

Standards for Evaluating Instructional Materials for Social Content

2013 Edition

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Research has documented that the interests, prejudices, and ideas children develop as they mature are influenced directly by everything they see and hear. Much of a child's early development takes place in school; therefore, instructional materials contribute to a positive or negative school experience. The California Legislature recognized the vital role of instructional materials in the formation of a child's attitudes and beliefs when it adopted *Education Code* sections 60040 through 60044, 60048, and 60200 (see the Appendix).

In addition to providing positive school experiences and encouraging students' aspirations, instructional materials should reflect a pluralistic, multicultural society composed of unique individuals. The *Education Code* sections referenced in this document are intended to help end stereotyping in instructional materials by showing diverse people in positive roles contributing to society. Instructional materials used by students in California public schools should never portray in an adverse or inappropriate way the groups referenced in the laws.

Purpose of Standards

The laws require that instructional materials portray accurately and equitably the cultural and racial diversity of American society; the male and female roles; and the contributions of minority groups, the disabled, gay, lesbian, bisexual, and transgendered individuals, and males and females to the development of California and the United States. These requirements imply that instructional materials must also help students to understand both the historical roles and the contributions of women and minorities in other societies; the forces that shaped those roles and contributions; and how and why the roles and contributions of contemporary American women and minorities differ from those of women and minorities at other times and in other cultures.

Many evaluators are needed to review the large number of instructional materials that are submitted to the California Department of Education. Those materials must be examined for legal compliance with the various social content requirements specified in the *Education Code*. Evaluators must use individual judgment to determine whether materials do in fact comply. This document provides reasonable, systematic standards on which evaluators may base their judgments so that the evaluation will be as consistent and equitable as possible.

There are standards pertaining to age and nutrition that are not referenced in statute. These standards are based on policies adopted by the State Board of Education. As such, the standards regarding those areas must be considered by those who review for compliance. Policy areas are identified by the date of Board approval, not by statutory code sections.

In applying the standards to instructional materials, evaluators should consider special circumstances under which compliance is not required. Those special circumstances are described below.

Special Circumstances

Less than full compliance may be allowed under the following special circumstances:

1. *Literary, historical, and cultural perspectives.* When examining instructional materials for adverse reflection or roles, an evaluator must make a qualitative judgment of classical or contemporary literature (including folktales), music, art, stories, or articles having a particular historical or cultural perspective. Complete compliance with the guidelines may be inappropriate in some cases. What might be considered an adverse reflection or a failure to portray appropriate roles should be judged in the context of high-quality literary works. Discussion material should be included in the teacher's edition of instructional materials indicating that, although a particular attitude toward women or a minority group was prevalent during a period in history, that attitude has changed or is changing.
2. *Reference to humans.* Not all instructional materials need to include references to human beings. For instance, math problems described solely in abstract terms or stories about animals without human attributes are perfectly acceptable in instructional materials but are outside the scope of the standards. In addition, materials that contain references to children need not include references to adults even though this omission may limit the scope of the roles and contributions that can be presented.
3. *Special purpose—limited portrayals.* Several kinds of circumstances make it necessary to modify requirements regarding proportion and balance of portrayals. These circumstances do not eliminate the need to carefully review for adverse reflection or derogatory references, but they do make it difficult to achieve the usual kind of required balance.
 - a. *Narrow focus—limited scope and content.* An evaluator must consider the number of characters presented and the relationships among them; if the material includes only three or four main characters or if all of the main characters are members of the same family, obviously it will be unrealistic to expect portrayal of a wide diversity of ethnic groups or roles and contributions. If the setting is restricted to a limited locale, such as an inner-city ghetto or a sparsely settled desert region, the possibilities for showing a wide range of socioeconomic groups in a wide range of activities are necessarily limited. Materials with a narrow focus and/or limited portrayals should be clearly identified as such so that no false impressions are conveyed.

