

**ASSEMBLY BILL**

**No. 1012**

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**Introduced by Assembly Member Jones-Sawyer**

February 26, 2015

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An act to add Sections 51228.1, 51228.2, and 51228.3 to the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 1012, as introduced, Jones-Sawyer. Pupil instruction: course periods without educational content.

(1) Existing law establishes a system of public elementary and secondary education in this state, and requires and authorizes local educational agencies to provide specified instruction at elementary and secondary schools. Existing law prescribes various requirements with respect to a course of study for grades 7 to 12, inclusive, at these schools.

This bill would prohibit school districts that maintain any of grades 7 to 12, inclusive, from assigning any pupil enrolled in a school, as defined to exclude alternative schools, community day schools, continuation schools, and opportunity schools, in the school district to any course period without educational content, as defined, for more than one week in any semester, except under prescribed conditions. The bill would specifically prohibit school districts from assigning any pupil enrolled in a school in the school district to a course period without educational content because there are not sufficient curricular course offerings for the pupil to take during the relevant period of the designated schoolday.

The bill would also prohibit school districts that maintain any of grades 7 to 12, inclusive, from assigning a pupil to a course that the pupil has previously completed and received a grade determined by the

school district to be sufficient to satisfy the requirements and prerequisites for admission to the California public institutions of postsecondary education and the minimum requirements for receiving a diploma of graduation for high school, except under specified conditions.

The bill would specify that it is not to be interpreted to limit or otherwise affect the authority of a school district to provide evening high school programs, independent study programs, or work-based learning or work experience education.

The bill would specify procedures to be followed if a school district determines that, at any point during the current or preceding academic year, one or more of its schools have not satisfied the requirements of the bill. The bill would also authorize members of the public to file complaints alleging violations of the provisions of the bill, and would provide for procedures for the disposition of these complaints.

To the extent that this bill would create new duties for local educational agencies, it would constitute a state-mandated local program.

(2) 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 51228.1 is added to the Education Code,
- 2 to read:
- 3 51228.1. (a) Except as provided in subdivision (e), a school
- 4 district maintaining any of grades 7 to 12, inclusive, shall not assign
- 5 any pupil enrolled in a school in the school district to any course
- 6 period without educational content for more than one week in any
- 7 semester, unless all of the following conditions are satisfied:
- 8 (1) For any pupil who has not fulfilled the prerequisites for
- 9 admission to the California public institutions of postsecondary
- 10 education or the minimum requirements for receiving a diploma
- 11 of graduation for high school established in this article:

1 (A) The principal or primary guidance counselor of the school  
2 certifies in a document to be placed in the pupil's cumulative record  
3 that the pupil will benefit from being assigned to the course period,  
4 and provides an individualized explanation in the written  
5 certification for that conclusion, which may include an  
6 individualized determination that the pupil will benefit from  
7 mentorship that will be provided by the certificated or certified  
8 employee supervising the pupil during the relevant period.

9 (B) The principal or primary guidance counselor of the school  
10 certifies in a document to be placed in the pupil's cumulative file  
11 that providing a course period with educational content is not likely  
12 to benefit the pupil to the same extent as providing the course  
13 period without educational content, and provides an explanation  
14 in the written certification for that conclusion.

15 (C) The principal or primary guidance counselor of the school  
16 certifies in a document to be placed in the pupil's cumulative record  
17 that the pupil is not being assigned to the course because there are  
18 no other courses with curricular content for the pupil to take during  
19 the relevant period in the designated schoolday.

20 (D) A school official places in the pupil's cumulative file, within  
21 one week of assigning the pupil to the course period without  
22 educational content, documentation that he or she met with the  
23 pupil and parent, legal guardian, or educational rights holder of  
24 the pupil and obtained a signed consent form for the pupil's  
25 enrollment in the course period without educational content.

26 (E) The pupil is assigned to no more than one course period  
27 without educational content during a single semester.

