



SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

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LEGAL UPDATE

May 14, 2021

To: Superintendents, Member School Districts (K-12)
From: Kaitlyn Schwendeman, Assistant General Counsel *KAS*
Subject: UPDATE: SB 328 – Middle and High School Start Times
Memo No. 13-2021

Previously, our office issued Legal Update 37-2019 addressing Senate Bill (“SB”) 328, which was enacted on January 1, 2020. This bill was codified at Education Code section 46148.

Pursuant to Education Code section 46148(c), **effective July 1, 2022**,¹ middle schools may not start instruction before 8:00 a.m., and high schools may not start instruction before 8:30 a.m. This rule applies to middle and high schools, including those operated by charter schools, except for “rural school districts.”

Currently, there is a new SB 328 which proposes to amend section 46148 to define “rural school district,” and also exempt a “rural charter school” from the requirements. However, **the new SB 328 does not propose to change the effective date of the start time requirements.**

Information on the current SB 328 can be found at:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB328.

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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¹ Or upon the expiration of the district’s collective bargaining agreement in effect on January 1, 2020, whichever is later.