



March 2022

CFER 2022 Legislative Report: Public Education at a Crossroads

“Whenever the people are well-informed, they can be trusted with their own government.”
– Thomas Jefferson

Over 400 state bills have been introduced in the California Legislature in the 2022 legislative session to amend the State Education Code. This report gives a summary and analysis of 16 bills pertaining to parental rights, college preparedness, teacher credentialing, climate education and so on. Among them:

- **Parental Rights and Access:** CFER supports two pro-transparency bills ([AB 1785](#) and [SB 1045](#)) which would increase parental access to public education.
- **College Pathways:** [SB 785](#) would increase opportunities for low-income, first-generation and transfer college students. CFER supports this bi-partisan effort if it is amended to explicitly prohibit racial preferences.
- **Lowering Standards:** [AB 1705](#) and [AB 2047](#) are aimed at attacking merit in evaluating college students and K-12 teachers, respectively. CFER opposes both.
- **Ethnic Studies:** [AB 2235](#) perpetuates the critical ethnic studies movement by centralizing the credentialing process for teaching ethnic studies. CFER opposes it.
- **Equity and Social Justice:** [AB 1958](#), [AB 2465](#) and [AB 2565](#) promote toxic identity politics at the state level in education policy making, library contents and math instruction. The latter two would draw significant public funds from the state budget to introduce social justice reading materials and anchor math in equity. CFER opposes these three bills.
- **Student Board of Education:** CFER also opposes [SB 908](#) which would establish a student board under the State Board of Education. Such a board, selected on the promises of increasing diversity and empowering students, can easily turn into an indoctrination tool.
- **State Bureau of Media Literacy:** [AB 2064](#) intends to create a state-wide program under the California State Library to develop media literacy for students. Considering the state agency’s potential political biases, CFER opposes the bill.
- **Culturally Relevant Teaching and Restorative Justice:** [AB 2498](#) and [AB 2598](#) propose setting up state-level programs to promote culturally relevant teaching and restorative justice in public education. CFER opposes both measures as they are both manifestations of critical pedagogy.
- **Action Civics:** [AB 1913](#) and [SB 955](#) would institutionalize “action civics” as a politicized alternative to content-based civics learning in climate change education and political participation. CFER opposes both.
- **Medical Education Preferences:** [AB 2132](#) would establish a state-wide medical education assistance program. Appropriating state funding, the bill would potentially violate California’s constitutional ban on preferential treatment in public education. CFER opposes it.

“Education is a shared commitment between dedicated teachers, motivated students and enthusiastic parents with high expectations.”
 –Bob Beauprez

AB 1785: California Parents’ Bill of Rights Act

Assemblywoman Laurie Davies (AD 73) introduced [AB 1785](#) on February 3, 2022 to enhance a parent’s fundamental right to participate in his/her child(ren)’s education decision-making. Coauthored by a group of fellow state lawmakers, the California Parents’ Bill of Rights Act would strengthen parents’ participation in and access to their minor children’s education matters, including homework, school attendance, discipline and controversial curricular contents.



CFER Analysis:

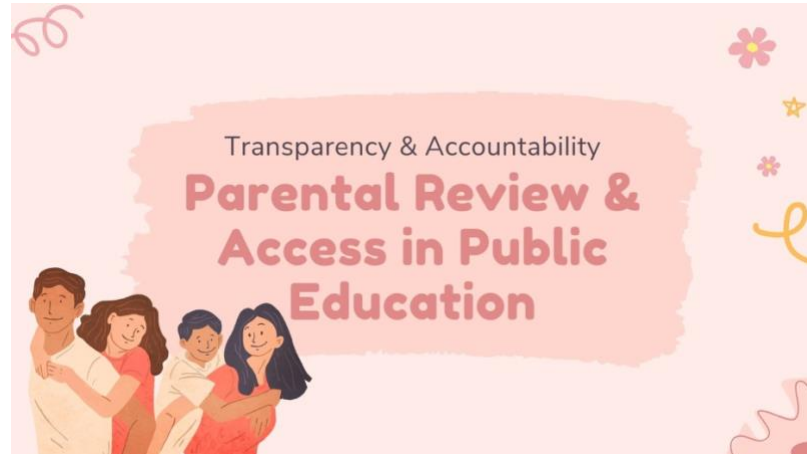
AB 1785 affirms the rights of parents and legal guardians as primary stakeholders in their children’s education. By spelling out limitations on local educational agencies regarding the adoption and implementation of new curricula and practices, the bill would create a prior consultation channel for parents to engage with schools and teachers. Schools are required to seek parents’ affirmative consent before adopting any new classes or initiatives, thereby increasing the accountability of school officials and bureaucrats to parents and communities. AB 1785 tackles the often-opaque process of “going woke,” in which *educrats* collaborate with special interest groups such as unions to carry out ideological thought experiments on students without parental consent. If passed, this act would effectively help tilt the balance of power in public education back to decentralized stakeholders including parents, community members and taxpayers. **[CFER Position: Support]**

