**Alternate Graduation Pathway for Students with Disabilities**

In accordance with new CDE guidelines, 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.

**Description of Alternate Graduation Pathway**

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.

**Who is Eligible?**

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](https://www.cde.ca.gov/ta/tg/ca/altassessment.asp), 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/hsgrmin.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.

\*Per CDE and El Dorado Charter SELPA guidelines provided to LEA (MWA) from October 2022 to March 2023, previous guidelines and parameters for alternate graduation pathway eligibility included students in the 10th,11th, and 12th grade during the 2022-23 AY. See attached 3.7.23 and SELPA letters and guidelines.

IEP teams must complete the alternate assessment decision making worksheet included in students IEP in SEIS. Only students with significant cognitive disabilities are eligible for the alternate assessment.

See additional details at [CDE Guidelines for Alternate Graduation Pathway](https://www.cde.ca.gov/sp/se/lr/om082523.asp)