



A SPECIAL EDUCATION GUIDELINE FOR GRADUATION REQUIREMENTS

Number 9

This is a revision. Please replace previous Guideline with this version.

Introduction

Graduation is a term that is typically defined as the completion of high school; however, there are many interpretations and meanings attached to the term. Since World War II and the spread of universal education, it has also become the normative rite of passage from childhood to adult status in our culture. Local school districts and state laws determine requirements for earning a high school diploma.

This guideline is intended to clarify the graduation issue as it pertains to students with special needs who currently have an Individual Education Plan. There are five primary issues associated with graduation:

1. The graduation decision-making process for students on IEP's and Section 504 Plans.
2. The age of graduation for special education students.
3. The type of diploma a special education student receives.
4. The due process requirements for notifying parents of graduation or aging out of special education services.
5. The change in decision-making authority from parent to student when students turn 18.

I. Determining Graduation Requirements: Special Education and Section 504 Students

Schools are allowed to modify graduation standards for individual students through the IEP or Section 504 team. The team has the authority to set graduation standards for students with disabilities. This authority exceeds any district or building policy or procedure. The team needs to discuss accommodations and modifications in the areas of required courses and testing. Any accommodations or modifications that are decided upon by the team should be written into the student's IEP.

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Students on IEP's or 504 plans have met all the requirements for graduation if:

1. They have earned all the credits required by the district;
2. They have passed the Basic Standards tests at the State or Individual level or participated in an alternate assessment;

At this point, IEP teams may determine that the student's special education services will end the last day of school in 12th grade. It is common that IEP teams determine students with high incidence disabilities, should graduate with their peers, having met testing and credit requirements. In such a case, the student's IEP meeting during 12th grade should clearly address the services stop date and write it into the IEP. A summary of the student's present level of performance at the end of 12th grade (described below) needs to be completed.

What are the due process procedures for special education students who will be receiving a diploma, and thereby ending high school?

1. Send Notice of a Team Meeting, reason, IEP meeting
2. Bring Notice of Proposed Action or Denial with the reason being, special education services will be discontinued
3. At the meeting, the following must be addressed:
 - A. Confirm the date the student will be graduating.
 - B. Parent and student must be informed that when students graduate, special education services stop.
 - C. Have a Summary of the Student's Present Levels of Performance (IDEIA requirement), review with team and give a copy to the student and a copy to the parent.
 - D. Discuss with the team about the student attending high school and receiving special education until they are 22 years of age, student of course is at the meeting and has input on this topic.
 - E. Parent or if the student is 18, the student signs the Notice of Proposed Action or Denial stating that services will be discontinued after the date of graduation—you may have to hand write the following on the Notice, "due to the student's graduation".
4. There is no need to complete an evaluation/write an ESR, when students stop receiving services due to graduation.

What if the parent doesn't attend the meeting but the student is 18?

1. Send a copy of the Notice of Proposed Action or Denial with the reason being, "discontinuation of services"; on the Notice of Proposed Action or Denial, you may have to write by hand the additional statement "services will be discontinued because the student is graduating"
2. Include a copy of the Parent Rights and Procedural Safeguards
3. If the student is 18, make sure both student and parent was on the meeting notice

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4. 18 year old student can sign the Notice of Proposed Action or Denial to discontinue services
5. Parent should be informed, via phone call, that the student attended the meeting and signed to discontinue services

What are the procedures for 504 students who will be graduating?

Students with 504 plans are not special education students and therefore do not require any due process procedures. It is recommended that the 504 case manager meet with the student prior to graduation to make sure the student has a copy of their 504 plan. The 504 plan in conjunction with medical/psychological documentation is appropriate for students to share with disability service centers at colleges or universities as well as with Department of Vocational Rehabilitation counselors.

II. Special Education Accommodations to Consider for Earning a Diploma

It is highly recommended that the team determine during the students 10th grade year of school, which requirements the student will attain to earn their diploma. The first set of requirements to consider are those outlined by the school board for all students in the district. The typical requirements include earning a specific number of credits in specific academic areas and passing required graduation tests.

1. Determine the number of credits earned

Teams should follow a series of decision-making steps when discussing whether a student will be awarded a diploma. The number of credits required to earn a diploma is established by each school district via their school board's approval. Students must pass their classes in order to earn credits. Teams should review at each annual IEP meeting the number of credits the student has earned and the number of credits remaining, in an effort to plan the student's schedule to meet the requirements by the end of 12th grade.