“At the end of the day, the most overwhelming key to a child’s success is the positive involvement of parents.”

—Jane D. Hull

SB 1045: Parental Review of Classroom Instructional Materials

Senator Melissa Melendez (SD 28) authored [SB 1045](#) for the purpose of establishing a state-mandated local program that “would require a classroom instructor to... provide a parent or a guardian with a copy of the classroom instructor’s lesson plan” in addition to “all primary supplemental instructional materials and assessments.” Schoolsites and instructors must provide the lesson plans at least “3 calendar days before the start of the academic year,” and report any changes to the prospectus at least 7 days in advance.



CFER Analysis:

SB 1045 empowers parents and guardians of students by requiring school officials and educators to give them reasonable accommodation and informed access. Given growing evidence of schools’ intentionally hiding contentious teaching contents from parents, this bill is necessary for restoring accountability and transparency in public education by tilting the balance back towards parents and communities as key stakeholders of public education. SB 1045 would also increase the proactive engagements and collaborations between parents and schools. **[CFER Position: Support]**

“Higher education is confronting challenges, like the economy is, about the need for a higher number of more adequately trained, more highly educated citizenry.”
—Margaret Spellings

SB 785: California Promise Program

Senators Steve Glazer (SD 7) and Rosilicie Ochoa Bogh (SD 23) jointly authored [SB 785](#) – California Promise program to increase the pathways for low-income students, first-generation college students and transfer students to be admitted into the California State University system. The bill specifically would require “at least 5 percent of each incoming class at each participating campus of the California State University shall be participants in the California Promise program, and at least 70 percent of those participating students shall be either low-income students, first-generation students, or students from communities that are underrepresented in postsecondary education,” starting with the 2022-23 academic year.



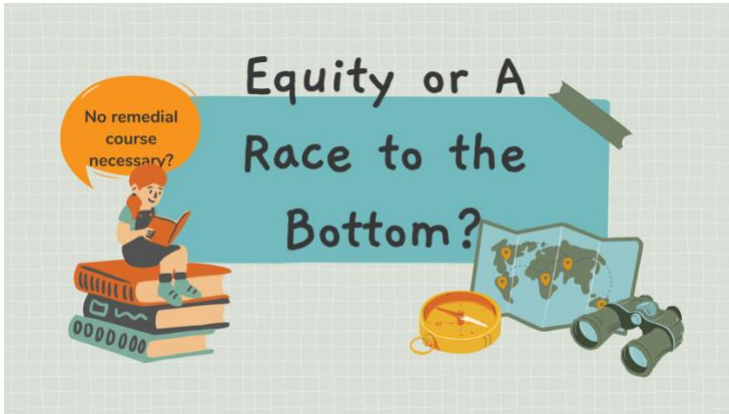
CFER Analysis:

SB 785 represents a bi-partisan attempt to improve access to higher education for underprivileged students. The bill’s emphasis on giving reasonable assistance to first-generation college students, transfer students and low-income students who show measurable progress in required coursework is a good step towards embracing needs-based affirmative action programs. However, the bill contains an incomplete provision that would qualify students “according to... ethnicity,” raising concerns about its potential violation of California’s constitutional ban on preferences based on race or ethnicity. CFER will continue to monitor the bill and engage the legislators. **[CFER Position: Support if Amended]**

“Nothing in life is to be feared, it is only to be understood. Now is the time to understand more, so that we can fear less.” – Marie Curie

AB 1705: Seymour-Campbell Student Success Act of 2012

Introduced by Assemblywoman Jacqui Irvin (AD 44) on January 26, 2022, [AB 1705](#) proposes a prohibition on community colleges or community college districts from making justifications to place incoming high school students in remedial or pre-transfer coursework. Additionally, it would increase college student placement and enrollment in transfer-level English and mathematics under a one-year timeframe by combining multiple measures of preparedness. These mutually reinforcing measures include high school coursework, grades, GPA, guided placement and self-placement. “Low performance on one measure shall be offset by a higher performance measure.”



