

CLIENT NEWS BRIEF

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**CAHSEE REQUIREMENTS CHANGE YET AGAIN FOR
STUDENTS WITH DISABILITIES**

On July 28, 2009, Governor Schwarzenegger signed Assembly Bill 2 of the 2009-2010 Fourth Extraordinary Session (“ABX4 2”). ABX4 2, which took effect immediately, adds section 60852.3 to the Education Code, exempting students who receive services or accommodations under special education or Section 504 of the Rehabilitation Act of 1973 from the requirement of passing the California High School Exit Exam (“CAHSEE”) in order to receive a diploma. This provision applies to those special education and Section 504 students with an individualized education program (“IEP”) or Section 504 plan, respectively, which indicate that the student is “scheduled to receive a high school diploma” and “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.”

In addition, Section 60852.3 expressly prohibits school districts from adopting an IEP or Section 504 plan for the sole purpose of exempting a student from the CAHSEE requirement. Although qualifying students are exempt from passing the CAHSEE, as a graduation requirement, these students still must take the exam as tenth graders, for purposes of complying with the No Child Left Behind Act of 2001.

The Section 60852.3 exemption will remain in effect until the California Board of Education determines that alternative means by which students with disabilities can show the same level of academic achievement as required for passage of the CAHSEE have either been implemented or are not feasible.

If you have questions about the CAHSEE or other special education issues, please contact any one of our seven offices located statewide.

As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.



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