- b. *Infrequent use.* The materials are designed to be used infrequently (example: a test to be administered only two or three times a year).
 - c. *Small group.* The materials are part of a small group of materials that are designed for a special purpose (example: an enrichment series of pamphlets with fewer than eight pamphlets per grade level).
 - d. *Audience.* The intended audience is other than students (example: parents).
 - e. *Ancillary materials.* These materials are part of the core program and support the basic program (example: workbooks, test booklets, transparencies, tapes, and slides).
4. *Series.* When conducting a compliance review of a series of instructional materials designed to be used as a basic program, an evaluator must judge each grade level individually without regard to the content of any other component. However, it is important to consider certain exceptions referred to previously under “Special purpose.”
5. *Teachers’ materials.* Evaluators must use the standards for reviewing students’ and teachers’ materials. Two considerations are especially important in connection with teachers’ materials: (1) In no case may instructions in a teacher’s edition designed to counteract noncompliant pictures or text in a student’s edition be given any weight in the evaluation of the student’s edition. (2) Instructions to the teacher about students’ activities that could reasonably be expected to cause adverse reflection or represent roles inaccurately must be considered noncompliant even though those instructions are not seen by the student.

Male and Female Roles

Education Code Sections 51501, 60040(a), and 60044(a)

Purpose. The standards promote the individual development and self-esteem of each student, regardless of gender.

Method. The standards will be achieved by portraying people of both sexes in the full range of their human potential in all societal roles.

Applicability of Standards. The standards regarding adverse reflection and equal portrayal must be applied in every instance. The other standards require compliance when appropriate.

1. *Adverse reflection.* Descriptions, depictions, labels, or rejoinders that tend to demean, stereotype, or patronize males or females because of their sex must not appear.
2. *Equal portrayal.* Instructional materials containing references to, or illustrations of, people must refer to or illustrate both sexes approximately evenly, in both number and degree of importance, except as limited by accuracy or special purpose.
3. *Occupations.* If professional or executive occupations, parenting, trades, or other gainful employment is portrayed, men and women should be represented equally.
4. *Achievements.* Whenever instructional material presents developments in history or current events or achievements in art, science, or any other field, the contributions of women and men should be represented in approximately equal numbers.
5. *Mental and physical activities.* An approximately equal number of male and female characters should be depicted in roles in which they are being mentally and physically active, being creative, solving problems, and experiencing success and failure in those roles.
6. *Traditional and nontraditional activities.* The number of traditional and nontraditional activities engaged in by characters of both sexes should be approximately even.
7. *Emotions.* A range of emotions (e.g., fear, anger, tenderness) should be depicted as being experienced by male and female characters.
8. *Gender-neutral language.* Such general terms as people, men and women, pioneers, and they should be used to avoid the apparent exclusion of females or males.
9. *Parenting activities.* Both sexes should be portrayed in nurturing roles with their families. The responsibility of parenting should be emphasized.

Ethnic and Cultural Groups

Education Code Sections 51501, 60040(b), and 60044(a)

Purpose. The standards project the cultural diversity of society; instill in each child a sense of pride in his or her heritage; develop a feeling of self-worth related to equality of opportunity; eradicate the roots of prejudice; and thereby encourage the optimal individual development of each student.

Method. The standards will be achieved by including a fair representation of majority and minority group characters portrayed in a wide variety of occupations and roles, including cultural and artistic roles.

Applicability of Standards. The word group as used in these standards refers generally to one of those named in *Education Code* Section 60040: “Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans..., and members of other ethnic and cultural groups..” Current federal and state reporting guidelines for affirmative action and other similar programs use a different type of classification. However, because any racial, ethnic, or cultural group can be fitted into those listed in the *Education Code*, that code section will remain the basis for implementation of the guidelines.

All the following standards apply to all instructional materials that depict contemporary U.S. or California society or any unidentifiable society. In addition, standards 1, 2, and 3 apply to all materials that depict any contemporary society outside the United States subject to standard 1 under “Special Circumstances” concerning certain perspectives regarding literature, music, art, history, or other cultures; and standard 3 applies concerning certain kinds of limited portrayals.

The standards regarding adverse reflection and proportion of portrayals must be applied in every instance. The other standards require compliance when appropriate.