High School credit accommodations and modifications can be made for IEP and 504 students working toward a diploma. If the student is having difficulty earning the credits necessary to graduate, the team can discuss some options. It may be helpful to determine why the student is not passing their classes or not earning credits. Students who do not regularly attend school or are truant can be deficient credits because they have not been completing in-class work. However, other students may be attending regularly but still not doing course work at a level that has earned them passing grades and credits. It is critical that the team remember that they are responsible for providing Free and Appropriate Public Education (FAPE) to their students.

The following are common credit scenarios and optional ways for teams to proceed:

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Students failing classes due to course content difficulty

If the student is coming to school but having difficulty doing the work, effective instructional interventions should be considered. An IEP team meeting can be conducted and options for modifications and accommodations can be discussed, including adding effort and participation points as portions of a student's grade for courses.

Students failing classes due to poor attendance non-medical absences

If the student is not coming to school, an intervention related to attendance should be implemented. In these situations, the student is lacking credits because they have missed school, causing them to get behind in content and assignments. For students who have been absent from school and consequently failed classes due to poor attendance, the student needs to attend school until they have passed enough classes and therefore earned enough credits to graduate. This could mean going to school through age 21 or participating in after-school and summer credit programs. It is important for the team to consider using a motivational intervention to help keep the student attending and earning their credits. (More information on the aging out of services at 21 years is given in this document).

Students failing classes due to medically related absences

If the student is not coming to school due to medical reasons, efforts will be made by the school to allow for extra time to complete assignments and other appropriate accommodations and modifications. Procedures for providing home bound services can be considered for extensive absences. An IEP meeting needs to be conducted to change a student's placement to home-bound.

Students failing classes due to a combination of truancy and work completion

If students are deficient credits, due to failing classes (either as the result of poor academic performance or truancy) schools need to encourage the student to continue to attend school in order to earn the credits (gain the education) needed for graduation. Classroom and instructional accommodations, modifications and interventions should be made to insure the student the greatest chance to succeed.

Teams have an obligation to provide FAPE to their students. However, the question of FAPE and graduation of students on IEP's has been the topic of several legal complaints filed by students. In one case, described on the Minnesota Department of Education web site, the student had failed several classes and the team still determined he should graduate at the end of the school year with his peers. The student later filed a complaint saying that the school had not provided FAPE by having him graduate deficient of credits, and thereby lacking instruction. The team must carefully discuss all the options for students and still strive to insure that students receive the instruction they need to be as independent as possible.

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Course substitutions

Teams can decide to substitute required credits with instruction that relates to the student's special education needs. The decision to make course substitutions is an IEP team meeting decision. Examples include:

- Substituting reading class credits for required English credits.
- Substituting functional living skills instruction by an ALP teacher as a replacement for general education Family and Consumer Science (FACS) classes.
- A very common substitution is for an 11th or 12th grade student on an IEP to be awarded social studies credit for completion of Work Experience courses. Schools commonly choose to give students elective credits for hours spent actually working during the school day, On the Job Training (OJT). OJT requires that a licensed work experience teacher supervise the student and communicate with the employer regarding the student's accommodations, performance or any other related concerns. The course substitution should relate to the student's greater need for instruction in a particular area.

In addition, teams have provided students with unique ways to earn credit. There must be clear documentation of the team's decision along with documentation about who will be responsible for supervising the student and the implementation of the plan. **When a team decides to award credit for work experience or to substitute one class for another district required credit, it should be written in the Accommodations/Modifications section of the student's IEP.**

2. Performance on the Basic Standards Tests

In addition to earning all required course credits, the state of Minnesota requires that students must pass the Basic Standards tests in Reading, Writing, and Mathematics to earn a high school diploma. (More information on this topic is provided in another guideline in the manual). Special education students may meet diploma requirements by passing the tests at the state level, passing them at an individual level, or completing an alternate assessment. These types of decisions are determined at the annual IEP team meeting.

Passing at the State Level:

If the student passes the tests per the state's required passing score, the student's transcript will include a "Pass State" notation. Students can receive accommodations to the BST and pass at the state level.

Pass Individual (PI)

In some instances, the IEP team may alter the score needed to pass the BST. For example, the state requires a score of 600 on the reading test to pass. An IEP or 504 team may decide that for a particular student, based on past test

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performance, that they need to attain a score of 580 to pass. If upon taking the test again, the student scored 580 or higher, the student's transcript would read "Pass Individual". If the student has taken the tests previously, but not passed, the student should continue to take the test until they reach the state score, or the IEP team should meet and determine a PI. Typically IEP teams set the passing level for students at the State cut score. If the student has still failed to pass the tests at the State level, teams determine Pass Individual scores in the 11th grade year.

