

New Pathway to Diploma and Other AB 181 Impacts on Special Education

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Assembly Bill (AB) 181, signed into law June 30, 2022, makes a number of changes to California special education laws impacting students, families, and local educational agencies (LEAs). AB 181 became effective immediately.

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New Pathway to Diploma for Students Taking Alternate Assessments

Among other changes, AB 181 creates an alternate pathway to a high school diploma for students with significant cognitive disabilities. With AB 181's addition of section 51225.31 to the Education Code, LEAs must exempt eligible students from all coursework and additional requirements adopted by individual LEAs that are beyond what is required by California's Education Code to receive a high school diploma. A stated intent for easing graduation requirements to include only the state's minimum course requirements is to increase high school diploma attainment for students with disabilities, thereby potentially increasing their postsecondary and employment opportunities.

A student is eligible for this exemption if their individualized education program (IEP) requires that the student:

- Take the state's alternate assessment aligned to alternative achievement standards in grade 11; and
- Complete state standards aligned coursework to meet the state's coursework requirements specified in Education Code section 51225.3.

Before a student with an IEP begins 10th grade, the IEP team must determine and notify the parent whether the student may be eligible to receive a high school diploma under this exemption. Although this new law may leave LEAs grappling with questions, LEAs must be prepared to have these IEP team discussions. Note, eligible students who graduate with a high school diploma under this exemption still have a continuing right to a free appropriate public education (FAPE) until they age out of special education, despite their receipt of a diploma.

Independent Study Considerations

AB 181 also made changes to independent study that impact special education. LEAs can now claim apportionment for students served in nonpublic, nonsectarian schools through a "virtual program," so long as the LEA offers independent study, the parent

requests independent study, and the IEP team determines the student can receive FAPE in the virtual program, among other requirements. This provision will be effective only through July 1, 2024, unless extended by the Legislature.

Additionally, students with IEPs *may* participate in independent study *if* the student's IEP provides for independent study. Previously, the law stated that students with IEPs *shall not* participate in independent study *unless* provided for in the IEP. This change to the law does not appear to have significant legal impact. However, it is important for special education practitioners to be aware of this change in case parents of student with IEPs seeking independent study ask about the change or mention it during an IEP meeting. As with the previous language, if independent study is requested, the IEP team must determine if the student can receive a FAPE through independent study. However, AB 181 clarifies that an IEP team should not deny a request for independent study based on a student's inability to work independently, need for adult support, or need for special education or related services.

For a full discussion of the changes to independent study made by AB 181, see [2022 Client News Brief Number 34](#).

Parent Advisory Committee to Include Parents of Students with Disabilities

LEAs have long been required to establish a parent advisory committee that provides input to the governing board and superintendent on the Local Control Accountability Plan (LCAP). In addition to parents or legal guardians of students eligible for free or reduced-price meals, foster youth, and students with limited English proficiency, parent advisory committees must now also include parents of students with disabilities enrolled in the district. Note the parent advisory committee required here is distinct from community advisory committees advising Special Education Local Plan Areas (SELPAs).

New IDEA Addendum to be Included in LCAP

AB 181 requires the State Board of Education (SBE), by January 31, 2025, to adopt a template IDEA Addendum for improving special education services. The SBE will identify LEAs requiring an improvement plan by July 1, 2025. LEAs identified by the SBE must develop an IDEA Addendum, attached to their LCAP, adopted by the governing board, and submitted to the California Department of Education within 15 days of adoption.

Funding Changes

Beginning with the 2022-2023 fiscal year, SELPA funding allocations per unit of average daily attendance (ADA) increased and are based on the ADA of each LEA within a SELPA, rather than the SELPA as a whole. Additionally, each SELPA must report to their member LEAs the amount of funding each LEA generates for the SELPA. Lastly, AB 181 shifts funding for mental health services from SELPAs to LEAs beginning in the 2023-2024 fiscal year.

Takeaways

AB 181 is intended to promote equity for special education students through the changes discussed above. Please note that this Client News Brief is not an exhaustive list of the provisions of AB 181. If you have questions specific to your LEA, please contact the authors of this Client News Brief or an attorney at one of

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