

Date of Hearing: April 7, 2021

ASSEMBLY COMMITTEE ON APPROPRIATIONS  
Lorena Gonzalez, Chair  
AB 104 (Lorena Gonzalez) – As Amended March 16, 2021

Policy Committee: Education

Vote: 7 - 0

Urgency: Yes

State Mandated Local Program: Yes

Reimbursable: Yes

**SUMMARY:**

This bill requires, as an urgency measure, several interventions for K-12 students impacted by the COVID-19 pandemic. These interventions are: a temporary process for parents and guardians to request their student be retained in the student's 2020-21 academic year grade level for the 2021-22 academic year; a temporary process to request high school grades on transcripts be changed from a passing letter grade to "pass" for the 2020-21 academic year; and, for students enrolled in their third or fourth year of high school during the 2020-21 academic year and not on track to graduate, an exemption from local graduation requirements and the opportunity to complete coursework needed for graduation.

Specifically, this bill:

- a) Requires local educational agencies (LEAs) to adopt policies allowing a parent of a school-age child in public school to request their student be retained during the 2021-22 academic year. The bill also requires LEAs to develop interim processes regarding how the decision to retain a student will be made, develop an application for parents and guardians to request retention, notify families of the option to request their student be retained and inform parents and guardians of the retention decision by date certain. The processes to determine whether a student will be retained must include consultation with the student's parent or guardian, the student, and the student's teacher of record, in addition to consideration of student data and other pertinent information to determine whether retention is in the student's best interest.
- b) Requires the California Department of Education (CDE) to create and provide to LEAs an application template for parents or guardians to request their high school student receive a "pass" on the student's transcript instead of a passing letter grade for the 2020-21 academic year only. The bill also requests the University of California (UC) and private colleges and universities and requires the California State University (CSU) to temporarily accept a transcript with "pass" in place of a passing letter grade and notify the CDE about the college or university's plans for accepting transcripts. The bill also requires CDE to provide information about college and universities plans for accepting transcripts to LEAs. The bill requires LEAs to provide information provided to CDE about college and university plans for accepting transcripts to parents and guardians. It also requires LEAs use the CDE application template to provide the "pass" option to parents and guardians and creates a process for parents and guardians to request a passing grade be changed to "pass." The bill sets no limit on the number of passing grades that can be changed to a "pass." Finally, the bill requires LEAs to change student transcripts as requested.

- c) Requires an LEA provide to a student who is in their third or fourth year of high school in the 2020-21 academic year an exemption from local graduation requirements exceeding state graduation requirements and, for those not on track to graduate in the 2020-21 or 2021-22 academic years, the opportunity to complete the coursework required for graduation. Schools may provide students the opportunity to complete the coursework required for graduation through a fifth year of high school, credit recovery options or other means.

#### **FISCAL EFFECT:**

- 1) Unknown, one-time Proposition 98 GF cost pressures to LEAs to develop temporary processes for student retention decisions, develop an application for retention, notify all parents or guardians of school-age children enrolled in public school of the option to request their child be retained in the student's 2020-21 academic year grade level for the 2021-22 academic year, conduct consultations to determine retention decisions and notify parents or guardians of retention decisions.

Each of the state's approximately 1,000 school districts, 1,500 charter schools and 58 county offices of education will develop a temporary process for retention, develop an application and notify parents or guardians of the option to request their child be retained in the student's 2020-21 academic year grade level for the 2021-22 academic year. Written notifications sent to a student's family could cost about \$1 per household. Costs of consultation and retention decisions would depend on the number of parents and guardians requesting their student be retained. On average, consultation would likely cost in the hundreds of dollars to \$1,000 per student. (Teachers and principals typically are off during the summer. Because this bill requires consultation be done between the principal, parent and teacher of record in July, school districts will likely need to pay employees for any hours devoted to this purpose.)

- 2) Likely neutral Proposition 98 GF costs to the state to provide for student retention.

The state provides funding to an LEA based on the LEA's student attendance and would therefore provide an LEA with the same or a very similar rate regardless of a student's grade level. If many retention applications are approved for a certain grade level, this bill could result in some grade levels with more students than other grade levels, which could lead to larger class sizes or shifting of resources at LEAs.