Alternate Assessment

If the student's IEP team determines that the student can not participate in the BST due to their low skill level, the team may determine that the student should take an alternate assessment. Alternate assessments are completed by the case manager, and scores are submitted to the SCRED special education secretary. These scores are reported to the state and are used to determine whether school districts meet Adequate Yearly Progress (AYP) under No Child Left Behind (NCLB). Again, the decision to have a student assessed on an AA is an IEP team decision. The student's transcript would then read, "Exempt" (Check on whether this is still true, the state is saying not to use the term exempt anymore). Documentation regarding the student's results and participation on the Basic Standards Tests is required on the student's transcript and in their IEP under the testing section.

1. Where do IEP goals fit in the diploma awarded/high school ending, decision making process?

IEP teams can determine that a student will earn a diploma if they meet the goals in their IEP. This option is most commonly used in the case of students who are attending high school past the end of their 12th grade year. Students who continue to receive special education past the end of 12th grade usually have functional skills that still need to be developed (IEP goals have not been met) or because the student has missed a lot of school and needs to make up credit requirements.

Graduation Based on IEP goals

For some students, the IEP team may decide that although the student has met credit and testing requirements, the student will continue to attend high school and not graduate with their peers. In such a case the student will earn a diploma when either:

- A. The team determines that the student has met their IEP goals, or
- B. The team determines that the student is no longer eligible for special education services or no longer has a need for services.

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A. The team determines that the student has met their IEP goals

If a student has earned all required credits and passed graduation tests, but has not met IEP goals, an IEP meeting should be conducted. The team should make it clear to the student and parents that the student has not met their IEP goals and maintains the right to continue in school and receive special education services until they meet their goals or reach the age of majority. The team can decide to write goals that the student will need to meet to earn a diploma.

B. The team determines that the student is no longer a student with a disability or no longer has a need for services

In order for students to receive special education services, the school must complete an evaluation and document that the student meets eligibility for special education and has a need for services. Students must meet eligibility criteria established by the State of MN and demonstrate a need for special education services. Students who have a need for special education services but do not meet eligibility are no longer considered to be a student with a disability according to special education criteria. The student could still be considered a student with a disability under the "medical model", but this does not guarantee eligibility for special education.

The team should propose an evaluation plan that includes reviewing existing information. At the evaluation results meeting, the eligibility criteria should be addressed and the team should determine if the student continues to meet eligibility. If the student is no longer eligible and/or no longer has a need for services, they should be exited from special education and awarded a high school diploma if they have met the district's credit and testing requirements.

III. Age of Graduation for Special Education Students

Federal and state law has long addressed graduation of students with disabilities. More recently many students are being included in typical classrooms and identify themselves with a "class" of students. Inclusive educational practices would suggest that students should graduate with their same age/grade peers. However, state law mandates and allows educational services for students until they age out. Specifically...

Minnesota Statute 125A.03 states:

"Notwithstanding any age limits in laws to the contrary, special instruction and services must be provided from birth until July 1, after the child with a disability becomes 21 years old but shall not extend beyond secondary school or its equivalent"

The student is eligible for service from the day they turn 21 up to July 1 of the year they turn 21. For example:

If the student turns 21 on July 15, 2005 the age out date is June 30, 2006.
(about 12 months of service)

Created and approved 6/2005
Revised

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If the student turns 21 on June 15, 2005 the age out date is June 30, 2005.
(about 15 days of service)

1. Things to Consider When Discussing Awarding Diplomas

It is recommended that special education IEP teams address the issue of graduation within the context of transition planning at an IEP meeting in the student's 9th or 10th grade year by focusing on the state and school district graduation requirements. Students of transition age should attend and participate in all IEP meetings. The following practice is recommended:

- A. Most students should graduate with the class they are associated with by age and history, particularly if they have met the school district's requirements for graduation, parent and student opinion about the timing of graduation is important.
- B. Students who do not graduate with their class should have IEP goals with an attainment level which when met allows the student to graduate.
- C. Parent opinion about the timing of graduation is important. This should be reflected in the types of goals selected and the attainment criteria of these goals. These should be agreed upon in the IEP process each year. Early agreement allows for optimal planning by students, parents, schools and outside agencies.
- D. Financial considerations for the district, county or other agencies should be discussed, but should not limit a reasonable plan for graduation. (Placement outside the district must be approved by the Director of Special Education).
- E. Students may not be given a diploma if they are to continue school services. Students who will continue past 12th grade, but would like to participate in the graduation ceremony with their peers, can do so, but will not physically receive a diploma until they complete the requirements the team has determined are necessary for the student to receive a diploma.

