



November 24, 2015

AB 1012 PROHIBITS HIGH SCHOOLS FROM OFFERING “SHAM” CLASSES

Commencing with the 2016-2017 school year, AB 1012 adds Sections 51228.1-51228.3 to the Education Code. Section 51228.1 prohibits placing a student in a class which is “without educational content” unless the criteria, discussed below, applies.

Section 51228.2 prohibits a school from placing a student in a class which the student has already completed and received a “satisfactory grade” unless it is “designed to be taken more than once.”

Why does the Legislature believe that these new rules are necessary? AB 1012 is related to the settlement of a class action lawsuit, *Cruz v. State of California*. In that case, it is alleged that six schools in Compton, Los Angeles and Oakland, all of which serve mostly low income students of color, did not provide an adequate opportunity for students to take grade level and college preparatory classes because of high teacher turnover rates, inadequate resources, overwhelmed school counselors, insufficient curricular offerings, violence, the schools were focused on remedial education, or students were being placed in classes which they had already completed.

Instead, students were being warehoused in school auditoriums for weeks as administrators fixed problems with the school master schedule, were being assigned administrative tasks or free periods, and were being assigned to “make-work service classes” or simply sent home early.

The Bill is designed to help ensure that schools provide real classes to each and every student through graduation and that they make the most of all educational time available to them.

Is your school affected by this new legislation? AB 1012 applies only to Grades 9-12.

AB 1012 does not apply to alternative schools, community day schools, continuation high schools or opportunity schools.

What sort of classes are affected by this new legislation? AB 1012 applies to classes which are “without educational content.”

AB 1012 also applies to classes which the student has already completed and received a “satisfactory grade” unless the course is “designed to be taken more than once.”

AB 1012 does not apply to dual enrollment in community college classes, evening high school classes, independent study, work-based learning or work experience education.

What is a class that is “without educational content”? AB 1012 applies to classes which may be considered “without educational content.” “Without educational content” means either:

- (1) The pupil is sent home or released from campus before the conclusion of the designated school day;
- (2) The pupil is assigned to a service or instructional work experience class in which the pupil is assigned to assist a certificated employee, but not expected to complete curricular assignments;
- (3) The pupil is not assigned to any class for the relevant course period.

When may a student be placed in a class that is “without educational content”? Per Sections 51228.1 and 51228.2, students may not be assigned to a class “without educational content” for more than a week during any semester unless:

- (1) The pupil's parent has consented in writing;
- (2) A school official has determined that the pupil will benefit from the class; and
- (3) The principal or assistant principal of the school maintains a written document which provides that no pupils are placed in such a class unless the school has met the two conditions specified above.

In no case can such a placement be approved if it is made because there are not sufficient curricular offerings for the student to take during the relevant period of the designated school day.

What does a “satisfactory grade” mean? Section 51228.2 prohibits the placement of any student in a class that he/she has already completed and received a “satisfactory grade” unless the class has been “designed to be taken more than once.” A satisfactory grade means both:

- (1) A grade determined by the school district to be sufficient to satisfy the requirements and prerequisites for admission to California colleges; and
- (2) A grade determined by the school district to be sufficient to satisfy the minimum requirements for receiving a high school diploma.

What is a class that has been “designed to be taken more than once”? For a class to be designed to be taken more than once, all of the following must be satisfied:

- (1) The pupil's parent has consented in writing;
- (2) A school official has determined that the pupil will benefit from the class;

- (3) The principal or assistant principal of the school maintains a written document which provides that no pupils are assigned to such a class unless the school has met the two conditions specified above; and
- (4) Pupils are exposed to a new curriculum year to year and are, therefore, expected to derive educational value from taking the class again.

How is AB 1012 enforced? Per Section 51228.3, a complaint of non-compliance with Sections 51288.1 and 51288.2 may be filed pursuant to the school district's Uniform Complaint Process. If the requirements of AB 1012 have been violated, the school district must provide a remedy to the affected students.

The Superintendent of Public Instruction is required to develop implementing regulations for adoption by the State Board of Education. Those regulations have not yet been developed.

Two forms which require written parental consent are attached for your use.

If you have any questions concerning this or related issues, do not hesitate to contact our office.

— Alan B. Harris

Attachments:

Placement in a Class "Without Educational Content"

Placement in a Class Which Student Has Already Received a Satisfactory Grade

Education Law Updates are intended to alert clients to developments in legislation, opinions of courts and administrative bodies and related matters. They are not intended as legal advice in any specific situation. Please consult legal counsel as to how the issue presented may affect your particular circumstances.

