

CLIENT NEWS BRIEF

California Department of Education Provides Grading and Graduation Guidance for Local Educational Agencies During School Closures

Last week, the California Department of Education (CDE) released its highly-anticipated guidance to school districts, county offices of education and charter schools (collectively, LEAs) regarding course grading and graduation requirements as LEAs proceed with delivery of their educational programs through distance learning during the COVID-19 crisis.

The CDE guidance can be found here https://www.cde.ca.gov/ls/he/hn/grade_graduationfaq.asp. CDE's primary goal in providing this guidance is that school districts "do no harm to students."

Grading Guidance

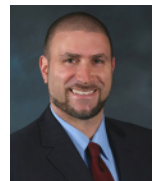
The CDE reaffirmed that for courses completed through distance learning, the decision of whether to issue letter grades, versus assigning students a pass/fail grade, is to be made by each LEA, depending on the unique needs of their students and school communities. CDE's guidance goes on to state that teachers have final discretion when assigning grades, based upon the general format and methodology established by the LEA. The CDE underscored the importance of striving for equity when determining distance learning grading policies. Specifically, CDE opined that LEAs should seek to preserve the progress students made prior to physical school closures, and enable students to demonstrate further learning, as appropriate. The CDE stressed that LEAs should address the needs of all students, including students with disabilities, English learners, homeless and foster youth, and students with differing access to digital learning and related materials.

The options available to LEAs around grading are plentiful. The CDE is advising the LEAs may modify current grading to include pass/fail; credit/no credit; or using a modified A-C or A-D grading scale. When implementing a new grading system, LEAs should be careful to consider additional issues that may arise, including how and when to deploy the new policies, consistent with locally-negotiated bargaining unit agreements; how to clearly communicate changes in policies to staff, students, and families; and how the new grading criteria will affect GPA calculations. Additional considerations include policies for how students can make-up late or missed work due to illness. Existing policies should be reevaluated, taking into account the need to be flexible during the present public health crisis.

Graduation Requirements Guidance

The California Education Code establishes a minimum set of requirements for graduation from California high schools, which can be found here: <https://www.cde.ca.gov/ci/gs/hs/hsgtable.asp>. It is expected that LEAs will enable students to complete state graduation requirements with needed

April 2020
Number 21



Edward J. Sklar
Partner
Walnut Creek Office
eskлар@lozanosmith.com



Sophia V. Cohn
Associate
Walnut Creek Office
scohn@lozanosmith.com



As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

CLIENT NEWS BRIEF

April 2020
Number 21

flexibility around assignments and grading. Importantly, LEAs may submit a request for a waiver of the state graduation requirements to the State Board of Education for specific students. Such waivers must be approved at a public hearing of a school district's governing board, county board of education, or authorizer's governing board on behalf of a charter school. Additionally, pursuant to the Education Code, employee associations must be given an opportunity to participate in the development of the waiver. More information on the waiver process can be found here: <https://www.cde.ca.gov/re/lr/wr/>.

As with grading policies, local governing boards may elect to amend their own graduation requirements, to the extent they were designed to go beyond the Education Code's requirements.

College Eligibility Guidance

Questions have also arisen regarding how a change in grading will affect a student's eligibility for admission to state colleges (including either the UC system or the CSU system). State leaders in k-12 education as well as higher education are currently meeting to determine the best ways to hold students harmless from any impacts caused by school closures and distance learning. The UC and CSU systems are willing to accept credit/no credit grades in lieu of letter grades for all courses (including the required courses known as "A-G" courses) completed in winter/spring/summer 2020 for all students. Grades of credit/no credit will have no effect on the UC and CSU high school GPA calculations. More specific information from colleges and universities in California is available at the following links:

- [The University of California's Response to COVID-19: Admissions and Financial Aid \(PDF\)](#);
- [COVID-19 Interim Impacts on CSU Undergraduate Admissions Policies and Practices \(PDF\)](#);
- [AICCU Institution Activities to Serve High School Juniors and Seniors \(PDF\)](#).

Takeaways

The CDE's guidance provides LEAs with a lot of discretion regarding how they want to proceed in delivering high-quality education to their students. The primary vehicles by which LEAs may implement revised policies around grading and graduation requirements include board resolution, or amendment of board policies and/or administrative regulations. Generally, the best option regarding grading issues appears to be the amendment of the relevant administrative regulation, which many school districts accomplish without governing board approval.

If you have questions about this recent CDE guidance, would like assistance in amending grading and graduation requirements, or have questions related to any other novel issues that arise during this time of crisis, please contact the author of this Client News Brief or an attorney at one of our eight offices located statewide. You can also subscribe to our podcast, follow us on Facebook, Twitter and LinkedIn or download our mobile app.

Related Resources

The legal and practical realities of the current crisis are ever-changing. In our continued effort to equip public agencies with useful insights, we have compiled a suite of links to several resource and guidance documents and webpages available from the federal and state governments regarding COVID-19. You can access them here: <http://www.lozanosmith.com/covid19.php>.

For more information on issues arising from COVID-19, please contact one of our [eight offices](#) located statewide. You can also subscribe to our [podcast](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#).

As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.