28 (2) For any pupil who has fulfilled both the prerequisites for  
29 admission to the California public institutions of postsecondary  
30 education and the minimum requirements for receiving a diploma  
31 of graduation for high school established in this article:

32 (A) The principal of the school certifies in writing that the pupil  
33 will obtain educational value from being assigned to the course  
34 period and provides an explanation in the written certification for  
35 that conclusion, which may include an individualized determination  
36 that the pupil will benefit from mentorship that will be provided  
37 by the certificated or certified employee supervising the pupil  
38 during the relevant period or identification of the educational or  
39 employment opportunity that assigning the course period will allow

1 the pupil to pursue and reason for concluding the pupil will, in  
2 fact, pursue that opportunity.

3 (B) The principal or primary guidance counselor of the school  
4 certifies in a document to be placed in the pupil's cumulative record  
5 that the pupil is not being assigned to the course because there are  
6 no other courses with curricular content for the pupil to take during  
7 the relevant period in the designated schoolday.

8 (C) A school official places in the pupil's cumulative file, within  
9 one week of assigning the pupil to the course period without  
10 educational content, documentation that he or she met with the  
11 pupil and parent, legal guardian, or educational rights holder of  
12 the pupil and obtained a signed consent form for the pupil's  
13 enrollment in the course period without educational content.

14 (b) Under no circumstances shall a school district assign any  
15 pupil enrolled in a school in the school district to a course period  
16 without educational content because there are not sufficient  
17 curricular course offerings for the pupil to take during the relevant  
18 period of the designated school day.

19 (c) For purposes of this section, "course period without  
20 educational content" is defined as one course period during which  
21 the pupil is expected to engage in activities with no assigned or  
22 planned substantive curricular content. This definition includes,  
23 but is not limited to, a course period during which a pupil is  
24 assigned to a room in which no certificated staff is designated to  
25 provide instruction or assistance with assignments or curricular  
26 content from other assigned courses, is sent home or released from  
27 campus before the conclusion of the designated school day, or is  
28 not assigned to any course for the relevant course period.

29 (d) Nothing in this section shall be interpreted to limit or  
30 otherwise affect the authority of a school district to establish and  
31 maintain evening high school programs, as provided for in Article  
32 3 (commencing with Section 51720) of Chapter 5, to offer  
33 independent study, as provided for in Article 5.5 (commencing  
34 with Section 51745) of Chapter 5, to provide courses of work-based  
35 learning or work experience education, as provided for in Article  
36 7 (commencing with Section 51760) of Chapter 5, or to offer any  
37 class or course of instruction authorized under Chapter 5  
38 (commencing with Section 51700), if the program otherwise meets  
39 all of the requirements of law governing that program.

1 (e) This section shall not apply to a pupil enrolled in any of the  
2 following:

- 3 (1) An alternative school.
- 4 (2) A community day school.
- 5 (3) A continuation high school.
- 6 (4) An opportunity school.

7 SEC. 2. Section 51228.2 is added to the Education Code, to  
8 read:

9 51228.2. (a) Except as provided in subdivision (d), a school  
10 district maintaining any of grades 7 to 12, inclusive, shall not assign  
11 any pupil enrolled in a school in the school district to a course that  
12 the pupil has previously completed and received a grade determined  
13 by the school district to be sufficient to satisfy the requirements  
14 and prerequisites for admission to the California public institutions  
15 of postsecondary education and the minimum requirements for  
16 receiving a diploma of graduation for high school established in  
17 this article, unless all of the following conditions are satisfied:

18 (1) The principal or primary guidance counselor of the school  
19 certifies in a document to be placed in the pupil's cumulative record  
20 that the course is designed to be repeated because pupils are  
21 exposed to a new curriculum year-to-year and are therefore  
22 expected to derive educational value from taking the course again.

23 (2) The principal or primary guidance counselor of the school  
24 certifies in a document to be placed in the pupil's cumulative record  
25 that the pupil is not being assigned to the course because there are  
26 no other courses with curricular content for the pupil to take during  
27 the relevant period in the designated schoolday.

