

AMENDED IN ASSEMBLY MARCH 16, 2021
AMENDED IN ASSEMBLY JANUARY 21, 2021
AMENDED IN ASSEMBLY JANUARY 12, 2021
CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 104

Introduced by Assembly Member Lorena Gonzalez

December 11, 2020

~~An act to amend Section 51225.1 of, to add Sections 48071 and 49066.5 to, and to add Article 11 (commencing with Section 54810) to Chapter 9 of Part 29 of Division 4 of Title 2 of, the Education Code, relating to pupil instruction. An act to add Sections 48071, 49066.5, and 51225 to the Education Code, relating to pupil instruction, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 104, as amended, Lorena Gonzalez. Pupil instruction: ~~learning recovery opportunities: COVID-19: retention, grade changes, and exemptions.~~

(1) Existing law requires the governing board of a school district and a county superintendent of schools to adopt policies regarding pupil promotion and retention, and requires a pupil to be promoted or retained only as provided for in those policies.

For the 2021–22 ~~school~~ academic year, this bill would require a school district, county office of education, or charter school to implement an interim policy regarding the retention of pupils who, in the 2020–21 academic year, had enrolled in any grade or who were entering kindergarten. The bill would require, on or before July 1, 2021, the school district, county office of education, or charter school to notify

those pupils' parents of their authority to request the pupil be retained in the pupil's 2020–21 grade level for the 2021–22 academic year, as specified. The bill would require a school district, county office of education, or charter school to consult with the requesting parent, the pupil, and the pupil's teacher, and would require consideration of the pupil's academic data, any other information relevant to whether retention is in the pupil's best interests, academically and socially, and assurances that a retention decision is consistent with the pupil's individualized education program. The bill would require a school district, county office of education, or charter school to notify the requesting parent of its retention decision ~~no later than~~ *on or before* August 1, 2021. By imposing new duties on school districts, county offices of education, and charter schools, the bill would impose a state-mandated local program.

(2) Existing law requires the governing board of a school district to prescribe regulations requiring the evaluation of a pupil's achievement for each marking period. When a teacher provides the pupil with a grade for a course, existing law requires the grade, in the absence of clerical or mechanical mistake, fraud, bad faith, or incompetency, to be final. Existing law prohibits the governing board of a school district or the superintendent of the district from ordering a change in the pupil's grade unless the teacher who determined the grade is given an opportunity, to the extent practicable, to be included in all discussions relating to the grade change.

This bill would authorize ~~a pupil who, in the 2020–21 school year, earned a letter grade in a course required for graduation from high school to request that~~ *the parent, guardian, or education rights holder of a pupil, or, for a pupil who is 18 years of age or older, the pupil, who was enrolled in high school and enrolled in a course during the 2020–21 school year to apply to* the pupil's school district, county board of education, or charter school *to change the letter grade for that course* to a Pass or No Pass grade on the pupil's transcript. The bill would require the school district, county office of education, or charter school to make the requested change, as specified. The bill would require the California State University, and encourage private postsecondary institutions and the University of California, to accept, and to notify the State Department of Education whether the institution will accept, those changed transcripts for admission purposes. The bill would require the department to develop the application for the grade change request and to provide related assistance to school districts, county offices of

education, and charter schools. By requiring local educational entities to perform specified duties regarding the grade change option, the bill would impose a state-mandated local program.

(3) Existing law requires a school district or charter school to exempt certain categories of pupils who transfer between schools any time after completion of the 2nd year of high school, or who participate in a specified newcomer program, from all coursework and other requirements adopted by the governing body of the school district or charter school that are in addition to certain statewide coursework requirements unless the school district or charter school makes a finding that the pupil is reasonably able to complete the graduation requirements of the school district or charter school in time to graduate from high school by the end of the pupil's 4th year of high school. Existing law requires a school district or charter school to take specified actions if it determines the pupil is reasonably able to complete those graduation requirements within the pupil's 5th year of high school.

This bill would require a school district or charter school to exempt all pupils who, in the 2020–21 school year, were in their 3rd or 4th year of high school from all coursework and other requirements adopted by the governing body of a school district or charter school that are in addition to the statewide coursework requirements, ~~unless it makes the same above-described finding regarding graduating by the end of the pupil's 4th year of high school or makes the same determination described above regarding completing the graduation requirements within the pupil's 5th year of high school.~~ *and to separately provide, for all pupils who, in the 2020–21 school year, were in their 3rd or 4th year of high school and who are not on track to graduate in the 2020–21 or 2021–22 school year, the opportunity to complete the statewide coursework required for graduation, which may include, among other opportunities for completion of the coursework, a 5th year of instruction.* By requiring school districts and charter schools to perform additional duties in complying with the exemption requirements, the bill would impose a state-mandated local program.

~~(4) Existing law establishes the California Collaborative for Educational Excellence to advise and assist school districts, county superintendents of schools, and charter schools in achieving the goals set forth in a local control and accountability plan.~~

~~This bill would establish the COVID-19 Student Learning Recovery Act of 2021 for the benefit of certain disadvantaged pupil groups who have faced adverse learning and social-emotional circumstances as a~~

~~result of the COVID-19 pandemic. The bill would require the Superintendent of Public Instruction to allocate funding to school districts, county offices of education, and charter schools, as specified. The bill would require, on or before May 1, 2021, the funding recipients, with assistance from the State Department of Education and the California Collaborative for Educational Excellence, to develop a plan to implement a tiered level of instructional programs that supplement regular instructional programs and a tiered level of support interventions designed to meet the behavioral, social, emotional, and basic needs of eligible pupils. The bill would require those supplemental instruction and supports to be provided to pupils in person, except as specified. The bill would require the funding recipients to, among other things, provide specific supports to English learners and pupils who are individuals with exceptional needs and provide meals and snacks to all participating pupils. The bill would require funding recipients to report data to the Superintendent and the department to report data to the Legislature, on the program. By imposing additional duties on school districts, county offices of education, and charter schools, the bill would impose a state-mandated local program.~~

~~(5)~~

~~(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

~~(5) This bill would declare that it is to take effect immediately as an urgency statute.~~

~~Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.~~

The people of the State of California do enact as follows:

1 SECTION 1. Section 48071 is added to the Education Code,
2 to read:

3 48071. (a) For purposes of this section, the following
4 definitions apply:

5 (1) “Eligible pupil” means either a pupil who had enrolled in a
6 school serving any of grades 1 to 12, inclusive, in the 2020–21

1 school year or a child who was entering kindergarten in the
2 2020–21 school year, whichever applies.

