

AB 1246 Dramatically Revises Textbook Adoption Process in California

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Assembly Bill 1246 (Brownley), signed into law by Governor Brown at the close of the legislative session on September 27, 2012, changes the process by which schools and districts adopt and purchase student mathematics textbooks in grades K–8. While this state-mandated process has existed for more than 50 years, AB 1246 gives school districts an amount of freedom, decision making, and choice they have previously not had. The legislation amended five Sections, added two Sections, and repealed Chapter 3.25 of Part 33 of Division 4, Title 2 of the California Education Code.

Even though this article reviews and interprets the new law and hints at the implications of the added flexibility now granted to California school districts, it is not meant to be the final word on the changes. In the coming months and years, school districts going through the new adoption process and exercising their newfound flexibility will define the true meaning and importance of this law.

The author thanks Kenneth McDonald, Education Programs Consultant, Curriculum Frameworks Unit of the California Department of Education, for providing further interpretation of AB 1246 for this article.

Implementing the California Common Core State Standards (CaCCSS)

AB 1246 SEC. 1: “It is the intent of the Legislature, in enacting this act, to continue the implementation of the common core academic content standards by ensuring the adoption of instructional materials that are aligned to the common core academic content standards for mathematics and by providing local educational agencies flexibility in their use of instructional materials.”

Legislative Digest: “This bill would instead provide that the instructional materials purchased by such a local educational agency be aligned with state standards, as specified.”

Interpretation: AB 1246 acknowledges the role that textbooks and other adopted materials will play in the successful implementation of the CaCCSS. However, as Kenneth McDonald writes, “Starting on January 1, districts may use their categorical flexibility program dollars (which includes the state IMFRP) to purchase any standards-aligned instructional materials. They may be aligned to either the 1999 California Standards or the Common Core State Standards.”

The intent of the law is to encourage schools to implement the new Common Core Standards. However, due to the time line for the official adoption of the CaCCSS and the interim period when the 1999 California Standards are still in force, districts must have the choice of purchasing instructional materials based upon either set of Standards. For those districts that desire to move to the CaCCSS, this decision presents a predicament since students will still be assessed by the STAR test through spring 2014, which will be based on the 1999 California State Standards. The first state assessment based on the CaCCSS will not be given until spring 2015.

Equal Access to Current Curriculum Materials

AB 1246 SEC. 2: “For purposes of this section, ‘sufficiency’ means that each pupil has sufficient textbooks and instructional materials in the four core areas as defined by Section 60119 and that all pupils within the local educational agency who are enrolled in the same course shall have identical textbooks and instructional materials, as specified in Section 1240.3.”

Legislative Digest: “Existing law requires that, in order to be eligible for specified funds, a school district take steps to ensure that each pupil in each school in the school district has sufficient textbooks or instructional materials that are aligned to adopted

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content standards, as specified. Existing law establishes the Academic Content Standards Commission that is required to develop academic content standards in English language arts and mathematics. This bill would require a school district, in order to be eligible for specified funds, to ensure that there are sufficient textbooks or instructional materials that are aligned to specified adopted content standards. . . .”

Interpretation: AB 1246 does not release school districts from their legal obligation to provide current, standards-based instructional materials for all students. Kenneth McDonald writes, “Districts are still under the sufficiency requirements of Education Code section 60119, which requires districts to provide every student (K–12) with a standards-aligned textbook in science, language arts, mathematics, and history-social science. Districts still have to conduct the annual sufficiency resolution at the start of the year certifying sufficiency of materials. The bill keeps the ‘identical materials’ rule, which means that districts cannot have some schools using older books in a given grade level (e.g., from a previous adoption) while others have newer materials.”

Change in the Adoption Cycle

AB 1246 SEC. 4: “Instructional materials may be submitted for adoption in any of the subject areas . . . every eight years.”

Legislative Digest: “This bill would add additional requirements for the review and adoption of instructional materials, including, but not limited to, changing the submission cycles to 8 years for all subject areas . . . The bill would delete a provision that requires the state board to authorize a school district governing board, under specified circumstances, to use its instructional materials allowances to purchase materials as specified by the state board, in accordance with standards and procedures established by the state board.”

Interpretation: Since AB 1246 lengthens the previous adoption cycle by one or two years—to eight years between new adoptions—school districts will be able to use the instructional materials they adopt for eight years before being required to adopt new

materials. This timeline has changed before and may change again in the future.

