

AB104 UPDATE

On Thursday, July 1, 2021, Governor Newsom signed [Assembly Bill 104](#) into law, and we'd like to provide you with important information about how this legislation may relate to your student. The bill contained three major provisions: retention, grading, and graduation policies.



Below you will find information about each provision:

RETENTION

In preparation for the 2021-22 school year, students will be eligible for a retention consultation if they received deficient grades for at least one-half of their coursework in 2020-21 and their parents are interested in holding them back a grade level. Deficient grades include elementary marks of 1 and secondary grades of D, F, or No Pass. This temporary retention policy is in addition to any existing district retention policies. Students who were in 12th grade in 2020-21 are not eligible.

Parents/guardians of eligible students must request the retention consultation in writing. Districts then have 30 calendar days to hold the consultation and 10 calendar days after that meeting to issue a final decision.

How to Request Retention Consultation

If you would like to request a retention consultation for your “eligible pupil” (a pupil who has received deficient grades for at least one-half of the pupil’s coursework in the 2020-21 academic year), please follow these steps:

1. Review the Frequently Asked Questions below
2. Complete and submit the AB 104 [Retention Consultation Request Form](#).
3. You will be contacted and a consultation meeting will be held within 30 calendar days after submitting your request

Retention Frequently Asked Questions

Who can apply for the AB 104 Retention?

Students in grades K-11 that are eligible pupils. An “eligible pupil” is defined as a student who received deficient grades for at least one-half of the student’s coursework in the 2020-2021 academic year.

Grades TK - 5 = 1s (1 = Demonstrates minimal understanding of and ability to apply grade level standards and expectations with guidance.)

Grades 6 - 8 = D/F

Grades 9 - 11 = D/F or No Pass

How soon will the meeting be held after I submit my AB 104 Retention Consultation request?

The consultation meeting must be held within 30 calendar days after receiving a written request for an “eligible pupil”.

If a student has been previously retained does the AB 104 Retention apply?

If your student is an “eligible pupil”, you may request the AB 104 Retention Consultation.

How soon will I be notified of the final determination of the student’s retention?

You will be notified within 10 calendar days of the consultation of the final determination. The notice will be on Parent Connect.

If I am retained, do I get an extra year of athletic eligibility for high school sports?

According to [California Interscholastic Federation \(CIF\) Bylaw 204](#), students are eligible for 8 CONSECUTIVE semesters of athletic participation, “Once a student attends a class and is continuously enrolled for 15 school days that clock begins.”

MBUSD cannot grant any additional semesters of athletic eligibility.

In extremely rare circumstances, CIF can grant a hardship as described in [CIF Bylaws 203 and 213](#).

If I am an elementary school or middle school student, can this affect my future high school sports eligibility?

Retention can affect future athletic eligibility. California Interscholastic Federation (CIF) has rules around the age of students and eligibility. Please refer to [CIF Bylaws 203 and 204](#) to read about the current age eligibility rules for high school sports.

What does the research say about retention?

Below are some studies about the effects of pupil retention.

- 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.

How do I request a Retention Consultation?

1. Complete and submit the [Retention Consultation Request Form linked here](#).
2. You will be contacted and a consultation meeting will be held within 30 calendar days after submitting your request

GRADING

AB 104 permits parents of students who were in high school in 2020-21 (or the student, if they have turned 18) to request letter grades for last year be changed to Pass/No Pass on transcripts. The new law requires CSU, and encourages UC and private postsecondary institutions, to accept those grade designations without prejudice.

If you have already completed a grade change form through Mira Costa last year (2020-2021 school year), and you have confirmed that your student's grades have been changed in Aeries, you do not need to do anything more.

If you have not already completed a grade change form through Mira Costa, and you would like to request a grade change at this time, please complete and print [this form](#) and return it to your student's school office no later than Saturday, August 14, 2021. Forms may be dropped off at the Registrar's Office, or emailed to Dominique Sharp at dsharp@mbusd.org. MBUSD cannot accept grade-change applications after August 14, 2021. Once received, the District will confirm the grade change within 15 calendar days.

Some post-secondary educational institutions, including those in other states, may not accept a pass or no pass grade instead of a letter grade for admission purposes. To see a list of post-secondary educational institutions that will accept pass/no pass grades on the student's transcript for admission purposes, [click here](#).

Please note these additional considerations in deciding whether or not to pursue a grade change:

- For NCAA-approved core courses completed in 2020 & 2021 that have been issued a grade of Pass, the Eligibility Center will apply the credit earned in these courses toward

the core-course requirement in the student's certification. For any "Pass" grades, the NCAA will assign a 2.3 GPA value = C

- For the University of California, Pass (P) grades earned in spring, summer, and fall 2020, as well as spring and summer 2021, will meet A-G requirements for any student who was enrolled in high school during the 2019-20 and 2020-21 academic years. (9th-12th grade students). However, the UC website notes, "Our campus admission offices are mindful of the many obstacles students and schools alike are currently facing. Nonetheless, UC strongly encourages potential applicants to take, whenever possible, A-G courses for letter grades, especially those in English and mathematics, as well as those in prospective major fields."

GRADUATION POLICIES

AB 104 exempts 2020-21 juniors and seniors from high school graduation requirements beyond statewide requirements if they are not on track to graduate in four years and requires school districts to provide opportunities for juniors and seniors to meet statewide graduation requirements through, among other avenues, a fifth year of high school.