

Senate Bill No. 267

Passed the Senate August 28, 2014

Secretary of the Senate

Passed the Assembly August 25, 2014

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

SB 267, 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 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 to the pupil’s anticipated graduation date. The bill would also 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 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.

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

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

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

(1) The pupil has an operative 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 1973 (29 U.S.C. Sec. 794(a)) that indicates that the pupil has an anticipated graduation date and is scheduled to receive a high school diploma by that date.

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

(3) The school district or state special school certifies that the pupil has satisfied or will satisfy all other state and local requirements for the receipt of a high school diploma by his or her anticipated graduation date.

(4) The pupil has attempted to pass those sections not yet passed of the high school exit examination at least twice after grade 10,

including at least once during the current enrollment of the pupil in grade 12, with the accommodations or modifications, if any, specified in the individualized education program adopted pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) or the plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)) of the pupil.

(b) Upon the state board's determination pursuant to subdivision (b) of Section 60852.3 that the alternative means have been implemented, an eligible pupil with a disability may 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 pursuant to Section 60852.1.

(c) An eligible pupil with a disability shall be deemed to have satisfied the requirements of Section 60851 for those parts of the high school exit examination that the eligible pupil with a disability has not passed if the school district in which the eligible pupil with a disability is enrolled is notified that the eligible pupil with a disability has successfully demonstrated the same level of academic achievement in the statewide content standards as the level of academic achievement that is necessary to pass the high school exit examination through one or more of the alternative means prescribed in the regulations adopted pursuant to Section 60852.1.

Approved _____, 2014

Governor