superintendent, among other things, may do any of the following:~~

~~(i) Return to the school to verify repairs.~~

~~(ii) Prepare a report that specifically identifies and documents the areas or instances of noncompliance if the school district has not provided evidence of successful repairs within 30 days of the visit of the county superintendent or, for major projects, has not provided evidence that the repairs will be conducted in a timely manner. The report may be provided to the governing board of the school district. If the report is provided to the school district, it shall be presented at a regularly scheduled meeting held in accordance with public notification requirements. The county superintendent shall post the report on the internet website of the county superintendent. The report shall be removed from the internet website when the county superintendent verifies the repairs have been completed.~~

~~(d) Distribute all laws, reports, circulars, instructions, and blanks that the county superintendent may receive for the use of the school officers.~~

~~(e) Annually, on or before September 15, present a report to the governing board of the school district and the Superintendent regarding the fiscal solvency of a school district with a disapproved budget, qualified interim certification, or a negative interim certification, or that is determined to be in a position of fiscal uncertainty pursuant to Section 42127.6.~~

~~(f) Keep in the office of the county superintendent the reports of the Superintendent.~~

~~(g) Keep a record of the official acts of the county superintendent and of all the proceedings of the county board of education, including a record of the standing, in each study, of all applicants for certificates who have been examined, which shall be open to the inspection of an applicant or an authorized agent of the applicant.~~

~~(h) Enforce the course of study.~~

~~(i)(1) Enforce the use of state textbooks and instructional materials and of high school textbooks and instructional materials regularly adopted by the proper authority in accordance with Section 51050.~~

~~(2) For purposes of this subdivision, sufficient textbooks or instructional materials has the same meaning as in subdivision (c) of Section 60119.~~

~~(3)(A) Commencing with the 2022-23 school year, if a school is identified as specified in subparagraph (A) of paragraph (2) of subdivision (c), the county superintendent specifically shall review that school at least annually as a priority school. A review conducted for purposes of this paragraph shall be completed by the fourth week of the school year.~~

~~(B) In order to facilitate the review of instructional materials before the fourth week of the school year, the county superintendent in a county with 200 or more schools that are identified as specified in subparagraph (A) of paragraph (2) of subdivision (c) may use a combination of visits and written surveys of teachers for the purpose of determining sufficiency of textbooks and instructional materials in accordance with subparagraph (A) of paragraph (1) of subdivision (a) of Section 60119 and as defined in subdivision (c) of Section 60119. If a county superintendent elects to conduct written surveys of teachers, the county superintendent shall visit the schools surveyed within the same academic year to verify the accuracy of the information reported on the surveys. If a county superintendent surveys teachers at a school in which the county superintendent has found sufficient textbooks and instructional materials for the previous two consecutive years and determines that the school does not have sufficient textbooks or instructional materials, the county superintendent shall, within 10 business days, provide a copy of the insufficiency report to the school district as set forth in paragraph (4).~~

~~(C) For purposes of this paragraph, "written surveys" may include paper and electronic or online surveys.~~

~~(4) If the county superintendent of schools determines that a school does not have sufficient textbooks or instructional materials in accordance with subparagraph (A) of paragraph (1) of subdivision (a) of Section 60119 and as defined by subdivision (c) of Section 60119, the county superintendent shall do all of the following:~~

~~(A) Prepare a report that specifically identifies and documents the areas or instances of noncompliance.~~

~~(B) Provide within five business days of the review, a copy of the report to the school district, as provided in subdivision (c), or, if applicable, provide a copy of the report to the school district within 10 business days pursuant to subparagraph (B) of paragraph (3).~~

~~(C) Provide the school district with the opportunity to remedy the deficiency. The county superintendent shall ensure that the deficiency is remedied no later than the second month of the school term.~~

~~(D) If the deficiency is not remedied as required pursuant to subparagraph (C), the county superintendent shall request the department to purchase the textbooks or instructional materials necessary to comply with the sufficiency requirement of this subdivision. If the department purchases textbooks or instructional materials for the school district, the department shall issue a public statement at the first regularly scheduled meeting of the state board occurring immediately after the department receives the request of the county superintendent and that meets the applicable public notice requirements, indicating that the district superintendent and the governing board of the school district failed to provide pupils with sufficient textbooks or instructional materials as required by this subdivision. Before purchasing the textbooks or instructional materials, the department shall consult with the school district to determine which textbooks or instructional materials to purchase. The amount of funds necessary for the purchase of the textbooks and materials is a loan to the school district receiving the textbooks or instructional materials. Unless the school district repays the amount owed based upon an agreed upon repayment schedule with the Superintendent, the Superintendent shall notify the Controller and the Controller shall deduct an amount equal to the total amount used to purchase the textbooks and materials from the next principal apportionment of the school district or from another apportionment of state funds.~~

~~(5) If the county superintendent of schools determines that there are insufficient textbooks or instructional materials pursuant to a resolution received in accordance with subparagraph (A) of paragraph (2) of subdivision (a) of Section 60119 and as defined by subdivision (c) of Section 60119, or as a result of receiving a report of an unresolved complaint pursuant to Section 35186 or an audit exception pursuant to subdivision (i) of Section 41020, the county superintendent shall do both of the following:~~