1. *Adverse reflection.* Descriptions, depictions, labels, or rejoinders that tend to demean, stereotype, or patronize minority groups are prohibited.
2. *Proportion of portrayals.* Instructional materials containing references to, or illustrations of, people must portray accurately, to the extent possible, the roles and contributions of a fair proportion of diverse ethnic groups, especially those groups referenced in the statute (Section 60040[b]).
3. *Customs and lifestyles.* When ethnic or cultural groups are portrayed, portrayals must not depict differences in customs or lifestyles as undesirable and must not reflect adversely on such differences.
4. *Occupations.* If professional or executive roles, trade jobs, or other gainful occupations are portrayed, majority and minority groups should be presented therein in fair proportion.
5. *Socioeconomic settings.* Minority persons should be depicted in the same range of socio- economic settings as are persons of the majority group.
6. *Achievements.* Whenever developments in history or current events, or achievements in art, science, or other fields, are presented, the contributions of minority persons, particularly prominent minority persons, should be included and discussed when it is historically accurate to do so.

7. *Mental and physical activities.* Majority and minority group characters should be depicted in fair proportion in roles in which they are being mentally and physically active, being creative, solving problems, and experiencing success and failure in those roles.
8. *Traditional and nontraditional activities.* The portrayal of minority characters engaged in activities that have traditionally been viewed as typical of their culture should be balanced by portrayal of such characters engaged in other less traditionally recognized activities.
9. *Root culture.* Depiction of diverse ethnic and cultural groups should not be limited to the groups' root cultures (traditional activities associated with ancestral culture) but, rather, must include such groups in the mainstream of U.S. life and must identify them as Americans.

Sexual Orientation and Gender Identity

Education Code Sections 50501, 60040(b), and 60044(a)

Purpose. The standards promote the individual development and self-esteem of each student, regardless of sexual orientation or gender identity.

Method. The standards will be achieved by avoiding pejorative descriptions of people based upon their sexual orientation or gender identity, and by including references to the contributions of persons of diverse sexual orientations and gender identities.

Applicability of Standards. The standard regarding adverse reflection must be applied in every instance. The other standards require compliance when appropriate.

1. *Adverse reflection.* Descriptions, depictions, labels, or rejoinders that tend to demean, stereotype, or patronize individuals because of their sexual orientation or gender identity must not appear.
2. *Achievements.* Whenever developments in history or current events, or achievements in art, science, or other fields, are presented, the contributions of persons of gay, lesbian, or bisexual orientation, or transgender persons, particularly prominent persons, should be included and discussed when it is historically accurate to do so.
3. *Proportion of portrayals.* Instructional materials containing references to, or illustrations of, people must portray accurately, to the extent possible, the roles and contributions of a fair proportion of diverse sexual orientations and gender identities.

4. *Roles.* The presentation of persons of gay, lesbian, or bisexual orientation, or transgender identity, in instructional materials should not be significantly different from the portrayal of people of other sexual orientations and gender identities.
5. *Emotions.* Materials should not convey the impression that persons of gay, lesbian, or bisexual orientation, or transgender identity, are any different from other people in their emotions or their ability to love and be loved.
6. *Socioeconomic settings.* Persons of gay, lesbian, or bisexual orientation, or transgender identity, should be depicted in the same range of socio-economic settings as are people of other sexual orientations and gender identities.

Older Persons and the Aging Process

Approved by the State Board of Education on July 12, 1979

Purpose. The standards promote the development of a healthy perception of older people and a concept of the aging process as a natural phenomenon.

Method. The standards will be achieved by depicting older persons and their activities and contributions as a vital part of society.

Applicability of Standards. The standards regarding adverse reflection and proportion of portrayals must be applied in every instance. The other two standards require compliance when appropriate.

1. *Adverse reflection.* Descriptions, depictions, labels, or rejoinders that tend to demean, stereotype, or patronize older persons are prohibited.
2. *Proportion of portrayals.* Instructional materials containing references to, or illustrations of, usual human activities must include older persons except as limited by accuracy or special purpose.
3. *Roles.* The presentation of older persons in instructional materials should not be significantly different from the portrayal of people of other age groups except as is necessary to identify them as older persons.
4. *Aging process.* When appropriate, the aging process should be pictured as a continuous process spanning an entire lifetime.