CFER Analysis:

AB 1705 perpetuates the “soft bigotry of low expectations” by excusing low academic performance or non-performance in the name of closing “opportunity gaps.” The rationale for lowering the bar stems from an observation that the current practice to place students in pre-transfer and remedial courses “reinforces racial stereotypes” and “leads to test anxiety.” Furthermore, the bill would require community colleges to use assessment instruments for math and English that are “sensitive to cultural and language differences between students.” Last but not least, it would establish a “Transfer Level Gateway Completion Dashboard by July 2023” to collect data on completion rates disaggregated by age, ethnicity and gender. The act purports to narrow disparities in enrollment and placement throughout the California community college system, but will only serve as a bandage that does nothing to address the literacy crisis and deteriorating proficiencies in core subject areas in K-12. **[CFER Position: Oppose]**

*“Meritocracy is our social ideal, particularly among good liberals. Equality of opportunity, but not of outcome. Not evaluating people by their outside features, but by their innate talent and drive.”—
Chris Hayes*

AB 2047: Teacher Credentialing

Introduced by Assemblywoman Cristina Garcia (AD 58), [AB 2047](#) would eliminate the teacher performance assessment requirement for teacher workforce preparation and recruitment. Additionally, it would require the establishment of a “Teacher Credentialing Task Force” to “examine the current teacher credentialing process and the impact that high-stakes teacher credentialing assessments, and their associated costs, have on the current teacher shortage and the lack of diversity in the teaching workforce.” The task force would be convened by the state agency Commission on Teacher Credentialing which would then contract with an external non-profit partner to prepare policy recommendations to address barriers presented by current teacher performance assessments and to increase the diversity of qualified teachers in California.



CFER Analysis:

AB 2047 is emblematic of misguided policy objectives as a result of blind allegiance to the identity politics of our times. If a public education system is in a downward spiral into mediocrity and illiteracy, should policy makers be more concerned with increasing the competitiveness of its practitioners than diluting standards in the name of equity? How would doing away with performance assessments enhance the quality of California’s teacher workforce? This is the test-free movement in public employment. **[CFER Position: Oppose]**

“Political correctness does not legislate tolerance; it only organizes hatred.” – Jacques Barzun

SB 908: The Student Board Member Advisory Commission

Senator Richard Pan (SD 6) proposed [SB 908](#) to create a state government agency named “the Student Board Member Advisory Commission” for the purpose of studying and providing “assistance and advice to the student member of the state board, the state board, the Superintendent of Public Instruction, the Legislature, and the Governor in education policy.” The prospective commission would consist of 13 appointed members, with each serving a one-year term. The commission would draw its appointees from 12 sub-regions and “represent the geographical, racial, ethnic, socioeconomic, cultural, physical, and educational diversity of the state’s youth.”



CFER Analysis:

SB 908 has a well-intended goal of increasing youth engagement and outreach in state-level education policy making. But its provision on selecting youth commissioners to boost racial and ethnic diversity rather than based on merit and interest in public service cannot escape the prevailing fad of diversity, equity and inclusion in which diversity of viewpoints gives way to cosmetic diversity. This emphasis is potentially concerning, especially given the bill’s insufficient rationale for establishing a state-level commission on top of the already stumbling bureaucracy at the State Department of Education. **[CFER Position: Oppose]**

“The function of education, therefore, is to teach one to think intensively and to think critically.” – Martin Luther King Jr.

AB 2235: Ethnic Studies Teacher Credentialing

Introduced by Assemblyman Jose Medina (AD 61) on February 16, 2022, [AB 2235](#) intends to standardize the teacher credentialing process for ethnic studies, a subject area that was recently added as a high school graduation requirement through AB 101. Specifically, the bill would authorize the Commission on Teacher Credentialing “develop an added or supplementary authorization in ethnic studies” and “grant the authorization to a credentialholder” based on the commission’s requirements.



