



**CALIFORNIA DEPARTMENT
OF EDUCATION**

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STATE SUPERINTENDENT OF
PUBLIC INSTRUCTION

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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 was amended through Senate Bill (SB) 114 on July 10, 2023. 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 and some frequently asked questions the California Department of Education (CDE) has received regarding the alternative diploma pathway. If LEAs have questions about the implications of *EC* 51255.31 on local programs or specific circumstances, the CDE encourages them to seek local counsel.

What Does Education Code 51255.31 Say About the New Pathway to a High School Diploma?

Chapter 48, Statutes of 2023, of SB 114 amended 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 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)(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 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 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 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 pathway by meeting the following criteria as referenced in the student’s individualized education program:

1. The student is eligible to take the California Alternate Assessment, and
2. 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 51225.31*. For information on the statewide course requirements, please visit the CDE website: <https://www.cde.ca.gov/ci/gs/hs/hsgmin.asp>. Additional information on Individualized Education Program (IEP) team guidance for participation in the California Alternate Assessment may also be found on the CDE website: <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. 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 the diploma of graduation via the alternative pathway under *EC 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?
 - o 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 can be located here: <https://www.cde.ca.gov/ta/tg/ca/altassessment.asp>

2. Are LEAs authorized to issue diplomas earned under this 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 alternate diploma count towards an LEA’s graduation indicator?
 - Yes. 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.
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 pathway under *EC* 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.

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

Sincerely,
Shiyloh Duncan-Becerril, Interim Director
Special Education Division
Opportunities for All Branch

Last Reviewed: Friday, August 25, 2023