3 (2) “Local educational agency” means a school district, county
4 office of education, or charter school.

5 (3) “Parent” means the natural or adoptive parent or guardian,
6 the person having legal custody, or other educational rights holder.

7 (b) For the 2021–22 academic year, notwithstanding any other
8 law or retention policy, a local educational agency shall implement
9 an interim retention policy. The policy shall permit an eligible
10 pupil for whom a decision to retain is made by the local educational
11 agency to be retained in the pupil’s 2020–21 grade level for the
12 2021–22 academic year.

13 (c) On or before June 15, 2021, a local educational agency shall
14 develop all of the following regarding the interim retention policy
15 described in subdivision (b):

16 (1) An application for the pupil’s parent to request the pupil’s
17 retention for the 2021–22 academic year.

18 (2) Processes for determining if a pupil should be retained,
19 including processes for each of the following:

20 (A) Consultation with the requesting parent, the pupil, and the
21 pupil’s teacher of ~~record~~ *record*. *This consultation shall include*
22 *a discussion of the risks and benefits of retaining a pupil in a grade.*

23 (B) Consideration of the pupil’s academic data and any other
24 information relevant to whether retention is in the pupil’s best
25 interests, academically and socially.

26 (C) Assurances that a retention decision is consistent with the
27 pupil’s individualized education program.

28 (3) Deadlines, including deadlines for a parent to submit a
29 retention application, for a consultation to be completed, and for
30 the local educational agency to make a retention decision. The
31 deadlines shall be consistent with subdivisions (d) and (e).

32 (d) On or before July 1, 2021, a local educational agency shall
33 provide written notice of the interim retention policy described in
34 this section to the parents of eligible pupils and shall post the notice
35 on the local educational agency’s internet website. The notice shall
36 include all of the following:

37 (1) A copy of the application described in paragraph (1) of
38 subdivision (c).

1 (2) An explanation of the processes for determining if a pupil
 2 should be retained, including the consultation and consideration
 3 described in paragraph (2) of subdivision (c).

4 (3) The deadlines described in paragraph (3) of subdivision (c).

5 (e) On or before August 1, 2021, a local educational agency
 6 shall notify a parent who has submitted an application under this
 7 section of the local educational agency’s decision regarding the
 8 pupil’s retention.

9 (f) Notwithstanding any other law, a pupil with a positive
 10 retention determination shall be permitted to enroll in the pupil’s
 11 2020–21 grade level for the 2021–22 academic year.

12 SEC. 2. Section 49066.5 is added to the Education Code, to
 13 read:

14 49066.5. (a) ~~For~~ *(1) This section applies only to pupils*
 15 *enrolled in high school in the 2020–21 academic year.*

16 (2) *For purposes of this section, “local educational agency”*
 17 *means a school district, county office of education, or charter*
 18 *school.*

19 (b) ~~A pupil who has completed a course required for graduation~~
 20 ~~from high school during~~ *The parent, guardian, or education rights*
 21 *holder of a pupil or, for a pupil 18 years of age or older, the pupil*
 22 *who was enrolled in high school and enrolled in a course during*
 23 *the 2020–21 school year may apply to the pupil’s local educational*
 24 *agency to have a letter grade earned for that course, as reflected*
 25 *on the pupil’s transcript, changed to a Pass or No Pass grade.*

26 (c) Notwithstanding any other law, a local educational agency
 27 shall grant a request described in subdivision (b). All of the
 28 following shall apply to the granting of the request:

29 (1) Subject to the conditions in subdivision (b), the local
 30 educational agency shall not limit the number or type of courses
 31 eligible for the grade change.

32 (2) The grade change shall not *negatively* affect the pupil’s
 33 grade point average.

34 (3) Notwithstanding any other law, the grade change shall not
 35 result in the forfeiture of the pupil’s eligibility or entitlement to
 36 state or institutional student financial aid.

37 (d) The California State University shall, and private
 38 postsecondary educational institutions and the University of
 39 California are encouraged to, do both of the following:

1 (1) Accept for admission purposes, and without prejudice, a
2 transcript with a Pass or No Pass grade instead of a letter grade
3 for any coursework described in subdivision (b) for an applicant
4 who had enrolled in a high school in the state during any school
5 year from the 2020–21 school year to the 2023–24 school year,
6 inclusive.

7 (2) On or before April 15, 2021, notify the department if the
8 institution will comply with paragraph (1).

9 (e) On or before May 1, 2021, the department shall post on its
10 internet website, and provide to local educational agencies, both
11 of the following:

12 (1) An application template for use by local educational agencies
13 for the grade change described in subdivision (b).

14 (2) A list of postsecondary educational institutions operating in
15 the state that have indicated, pursuant to paragraph (2) of
16 subdivision (d), that they will comply with paragraph (1) of
17 subdivision (d).

18 (f) On or before June 15, 2021, a local educational agency
19 serving high school pupils shall post a notice on its internet website
20 and provide written notice to its pupils and their parents or
21 guardians of the grade change option described in subdivision (b).
22 The notice shall include all of the following:

23 (1) The application to request a grade change.

24 (2) The list of postsecondary educational institutions described
25 in paragraph (2) of subdivision (e).

26 (3) A statement that some postsecondary educational institutions,
27 including those in other states, may not accept a Pass or No Pass
28 grade instead of a letter grade for admission purposes.

29 (g) A pupil shall submit an application pursuant to subdivision
30 (b) to the pupil’s local educational agency on or before July 1,
31 2021. A local educational agency shall not accept applications
32 after that date.

33 (h) A local educational agency shall change a transcript pursuant
34 to subdivision (c) and shall notify the pupil and the pupil’s parent
35 or guardian of the change on or before July 15, 2021.

36 (i) Absent a request to change a transcript pursuant to this
37 section, a letter grade earned in the 2020–21 school year ~~for a~~
38 ~~course required for high school graduation~~ shall remain on the
39 pupil’s transcript.