2. Students in special education past the end of 12th grade

For some students, their special education needs are extremely significant and their participation in high school coursework requires drastic modifications and pull out services. In these cases, the special education teacher follows mainstream courses and curriculum as an outline for instructional topics to be taught to the student. Programming for these students focuses on the five areas of transition and instruction aimed at increasing independence and functional skills. Many of these students stay at their high schools until they 'age out' of services. The student is eligible for service from the day they turn 21 up to July 1 of the year they turn 21.

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Employment Skills

IEP teams at the high school level usually emphasize employment skill instruction in particular for their students. For each student, the team determines if the school's employment program can best meet the student's needs or if the school needs to contract with an outside agency to provide an employment skill evaluation. The evaluation is conducted to determine if the individual has the skills that are required to earn minimum wage or if they need to be paid sub-minimum wage. This form of employment skill evaluation is called a time study because a portion of the evaluation includes determining how quickly the individual can complete assigned tasks.

Services provided by an agency outside the school

Typically, as students with special needs enter 11th and 12th grade years, they begin participating in employment skills instruction which includes course content and a variety of work based learning related activities and experiences. A student's school day can eventually consist of coursework or functional skills programming for half the day and Work Based Learning for the other half of the school day. In order to provide FAPE, the school can provide any of a number of Work Based Learning opportunities for the student, which may or may not exclusively include off site paid work experience. If students have taken all appropriate high school courses (thereby exhausting the school's offerings), the team should consider whether or not the student should continue to be enrolled in high school or if they should participate in adult/community based services provided and paid for by a resource outside the school.

A team could determine that a student has a need for services, but that those services are not school based special education services. When students have exhausted course offerings in the high school (e.g., repeatedly taking the same courses at a modified level), it is appropriate to consider adult community based services. A small number of students, those who are eligible, may participate in Day Training and Habilitation (DTH), supported employment, programs for a part or all of their school day. If an IEP team determines that the student will participate in such a program to meet a special education goal, then the school will pay an appropriate agency to provide the service. However, when the student's day no longer includes attending a high school for any portion of the day, the team should consider if it is appropriate to discontinue special education, by graduating the student, and begin adult services. Therefore, it is recommended that the team discuss graduation requirements early and often so both the schools and adult services have time to plan.

IV. Type of Diploma

Schools may not discriminate against students with disabilities must not be by altering the type of diploma that is awarded. Students with disabilities must receive the same diploma as other students. The state of Minnesota offers one type of high school

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diploma. A student's educational transcript includes the student's permanent record card and gives the necessary detail as to the type of program the student was offered and the quality of their achievements.

Minnesota Rule 125A.04

Upon completion of secondary school or the equivalent, a pupil with a disability who satisfactorily attains the objectives in the pupil's individual education plan must be granted a high school diploma that is identical to the diploma granted to a pupil without a disability.

V. Students Who Reach the Age of Majority (Age 18)

Notice Provided to Parent Prior to the Student Turning 18

When a student reaches the age of 18, they have the ability to make their own education decisions. Thus, students who are 18 and receive special education services are responsible for signing all special education forms. Furthermore, an eighteen year old student has the right to decide if they would like to stop attending high school as well as receiving special education services. Legal documentation needs to be provided to the school district if the student is not entitled to decision-making authority at eighteen. For example, if parents go through the conservator process, they can continue to make educational decisions.

There are two primary due process procedures that school districts follow regarding age of majority.

1. The parent is given the following letter reminding them that when their child turns eighteen, the child will have educational decision-making authority. The letter is sent during the school year in which the student turns seventeen years of age.

Dear and :

Since _____ (student's name) is turning 18 on _____ (date of student's 18th birthday) all parental rights will transfer to the student on that date, and s/he becomes responsible to make all decisions regarding future educational services unless a legal guardian or conservator has been appointed. If a guardian or conservator has been appointed, please notify the IEP manager immediately. Parent(s) will continue to receive notices required by state and federal laws and rules regarding educational programming, but the authority for making educational decisions will be transferred to the student.

2. The school will continue to provide the student's parent with written meeting notices inviting them to attend IEP meetings, even when the student is eighteen.

Notices Signed by 18 year old Students

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If a student disagrees with an IEP team decision, they should document their disagreement on the Notice of Proposed Action or Denial. The Director of Special Education would hold a conciliation meeting to try to reach agreement.

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