CFER Analysis:

The California Commission on Teacher Credentialing (CTC) is a state government agency serving as “a state standards board for educator preparation for the public schools of California, the licensing and credentialing of professional educators in the State, the enforcement of professional practices of educators, and the discipline of credential holders in the State of California.” Commissioners are political appointments by the Governor. Like many other California public institutions occupying the education bureaucracy apparatus, CTC has [embraced](#) the fad of diversity, equity, and inclusion (DEI), an ideological trend hijacked by racial proportionality and political favoritism. AB 2235 would give CTC the authority to issue top-down standards for teaching ethnic studies and increase demands for universities to offer a major in ethnic studies. Given [developments](#) at the UC and in several local school districts to endorse a radical version of ethnic studies coined as liberated ethnic studies, this bill would push the state further in that direction. **[CFER Position: Oppose]**

*“Equality is the soul of liberty; there is, in fact, no liberty without it.”—
Frances Wright*

AB 1958: Educational Equity

Also authored by Assemblyman Medina, [AB 1958](#) would establish a state-wide policy that “elementary and secondary school classes and courses, including nonacademic and elective classes and courses, be conducted without regard to the sex of the pupil enrolled in these classes and courses.” It would mandate that “participation in a particular physical education activity or sport, if required of pupils of one sex, shall be available to pupils of each sex.” It would permit “participation in “sex-segregated school programs and activities, including athletic teams and competitions,” and the usage of “facilities consistent with their gender identity, irrespective of the gender listed on the pupil’s records.” A similar bill [AB 2456](#) “Educational Equity” was introduced by Assemblyman Kevin McCarty (AD 7) to focus on the postsecondary level. At the senate level, [SB 1401](#) was authored by Senator Steven Bradford (SD 35) to add “gender identity, gender expression” to protected classes for prohibitions against discrimination in higher education.



CFER Analysis:

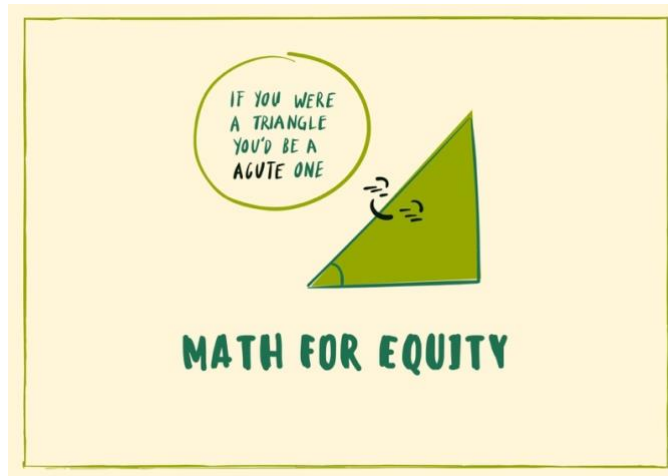
The contemporary fad of gender-affirming equity is mired in contentious debates, especially when it comes to the area of competitive sports. Opponents pinpoint the negative ramifications of including transgender athletes on women’s sports and scholarship decisions. Over 10 U.S. states have enacted laws to bar transgender girls and women from competing in girls’ and women’s sports. Professional associations such as the National Women’s Soccer League and the National Women’s Hockey League have guardrails or guidelines regarding nonbinary and transgender athletes. AB 1958 does not acknowledge the nuances behind the intersections between gender equity and sex-segregated programs. It is rather an uninteresting regurgitation of the woke dogma of equity and inclusion, which can have real-life consequences in implementation. **[CFER Position: Oppose]**

“Mathematics as an expression of the human mind reflects the active will, the contemplative reason, and the desire for aesthetic perfection. Its basic elements are logic and intuition, analysis and construction, generality and individuality.”

— Richard Courant

AB 2565: Math and Science Educator Excellence Block Grant

Introduced by Assemblywoman Blanca Rubio (AD 48) on February 17, 2022, [AB 2565](#) would appropriate an unknown amount from the General Fund to establish the “Mathematics and Science Educator Excellence Block Grant.” For the purpose of “strengthening mathematics and science instruction,” the block grant would support a “community of practice,” a state-wide model of professional learning and collaboration in K-12 classrooms. In addition to best practice development, the grant would also be used to advance “equity and access in mathematics and science education through resource development and shared learning.”