~~(A) Provide the school district with the opportunity to remedy the deficiency. The county superintendent shall ensure that the deficiency is remedied no later than the second month of the school term.~~

~~(B) If the deficiency is not remedied as required pursuant to subparagraph (A), the county superintendent shall do all of the following:~~

~~(i) Request the department to purchase the textbooks or instructional materials necessary to comply with the sufficiency requirement of this subdivision. If the department purchases the textbooks or instructional materials for the school district, the department shall issue a public statement at the first regularly scheduled meeting of the state board occurring immediately after the department receives the request of the county superintendent and that meets the applicable public notice requirements, indicating that the district superintendent and the governing board of the school district failed to provide pupils with sufficient~~

~~textbooks or instructional materials as required by this subdivision. Before purchasing the textbooks or instructional materials, the department shall consult with the school district when determining which textbooks or instructional materials to purchase. The amount of funds necessary for the purchase of the textbooks and materials is a loan to the school district receiving the textbooks or instructional materials. Unless the school district repays the amount owed based upon an agreed upon repayment schedule with the Superintendent, the Superintendent shall notify the Controller and the Controller shall deduct an amount equal to the total amount used to purchase the textbooks and materials from the next principal apportionment of the school district or from another apportionment of state funds.~~

~~(ii)By no later than the end of the twelfth week of the school term, prominently post on the homepage of the internet website of the county office of education a notice to parents in the school district indicating that the district superintendent and the governing board of the school district failed to provide pupils with sufficient textbooks or instructional materials as required. The county superintendent shall provide a copy of this notice to the district superintendent and the governing board of the school district. The school district shall prominently post the notice to parents on the homepage of the internet website of the school district by no later than the end of the twelfth week of the school term. If the governing board of the school district fails to take action to remedy the deficiency before the end of the eighth week of the school term, the notices shall prominently include the names of the individual members of the governing board of the school district.~~

~~(j)Preserve carefully all reports of school officers and teachers.~~

~~(k)Deliver to county superintendent's successor, at the close of the county superintendent's official term, all records, books, documents, and papers belonging to the office, taking a receipt for them, which shall be filed with the department.~~

~~(l)(1)Submit two reports during the fiscal year to the county board of education in accordance with the following:~~

~~(A)The first report shall cover the financial and budgetary status of the county office of education for the period ending October 31. The second report shall cover the period ending January 31. Both reports shall be reviewed by the county board of education and approved by the county superintendent no later than 45 days after the close of the period being reported.~~

~~(B)As part of each report, the county superintendent shall certify in writing whether or not the county office of education is able to meet its financial obligations for the remainder of the fiscal year and, based on current forecasts, for two subsequent fiscal years. The certifications shall be classified as positive, qualified, or negative, pursuant to standards prescribed by the Superintendent, for purposes of determining subsequent state agency actions pursuant to Section 1240.1. For purposes of this subdivision, a negative certification shall be assigned to a county office of education that, based upon current projections, will not meet its financial obligations for the remainder of the fiscal year or for the subsequent fiscal year. A qualified certification shall be assigned to a county office of education that may not meet its financial obligations for the current fiscal year or two subsequent fiscal years. A positive certification shall be assigned to a county office of education that will meet its financial obligations for the current fiscal year and subsequent two fiscal years. In accordance with those standards, the Superintendent may reclassify a certification. If~~

~~a county office of education receives a negative certification, the Superintendent, or the Superintendent's designee, may exercise the authority set forth in subdivision (d) of Section 1630. Copies of each certification, and of the report containing that certification, shall be sent to the Superintendent at the time the certification is submitted to the county board of education. Copies of each qualified or negative certification and the report containing that certification shall be sent to the Controller at the time the certification is submitted to the county board of education.~~

~~(2) All reports and certifications required under this subdivision shall be in a format or on forms prescribed by the Superintendent, and shall be based on standards and criteria for fiscal stability adopted by the state board pursuant to Section 33127. The reports and supporting data shall be made available by the county superintendent to an interested party upon request.~~

~~(3) This subdivision does not preclude the submission of additional budgetary or financial reports by the county superintendent to the county board of education or to the Superintendent.~~

~~(4) The county superintendent is not responsible for the fiscal oversight of the community colleges in the county, however, the county superintendent may perform financial services on behalf of those community colleges.~~

~~(5) A county office of education having a negative or qualified certification, or classified as qualified or negative by the Superintendent, shall continue to be classified as qualified or negative until the next report required under this subdivision is filed.~~

~~(m) If requested, act as agent for the purchase of supplies for the city and high school districts of that county.~~

~~(n) For purposes of Section 44421.5, report to the Commission on Teacher Credentialing the identity of a certificated person who knowingly and willingly reports false fiscal expenditure data relative to the conduct of an educational program. This requirement applies only if, in the course of normal duties, the county superintendent discovers information that gives the county superintendent reasonable cause to believe that false fiscal expenditure data relative to the conduct of an educational program has been reported.~~

~~(o) If any activities authorized pursuant to this section are found to be a state reimbursable mandate pursuant to Section 6 of Article XIII B of the California Constitution, funding provided for school districts and county offices of education pursuant to Sections 2574, 2575, 42238.02, and 42238.03 shall be used to directly offset any mandated costs.~~

