

AMENDED IN ASSEMBLY APRIL 7, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1012

Introduced by Assembly Member Jones-Sawyer
(Coauthors: Senators Hall and Mitchell)

February 26, 2015

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 amended, 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~~ from 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.

The bill would require the Superintendent of Public Instruction to adopt regulations governing these provisions.

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

1 period without educational content for more than one week in any
2 semester, unless all of the following conditions are satisfied:

3 (1) For any pupil who has not fulfilled the prerequisites for
4 admission to the California public institutions of postsecondary
5 education or the minimum requirements for receiving a diploma
6 of graduation ~~for~~ *from* high school established in this article:

7 (A) The principal or ~~primary guidance counselor~~ *an assistant*
8 *principal* of the school certifies in a document to be placed in the
9 pupil's cumulative record that the pupil will benefit from being
10 assigned to the course period, and provides an individualized
11 explanation in the written certification for that conclusion, which
12 may include an individualized determination that the pupil will
13 benefit from mentorship that will be provided by the certificated
14 or certified employee supervising the pupil during the relevant
15 period.

16 (B) The principal or ~~primary guidance counselor~~ *an assistant*
17 *principal* of the school certifies in a document to be placed in the
18 pupil's cumulative file that providing a course period with
19 educational content is not likely to benefit the pupil to the same
20 extent as providing the course period without educational content,
21 and provides an explanation in the written certification for that
22 conclusion.

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

29 ~~(D) A school official places in the pupil's cumulative file, within~~
30 ~~one week of assigning the pupil to the course period without~~
31 ~~educational content, documentation that he or she met with the~~
32 ~~pupil and parent, legal guardian, or educational rights holder of~~
33 ~~the pupil and obtained a signed consent form for the pupil's~~
34 ~~enrollment in the course period without educational content.~~

35 (D) *The principal or an assistant principal of the school certifies*
36 *in a document to be placed in the pupil's cumulative record that*
37 *the pupil and the parent, legal guardian, or educational rights*
38 *holder of the pupil have consented to the pupil's enrollment in the*
39 *course period without educational content and that the school has*

1 *obtained a consent form, signed by the pupil and the parent, legal*
2 *guardian, or educational rights holder of the pupil.*

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

5 (2) For any pupil who has fulfilled both the prerequisites for
6 admission to the California public institutions of postsecondary
7 education and the minimum requirements for receiving a diploma
8 of graduation ~~for~~ *from* high school established in this article:

9 (A) The principal ~~or an assistant principal~~ of the school certifies
10 ~~in writing a document to be placed in the pupil's cumulative record~~
11 ~~that the pupil will obtain educational value benefit~~ from being
12 assigned to the course period and provides an *individualized*
13 explanation in the written certification for that conclusion, which
14 may include an individualized determination that the pupil will
15 benefit from mentorship that will be provided by the certificated
16 or certified employee supervising the pupil during the relevant
17 period or identification of the educational or employment
18 opportunity that assigning the course period will allow the pupil
19 to pursue and reason for concluding the pupil will, in fact, pursue
20 that opportunity.

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

27 ~~(C) A school official places in the pupil's cumulative file, within~~
28 ~~one week of assigning the pupil to the course period without~~
29 ~~educational content, documentation that he or she met with the~~
30 ~~pupil and parent, legal guardian, or educational rights holder of~~
31 ~~the pupil and obtained a signed consent form for the pupil's~~
32 ~~enrollment in the course period without educational content.~~

33 (C) *The principal or an assistant principal of the school certifies*
34 *in a document to be placed in the pupil's cumulative record that*
35 *the pupil and the parent, legal guardian, or educational rights*
36 *holder of the pupil have consented to the pupil's enrollment in the*
37 *course period without educational content and that the school has*
38 *obtained a consent form, signed by the pupil and the parent, legal*
39 *guardian, or educational rights holder of the pupil.*

1 (b) Under no circumstances shall a school district assign any
2 pupil enrolled in a school in the school district to a course period
3 without educational content because there are not sufficient
4 curricular course offerings for the pupil to take during the relevant
5 period of the designated ~~school day~~; *school day*.

6 (c) For purposes of this section, “course period without
7 educational content” is defined as one course period during which
8 the pupil is expected to engage in activities with no assigned or
9 planned substantive curricular content. This definition includes,
10 but is not limited to, a course period during which a pupil is
11 assigned to a room in which no certificated staff is designated to
12 provide instruction or assistance with assignments or curricular
13 content from other assigned courses, is sent home or released from
14 campus before the conclusion of the designated ~~school day~~;
15 *school day*, or is not assigned to any course for the relevant course
16 period.

17 (d) Nothing in this section shall be interpreted to limit or
18 otherwise affect the authority of a school district to establish and
19 maintain evening high school programs, as provided for in Article
20 3 (commencing with Section 51720) of Chapter 5, to offer
21 independent study, as provided for in Article 5.5 (commencing
22 with Section 51745) of Chapter 5, to provide courses of work-based
23 learning or work experience education, as provided for in Article
24 7 (commencing with Section 51760) of Chapter 5, or to offer any
25 class or course of instruction authorized under Chapter 5
26 (commencing with Section 51700), if the program otherwise meets
27 all of the requirements of law governing that program.

