

Assembly Bill No. 531

Passed the Assembly August 7, 2008

Chief Clerk of the Assembly

Passed the Senate July 10, 2008

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2008, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 51204.6 to the Education Code, relating to the public school curriculum.

LEGISLATIVE COUNSEL'S DIGEST

AB 531, Salas. Curriculum frameworks: social sciences: school segregation.

Existing law requires the Curriculum Development and Supplemental Materials Commission to recommend curriculum frameworks to the State Board of Education. The board is required to adopt the content of curriculum frameworks in accordance with specified regulations. The board also is required to bring the curriculum frameworks into alignment with the statewide content and performance standards and to ensure that curriculum frameworks are reviewed and adopted in each of specified subject areas consistent with the cycles for the submission of instructional materials for adoption by the board.

This bill would require the case of *Mendez v. Westminster School Dist.* (64 F. Supp. 544 (C.D. Cal.1946), *aff'd*, *Westminster School Dist. v. Mendez* (9th Cir. 1947) 161 F. 2d 774) and the role of this case in the civil rights movement and the desegregation of public schools in California and the nation to be included in the history-social science framework, evaluation criteria, and instructional materials for grade 4 and either grade 11 or 12 when they are adopted in the course of the next submission cycle.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) In 1943, the children of Gonzalo and Felicitas Mendez were denied entry into the 17th Street School in Westminster, California because they were Mexican American. As a result, the Mendez family in March of 1945 joined four other Latino families and sued four school districts in Orange County on behalf of their children and 5,000 others. The Mendez family earned a living as tenant

farmers and was able to bring the lawsuit forward with the help of civil rights attorney David Marcus.

(b) The lawsuit, *Mendez v. Westminster School Dist.* (64 F. Supp. 544 (C.D. Cal.1946), *aff'd*, *Westminster School Dist. v. Mendez* (9th Cir. 1947) 161 F. 2d 774), argued that the school districts denied the children equal protection under the law and due process of law under the Fourteenth Amendment to the United States Constitution. Eventually, amicus curiae briefs were filed by the American Jewish Congress, the ACLU, the National Lawyers Guild, the Japanese Americans Citizens League, and the NAACP. The success of the lawsuit led to legislation in California that repealed laws mandating segregation and set legal and strategic precedent for other cases striving to end educational segregation, including the national landmark case of *Brown v. Board of Education*.

(c) As a result of the *Mendez* case, the Legislature and Governor Earl Warren in 1947 repealed the last school segregation statutes in California, making California the first state to end school segregation. The *Mendez* case represents the beginning of the end of legal school segregation and signifies the important role of California in the civil rights movement, a role that should be both preserved and remembered.

SEC. 2. Section 51204.6 is added to the Education Code, to read:

51204.6. (a) The State Board of Education and the Curriculum Development and Supplemental Materials Commission shall ensure that the history-social science framework, evaluation criteria, and instructional materials adopted in the course of the next submission cycle following the date on which this section becomes effective include for grade 4 and either grade 11 or 12 the case of *Mendez v. Westminster School Dist.* (64 F. Supp. 544 (C.D. Cal.1946), *aff'd*, *Westminster School Dist. v. Mendez* (9th Cir. 1947) 161 F. 2d 774) and the role of this case in the civil rights movement and the desegregation of public schools in California and the nation.

(b) The Legislature encourages instruction on the case of *Mendez v. Westminster School Dist.* (64 F. Supp. 544 (C.D. Cal.1946), *aff'd*, *Westminster School Dist. v. Mendez* (9th Cir. 1947) 161 F. 2d 774) to include the oral or video history of the people who were involved in the case and efforts they made to end

educational segregation in California. These histories also shall solicit comment from their subjects regarding all of the following:

- (1) The reasons for their involvement in the case.
- (2) The impact the case had on their lives.
- (3) The consequences of educational desegregation in the United States.

(c) The Legislature encourages all state and local professional development activities to provide teachers with content background and resources to assist in teaching about the case of *Mendez v. Westminster School Dist.* (64 F. Supp. 544 (C.D. Cal.1946), *aff'd*, *Westminster School Dist. v. Mendez* (9th Cir. 1947) 161 F. 2d 774).

Approved _____, 2008

Governor