

AMENDED IN ASSEMBLY APRIL 13, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 412**

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**Introduced by Assembly Member Chávez**

February 19, 2015

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An act to amend Section 51210 of the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 412, as amended, Chávez. Pupil instruction: required courses of study: *physical education* complaint procedure.

Existing law requires the adopted course of study for grades 1 to 6, inclusive, to include certain areas of study, including, among others, English, mathematics, social sciences, science, and ~~visual and performing arts~~, *physical education*, as specified. *Existing law requires that physical education have a total period of time of not less than 200 minutes each 10 schooldays, as provided.*

This bill would authorize a complaint that a school district or county superintendent of schools has not complied with the *physical education* requirements of the adopted course of study for grades 1 to 6, inclusive, to be filed with the school district or county superintendent of schools pursuant to *the local complaint procedures, if any, or the Uniform Complaint Procedures*, as specified. The bill would authorize a complainant not satisfied with the school district's or county superintendent of schools decision to file an appeal with the Superintendent of Public Instruction. If a school district or county ~~office of education~~ *superintendent of schools* finds merit in the complaint, or

the Superintendent finds merit in the appeal, the bill would require the school district or county superintendent of schools to provide a remedy, as provided. To the extent this bill would impose additional duties on school districts or county education officials, the bill would impose a state-mandated local program. *The bill would prohibit specified civil actions against a school district or county superintendent of schools relating to noncompliance with the physical education requirements unless the complainant first follows local complaint procedures, if any, or the Uniform Complaint Procedures, if no local complaint procedures exist.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

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

1 SECTION 1. Section 51210 of the Education Code is amended  
2 to read:  
3 51210. (a) The adopted course of study for grades 1 to 6,  
4 inclusive, shall include instruction, beginning in grade 1 and  
5 continuing through grade 6, in the following areas of study:  
6 (1) English, including knowledge of, and appreciation for  
7 literature and the language, as well as the skills of speaking,  
8 reading, listening, spelling, handwriting, and composition.  
9 (2) Mathematics, including concepts, operational skills, and  
10 problem solving.  
11 (3) Social sciences, drawing upon the disciplines of  
12 anthropology, economics, geography, history, political science,  
13 psychology, and sociology, designed to fit the maturity of the  
14 pupils. Instruction shall provide a foundation for understanding  
15 the history, resources, development, and government of California  
16 and the United States of America; the development of the American  
17 economic system, including the role of the entrepreneur and labor;  
18 the relations of persons to their human and natural environment;

1 eastern and western cultures and civilizations; contemporary issues;  
2 and the wise use of natural resources.

3 (4) Science, including the biological and physical aspects, with  
4 emphasis on the processes of experimental inquiry and on the place  
5 of humans in ecological systems.

6 (5) Visual and performing arts, including instruction in the  
7 subjects of dance, music, theater, and visual arts, aimed at the  
8 development of aesthetic appreciation and the skills of creative  
9 expression.

10 (6) Health, including instruction in the principles and practices  
11 of individual, family, and community health.

12 (7) Physical education, with emphasis upon the physical  
13 activities for the pupils that may be conducive to health and vigor  
14 of body and mind, for a total period of time of not less than 200  
15 minutes each 10 schooldays, exclusive of recesses and the lunch  
16 period.

17 (8) Other studies that may be prescribed by the governing board.

18 (b) (1) A complaint that a school district or county  
19 superintendent of schools has not complied with the *physical*  
20 *education* requirements of ~~this section~~ *paragraph (7) of subdivision*  
21 *(a)* may be filed with a school district or county superintendent of  
22 schools pursuant to *the local complaint procedures, if any, or the*  
23 *Uniform Complaint Procedures* set forth in Chapter 5.1  
24 (commencing with Section 4600) of Division 1 of Title 5 of the  
25 California Code of Regulations.

26 (2) A complainant not satisfied with the decision of the school  
27 district or county superintendent of schools may appeal the decision  
28 to the Superintendent and shall receive a written appeal decision  
29 within 60 days of the Superintendent's receipt of the appeal.

30 (3) If a school district or county superintendent of schools finds  
31 merit in a complaint filed pursuant to this subdivision, or if the  
32 Superintendent finds merit in an appeal made pursuant to paragraph  
33 (2), the school district or county superintendent of schools shall  
34 provide a remedy to all affected pupils, parents, and guardians.

35 (4) *A private right of action or civil action shall not be brought*  
36 *against a school district or county superintendent of schools*  
37 *relating to noncompliance with the physical education*  
38 *requirements of paragraph (7) of subdivision (a) unless the*  
39 *complainant first follows the local complaint procedures, if any,*  
40 *or the Uniform Complaint Procedures, pursuant to Chapter 5.1*

1 *(commencing with Section 4600) of Division 1 of Title 5 of the*  
2 *California Code of Regulations, if no local complaint procedures*  
3 *exist.*

4 SEC. 2. If the Commission on State Mandates determines that  
5 this act contains costs mandated by the state, reimbursement to  
6 local agencies and school districts for those costs shall be made  
7 pursuant to Part 7 (commencing with Section 17500) of Division  
8 4 of Title 2 of the Government Code.

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