

Policy 6161.1: Selection And Evaluation Of Instructional Materials

Status: ADOPTED

Original Adopted Date: 11/01/2011 | Last Revised Date: 08/01/2026 | Last Reviewed Date: 08/01/2026

CSBA NOTE: Pursuant to Education Code 60200 and 60400, the Governing Board is responsible for the adoption of textbooks and other instructional materials, as defined in Education Code 60010, for use in district schools. See the accompanying administrative regulation for required and optional criteria for the selection of instructional materials. For selection of staff development materials and services, see BP 4131 - Staff Development (certificated staff), BP 4231 - Staff Development (classified staff), and BP 4331 - Staff Development (supervisory/managerial staff). For selection processes regarding supplementary books and materials, see BP 6161.11 - Supplementary Instructional Materials and BP 6163.1 - Library Media Centers.

For more information, the California Department of Education's (CDE) website provides guidance on the removal of instruction or instructional materials. Additionally, pursuant to Education Code 60040.5, CDE has published guidance regarding how to review instructional materials to ensure that they represent diverse perspectives and are culturally relevant, available on CDE's webpage, "Accurate and Inclusive Curriculum (AB 1078)." In addition, pursuant to Education Code 242, CDE has developed guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum.

The Governing Board desires that district instructional materials, as a whole, present a broad spectrum of knowledge and viewpoints, accurately reflect and value society's diversity, stimulate thought and the exploration of ideas and intellectual exchanges, and enhance instructors' ability to educate all students through the use of multiple teaching strategies and technologies. The Board shall adopt instructional materials based on a determination that such materials are an effective learning resource to help students achieve grade-level competency and that the materials meet criteria specified in law. Textbooks, technology-based materials, and other educational materials shall be aligned with academic content standards and the district's curriculum to ensure that they effectively support the district's adopted courses of study.

CSBA NOTE: The following paragraph is for use by districts that maintain any of grades kindergarten-8 and may be revised to reflect the grade levels offered by the district. Pursuant to Education Code 60200, the State Board of Education (SBE) adopted basic instructional materials in specified subjects that districts may select for use in grades K-8. Education Code 60200 provides that SBE may adopt materials in any of the specified subject areas at least once, but not more than twice, every eight years. Education Code 60210 authorizes the Board to select materials that have not been approved by SBE, provided they are aligned with state academic content standards or Common Core State Standards.

"Guidance for Local Instructional Materials Adoptions," adopted by SBE, provides guidance for districts when identifying, reviewing, piloting, and adopting instructional materials in all content areas, including links to current legislation, sample timelines, support for student groups, and implementation considerations. Additional information regarding the adoption of instructional materials can be found in CSBA's, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," "Instructional Materials Adoption: Local governing board responsibilities," and "State Roles, Responsibilities, and Process for Instructional Materials Adoption," and the California Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books."

Pursuant to Education Code 60205, as added by AB 1454 (Ch. 471, Statutes of 2025), SBE is required to adopt instructional materials for grades K-8 in English language arts and English language development that adhere to specified requirements. Upon the adoption of these instructional materials, SBE is required to update its, "Guidance for Local Instructional Materials Adoptions." Districts are required to follow this guidance and the processes described in Education Code 60002 for purposes of adopting instructional materials.

The Board shall select instructional materials for use in grades kindergarten-8 that have been approved by the State Board of Education (SBE) or that, during the district's review process, have been determined to be aligned with the state academic content standards adopted by SBE. For mathematics and English language arts, only instructional materials that are aligned to Common Core State Standards shall be selected. (Education Code 60200, 60210)

CSBA NOTE: The following paragraph is for use by districts that maintain high schools.

The Board shall adopt instructional materials for grades 9-12 upon determining that the materials meet the criteria specified in law and the accompanying administrative regulation. (Education Code 60400)

CSBA NOTE: Pursuant to Education Code 244 and 51501, the Board is prohibited from adopting or approving the

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The Governing Board desires that district instructional materials, as a whole, present a broad spectrum of knowledge and viewpoints, reflect and value society's diversity, and enhance instructors' ability to educate all students through the use of multiple teaching strategies and technologies. The Board shall adopt instructional materials based on a determination that such materials are an effective learning resource to help students achieve grade-level competency and that the materials meet criteria specified in law. Textbooks, technology-based materials, and other educational materials shall be aligned with academic content standards and the district's curriculum to ensure that they effectively support the district's adopted courses of study.