- 3) Minor one-time GF costs to CDE to create and provide to LEAs a "pass" grading template and information about which colleges and universities will accept transcripts with a "pass" instead of a letter grade.
- 4) Minor and absorbable costs to UC to notify CDE of its plans for accepting transcripts with a "pass."
- 5) Minor and absorbable costs to CSU to notify CDE of its plans for accepting transcripts with a "pass."

In addition, CSU notes that students will likely need additional supports to succeed on campus in fall 2021, and that this bill may make placing those students in appropriate courses more difficult by limiting some grade information.

- 6) Unknown, one-time Proposition 98 GF costs to LEAs to provide notice of the “pass” option to parents and guardians, and change a requested grade to a “pass.”

Each of the state’s LEAs will provide notice of the option to parents and guardians. Written notifications would cost about \$1 per household. Costs to LEAs of changing passing grades to “pass” on a student’s transcript and sending notifications of the change would depend on how many students opt to receive a “pass” instead of a passing grade. In the 2019-20 academic year, the state had about two million students enrolled in grades 9-12.

- 7) Potential one-time Proposition 98 GF costs to the state or to LEAs in the 2021-22 and 2022-23 fiscal years for LEAs to provide additional opportunities to high school students to complete coursework required for high school graduation.

Costs would depend on the number of high school students who have fallen behind during the pandemic and the way in which LEAs provide recovery opportunities. If a school were to enroll a student in a fifth year of high school, the state would provide at least \$9,572 per student annually, with additional funding for disadvantaged students. If the LEA were to provide credit recovery opportunities through summer school or online, for example, the LEA would likely use existing resources, and could use federal funding for pandemic relief or state funding through AB 86 (described below).

- 8) One-time Proposition 98 GF costs to LEAs with local graduation requirements exceeding state graduation requirements for their technology departments to go into student data files and exempt courses not required by state graduation requirements from the LEAs high school graduation requirements. This portion of the bill would apply only to students enrolled in their third or fourth year of high school in the 2020-21 academic year. In the 2019-20 academic year, the state had about one million students enrolled in grades 11 and 12.

If the Commission on State Mandates determines the bill’s requirements to be a reimbursable state mandate, the state would need to reimburse these costs either directly to LEAs or through the K-12 Mandates Block Grant.

## COMMENTS:

- 1) **Purpose.** According to the author:

The outbreak of the COVID-19 pandemic has exacerbated educational inequities in California’s school system at an unprecedented scale...AB 104 will provide a robust statewide response that does not punish students for the lost learning time during the COVID-19 crisis.

- 2) **Background.** Mounting evidence indicates the harms of physical school closures due to the COVID-19 pandemic on many students’ academic and social outcomes. Some students have lost significant portions of the 2020-21 academic year as a result of limited internet access for online school, health issues and familial realities.

State and federal interventions have attempted to mitigate some of these negative affects by providing additional funding and guidance for student academic and emotional support interventions, internet access and school reopening. Most recently, in March 2021, the federal government provided \$15 billion to California schools for these purposes. In addition,

the state enacted AB 86, (Committee on Budget) Chapter 10, Statutes of 2021, in March 2021 which includes, among other things, \$4.6 billion for LEAs to provide supplemental instruction and support to students in the summer of the 2021 and into the following school year. AB 86 defines supplemental instruction and support as academic instruction and social emotional supports complementary and in addition to typical school offerings.

According to the author, the option for retention and credit recovery opportunities provided in AB 104 are intended to work in tandem with the supplemental instruction and support interventions provided through AB 86 to support student learning.

- 3) **Urgency Rationale.** This bill includes an urgency clause because its provisions apply to the current academic year. Specifically, the bill requires various actions by LEAs and CDE prior to the start of the 2021-22 academic year.
- 4) **Prior Legislation.** SB 98 (Committee on Budget and Fiscal Review), Chapter 24, Statutes of 2020, includes numerous provisions relating to distance learning, learning loss and accountability requirements for the 2020-21 academic year, related to educational disruptions caused by the COVID 19 pandemic.

SB 820 (Committee on Budget and Fiscal Review), Chapter 110, Statutes of 2020, includes multiple provisions relating to education during the COVID 19 pandemic.

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