



DATE: October 24, 2022

TO: Christopher Ferguson, Program Manager - Education
California Department of Finance
Christopher.ferguson@dof.ca.gov

FROM: Karen Stapf-Walters, Executive Director
California County Superintendents

RE: **Support Needed for Development of Alt Pathways to a High School Diploma for Students with Significant Cognitive Disabilities**

The California County Superintendents thank you for your on-going leadership and collaboration through the state budget process to advance equitable, inclusive and quality public education. In our role leading education in California's 58 counties, we embrace our collective responsibility to lead and advocate on topics that will improve outcomes for all California youth. Our work is grounded in the belief that every student in California has the right to participate, work, and thrive in their community, regardless of the severity of their disability or level of support needed. We also believe it is our responsibility to remove as many barriers as possible to realize these goals as we prepare all learners for adulthood.

To that end, we write to draw your attention to an urgent matter related to the recent enactment of Assembly Bill 181 which provides opportunities to earn a high school diploma for students with disabilities. Specifically, AB 181 includes codifying federal law allowing students with significant cognitive disabilities the opportunity to pursue a new alternative pathway to a high school diploma under California Education Code Section 51225.31. While we fully support AB 181, there is an urgent need for support in order for the intentions of this pathway to be fully realized. AB 181 did not provide any fiscal support, policy guardrails, nor direction on statewide development of this pathway.

The new California option of an alternative pathway to a high school diploma presents an essential opportunity to a small percentage (less than 20%) of students with disabilities (those who qualify to take the CA Alternate Assessments), who previously only had the option to receive a certificate of completion upon graduation from high school. This is an important step in truly creating a "California for All" and is an example of equity in action.

Allowable under the Federal Every Student Succeeds Act (ESSA) and now codified in California statute, this opportunity has brought both excitement and questions from those tasked with implementation. Therefore, it is in the interest of ensuring this pathway is built with fidelity, consistency, and care, we share the following questions, concerns, and suggestions. We shall also provide to the California Department of Education and California State Board of Education a list of technical questions related to the 2023 implementation date and other considerations within their purview to address.



Alt Pathway Development

This pathway must meet accountability criteria under the federal Every Student Succeeds Act (ESSA), which includes meeting all state requirements for graduation (using alternate achievement standards). While California currently has Alternate Achievement Standards for ELA, Mathematics, and Science, for students with significant cognitive disabilities who take the California Alternate Assessments, it has not formally developed or adopted alternate achievement standards for other content areas/courses required to meet graduation requirements. i.e. history/social science, physical education, the arts, etc.

It will be necessary to allocate state funds and policy direction for this development work to occur at a state-wide level such that is clear that each LEA is not responsible for creating alternate achievement standards. This will provide the needed consistency and to ensure equity of access to students across the state. The policy direction could address at least the following emerging questions:

- How will it be determined whether a student with a significant cognitive disability has met the standard for courses required for graduation for which they are enrolled?
- What factors should be considered when assessing student work and achievement and how should transcripts show a student met an alternate achievement standard vs California State Standards?
 - How should academic courses be coded, and should there be separate course codes developed for students who are meeting alternate achievement standards?

Equity and Access to New Diploma Pathway

It is critical that all of California's students with significant cognitive disabilities, their families, and education partners are made aware of this pathway option. Ensuring equity of access to this pathway in every LEA across California, given the implementation timeline and absence of a roadmap, is a current challenge and one the County Superintendents stand ready to work with you on addressing. LEAs across the state are asking if this pathway is optional while parents are asking how to take advantage of this new opportunity. The state has a critical opportunity now to ensure this new pathway is accessible to our students early in their secondary schooling as IEP teams plan for high school and beyond. These conversations should be student-centered and result in properly scaffolded (to alternate achievement standards) and well-planned courses and course access that both result in credits that meet the minimum state requirements for graduation and preparation for employment and community life post-secondary.

A small sampling of some additional questions that have emerged related to this include:

- Should LEAs operate under the assumption every student in California is on a pathway to a high school diploma unless otherwise determined? And should all IEP and transition planning be with this goal in mind? If so, when might it be determined a student is not a diploma pathway and when might a student still be on a certificate pathway which is still an option?



FAPE and Partner Agency Responsibilities

The Individuals with Disabilities Education Act (IDEA) Title 34 CFR 300.305 subsection e(2) specifies that FAPE ends when a high school diploma is issued. Students qualifying for an IEP under the provisions of IDEA have until age 22 to meet any requirements and goals for high school graduation.

Questions and concerns about how LEAs ensure IEP teams will understand the nuances and rules for how a student can, up to age 22, complete the necessary requirements to earn a diploma, as well as how to leverage this opportunity to shift the mindsets that have been traditionally in place about this group of students, many of whom have not had access to credit-bearing coursework in high school. Since many students with significant cognitive disabilities have been served in special day class settings, work needs to be done to reimagine how this opportunity can be leveraged for both increased inclusion and meeting each student's academic, social-emotional, and transition goals in such settings.

In that the intricately weaved system of support for this student population that includes the Department of Developmental Services (Regional Centers) and Department of Rehabilitation has rules and practices that are grounded in most of these students not receiving high school diplomas, consideration and planning needs to happen to ensure the coordination of these agencies in how their support is defined, coherent, and consistent across the state when a student receives a diploma at or prior to age 22.

Other Identified Barriers and Considerations

Algebra Waiver: In acknowledgement of the high likelihood of students on this pathway needing a waiver of the state Algebra requirement, streamlining the waiver process for students on this pathway would reduce unnecessary bureaucratic burden on LEAs. One potential solution is to allow a simplified waiver process for this small subset of students.

Potential for increased litigation: With the current implementation date of January 1, 2023, and a lack of development of this pathway, the field is left with many unanswered questions, policy direction and technical assistance that may end up being solved through litigation. Proactive policy and technical guidance from the state can help avoid litigation and delays in implementation.

Credentialing: For students in special day classes or receiving specialized instruction from a special education (Education Specialist) teacher, does the existing Education Specialist Credential allow students to meet all the high school graduation requirements across content areas that meet minimum state requirements for high school graduation?

We stand ready to support our students, families, and California LEAs to take full advantage of this opportunity and provide equity of access to a high school diploma for every student in our state. We want to ensure our system is proactively defined by good policy guidance and direction and not by the courts due to a lack of understanding or capacity to develop this option across each LEA in the state.

The Alt Diploma-Pathways Workgroup convened in 2021 and recommended a next set of work that would be required to create a thoughtful new diploma-pathway for this subset of students



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with significant cognitive disabilities. It consisted of ensuring school counselors, educators, and other experts who understand course-coding, grading, and graduation requirements create the backend of how this pathway will work. Without collective development statewide, we run the risk of hundreds of different interpretations of a pathway that may or may not offer a brighter future for every student with significant disabilities in California. Therefore, we request additional statewide focus, guidance, and support, to ensure the necessary development of this work occurs. We are committed to working with you, the Administration, and policy makers to help realize the best possible outcomes for our students and appreciate the opportunity this new pathway provides for our students.

cc: Linda Darling Hammond, President, CA State Board of Education
Brooks Allen, Executive Director, State Board of Education
Sarah Neville-Morgan, Deputy Superintendent, CA Dept. of Education (CDE)
Heather Calomese, Director, Special Education Division, CDE
Nichole Murillo, Deputy Legislative Secretary, Office of the Governor