People with Disabilities

Education Code Sections 50501, 60040(b), and 60044(a)

Purpose. The standards promote the development of a perception of people with disabilities that is clear and undistorted, without fear, distrust, loathing, amusement, ridicule, contempt, or pity.

Method. The standards will be achieved by depicting the involvement, activities, and contributions of people with disabilities as an integral part of society.

Applicability of Standards. The standards regarding adverse reflection and proportion of portrayals must be applied in every instance. The other standards require compliance when appropriate.

Whether a disability is temporary or permanent is of no particular significance to evaluators. In programs for persons with disabilities, a disability is a disability regardless of duration.

1. *Adverse reflection.* Descriptions, depictions, labels, or rejoinders that tend to demean, stereotype, or patronize disabled persons are prohibited.
2. *Proportion of portrayals.* Instructional materials that depict a broad range of human activities must include some representations of people with disabilities except as limited by special purpose or the need for accuracy.
3. *Roles.* The presentation of people with disabilities in instructional materials should not be significantly different from the portrayal of nondisabled persons except as is necessary to identify them as people with disabilities.
4. *Emotions.* Materials should not convey the impression that people with disabilities are any different from other people in their emotions or their ability to love and be loved.
5. *Achievements.* When developments in history or current events or achievements in art, science, or any other field are presented, the contributions of people with disabilities must be included when it is appropriate and historically accurate to do so.

Entrepreneur and Labor

Education Code Sections 60040(c) and 60044(a)

Purpose. The standards develop in students an unbiased view of the functions of the entrepreneur and of labor in American society.

Method. The standards will be achieved by presenting, when it is appropriate to do so, a balanced picture of the roles of entrepreneurs, managers, and labor (as represented by workers and their organizations) in the American free enterprise system.

Applicability of Standards. The standard of adverse reflection must be applied in every instance. The other standard requires compliance only when appropriate.

1. *Adverse reflection.* References or labels that tend to demean, stereotype, or patronize any persons engaged in any particular occupation or vocation, whether essentially entrepreneur, management, or labor, are prohibited.
2. *Roles.* Accurate reference should be made to the role and contribution of the entrepreneur and labor in the total development of California and the United States.

Religion

Education Code Sections 51501, 60044(a) and (b)

Purpose. The standards enable all students to become aware and accepting of religious diversity while being allowed to remain secure in any religious beliefs they may already have.

Method. The standards will be achieved by depicting, when appropriate, the diversity of religious beliefs held in the United States and California, as well as in other societies, without displaying bias toward or prejudice against any of those beliefs or religious beliefs in general.

Applicability of Standards. The standards are derived to a degree from the United States and the California constitutions and relate closely to the requirements concerning the portrayal of cultural diversity. Compliance is required.

These standards should not be construed to mean that the mere depiction of religious practices constitutes indoctrination. Religious music and art, for example, may be included in instructional materials when appropriate.

1. *Adverse reflection.* No religious belief or practice may be held up to ridicule and no religious group may be portrayed as inferior.
2. *Indoctrination.* Any explanation or description of a religious belief or practice should be presented in a manner that does not encourage or discourage belief or indoctrinate the student in any particular religious belief.
3. *Diversity.* When religion is discussed or depicted, portrayals of contemporary American society should reflect religious diversity.

Ecology and the Environment

Education Code Section 60041(a)

Purpose. The standards develop in all students a sense of responsibility for the protection and improvement of the natural environment as much as possible.

Method. The standards will be achieved by emphasizing to students, when appropriate, issues related to ecology and the environment and what ordinary citizens can do to contribute to the resolution of those issues.

Applicability of Standards. This standard is applicable only when appropriate. Instructional materials may omit discussion or portrayal of the kind required by these standards and still comply with the *Education Code* under this section. The material may be silent on those issues provided such silence does not imply that no problems exist in the environment.

1. *Ecology.* The interdependence of people and their environment should be represented.
2. *Environmental protection.* People's responsibilities for creating and protecting a healthy environment should be emphasized.
3. *Resource use.* Wise use of natural resources should be encouraged. Instructional materials should never depict, encourage, or condone waste of resources except as necessary to illustrate a point.

