

**State of California
Office of Administrative Law**

In re:
Board of Education

Regulatory Action:

Title 05, California Code of Regulations

Adopt sections: 1700

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2016-0318-01

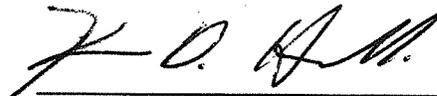
OAL Matter Type: Emergency (E)

This emergency rulemaking action by the State Board of Education adopts section 1700, title 5 of the California Code of Regulations relating to district recordkeeping requirements for courses without educational content and previously completed courses as set forth in Education Code sections 51228.1 and 51228.2 (enacted by Statutes 2015, chapter 703 (AB 1012)).

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 3/28/2016 and will expire on 9/27/2016. The Certificate of Compliance for this action is due no later than 9/26/2016.

Date: March 28, 2016



Kevin D. Hull
Senior Attorney

For: Debra M. Cornez
Director

Original: Tom Torlakson
Copy: Hillary Wirick

EMERGENCY

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2016-0315-08	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2016-0318-01E
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ENDORSED - FILED
In the office of the Secretary of State
of the State of California

MAR 28 2016
1:53 pm

For use by Office of Administrative Law (OAL) only

2016 MAR 18 A 10:35
OFFICE OF
ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
State Board of Education

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Pupil Instruction: Courses Without Educational Content	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 1700
	AMEND
TITLE(S) 5	REPEAL

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF UNMODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY		
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Hillary Wirick, Reg Analyst	TELEPHONE NUMBER (916) 319-0644	FAX NUMBER (Optional) (916) 319-0155	E-MAIL ADDRESS (Optional) hwirick@cde.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 3-9-16
TYPED NAME AND TITLE OF SIGNATORY Amy Bisson Holloway, General Counsel	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAR 28 2016

Office of Administrative Law

- 1 • The State Board of Education has illustrated changes to the original text in the
2 following manner: text originally proposed to be added is underlined.

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4 **Title 5. EDUCATION**

5 **Division 1. California Department of Education**

6 **Chapter 2. Pupils**

7 **Subchapter 8. Pupil Instruction**

8 **Article 1. Educational Content**

9 **§ 1700. District Recordkeeping for AB 1012 Requirements Regarding Courses**
10 **Without Educational Content and Previously Completed Courses.**

11 (a) Commencing with the 2016-17 school year, school districts shall ensure that a
12 school enrolling pupils in any of grades 9 to 12, inclusive, that assigns one or more
13 pupils for more than one week in any semester in a “course period without educational
14 content” as defined in Education Code section 51228.1 shall maintain the following:

15 (1) Records sufficient to demonstrate that the pupil or, if the pupil has not reached
16 the age of majority, the pupil’s parent, guardian, or educational rights holder, has
17 consented in writing to the course assignment for that semester;

18 (2) Records sufficient to demonstrate that a school official has determined that the
19 pupil will benefit from being assigned to the course period; and

20 (3) A written document maintained at the school in which the principal or assistant
21 principal of the school states that, for the relevant school year, the school has met the
22 conditions in subdivisions (a)(1) and (2) above, and that no pupils are being assigned to
23 a “course period without educational content” because there are not sufficient curricular
24 course offerings for the pupil to take during the relevant period of the designated school
25 day.

26 (b) Commencing with the 2016-17 school year, school districts shall ensure that a
27 school enrolling pupils in any of grades 9 to 12, inclusive, that assigns one or more
28 pupils to a course that the pupil previously completed and for which he or she received
29 a grade determined by the district to be sufficient to satisfy the district’s minimum
30 requirements for high school graduation and to satisfy the requirements for admission to
31 the California public institutions of postsecondary education, shall maintain the
32 following:

33 (1) Records sufficient to demonstrate that the course has been designed to be taken

1 more than once because pupils are exposed to a new curriculum year to year and are
2 therefore expected to derive educational value from taking the course again; or

3 (2) All of the following:

4 (A) Records sufficient to demonstrate that the pupil or, if the pupil has not reached
5 the age of majority, the pupil's parent, guardian, or educational rights holder, has
6 consented in writing to the course for the purpose of improving a lower grade;

7 (B) Records sufficient to demonstrate that a school official has determined that the
8 pupil will benefit from being assigned to the course period; and

9 (C) A written document maintained at the school in which the principal or assistant
10 principal of the school states that, for the relevant school year, the school has met the
11 conditions in subdivisions (b)(2)(A) and (B) for each and every pupil then being
12 assigned to a course that the pupil has previously completed and for which he or she
13 received a grade determined by the district to be sufficient to satisfy the district's
14 minimum requirements for high school graduation and to satisfy the requirements for
15 admission to the California public institutions of postsecondary education, and that no
16 pupils are being assigned to such a course because there are not sufficient curricular
17 course offerings for the pupil to take during the relevant period of the designated school
18 day.

19 (c) This section shall not apply with regard to pupils enrolled in an alternative school,
20 a community day school, a continuation high school, or an opportunity school.

21 NOTE: Authority cited: Sections 51228.1 and 51228.2, Education Code. Reference:
22 Sections 51228.1 and 51228.2, Education Code.

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