



## Assembly Bill (AB) 104 Pupil Instruction: Retention, Grade Changes, and Exemptions

### OVERVIEW

Assembly Bill (AB) 104 requires school districts to implement policies that give students opportunities to counteract the impact of the pandemic on students' academic achievement and graduation credits. The new law, which went into effect on July 1, 2021, includes options that include requesting retention for eligible students, as noted below, changing grades to a Pass or No Pass for students enrolled in high school last year, and waiving local district graduation requirements that exceed the state credit and course minimums for students who were juniors or seniors in the 2020-21 school year.

### INTERIM RETENTION PROCESS

Education Code section 48071, as part of Assembly Bill (AB) 104, establishes an **interim retention process, applicable only to eligible pupils who were enrolled at Discovery Charter Preparatory 2 in grades 9-11 during the 2020-2021 school year**. An “eligible pupil” is defined as a pupil who has received deficient grades for at least one-half of the pupil’s coursework in the 2020–21 academic year. For purposes of this policy, a deficient grade is a D, F, or a No Pass at the secondary level, or 1s at the elementary level, as determined by the District (Discovery Charter Preparatory 2). By statute, a pupil enrolled in grade 12 during the 2020-2021 school year shall not be eligible for retention under this policy. Parents, which include the natural or adoptive parent or guardian, the person having legal custody or other education rights holder, or a student who is age 18 or older, may request retention under this process. **This policy is only in effect for the 2021-2022 school year.**

- **Next Steps**

Schools may begin receiving retention requests under Education Code section 48071/AB 104. A parent, which includes the natural or adoptive parent or guardian, the person having legal custody, or other educational rights holder, may request an application for retention for an eligible pupil. The interim retention process is as follows:

1. If a parent wishes to request retention for an eligible pupil, the parent may submit their request in writing or by using the *Interim Retention Policy Application* form.

2. Within thirty (30) calendar days of the parent's request, the school shall offer a consultation to the parent. The consultation shall include the following information:
  - Discussion of all available learning recovery options, including both of the following:
    - Specific interventions and supports for the student.
    - Access to prior semester courses in which the pupil received a D or F letter grade in the 2020-21 academic year, some other form of credit recovery, or other available supports.
  - Consideration of the pupil's academic data and any other information relevant to whether retention is in the pupil's best interests, academically and socially.
  - Discussion about research on the effects of pupil retention and the types of interventions and supports that have been shown to be beneficial to pupils.
  
3. Within ten (10) calendar days of the consultation, the parent will be notified of the District's (Discovery Charter Preparatory 2) decision. If the decision is to retain, the pupil shall also be offered supplemental interventions and supports. If the decision is not to retain, the pupil shall be offered specific interventions and supports as well as access to prior semester courses in which the pupil received a D or F letter grade in the 2020-21 academic year, some other form of credit recovery, or other available supports.

- **Information and Research About Retention**

- **What is grade retention?**

- Refers to a child repeating current grade level again the following year.
- Also known as non-promotion, flunking, failing, or being held back.

- **What is social promotion?**

- The practice of passing students along from grade to grade with their peers for students who have not satisfied academic requirements or met performance standards at key grades.

- **What do educational experts tell us about grade retention?**

- Grade retention appears to harm the adjustment of young people leading to lower self-esteem.
- Achievement declines within 2-3 years of retention.
- Students who were retained are 5–11 times more likely to drop out of school.
- Grade retention reduces high school credits.

- **What do educational experts tell us about social promotion?**

- Promoting a child who has academic or behavioral struggles to the next grade, without additional support, does not help the child.
- Being socially promoted more than once increases the chance that students will be held back in the ninth grade.
- Socially promoted students are aware that they lack mastery of the subject matter and feel insecure, often causing behavioral problems in class.

- **What ‘works’ for our students?**

- To prevent students from being held back, early action and extra support are the first lines of defense.
- “Promotion plus” (i.e., combining grade promotion with effective interventions) is most likely to benefit children with low achievement or behavioral problems.

- **What can schools do?**

- Offer preschool programs to enhance language and social skills.
- Offer extended year, extended day, summer school programs, tutoring, and mentoring programs.
- Monitor student progress closely to identify strengths and areas for growth.

- **What can parents do?**

- Talk to teachers and students about what’s going on at school.
- Enroll children in tutoring, mentoring, and after school programs offered by the District. (Discovery Charter Preparatory 2).

- **Additional resources on Retention from California Department of Education:**

- Jimerson, Shane, Sarah M. Woehr, and Amber M. Kaufman. 2007. *Grade Retention and Promotion: Information for Parents* (PDF). Bethesda, Maryland: National Association for School Psychologists (accessed April 28, 2016). (Grade retention is one of the most powerful predictors of high school dropout. In adolescence, retained students are more likely to experience problems such as poor interactions with peers, disliking school, behavior problems, and lower self-esteem.)
- Learning Disabilities Association. 1998. *To Promote or Retain?* Pittsburgh, PA: Learning Disabilities Association (accessed July 6, 2015). (The weight of the evidence of literally hundreds of studies shows that retaining children does not produce higher achievement. Rather than flunking students, schools should provide high quality instruction for children who find learning difficult.)
- Thompson, C. and E. Cunningham. 2000. *Retention and Social Promotion: Research and Implications for Policy* (PDF). ERIC Digest Number 161 (accessed July 6, 2015). (Retaining students, regardless of the grade at which they are retained, increases the likelihood that they will drop out of school. Consistent with the Chicago findings, the advantage for retained students declined each year and disappeared altogether after three years.)
- California Department of Education regarding students with disabilities and retention (link: <https://www.cde.ca.gov/sp/se/sr/promoretntn.asp>).

