

AMENDED IN ASSEMBLY JULY 1, 2014  
AMENDED IN ASSEMBLY JUNE 16, 2014  
AMENDED IN SENATE MAY 30, 2013  
AMENDED IN SENATE MAY 28, 2013  
AMENDED IN SENATE MAY 7, 2013  
AMENDED IN SENATE MARCH 21, 2013

**SENATE BILL**

**No. 267**

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**Introduced by Senator Pavley**

February 13, 2013

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An act to amend Section 60852.2 of the Education Code, relating to pupil assessment.

LEGISLATIVE COUNSEL'S DIGEST

SB 267, as amended, Pavley. Pupil assessment: high school exit examination: eligible pupils with disabilities.

Existing law requires each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or as a condition of graduation from high school. Existing law requires the State Board of Education, taking into consideration certain findings and recommendations, to adopt regulations for alternative means by which eligible pupils with disabilities may demonstrate that they have achieved the same level of academic achievement in the content standards required for passage of the high school exit examination.

Existing law defines an "eligible pupil with a disability" as a pupil who has an individualized education program or other specified plan

that indicates that the pupil has an anticipated graduation date and is scheduled to receive a high school diploma on or after July 1, 2015, who has not passed the high school exit examination but has attempted to pass those sections not yet passed, as specified, and who the school district or state special school certifies has satisfied or will satisfy all other state and local requirements for the receipt of a high school diploma on or after July 1, 2015.

*Existing law exempts an eligible pupil with a disability from being required to pass the high school exit examination as a condition of receiving a diploma of graduation or as a condition of graduation from high school until the state board 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. Existing law authorizes an eligible pupil with a disability, commencing July 1, 2015, to participate in the alternative means of demonstrating the level of academic achievement in the content standards required for passage of the high school exit examination in the manner prescribed by the regulations adopted by the state board. Existing law authorizes the state board to extend that date by up to one year, as provided.*

This bill would revise the definition of an “eligible pupil with a disability” by ~~delaying the date~~ *revising the date* by which a pupil is required to be scheduled to receive a high school diploma and *the date by which* the school district or state special school is required to certify that the pupil has satisfied or will satisfy all other state and local requirements for the receipt of a high school ~~diploma~~, *diploma to on or after July 1, 2016: the pupil’s anticipated graduation date*. The bill would also ~~delay~~ *revise* the commencement date for an eligible pupil with a disability to participate in the alternative means of demonstrating the level of academic achievement in the required content standards to ~~July 1, 2016: be contingent upon the state board’s determination that the alternative means have been implemented. The bill would also repeal the state board’s authority to extend that date.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 60852.2 of the Education Code is  
2 amended to read:

3 60852.2. (a) For purposes of this chapter, “eligible pupil with  
4 a disability” means a pupil who meets all of the following criteria:

5 (1) The pupil has an operative individualized education program  
6 adopted pursuant to the federal Individuals with Disabilities  
7 Education Act (20 U.S.C. Sec. 1400 et seq.) or a plan adopted  
8 pursuant to Section 504 of the federal Rehabilitation Act of 1973  
9 (29 U.S.C. Sec. 794(a)) that indicates that the pupil has an  
10 anticipated graduation date and is scheduled to receive a high  
11 school diploma ~~on or after July 1, 2016.~~ *by that date.*

12 (2) The pupil has not passed the high school exit examination.

13 (3) The school district or state special school certifies that the  
14 pupil has satisfied or will satisfy all other state and local  
15 requirements for the receipt of a high school diploma ~~on or after~~  
16 ~~July 1, 2016.~~ *by his or her anticipated graduation date.*

17 (4) The pupil has attempted to pass those sections not yet passed  
18 of the high school exit examination at least twice after grade 10,  
19 including at least once during the current enrollment of the pupil  
20 in grade 12, with the accommodations or modifications, if any,  
21 specified in the individualized education program adopted pursuant  
22 to the federal Individuals with Disabilities Education Act (20  
23 U.S.C. Sec. 1400 et seq.) or the plan adopted pursuant to Section  
24 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec.  
25 794(a)) of the pupil.

26 (b) ~~Commencing July 1, 2016, Upon the state board’s~~  
27 ~~determination pursuant to subdivision (b) of Section 60852.3 that~~  
28 ~~the alternative means have been implemented,~~ an eligible pupil  
29 with a disability may participate in the alternative means of  
30 demonstrating the level of academic achievement in the content  
31 standards required for passage of the high school exit examination  
32 in the manner prescribed by the regulations adopted pursuant to  
33 Section 60852.1. ~~The state board may, by regulation, extend this~~  
34 ~~date by up to one year if it determines that an extension is necessary~~  
35 ~~for the appropriate implementation of the regulations adopted~~  
36 ~~pursuant to Section 60852.1.~~

37 (c) An eligible pupil with a disability shall be deemed to have  
38 satisfied the requirements of Section 60851 for those parts of the

1 high school exit examination that the eligible pupil with a disability  
2 has not passed if the school district in which the eligible pupil with  
3 a disability is enrolled is notified that the eligible pupil with a  
4 disability has successfully demonstrated the same level of academic  
5 achievement in the statewide content standards as the level of  
6 academic achievement that is necessary to pass the high school  
7 exit examination through one or more of the alternative means  
8 prescribed in the regulations adopted pursuant to Section 60852.1.

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