



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

AB-2073 Physical education courses: alternate term schedules. (2023-2024)

SHARE THIS:  

Date Published: 09/23/2024 02:00 PM

Assembly Bill No. 2073

CHAPTER 375

An act to amend Sections 51210 and 51222 of the Education Code, relating to pupil instruction.

[Approved by Governor September 22, 2024. Filed with Secretary of State September 22, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2073, Quirk-Silva. Physical education courses: alternate term schedules.

(1) Existing law requires the adopted course of study for grades 1 to 6, inclusive, to include physical education for a total period of time of not less of than 200 minutes each 10 schools days, as specified, and requires the adopted course of study for grades 7 to 12, inclusive, to require all pupils to attend upon the courses of physical education for a total period of time of not less than 400 minutes each 10 schooldays, except as otherwise specifically exempted.

This bill would instead authorize the governing board of any school district maintaining any of grades 6 to 12, inclusive, to adopt a policy providing for an alternate term schedule for physical education courses if (A) pupils in grade 6 receive no less than 400 minutes of instruction every 10 days for a semester of not fewer than 18 weeks during the regular school year, for a total of 3,600 instructional minutes for the school year, and pupils in grades 7 to 12, inclusive, receive no less than 800 minutes of instruction every 10 days for semester of not fewer than 18 weeks during the regular school year, for a total of 7,200 instructional minutes for the school year, (B) the physical education program is aligned with the physical education framework adopted by the State Board of Education in that it provides a sequential, articulated, age-appropriate program, (C) the physical education program complies with regulations regarding the course of study requirements for high school physical education programs, as applicable, and (D) pupils are prepared for, and participate in, required physical performance testing, as specified.

(2) Existing law requires a pupil to complete designated coursework while in grades 9 to 12, inclusive, in order to receive a diploma of graduation from high school, including, among others, the completion of 2 courses in physical education.

This bill would deem an alternate term schedule for physical education, as described above, as satisfying a physical education course requirement.

(3) This bill would incorporate additional changes to Section 51210 of the Education Code proposed by AB 1821 to be operative only if this bill and AB 1821 are enacted and this bill is enacted last.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 51210 of the Education Code is amended to read:

51210. (a) The adopted course of study for grades 1 to 6, inclusive, shall include instruction, beginning in grade 1 and continuing through grade 6, in the following areas of study:

(1) English, including knowledge of, and appreciation for, literature and the language, as well as the skills of speaking, reading, listening, spelling, handwriting, including instruction in cursive or joined italics in the appropriate grade levels, and composition.

(2) Mathematics, including concepts, operational skills, and problem solving.

(3) Social sciences, drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, designed to fit the maturity of the pupils. Instruction shall provide a foundation for understanding the history, resources, development, and government of California and the United States of America; the development of the American economic system, including the role of the entrepreneur and labor; the relations of persons to their human and natural environment; eastern and western cultures and civilizations; contemporary issues; and the wise use of natural resources.

(4) Science, including the biological and physical aspects, with emphasis on the processes of experimental inquiry, on the place of humans in ecological systems, on the causes and effects of climate change, and on the methods to mitigate and adapt to climate change. Appropriate coursework including material on the causes and effects of climate change and methods to mitigate and adapt to climate change shall be offered to pupils as soon as possible, commencing no later than the 2024–25 school year.

(5) Visual and performing arts, including instruction in the subjects of dance, music, theater, and visual arts, aimed at the development of aesthetic appreciation and the skills of creative expression.

(6) Health, including instruction in the principles and practices of individual, family, and community health.

(7) Physical education, with emphasis upon the physical activities for the pupils that may be conducive to health and vigor of body and mind, for a total period of time of not less than 200 minutes each 10 schooldays, excluding recesses and the lunch period, except as provided in subdivision (c) of Section 51222.

(8) Other studies that the governing board may prescribe.

(b) (1) A complaint that a school district or county superintendent of schools has not complied with the instructional minute requirements of paragraph (7) of subdivision (a) may be filed with a school district or county superintendent of schools pursuant to the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

(2) A complainant not satisfied with the decision of a school district or county superintendent of schools may appeal the decision to the department pursuant to Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations and shall receive a written appeal decision within 60 days of the department's receipt of the appeal.

(3) If a school district or county superintendent of schools finds merit in a complaint, or the Superintendent finds merit in an appeal, the school district or county superintendent of schools shall provide a remedy to all affected pupils, parents, and guardians.

(c) The Legislature finds and declares that neither the original provisions of this section, nor any subsequent amendments to it, were intended to create a private right of action. However, nothing in this subdivision shall restrict or expand the existing right of any party to seek relief from noncompliance with this section pursuant to a writ of mandate.

SEC. 1.5. Section 51210 of the Education Code is amended to read:

51210. (a) The adopted course of study for grades 1 to 6, inclusive, shall include instruction, beginning in grade 1 and continuing through grade 6, in the following areas of study:

(1) English, including knowledge of, and appreciation for, literature and the language, as well as the skills of speaking, reading, listening, spelling, handwriting, including instruction in cursive or joined italics in the appropriate grade levels, and composition.

(2) Mathematics, including concepts, operational skills, and problem solving.