Dangerous Substances

Education Code Section 60041(b)

Purpose. The standards provide all students knowledge of the various uses and misuses of dangerous substances.

Method. The standards will be achieved by presenting factual information regarding the effects of dangerous substances.

Applicability of Standards. The following standards require compliance when appropriate:

1. *Discouragement of use.* The use of tobacco, alcohol, narcotics, or restricted dangerous drugs, except as prescribed by a physician, must not be glamorized or encouraged by illustrations or text.
2. *Hazards of use.* When references to, or illustrations of, the use of substances are included in other than an incidental manner, such as a passing reference to a character taking cough medicine or a classic short story referring to "father's pipe," the hazards of such use should be depicted or pointed out.

Thrift, Fire Prevention, and Humane Treatment of Animals and People

Education Code Section 60042

Purpose. The standards instill in all students some basic values: thrift, fire prevention, and humane treatment of animals and people.

Method. The standards will be achieved by demonstrating the connection between these values and both everyday and extraordinary occurrences in human living and history.

Applicability of Standards. The prohibitions listed below require compliance in all cases; all other mandates apply when appropriate. When making judgments based on these standards, evaluators must consider the vast differences that have existed among different cultures and in acceptable standards of humane behavior during different historical periods.

1. *Waste.* Waste must not be encouraged or glamorized.
2. *Fire hazards.* Unsafe practices and situations that constitute fire hazards must not be depicted (except for clarifying a point), condoned, or encouraged.
3. *Inhumane treatment.* Physical abuse of adults or children or violence against, or other inhumane or depraved treatment of, animals or people must not be depicted (except for clarifying a point), condoned, or encouraged.
4. *Thrift.* The practice of thrift should be encouraged through illustrations or text or both.
5. *Fire prevention.* Methods of fire prevention and fire safety rules in general should be explained and the use of such methods and rules encouraged through illustrations or text or both.
6. *Humane treatment.* Humane treatment of people and animals should be encouraged through illustrations and text. However, inhumane treatment that occurred in history (such as historical references to slavery or the Holocaust) should not be omitted or glossed over but should be depicted when it is appropriate to do so.

Declaration of Independence and Constitution of the United States

Education Code Section 60043

These standards need to be met only when students are at a level appropriate to the comprehension of the Declaration of Independence and the U.S. Constitution. In addition, the standards apply only to instructional materials for social science, history, or civics classes.

1. The Declaration of Independence should be presented.
2. The United States Constitution should be included.

Brand Names and Corporate Logos

Education Code Sections 60048 and 60200

Guidelines approved by the State Board of Education on January 13, 2000

Purpose. The standards prevent unfair exposure of any privately produced product and students' exposure to unnecessary advertising.

Method. The standards will be achieved by omitting, whenever possible, illustrations of or references to private producers or their products.

Applicability of Standards. The two standards require compliance when appropriate. They also require judgment concerning the educational purpose of the material or the segment of the materials involved; the educational purpose determines how the standards are to be applied.

These standards apply to all instructional materials that depict contemporary American society. In representations of foreign societies, the standards apply to brand names, products, and logos familiar to the average American who has not traveled abroad.

1. **Use of any such depictions.** Instructional materials shall not contain illustrations of any identifiable commercial brand names, products, or corporate or company logos unless such illustrations are necessary to the educational purpose of the instructional material and that purpose cannot be achieved without using such illustrations, or unless such illustrations are incidental to a scene of a general nature (example: Times Square, New York City).
2. **Prominent use of any one depiction.** These exceptions aside, if a brand name, representation, or company logo is illustrated, prominence shall not be given to any one brand or company unless, in turn, such illustration is necessary to the educational purpose of the instructional material and that purpose cannot be achieved without using such illustration (example: a Coca Cola sign in a foreign country, demonstrating the social influence of American corporations abroad).

Guidelines for Exemptions. Exemptions to the standards regarding brand names and corporate logos are allowable for the following purposes:

Historical purposes. Use of a corporate name or product may provide a historical reference.