28 (3) A school official places in the pupil's cumulative file, within  
29 one week of assigning the pupil to the course period,  
30 documentation that he or she met with the pupil and obtained the  
31 pupil's signed consent to enroll in the course.

32 (b) Under no circumstances shall a school district assign any  
33 pupil enrolled in a school in the school district to a course that the  
34 pupil has previously completed and received a grade determined  
35 by the school district to be sufficient to satisfy the requirements  
36 and prerequisites for admission to the California public institutions  
37 of postsecondary education and the minimum requirements for  
38 receiving a diploma of graduation for high school established in  
39 this article because there are not sufficient curricular course

offerings for the pupil to take during the relevant period of the designated schoolday.

(c) Nothing in this section shall be interpreted to limit or otherwise affect the authority of a school district to establish and maintain evening high school programs, as provided for in Article 3 (commencing with Section 51720) of Chapter 5, to offer independent study, as provided for in Article 5.5 (commencing with Section 51745) of Chapter 5, to provide courses of work-based learning or work experience education, as provided for in Article 7 (commencing with Section 51760) of Chapter 5, or to offer any class or course of instruction authorized under Chapter 5 (commencing with Section 51700), if the program otherwise meets all of the requirements of law governing that program.

(d) This section shall not apply to a pupil enrolled in any of the following:

- (1) An alternative school.
- (2) A community day school.
- (3) A continuation high school.
- (4) An opportunity school.

SEC. 3. Section 51228.3 is added to the Education Code, to read:

51228.3. (a) If a school district determines that, at any point during the current or preceding academic year, one or more of its schools has not satisfied the requirements of Section 51228.1 or 51228.2, it shall immediately notify the Superintendent and include all of the following in that notification:

(1) A description of the circumstances that caused the school district not to satisfy the pertinent requirement.

(2) The number of pupils affected.

(3) The steps that the school district has taken, if any, to resolve the situation.

(4) Any changes to the school district's policies or procedures to ensure that all of its schools satisfy the requirements of Sections 51228.1 and 51228.2 in the future.

(b) Any member of the public may file a complaint directly with the department alleging that, at any point during the current or preceding academic year, a school district has not satisfied the requirements of Section 51228.1 or 51228.2. A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation that the

1 school district has not satisfied the requirements of Section 51228.1  
2 or 51228.2.

3 (c) Within 21 days of receiving a complaint pursuant to  
4 subdivision (b), the department shall complete an investigation  
5 into the circumstances giving rise to the report or complaint.

6 (d) To the extent that the department concludes, in response to  
7 a complaint filed under subdivision (b), that the school district has  
8 not taken appropriate action to resolve the situation that gave rise  
9 to a report or complaint, the Superintendent shall immediately  
10 convene a local assistance committee to develop a written plan to  
11 ensure that the school district satisfies the requirements of Sections  
12 51228.1 and 51228.2. In developing the plan, the local assistance  
13 committee shall consult with pupils, parents, legal guardians or  
14 educational rights holders, and teachers at the affected schools.  
15 The local assistance committee shall complete the plan no later  
16 than 21 days after the department makes the determination required  
17 pursuant to this subdivision.

18 (e) The Superintendent shall prepare an annual report detailing  
19 actions taken pursuant to this section. The Superintendent shall  
20 submit the report to the Legislature in advance of the department's  
21 budget hearing each fiscal year. The report shall be submitted in  
22 compliance with Section 9795 of the Government Code.

23 (f) The Superintendent shall have all power and authority  
24 necessary to effectuate the requirements of this section.

25 SEC. 4. If the Commission on State Mandates determines that  
26 this act contains costs mandated by the state, reimbursement to  
27 local agencies and school districts for those costs shall be made  
28 pursuant to Part 7 (commencing with Section 17500) of Division  
29 4 of Title 2 of the Government Code.