~~SEC. 5. Section 35186 of the Education Code is amended to read:~~

~~35186.(a) A school district shall use the uniform complaint process it has adopted as required by Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations, with modifications, as necessary, to help identify and resolve any deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment.~~

~~(1) A complaint may be filed anonymously. A complainant who identifies themselves is entitled to a response if the complainant indicates that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. If Section 48985 is otherwise applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed. All complaints and responses are public records.~~

~~(2)The complaint form shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as the complainant wishes.~~

~~(3)A complaint shall be filed with the principal of the school or the principal's designee. A complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner but not to exceed 10 working days to the appropriate school district official for resolution.~~

~~(b)The principal or the designee of the district superintendent, as applicable, shall make all reasonable efforts to investigate any problem within their authority. The principal or designee of the district superintendent shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days from the date the complaint was received. The principal or designee of the district superintendent shall report to the complainant the resolution of the complaint within 45 working days of the initial filing. If the principal makes this report, the principal shall also report the same information in the same timeframe to the designee of the district superintendent.~~

~~(c)A complainant not satisfied with the resolution of the principal or the designee of the district superintendent has the right to describe the complaint to the governing board of the school district at a regularly scheduled hearing of the governing board of the school district. As to complaints involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of Section 17592.72, a complainant who is not satisfied with the resolution proffered by the principal or the designee of the district superintendent has the right to file an appeal to the Superintendent, who shall provide a written report to the state board describing the basis for the complaint and, as appropriate, a proposed remedy for the issue described in the complaint.~~

~~(d)Notwithstanding the provisions of this section or any other law, a complaint pursuant to paragraph (1) of subdivision (f) that pupils at an entire school or school district do not have sufficient textbooks or instructional materials, as defined in subdivision (c) of Section 60119, as the result of an act by the governing board of the school district, or the governing board's failure to act to remedy the deficiency, may be filed with the Superintendent directly. In responding to such a complaint, the Superintendent may directly intervene without waiting for an investigation under subdivisions (a), (b), and (c). A complaint filed pursuant to this subdivision shall identify the basis for filing the complaint directly with the Superintendent. The complainant shall present the Superintendent with evidence that supports the basis for the direct filing.~~

~~(e)A school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. The complaints and written responses shall be available as public records.~~

~~(f)The procedure required pursuant to this section is intended to address all of the following:~~

~~(1)A complaint related to instructional materials as follows:~~

~~(A)A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state-adopted or district-adopted textbooks or other required instructional material to use in class.~~

~~(B)A pupil does not have access to instructional materials to use at home or after school.~~

~~(C) Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.~~

~~(2) A complaint related to teacher vacancy or misassignment as follows:~~

~~(A) A semester begins and a teacher vacancy exists.~~

~~(B) A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent of English learner pupils in the class. This subparagraph does not relieve a school district from complying with state or federal law regarding teachers of English learners.~~

~~(C) A teacher is assigned to teach a class for which the teacher lacks subject matter competency.~~

~~(3) A complaint related to the condition of facilities that pose an emergency or urgent threat to the health or safety of pupils or staff as defined in paragraph (1) of subdivision (c) of Section 17592.72 and any other emergency conditions the school district determines appropriate and the requirements established pursuant to subdivision (a) of Section 35292.5.~~

~~(g) In order to identify appropriate subjects of complaint, a notice shall be posted in each classroom in each school in the school district notifying parents, guardians, pupils, and teachers of the following:~~

~~(1) There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.~~

~~(2) School facilities must be clean, safe, and maintained in good repair.~~

~~(3) There should be no teacher vacancies or misassignments as defined in paragraphs (2) and (3) of subdivision (i).~~

~~(4) The location at which to obtain a form to file a complaint in case of a shortage. Posting a notice downloadable from the internet website of the department shall satisfy this requirement.~~

~~(h) A local educational agency shall establish local policies and procedures, post notices, and implement this section.~~

~~(i) For purposes of this section, the following definitions apply:~~

~~(1) "Good repair" has the same meaning as specified in subdivision (d) of Section 17002.~~

~~(2) "Misassignment" means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.~~

~~(3) "Teacher vacancy" means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.~~

SEC. 4. Section 1240 of the Education Code is amended to read:

1240. The county superintendent of schools shall do all of the following:

(a) Superintend the schools of that county.

(b) Maintain responsibility for the fiscal oversight of each school district in that county pursuant to the authority granted by this code.

(c) (1) Visit and examine each school in the county at reasonable intervals to observe its operation and to learn of its problems. The county superintendent of schools annually may present a report of the state of the schools in the county, and of the county office of education, including, but not limited to, observations from visiting the schools, to the board of education and the board of supervisors of the county.

(2) (A) (i) Commencing with the 2021–22 fiscal year, the Superintendent shall identify a list of schools, which shall include charter schools, for which the county superintendent, or a designee, shall inspect annually, and about which the county superintendent, or a designee, shall submit an annual report, at a regularly scheduled November board meeting, to the governing board of each school district under the jurisdiction of the county superintendent, the county board of education of that county, and the board of supervisors of that county, that describes the state of the schools in the county. The list established in the 2021–22 fiscal year shall also be used as the list established in the 2022–23 and 2023–24 fiscal years. The list of schools established pursuant to this section shall be reestablished in the 2024–25 fiscal year and again every three fiscal years thereafter. Each list shall be established in accordance with clause (ii), and shall be used for inspections beginning the following fiscal year.

