

CONCURRENCE IN SENATE AMENDMENTS

AB 104 (Lorena Gonzalez)

As Amended June 2, 2021

2/3 vote. Urgency

SUMMARY

Requires, as an urgency measure, local educational agencies (LEAs) to offer a consultation with a parent requesting that their student be retained in grade in the 2021-22 academic year; creates a process for parents to request that students receive a "pass" or "no pass" instead of a letter grade in the 2020-21 academic year and requires that specified institutions of higher education accept a "pass" for credit for admissions purposes; and requires that students who were in their third or fourth year of high school in the 2020-21 and who are not on track to graduate within specified years be exempted from local graduation requirements and be given the opportunity to complete the coursework required for graduation.

Senate Amendments

- 1) Delete the requirement to adopt an interim retention policy.
- 2) Apply the retention portions of the bill only to a student who has received deficient grades for at least one-half of the student's coursework in the 2020–21 academic year, defined as a D, F, a No Pass, or an equivalent as determined by the LEA, and prohibit the retention sections from being applied to students who were enrolled in grade 12 during the 2020–21 school year.
- 3) Require an LEA, upon receiving a request from the parent of an eligible student to retain the student for the 2021–22 school year, to offer a consultation with the parent, the student, the administrator, and a teacher within 30 calendar days of receiving the request.
- 4) Require the consultation to include:
 - a) Discussion of all available learning recovery options, including both of the following:
 - i) Specific interventions and supports; and
 - ii) Access to prior semester courses in which the student received a D or F letter grade in the 2020–21 academic year, some other form of credit recovery, or other support.
 - b) Consideration of the student's academic data and any other information relevant to whether retention is in the student's best interest, academically and socially; and
 - c) Discussion about research on the effects of student retention and the types of interventions and supports that have been shown to be beneficial to students.
- 5) Require an LEA to notify a parent with the final determination regarding the student's retention within 10 days of the consultation.
- 6) Require that a student retained pursuant to this consultation be offered supplemental interventions and supports.

- 7) Require that a student who is not retained pursuant to this consultation be offered both of the following:
 - a) Specific interventions and support; and
 - b) Access to prior semester courses in which the student received a D or F letter grade in the 2020–21 academic year, some other form of credit recovery, or other supports.
- 8) Clarify that the provisions exempting specified students from local graduation requirements apply to students who are not on track to graduate in four years.

COMMENTS

Preliminary data shows significant impacts to learning from COVID-19 school disruptions. An analysis by Policy Analysis for California Education (PACE), shows significant impacts to learning related to the COVID-19 school disruptions, with a larger effect among low income and English learner students. Researchers compared growth from 2019 to 2020 compared to typical growth in the prior three school years and found that there has been significant learning loss in both ELA and math, with students in earlier grades most affected. PACE also found that "the equity impact is severe - certain student groups, especially low-income students and English Learners, are falling behind more compared to others."

D and F grades increasing as a result of COVID-19 school disruptions. This bill would require LEAs to establish a process for secondary students to obtain pass/no pass credit for during the 2020-21 academic year. A number of school districts reported an increase of Ds and Fs in the fall semester of 2020. The Los Angeles Unified School District reported a year-over-year increase of 8.7% increase in grades 9-12 and an increase of 12.4% in middle school, in the percentage of Ds and Fs earned. Students experiencing homelessness had the highest percent of "fail" marks at 39.9%. The San Diego Unified School District reports that the percentage of students who received D and F grades rose from 13% to 23% for middle school students and from 15% to 21% for high school students. Similar patterns have been reported in a number of Bay Area school districts.

According to the Author

"The outbreak of the COVID-19 pandemic has exacerbated educational inequities in California's school system at an unprecedented scale. Mounting evidence indicates that our most vulnerable students lack the necessary academic, social-emotional, and technological supports needed to be successful in distance learning, leaving them to fall behind and underperform. For some students, nearly a year of educational progress has been lost. AB 104 will provide a robust statewide response that does not punish students for the lost learning time during the COVID-19 crisis, and instead provides students and families with the learning and social-emotional recovery opportunities needed to address their unique circumstances and get back on track."

Arguments in Support

The California Association of Student Councils writes, "Although many schools adopted Pass/Fail in the spring of 2020, schools reverted back to their original grading policies for the fall, even as COVID-19 ravaged our communities even more. Students have been failing classes due to confusion, technological issues, and massive workloads rooted in the negative effects of the pandemic. Students now don't know if they are able to graduate, and are unable to access supplemental learning activities or credit recovery. This bill recognizes our organization's

concerns and gives families and schools the flexibility they need to best address California's student needs."

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) By requiring local educational agencies (LEAs) to develop the temporary processes and an application for student retention decisions, notify parents of these options, and conduct the consultations to determine retention decisions, this bill could result in significant, one-time Proposition 98 General Fund costs. A precise amount is unknown and would be impacted by the exact number of requests for retention and the associated costs for consultation, but could potentially be in the hundreds of thousands of dollars statewide. These costs are likely to be deemed reimbursable by the Commission on State Mandates.
- 2) The bill's requirement for the California Department of Education to create and provide a "pass" grading template and information about which colleges and universities will accept transcripts with a "pass" instead of a letter grade is expected to be minor and absorbable within existing resources.
- 3) The California State University (CSU) indicates that its campuses will have a considerable increase in the number of students who will need additional support services for English and math due to the lack of graded high school coursework, ACT/SAT exam results and CAASPP (California Assessment of Student Performance and Progress) in 2020, and this bill could be a factor that contributes to that need for increased support services. The CSU estimates the cost of these services to be approximately \$600,000 at its larger campuses.

VOTES:

ASM EDUCATION: 7-0-0

YES: O'Donnell, Kiley, Bennett, Megan Dahle, Lee, McCarty, Quirk-Silva

ASM APPROPRIATIONS: 14-0-2

YES: Lorena Gonzalez, Bigelow, Bonta, Calderon, Carrillo, Chau, Megan Dahle, Davies, Fong, Gabriel, Kalra, Quirk, Luz Rivas, Friedman

ABS, ABST OR NV: Eduardo Garcia, Robert Rivas

ASSEMBLY FLOOR: 77-0-1

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Bonta, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Wicks, Wood, Rendon

ABS, ABST OR NV: Medina

SENATE FLOOR: 37-0-3

YES: Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Stern, Umberg, Wieckowski, Wiener, Wilk

ABS, ABST OR NV: Hurtado, Melendez, Skinner

UPDATED

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