1 SEC. 3.— Section 51225.1 of the Education Code is amended to
2 read:

3 51225.1. (a) Notwithstanding any other law, a local educational
4 agency, as defined in subdivision (n), shall exempt a pupil in foster
5 care, as defined in Section 51225.2, a pupil who is a homeless
6 child or youth, as defined in Section 11434a(2) of Title 42 of the
7 United States Code, a former juvenile court school pupil, as defined
8 in Section 51225.2, a pupil who is a child of a military family, as
9 defined in Section 49701, or a pupil who is a migratory child, as
10 defined in subdivision (a) of Section 54441, who transfers between
11 schools any time after the completion of the pupil's second year
12 of high school, a pupil participating in a newcomer program, as
13 defined in Section 51225.2, and who is in the pupil's third or fourth
14 year of high school, or a pupil who was enrolled in the pupil's
15 third or fourth year of high school during the 2020–21 school year,
16 from all coursework and other requirements adopted by the
17 governing body that are in addition to the statewide coursework
18 requirements specified in Section 51225.3, unless the local
19 educational agency makes a finding that the pupil is reasonably
20 able to complete the local educational agency's graduation
21 requirements in time to graduate from high school by the end of
22 the pupil's fourth year of high school.

23 (b) If the local educational agency determines that the pupil in
24 foster care, the pupil who is a homeless child or youth, the former
25 juvenile court school pupil, the pupil who is a child of a military
26 family, the pupil who is a migratory child, the pupil participating
27 in a newcomer program, or a pupil who was enrolled in the pupil's
28 third or fourth year of high school during the 2020–21 school year,
29 is reasonably able to complete the local educational agency's
30 graduation requirements within the pupil's fifth year of high school,
31 the local educational agency shall do all of the following:

32 (1) Inform the pupil of the pupil's option to remain in school
33 for a fifth year to complete the local educational agency's
34 graduation requirements.

35 (2) Inform the pupil, and the person holding the right to make
36 educational decisions for the pupil, about how remaining in school
37 for a fifth year to complete the local educational agency's
38 graduation requirements will affect the pupil's ability to gain
39 admission to a postsecondary educational institution.

1 ~~(3) Provide information to the pupil about transfer opportunities~~
2 ~~available through the California Community Colleges.~~

3 ~~(4) Permit the pupil to stay in school for a fifth year to complete~~
4 ~~the local educational agency's graduation requirements upon~~
5 ~~agreement with the pupil, if the pupil is 18 years of age or older,~~
6 ~~or, if the pupil is under 18 years of age, upon agreement with the~~
7 ~~person holding the right to make educational decisions for the~~
8 ~~pupil.~~

9 ~~(e) To determine whether a pupil in foster care, a pupil who is~~
10 ~~a homeless child or youth, a former juvenile court school pupil, a~~
11 ~~pupil who is a child of a military family, a pupil who is a migratory~~
12 ~~child, or a pupil who was enrolled in the pupil's third or fourth~~
13 ~~year of high school during the 2020-21 school year, is, or was~~
14 ~~during the 2020-21 school year, in the third or fourth year of high~~
15 ~~school, either the number of credits the pupil has earned to the~~
16 ~~date of transfer or the length of the pupil's school enrollment may~~
17 ~~be used, whichever will qualify the pupil for the exemption. In the~~
18 ~~case of a pupil participating in a newcomer program, enrollment~~
19 ~~in grade 11 or 12 may be used to determine whether the pupil is~~
20 ~~in the pupil's third or fourth year of high school.~~

21 ~~(d) (1) (A) Within 30 calendar days of the date that a pupil in~~
22 ~~foster care who may qualify for the exemption from local~~
23 ~~graduation requirements pursuant to this section transfers into a~~
24 ~~school, the local educational agency shall notify the pupil, the~~
25 ~~person holding the right to make educational decisions for the~~
26 ~~pupil, and the pupil's social worker or probation officer of the~~
27 ~~availability of the exemption and whether the pupil qualifies for~~
28 ~~an exemption.~~

29 ~~(B) If the local educational agency fails to provide timely notice~~
30 ~~pursuant to subparagraph (A), the pupil described in subparagraph~~
31 ~~(A) shall be eligible for the exemption from local graduation~~
32 ~~requirements pursuant to this section once notified, even if that~~
33 ~~notification occurs after the termination of the court's jurisdiction~~
34 ~~over the pupil, if the pupil otherwise qualifies for the exemption~~
35 ~~pursuant to this section.~~

36 ~~(2) (A) Within 30 calendar days of the date that a pupil who is~~
37 ~~a homeless child or youth who may qualify for the exemption from~~
38 ~~local graduation requirements pursuant to this section transfers~~
39 ~~into a school, the local educational agency shall notify the pupil,~~
40 ~~the person holding the right to make educational decisions for the~~

1 pupil, and the local educational agency liaison for homeless
 2 children and youth designated pursuant to Section
 3 11432(g)(1)(J)(ii) of Title 42 of the United States Code, of the
 4 availability of the exemption and whether the pupil qualifies for
 5 an exemption.

6 (B) If the local educational agency fails to provide timely notice
 7 pursuant to subparagraph (A), the pupil described in subparagraph
 8 (A) shall be eligible for the exemption from local graduation
 9 requirements pursuant to this section once notified, even if that
 10 notification occurs after the pupil is no longer a homeless child or
 11 youth, if the pupil otherwise qualifies for the exemption pursuant
 12 to this section.

13 (3) (A) Within 30 calendar days of the date that a former
 14 juvenile court school pupil who may qualify for the exemption
 15 from local graduation requirements pursuant to this section
 16 transfers into a school, the local educational agency shall notify
 17 the pupil, the person holding the right to make educational
 18 decisions for the pupil, and the pupil's social worker or probation
 19 officer of the availability of the exemption and whether the pupil
 20 qualifies for an exemption.

21 (B) If the local educational agency fails to provide timely notice
 22 pursuant to subparagraph (A), the pupil described in subparagraph
 23 (A) shall be eligible for the exemption from local graduation
 24 requirements pursuant to this section once notified, even if that
 25 notification occurs after termination of the court's jurisdiction over
 26 the pupil, if the pupil otherwise qualifies for the exemption
 27 pursuant to this section.

28 (4) (A) Within 30 calendar days of the date that a pupil who is
 29 a child of a military family who may qualify for the exemption
 30 from local graduation requirements pursuant to this section
 31 transfers into a school, the local educational agency shall notify
 32 the pupil and the pupil's parent or guardian of the availability of
 33 the exemption and whether the pupil qualifies for an exemption.

34 (B) If the local educational agency fails to provide timely notice
 35 pursuant to subparagraph (A), the pupil described in subparagraph
 36 (A) shall be eligible for the exemption from local graduation
 37 requirements pursuant to this section once notified, even if that
 38 notification occurs after the pupil no longer meets the definition
 39 of "children of military families" under Section 49701, if the pupil
 40 otherwise qualifies for the exemption pursuant to this section.