(ii) The list of schools pursuant to clause (i) shall be compiled as follows:

(I) The Superintendent shall include on the list all schools that were most recently identified for comprehensive support and improvement and additional targeted support and improvement pursuant to the federal Every Student Succeeds Act (Public Law 114-95) or identified as low performing under the federal Elementary and Secondary Education Act of 1965 (Public Law 89-10), or any subsequent amendments to that act. For the list established in the 2021–22, 2022–23, and 2023–24 fiscal years, the Superintendent shall use the list of schools identified in the 2019–20 fiscal year for comprehensive support and improvement and for additional targeted support and improvement.

(II) The Superintendent shall include on the list all schools where 15 percent or more of the teachers are holders of a permit or certificate, such as a temporary or short-term permit, a substitute permit, a waiver, an intern credential, or any other authorization that is a lesser certification than a preliminary or clear California teaching credential. With the exception of alternative schools, all schools within a local educational agency that fail to

meet the requirements of Sections 44258.9 and 60900 shall be included on the list for the applicable reporting cycle.

(III) The list of schools compiled pursuant to clause (i) shall exclude alternative schools within the meaning of subdivision (d) of Section 52052 and other schools accepted for participation in the Dashboard Alternative School Status program by the department.

(iii) The annual report shall include the determinations for each school made by the county superintendent, or the county superintendent's designee, regarding the status of all of the circumstances listed in subparagraph (E) and teacher misassignments and teacher vacancies, as described in Section 44258.9, and the county superintendent, or the county superintendent's designee, shall use a standardized template to report the circumstances listed in subparagraph (E) and teacher misassignments and teacher vacancies, as described in Section 44258.9, unless the current annual report being used by the county superintendent, or the county superintendent's designee, already includes those details with the same level of specificity that is otherwise required by this subdivision.

(B) The county superintendent of the Counties of Alpine, Amador, Del Norte, Mariposa, Plumas, and Sierra, and the City and County of San Francisco shall contract with another county office of education or an independent auditor to conduct the required visits and make all reports required by this paragraph.

(C) On a quarterly basis, the county superintendent, or the county superintendent's designee, shall report the results of the visits and reviews conducted that quarter to the governing board of the school district at a regularly scheduled meeting held in accordance with public notification requirements. The results of the visits and reviews shall include the determinations of the county superintendent, or the county superintendent's designee, for each school regarding the status of all of the circumstances listed in subparagraph (E) and teacher misassignments and teacher vacancies, as described in Section 44258.9. If the county superintendent, or the county superintendent's designee, conducts no visits or reviews in a quarter, the quarterly report shall report that fact.

(D) The visits made pursuant to this paragraph shall be conducted at least annually and shall meet the following criteria:

(i) Minimize disruption to the operation of the school.

(ii) Be performed by individuals who meet the requirements of Section 45125.1.

(iii) Consist of not less than 25 percent unannounced visits in each county. During unannounced visits in each county, the county superintendent shall not demand access to documents or specific school personnel. Unannounced visits shall only be used to observe the condition of school repair and maintenance, and the sufficiency of instructional materials, as defined by Section 60119.

(E) The priority objective of the visits made pursuant to this paragraph shall be to determine the status of all of the following circumstances:

(i) Sufficient textbooks, as defined in Section 60119 and as specified in subdivision (i).

(ii) The condition of a facility that poses an emergency or urgent threat to the health or safety of pupils or staff, as described in school district policy or paragraph (1) of subdivision (c) of Section 17592.72.

(iii) The accuracy of data reported on the school accountability report card with respect to the availability of sufficient textbooks and instructional materials, as defined by Section 60119, and the safety, cleanliness, and adequacy of school facilities, including good repair, as required by Sections 17014, 17032.5, 17070.75, and 17089.

(F) The county superintendent may make the status determinations described in subparagraph (E) during a single visit or multiple visits. In determining whether to make a single visit or multiple visits for this purpose, the county superintendent shall take into consideration factors such as cost-effectiveness, disruption to the schoolsite, deadlines, and the availability of qualified reviewers.

(G) If the county superintendent determines that the condition of a facility poses an emergency or urgent threat to the health or safety of pupils or staff as described in school district policy or paragraph (1) of subdivision (c) of Section 17592.72, or is not in good repair, as specified in subdivision (d) of Section 17002 and required by Sections 17014, 17032.5, 17070.75, and 17089, the county superintendent, among other things, may do any of the following:

(i) Return to the school to verify repairs.

(ii) Prepare a report that specifically identifies and documents the areas or instances of noncompliance if the school district has not provided evidence of successful repairs within 30 days of the visit of the county superintendent or, for major projects, has not provided evidence that the repairs will be conducted in a timely manner. The report may be provided to the governing board of the school district. If the report is provided to the school district, it shall be presented at a regularly scheduled meeting held in accordance with public notification requirements. The county superintendent shall post the report on the internet website of the county superintendent. The report shall be removed from the internet website when the county superintendent verifies the repairs have been completed.

(d) Distribute all laws, reports, circulars, instructions, and blanks that the county superintendent may receive for the use of the school officers.

