



# SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

*A Joint Powers Authority  
serving school and  
college districts  
throughout the state.*

## LEGAL UPDATE

January 29, 2016

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**To: Superintendents, Member School Districts (K-12)**

**From: Loren W. Soukup**   
**Associate General Counsel**

**Subject: AB 1012: Course Periods Without Educational Content**  
**Memo No. 03-2016**

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Commencing with the 2016-17 school year, Assembly Bill 1012 prohibits school districts serving any grades 9-12 to assign students to a course without educational content for more than one week in any semester, and prohibits the assignment of any student to a course that the student has previously completed and received a satisfactory grade, unless certain conditions are met. This legislation arose out of a class action lawsuit<sup>1</sup> which alleged that students enrolled in certain courses, such as “Teacher’s Assistant,” “Inside Work Experience,” and “Home,” were not receiving meaningful instruction in violation of the California Constitution’s guarantee of an equal education opportunity.

Pursuant to the newly enacted Education Code § 51228.1, a student will be prohibited from enrolling in a course without educational content for more than one week in any semester, unless all of the following conditions are satisfied:

1. The parent/guardian, or the student if he/she has reached the age of majority, has consented in writing to the course assignment.
2. A school official has determined that the student will benefit from being assigned to the course period.
3. The principal or assistant principal of the school has stated in a written document maintained at the school that, for the relevant school year, no students are assigned to those courses unless the school has met the above two criteria.

Education Code §51228.1 defines “course period without educational content” as a course period during which any of the following occurs:

1. The student is sent home or released from campus before the conclusion of the designated school day.

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<sup>1</sup> *Cruz v. California*, No. RG-14727139 (Alameda County Superior Court)



2. The student is assigned to a service, instructional work experience, or to any otherwise named course in which the student is assigned to assist a certificated employee, but not expected to complete curricular assignments.
3. The student is not assigned to any course for the relevant course period.

However, this definition does not include dual enrollment courses in community college, independent study courses, evening high school courses, distance learning, or work-based learning or work experience courses.

In addition, AB 1012 has enacted Education Code § 51228.2 which prohibits school districts from enrolling students in classes they have previously completed and received a grade sufficient to satisfy the requirements and prerequisite for admission to California public institutions of postsecondary education, without the written consent of the parent/guardian, or the student if he/she has reached the age of majority, and other related documentation. Courses which have been designed to be taken more than once because students are exposed to a new curriculum from year-to-year are exempt from this prohibition.

Education Code §§ 51228.1 and 51228.2 do not apply to students enrolled in an alternative school, a community day school, a continuation school or an opportunity school.

AB 1012 also enacted Education Code § 51228.3 which requires that complaints alleging the school district has not complied with the above requirements must be brought under the school district's Uniform Complaint Procedures, with a right to appeal to the California Department of Education.

The State Superintendent is obligated by AB 1012 to develop regulations for adoption by the State Board of Education to establish procedures governing these new requirements. However, many school districts will be required to make decisions about their 2016-17 course periods before these regulations are enacted. As such, our office recommends that if a school district elects to offer any of the above-referenced courses, the school district:

- Obtain written consent from the parent/guardian, or student if he/she has reached the age of majority, to enroll in the course;
- Make a written decision that the student will benefit from being assigned to the course;
- Require the principal or assistant principal of the school to state in writing, for the relevant school year, that no students are assigned to the specified courses unless the above two requirements have been met.

Please contact our office with questions regarding this Legal Update or any other legal matter.

*The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.*

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