



**CALIFORNIA DEPARTMENT
OF EDUCATION**

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TONY THURMOND
STATE SUPERINTENDENT OF
PUBLIC INSTRUCTION

March 29, 2024

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:

Alternative Diploma Pathway for Students who Qualify for the California Alternate Assessment

A Guidance Document

The purpose of this notice is to provide notification to local educational agencies (LEAs) regarding the “alternative diploma pathway” 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 was amended first through Senate Bill (SB) 114 on July 10, 2023, and again through SB 141 on September 13, 2023. LEAs should be offering this pathway for all students who qualify.

The text of *EC* Section 51225.31 is presented below followed by a brief explanation of the law and some frequently asked questions the California Department of Education (CDE) has received regarding the “alternative diploma pathway”. Please note, the guidance in this document does not constitute legal advice and is not binding. If LEAs have questions about the implications of *EC* Section 51255.31 on local programs or specific circumstances, the CDE encourages LEAs to seek local counsel.

Education Code 51255.31: The Alternative Diploma Pathway

Chapter 2, Required Courses of Study, of SB 141 amended *EC* Section 51225.31 to read, with emphasis added in bold:

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 courses and other requirements adopted by the governing board or governing body of the local education agency that are additional to the statewide course 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)(l)(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 until twenty-two years of age, or otherwise constitute a change in placement.

(b) An individual with exceptional needs, who **entered ninth grade in the 2022–23 school year** or later, 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's individualized education program team has deemed the pupil eligible to take the **state alternate assessments**, as described in subdivision (k) of Section 60640.

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

(c) An individual with exceptional needs who meets the criteria for the alternative diploma pathway pursuant to this section shall be eligible to **participate** in any graduation ceremony and any school activity related to graduation with their grade-level peers with and without disabilities. Participation in graduation activities that are subject to this **section 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*, unless the individualized education program team, which includes the parent and pupil, as defined in Sections 300.320 and 300.321 of Title 34 of the *Code of Federal Regulations*, has determined the pupil has completed their high school experience.

(d) 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 *Education Code 51225.31*

Students with exceptional needs, who entered ninth grade in the 2022–23 school year or later, attending a school district, county office of education, charter school, or state special school can graduate from high school through a newly defined diploma by meeting the following criteria as referenced in the student’s individualized education program:

The student is eligible to take the California Alternate Assessment, and

The student is required to complete state standards-aligned coursework to meet statewide course 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* Section 51225.31. For information on the statewide course requirements, please visit the CDE Graduation Requirement web page at <https://www.cde.ca.gov/ci/g/hs/hsg/min.asp>. Additional information on Individualized Education Program (IEP) team guidance for participation in the California Alternate Assessment may also be found on the CDE Alternate Assessment web page at <https://www.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. With 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 grade would be eligible to participate.

The award of the diploma of graduation under *EC* Section 51225.31 does not change or terminate an LEA’s obligation to provide a free appropriate public education (FAPE) to an eligible special education student. 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*.

Frequently Asked Questions:

- 1. Are there any resources available regarding the state's alternate assessments aligned to alternate achievement standards, or that discuss state standards-aligned curriculum?**

- Yes. The CDE provides resources available on its website regarding the California Alternate Assessment, Content Connectors, and guidance for IEP teams, which can be utilized in the implementation of this diploma pathway. These resources are found at the CDE California Alternate Assessments for English language arts/literacy (ELA) and Math web page at <https://www.cde.ca.gov/ta/tg/ca/altassessment.asp>.

2. Are LEAs authorized to issue diplomas earned under the “alternative diploma pathway” for the 2023–24 academic year?

- *EC* Section 51225.31 went into effect on June 30, 2022; however, the law specifies that only students who entered ninth grade in the 2022–23 school year or later are eligible for this diploma and only after meeting all of the statewide coursework requirements for high school graduation.

3. Does the alternative diploma count towards an LEA’s graduation rate on the California School Dashboard?

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

4. Is a student who receives a high school diploma through the “alternative diploma pathway” eligible to continue to receive special education and related services?

- Yes. The award of the diploma of graduation via the “alternative diploma pathway” under *EC* Section 51225.31 does not change or terminate an LEA’s obligation to provide a FAPE to an eligible special education student. 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*.

5. Is this the same as a Certificate of Completion?

- No, the diploma earned through the “alternative diploma pathway” is not a Certificate of Completion.

6. Is the diploma earned through the “alternative diploma pathway” considered a regular diploma under the Individuals with Disabilities Education Act?

- The diploma in *EC* Section 51225.31 is awarded pursuant to Title 20 of the *United States Code*, section 7801(23)(A)(ii)(I)(bb), which identifies alternate diplomas for students with the most significant cognitive disabilities, and who is assessed using a state's alternate assessment "aligned to alternate academic achievement standards." The Individuals with Disabilities Education Act (IDEA) defines a "Regular high school diploma" as the "standard school diploma awarded to the preponderance of students in the State that is fully aligned with State Standards." (34 *C.F.R.* 300.102(a)(3)(iv).) Diplomas that are aligned to the alternate academic achievement standards are excluded from this definition.
- Therefore, as the diploma earned through the "alternative diploma pathway" is based on specific requirement authorized by federal law (20 *U.S.C.* § 7801(23)(A)), it is categorized as a "state-defined alternate diploma" and does not meet the definition of a regular high school diploma under the IDEA. This diploma may not be used to exit a student from special education services and does not relieve an LEA from its obligation to provide a FAPE to a student who has received this diploma.

7. Do local educational agencies need to develop a separate diploma document?

- No. *EC* Section 51225.31 does not require a different diploma document be created. Students who receive a diploma through the “alternative diploma pathway” can receive the same document that all students receive and participate in all

graduation activities and ceremonies. The diploma document given to students does not need to indicate that it was achieved using the “alternative diploma pathway”.

8. Is the diploma earned through the “alternative diploma pathway” identified on transcripts differently? If so, what do the transcripts need to show?

- This is a local determination. Please see the U.S. Department of Education, Office of Civil Rights guidance: Questions and Answers on Report Cards and Transcripts For Students with Disabilities Attending Public and Elementary and Secondary Schools web page at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-qa-20081017.html>.

9. Does the diploma earned through the “alternative diploma pathway” need to be reported differently to the California Longitudinal Pupil Achievement Data System (CALPADS)?

- Yes. The diploma earned through the “alternative diploma pathway” is reported to the U.S. Department of Education as an alternative diploma and would be reported as such to CALPADS. Additionally, for the LEA’s Annual Performance Report Indicator 1 Graduation report, the diploma earned through the alternate diploma pathway will not count towards the graduation rate. The federal APR specifically applies to only those who graduate with a regular diploma. For more information on the Federal APR Graduation indicator, please visit the CDE Annual Performance Report web page at <https://www.cde.ca.gov/sp/se/qa/apr.asp>.

Additional guidance documents will be created to delineate all pathways to a diploma for students with disabilities.

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

Sincerely,

/s/

Rachel Heenan, Ed.D., Director
Special Education Division

RH:np

Last Reviewed: Thursday, April 04, 2024