

# Fast Facts: Secondary Transition Issues

## Exceptional Student Services Unit

### Graduation and Diplomas

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As we move to a standards based system with higher accountability for student achievement, questions regarding graduation of students receiving special education services have been raised by administrators, other school staff, and parents. Section 504 of the 1973 Rehabilitation Act prohibits discrimination in the implementation of grading policies, setting of graduation requirements, and awarding diplomas. The information in this document is taken from several letters from the Office of Special Education Programs, the Office of Civil Rights, Law Reports and the Special Ed Connection website from LRP Publications. It is intended as an information item only, not a legal interpretation.

In Colorado, local school boards have the authority to set graduation requirements, grading policies and conditions for awarding diplomas as long as those policies do not violate civil rights of students. To ensure that district practices do not discriminate, districts must;

- establish clearly defined graduation and diploma requirements that include specific, objective criteria and are available to all students,
- provide appropriate advance notice to allow reasonable time to prepare to meet the requirements or make informed decisions about alternative options,
- and, consider the needs of individual students on a case-by-case basis.

Prior to working with individual students to develop appropriate transition services and IEPs, it will be important to understand district policies related to graduation requirements, diplomas, and participation in graduation ceremonies.

#### **When does FAPE end?**

A students' right to a free appropriate public education, FAPE, ends when the student has received a regular diploma or the student ages out. In Colorado, students typically age out at the end of the semester in which they turn 21.

#### **Are procedural safeguards required when a student with disabilities graduates from high school?**

**YES.** High school graduation is considered a change of placement in that eligibility for special education services will cease. Advance written notice of the intended graduation is required along with procedural safeguards. Notice must be provided with sufficient time for the parent to challenge the graduation prior to termination of services. A sample notice is contained in the Colorado Recommended IEP forms available on the CDE website.

#### **Can a student who has graduated with a diploma continue to receive special education services under IDEA until 21?**

**NO.** Granting a regular high school diploma terminates the student's right to FAPE. However, it is common practice in Colorado for students to go through a "social graduation" but not receive a diploma, and continue to receive transition services in a community based setting until transition goals are completed and/or the student turns 21. Basically, students participate in the commencement activities but do not officially graduate. Criteria for participation in commencement, and extended community based services, should be clearly defined in district policy.

**Can a district offer different diplomas or certificates?**

**YES.** If a district offers different types of diplomas, or certificates, then all options must be available to all students regardless of whether the student has a disability. Diplomas may not be designated for a specific student population or based on special education status. Districts may set academic and non-academic requirements. The requirements for earning a particular type of diploma must be based upon objective criteria specific to the purpose for awarding different diplomas and need to be well publicized in student handbooks and/or other notices with sufficient time to prepare to meet the requirements.

**May a district use different wording on diplomas?**

**YES.** So long as the diploma for each student is “similar in all ‘significant’ respects” and the wording is not based on disability as a category of students. The wording should be based on objective criteria and each possibility must be available to all students on a nondiscriminatory basis. The diploma may refer to the student’s transcript for the exact courses or subjects completed.

**Must a district waive diploma requirements for identified students?**

**NO.** Although there are no restrictions in either IDEA or Section 504 that would prohibit a district from waiving or modifying diploma requirements for identified students, the choice to do so is an option for districts, not a mandate or requirement. If modifications are allowed, policies should be applied consistently to all eligible students.

**Does a student who completes goals and objectives defined in the IEP automatically graduate with a regular diploma?**

**NO.** Because graduation and diploma requirements are established by local districts, a student might

complete IEP goals and still not meet diploma requirements. While all students are eligible to work towards, and may eventually earn a regular diploma, eligibility does not necessarily guarantee that a student will be awarded a diploma. Districts must notify parents in advance if successful completion of the student’s IEP will not result in the award of a regular diploma.

**If a student with an IEP completes the districts regular diploma requirements does he graduate with a diploma?**

**YES,** so long as appropriate transition planning has been completed. When diploma requirements have been met and appropriate transition planning has been completed, the student would be graduated and be issued a diploma. This is so even if the student does not wish to graduate and wants to continue to receive special education services. It is up to the IEP team to determine when transition goals, as well as graduation requirements, have been met. Districts need to be aware of the increased emphasis on appropriate transition planning in the 2004 IDEA and Regulations. Several recent cases highlight this issue. For students who are involved with other systems, coordination of services is critical.

**Can a school or district set specific requirements for participation in graduation ceremonies?**

**YES.** In Colorado, decisions about participation in graduation ceremonies are made by the local School Board. Policies should be clearly defined and outlined in the Student Handbook. Students with disabilities may be denied participation in ceremonies for the same reasons that would disqualify a non-disabled student.

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**References**

- Freedman, M. K., Esq. (2000). Testing, grading and granting diplomas to special education students. Horsham, PA: LRP Publications
- Dunbar, D. (1996). Runkel, letter to (grading/diplomas). Office of Civil Rights, Region VIII, Vol. Issue 2504, Posting Date 19970226; 25 IDELR 387
- Authors. (1995) Grades, graduation, and diplomas. Special education bulletin. Helena, MT: Office of Public Instruction
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