Examples: Photograph of "Dewey Defeats Truman" headline with the newspaper's name in full view; Henry Ford and history of automobiles, manufacturing

Consumer and career-related education. A real-world example may contain valuable information that cannot be duplicated with a fictitious scenario. Examples: Analysis of commercials to determine why some advertising campaigns are successful and others are not; analysis of job trends in various fields and corporations

Research applications. Students need to know how to conduct valid research to find reliable information.

Examples: The use of the World Book Encyclopedia or Bartlett's Familiar Quotations as sources; use of information gathering through Internet search engines or other online resources, such as the Encyclopaedia Britannica

Foreign language instruction. Prominent commercial products are shown in foreign language materials to provide a better picture of day-to-day lives of people within that culture.

Example: Names of newspapers or products unfamiliar in the U.S. may be mentioned in descriptions of people's daily lives.

Necessary sources of information. The use of information from the best or only source is acceptable and necessary to avoid plagiarism or to maintain the accuracy of a primary-source document.

Example: A 1942 newspaper used for researching articles about World War II contains incidental advertising.

Copyright protection. Sources should be listed unobtrusively, such as in small font underneath a photograph or numbered in the back of the book except where copyright protections are necessary. Corporate logos or names should not be repeated elsewhere in the instructional material unless there is a clear educational purpose for doing so.

Examples: A publisher may have the corporate name or logo on the front of the book and on a page that provides copyright information; a publisher may use a corporate name to refer the reader to another document for further information.

Literature and references to literature. Literature is generally exempt from a review for social content and includes previously published novels, short stories, poetry, essays, speeches, non-fiction, musical scores, and folktales.

Web-based resources and television shows. Those items are not reviewed because the content changes constantly. School districts are responsible for reviewing them to evaluate appropriateness of use.

Events, locations, sports teams, and people. International or national events that make a profit but are part of the general culture and do not target advertising solely to students (e.g., the Tour de France, Olympics, Indianapolis 500) may be referenced. Names of sports teams and organizations are allowed. Theme parks and commercial products associated with them may be depicted in instructional materials only if they fit into one of the categories noted above. Individuals and names of fictitious characters that are in the public domain may also be referenced.

Examples: Some photographs of historical people or various cartoon characters are part of the public domain and may be used without violating copyright laws. Use of popular cultural icons that are current would most likely violate copyright laws.

Each of the exceptions noted previously must serve an educational purpose in the instructional materials.

Nutrition and Physical Activity

Approved by the State Board of Education on January 10, 1986 and updated on May 8, 2013.

Purpose. The standards accustom students to seeing and dealing with representations of nutritious foods and foster a positive attitude toward physical activity; healthy eating and physical activity are essential to children's health and well-being.

Method. The standards will be achieved by emphasizing foods of high nutritional value and regular physical activity when it is appropriate to do so.

Applicability of Standards. The standards require compliance when appropriate. Depictions of foods of low nutritional value and of sedentary people are not necessarily prohibited; materials are to emphasize the importance of healthy eating and regular physical activity.

The relationship of nutrition and physical activity to the overall health and well-being of children is well documented. The prevalence of high-fat, high salt, and sugary foods in students' lives outside of school does not negate the positive effects schools can make. A variety of opportunities to learn about good nutrition and physical activity should be available so that children can attain optimal physical, social and emotional health. Instructional materials should provide appropriate reinforcement in illustration and content. Illustrations should emphasize the selection of a variety of nutritious foods that are low in fat, salt, and sugar and high in fiber content. Foods that contribute little other than empty calories should be minimized.

1. **Variety of opportunities.** A variety of opportunities should be available for students to learn about good nutrition and physical activity so that they attain optimal physical, social and emotional health.
2. **Reinforcement through illustrations and content.** Instructional materials should appropriately reinforce through illustrations and content the benefits of consuming nutritious foods and engaging in regular physical activity. Illustrations of foods should emphasize the selection of a variety of nutritious foods that are low in fat, salt, and sugar and high in fiber. Illustrations of children and youth participating in positive physical activity, using appropriate safety equipment is highly recommended. Depictions of foods that are of low nutritional value should be minimized.