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

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

34 (f) *The Superintendent shall adopt regulations to establish*
35 *procedures governing this section, including the form of the*
36 *certifications required pursuant to subdivision (a).*

37 SEC. 2. Section 51228.2 is added to the Education Code, to
38 read:

39 51228.2. (a) Except as provided in subdivision (d), a school
40 district maintaining any of grades 7 to 12, inclusive, shall not assign

1 any pupil enrolled in a school in the school district to a course that
 2 the pupil has previously completed and received a grade determined
 3 by the school district to be sufficient to satisfy the requirements
 4 and prerequisites for admission to the California public institutions
 5 of postsecondary education and the minimum requirements for
 6 receiving a diploma of graduation ~~for~~ *from* high school established
 7 in this article, unless all of the following conditions are satisfied:

8 (1) The principal or ~~primary guidance counselor~~ *an assistant*
 9 *principal* of the school certifies in a document to be placed in the
 10 pupil’s cumulative record that the course is designed to be repeated
 11 because pupils are exposed to a new curriculum year-to-year and
 12 are therefore expected to derive educational value from taking the
 13 course again.

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

20 ~~(3) A school official places in the pupil’s cumulative file, within~~
 21 ~~one week of assigning the pupil to the course period,~~
 22 ~~documentation that he or she met with the pupil and obtained the~~
 23 ~~pupil’s signed consent to enroll in the course.~~

24 (3) *The principal or an assistant principal of the school certifies*
 25 *in a document to be placed in the pupil’s cumulative record that*
 26 *the pupil has consented to the pupil’s enrollment in the course.*

27 (b) Under no circumstances shall a school district assign any
 28 pupil enrolled in a school in the school district to a course that the
 29 pupil has previously completed and received a grade determined
 30 by the school district to be sufficient to satisfy the requirements
 31 and prerequisites for admission to the California public institutions
 32 of postsecondary education and the minimum requirements for
 33 receiving a diploma of graduation ~~for~~ *from* high school established
 34 in this article because there are not sufficient curricular course
 35 offerings for the pupil to take during the relevant period of the
 36 designated schoolday.

37 (c) Nothing in this section shall be interpreted to limit or
 38 otherwise affect the authority of a school district to establish and
 39 maintain evening high school programs, as provided for in Article
 40 3 (commencing with Section 51720) of Chapter 5, to offer

1 independent study, as provided for in Article 5.5 (commencing
2 with Section 51745) of Chapter 5, to provide courses of work-based
3 learning or work experience education, as provided for in Article
4 7 (commencing with Section 51760) of Chapter 5, or to offer any
5 class or course of instruction authorized under Chapter 5
6 (commencing with Section 51700), if the program otherwise meets
7 all of the requirements of law governing that program.

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

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

14 (e) *The Superintendent shall adopt regulations to establish*
15 *procedures governing this section, including the form of the*
16 *certifications required pursuant to subdivision (a).*

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

19 51228.3. (a) If a school district determines that, at any point
20 during the current or preceding academic year, one or more of its
21 schools has not satisfied the requirements of Section 51228.1 or
22 51228.2, it shall immediately notify the Superintendent and ~~include~~
23 ~~all of the following in that notification:~~ *specify the steps that the*
24 *school district has taken, if any, to resolve the situation and the*
25 *changes, if any, to the school district’s policies or procedures to*
26 *ensure that all of its schools satisfy the requirements of Sections*
27 *51228.1 and 51228.2 in the future.*

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

30 ~~(2) The number of pupils affected.~~

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

33 ~~(4) Any changes to the school district’s policies or procedures~~
34 ~~to ensure that all of its schools satisfy the requirements of Sections~~
35 ~~51228.1 and 51228.2 in the future.~~

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

1 information leading to evidence to support an allegation that the
2 school district has not satisfied the requirements of Section 51228.1
3 or 51228.2.

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

7 (d) To the extent that the department concludes, in response to
8 *a school district’s report pursuant to subdivision (a), or following*
9 *an investigation required by subdivision (c) in response to a*
10 *complaint filed under subdivision (b), that the school district has*
11 *not taken appropriate action to resolve the situation that gave rise*
12 *to a report or complaint, the Superintendent shall immediately*
13 *convene a local assistance committee to develop a written plan to*
14 *ensure that the school district satisfies the requirements of Sections*
15 *51228.1 and 51228.2. The local assistance committee shall include*
16 *representatives from the department, the school district, the school,*
17 *and, to the extent practicable, shall also include a representative*
18 *from the applicable county office of education. In developing the*
19 *plan, the local assistance committee shall consult with pupils,*
20 *parents, legal guardians or educational rights holders, and teachers*
21 *at the affected schools. The local assistance committee shall*
22 *complete the plan no later than 21 days after the department makes*
23 *the determination required pursuant to this subdivision.*

24 (e) The Superintendent shall prepare an annual report detailing
25 actions taken pursuant to this section. The Superintendent shall
26 submit the report to the Legislature in advance of the department’s
27 budget hearing each fiscal year. The report shall be submitted in
28 compliance with Section 9795 of the Government Code.

29 (f) The Superintendent shall have all power and authority
30 necessary to effectuate the requirements of this section. *The*
31 *Superintendent shall adopt regulations that set forth the procedures*
32 *governing this section.*

33 SEC. 4. If the Commission on State Mandates determines that
34 this act contains costs mandated by the state, reimbursement to
35 local agencies and school districts for those costs shall be made
36 pursuant to Part 7 (commencing with Section 17500) of Division
37 4 of Title 2 of the Government Code.

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