1 ~~(5) (A) Within 30 calendar days of the date that a pupil who is~~
2 ~~a migratory child who may qualify for the exemption from local~~
3 ~~graduation requirements pursuant to this section transfers into a~~
4 ~~school, the local educational agency shall notify the pupil and the~~
5 ~~pupil's parent or guardian of the availability of the exemption and~~
6 ~~whether the pupil qualifies for an exemption.~~

7 ~~(B) If the local educational agency fails to provide timely notice~~
8 ~~pursuant to subparagraph (A), the pupil described in subparagraph~~
9 ~~(A) shall be eligible for the exemption from local graduation~~
10 ~~requirements pursuant to this section once notified, even if that~~
11 ~~notification occurs after the pupil no longer meets the definition~~
12 ~~of "migratory child" if the pupil otherwise qualifies for the~~
13 ~~exemption pursuant to this section.~~

14 ~~(6) (A) Within 30 calendar days of the date that a pupil~~
15 ~~participating in a newcomer program who may qualify for the~~
16 ~~exemption from local graduation requirements pursuant to this~~
17 ~~section commences participation in a newcomer program at a~~
18 ~~school, the local educational agency shall notify the pupil and the~~
19 ~~pupil's parent or guardian of the availability of the exemption and~~
20 ~~whether the pupil qualifies for an exemption.~~

21 ~~(B) If the local educational agency fails to provide timely notice~~
22 ~~pursuant to subparagraph (A), the pupil described in subparagraph~~
23 ~~(A) shall be eligible for the exemption from local graduation~~
24 ~~requirements pursuant to this section once notified, even if that~~
25 ~~notification occurs after the pupil no longer meets the definition~~
26 ~~of a "pupil participating in a newcomer program" if the pupil~~
27 ~~otherwise qualifies for the exemption pursuant to this section.~~

28 ~~(e) If a pupil in foster care, a pupil who is a homeless child or~~
29 ~~youth, a former juvenile court school pupil, a pupil who is a child~~
30 ~~of a military family, a pupil who is a migratory child, a pupil~~
31 ~~participating in a newcomer program, or a pupil who was enrolled~~
32 ~~in the pupil's third or fourth year of high school during the 2020-21~~
33 ~~school year, is exempted from local graduation requirements~~
34 ~~pursuant to this section and completes the statewide coursework~~
35 ~~requirements specified in Section 51225.3 before the end of the~~
36 ~~pupil's fourth year of high school and that pupil would otherwise~~
37 ~~be entitled to remain in attendance at the school, a school, including~~
38 ~~a charter school, or school district shall not require or request that~~
39 ~~the pupil graduate before the end of the pupil's fourth year of high~~
40 ~~school.~~

1 (f) ~~If a pupil in foster care, a pupil who is a homeless child or~~
2 ~~youth, a former juvenile court school pupil, a pupil who is a child~~
3 ~~of a military family, a pupil who is a migratory child, a pupil~~
4 ~~participating in a newcomer program, or a pupil who was enrolled~~
5 ~~in the pupil's third or fourth year of high school during the 2020–21~~
6 ~~school year, is exempted from local graduation requirements~~
7 ~~pursuant to this section, the local educational agency shall notify~~
8 ~~the pupil and the person holding the right to make educational~~
9 ~~decisions for the pupil how any of the requirements that are waived~~
10 ~~will affect the pupil's ability to gain admission to a postsecondary~~
11 ~~educational institution and shall provide information about transfer~~
12 ~~opportunities available through the California Community~~
13 ~~Colleges.~~

14 (g) ~~A pupil in foster care, a pupil who is a homeless child or~~
15 ~~youth, a former juvenile court school pupil, a pupil who is a child~~
16 ~~of a military family, a pupil who is a migratory child, a pupil~~
17 ~~participating in a newcomer program, or a pupil who was enrolled~~
18 ~~in the pupil's third or fourth year of high school during the 2020–21~~
19 ~~school year, who is eligible for the exemption from local graduation~~
20 ~~requirements pursuant to this section and would otherwise be~~
21 ~~entitled to remain in attendance at the school shall not be required~~
22 ~~to accept the exemption or be denied enrollment in, or the ability~~
23 ~~to complete, courses for which the pupil is otherwise eligible,~~
24 ~~including courses necessary to attend an institution of higher~~
25 ~~education, regardless of whether those courses are required for~~
26 ~~statewide graduation requirements.~~

27 (h) ~~If a pupil in foster care, a pupil who is a homeless child or~~
28 ~~youth, a former juvenile court school pupil, a pupil who is a child~~
29 ~~of a military family, a pupil who is a migratory child, a pupil~~
30 ~~participating in a newcomer program, or a pupil who was enrolled~~
31 ~~in the pupil's third or fourth year of high school during the 2020–21~~
32 ~~school year, is not exempted from local graduation requirements~~
33 ~~or has previously declined the exemption pursuant to this section,~~
34 ~~a local educational agency shall exempt the pupil at any time if an~~
35 ~~exemption is requested by the pupil and the pupil qualifies for the~~
36 ~~exemption.~~

37 (i) ~~If a pupil in foster care, a pupil who is a homeless child or~~
38 ~~youth, a former juvenile court school pupil, a pupil who is a child~~
39 ~~of a military family, a pupil who is a migratory child, a pupil~~
40 ~~participating in a newcomer program, or a pupil who was enrolled~~

1 in the pupil's third or fourth year of high school during the 2020–21
2 school year, is exempted from local graduation requirements
3 pursuant to this section, a local educational agency shall not revoke
4 the exemption.

5 (j) (1) If a pupil in foster care is exempted from local graduation
6 requirements pursuant to this section, the exemption shall continue
7 to apply after the termination of the court's jurisdiction over the
8 pupil while the pupil is enrolled in school or if the pupil transfers
9 to another school, including a charter school, or school district.

10 (2) If a pupil who is a homeless child or youth is exempted from
11 local graduation requirements pursuant to this section, the
12 exemption shall continue to apply after the pupil is no longer a
13 homeless child or youth while the pupil is enrolled in school or if
14 the pupil transfers to another school, including a charter school,
15 or school district.

16 (3) If a former juvenile court school pupil is exempted from
17 local graduation requirements pursuant to this section, the
18 exemption shall continue to apply after the termination of the
19 court's jurisdiction over the pupil while the pupil is enrolled in
20 school or if the pupil transfers to another school, including a charter
21 school, or school district.