(e) Annually, on or before September 15, present a report to the governing board of the school district and the Superintendent regarding the fiscal solvency of a school district with a disapproved budget, qualified interim certification, or a negative interim certification, or that is determined to be in a position of fiscal uncertainty pursuant to Section 42127.6.

(f) Keep in the office of the county superintendent the reports of the Superintendent.

(g) Keep a record of the official acts of the county superintendent and of all the proceedings of the county board of education, including a record of the standing, in each study, of all applicants for certificates who have been examined, which shall be open to the inspection of an applicant or an authorized agent of the applicant.

(h) Enforce the course of study.

(i) (1) Enforce the use of state textbooks and instructional materials and of high school textbooks and instructional materials regularly adopted by the proper authority in accordance with Section 51050.

(2) For purposes of this subdivision, sufficient textbooks or instructional materials has the same meaning as in subdivision (c) of Section 60119.

(3) (A) Commencing with the 2022–23 school year, if a school is identified as specified in subparagraph (A) of paragraph (2) of subdivision (c), the county superintendent specifically shall review that school at least annually as a priority school. A review conducted for purposes of this paragraph shall be completed by the fourth week of the school year.

(B) In order to facilitate the review of instructional materials before the fourth week of the school year, the county superintendent in a county with 200 or more schools that are identified as specified in subparagraph (A) of paragraph (2) of subdivision (c) may use a combination of visits and written surveys of teachers for the purpose of determining sufficiency of textbooks and instructional materials in accordance with subparagraph (A) of paragraph (1) of subdivision (a) of Section 60119 and as defined in subdivision (c) of Section 60119. If a county superintendent elects to conduct written surveys of teachers, the county superintendent shall visit the schools surveyed within the same academic year to verify the accuracy of the information reported on the surveys. If a county superintendent surveys teachers at a school in which the county superintendent has found sufficient textbooks and instructional materials for the previous two consecutive years and determines that the school does not have sufficient textbooks or instructional materials, the county superintendent shall, within 10 business days, provide a copy of the insufficiency report to the school district as set forth in paragraph (4).

(C) For purposes of this paragraph, “written surveys” may include paper and electronic or online surveys.

(4) If the county superintendent of schools determines that a school does not have sufficient textbooks or instructional materials in accordance with subparagraph (A) of paragraph (1) of subdivision (a) of Section 60119 and as defined by subdivision (c) of Section 60119, the county superintendent shall do all of the following:

(A) Prepare a report that specifically identifies and documents the areas or instances of noncompliance.

(B) Provide within five business days of the review, a copy of the report to the school district, as provided in subdivision (c), or, if applicable, provide a copy of the report to the school district within 10 business days pursuant to subparagraph (B) of paragraph (3).

(C) Provide the school district with the opportunity to remedy the deficiency. The county superintendent shall ensure that the deficiency is remedied no later than the second month of the school term.

(D) If the deficiency is not remedied as required pursuant to subparagraph (C), the county superintendent shall request the department to purchase the textbooks or instructional materials necessary to comply with the sufficiency requirement of this subdivision. If the department purchases textbooks or instructional materials for the school district, the department shall issue a public statement at the first regularly

scheduled meeting of the state board occurring immediately after the department receives the request of the county superintendent and that meets the applicable public notice requirements, indicating that the district superintendent and the governing board of the school district failed to provide pupils with sufficient textbooks or instructional materials as required by this subdivision. Before purchasing the textbooks or instructional materials, the department shall consult with the school district to determine which textbooks or instructional materials to purchase. The amount of funds necessary for the purchase of the textbooks and materials is a loan to the school district receiving the textbooks or instructional materials. Unless the school district repays the amount owed based upon an agreed-upon repayment schedule with the Superintendent, the Superintendent shall notify the Controller and the Controller shall deduct an amount equal to the total amount used to purchase the textbooks and materials from the next principal apportionment of the school district or from another apportionment of state funds.

(5) If the county superintendent of schools determines that there are insufficient textbooks or instructional materials pursuant to a resolution received in accordance with subparagraph (A) of paragraph (2) of subdivision (a) of Section 60119 and as defined by subdivision (c) of Section 60119, or as a result of receiving a report of an unresolved complaint pursuant to Section 35186 or an audit exception pursuant to subdivision (i) of Section 41020, the county superintendent shall do both of the following:

(A) Provide the school district with the opportunity to remedy the deficiency. The county superintendent shall ensure that the deficiency is remedied no later than the second month of the school term.

(B) If the deficiency is not remedied as required pursuant to subparagraph (A), the county superintendent shall do all of the following:

(i) Request the department to purchase the textbooks or instructional materials necessary to comply with the sufficiency requirement of this subdivision. If the department purchases the textbooks or instructional materials for the school district, the department shall issue a public statement at the first regularly scheduled meeting of the state board occurring immediately after the department receives the request of the county superintendent and that meets the applicable public notice requirements, indicating that the district superintendent and the governing board of the school district failed to provide pupils with sufficient textbooks or instructional materials as required by this subdivision. Before purchasing the textbooks or instructional materials, the department shall consult with the school district when determining which textbooks or instructional materials to purchase. The amount of funds necessary for the purchase of the textbooks and materials is a loan to the school district receiving the textbooks or instructional materials. Unless the school district repays the amount owed based upon an agreed-upon repayment schedule with the Superintendent, the Superintendent shall notify the Controller and the Controller shall deduct an amount equal to the total amount used to purchase the textbooks and materials from the next principal apportionment of the school district or from another apportionment of state funds.