CFER Analysis:

The California Department of Education (CDE) has been criticized by parents and community members for pushing a new mathematics framework focused on equity and de-tracking. A bipartisan alliance of parents, scholars and community organizations has emerged to challenge the new framework’s intention to eliminate advanced tracking and academic grouping in the name of equity. AB 2565’s goal for math and science teachers to advance equity aligns with CDE’s penchant for equitable math. **[CFER Position: Oppose]**

“It is the supreme art of the teacher to awaken joy in creative expression and knowledge.” - Albert Einstein

AB 2465: 3rd-Grade Literacy Grant Programs

Assemblymember Mia Bonta (AD 18) authored [AB 2465](#) to appropriate significant portions from the General Fund to create a series of literacy and biliteracy programs for the purposes of improving early literacy and reaffirming California’s commitment to “diversity, equity, inclusion, and social justice.” Among these proposed projects are:

- The California Family Literacy Innovation Project: \$37.5 million.
- The Sustaining Career Pathways for Multilingual and Dual Immersion Educators Program: \$25 million.
- A Family Literacy and Biliteracy Innovation Plan: \$1.5 million.
- The READS Nuestro Estado California Outreach Program: \$2.5 million.



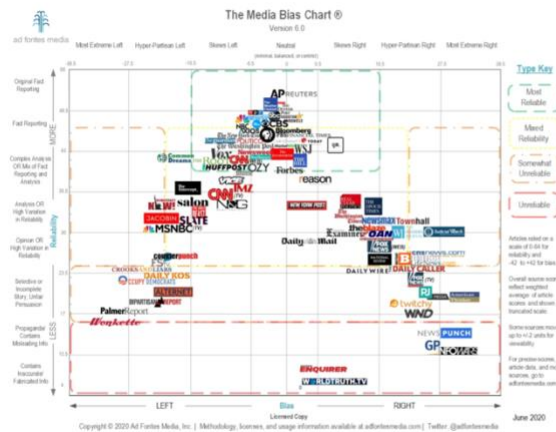
CFER Analysis:

The devil is all in the details. AB 2465 has a noble goal to address California’s literacy crisis through tackling challenges in early grades and institutionalizing partnerships between families and schools. The bill has a significant fiscal impact but the financial accountability to institute such a large-scale initiative is concentrated in a handful of state agencies, including the Department of Education, the Commission on Teacher Credentialing and the Superintendent. Local educational agencies would also be required to submit a plan to add resources to local libraries with a focus on “culturally relevant books, including books related to LGBTQ+, Black, Latino, Asian and Pacific Islander, and Jewish cultures and communities.” **[CFER Position: Oppose]**

“If people in the media cannot decide whether they are in the business of reporting news or manufacturing propaganda, it is all the more important that the public understand that difference, and choose their news sources accordingly.”— Thomas Sowell

AB 2064: Media Literacy

Assemblywoman Jacqui Irvin (AD 44) introduced [AB 2064](#) into the state legislature on February 14, 2022 to create “the Media Literacy Through Critical Thinking Program in the California State Library for purposes of supporting media literacy across multiple languages for pupils and their families, and developing media literacy skills for pupils and their families to help navigate issues of public health and representation.” The program, as an extension of the California State Library’s mission to promote English literacy, would help build resilience to “false and harmful narratives,” including: misinformation, malinformation and disinformation. The State Librarian would be tasked with developing “a list of recommended books, articles, digital multimedia resources, and any other instructional materials” for media literacy.



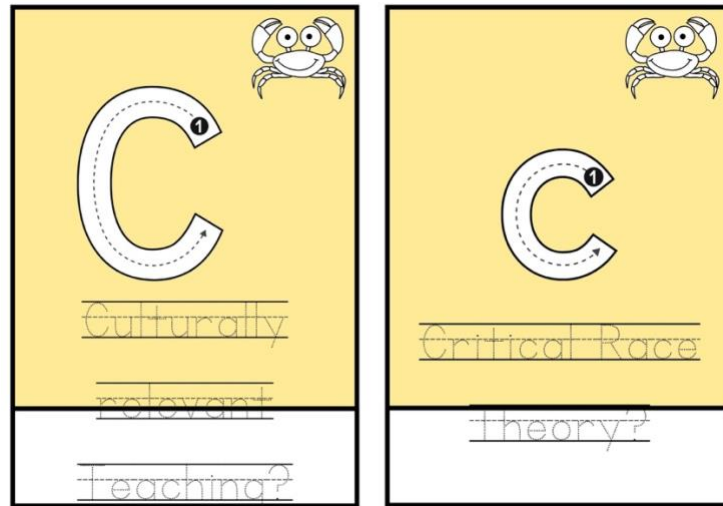
CFER Analysis:

