

Ethnic Studies to Become a Required High School Course

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On October 8, 2021, Governor Newsom signed into law Assembly Bill (AB) 101, which authorizes all local educational agencies (LEAs) including charter schools, serving high school students to provide a full-year course in ethnic studies to high school students by the 2025-26 school year. AB 101 also will require completion of a one-semester course in ethnic studies as a high school graduation requirement for students graduating in the 2029-30 school year and beyond.

A similar bill was vetoed last year due to the lack of a fully developed model curriculum. A [model ethnic studies curriculum](#) was adopted by the State Board of Education on March 18, 2021.

There are four ways LEAs can develop their ethnic studies course:

- They can develop a course based on the model curriculum;
- They can offer an ethnic studies course taught as part of a course approved under the A-G requirements of the University of California and the California State University;
- They can utilize an existing ethnic studies course currently being offered by the LEA; or
- They can utilize a new locally developed course approved by the governing board over the course of two public meetings with an opportunity for public input.

To satisfy AB 101's requirements, an ethnic studies course must meet the following additional criteria:

- The primary content must be ethnic studies;
- The course must be appropriate for use with students of all races, religions, nationalities, genders, sexual orientations, and diverse ethnic and cultural backgrounds, pupils with disabilities, and English learners;
- The course must not teach or promote religious doctrine; and
- The course cannot reflect or promote any bias, bigotry, or discrimination against any person or group of persons based on a protected characteristic.

AB 101 does not require an LEA that develops its own ethnic studies course or maintains its existing ethnic studies course to submit its curriculum to the California Department of Education (CDE) for approval and, at this point, it does not appear that such a course will be subject to a CDE audit. However, the ethnic studies course materials could be subject to Williams Act complaint similar to other instructional materials.

AB 101 also does not provide the opportunity for parents to opt their children out of this graduation requirement. The California Legislature has expressly authorized opt-outs for certain other graduation requirements, but these categories are very narrow and primarily relate to instruction in health and/or sexual health. AB 101 is purported by its authors to provide students an opportunity to learn about cultures, backgrounds, and histories outside of existing European-centric teachings.

Takeaways

As noted above, AB 101 provides flexibility for establishing new ethnic studies courses, with a clear directive to ensure it is appropriate and does not disparage any students of any background. LEAs should also be mindful of controversies that may arise during the development of the model ethnic studies curriculum and be wary of efforts to relate AB 101 to other political issues. However, with existing laws already in place restricting LEAs from compelling students to have a particular world view, religious belief, or political opinion, the ethnic studies course requirement should be implemented like other history and social science course offerings.

If you have any questions about your obligations under AB 101 or how to implement it, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcasts](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#).

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