(ii) By no later than the end of the 12th week of the school term, prominently post on the homepage of the internet website of the county office of education a notice to parents in the school district indicating that the district superintendent and the governing board of the school district failed to provide pupils with sufficient textbooks or instructional materials as required. The county

superintendent shall provide a copy of this notice to the district superintendent and the governing board of the school district. The school district shall prominently post the notice to parents on the homepage of the internet website of the school district by no later than the end of the 12th week of the school term. If the governing board of the school district fails to take action to remedy the deficiency before the end of the eighth week of the school term, the notices shall prominently include the names of the individual members of the governing board of the school district.

(j) Preserve carefully all reports of school officers and teachers.

(k) Deliver to *the* county superintendent's successor, at the close of the county superintendent's official term, all records, books, documents, and papers belonging to the office, taking a receipt for them, which shall be filed with the department.

(l) (1) Submit two reports during the fiscal year to the county board of education in accordance with the following:

(A) The first report shall cover the financial and budgetary status of the county office of education for the period ending October 31. The second report shall cover the period ending January 31. Both reports shall be reviewed by the county board of education and approved by the county superintendent no later than 45 days after the close of the period being reported.

(B) As part of each report, the county superintendent shall certify in writing whether or not the county office of education is able to meet its financial obligations for the remainder of the fiscal year and, based on current forecasts, for two subsequent fiscal years. The certifications shall be classified as positive, qualified, or negative, pursuant to standards prescribed by the Superintendent, for purposes of determining subsequent state agency actions pursuant to Section 1240.1. For purposes of this subdivision, a negative certification shall be assigned to a county office of education that, based upon current projections, will not meet its financial obligations for the remainder of the fiscal year or for the subsequent fiscal year. A qualified certification shall be assigned to a county office of education that may not meet its financial obligations for the current fiscal year or two subsequent fiscal years. A positive certification shall be assigned to a county office of education that will meet its financial obligations for the current fiscal year and subsequent two fiscal years. In accordance with those standards, the Superintendent may reclassify a certification. If a county office of education receives a negative certification, the Superintendent, or the Superintendent's designee, may exercise the authority set forth in subdivision (d) of Section 1630. Copies of each certification, and of the report containing that certification, shall be sent to the Superintendent at the time the certification is submitted to the county board of education. Copies of each qualified or negative certification and the report containing that certification shall be sent to the Controller at the time the certification is submitted to the county board of education.

(2) All reports and certifications required under this subdivision shall be in a format or on forms prescribed by the Superintendent, and shall be based on standards and criteria for fiscal stability adopted by the state board pursuant to Section 33127. The reports and supporting data shall be made available by the county superintendent to an interested party upon request.

(3) This subdivision does not preclude the submission of additional budgetary or financial reports by the county superintendent to the county board of education or to the Superintendent.

(4) The county superintendent is not responsible for the fiscal oversight of the community colleges in the county, however, the county superintendent may perform financial services on behalf of those community colleges.

(5) A county office of education having a negative or qualified certification, or classified as qualified or negative by the Superintendent, shall continue to be classified as qualified or negative until the next report required under this subdivision is filed.

(m) If requested, act as agent for the purchase of supplies for the city and high school districts of that county.

(n) For purposes of Section 44421.5, report to the Commission on Teacher Credentialing the identity of a certificated person who knowingly and willingly reports false fiscal expenditure data relative to the conduct of an educational program. This requirement applies only if, in the course of normal duties, the county superintendent discovers information that gives the county superintendent reasonable cause to believe that false fiscal expenditure data relative to the conduct of an educational program has been reported.

(o) If any activities authorized pursuant to this section are found to be a state reimbursable mandate pursuant to Section 6 of Article XIII B of the California Constitution, funding provided for school districts and county offices of education pursuant to Sections 2574, 2575, 42238.02, and 42238.03 shall be used to directly offset any mandated costs.

SEC. 5. Section 35186 of the Education Code is amended to read:

35186. (a) A school district shall use the uniform complaint process it has adopted as required by Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations, with modifications, as necessary, to help identify and resolve any deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment.

(1) A complaint may be filed anonymously. A complainant who identifies themselves is entitled to a response if the complainant indicates that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. If Section 48985 is otherwise applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed. All complaints and responses are public records.

(2) The complaint form shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as the complainant wishes.

(3) A complaint shall be filed with the principal of the school or the principal's designee. A complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner but not to exceed 10 working days to the appropriate school district official for resolution.

(b) The principal or the designee of the district superintendent, as applicable, shall make all reasonable efforts to investigate any problem within their authority. The principal or designee of the district superintendent shall remedy a valid complaint within a reasonable

time period but not to exceed 30 working days from the date the complaint was received. The principal or designee of the district superintendent shall report to the complainant the resolution of the complaint within 45 working days of the initial filing. If the principal makes this report, the principal shall also report the same information in the same timeframe to the designee of the district superintendent.

(c) A complainant not satisfied with the resolution of the principal or the designee of the district superintendent has the right to describe the complaint to the governing board of the school district at a regularly scheduled hearing of the governing board of the school district. As to complaints involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of Section 17592.72, a complainant who is not satisfied with the resolution proffered by the principal or the designee of the district superintendent has the right to file an appeal to the Superintendent, who shall provide a written report to the state board describing the basis for the complaint and, as appropriate, a proposed remedy for the issue described in the complaint.

