
SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

Bill No: AB 908 **Hearing Date:** July 29, 2020
Author: O'Donnell
Version: July 22, 2020
Urgency: Yes **Fiscal:** No
Consultant: Brandon Darnell

Subject: Pupils: extracurricular activities: work permits

SUMMARY

This bill, an urgency measure: (1) authorizes a school district to extend its probationary period for pupils to demonstrate satisfactory progress, for purposes of extracurricular and cocurricular activities, through the conclusion of the 2020-21 school year; (2) authorizes documentation required for purposes of pupil work permits to be submitted electronically during an extended school closure due to a natural disaster, pandemic, or other emergency; and (3) prohibits a work permit from being denied based on a pupil's grades, grade point average, or school attendance when the pupil's school has been physically closed for an extended time due to natural disaster, pandemic, or other emergency.

BACKGROUND

Existing law:

- 1) Requires the governing board of a school district that maintains one or more schools containing any of grades 7 to 12, inclusive, as a condition for the receipt of funding, to establish a school district policy regarding participation in extracurricular and cocurricular activities by pupils in grades 7 to 12, inclusive. (Education Code § 35160.5)
- 2) Requires the criteria in the policy, which must be applied to extracurricular and cocurricular activities, to ensure that pupil participation is conditioned upon satisfactory educational progress in the previous grading period.
- 3) Defines "extracurricular activity" to mean a program that has all of the following characteristics:
 - a) The program is supervised or financed by the school district.
 - b) Pupils participating in the program represent the school district.
 - c) Pupils exercise some degree of freedom in either the selection, planning, or control of the program.
 - d) The program includes both preparation for performance and performance before an audience or spectators.

- e) Is not part of the regular school curriculum, is not graded, does not offer credit, and does not take place during classroom time. (EC § 35160.5)
- 4) Specifies that “satisfactory educational progress” includes, is not necessarily limited to, both of the following:
 - a) Maintenance of minimum passing grades, which is defined as at least a 2.0 grade point average in all enrolled courses on a 4.0 scale.
 - b) Maintenance of minimum progress toward meeting the high school graduation requirements prescribed by the governing board. (EC § 35160.5)
- 5) Authorizes the governing board of each school district to adopt, as part of its policy, provisions that would allow a pupil who does not achieve satisfactory educational progress in the previous grading period to remain eligible to participate in extracurricular and cocurricular activities during a probationary period. (EC § 35160.5)
- 6) Prohibits the probationary period from exceeding one semester in length, but authorizes it to be for a shorter period of time, as determined by the governing board of the school district. (EC § 35160.5)
- 7) Prohibits a pupil who does not achieve satisfactory educational progress during the probationary period from being allowed to participate in extracurricular and cocurricular activities in the subsequent grading period. (EC § 35160.5)
- 8) Authorizes specified persons, including the superintendent of a pupil’s school district and the chief executive officer of a pupil’s charter school, and the principle (or their designee) of the pupil’s school, to issue a work permit to a minor, subject to specified requirements and conditions. (EC § 49100, et seq.)
- 9) Prohibits the issuance of a work permit until the written request for the permit from the parent, guardian, foster parent, caregiver with whom the minor resides, or residential shelter services provider, has been filed with the issuing authority. (EC § 49110)
- 10) Requires a work permit to contain, among other things, the signature of the minor and the issuing authority. (EC § 49115)
- 11) Prohibits the issuance of a permit for a minor to work full time until the minor accompanied by his parent or guardian, appears before the person authorized to issue the permit and makes application therefor. (EC § 49132)

ANALYSIS

This bill, an urgency measure: (1) authorizes a school district to extend its probationary period for pupils to demonstrate satisfactory progress, for purposes of extracurricular and cocurricular activities, through the conclusion of the 2020-21 school year; (2) authorizes documentation required for purposes of pupil work permits to be submitted

electronically during an extended school closure due to a natural disaster, pandemic, or other emergency; and (3) prohibits a work permit from being denied based on a pupil's grades, grade point average, or school attendance when the pupil's school has been physically closed for an extended time due to natural disaster, pandemic, or other emergency. Specifically, this bill:

- 1) Authorizes the governing board of each school district to adopt a policy that would allow a probationary period to exceed one semester in length through the completion of the 2020–21 school year due to the impact of COVID-19.
- 2) Authorizes the documentation required for purposes of work permits to be collected electronically during an extended school closure due to a natural disaster, pandemic, or other emergency.
- 3) Prohibits the denial of a work permit based on a pupil's grades, grade point average, or school attendance when the pupil's school has been physically closed for an extended time due to a natural disaster, pandemic, or other emergency.
- 4) Specifically prohibits the denial of a full-time work permit for pupils ages 14 and 15 on the basis of failing to appear before the person authorized to issue the work permit.
- 5) Provides that it is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect, and that the facts constituting the necessity are that COVID-19 is a global health crisis that has caused extended school closures in the 2019–20 school year. These school closures jeopardize the ability of pupils to participate in certain extracurricular activities in the 2020–21 school year and to obtain work permits to engage in part-time employment outside of school hours. In order to timely prevent these hardships to pupils due to COVID-19, it is necessary that this act take effect immediately.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "The COVID pandemic and related school closures have impacted the lives of students in numerous ways. This bill deals with two such issues, the ability of students to participate in extracurricular activities, as well as their ability to be authorized to hold a job outside of school hours. The bill clarifies that student attendance and grades during extended school closures should not be determining factors in denying students the right to participate in extracurricular activities, or to hold a job outside of school hours. The bill also authorizes schools to accept documentation related to work permits in electronic formats."
- 2) ***COVID-19.*** 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 to “distance learning.” However, decisions of whether to close schools, offer meals, and how to provide distance learning were made locally by local educational agencies. 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) ***Fall sports delayed until the spring.*** According to the California Interscholastic Federation (CIF), which governs high school sports in California, “it has determined, in collaboration with its 10 Sections, that education-based athletics for the 2020-2021 school year will begin with a modified season of sport schedule... It is anticipated that most Section start dates will commence in December 2020 or January 2021.

We are continuously monitoring the directives and guidelines released from the Governor's Office, the California Department of Education, the California Department of Public Health, and local county health departments and agencies as these directives and guidelines are followed by our member schools/school districts with student health and safety at the forefront. As these guidelines change, CIF Sections may allow for athletic activity to potentially resume under the summer period rules of the local Section.”

- 4) ***Satisfactory educational progress and probationary periods.*** Existing law provides that a pupil demonstrates satisfactory educational progress by maintaining at least a 2.0 grade point average in all enrolled courses on a 4.0 scale, and minimum progress toward meeting the high school graduation requirements prescribed by the governing board. As described above, existing law also authorizes the governing board of a school district, in its adopted policy, a probationary period not to exceed one semester when a pupil does not achieve satisfactory educational progress in the previous grading period.

The impact of COVID-19 on the educational system, particularly in the spring of 2020, but also moving into the 2020-2021 school year, creates a unique situation. In the spring of 2020, students and teachers were thrust into impromptu distance learning, which varied greatly across the state. Some local educational agencies implemented a pass/fail grading system, while others reinstated grading at various points. Some even held grades harmless.

As we move into the 2020-2021 school year, distance learning will again be utilized by many districts. As students, teachers, and parents, adjust to this new normal for the immediate future, some students may struggle to adjust. When athletics do return to our schools, it is reasonable to allow school districts the ability afford students a probationary period that extends through the end of the 2020-2021 school year, should they so choose. This bill accomplishes that.

- 5) ***Should work permits for 14 and 15 year olds to work full-time be entirely electronic?*** Under existing law, a full-time work permit may be issued to a minor

14 to 16 years of age when a diploma of graduation from the prescribed elementary is held, and one of the following circumstances exist: (1) the parent or guardian of the minor child presents a sworn statement that the parent or guardian of the minor is incapacitated for labor through illness or injury, or that through the death or desertion of the father or mother of the minor, the family is in need of the earnings of the minor and that sufficient aid cannot be secured in any other manner; (2) the minor is unable to reside with his or her family and the earnings of the minor are necessary for the support of the minor; and (3) the minor is residing with a foster care provider, or guardian receiving foster care funds for the minor, if the provider or guardian obtains written authorization from the minor's social worker, probation officer, or child protective services worker acting as an officer of the court.

Additionally, existing law provides that a permit shall not be issued to such pupils until the minor, accompanied by the minor's parent or guardian, appears before the person authorized to issue the permit. Existing law further requires the person issuing the work permit to sign a statement that he or she, or a competent person designated by him or her, has investigated the conditions under which the application for the work permit has been made and has found that, in his or her judgment, the earnings of the minor are necessary for the family to support the minor or that the earnings of the minor are necessary to support the minor, and that sufficient aid cannot be secured in any other manner.

The in-person requirement under existing assists the person issuing the work permit in conducting the required investigation. This bill would eliminate that in-person requirement during an extended closure; however, an unintended consequence of that change is to undermine the quality of the investigation into the necessity of having a 14 or 15 year old work full time. That is not to say that there are no circumstances under which a minor that young may need to work full-time, but they are strictly limited under existing law and should be an absolute last resort, as determined by the school with as much information as possible. Accordingly, **staff recommends that the bill amended** to still allow for the electronic submission of such a work permit application, but also to require a videoconference with the person issuing the work permit, even in during an extended school closure.

SUPPORT

California Interscholastic Federation (CIF)
Los Angeles Unified School District

OPPOSITION

None received

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