(3) Social sciences, drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, designed to fit the maturity of the pupils. Instruction shall provide a foundation for understanding the history, resources, development, and government of California and the United States of America; the development of the American economic system, including the role of the entrepreneur and labor; the relations of persons to their human and natural environment; eastern and western cultures and civilizations; contemporary issues; the wise use of natural resources; and the Spanish colonization of California and the Gold Rush Era, including the treatment and perspectives of Native Americans during those periods.

(4) Science, including the biological and physical aspects, with emphasis on the processes of experimental inquiry, on the place of humans in ecological systems, on the causes and effects of climate change, and on the methods to mitigate and adapt to climate change. Appropriate coursework including material on the causes and effects of climate change and methods to mitigate and adapt to climate change shall be offered to pupils as soon as possible, commencing no later than the 2024–25 school year.

(5) Visual and performing arts, including instruction in the subjects of dance, music, theater, and visual arts, aimed at the development of aesthetic appreciation and the skills of creative expression.

(6) Health, including instruction in the principles and practices of individual, family, and community health.

(7) Physical education, with emphasis upon the physical activities for the pupils that may be conducive to health and vigor of body and mind, for a total period of time of not less than 200 minutes each 10 schooldays, excluding recesses and the lunch period, except as provided in subdivision (c) of Section 51222.

(8) Other studies that the governing board may prescribe.

(b) (1) A complaint that a school district or county superintendent of schools has not complied with the instructional minute requirements of paragraph (7) of subdivision (a) may be filed with a school district or county superintendent of schools pursuant to the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

(2) A complainant not satisfied with the decision of a school district or county superintendent of schools may appeal the decision to the department pursuant to Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations and shall receive a written appeal decision within 60 days of the department's receipt of the appeal.

(3) If a school district or county superintendent of schools finds merit in a complaint, or the Superintendent finds merit in an appeal, the school district or county superintendent of schools shall provide a remedy to all affected pupils, parents, and guardians.

(c) The Legislature finds and declares that neither the original provisions of this section, nor any subsequent amendments to it, were intended to create a private right of action. However, nothing in this subdivision shall restrict or expand the existing right of any party to seek relief from noncompliance with this section pursuant to a writ of mandate.

SEC. 2. Section 51222 of the Education Code is amended to read:

51222. (a) All pupils, except pupils excused or exempted pursuant to Section 51241, shall be required to attend upon the courses of physical education for a total period of time of not less than 400 minutes each 10 schooldays, except as provided in subdivision (c). Any pupil may be excused from physical education classes during one of grades 10, 11, or 12 for not to exceed 24 clock hours in order to participate in automobile driver training. A pupil who is excused from physical education classes to enroll in driver training shall attend upon a minimum of 7,000 minutes of physical education instruction during such school year.

(b) The governing board of each school district that maintains a high school and that elects to exempt pupils from required attendance in physical education courses pursuant to paragraph (1) or (2) or both of subdivision (b) of Section 51241 shall offer those pupils so exempted a variety of elective physical education courses of not less than 400 minutes each 10 schooldays.

(c) The governing board of a school district that maintains any of grades 6 to 12, inclusive, may adopt a policy providing for an alternate term schedule for physical education courses, which shall be deemed to satisfy the requirements of a course in physical education for purposes of subparagraph (F) of paragraph (1) of subdivision (a) of Section 51225.3, if all of the following conditions are met:

(1) (A) For a pupil in grade 6, the pupil receives no less than 400 minutes of instruction every 10 days for a semester of not fewer than 18 weeks during the regular school year, for a total of 3,600 instructional minutes for the school year.

(B) For a pupil in grades 7 to 12, inclusive, the pupil receives no less than 800 minutes of instruction every 10 days for a semester of not fewer than 18 weeks during the regular school year, for a total of 7,200 instructional minutes for the school year.

(2) The physical education program is aligned with the physical education framework adopted by the state board in that it provides a sequential, articulated, age-appropriate program.

(3) The physical education program complies with the course of study requirements of high school physical education programs specified in Article 3.1 (commencing with Section 10060) of Subchapter 1 of Chapter 10 of Division 1 of Title 5 of the California Code of Regulations, as applicable.

(4) Pupils are prepared for, and participate in, the physical performance testing required pursuant to Section 60800.

(d) (1) A complaint that a school district or county superintendent of schools has not complied with the instructional minute requirements of subdivision (a) or (c) may be filed with a school district or county superintendent of schools pursuant to the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

(2) A complainant not satisfied with the decision of a school district or county superintendent of schools may appeal the decision to the department pursuant to Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations and shall receive a written appeal decision within 60 days of the department's receipt of the appeal.

(3) If a school district or county superintendent of schools finds merit in a complaint, or the Superintendent finds merit in an appeal, the school district or county superintendent of schools shall provide a remedy to all affected pupils, parents, and guardians.

(e) The Legislature finds and declares that neither the original provisions of this section, nor any subsequent amendments to it, were intended to create a private right of action. However, nothing in this subdivision shall restrict or expand the existing right of any party to seek relief from noncompliance with this section pursuant to a writ of mandate.

SEC. 3. Section 1.5 of this bill incorporates amendments to Section 51210 of the Education Code proposed by both this bill and Assembly Bill 1821. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2025, (2) each bill amends Section 51210 of the Education Code, and (3) this bill is enacted after Assembly Bill 1821, in which case Section 1 of this bill shall not become operative.