22 (4) If a pupil who is a child of a military family is exempted
23 from local graduation requirements pursuant to this section, the
24 exemption shall continue to apply after the pupil no longer meets
25 the definition of "children of military families" under Section
26 49701 while the pupil is enrolled in school or if the pupil transfers
27 to another school, including a charter school, or school district.

28 (5) If a pupil who is a migratory child is exempted from local
29 graduation requirements pursuant to this section, the exemption
30 shall continue to apply after the pupil no longer meets the definition
31 of "migratory child" while the pupil is enrolled in school or if the
32 pupil transfers to another school, including a charter school, or
33 school district.

34 (6) If a pupil participating in a newcomer program is exempted
35 from local graduation requirements pursuant to this section, the
36 exemption shall continue to apply after the pupil no longer meets
37 the definition of a "pupil participating in a newcomer program"
38 while the pupil is enrolled in school or if the pupil transfers to
39 another school, including a charter school, or school district.

1 ~~(7) If a pupil who was enrolled in the pupil's third or fourth~~
2 ~~year of high school during the 2020-21 school year is exempted~~
3 ~~from local graduation requirements pursuant to this section, the~~
4 ~~exemption shall continue to apply while the pupil is enrolled in~~
5 ~~school or if the pupil transfers to another school, including a charter~~
6 ~~school, or school district.~~

7 ~~(k) A local educational agency shall not require or request a~~
8 ~~pupil in foster care, a pupil who is a homeless child or youth, a~~
9 ~~former juvenile court school pupil, a pupil who is a child of a~~
10 ~~military family, or a pupil who is a migratory child to transfer~~
11 ~~schools in order to qualify the pupil for an exemption pursuant to~~
12 ~~this section.~~

13 ~~(l) (1) A pupil in foster care, the person holding the right to~~
14 ~~make educational decisions for the pupil, the pupil's social worker,~~
15 ~~or the pupil's probation officer shall not request a transfer solely~~
16 ~~to qualify the pupil for an exemption pursuant to this section.~~

17 ~~(2) A pupil who is a homeless child or youth, the person holding~~
18 ~~the right to make educational decisions for the pupil, or the local~~
19 ~~educational agency liaison for homeless children and youth~~
20 ~~designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of~~
21 ~~the United States Code, shall not request a transfer solely to qualify~~
22 ~~the pupil for an exemption pursuant to this section.~~

23 ~~(3) A former juvenile court school pupil, the person holding the~~
24 ~~right to make educational decisions for the pupil, the pupil's social~~
25 ~~worker, or the pupil's probation officer shall not request a transfer~~
26 ~~solely to qualify the pupil for an exemption pursuant to this section.~~

27 ~~(4) A pupil who is a child of a military family, or the pupil's~~
28 ~~parent or guardian, shall not request a transfer solely to qualify the~~
29 ~~pupil for an exemption pursuant to this section.~~

30 ~~(5) A pupil who is a migratory child, or the pupil's parent or~~
31 ~~guardian, shall not request a transfer solely to qualify the pupil for~~
32 ~~an exemption pursuant to this section.~~

33 ~~(m) (1) A complaint of noncompliance with the requirements~~
34 ~~of this section may be filed with the local educational agency under~~
35 ~~the Uniform Complaint Procedures set forth in Chapter 5.1~~
36 ~~(commencing with Section 4600) of Division 1 of Title 5 of the~~
37 ~~California Code of Regulations.~~

38 ~~(2) A complainant not satisfied with the decision of a local~~
39 ~~educational agency may appeal the decision to the department~~
40 ~~pursuant to Chapter 5.1 (commencing with Section 4600) of~~

1 ~~Division 1 of Title 5 of the California Code of Regulations and~~
2 ~~shall receive a written decision regarding the appeal within 60~~
3 ~~days of the department's receipt of the appeal.~~

4 ~~(3) If a local educational agency finds merit in a complaint, or~~
5 ~~the Superintendent finds merit in an appeal, the local educational~~
6 ~~agency shall provide a remedy to the affected pupil.~~

7 ~~(4) Information regarding the requirements of this section shall~~
8 ~~be included in the annual notification distributed to, among others,~~
9 ~~pupils, parents or guardians of pupils, employees, and other~~
10 ~~interested parties pursuant to Section 4622 of Title 5 of the~~
11 ~~California Code of Regulations.~~

12 ~~(n) For purposes of this section, the following terms have the~~
13 ~~following meanings:~~

14 ~~(1) "Governing body" means the governing board of a school~~
15 ~~district or the governing body of a charter school, as applicable.~~

16 ~~(2) "Local educational agency" means a school district or charter~~
17 ~~school.~~

18 ~~SEC. 4. Article 11 (commencing with Section 54810) is added~~
19 ~~to Chapter 9 of Part 29 of Division 4 of Title 2 of the Education~~
20 ~~Code, to read:~~

21
22 ~~Article 11. COVID-19 Student Learning Recovery Act of 2021~~
23

24 ~~54810. This article shall be known, and may be cited, as the~~
25 ~~COVID-19 Student Learning Recovery Act of 2021.~~

26 ~~54811. The Legislature finds and declares all of the following:~~

27 ~~(a) On March 4, 2020, a state of emergency was declared by~~
28 ~~the Governor in response to the outbreak of novel coronavirus,~~
29 ~~known as COVID-19. On March 19, 2020, the Governor issued a~~
30 ~~Stay at Home Order to contain the spread of COVID-19, which~~
31 ~~resulted in unprecedented school closures across the state.~~

32 ~~(b) As a result of the Stay at Home Order, many school districts~~
33 ~~have transitioned to distance learning models that are often reliant~~
34 ~~on online methods that require the use of electronic devices and~~
35 ~~internet access.~~

36 ~~(c) According to the Public Policy Institute of California, 16~~
37 ~~percent of school-aged children in California do not have any~~
38 ~~internet access at home, and 27 percent do not have a high-speed~~
39 ~~connection, meaning they rely on slower connections like dial-up~~
40 ~~or satellite. In addition, nearly 10 percent access the internet with~~

1 a cellular data plan, which usually means slower speeds and
2 suggests they are relying solely on a smart phone or tablet.

3 (d) According to the Pew Research Center, the lack of sufficient
4 devices and the lack of reliable internet service increases the
5 probability that pupils will not be able to complete their
6 schoolwork, and increases the probability that pupils will become
7 disengaged. In fact, there is evidence that finds pupils without
8 access to a computer at home are less likely to graduate from high
9 school when compared to those who do.