The Board shall select instructional materials for use in grades K-8 that have been approved by the State Board of Education (SBE) or that have, during the district's review process, been determined to be aligned with the state academic content standards adopted by SBE. (Education Code 60200, 60210)

The Board shall adopt instructional materials for grades 9-12 upon determining that the materials meet the criteria specified in law and the accompanying administrative regulation. (Education Code 60400)

In selecting or adopting instructional materials, the Board shall consider the recommendation of the Superintendent or designee and/or an advisory committee established to review the materials.

Public Hearing on Sufficiency of Instructional Materials

The Board shall annually conduct one or more public hearings on the sufficiency of the district's instructional materials, including textbooks, technology-based materials, other educational materials, and tests. Technology-based materials include, but are not limited to, software programs, video disks, compact disks, optical disks, video and audio tapes, lesson plans, databases, and the electronic equipment required to make use of those materials by students and teachers as a learning resource. (Education Code 60010, 60119)

The hearing shall be held on or before the end of the eighth week from the first day students attend school for that year. (Education Code 60119)

The Board encourages participation by parents/guardians, teachers, interested community members, and bargaining unit leaders at the hearing. Ten days prior to the hearing, the Superintendent or designee shall post a notice in three public places within the district containing the time, place, and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code 60119)

At the hearing(s), the Board shall determine, through a resolution, whether each student in each school, including each English learner, has sufficient textbooks or other instructional materials that are aligned to the content standards adopted by SBE and consistent with the content and cycles of the curriculum framework adopted by SBE in each of the following subjects: (Education Code 60119)

1. Mathematics
2. Science
3. History-social science
4. English language arts, including the English language development component of an adopted program
5. World language
6. Health

The Board shall also determine the availability of science laboratory equipment, as applicable to science laboratory courses offered in grades 9-12. (Education Code 60119)

In making these determinations, the Board shall consider whether each student has sufficient textbooks or other instructional materials to use in class and to take home. This does not require that each student have two sets of materials. However, materials shall not be considered sufficient if they are photocopied sheets from only a portion of

use of any textbook or other instructional material, or as amended by AB 715 (Ch. 428, Statutes of 2025), any staff development material, if such use would reflect adversely upon persons based on race or ethnicity, gender, religion, or other characteristics specified in Education Code 220 or would subject a student to unlawful discrimination pursuant to Education Code 220. Additionally, Education Code 51501, as amended by AB 715, requires that instructional materials adopted by the Board be factually accurate and meet other requirements as specified below.

Any instructional materials adopted by the Board shall be factually accurate and reflect the adopted curriculum and standards reflected in Education Code 60200, and be consistent with accepted standards of professional responsibility, rather than advocacy, personal opinion, bias, or partisanship. (Education Code 51501)

The Board shall not adopt or approve any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, if the use would subject a student to unlawful discrimination as specified in Education Code 220. (Education Code 244)

Additionally, the Board shall not adopt any textbook or other instructional material if it contains any matter reflecting adversely upon persons on the basis of race or ethnicity, gender, religion, disability, nationality, sexual orientation, or any other characteristic listed in Education Code 220, or that violates Education Code 243, 244, 51500, or 60044. (Education Code 51501)

In selecting or adopting instructional materials, the Board shall consider the recommendation of the Superintendent or designee and/or an advisory committee established to review the materials.

The degree to which every student has sufficient access to standards-aligned instructional materials shall be included in the district's local control and accountability plan. (Education Code 52060)

CSBA NOTE: In addition to other federal and state law, Education Code 49091.10, 49091.14, 51101, and 51500 as amended by AB 715, require the district to ensure that parents/guardians have access to instructional materials and public records in a reasonable amount of time, as described below.

The Superintendent or designee shall ensure that parents/guardians have, within a reasonable amount of time, access to instructional materials in accordance with Board Policy and Administrative Regulation 5020 - Parent Rights and Responsibilities. (Education Code 49091.10, 49091.14, 51101, 51500)

Sufficiency of Instructional Materials and Public Hearing

CSBA NOTE: As a condition of receiving funds for instructional materials from any state source, Education Code 60119 requires the Board to annually hold a public hearing to determine whether each student in the district has sufficient standards-aligned textbooks or instructional materials in English/language arts (including English language development), mathematics, science, and history-social science that are consistent with the content and cycles of the curriculum framework adopted by SBE. As clarified in CDE's "Instructional Materials FAQ," state funding sources for instructional materials include local control funding formula funds and Proposition 20 (2000) lottery funds. Pursuant to Education Code 60119, the Board is required to also make a written determination during the hearing as to the sufficiency of textbooks or instructional materials in world language and health courses, as well as the availability of science laboratory equipment in science laboratory courses.