(d) Notwithstanding the provisions of this section or any other law, a complaint pursuant to paragraph (1) of subdivision (f) that pupils at an entire school or school district do not have sufficient textbooks or instructional materials, as defined in subdivision (c) of Section 60119, as the result of an act by the governing board of the school district, or the governing board's failure to act to remedy the deficiency, may be filed with the Superintendent directly. In responding to such a complaint, the Superintendent may directly intervene without waiting for an investigation under subdivisions (a), (b), and (c). A complaint filed pursuant to this subdivision shall identify the basis for filing the complaint directly with the Superintendent. The complainant shall present the Superintendent with evidence that supports the basis for the direct filing.

~~(d)~~

(e) A school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. The complaints and written responses shall be available as public records.

~~(e)~~

(f) The procedure required pursuant to this section is intended to address all of the following:

(1) A complaint related to instructional materials as follows:

(A) A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state-adopted or district-adopted textbooks or other required instructional material to use in class.

(B) A pupil does not have access to instructional materials to use at home or after school.

(C) Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

(2) A complaint related to teacher vacancy or misassignment as follows:

(A) A semester begins and a teacher vacancy exists.

(B) A teacher who lacks credentials or training to teach English learners is assigned to teach a class with one or more English learner pupils in the class. This subparagraph does not relieve a school district from complying with state or federal law regarding teachers of English learners.

(C) A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

(3) A complaint related to the condition of facilities that pose an emergency or urgent threat to the health or safety of pupils or staff as defined in paragraph (1) of subdivision (c) of Section 17592.72 and any other emergency conditions the school district determines appropriate and the requirements established pursuant to subdivision (a) of Section 35292.5.

~~(f)~~

(g) In order to identify appropriate subjects of complaint, a notice shall be posted in each classroom in each school in the school district notifying parents, guardians, pupils, and teachers of the following:

(1) There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.

(2) School facilities must be clean, safe, and maintained in good repair.

(3) There should be no teacher vacancies or misassignments as defined in paragraphs (2) and (3) of subdivision ~~(h)~~ (i).

(4) The location at which to obtain a form to file a complaint in case of a shortage. Posting a notice downloadable from the internet website of the department shall satisfy this requirement.

~~(g)~~

(h) A local educational agency shall establish local policies and procedures, post notices, and implement this section.

~~(h)~~

(i) For purposes of this section, the following definitions apply:

(1) "Good repair" has the same meaning as specified in subdivision (d) of Section 17002.

(2) "Misassignment" means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

(3) "Teacher vacancy" means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

SEC. 6. 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 people of all genders, Native Americans, African Americans, Latino Americans, Asian Americans, Pacific Islanders, European Americans, LGBTQ+ Americans, persons with disabilities, and members of other ethnic, cultural, ~~religious~~, and socioeconomic status 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. 7. Section 51501 of the Education Code is amended to read:

51501. (a) 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, or sexual orientation, or because of a characteristic listed in Section 220.

(b) (1) A governing board shall not prohibit the use of an existing textbook, other instructional material, or curriculum that contains inclusive and diverse perspectives, including those in compliance with Sections 51204.5, 51933, 51934, and 60040.

(2) (A) If a governing board is considering the removal of an existing textbook, other instructional material, or curriculum for a reason other than that it contains inclusive and diverse ~~perspectives~~, *perspectives pursuant to the requirements of this code, including, but not limited to, the requirements of Sections 51204.5, 51933, 51934, and 60040*, the removal shall be approved only by a two-thirds vote of the governing board.

(B) This paragraph applies only to the removal of an existing textbook, other instructional material, or curriculum. This paragraph does not apply to scheduled or routine updates to textbooks, instructional materials, or the curriculum.

SEC. 8. 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 that, in their determination, accurately portray the cultural and racial diversity of our society, including:

(a) The contributions of people of all genders in all types of roles, including professional, vocational, and executive roles.

(b) The role and contributions of Native Americans, African Americans, Latino Americans, Asian Americans, Pacific Islanders, European Americans, LGBTQ+ Americans, persons with disabilities, and members of other ethnic, cultural, ~~religious~~, and socioeconomic status 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. 9. Section 60040.5 is added to the Education Code, to read:

60040.5. ~~The~~ *No later than July 1, 2025, the* department shall issue guidance related to how to help school districts, county offices of education, charter schools, and school personnel manage conversations about race and gender, and how to review instructional materials to ensure that they represent diverse perspectives and are culturally relevant.

SEC. 10. Section 60119 of the Education Code is amended to read:

60119. (a) In order to be eligible to receive funds available for purposes of this article, the governing board of a school district shall take the following actions:

(1) (A) The governing board of a school district shall hold a public hearing or hearings at which the governing board shall encourage participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders, and shall make a determination, through a resolution, as to whether each pupil in each school in the school district has sufficient textbooks or instructional materials, or both, that are aligned to the content standards adopted by the state board in each of the following subjects, as appropriate, that are consistent with the content and cycles of the curriculum framework adopted by the state board:

(i) Mathematics.

(ii) Science.

(iii) History-social science.

