

# Instructional Materials Adoption: Local governing board responsibilities

Local governing boards have an essential responsibility to evaluate and adopt instructional materials that best meet the needs of their students. Instructional materials — which include textbooks, technology-based materials, tests, and other materials used for instruction — are an investment that can have a significant effect on student learning. In this fact sheet, CSBA outlines the local role, responsibilities, and process for the adoption of instructional materials, along with sample questions for board members to consider and relevant resources. A separate fact sheet describing the state role can be accessed [here](#).

## Local roles, responsibilities, and process for instructional materials adoption

Local boards have a responsibility to:

- ▶ Establish and oversee a process for instructional materials review.
  - » For grades TK-8, governing boards can adopt instructional materials approved by the State Board of Education (SBE) OR choose to adopt materials that have not been approved by the SBE.
  - » In grades 9-12, local educational agencies (LEAs) must adopt materials without the option of choosing from materials already approved by the SBE (the SBE does not adopt materials for these grades).
  - » For both K-8 and 9-12, if/when an LEA opts to consider non-SBE adopted materials, LEAs must conduct a rigorous evaluation of the materials' compliance with content and social standards and ensure that a majority of reviewers are classroom teachers assigned to teach the subjects and grade level(s) of the materials under consideration.
- ▶ Establish a committee including teachers, parents/guardians, and other educational partners to analyze and review instructional materials for alignment with standards.
- ▶ Ensure teacher participation in the review process.
  - » In addition to the legal requirement regarding teacher participation, the California Department of Education (CDE) recommends that the committee "involve representatives of all populations in the district including, parents, administrators, teachers at all grade levels, English learner programs, and programs to support students with special needs."
- ▶ Based on the analysis and recommendation of the review committee, verify that instructional materials meet SBE-adopted content standards.
- ▶ Based on the analysis and recommendation of the review committee, confirm that instructional materials meet social content standards, which are designed to ensure that they include California's diversity, avoid stereotyping, and do not reflect adversely on persons on the basis of race or ethnicity, gender, religion, disability, nationality, or sexual orientation.
  - » SBE evaluates a variety of TK-8 instructional materials to provide LEAs with recommendations of materials that align with state standards and meet legal requirements.
  - » For history-social science standards, instructional materials must also comply with California's Fair, Accurate, Inclusive and Respectful (FAIR) Education Act, which outlines a list of demographic groups whose contributions to the history of the U.S. and California must be included.
- ▶ In addition to the FAIR Act, California Education Code 60040 states that, "...governing boards shall include only instructional materials that, in their determination, accurately portray the cultural and racial diversity of our society."
- ▶ Provide opportunities for parent and community review and comment as part of the process.
- ▶ Determine that each child has access to sufficient instructional materials for use in school and at home.
  - » While there is no set timeline for local adoption of materials, LEAs are legally responsible to ensure that every child has materials aligned to the latest content and social content standards and curriculum frameworks adopted by the SBE.
- ▶ Make a yearly public declaration (via resolution) regarding sufficiency of instructional materials in a board meeting and in writing by the eighth week of instruction after the school year has started.

- » If materials are determined to be inadequate, notify teachers and the public in a resolution and take action to ensure sufficiency.
- ▶ Adopt a budget that includes expenditures for instructional materials and professional development to support teachers in using them effectively.
  - » Instructional materials can be purchased with Local Control Funding Formula (LCFF) funds or funds from the California state lottery, a portion of which is required to be spent on instructional materials.

## New law adds to local responsibilities

Assembly Bill 1078 makes several changes to the legal responsibilities of local governing boards with regard to instructional materials. Among other changes, the bill authorizes:

- ▶ If an LEA determines that it does not have sufficient instructional materials for all students, the required resolution declaring this insufficiency must now be submitted to the county superintendent no later than three business days after the hearing.
- ▶ Any complaint about insufficient materials as the result of board action or inaction can be filed directly with the State Superintendent of Public Instruction (SSPI), who is authorized to intervene without waiting for the district to investigate.
- ▶ If an LEA does not remedy an insufficiency of instructional materials in a timely manner, the CDE, upon request by the county office of education, may purchase the necessary materials and the funds used would be considered a loan to be repaid by the LEA.
- ▶ When the SBE purchases materials for the district, a statement will be made at the next SBE meeting, indicating that the superintendent and the governing board failed to do so.
- ▶ If the SSPI finds that a school district did not provide sufficient materials, a fiscal penalty will be assessed.
- ▶ The requirement in existing law that social sciences include a study of the role and contributions of certain groups be expanded. The law prior to passage of AB 1078 required discussion of the contributions of men and women and culturally and racially diverse groups, including, among others, Mexican Americans; lesbian, gay, bisexual, and transgender Americans; and members of other ethnic and cultural groups. The new law adds 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.
- ▶ The governing board of a school district, county board of education, or the governing body of a charter school cannot refuse to approve or prohibit the use of classroom or library instructional materials of any kind, on the basis that it includes a study of the role and contributions of any individual or group as described by

the law AND may not prohibit the continued use of or remove an instructional material on the basis that it contains inclusive and diverse perspectives.