10 (e) According to a recent poll of California parents conducted
11 by the Education Trust West, low-income parents in California
12 are most likely to rate distance learning as unsuccessful compared
13 to higher income parents.

14 (f) Inability to consistently engage with school, either because
15 of insufficient technology or personal circumstances, results in
16 pupil absenteeism. Evidence from Policy Analysis for California
17 Education at Stanford University indicates absenteeism to most
18 deeply affect academic and social outcomes for low-income and
19 other disadvantaged pupils.

20 (g) Mounting evidence from various research organizations
21 indicates the need for robust interventions to make up for lost
22 learning time during the COVID-19 crisis, especially among our
23 most vulnerable pupils.

24 (h) Research by the RAND Corporation has shown that quality
25 summer learning programs can combat learning loss when operated
26 at least five consecutive days, six hours per day or more, in
27 partnership with teachers and community partners. Additionally,
28 a study of summertime experiences of youth by the National
29 Academies of Sciences, Engineering, and Medicine found that
30 youth need a balance of structured and unstructured activities for
31 optimal development.

32 (i) Additionally, given the unprecedented economic, social, and
33 health impacts of COVID-19, many pupils may face added family
34 responsibilities that detract from completing their education. This
35 includes, but is not necessarily limited to, caretaking for an ill
36 family member, working to supplement the household income,
37 and taking on childcare responsibilities.

38 (j) Therefore, it is imperative that the state make an effort to
39 hold pupils harmless due to circumstances that are out of their
40 control as a result of the COVID-19 crisis.

1 ~~(k) The purpose of this article is to provide learning and~~
2 ~~social-emotional recovery opportunities for pupils who have faced~~
3 ~~adverse learning and social-emotional circumstances as a result~~
4 ~~of the COVID-19 pandemic.~~

5 54812. ~~The following definitions apply to this article:~~

6 ~~(a) “Disengaged pupil” means a pupil identified for tiered~~
7 ~~reengagement strategies pursuant to paragraph (2) of subdivision~~
8 ~~(f) of Section 43504, as that section read on September 18, 2020.~~

9 ~~(b) “Local educational agency” means a school district, county~~
10 ~~office of education, or charter school.~~

11 ~~(c) “School reopening safety plan” means a plan required of a~~
12 ~~local educational agency pursuant to guidance adopted by the State~~
13 ~~Department of Public Health, public health order, or statute.~~

14 ~~(d) “Supplemental instruction” means the instructional programs~~
15 ~~provided in addition to and complementary to the regular~~
16 ~~instructional programs offered or provided by a local educational~~
17 ~~agency.~~

18 ~~(e) “Support” means the interventions designed to meet the~~
19 ~~behavioral, social, emotional, and basic needs of pupils that are~~
20 ~~necessary for pupils to engage in and benefit from the supplemental~~
21 ~~instruction provided pursuant to this article.~~

22 54813. ~~Subject to an appropriation for purposes of this article,~~
23 ~~the COVID-19 Student Learning Recovery Act of 2021 Program~~
24 ~~is hereby established to allocate funds to local educational agencies~~
25 ~~to provide supplemental instruction and support services to eligible~~
26 ~~pupils described in Section 54816, with targeted and intensive~~
27 ~~support for the eligible pupils experiencing the greatest challenges~~
28 ~~resulting from the COVID-19 pandemic.~~

29 54814. ~~(a) Commencing with the regularly scheduled school~~
30 ~~break in the summer between the 2020–21 and 2021–22 academic~~
31 ~~years and continuing through the 2021–22 academic year, a local~~
32 ~~educational agency shall, as a condition of receiving funding~~
33 ~~allocated by this article, offer supplemental instruction and support~~
34 ~~described in Section 54815 to eligible pupils described in Section~~
35 ~~54816. Except as otherwise provided in subdivision (b), the local~~
36 ~~educational agency shall offer the supplemental instruction and~~
37 ~~support to the eligible pupils in person and shall follow safety~~
38 ~~protocols as approved in the local educational agency’s school~~
39 ~~reopening safety plan.~~

1 ~~(b) The following are allowable alternatives to the in-person~~
2 ~~supplemental instruction and support described in subdivision (a):~~
3 ~~(1) If a public health directive or order prohibits a school campus~~
4 ~~from reopening, the local educational agency shall provide~~
5 ~~supplemental instruction and support to eligible pupils returning~~
6 ~~to campus in small cohorts, as defined in current public health~~
7 ~~guidance published by the State Department of Public Health. If~~
8 ~~eligible pupils are unable to return to campus in small cohorts,~~
9 ~~supplemental instruction and support shall be provided in the form~~
10 ~~of distance learning and support.~~
11 ~~(2) If an eligible pupil is unable to receive in-person~~
12 ~~supplemental instruction and support due to the pupil's~~
13 ~~health-related restriction, a local educational agency shall provide~~
14 ~~supplemental instruction and support in the form of distance~~
15 ~~learning and support to that pupil.~~
16 ~~54815. (a) A local educational agency allocated funding under~~
17 ~~this article shall implement a tiered program of supplemental~~
18 ~~instruction and support that offers, at a minimum:~~
19 ~~(1) For all eligible pupils: academic instruction based on pupil~~
20 ~~needs, with specific supports for English learners and pupils who~~
21 ~~are individuals with exceptional needs; behavioral and~~
22 ~~social-emotional support; and meals and snacks pursuant to~~
23 ~~paragraph (1) of subdivision (b). It is the intent of the Legislature~~
24 ~~that this instruction be provided in an active and engaging manner~~
25 ~~in a positive school climate, integrating instruction in subjects such~~
26 ~~as visual and performing arts, science, technology, engineering,~~
27 ~~world languages, physical education, and career technical~~
28 ~~education, and instruction through outdoor and environmental~~
29 ~~education, project-based learning, career exploration and~~
30 ~~work-based learning, service-learning, opportunities for organized~~
31 ~~physical recreation, and enrichment activities.~~
32 ~~(2) For eligible pupils needing supports in addition to those~~
33 ~~provided pursuant to paragraph (1): targeted supports to meet those~~
34 ~~pupils' academic, behavioral, and social-emotional needs, such as~~
35 ~~targeted small group instruction; counseling in academic, career,~~
36 ~~personal, and social development; mental health services; and~~
37 ~~referrals for support for basic family needs.~~
38 ~~(3) For eligible pupils needing supports in addition to those~~
39 ~~provided pursuant to paragraphs (1) and (2): intensive supports to~~
40 ~~meet those pupils' academic, behavioral, and social-emotional~~

1 needs, such as individual instruction or tutoring; mental health
2 services; multi-disciplinary planning; and referrals for additional
3 supports.