Media literacy in an age of information explosion and technological globalization should be a vital part of public education. AB 2064 starts with an important goal, but lacks workable mechanism(s) for transparency, public consultation, and face-checking. Most problematic of all is its authorization of a single state government agency – the California State Library to oversee the “Media Literacy Through Critical Thinking” program and develop supporting materials. The State Librarian is appointed by the governor. If no amendments are made to establish a formal consultation mechanism between the state agency and the public, the program’s stated purpose of enhancing media literacy would be compromised by political and ideological biases of its overseers. This risk is accentuated by the extreme left-ward bias of librarians throughout the country. Do we want a Ministry of Truth in California? [CFER Position: Oppose]

“Culturally Relevant Pedagogy also calls for students to develop critical perspectives that challenge societal inequalities.” – California Department of Education

AB 2498: Freedom School Summer Demonstration Pilot Program

Introduced by Assemblywoman Mia Bonta (AD 18) on February 17, 2022, [AB 2498](#) intends to “establish the Freedom School Summer Demonstration Fund as the initial depository of all moneys appropriated, donated, or otherwise received for the program” to “develop summer literacy and learning loss mitigation programs for public school pupils.” Against the historical backdrops of school segregation in Mississippi, Illinois, Virginia, New York and Massachusetts, the Freedom Demonstration Fund would fund both local educational agencies and nonprofit partner organizations to implement “culturally relevant” summer school programs, create best practices, and model professional development programs.



CFER Analysis:

The pedagogy of “Culturally Relevant Teaching” is controversial and has been hijacked by critical pedagogy to a large extent. Originally intended to foster a deep understanding of different cultural values, beliefs and practices, the new pedagogy has been grafted to signal cultural and social stereotyping rooted in a divisive, race-based worldview. Yet, the California Department of Education fully [endorses](#) “Culturally Relevant Pedagogy” as a key theoretical model to support “students’ critical consciousness or their ability to recognize and critique societal inequalities.” AB 2498 perpetuates this pedagogical bias. Rather than developing a rationale that is embedded in contemporary complex relationships among race, culture, ethnicity and education, the program draws inspiration solely from the past of school segregation in other states, further fueling an ideology of division and power-based struggles. **[CFER Position: Oppose]**

“Restorative justice has great potential for the parties involved and for the community. However, it is not the magic solution to all evils... It must not be considered a cheap form of justice or pretend justice. Nor must it trivialize the valid demands of victims.”
 — Arlène Gaudreault

AB 2598: Restorative Justice Practices Statewide Model

Assemblywoman Akilah Weber (AD 79) introduced [AB 2598](#) on February 18, 2022 to “require the State Department of Education to develop a standard model to implement restorative justice practices on a school campus and to make the standard model available on the department’s internet website on or before January 1, 2024.” The bill would also require the CDE to assemble a 9-member advisory committee for the purpose of developing a statewide model of school-based restorative justice. The advisory committee should include three members of underrepresented groups, appointed by the Speaker of the Assembly, the President Pro Tempore of the Senate, and the Governor.



CFER Analysis:

AB 2598 would lead to unconstitutional racial quotas for the creation of a State Department of Education Advisory Committee on Restorative Justice. It is also a top-down mandate with far-reaching repercussions for local school districts in terms of following a standard model for restorative justice, a controversial concept that has often been politicized to reflect racial identity politics and race-based treatment. The bill also identifies key stakeholders that should be consulted with, to include “school-based restorative justice practitioners, educators, pupils, community stakeholders, and nonprofit and public entities.” Surprisingly, parents are not included in the list. **[CFER Position: Oppose]**

“There is an old saying that the course of civilization is a race between catastrophe and education. In a democracy such as ours, we must make sure that education wins the race.” – John F. Kennedy

AB 1939: Climate change advocacy for coursework

Introduced by Assembly Members Luz Rivas (D, AD39), Lisa Calderon (D, AD57), Christopher Ward (D, AD78) and supported by a dozen more Democratic legislators, [Assembly Bill 1939](#) would amend the Education Code to add climate change lessons to a variety of school disciplines grades 1 to 6. Specifically, it would mandate local school districts to adopt “an emphasis on the causes and effects of climate change” in English, Mathematics, Social Studies, Science, Visual and Performing Arts, Health, Physical Education and more, no later than the 2023-2024 school year.