- ▶ AB 1078 also requires that the CDE, no later than July 1, 2025, develop guidance and public education materials to ensure that all Californians can access information about these educational laws and policies.

## Promising practices for local governing boards

- ▶ Pilot instructional materials before adoption
- ▶ Communicate to stakeholders the important impact on student learning of instructional materials that are aligned with current standards and frameworks
- ▶ Promote understanding of legal obligations regarding instructional materials among fellow board members and the community
- ▶ Facilitate a transparent process of instructional materials review and adoption
- ▶ Ensure inclusiveness of reviewers

## Questions for board members to consider:

- 1) Are you aware of the state frameworks, content standards, social content standards, and local goals and priorities for the subject matter for which you are adopting materials?
- 2) Does your board have a plan for reviewing the legal responsibilities of local governing boards with regard to instructional materials, including those newly enacted through AB 1078?
- 3) Are you aware of the needs of local students in this subject area, including students with disabilities and English learners?
- 4) Does your district have a process in place to ensure instructional materials currently in use are up to date and align to the latest content standards and curricular frameworks?
- 5) Have you worked with district leaders to schedule ample time for planning the instructional materials review process; sharing the results; gathering feedback from educators, parents/guardians, and the community; and making a final decision on adoption?
- 6) What is your plan for reaching out to families to provide them with opportunities to review and comment on the instructional materials under consideration?
- 7) Have you worked with district leaders to establish a review committee that includes teachers from the subject area in question, as well as those with experience teaching students with disabilities and English learners?

- 8) Have you included adequate funds in your LEA budget for the purchase of these materials and for professional development to prepare teachers to use the materials effectively?
- 9) Have you included adequate funding to provide information and training for parents and community members on the new materials?
- 10) What is your plan for piloting instructional materials in this content area?
- 11) Have you and your fellow board members visited a Learning Resource Display Center to review samples of state-adopted materials in text and digital form?
- 12) Do you have a plan for annual determination of whether every student in the district- or county office of education-administered school has adequate texts and technology-based instructional materials for use in school and at home?
- 13) Have you planned for an appropriately scheduled annual public hearing or hearings to report on whether every child has adequate materials?

## Resources

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### Relevant CSBA sample policies

CSBA *GAMUT Policy* and *Policy Plus* subscribers have access to the most up-to-date CSBA sample policy language. The following are sample board policies (BP), board bylaws (BB), and administrative regulations (AR) have been developed as samples for districts to use in formulating and adopting their own policies relative to instructional materials:

- ▶ BP 0410 – Nondiscrimination in District Programs and Activities
- ▶ BP/AR/E(1) 1312.2 – Complaints Concerning Instructional Materials
- ▶ BP/AR 1312.3 – Uniform Complaint Procedures
- ▶ BP/AR/E 1312.4 – Williams Uniform Complaint Procedures
- ▶ BP 5145.3 – Nondiscrimination/Harassment
- ▶ BP/AR 6143 – Courses of Study
- ▶ BP/AR/E(1) 6161.1 – Selection and Evaluation of Instruction Materials
- ▶ BP 6161.11 – Supplementary Instructional Materials
- ▶ BP/AR 6163.1 – Library Media Centers
- ▶ BB 9000 – Role of the Board
- ▶ BB 9310 – Board Policies

## CSBA Resources

- ▶ *Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities*
- ▶ *State Roles, Responsibilities, and Process for Instructional Materials Adoption*
- ▶ AB 1078 is more than meets the eye: What governing boards need to know (Webinar, September 2023)

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### California Department of Education resources

- ▶ Instructional Materials FAQ
- ▶ Implementation of Instructional Materials not Adopted by California
- ▶ Guidelines for Piloting Textbooks and Instructional Materials
- ▶ Social Content Review Sheet
- ▶ California Adopted Instructional Materials

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### Other Resources

- ▶ EdReports: How School Boards Can Support Districts to Adopt Quality Instructional Materials
- ▶ Curriculum research: What we know and where we need to go. Steiner, D. (2017) StandardsWork.

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### California Education Code sections pertinent to local adoption of instructional materials

- ▶ EC 60210 Local Adoption of non-SBE Adopted Materials
- ▶ EC 60002 Teacher, Parent & Community Involvement in Materials Selection
- ▶ EC 60119 Adequacy & Alignment of Materials