



CALIFORNIA DEPARTMENT OF EDUCATION

TONY THURMOND
STATE SUPERINTENDENT OF
PUBLIC INSTRUCTION

1430 N STREET, SACRAMENTO, CA 95814-5901 • 916-319-0800 • WWW.CDE.CA.GOV

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Dear County and District Superintendents, Special Education Local Plan Area Directors, Special Education Administrators at County Offices, Special Education Program Directors, Charter School Administrators, Principals, State Special School Directors, and Nonpublic School Directors:

A New Pathway to a High School Diploma for Students with Disabilities

The purpose of this notice is to provide notification to local educational agencies (LEAs) regarding the new pathway to a high school diploma for students with disabilities, as provided in California *Education Code (EC)* Section 51225.31, which was included in Assembly Bill (AB) 181, the 2021–22 education omnibus budget trailer bill. This law went into effect June 30, 2022, and LEAs should be offering this pathway for all students who qualify.

The text of *EC* 51225.31 is presented below followed by a brief explanation of the law. If LEAs have questions about the implications of *EC* 51255.31 on local programs or specific circumstances, the California Department of Education (CDE) encourages them to seek local counsel.

What Does *EC* 51255.31 Say About the New Pathway to a High School Diploma?

Chapter 52, Statutes of 2022, Section 70 of AB 181 added Section 51225.31 to the California *EC*, to read:

51225.31(a)(1) Notwithstanding any other law, a local educational agency shall exempt an individual with exceptional needs who satisfies the eligibility criteria described in subdivision (b) from all coursework and other requirements adopted by the governing board or governing body of the local education agency that are additional to the statewide coursework requirements specified in Section 51225.3 and shall award the

pupil a diploma of graduation from high school, as described in Section 7801(23)(A)(ii)(I)(bb) of Title 20 of the United States Code.

(2) In accordance with Section 300.102(a)(3) of Title 34 of the *Code of Federal Regulations*, the award of a diploma of graduation from high school pursuant to this subdivision does not change a local educational agency's obligation to provide a free appropriate public education or otherwise constitute a change in placement.

(b) An individual with exceptional needs shall be eligible for the exemption and award described in subdivision (a) if their individualized education program provides for all of the following;

(1) The pupil is required to take the alternate assessment aligned to alternate achievement standards in grade 11, as described in subdivision (k) of Section 60640.

(2) The pupil is required to complete state standards aligned coursework to meet the statewide coursework requirements specified in Section 51225.3.

(c) Before a pupil commences grade 10, the pupil's individualized education program team shall determine and notify the parent or guardian of the pupil of whether the pupil may be eligible to graduate pursuant to the exemption described in this section.

(d) An individual with exceptional needs who meets the criteria for a diploma of graduation from high school pursuant to this section shall be eligible to participate in any graduation ceremony and any school activity related to graduation in which a pupil of similar age would be eligible to participate. Participation in graduation activities shall not be construed as termination of the provision of free appropriate public education, consistent with Section 300.102(a)(3)(ii) of Title 34 of the Code of Federal Regulations.

(e) For purposes of this section, "local educational agency" includes a school district, county office of education, charter school, or state special school.

A Brief Summary of *EC 51225.31*

Students with exceptional needs attending a school district, county office of education, charter school, or state special school can graduate from high school through a newly defined diploma pathway by meeting the following criteria as referenced in the student's individualized education program:

1. The student is required to take the California alternate assessment, and
2. The student is required to complete state standards-aligned coursework to meet statewide coursework requirements.

LEAs must exempt students who meet the above criteria from all local coursework and other requirements that are in addition to statewide coursework requirements, as defined in *EC 51225.3*. For information on the statewide coursework requirements, please visit the CDE website: <http://staging.cde.ca.gov/ci/gs/hs/hsgmin.asp>. Additional

information on IEP team guidance for participation in the California Alternate Assessment may also be found on the CDE website: <http://staging.cde.ca.gov/ta/tg/ca/caaiepteamrev.asp>.

Through the completion of the statewide coursework requirements, the LEA must award the qualifying student a diploma of graduation from high school. Through this newly defined diploma pathway, the qualifying student may participate in any graduation ceremony and any school activity related to graduation in which a student of similar age would be eligible to participate. The award of this diploma of graduation under *EC 51225.31* does not change or terminate an LEA's obligation to provide a free appropriate public education to an eligible special education student, and does not constitute a change in placement. This is consistent with Section 7801(23)(A)(ii)(I)(bb) of Title 20 of the United States Code and Section 300.102(a)(3) of Title 34 of the Code of Federal Regulations.

Before a student commences grade 10, the student's individualized education program team shall determine and notify the parent or guardian of the student whether the student may be eligible to graduate pursuant to the exemption identified in *EC 51225.31*.

Data

2022–2023 Academic Year

For purposes of state reporting in the California Longitudinal Pupil Achievement Data Systems (CALPADS), for students meeting the criteria for the new pathway to a high school diploma in the 2022–2023 academic year, LEAs should submit the following Student Exit Reason and School Completion Status Codes:

Student Exit Reason Code

- E230 – Completer Exit

School Completion Status Code

- 100 – Standard High School Diploma

Students exiting with this School Completion Status Code within four years of their initial ninth grade cohort entry year will be counted as graduates in the Four Year Adjusted Cohort Graduation Rate.

2023–2024 Academic Year

Beginning with the annual rollover for the new academic year in September 2023, a new School Completion Status Code will be added for students meeting the criteria for the new pathway to a high school diploma. The new code value, name, and definition are

currently in development. Once this new code is made available to LEAs, it may be used for students exiting with the new diploma in the 2023–2024 academic year and may be used RETROACTIVELY for students who exited in the 2022–2023 academic year with the new diploma.

The award of this diploma of graduation under *EC 51225.31* does not change or terminate an LEA’s obligation to provide a free appropriate public education to an eligible special education student; therefore, students who earn the new diploma are eligible to re-enroll for the subsequent academic year. However, because some of these students were exited in the 2022–2023 academic year with a Student Exit Reason Code of E230 and a School Completion Status Code of 100, the LEA must change the student’s prior year School Completion Status Code to the new code in order to re-enroll the students for the 2023–2024 academic year. If the School Completion Status Code from the prior year is not changed, LEAs will receive a fatal error when trying to submit the new enrollment to CALPADS.

Should there be any questions related to the above information, please contact the Special Education Division via email at CDESPEDDIRECTOR@cde.ca.gov.

Sincerely,

Heather Calomese, Director
Special Education Division
Opportunities for All Branch

Last Reviewed: Tuesday, March 7, 2023