Pursuant to Education Code 60010, "technology-based materials" include the electronic equipment required to make use of those materials, including, but not limited to, laptop computers and devices that provide Internet access. Thus, when districts provide technology-based materials to students, such equipment is subject to the determination of sufficiency pursuant to Education Code 60119.

Education Code 1240 requires the County Superintendent of Schools to review the textbooks and instructional materials of underperforming schools and, if the County Superintendent determines that a school does not have sufficient materials, to prepare a report outlining the noncompliance and give the district a chance to remedy the deficiency. If the deficiency is not remedied by the second month of the school year, the County Superintendent may request that CDE purchase textbooks or materials for the district, and the cost is required to be repaid by the district. CDE will issue a public statement at an SBE meeting indicating the district's failure to provide instructional materials.

The Board shall annually conduct one or more public hearings on the sufficiency of the district's instructional materials, including textbooks, technology-based materials, other educational materials, and tests. Technology-based materials include, but are not limited to, software programs, video disks, compact disks, optical disks, video and audio tapes, lesson plans, databases, and the electronic equipment required to make use of those materials by students and teachers as a learning resource. (Education Code 60010, 60119)

CSBA NOTE: Education Code 60119 specifies that the hearing is required to be held within eight weeks of the beginning of the school year. Pursuant to Education Code 60119, for a district that operates schools on a multitrack, year-round calendar, the timeline begins with the first day students attend school in any track that begins in August or September.

The hearing shall be held on or before the end of the eighth week from the first day students attend school for that year. (Education Code 60119)

The Board shall encourage participation by parents/guardians, teachers, interested community members, and bargaining unit leaders at the hearing. Ten days prior to the hearing, the Superintendent or designee shall post a notice in three public places within the district containing the time, place, and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code 60119)

CSBA NOTE: Education Code 60119 requires the Board to adopt a resolution indicating whether each student in each school has sufficient standards-aligned textbooks or instructional materials for the subjects specified in Items #1-6 below. See the accompanying Exhibit for a sample resolution.

At the hearing(s), the Board shall determine, through a resolution, whether each student in each school, including each English learner, has sufficient textbooks and/or other instructional materials that are aligned to the content standards adopted by SBE and consistent with the content and cycles of the curriculum framework adopted by SBE in each of the following subjects: (Education Code 60119)

1. Mathematics
2. Science
3. History-social science
4. English language arts, including the English language development component of an adopted program
5. World language
6. Health

CSBA NOTE: The following paragraph is for use by districts that maintain any of grades 9-12.

The Board shall also determine the availability of science laboratory equipment, as applicable to science laboratory courses offered in grades 9-12. (Education Code 60119)

In making these determinations, the Board shall consider whether each student has sufficient textbooks or other instructional materials to use in class and to take home. This does not require that each student have two sets of materials. However, materials shall not be considered sufficient if they are photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage. (Education Code 60119)

If materials are in a digital format, they shall be considered sufficient as long as each student, at a minimum, has and can access the same materials in the class and to take home as all other students in the same class or course in the district, and has the ability to use and access them at home. (Education Code 60119)

CSBA NOTE: Pursuant to Education Code 60119, if the Board determines, by resolution, that there are insufficient textbooks or other instructional materials, the Board is required to take action to ensure that the materials are provided within two months of the beginning of the school year. Education Code 60119 requires the Board to submit a copy of the resolution to the County Superintendent no later than three business days. CDE's, "Instructional Materials FAQ," states that, if a district has submitted purchase orders to the publisher to purchase materials to remedy the insufficiency, these materials should be received and made available to students by the end of the second month of the school year. Thus, districts are strongly encouraged to hold the public hearing as early in the school year as possible in order to provide sufficient time to correct any deficiencies.

Pursuant to Education Code 1240, the County Superintendent conducts annual reviews of certain schools to determine, among other things, whether there are insufficient textbooks or instructional materials. Upon making such a determination, the County Superintendent is required to provide the district the opportunity to remedy the deficiency and ensure that the deficiency is remedied no later than the second month of the school term. If the deficiency is not remedied, Education Code 1240 requires the County Superintendent to request CDE to purchase the textbooks or instructional materials, the cost of which is required to be repaid by the district. CDE will issue a public statement at an SBE meeting indicating the Superintendent's and Board's failure to provide instructional

materials. Additionally, Education Code 1240 requires the County Superintendent to take the actions specified above when the County Superintendent determines that there are insufficient textbooks or instructional materials based on (1) the Board's resolution, (2) the district's quarterly complaints report provided to the County Superintendent in accordance with Education Code 35186, or (3) an audit exception found in accordance with Education Code 41020.

