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# ***ASCIP***

# ***RISK ALERT!***

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**Date:** ***November 22, 2013***

**Attention:** ***ASCP Members***

**Subject:** ***Class Action Lawsuit Involving Physical Education Study***

A class action lawsuit, Cal200 and Marc Babin vs. Multiple School Districts (Case Number CGC -13-534975), was filed against 34 California school districts alleging they failed to provide physical education study as required by California Education Code section 51210. The lawsuit was filed in the San Francisco County Superior Court and involves several ASCIP member districts. Through this document, ASCIP aims to notify member districts of the allegations in the Complaint, provide a summary of Education Code requirements alleged to have not been met, and provide recommendations to prevent other districts from being named as Defendants.

The general allegation of this case is that each named defendant is in noncompliance with the ministerial duties of Education Code Section 51210 (g). This section requires all California school districts to adopt a course of study for all schools that includes physical education “for a total period of time of not less than 200 minutes each 10 schooldays, exclusive of recess and the lunch period” beginning in grade one and continuing through grade six.” The plaintiffs are seeking appropriate relief from the court including mandamus and injunctive relief.

ASCP encourages member districts to review their physical education curriculum for grades 1 to 6 and ensure that the minimum requirements under Education Code Section 51210 are being maintained. Plaintiffs are seeking additional districts to be named as defendants. Districts should be prepared to provide documentation evidencing compliance with the statute, or an action plan for implementation to become complaint should the plaintiffs send an administrative complaint to the districts. To assist with this effort, the following is a link to the “[Physical Education Framework for California Public Schools](#)” manual developed by the California Department of Education. Such a manual is an excellent resource for the development, implementation, and evaluation of standards-based physical education programs and instruction.

Please contact ASCIP Risk Services Staff at (562) 404-8029 with regards to the above information.

**Legal References:**

California Education Code Section 51210-51212



Alliance of Schools for Cooperative Insurance Programs

16550 Bloomfield Avenue, Cerritos, CA 90703 (562) 404-8029