
New Diploma of Graduation from High School Now Available for Students with Significant Cognitive Disabilities

As part of the 2022 California Education Budget Trailer Bill (AB 181) and effective June 30, 2022, Section 51225.31 was added to the Education Code which established a new high school diploma pathway exclusively for students with significant cognitive disabilities in alignment with the federal Every Student Succeeds Act (“ESSA”) ([20 U.S.C. § 7801](#)(23)(A)(ii)(I)(bb)). Now, qualifying students who currently do not have a pathway to a diploma and who take the California Alternate Assessments (“CAA”), may obtain a diploma of graduation from high school if they meet the state’s minimum coursework requirements (based on the alternate achievement standards). As set forth in Section 51225.31, please note that LEAs must accordingly exempt qualifying students from any additional local diploma requirements.

This new Section 51225.31 diploma is not the same as a regular high school diploma. As such, its award does not change an LEA’s obligation to provide a FAPE to eligible students and does not constitute a change in placement like the award of a regular high school diploma would. Students awarded a Section 51225.31 diploma must be permitted to participate in graduation ceremonies and activities with similar age peers but such participation does not end their right to a FAPE.

New IEP Procedural Requirements

In order to ensure compliance with this new law, before a student commences grade 10, the student's IEP team must determine and notify the student's parent or guardian whether the student may be eligible to graduate with a high school diploma under Section 51225.31. In order to be eligible for a Section 51225.31 diploma, the student’s IEP must accordingly provide that:

- a) The pupil is required to take the CAA in grade 11; and
- b) The pupil is required to complete state standards-aligned coursework meeting the California statewide minimum coursework requirements specified in Section 51225.3.

As enacted, it is important to remember that this new diploma pathway will only apply to a narrow sub-group of students with significant cognitive disabilities who take the CAA, and who have taken or plan to take the statewide coursework minimum requirements for graduation (modified to alternative achievement standards). By example, according to CDE’s [Alternate Assessment IEP Team Guidance](#), an IEP team’s determination that a student has a specific learning disability will rule out the student for consideration as being identified as cognitively impaired for purposes of the CAA. Accordingly, such student would not be eligible for a Section 51225.31 diploma. We recommend that LEAs carefully review CDE’s [Alternate Assessment IEP Team Guidance](#) to assist in appropriately identifying students for alternate assessments, a preliminary requirement to a Section 51225.31 diploma.

Practice Pointers

Additional considerations for LEAs include adherence to the ESSA's 1% cap for students taking the CAA, as those exceeding this threshold may be subject to enhanced monitoring, and recognition that even if a student does take the CAA, if they take a functional curriculum rather than courses meeting statewide minimum requirements, they will not qualify for a Section 51225.31 diploma.

It is also our understanding that students who will commence grades 10, 11 or 12 in the 2022-2023 school year, who took or will take the CAA in 11th grade, could be eligible for a Section 51225.31 diploma if their IEP meets the two requirements above. As such, when the 2022-2023 school year resumes, we recommend LEAs:

1. Identify students in 10th and 11th grade who are or may be eligible to take the CAA in 11th grade (or students in 12th grade who took the CAA in 11th grade); and
2. Convene IEP meetings for these students (or amend IEPs with parent agreement) to document their participation in the CAA in 11th grade, if appropriate; reflect that the student will complete state standards-aligned coursework meeting the California statewide minimum coursework requirements, if appropriate; and notify the student's parent or guardian whether the student may be eligible to graduate with a high school diploma under Section 51225.31.

Final Comments

We recognize that many questions remain unanswered about this new diploma pathway, such as how this will affect data reporting/CalPADS, whether students must complete the California minimum coursework requirements "while in grades 9-12" as required by Education Code section 51225.3, what technical assistance regarding development of high quality standards-based coursework using alternative standards will be provided, and what resources there will be for assisting LEAs with communicating with parents and guardians about this new diploma track. However, it is our understanding that guidance will be forthcoming from the CDE in the near term regarding implementation of the new law.

We also recognize that this new diploma pathway does not address the large group of students who are not eligible for the CAA, but struggle to complete state and local graduation requirements necessary to receive a regular high school diploma. To this end, the most recent California Budget Act of 2022 earmarked IDEA funds for CDE to identify and develop alternative coursework and performance tasks for these students to demonstrate completion of the state graduation requirements through alternate means, which is due to the State Legislature by June 30, 2024.

As further guidance and information addressing these questions becomes available, we will be providing updates as appropriate.

If you have any questions regarding this decision and how it affects your agency, please call one of our six offices.

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