Local School Districts Can Choose Their Own Adoption Review Process

AB 1246 SEC. 8: “Notwithstanding any other law, a local educational agency may use instructional materials that are aligned with the academic content standards adopted pursuant to Section 60605 or 60605.8, including instructional materials that have not been adopted by the state board pursuant to Section 60200. . . .”

Legislative Digest: “The bill would delete a provision that requires the state board to authorize a school district governing board, under specified circumstances, to use its instructional materials allowances to purchase materials as specified by the state board, in accordance with standards and procedures established by the state board.”

Interpretation: AB 1246 now makes the state list of approved materials (which will still exist) only advisory for district adoptions—a huge change from the process that has been in place. AB 1246 gives districts the option of local control if they wish—they can conduct an adoption process themselves, with the potential of adopting instructional materials that are not on the state list. It remains to be seen how many districts will choose to conduct their own instructional review process; but this section of the new law gives local districts unprecedented control of adoptions and that may spawn creative thinking about instructional materials.

However, the local process is not without rules since the law specifies how this local review process can be conducted. Kenneth McDonald writes, “The bill specifically states in Section 8 that districts no longer are under obligation to use state-adopted materials. However, if they elect not to use the state list they still have to conduct their own review to confirm that the materials are aligned to standards.”

In the legislature’s efforts to give school districts increased flexibility with state instructional materials funds, AB 1246 in several sections also loosens the restrictions on what these funds can be used for to implement the CaCCSS, and includes spending

previously restricted textbook funds for teacher professional development. If school districts truly believe that significant professional development opportunities are critical to a successful implementation of the Common Core, they will make use of this new-found flexibility.

Kenneth McDonald writes, "State instructional materials funds come in a few pots. The main source is the Instructional Materials Funding Realignment Program (IMFRP). That has been a part of the categorical flexibility (cat flex) block grant since 2009. There is also a portion of the lottery funds (Prop 20) that is reserved for instructional materials. As of January 1 the IMFRP funds that are part of the categorical flex block grant can be spent on any educational purpose. If a district chooses to use that money to buy instructional materials, they must be standards-aligned. Prop 20 lottery money can be spent on any instructional materials (adopted, non-adopted, supplemental, etc.). The cat flex money could be used for PD since it is an educational purpose. Districts are not required to use their cat flex to buy instructional materials."

The CDE Instructional Materials FAQ web page should be updated soon to reflect the changes in AB 1246.

Classroom Teachers Will Be a Major Force in Local Adoption Process

AB 1246 SEC. 8: ". . . If a local educational agency chooses to use instructional materials that have not been adopted by the state board, the local educational agency shall ensure that a majority of the participants of any review process conducted by the local educational agency are classroom teachers who are assigned to the subject area or grade level of the materials."

Legislative Digest: "This bill would delete a provision that requires the state board to authorize a school district governing board, under specified circumstances, to use its instructional materials allowances to purchase materials as specified by the state board, in accordance with standards and procedures established by the state board."

Interpretation: In previous adoptions, classroom teachers represented only one voice

out of many in the state-level review process, sometimes not having any significant decision-making in the process. AB 1246 clearly places teachers in a leading role in choosing textbooks and materials to be used with students when the state creates its list of instructional materials and/or if local school districts conduct their own instructional materials review adoption process. Other members may be administrators, parents, local school board members, other teachers, and members of the public. Kenneth McDonald writes, "A majority of those who are chosen to conduct such a review must be classroom teachers assigned to that subject area."

Conclusion

Now is the time for California teachers to become directly involved in their school district's adoption and review process. With the option of local control, with teachers playing a chief role in the decision-making, and with greatly increased flexibility in the expenditure of state instructional material funds INCLUDING their use for teacher professional development, AB 1246 can be a major factor in the successful implementation of the Common Core Mathematics Standards.

References

- California Department of Education (CDE). Instructional Materials FAQ. www.cde.ca.gov/ci/cr/cf/imfrpfaq1.asp.
- California Legislature. Assembly Bill No. 1246. leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=20112012AB1246.
- California Legislative Information. AB 1246 Instructional Materials. leginfo.ca.gov/faces/billCompareClient.xhtml.
- McDonald, Kenneth. Personal e-mail. December 2012.✉

***Editor's Note:** After reading this article, you may have some questions or concerns regarding the implementation of AB 1246, which presents major changes to the instructional materials adoption process. In order to provide timely support to California educators, CMC's Outreach and Advocacy Committee is creating a discussion board to help people address some of the issues and implications of this legislation. To become a part of this interactive discussion board, go to the CMC website (www.cmc-math.org) and look for the links related to AB 1246.*