CFER Analysis:

With a presumption that climate change is an established scientific discipline, AB 1939 risks proselyting political beliefs surrounding [the controversial topic](#) rather than inform students about the debatable conjunctures and hypotheses inherent in any emerging field of scientific inquiry. When married with other developments mandating students’ political participation and implemented by self-identified teacher-activists, this bill could effectively infuse the climate advocacy work or climate justice activism into the track of action civics.

Like the rolling-out of the ethnic studies paradigm in the last four years, “climate change” is being treated in AB1939 as a teaching philosophy, approach or pedagogy that needs to be infused into all school disciplines. If unchecked and unchallenged, such an all-level endorsement could easily turn into ideological re-education in favor of fringe political theories including critical pedagogy or critical race theory. **[CFER Position: Oppose]**

“When the state intervenes to insure the indoctrination of some doctrine, it does so because there is no conclusive evidence in favor of that doctrine.” – Bertrand Russell

SB 955: Excused absence for civic or political events

Should a student be granted an excused absence for participating in a political demonstration? Senator Connie M. Levya (Democrat, SD 20) thinks so and has proposed [a bill](#) to legislate this. Senate Bill 955 would amend the Education Code to require a middle or high school student who’s absent from school to “engage in a civic or political event to be excused for only one school day absence per school year.” Furthermore, the bill would also authorize local educational entities to permit additional excused absences to “engage in a civic or political event... in the discretion of a school administrator.” The state would reimburse local agencies and school districts for certain costs associated with state-mandated local programs.



CFER Analysis:

SB 955 facilitates “action civics” and indoctrination due to a tendency toward promoting progressive political causes by empowering school administrators and the Commission on State Mandates to determine eligibility. The state education apparatus, with its introduction of a critical ethnic studies model curriculum and piloting of a new math framework centered around equity, leans left decisively. At the same time, the majority of school board members, superintendents and school principals are ideologically aligned with the state bureaucracy. This political context of progressivism undergirding the identification of priorities for civic and political events should sound alarm for citizens and parents who want a knowledge-based paradigm for civic learning. They should be concerned about the establishment’s redefinition of civics as progressive activism, including propagation of critical race theory masquerading as civic events.

The issue of activism over citizenship would be more pronounced, considering [chronically low proficiencies](#) in civics, reading and writing for the state’s middle and high school students. The problem of low performance has been exacerbated by [pandemic-induced learning loss](#) in the last two years. **[CFER Position: Oppose]**

“Medical education does not exist to provide students with a way of making a living, but to ensure the health of the community.” – Rudolf Virchow

AB 2132: Medical School Financial Aid

Assemblymember Carlos Villapudua (AD 13) introduced [AB 2132](#) on February 15, 2022 to establish the “California Medical School Tuition for Medical Service Pilot Program.” The bill would authorize the California Student Aid Commission to implement the program during the 2023-24 academic year by overseeing the identification of students to receive the funds and by contracting with nonprofits. Eligible students must “commit to practicing for a specified period of time in primary care or a high-needs specialty in California in medically underserved populations and areas.” Most importantly, the pilot program will “identify and select individuals from diverse, underrepresented communities to fund their educational expenses from community college or undergraduate education through medical school and a postgraduate training program.”



CFER Analysis:

The “California Medical School Tuition for Medical Service Pilot Program” is a well-intentioned initiative aimed at supporting disadvantaged students to pursue medical careers in medically underserved areas. However, AB 2132’s major problem lies in its misguided, race-centric rationale that underserved patients are better served by underrepresented students based on “race, ethnicity, and language.” The bill would also mandate the Student Aid Commission to contract with “nonprofit entities headquartered in California...aimed at building a diverse health care provider workforce.” Without proper guardrails, the pilot program could easily turn into unconstitutional racial preferences and political favoritism for ideologically aligned nonprofits. **[CFER Position: Oppose]**