



Santa Barbara SCHOOL DISTRICTS

Section 1
8/28/09 Board Brief

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Date: August 20, 2009

To: Dr. J. Brian Sarvis, Superintendent

From: Dr. Davis C. Hayden, Director of Research, Evaluation and Technology

Subject: **Special Education – California High School Exit Exam (CAHSEE) Waiver**

The following was just added to Education Code with the passage of the current budget. For special education students (those students with Individual Education Plans [IEP] or 504 plans) from last year who needed a CAHSEE waiver in order to graduate, the board still needs to grant a waiver. However, it appears that if a special education student has fulfilled all graduation requirements as of July 1, 2009 (last month) then we can graduate that student without a passing score on the CAHSEE. This might affect some current students that can be graduated now without continuing to be in school.

Special education students will still take the CAHSEE in the spring of their sophomore year, but will not be required to take the CAHSEE for graduation purposes. Regular education students will continue to take the CAHSEE, until passed, as a graduation requirement.

Ed Code:

60852.3. (a) Notwithstanding any other provision of law, commencing with the 2009-10 school year, an eligible pupil with a disability is not required to pass the high school exit examination established pursuant to Section 60850 as a condition of receiving a diploma of graduation or as a condition of graduation from high school.

(b) This exemption shall last until the state board, pursuant to Section 60852.1, makes a determination that the alternative means by which an eligible pupil with disabilities may demonstrate the same level of academic achievement in the portions of, or those content standards required for passage of, the high school exit examination are not feasible or that the alternative means are implemented.

(c) For the purposes of this section, an eligible pupil with a disability is a pupil with an individualized education program adopted pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1972 (29 U.S.C. Sec. 794(a)) that indicates the pupil is scheduled to receive a high school diploma, and that the pupil has satisfied or will satisfy all other state and local requirements for the receipt of a high school diploma, on or after July 1, 2009.

(d) A local educational agency, as defined in Section 56026.3, shall **not** adopt an individualized education program pursuant to the federal Individuals with Disabilities Education Act or a plan pursuant to Section 504 of the federal Rehabilitation Act of 1972 for a pupil for the sole purpose of exempting the pupil from the requirement to pass the high school exit examination as a condition of receiving a high school diploma, unless that adoption is consistent with federal law.

(e) Pursuant to subdivision (b) of Section 60851, pupils with exceptional needs shall take the high school exit examination in grade 10 for purposes of fulfilling the requirements of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 7114).

cc: High School Principals
CAHSEE Coordinators

Adams Elementary School
Cesar Chavez Charter School
Cleveland Elementary School
Franklin Elementary School
Harding Elementary School

McKinley Elementary School
Monroe Elementary School
Open Alternative School
Peabody Charter School

Roosevelt Elementary School
Santa Barbara Charter School
Santa Barbara Community Academy
Washington Elementary School

Goleta Valley Junior High School
La Colina Junior High School
La Cumbre Junior High School
Santa Barbara Junior High School

Dos Pueblos High School
La Cuesta Continuation High School
San Marcos High School
Santa Barbara High School
Home School Santa Barbara



CALIFORNIA
DEPARTMENT OF
EDUCATION

JACK O'CONNELL

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

August 25, 2009

Dear County and District Superintendents and Charter School Administrators:

**CALIFORNIA HIGH SCHOOL EXIT EXAMINATION
CHANGE TO CALIFORNIA *EDUCATION CODE* FOR STUDENTS WITH DISABILITIES**

On July 28, 2009, Governor Arnold Schwarzenegger signed Assembly Bill 2 of the 2009–10 Fourth Extraordinary Session (ABX4 2) (Chapter 2, Statutes of 2009). ABX4 2 enacted California *Education Code* Section 60852.3, which, beginning in 2009–10, would exempt an eligible student from meeting the California High School Exit Examination (CAHSEE) requirement as a condition for graduation.

An eligible student as defined in the law is a student with a disability who has an individualized education program (IEP) or Section 504 Plan that indicates that the student has satisfied or will satisfy all other state and local requirements to receive a high school diploma on or after July 1, 2009. Students with disabilities are required to take the CAHSEE in grade ten for purposes of fulfilling the requirements of the federal No Child Left Behind Act of 2001.

This exemption shall last until the State Board of Education either implements an alternative means for students with disabilities to demonstrate achievement in the standards measured by the CAHSEE or determines that an alternative means assessment to the CAHSEE is not feasible.

We are working diligently to clarify the details of this change in legislation, as we are aware that it may significantly affect students with disabilities and the districts that serve them. We will continue to keep you informed as the details of this legislation become clearer.

If you have any questions regarding this subject, please contact Diane Hernandez, Administrator, CAHSEE Office, at 916-445-9449 or by e-mail at dhernand@cde.ca.gov.

Sincerely,

JACK O'CONNELL

JO:gj

cc: California High School Exit Examination Coordinators