



# Guidance Policy: Applying Graduation Requirements to Students with Disabilities

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## FOREWORD

Graduation with a high school diploma is a goal of virtually all students and families of students enrolled in South Dakota's high school programs. While the process of earning a diploma and participating in the high school graduation ceremony may be clear for most students, it is sometimes unclear for students with a disability who are served under an Individualized Education Program (IEP).

The purpose of these *SD DOE Graduation Guidelines for Students with Disabilities* is to assist IEP teams to make informed decisions about graduation options for students with disabilities.

The SD DOE and Special Education Programs would like to thank Utah's Office of Education for the use of their document for South Dakota purposes.

## Frequently Used Acronyms and Glossary

### Acronyms

FAPE – Free and appropriate public education

GED – General Educational Development certificate

IEP – Individualized Education Program

IDEA – Individuals with Disabilities Education Improvement Act of 2004

LEA – Local Education Agency; includes all South Dakota school districts, along with the South Dakota Schools for the Deaf and the Blind.

SD DOE – South Dakota Department of Education

Graduation - Student receives a regular signed high school diploma

Age Out – A student who is enrolled in school and becomes 21 years of age during the fiscal year (July 1 to June 30).

### Glossary

Accommodations: The actual teaching supports and services that the student may require to successfully demonstrate learning. Accommodations should not change expectations to the curriculum grade levels.

Modifications: Changes made to curriculum expectations in order to meet the needs of the student. Modifications are made when the expectations are beyond the student's level of ability. Modifications may be minimal or very complex depending on the student performance, and must be clearly acknowledged in the IEP.

## Graduation Guidelines for Students with Disabilities

### IDEA requirements

The Individuals with Disability Education Improvement Act (IDEA 2004) addresses graduation as follows:

- The obligation to make a free and appropriate public education (FAPE) available to all children with disabilities does not apply with respect to children with disabilities who have graduated from high school with a **signed regular high school diploma**.
- Graduation from high school with a signed regular high school diploma constitutes a change in placement, requiring written prior notice.
- The term **signed regular high school diploma** does not include an alternative degree that is not fully aligned with the State's academic standards, such as a certificate or a general educational development credential (GED).
- An evaluation is not required before the termination of a child's eligibility due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under State law.

The federal government has traditionally given states the authority to develop specific educational programs, including curriculum and graduation requirements. The South Dakota State Board of Education, through administrative rules, has set minimum requirements that students must complete in order to earn a high school diploma; local education agencies (LEAs) may set additional requirements. These requirements apply to all South Dakota students, regardless of disability or English language acquisition status.

### Administrative Rule Chapter 24:43:11

(<http://legis.state.sd.us/rules/DisplayRule.aspx?Rule=24:43:11>) contains criteria that LEAs and students must follow to earn a diploma:

#### 24:43:11:01. Number of required credits for graduation from high school --Personal learning plan required

- A. Student must earn a minimum of 22 credits
- B. Guidelines to waive graduation requirements
- C. Required to have a personal learning plan

#### 24:43:11:02. Specific units of credit required for high school graduation

See Office of Accreditation and Teacher Quality at <http://doe.sd.gov/oatq/gradrequirements/index.asp>

## **Amending Graduation Requirements**

South Dakota State Special Education Rules ARSD 24:05:27:12, allows the IEP team to modify specific units of credits toward the graduation requirements. Amendments may include modifications and/or substitutions made to accommodate the needs of the individual student; the nature and extent of any amendments must be documented in the IEP.

While the SD DOE does not define “modifications and/or substitutions” IEP teams might wish to consider the following guidelines:

- Documentation of any amendments should be cumulative in a nature so that the IEP team is able to accurately discuss the student’s progress toward earning a diploma.
- Amendment of graduation requirements through course substitutions should be made in similar content areas whenever possible in order to provide the student a well-rounded education. For example, the team may choose to substitute a Basic Math class for Algebra I. This would be more educationally sound than substituting Ceramics for Algebra I. As always, the team, including the parents, will make the final determination regarding any amendment of graduation requirements.
- When making amendments, the team should consider unintended consequences for the student’s post-school activities. Substituting functional courses for math requirements, for example, may require the student to take remedial math courses in higher education (at regular tuition prices, with no credit earned). In addition, exempting a student from world language classes may negatively affect college admission.
- When amending graduation requirements, the IEP team should consider the effect on the student’s progress toward achieving his/her measurable post-secondary goals.