(iv) English language arts, including the English language development component of an adopted program.

(B) The public hearing shall take place on or before the end of the eighth week from the first day pupils attend school for that year. A school district that operates schools on a multitrack, year-round calendar shall hold the hearing on or before the end of the eighth week from the first day pupils attend school for that year on any tracks that begin a school year in August or September.

(C) As part of the hearing required pursuant to this section, the governing board of a school district also shall make a written determination as to whether each pupil enrolled in a world language or health course has sufficient textbooks or instructional materials that are consistent with the content and cycles of the curriculum frameworks adopted by the state board for those subjects. The governing board of a school district also shall determine the availability of laboratory science equipment as applicable to science laboratory courses offered in grades 9 to 12, inclusive. The provision of the textbooks, instructional materials, or science equipment specified in this subparagraph is not a condition of receipt of funds provided by this subdivision.

(2) (A) If the governing board of a school district determines that there are insufficient textbooks or instructional materials, or both, the governing board shall provide information to classroom teachers and to the public setting forth, in the resolution, for each school in which an insufficiency exists, the percentage of pupils who lack sufficient standards-aligned textbooks or instructional materials in each subject area and the reasons that each pupil does not have sufficient textbooks or instructional materials, or both, and take any action, except an action that would require reimbursement by the Commission on State Mandates, to ensure that each pupil has sufficient textbooks or instructional materials, or both, within two months of the beginning of the school year in which the determination is made. The governing board shall submit a copy of the resolution to the county superintendent of schools no later than three business days after the governing board hearing.

(B) In carrying out subparagraph (A), the governing board of a school district may use moneys in any of the following funds:

(i) Any funds available for textbooks or instructional materials, or both, from categorical programs, including any funds allocated to school districts that have been appropriated in the annual Budget Act.

(ii) Any funds of the school district that are in excess of the amount available for each pupil during the prior fiscal year to purchase textbooks or instructional materials, or both.

(iii) Any other funds available to the school district for textbooks or instructional materials, or both.

(b) The governing board of a school district shall provide 10 days' notice of the public hearing or hearings set forth in subdivision (a). The notice shall contain the time, place, and purpose of the hearing and shall be posted in three public places in the school district. The hearing shall be held at a time that will encourage the attendance of teachers and parents and guardians of pupils who attend the schools in the school district and shall not take place during or immediately following school hours.

(c) (1) For purposes of this section, "sufficient textbooks or instructional materials" means that each pupil, including English learners, has a standards-aligned textbook or instructional materials, or both, to use in class and to take home. This paragraph does not require two sets of textbooks or instructional materials for each pupil. The materials may be in a digital format as long as each pupil, at a minimum, has and can access the same materials in the class and to take home, as all other pupils in the same class or course in the school district and has the ability to use and access them at home.

(2) Sufficient textbooks or instructional materials as defined in paragraph (1) do not include photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage.

(d) The governing board of a school district that receives funds for instructional materials from any state source is subject to the requirements of this section.

(e) For the purpose of transitioning to instructional materials that are aligned with the common core academic content standards and science content standards, it is the intent of the Legislature that textbooks, instructional materials, and supplemental instructional materials be deemed to be aligned with the content standards pursuant to subdivisions (a) and (c), and be deemed consistent with the content and cycles of the curriculum framework adopted by the state board pursuant to subdivision (a) if the textbooks, instructional materials, supplemental instructional materials, or a combination of any such materials are aligned to the content standards adopted pursuant to Section 60605 or 60605.8, or former Section 60605.85, as that section read on June 30, 2014.

SEC. 11. Article 8 (commencing with Section 60150) is added to Chapter 1 of Part 33 of Division 4 of Title 2 of the Education Code, to read:

Article 8. Fiscal Penalty

60150. (a) If the Superintendent determines that a school district has not provided sufficient textbooks or instructional materials pursuant to clause (i) of subparagraph (B) of paragraph (5) of subdivision (i) of Section 1240 or subdivision (d) of Section 35186, the department shall take all remedial actions described in subparagraph (B) of paragraph (5) of subdivision (i) of Section 1240, including purchasing textbooks and instructional materials, issuing the public statement, and ensuring that the public notices indicating that the governing board of

the school district failed to provide sufficient textbooks and instructional materials are posted.

(b) (1) A school district that the Superintendent determines has not provided sufficient textbooks or instructional materials pursuant to subdivision (a) shall be assessed a financial penalty against its local control funding formula allocation pursuant to Section 42238.02 or Section 42238.03, as applicable, pursuant to paragraph (2).

(2) For a school district described in paragraph (1), the allocation shall be reduced by the amount of funding the school district would have received for the 2012–13 fiscal year for the Instructional Materials Block Grant pursuant to Item 6110-189-0001 of Section 2.00 of the Budget Act of 2012, prior to the reduction pursuant to Section 12.42 of the Budget Act of 2012, as adjusted annually for cost of living pursuant to paragraph (2) of subdivision (d) of Section 42238.02 for the 2013–14 fiscal year through the fiscal year in which the school district was determined to have failed to provide sufficient textbooks or instructional materials.

SEC. 12. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 13. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that pupils have access to sufficient textbooks or instructional materials, or both, that are aligned to the content standards adopted by the State Board of Education, it is necessary for this act to take effect immediately.