Pursuant to Education Code 60150, if the Superintendent of Public Instruction (SPI) finds that a district has not provided sufficient textbooks or instructional materials as required, CDE is required to take all remedial actions as specified in Education Code 1240, including purchasing textbooks and instructional materials. Additionally, pursuant to Education Code 60151, if corrective action is not taken by the district within 60 days, the SPI will assess a financial penalty, the calculation of which is specified in Education Code 60151, amended by AB 121 (Ch. 8, Statutes of 2025) and may be subject to other corrective action as specified in Education Code 60151.

If the Board determines that there are insufficient textbooks or other instructional materials, the Board shall, by resolution, provide information to classroom teachers and to the public setting forth, for each school in which an insufficiency exists, the percentage of students who lack sufficient standards-aligned textbooks or instructional materials in each subject area and the reasons that each student does not have sufficient textbooks and/or instructional materials. The Board shall submit a copy of the resolution to the County Superintendent of Schools no later than three business days after the hearing. The Board shall take any action to ensure that each student has sufficient materials within two months of the beginning of the school year in which the determination is made. (Education Code 60119)

Additionally, if the County Superintendent, in accordance with Education Code 1240, makes the district aware of a school that does not have sufficient textbooks or instructional materials, the district shall take any action to ensure that each student has sufficient materials within two months of the beginning of the school year.

Prohibition Against Refusal to Approve or Prohibit the Use of Specified Instructional Materials

CSBA NOTE: Education Code 243 clarifies when it is unlawful discrimination for the Board to (1) refuse to approve the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library or (2) prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library. The Board may not refuse to approve such use on the basis that the material includes a study of the role and contributions of specified individuals or groups, unless the study of the role and contributions reflects adversely upon legally protected groups. Additionally, the Board may not prohibit such use on the basis that the study of the role and contributions contain inclusive or diverse perspectives.

Pursuant to Education Code 242, CDE has developed guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum, available on its website.

The use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library shall not be rejected or prohibited by the Board or district on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. (Education Code 243)

Investigations, Complaints, and Opt-Outs

CSBA NOTE: Pursuant to Education Code 244, as amended by AB 715, the Board is required to investigate and remediate any violation of Education Code 220 as specified below.

If the Board knows or has reason to know that materials were used in a classroom or an action occurred that violated Education Code 220, the Board shall investigate and remediate the action, which may include, but is not limited to, the implementation of restorative justice practices. (Education Code 244)

CSBA NOTE: Complaints alleging discrimination based on a violation of Education Code 243 or 244 related to the use or prohibited use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library as described above, may be brought under the district's uniform complaint procedures or may be filed directly with the SPI. Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. See BP/AR 1312.3 - Uniform Complaint Procedures.

a textbook or instructional material copied to address a shortage. (Education Code 60119)

If materials are in a digital format, they shall be considered sufficient as long as each student, at a minimum, has and can access the same materials in the class and to take home as all other students in the same class or course in the district, and has the ability to use and access them at home. (Education Code 60119)

If the Board determines that there are insufficient textbooks or other instructional materials, the district shall provide information to classroom teachers and to the public setting forth, for each school in which an insufficiency exists, the percentage of students who lack sufficient standards-aligned textbooks or instructional materials in each subject area and the reasons that each student does not have sufficient textbooks or instructional materials. The Board shall take any action to ensure that each student has sufficient materials within two months of the beginning of the school year in which the determination is made. (Education Code 60119)

The degree to which every student has sufficient access to standards-aligned instructional materials shall be included in the district's local control and accountability plan. (Education Code 52060)

Complaints

Complaints concerning instructional materials shall be handled in accordance with BP/AR 1312.2 - Complaints Concerning Instructional Materials or AR 1312.4 - Williams Uniform Complaint Procedures, as applicable.

Complaints concerning instructional materials shall be handled in accordance with Board Policy 1312.2 - Complaints Concerning Instructional Materials, Board Policy 1312.3 - Uniform Complaint Procedures, or Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures, as applicable.

CSBA NOTE: Federal and State law require districts to provide parents/guardians notice and the opportunity to opt their students out of certain instruction, in some instances only based on religious beliefs and in other instances for any basis. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when determining the instructional content for which parents/guardians may opt their students out, creating opt-out procedures, and evaluating opt-out requests.

Any request by a parent/guardian to opt a student out of specified instructional content shall be handled in accordance with Board Policy 5020 - Parent Rights and Responsibilities and Board Policy and Administrative Regulation 6141.2 - Recognition of Religious Beliefs and Customs.