4 (b) A local educational agency allocated funding pursuant to
5 this article shall provide both of the following:

6 (1) Meals and snacks to participating pupils to the maximum
7 extent permissible under the guidelines of the United States
8 Department of Agriculture.

9 (2) A program of professional development for participating
10 staff and a common planning time.

11 (c) A local educational agency allocated funding pursuant to
12 this article is strongly encouraged to do both of the following:

13 (1) Participate in the Local Educational Agency Medi-Cal
14 Billing Option Program and the School-Based Medi-Cal
15 Administrative Activities Program for eligible pupils.

16 (2) Engage, plan, and collaborate on program operation with
17 community partners, including local public agencies and
18 community-based organizations, leverage existing behavioral
19 health partnerships, and partner with expanded learning programs
20 such as the After School Education and Safety Program (Article
21 22.5 (commencing with Section 8482) of Chapter 2 of Part 6 of
22 Division 1 of Title 1) and 21st Century Community Learning
23 Centers programs (Article 22.6 (commencing with Section 8484.7)
24 of Chapter 2 of Part 6 of Division 1 of Title 1) in the design and
25 implementation of the tiered program of supplemental instruction
26 and support.

27 54816. (a) A pupil who needs supplemental instruction and
28 support is eligible for those services if the pupil is one or more of
29 the following:

30 (1) An English learner, a low-income pupil eligible for a free
31 or reduced-price meal, a foster youth, or a homeless child or youth.
32 For purposes of this section, the definitions in Section 42238.01
33 of an English learner, a pupil eligible for a free or reduced-price
34 meal, and a foster youth, and the definition in Section 11434a(2)
35 of the federal McKinney-Vento Homeless Assistance Act (42
36 U.S.C. Sec. 11434a(2) et seq.) of a homeless child or youth, shall
37 apply.

38 (2) A disengaged pupil.

1 ~~(3) A migrant pupil. For purposes of this section, “migrant pupil”~~
2 ~~has the same meaning as “currently migratory child” defined in~~
3 ~~Section 54441.~~
4 ~~(b) Eligible pupils described in subdivision (a) with one or both~~
5 ~~of the following criteria shall be given priority for supplemental~~
6 ~~instruction and support services:~~
7 ~~(1) Pupils at risk of not fulfilling the requirements for high~~
8 ~~school graduation.~~
9 ~~(2) Pupils in kindergarten and grades 1 to 3, inclusive.~~
10 ~~(3) Pupils who did not enroll in kindergarten as scheduled in~~
11 ~~the 2020–21 academic year.~~
12 ~~54817. (a) On or before April 1, 2021, the department shall~~
13 ~~do both of the following:~~
14 ~~(1) Develop a supplemental instruction and support plan~~
15 ~~template for use by local educational agencies. The template shall~~
16 ~~build upon the learning continuity and attendance plan template~~
17 ~~developed pursuant to Section 43509 and shall include a section~~
18 ~~requiring a local educational agency to explain how it will~~
19 ~~coordinate funds allocated pursuant to this article with federal~~
20 ~~elementary and secondary school emergency relief funds.~~
21 ~~(2) Post the template described in paragraph (1) on the~~
22 ~~department’s internet website and provide the template to local~~
23 ~~educational agencies.~~
24 ~~(b) On or before April 1, 2021, the California Collaborative on~~
25 ~~Educational Excellence shall provide, in a method it determines,~~
26 ~~all of the following to local educational agencies:~~
27 ~~(1) Guidance in the use of curricular resources.~~
28 ~~(2) Best practices for contacting and reengaging disengaged~~
29 ~~pupils.~~
30 ~~(3) Models for providing supplemental instruction and support~~
31 ~~based on current research.~~
32 ~~(c) On or before May 1, 2021, a local educational agency shall~~
33 ~~develop a plan for offering supplemental instruction and support~~
34 ~~services pursuant to this article. In developing the plan, the local~~
35 ~~educational agency shall do all of the following:~~
36 ~~(1) Adhere to the department template developed pursuant to~~
37 ~~paragraph (1) of subdivision (a).~~
38 ~~(2) Offer appropriate services aligned with the needs of eligible~~
39 ~~pupils. The determination of appropriate services may be informed~~
40 ~~by current research, the use of formative assessments, grades,~~

1 surveys, existing data, teacher and counselor insight, and other
2 tools:

3 ~~(3) Consider information provided by the California~~
4 ~~Collaborative on Educational Excellence pursuant to subdivision~~
5 ~~(b):~~

6 ~~(4) Consider unique challenges of working families when~~
7 ~~determining when and how to provide supplemental instruction~~
8 ~~and support, including childcare considerations:~~

9 ~~(5) Encourage parents and teachers to be involved in plan~~
10 ~~development:~~

11 ~~(d) On or before May 15, 2021, a local educational agency shall~~
12 ~~communicate, at a regularly scheduled meeting of its governing~~
13 ~~board or governing body, the local educational agency's plan for~~
14 ~~offering supplemental instruction and support services pursuant~~
15 ~~to this article, post the plan on the local educational agency's~~
16 ~~internet website, and notify eligible pupils and their families of~~
17 ~~the available services, considering best practices for contacting~~
18 ~~and reengaging disengaged pupils provided to the local educational~~
19 ~~agency pursuant to paragraph (2) of subdivision (b):~~

20 ~~(e) On or before June 1, 2021, each school district and charter~~
21 ~~school shall submit its plan for offering supplemental instruction~~
22 ~~and support services pursuant to this article to its county office of~~
23 ~~education. Each county office of education shall submit the plans~~
24 ~~it has received from school districts and charter schools, and the~~
25 ~~county office of education's plan for offering supplemental~~
26 ~~instruction and support services, to the Superintendent, in a manner~~
27 ~~determined by the Superintendent:~~

28 ~~54818. Except as expressly approved by the Superintendent,~~
29 ~~a local educational agency shall use funding allocated pursuant~~
30 ~~this article only for the following supplemental instructional and~~
31 ~~support program purposes:~~

32 ~~(a) Personnel necessary to staff the program:~~

33 ~~(b) Professional development for personnel engaged in program~~
34 ~~services pursuant to this article, not to exceed 15 percent of the~~
35 ~~total amount allocated through the COVID-19 Student Learning~~
36 ~~Recovery Act of 2021 Program. Professional development may~~
37 ~~include, but is not limited to, the use of formative assessments to~~
38 ~~inform instructional interventions, differentiated instruction, and~~
39 ~~trauma-informed approaches:~~