- **GRADE CHANGES (Letter Grade to Pass/No Pass)**

Education Code section 49066.5 (AB 104) establishes that a parent, which includes the natural or adoptive parent or guardian, the person having legal custody, or other educational rights holder, or a student who is age 18 or older and enrolled in high school during the 2020-21 school year, **may apply for one or more of their child's letter grades for a course, taken during the 2020-21 school year in high school**, to be changed to a Pass or No Pass on the student's transcript. There is no limit as to the number or type of courses eligible for this grade change application. The grade change application shall not negatively affect the student's grade point average or result in the forfeiture of a student's eligibility for athletics or school programs.

**The grade change application must be submitted to your child's school on or before Tuesday, August 31, 2021.** A school will not accept applications after that date. The school is required to make the change of a student's grade from a letter grade to a Pass (A-D) or No Pass (F) within 15 days of the request and will notify the student and student's parent or guardian that the grade was changed.

Absent an application to change a transcript by this date, a letter grade earned in the 2020-21 school year will remain on the student's transcript. Please note some postsecondary educational institutions, including those in other states, may not accept a Pass or No Pass grade instead of a letter grade for admission purposes.

### **How to Request a Grade Change Application for the School Year 2020–2021**

If you would like to request a [GRADE CHANGE APPLICATION SCHOOL YEAR 2020–2021](#) for an “eligible pupil,” please follow these steps: (Review the Frequently Asked Questions below.)

1. Print, fill out, sign, and date The [GRADE CHANGE APPLICATION SCHOOL YEAR 2020–2021](#). [SOLICITUD DE CAMBIO DE CALIFICACIÓN AÑO ESCOLAR 2020–2021](#)
2. Submit the completed [GRADE CHANGE APPLICATION SCHOOL YEAR 2020–2021](#) form to your student's school site in person or via email to the school principal using the email subject line: "**AB104 Grade Change.**" Principal contact information is available from : Director of College Counseling, Maria Otero, [motero@discoveryprep.org](mailto:motero@discoveryprep.org), (818)897-1187 or Principal, Dr. Karen Smith, [ksmith@discoveryprep.org](mailto:ksmith@discoveryprep.org), (818)897-1187.
3. Pupil and parents/guardians will be notified of the change within 15 days of the District (Discovery Charter Preparatory 2) receiving the application.

- **Who can request the grade change(s)?**

A parent, which includes the natural or adoptive parent or guardian, the person having legal custody, or other educational rights holder, or a student who is 18 years old or older, may request one or more high school grades received during the 2020-21 school year be changed to Pass or No Pass.

- **What academic marks are eligible to be changed to a Pass (P) or No Pass (NP)?**

A grade of an A, B, C or D may convert to a Pass (P) and a Fail (F) may convert to a No Pass (NP).

- **When is the deadline for a grade change request to be made?**

The grade change application must be submitted to your child's school on or before Tuesday, August 31, 2021. The school is required to make the change of a student's grade within 15 days of the request and will notify the student and student's parent/guardian that the grade was changed.

- **Where do I submit a completed grade change request form?**

All completed forms should be delivered to your student's Discovery Charter Preparatory 2 or emailed to the school principal using the following email subject line: **AB104 Grade Change**. Principal contact information is: Dr. Karen Smith, [ksmith@discoveryprep.org](mailto:ksmith@discoveryprep.org), (818)897-1187 .

- **Will CSUs, UCs and/or other postsecondary institutions accept a grade of Pass or No Pass for admission purposes?**

The California State University system shall, and the University of California system and private postsecondary educational institutions have been encouraged to, accept for admission purposes, and without prejudice, a transcript with a Pass or No Pass grade instead of a letter grade for any coursework for all applicants from the 2020-21 school year to the 2023-24 school year, inclusive. Please note that some postsecondary educational institutions, including those in other states, may not accept a Pass or No Pass grade instead of a letter grade for admissions purposes.

- **Where can I find a list of postsecondary institutions that will accept a Pass/ No Pass for admissions purposes?**

A list of postsecondary institutions that will accept Pass/No Pass for admission purposes can be found [here](#).

## LOCAL GRADUATION REQUIREMENTS EXEMPTION

Education Code section 51225 was amended by AB 104 to establish an interim graduation exemption process. AB 104 **only applies to eligible pupils who were enrolled in their third or fourth year of high school during the 2020-2021 school year and who are not on track** to graduate in four years from Discovery Charter Preparatory 2's graduation requirement coursework and additional requirements.

There is no action required from eligible students. Discovery Charter Preparatory will contact students and the parent or legal guardian of students eligible for this interim graduation exemption process.

## CAL GRADUATION REQUIREMENTS EXEMPTION

Education Code Section 51225 was amended by AB 104 to establish an interim graduation exemption process. AB 104 **only applies to eligible pupils who were enrolled in their third or fourth year of high school during the 2020-2021 school year and who are not on track** to graduate in four years from all L.A. Unified graduation requirement coursework and additional requirements.

There is no action required from eligible students. Discovery Charter Preparatory 2 will contact students and the parent or legal guardian of students eligible for this interim graduation exemption process.

Discovery Charter Preparatory 2 will provide an eligible pupil who was enrolled in the pupil's third or fourth year of high school during the 2020-2021 school year, and who is not on track to graduate in the 2020-2021 or 2021-2022 school years, the following:

- Exemption from the Discovery Charter Preparatory 2's graduation requirements which are in addition to the [California Department of Education minimum specified graduation requirements](#)
- Completion of the coursework through a fifth year of instruction
- Credit recovery
- Other opportunity to complete the required coursework

Please contact your school site with any additional questions you may have.