Appendix

Requirements of the *Education Code* Regarding Social Content

Portrayal of cultural and racial diversity

60040. When adopting instructional materials for use in the schools, governing boards shall include only instructional materials which, in their determination, accurately portray the cultural and racial diversity of our society, including:

- a) The contributions of both men and women in all types of roles, including professional, vocational, and executive roles.
- b) The role and contributions of Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups to the total development of California and the United States.
- c) The role and contributions of the entrepreneur and labor in the total development of California and the United States.

Ecological system; use of tobacco, alcohol, drugs, and other dangerous substances

60041. When adopting instructional materials for use in schools, governing boards shall include only instructional materials which accurately portray, whenever appropriate:

- a) Man's place in ecological systems and the necessity for the protection of our environment.

- b) The effects on the human system of the use of tobacco, alcohol, narcotics, and restricted dangerous drugs as defined in Section 11032 of the Health and Safety Code, and other dangerous substances.

Thrift, fire prevention, and humane treatment of animals and people

60042. When adopting instructional materials for use in the schools, the governing board shall require such materials as they deem necessary and proper to encourage thrift, fire prevention, and the humane treatment of animals and people.

Declaration of Independence and Constitution of the United States

60043. When adopting instructional materials for use in the schools, the governing board shall require, when appropriate to the comprehension of pupils, that textbooks for social science, history, or civics classes contain the Declaration of Independence and the Constitution of the United States.

Prohibited instructional materials

60044. No instructional materials shall be adopted by any governing board for use in the schools, which in its determination, contains:

- a) Any matter reflecting adversely upon persons on the basis of race or ethnicity, gender, religion, disability, nationality, or sexual orientation, occupation, or because of a characteristic listed in Section 220.
- b) Any sectarian or denominational doctrine or propaganda contrary to law.

Commercial brand names, products, or logos

Education Code Section 60048.

- a) Basic instructional materials, and other instructional materials required to be legally and socially compliant pursuant to sections 60040 to 60047, inclusive, including illustrations, that provide any exposure to a commercial brand name, product, or corporate or company logo in a manner that is inconsistent with guidelines or frameworks adopted by the State Board of Education may not be adopted by a school district governing board.
- b) The governing board of a school district may not adopt basic instructional materials and other instructional materials required to be legally and socially compliant pursuant to sections 60040 to 60047, inclusive, including illustrations, that contain a commercial brand name, product, or corporate or company logo

unless the governing board makes a specific finding pursuant to the criteria set forth in paragraph (5) of subdivision (c) of Section 60200 that the use of the commercial brand name, product, or corporate or company logo in the instructional materials is appropriate.

- c) Nothing in this section shall be construed to prohibit the publisher of instructional materials to include whatever corporate name or logo on the instructional materials that is necessary to provide basic information about the publisher, to protect its copyright, or to identify third-party sources of content.
- d) The state board may adopt regulations that provide for other allowable exceptions to this section, as determined by the state board.
- e) The Superintendent of Public Instruction shall develop and the State Board of Education shall adopt guidelines to implement this section.

Adoption of List of Basic Instructional Materials; Submission Procedures; Criteria

60200. The state board shall adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive, for governing boards, subject to the following provisions:

- c) In reviewing and adopting or recommending for adoption submitted basic instructional materials, the state board shall use the following criteria, and ensure that, in its judgment, the submitted basic instructional materials meet all of the following criteria:
 - 5) Do not contain materials, including illustrations, that provide unnecessary exposure to a commercial brand name, product, or corporate or company logo. Materials, including illustrations, that contain a commercial brand name, product, or corporate or company logo may not be used unless the board determines that the use of the commercial brand name, product, or corporate or company logo is appropriate based on one of the following specific findings:
 - A) If text, the use of the commercial brand name, product, or corporate or company logo in the instructional materials is necessary for an educational purpose, as defined in the guidelines or frameworks adopted by the state board.
 - B) If an illustration, the appearance of a commercial brand name, product, or corporate or company logo in an illustration in instructional materials is incidental to the general nature of the illustration.