
Governor Signs Two Bills Affecting High School Students, Vetoes a Third

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Three new pieces of legislation addressing rights and graduation requirements of high school students in California were recently proposed. Two were signed by the Governor and their impacts are summarized here. Assembly Bill (AB) 1350 addresses the retroactive granting of diplomas to students affected by COVID-19, AB 908 address eligibility for athletics and work permits for students negatively affected by COVID-19 and other emergencies, and AB 331, if passed, would have required the completion of an ethnic studies class prior for graduation beginning in 2025-2026 school year.

AB 1350

A local educational agency (LEA) can retroactively grant high school diplomas to students who were unable to obtain a high school diploma as a result of COVID-19. AB 1350 allows any high school district, unified school district, county office of education, or charter school to grant a diploma retroactively where certain requirements are met. First, the student must have been a senior during the 2019-2020 school year. Second, the student must have been in good academic standing, and on track to graduate as of March 1, 2020. Lastly, the student must have been prevented from completing the statewide graduation requirement(s) as a result of COVID-19.

This is a rare amendment to the Education Code as a result of the unprecedented COVID-19 pandemic, made in light of the difficulties posed by distance-learning on students who could not access class materials as well as the unprecedented social and economic impacts of the pandemic. Amendments granting retroactive diplomas have only been made previously in extreme circumstances, including internment during World War II, honorable military service during war, or deportation. COVID-19 is now added to the short list of circumstances warranting the retroactive granting of a diploma.

Takeaway: LEAs serving high school students should develop a process to review pupil records and determine if any students are eligible to receive a high school diploma retroactively under this provision.

AB 908

The laws related to work permits and participation in extra-curricular sports have been amended to address COVID-19 emergencies.

Extracurricular Activities

To participate in extra-curricular sports a student must demonstrate “satisfactory educational progress” by maintaining at least a 2.0 grade point average and making minimum progress towards meeting graduation requirements in the previous grading period. When a student fails to meet those requirements, under existing law, he or she is placed on a semester-long probation.

AB 908 authorizes a school board to adopt a policy to extend the probationary period to exceed one semester and to go through the fall of the 2020-2021 school year. This amendment was adopted to address and acknowledge the impact of COVID-19, particularly on students who may have been struggling academically prior the physical school closures, who were then faced with the challenges of distance learning.

Work Permits

AB 908 allows work permits to be signed electronically during physical school closures related to natural disasters, pandemics, or other emergencies. Additionally, the bill prohibits the denial of a work permit based on a student’s grades, grade point average, or school attendance when the school has been physically closed for an extended amount of time due to such an emergency.

Takeaway: School boards should consider whether to develop and adopt a policy extend the academic probationary period for student athletes. Additionally, school staff responsible for issuing work permits should develop a system to utilize electronic signatures and to ensure students are not denied a work permit due to the impacts of COVID-19.

AB 331 – Vetoed by the Governor

AB 331 which would have required, beginning with the 2029-2030 school year, that high school students complete a one semester ethnic studies course in order to receive a diploma, was vetoed by the Governor in late September. If passed it would have required LEAs, including charter schools, to offer a semester-long course in ethnic studies, and that to receive a high school diploma students will be required to complete that semester course. The bill also authorized LEAs to require students to take two semesters of ethnic studies for graduation. In his veto message the Governor stated that this bill was premature given that ethnic studies curriculum is still being fine-tuned, which indicates that a similar measure could be introduced in the future.

If you have any questions about these new laws affecting high school students, or for any questions related to student matters in general, please contact the authors 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](#).

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