



CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

May 13, 2016

Dear County and District Superintendents, Charter School Administrators, and High School Principals:

POLICY NOTICE TO ALL SCHOOL DISTRICTS

This notice is to summarize the requirements of Assembly Bill (AB) 1012, which will commence at the beginning of the 2016-17 school year.

AB 1012 adds new sections 51228.1, 51228.2 and 51228.3 to the *Education Code (EC)*, concerning the conditions under which a public school pupil in grades 9 to 12 can be assigned to a "course period without educational content" for longer than one week in any given semester or can be assigned to repeat a course that he or she has already satisfactorily completed. AB 1012 also establishes a procedure for a complaint of noncompliance with the course assignment requirements.

A. Early Release and Service Periods

Assignment to a "course period without educational content" is defined to mean one of three things: (1) the pupil is released from campus prior to the conclusion of the regular school day; (2) the pupil is assigned to a "service" or "instructional work" period in which the pupil assists a certificated employee who is teaching a class that period, the pupil is not expected to complete the curricular requirements of the class, and the ratio of teacher to pupils who are in the class for curricular purposes is "less than one to one" (i.e., where more than one pupil is acting as an assistant per class) or (3) the pupil has no course assignment for that period. (*EC* 51228.1(c).)

Under AB 1012, in order for a pupil to be assigned to one of these courses, the following requirements must be met:

- (1) the pupil's parent or guardian (or the pupil if he or she is 18 or older) has given written consent;
- (2) a "school official" has determined the pupil will benefit from the course;
- (3) the principal or assistant principal has stated in a writing maintained at the school that all pupils assigned to the specified courses meet the first two conditions; and,

- (4) no pupil is assigned to one of these periods because there are not sufficient curricular offerings for the pupil to take during that particular period of the school day. (EC 51228.1(a)(1)-(3).)

B. Repeated Courses

AB 1012 also addresses assignment in grades 9 to 12 to a course that the pupil has already completed with a grade deemed sufficient by the school district to satisfy the admission requirements of California public institutions of postsecondary education and the requirements for high school graduation. (EC 51228.2.) Under the new legislation, pupils cannot be assigned to repeat such a course except under the following conditions:

- (1) the course is designed to be taken more than once and the pupils are exposed to a new curriculum each year; or
- (2)(a) the pupil's parent or guardian (or the pupil if he or she is 18 or older) has given written consent to the assignment for the purpose of improving a lower grade;
- (b) a school official has determined that the pupil will benefit from the repeated course;
- (c) the principal or assistant principal has stated in a writing maintained at the school that every pupil repeating a class for grades has met the first two conditions; and,
- (d) no pupil is repeating a course because there are not sufficient curricular offerings for the pupil to take during that particular period of the school day. (EC 51228.2(a)-(b).)

C. General Provisions; Regulations

AB 1012 does not limit districts' authority to allow pupils to participate in dual enrollment in community college, evening high school, independent studies, work experience education, or any of the other specialized courses provided for in chapter 5 of article 6 of the Education Code.¹ The new law's requirements also do not apply to pupils in

¹ That would include, for example, online courses, driver education, home school and the like. (EC 51700 et seq.)

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alternative schools, community day schools, continuation schools or opportunity schools. (*EC 51228.1(e), EC 51228.2(d).*)

The Superintendent of Public Instruction (SPI) is authorized to develop regulations for adoption by the State Board of Education (SBE) establishing procedures governing these new requirements for early release, service periods and repeated courses, including the form of the written statement required from the principal or assistant principal. (*EC 51228.1(f), EC 51228.2(e).*) Emergency regulations on district recordkeeping requirements were adopted by the SBE and approved by the Office of Administrative Law on March 28, 2016. (*Cal. Code Regs, tit. 5, § 1700.*)

The new law also establishes a procedure for a complaint of noncompliance to be filed with the school district under the Uniform Complaint Procedures. (*EC 51228.3.*) A decision on the complaint can be appealed to the CDE, which must issue its decision within 60 days. (*EC 51228.3(b).*) If the district or the CDE finds that the complaint has merit, then the school district must provide a remedy to the affected pupil. (*EC 51228.3(c).*) The SPI will prepare an annual report on actions taken on such complaints. (*EC 51228.3(d).*) The SPI "shall have all power and authority necessary to effectuate the requirements" of the complaint procedure and again, is tasked with developing regulations that set forth the procedures of the complaint process. (*EC 51228.3(e).*)

Sincerely,

A handwritten signature in black ink that reads "Michelle Zumot". The signature is written in a cursive, flowing style.

Michelle Zumot
Chief Deputy Superintendent

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