

Resolution

The Role of Locally Elected Education Boards- Adopting Curricula and Education Material

Whereas, locally elected school boards and county boards of education are uniquely positioned to engage in and provide educational experiences for our children. The law requires all students to have equal access to education, free of pervasive vulgarity, obscenity, pornography, and sexual harassment, which are not protected speech under the First Amendment; and

Whereas, local control of education by locally elected school board members, parents, and community members requires responsibility to exercise authority and discretion when adopting curriculum and educational materials and meeting state content standards ¹ ; and

Whereas, the Local Control and Accountability Plan (LCAP) is a instrument for a local educational agency (LEA) to set goals, plan actions, and leverage resources to improve student outcomes. The LCAP requires community input of curricula and textbook materials, and which describes how a school district intends to meet annual academic goals for all pupils, with specific activities to address state and local priorities identified pursuant to state Education Codes sections 52060(d)² , 52066(d) ³, and 47605 ⁴; and

Whereas, the LCAP include goals and related actions/services that address implementation of the academic content and performance standards adopted by the State Board of Education (SBE). The LCAP must include annual goals to be achieved for each state priority; and an LEA may choose to focus its LCAP on a specific subset of the state priorities and any local priorities. According to state documents⁵, an LEA does **not** need to address each priority equally in terms of number of related goals, planned actions/services or expenditures.

Whereas, locally elected school boards are elected to protect and oversee the education of every student regardless of race, religion, sexual orientation, or ethnicity; and

Whereas, locally elected school board members are elected by its citizens and constituents in from their community, possess extraordinary fiduciary responsibility and interests in the success

¹ <https://www.cde.ca.gov/be/st/ss/>

² https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=52060.&lawCode=EDC

³ <https://law.justia.com/codes/california/2019/code-edc/title-2/division-4/part-28/chapter-6-1/article-4-5/section-52066/>

⁴ https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=47605&lawCode=EDC

⁵ <https://www.cde.ca.gov/fg/aa/lc/lcfaq.asp#LCAP>

of its students, and are bound by law to make decisions in educating and protecting children while upholding parental rights; and

Whereas, state Education Code 233.5⁶ states:

- A) *"Each teacher shall endeavor to impress upon the minds of the pupils the principles of morality, truth, justice, patriotism, and a true comprehension of the rights, duties, and dignity of American citizenship, and the meaning of equality and human dignity, including the promotion of harmonious relations, kindness toward domestic pets and the humane treatment of living creatures, to teach them to avoid idleness, profanity, and falsehood, and to instruct them in manners and morals and the principles of a free government."*
- B) *"Each teacher is also encouraged to create and foster an environment that encourages pupils to realize their full potential and that is free from discriminatory attitudes, practices, events, or activities, in order to prevent acts of hate violence."*

Whereas, in considering K-12 instructional materials and curriculum, the legislature intends for local school trustees to consider state Education Code 60002⁷. This code states that boards of education... *"shall promote the involvement of parents and other members of the community in the selection of instructional materials"*; and

Whereas, state Education Code 51100⁸, reflects *"the legislature finds and declares"* that:

- A) It is essential to our democratic form of government that parents and guardians of school age children attending public schools and other citizens participate in improving public education institutions. Specifically, involving parents and guardians of pupils in the education process is fundamental to a healthy system of public education
- B) Research has shown conclusively that early and sustained family involvement at home and at school in the education of children results both in improved pupil achievement and in schools that are successful at educating all children, while enabling them to achieve high levels of performance
- C) All participants in the education process benefit when schools genuinely welcome, encourage, and guide families into establishing equal partnerships with schools to support pupil learning
- D) Family and school collaborative efforts are most effective when they involve parents and guardians in a variety of roles at all grade levels, from preschool through high school.

Whereas, AB 1078⁹ is a Sacramento bill that usurps local control of education, and limits the authority and autonomy of local school boards in the state of California; and

⁶ https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=233.5.&lawCode=EDC

⁷ https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60002.&lawCode=EDC

⁸ https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=51100.&lawCode=EDC

⁹ <https://legiscan.com/CA/text/AB1078/2023>

Whereas, AB 1078 is opposed by the California School Boards Association ¹⁰; and

Whereas, AB 1078, without any final findings by a school district investigating complaints against a school district's policy, authorizes the State Superintendent of Instruction to directly intervene in local governance decisions, and imposes or levy fines on a local school district when a school district follows the forementioned state education codes; and

Whereas, certain local governance decisions by local community school districts in California have been recently used by elected state constitutional officers to necessitate and justify the passage of AB 1078; and such local governance decisions and statements have been prejudged and have precipitated certain state elected officers to publicly express extraordinary political statements and authoritarian threats and actions; and

Therefore, the Orange County Board of Education officially endorses the concept of local control of education that are grounded on existing state laws; and that local school and county boards of education that follow state guidelines are exclusively empowered to approve curricula, textbooks, and education materials.

Furthermore, the Orange County Board of Education finds:

- 1) The LCAP includes goals and related actions/services that address implementation of the academic content and performance standards adopted by the SBE.
- 2) Equal concurrence with the California School Boards Association in its opposition to AB 1078 as a constitutionally imprudent bill and a burdensome law on local citizens and voters.
- 3) Extraordinary efforts have been used by state Sacramento elected leaders to usurp local control of education that is inconsistent with existing state education codes and laws.
- 4) State efforts to remove, replace, or change existing state education codes and laws that empowers local boards of education of their central role in local educational decisions, is improper and not necessary.

AYES: 5

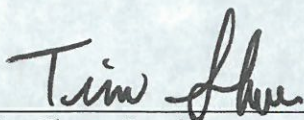
NOES: 0

ABSENT: 0

STATE OF CALIFORNIA, COUNTY OF ORANGE

I, Tim Shaw, President to the Board of Education of Orange County, California hereby certify that the foregoing Resolution was duly and regularly adopted by the said Board at a regular meeting thereof held on the 2nd day of August 2023.

IN WITNESS THEREOF, I have hereunto set my hand and seal this 2nd day of August 2023.



Tim Shaw, President
Orange County Board of Education

¹⁰Official opposition as of June 28, 2023 version of AB 1078