
SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

Bill No: AB 1350 **Hearing Date:** July 29, 2020
Author: Gonzalez
Version: June 17, 2020
Urgency: No **Fiscal:** No
Consultant: Brandon Darnell

Subject: Retroactive grant of high school diplomas: COVID-19 crisis

SUMMARY

This bill authorizes a high school district, unified school district, county office of education, or the governing body of a charter school, to retroactively grant a high school diploma to a person whom was in their senior year of high school during the 2019–20 school year; in good academic standing as of March 1, 2020; and unable to complete the statewide graduation requirements as a result of the COVID-19 crisis.

BACKGROUND

Existing law:

- 1) Establishes statewide high school graduation requirements, which include, among other requirements, three courses in English and three courses in social studies, and authorizes school districts to establish additional requirements for graduation. (Education Code § 51225.3)
- 2) Authorizes the governing board of a school district or a county board of education, on a districtwide or countywide basis or on behalf of one or more of its schools or programs, after a public hearing on the matter, to request the State Board of Education (SBE) to waive all or part of any section of this code or any regulation adopted by the SBE that implements a provision of this code that may be waived, including graduation requirements. (EC § 33050)
- 3) Authorizes a high school district, unified school district, county office of education, or the governing body of a charter school to retroactively grant a high school diploma to a person who has not received a high school diploma if the person meets any of the following conditions:
 - a) The person was interned by order of the federal government during World War II and was enrolled in a high school operated by the school district or under the jurisdiction of the county office of education immediately preceding their internment and did not receive a high school diploma because their education was interrupted due to their internment during World War II.
 - b) The person is a veteran of World War II, the Korean War, or the Vietnam War; was honorably discharged from their military service; was enrolled in a high school operated by the school district or under the jurisdiction of the

county office of education immediately preceding their military service in those wars; and did not receive a high school diploma because their education was interrupted due to their military service in those wars.

- c) The person has departed California against their will, and, at the time of their departure, was enrolled in grade 12 of a high school operated by the school district, by or under the jurisdiction of the county office of education, or by the charter school; did not receive a high school diploma because their education was interrupted due to their departure; and was in good academic standing at the time of their departure.

ANALYSIS

This bill:

- 1) Authorizes a high school district, unified school district, county office of education, or the governing body of a charter school, to retroactively grant a high school diploma to a person who was in their senior year of high school during the 2019–20 school year; in good academic standing as of March 1, 2020; and unable to complete the statewide graduation requirements as a result of the COVID-19 crisis.
- 2) Makes legislative findings and declarations relating to COVID-19 and the digital divide, and that it is therefore “imperative that the state make an effort to hold harmless those pupils who were otherwise on track to graduate, but are no longer able to due to circumstances that are out of their control as a result of the COVID-19 crisis.”
- 3) Makes other technical changes.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “As a result of the Stay at Home Order, many school districts have transitioned to distance learning models that are often reliant on online methods that require the use of electronic devices and internet access. However, according to the Public Policy Institute of California, 16-percent of school-aged children in California do not have any internet access at home, and 27-percent do not have a high-speed connection, and rely on slower connections like dial-up or satellite. In addition, nearly 10-percent access the internet with a cellular data plan, which typically results in slower speeds and suggests they are relying solely on a smartphone or tablet.

“Inadequate or complete lack of internet connectivity contributes to negative impacts on educational outcomes for students. According to the Pew Research Center, the lack of appropriate electronic devices and reliable internet service increases the probability that students will not be able to complete their schoolwork and increases the probability that students will become disengaged. In fact, there is evidence that finds students without access to a computer at home are less likely to graduate from high school compared to those who do.

“Additionally, given the unprecedented economic, social and health impacts of COVID-19, many older students may face added family responsibilities that detract from completing their education. This includes, but is not limited to, taking care of an ill family member, working to supplement the household income, and taking on childcare responsibilities.”

- 2) **COVID-19 and schools.** COVID-19, also known as "coronavirus", is a respiratory illness caused by a novel virus that has spread worldwide. As of July 1, 2020, over 230,000 cases have been confirmed in California and over 6,000 individuals have died in the state. To mitigate the spread of the pandemic, virtually all schools in California closed their campuses in mid-March 2020, and those campuses remained closed through the end of the 2019-20 school year. In response, the vast majority of schools transitioned “distance learning.” However, decisions of whether to close schools, offer meals, and how to provide distance learning were made locally by local educational agencies (LEAs). Additionally, epidemiological models of COVID-19 predict recurrent outbreaks that may necessitate prolonged or intermittent social distance measures into at least 2021, and schools will likely repeatedly face the decision of whether to close schools to protect student and employee safety throughout the 2020-21 school year.
- 3) **Distance learning and the digital divide.** In response to school closures, LEAs have transitioned to providing “distance learning,” and while each LEA can choose how to best provide distance learning, the vast majority provide distance learning primarily online. This transition exacerbates the issue known as “the digital divide.” According to the Public Policy Institute of California, almost 16% of California’s school-aged children lacked internet connection at home in 2017 and 27% did not have broadband connections. Additionally, those figures do not account for shared devices among a family, an issue further exacerbated by COVID-19, as many parents and guardians now must work from home. Today, according to the California Department of Education (CDE), which has established a Closing the Digital Divide Task Force, it estimates more than 700,000 computing devices and more than 300,000 hotspots are still necessary to meet students’ needs moving forward.
- 4) **Statewide graduation requirements.** Since the 1986-87 school year, the Education Code has required students receiving a diploma from a California high school to have completed all of the following one-year (unless otherwise specified) courses while in high school:
 - Three courses in English.
 - Two courses in mathematics, including one year of Algebra I.
 - Two courses in science, including biological and physical sciences.
 - Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics, and a one-semester course in economics.

- One course in visual or performing arts, foreign language, or commencing with the 2012-13 school year, career technical education.
- Two courses in physical education.

According to the CDE, “it is expected that LEAs will enable students to complete state graduation requirements with needed flexibilities associated with the nature of assignments and mode of grading during any period of school closure.” Additionally, an LEA may submit a request for a waiver of the state graduation requirements to the SBE for specific students. This bill would allow LEAs to retroactively grant a high school diploma to students in good academic standing who were unable to complete the state graduation requirements due to COVID-19, without requiring the LEA to use the SBE’s formal wavier process.

- 5) **Good academic standing.** This bill’s authority only applies when a student is in good academic standing as of March 1, 2020, and was unable to complete the statewide graduation requirements as a result of the COVID-19 crisis. **Staff recommends that the bill amended** to clarify that the student must also have been on track to graduate at the end of 2019-2020 school year, as of March 1, 2020.” This amendment further ensures that the flexibility provided to LEAs does not become an unintended loophole that LEAs use to inflate their graduation rate.
- 6) **Local graduation requirements.** Existing law authorizes local educational agencies to imposed additional graduation requirements beyond the state graduation requirements. This bill’s provisions apply only to the statewide graduation requirement. According to the CDE, “the local governing board has the authority to revise that policy and modify those additional requirements.”
- 7) **Previous Legislation.** AB 3022 (Gonzalez, Ch. 772, Stats. of 2018) authorizes schools to retroactively grant a high school diploma to a person who has departed California against his or her will, and was enrolled in grade 12 but did not receive a high school diploma because his or her education was interrupted due to the departure.

SUPPORT

California Charter Schools Association
 Los Angeles Unified School District
 San Diego Unified School District

OPPOSITION

None received

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