

No Further Exit Exam Exemption Granted for Students with Disabilities

Students with disabilities will not be granted a continuing exemption from the requirement to pass the California High School Exit Exam (CAHSEE) under the latest tentative settlement agreement reached in the *Kidd vs. California Department of Education* (formerly known as the *Chapman* case) on April 2, 2008.

The tentative agreement includes a stipulation that the California Department of Education (CDE) must “identify and/or seek funding of \$500,000” for a study and report that examines 12th grade students with disabilities who have taken the CAHSEE with modifications and/or accommodations specified in their IEPs or 504 plans, but who have not passed the CAHSEE, and who have satisfied or will satisfy all other requirements for graduation from high school. If the study determines that some students have learned the CAHSEE material but are unable to demonstrate that knowledge, the report shall include recommendations on alternative means to demonstrate knowledge of the CAHSEE standards. The settlement specifies that, if no funding is found for the study within two months, the agreement can be abandoned and the lawsuit revived.

Following the announcement, State Superintendent of Public Instruction Jack O’Connell issued a press release indicating he was pleased that an agreement has been reached that “continues to hold high standards for students with disabilities while recognizing and respecting their individual education plans.” O’Connell noted that the tentative settlement agreement does not change current law that allows special education students to take the CAHSEE with accommodations or modifications as specified in the student’s IEP or 504 plan, or to apply for a waiver of the CAHSEE requirement if the student takes one or both parts of the CAHSEE with a modification and receives the equivalent of a passing score. If the student’s local school district grants the waiver, and all other graduation requirements are met, then the student is eligible to receive a high school diploma. He also noted he is sponsoring legislation, AB 1503 (Huff, R-Diamond Bar), to streamline the waiver process.

On Tuesday, April 8, 2008, Senator Gloria Romero (D-Los Angeles), who in recent years authored two successful special education CAHSEE exemption bills, held a press conference indicating her “bitter” disappointment in the settlement. She was joined by school administrators, teachers, parents, and students who expressed concerns over the impact to students with disabilities and called for the adoption of alternative pathways to graduation for students with disabilities. Senator Romero highlighted recent amendments to SB 1446, the bill she is authoring this year that would extend the exemption through 2009 and require the State Superintendent to convene a panel to make recommendations regarding standardized evidence-based assessments. The bill also requires the State Board of Education to adopt regulations by 2009 based on those recommendations. A

similar bill authored by Senator Romero was vetoed by the Governor last year, claiming the bill was premature because of the pending negotiations.

Keep in mind that the two-month deadline to find \$500,000 for a study that is part of the tentative settlement will likely force this issue back to the courts—so stay tuned.

—*Nancy LaCasse & Terry Anderson*