1 ~~(e) Other costs of operating the program, such as costs associated~~
2 ~~with formative assessments, curriculum, and instructional materials.~~
3 ~~(d) Costs associated with outreach to pupils and their parents~~
4 ~~to engage them in supplemental instruction and support.~~
5 ~~(e) Administrative costs, not to exceed 5 percent of the total~~
6 ~~amount of funding allocated through the COVID-19 Student~~
7 ~~Learning Recovery Act of 2021 Program.~~
8 ~~54819. (a) On or before December 31, 2021, a local~~
9 ~~educational agency shall report interim data related to this article~~
10 ~~to the Superintendent in a method to be determined by the~~
11 ~~Superintendent, including both of the following:~~
12 ~~(1) Expenditure data by allowable use.~~
13 ~~(2) Pupil participation data separated by pupil subgroup, as~~
14 ~~described in Section 54816.~~
15 ~~(b) (1) On or before January 1, 2022, the department shall report~~
16 ~~interim data related to this article, including the data described in~~
17 ~~paragraphs (1) and (2) of subdivision (a), to the appropriate fiscal~~
18 ~~and policy committees of the Legislature.~~
19 ~~(2) The requirement for submitting a report imposed under this~~
20 ~~subdivision is inoperative on January 1, 2026, pursuant to Section~~
21 ~~10231.5 of the Government Code.~~
22 ~~(3) The report prepared pursuant to paragraph (1) shall be~~
23 ~~submitted in compliance with Section 9795 of the Government~~
24 ~~Code.~~
25 ~~(c) On or before July 1, 2022, a local educational agency shall~~
26 ~~report data related to this article to the Superintendent in a method~~
27 ~~to be determined by the Superintendent, including both of the~~
28 ~~following:~~
29 ~~(1) Expenditure data by use.~~
30 ~~(2) Pupil participation data separated by pupil subgroup, as~~
31 ~~described in Section 54816.~~
32 ~~(d) (1) On or before August 1, 2022, the department shall report~~
33 ~~data related to this article, including the data described in~~
34 ~~paragraphs (1) and (2) of subdivision (a), to the appropriate fiscal~~
35 ~~and policy committees of the Legislature.~~
36 ~~(2) The requirement for submitting a report imposed under this~~
37 ~~subdivision is inoperative on August 1, 2026, pursuant to Section~~
38 ~~10231.5 of the Government Code.~~

1 ~~(3) The report prepared pursuant to paragraph (1) shall be~~
2 ~~submitted in compliance with Section 9795 of the Government~~
3 ~~Code.~~

4 ~~54820. (a) The Superintendent shall allocate funding through~~
5 ~~the COVID-19 Student Learning Recovery Act of 2021 Program~~
6 ~~pursuant to this article no later June 1, 2021. For purposes of~~
7 ~~making this allocation, funding shall be apportioned proportionally~~
8 ~~on the basis of the eligible local educational agency's supplemental~~
9 ~~and concentration grant funding determined as of the 2019-20~~
10 ~~second principal apportionment certification, pursuant to~~
11 ~~subdivisions (e) and (f) of Section 42238.02 or paragraphs (2) and~~
12 ~~(3) of subdivision (e) of Section 2574, as applicable.~~

13 ~~(b) A local educational agency shall serve with allocated funds~~
14 ~~received pursuant to this article at least _____ percent of pupils~~
15 ~~defined as eligible as defined by the local educational agency's~~
16 ~~supplemental and concentration grant funding determined as of~~
17 ~~the 2019-20 second principal apportionment certification.~~

18 ~~(c) A local educational agency shall expend at least 50 percent~~
19 ~~of allocated grant funds received pursuant to this article before the~~
20 ~~commencement of the 2021-22 academic year.~~

21 ~~(d) Any funding allocated through the COVID-19 Student~~
22 ~~Learning Recovery Act of 2021 Program received pursuant this~~
23 ~~article not expended by a local educational agency by June 30,~~
24 ~~2022, shall be subtracted from that local educational agency's~~
25 ~~2022-23 fiscal year apportionment from the State School Fund.~~

26 ~~(e) Funds allocated to a local educational agency pursuant to~~
27 ~~this article shall be used to supplement and not supplant any federal~~
28 ~~funding provided to a local educational agency for supplemental~~
29 ~~instruction and support to pupils resulting from school closures.~~

30 *SEC. 3. Section 51225 is added to the Education Code, to read:*

31 *51225. (a) For purposes of this section, the following*
32 *definitions apply:*

33 *(1) "Governing body" means the governing board of a school*
34 *district or the governing body of a charter school, as applicable.*

35 *(2) "Local educational agency" means a school district or*
36 *charter school.*

37 *(b) Notwithstanding any other law, a local educational agency*
38 *shall do both of the following:*

39 *(1) Exempt a pupil who was enrolled in the pupil's third or*
40 *fourth year of high school during the 2020-21 school year from*

1 *all coursework and other requirements adopted by the governing*
 2 *body that are in addition to the statewide coursework requirements*
 3 *specified in Section 51225.3.*

4 *(2) Provide a pupil who was enrolled in the pupil’s third or*
 5 *fourth year of high school during the 2020–21 school year and*
 6 *who is not on track to graduate in the 2020–21 or 2021–22 school*
 7 *years the opportunity to complete the statewide coursework*
 8 *required for graduation pursuant to Section 51225.3, which*
 9 *opportunity may include, but is not limited to, completion of the*
 10 *coursework through a fifth year of instruction, credit recovery, or*
 11 *other opportunity to complete the required coursework.*

12 ~~SEC. 5.~~

13 *SEC. 4.* If the Commission on State Mandates determines that
 14 this act contains costs mandated by the state, reimbursement to
 15 local agencies and school districts for those costs shall be made
 16 pursuant to Part 7 (commencing with Section 17500) of Division
 17 4 of Title 2 of the Government Code.

18 *SEC. 5. This act is an urgency statute necessary for the*
 19 *immediate preservation of the public peace, health, or safety within*
 20 *the meaning of Article IV of the California Constitution and shall*
 21 *go into immediate effect. The facts constituting the necessity are:*

22 *In order to provide important guidance to local educational*
 23 *agencies about standards and procedures for implementing grading*
 24 *policies and supports for their pupils, it is necessary that this act*
 25 *take effect immediately.*