**PLACEMENT IN A CLASS WHICH STUDENT HAS ALREADY
RECEIVED A SATISFACTORY GRADE**

WRITTEN PARENTAL CONSENT REQUIRED

Notice:

Education Code section 51228.2 prohibits the placement of any student in a class that he/she has already completed and received a "satisfactory grade" unless the class has been "designed to be taken more than once." A satisfactory grade means both:

- (1) A grade determined by the school district to be sufficient to satisfy the requirements and prerequisites for admission to California colleges; and
- (2) A grade determined by the school district to be sufficient to satisfy the minimum requirements for receiving a high school diploma.

For a class to be designed to be taken more than once, all of the following must be satisfied:

- (1) The pupil's parent has consented in writing;
- (2) A school official has determined that the pupil will benefit from the class;
- (3) The principal or assistant principal of the school maintains a written document which provides that no pupils are assigned to such a class unless the school has met the two conditions specified above; and
- (4) Pupils are exposed to a new curriculum year to year and are, therefore, expected to derive educational value from taking the class again.

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Permission:

You may permit your student to be assigned to a class that he/she has already completed and received a "satisfactory grade" by initialing the boxes below and signing your name at the bottom.

- I consent to the placement of my student in a class that he/she has already completed and received a "satisfactory grade."
- A school official has determined and explained to me how my student will benefit from the class and I agree that my student will benefit from the class.

- I understand that my student may not be placed in such a class unless the school has met the two conditions specified above.
- It has been explained to me and I understand that in the class students are exposed to a new curriculum year to year and are, therefore, expected to derive educational value from taking the class again.

Signature of Parent/Guardian or Student (if over 18 years old)

Printed Name and Capacity of Person Signing

Signature of School Office

Printed Name and Capacity of Person Signing

THIS FORM IS <u>NOT</u> APPLICABLE TO AN ALTERNATIVE SCHOOL, COMMUNITY DAY SCHOOL, CONTINUATION HIGH SCHOOL OR OPPORTUNITY SCHOOL. THIS FORM IS <u>NOT</u> APPLICABLE FOR GRADES OTHER THAN GRADE 9 - 12. THIS FORM IS <u>NOT</u> APPLICABLE TO DUAL ENROLLMENT IN COMMUNITY COLLEGE CLASSES, EVENING HIGH SCHOOL CLASSES, INDEPENDENT STUDY, WORK-BASED LEARNING OR WORK EXPERIENCE EDUCATION.

PLACEMENT IN A CLASS "WITHOUT EDUCATIONAL CONTENT"

WRITTEN PARENTAL CONSENT REQUIRED

Notice:

Education Code section 51228.1 prohibits placement of a student in a class that is "without educational content" for more than one week unless:

- (1) The pupil's parent has consented in writing;
- (2) A school official has determined that the pupil will benefit from the class;
- (3) The principal or assistant principal of the school maintains a written document which provides that no pupils are placed in such a class unless the school has met the two conditions specified above; and
- (4) In no case can such a placement be approved if it is made because there are not sufficient curricular offerings for the student to take during the relevant period of the designated school day.

Education Code section 51228.1(c) defines such a class as either:

- (1) The pupil is sent home or released from campus before the conclusion of the designated school day;
- (2) The pupil is assigned to a service or instructional work experience class in which the pupil is assigned to assist a certificated employee, but not expected to complete curricular assignments; or
- (3) The pupil is not assigned to any class for the relevant course period.

Permission:

You may permit your student to be assigned to a class that is "without educational content" as described above by initialing the boxes below and signing your name at the bottom.

- I consent to the placement of my student in a class "without educational content."

- A school official has determined and explained to me how my student will benefit from the class and I agree that my student will benefit from the class.
- I understand that my student may not be placed in such a class unless the school has met the two conditions specified above.
- It has been explained to me and I understand that there are sufficient curricular offerings for my student to take during the relevant period of the school day.

Signature of Parent/Guardian or Student (if over 18 years old)

Printed Name and Capacity of Person Signing

Signature of School Office

Printed Name and Capacity of Person Signing

THIS FORM IS <u>NOT</u> APPLICABLE TO AN ALTERNATIVE SCHOOL, COMMUNITY DAY SCHOOL, CONTINUATION HIGH SCHOOL OR OPPORTUNITY SCHOOL. THIS FORM IS <u>NOT</u> APPLICABLE FOR GRADES OTHER THAN GRADE 9 - 12. THIS FORM IS <u>NOT</u> APPLICABLE TO DUAL ENROLLMENT IN COMMUNITY COLLEGE CLASSES, EVENING HIGH SCHOOL CLASSES, INDEPENDENT STUDY, WORK-BASED LEARNING OR WORK EXPERIENCE EDUCATION.