## **Participation in Graduation Ceremonies**

School districts or schools are given the responsibility to award diplomas.

- School districts or schools are also responsible for determining how students with or without disabilities participate in ceremonies where such documents may be awarded.
- The SD DOE (South Dakota Department of Education) Special Education Programs recommends that LEAs clearly define in district policies or procedures, the criteria for participation in graduation ceremonies by students who have not met graduation requirements. The SD DOE also recommends that the criteria for participation in graduation ceremonies be established district-wide, rather than at the individual school level.

LEAs should make these policies or procedures available to students, parents, and LEA staff. This information should also be made available to the public.

## **General Educational Development (GED) Certificate**

The GED, although not a “high school equivalency” diploma in South Dakota, is frequently used as an alternative to a high school diploma by most post-secondary institutions, financial aid institutions, and employers. **Receipt of a GED does not end an LEA’s obligation to provide a FAPE to eligible students.**

Refer to South Dakota Codified Law 13-27-1 for the rules that apply to students, who are sixteen or seventeen years old, interested in taking the GED test. School Based GED FAQs:

<http://doe.sd.gov/oatq/gradrequirements/documents/Age18factsheetREVISED.pdf> .

For more information, see: **Department of Labor: General Education Development (GED) at**

[http://dol.sd.gov/workforce\\_training/ged\\_intro.aspx](http://dol.sd.gov/workforce_training/ged_intro.aspx)

## Frequently Asked Questions about Graduation

### 1. When does Free and Appropriate Public Education (FAPE) end?

A student's right to a FAPE ends when the student has graduated from high school with a signed regular high school diploma or when the student reaches maximum age for eligibility ("ages out"). In South Dakota, a student who is enrolled in school and becomes 21 years of age during the fiscal year (July 1 to June 30) shall have free school privileges during the school year (ARSD 24:05:22:05).

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### 2. What role does the IEP team play in making decisions about graduation?

ARSD 24:05:27:12 the instructional program shall be specified on the individual educational program. The individual educational program shall state specifically how the student in need of special education or special education and related services will satisfy the district's graduation requirements. **The IEP team may modify the specific units of credit described in § 24:43:11:02.** Parents must be informed through the individual educational program process at least one year in advance of the intent to graduate their child upon completion of the individual educational program and to terminate services by graduation.

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### 3. What is the difference between an accommodation and modification in regards to modified coursework?

Accommodations are **practices and procedures** in the areas of presentation, response, setting, and timing/scheduling that **provide equitable access** during instruction and assessments for students with disabilities.

Accommodations are intended to reduce or even eliminate the effects of a student's disability; they do not reduce learning expectations. They provide access.

However, modifications or alterations refer to **practices that change, lower, or reduce learning expectations**. Modifications can increase the gap between the achievement of students with disabilities and expectations for proficiency at a particular grade level. Using modifications may result in implications that could adversely affect students throughout their educational career.

**Reference:** [South Dakota Accommodation Manual](#) can be found on the South Dakota Statewide Assessment website or click on title.

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**4. Can a resource room teacher teach modified content to students with disabilities?**

Yes. However, in order for the course to count to graduation requirements, the teacher has to be highly qualified to teach the specific content area.

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**5. Can a district substitute career and technical courses for math or science?**

Districts wanting to offer CTE courses for core content credit must apply to the South Dakota Office of Curriculum and Technology and be approved. If approved, a district can get full core content credit.

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**6. Are any procedural safeguards required when a student with disabilities graduates from high school?**

Yes. Graduation from high school with a regular signed high school diploma is a change in placement. The student and/or parent (depending on guardianship) must receive prior written notice of this change in a reasonable amount of time before the LEA proposes to terminate the student's eligibility under the IDEA by issuing the student a diploma.

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**7. When should graduation discussion begin for all students?**

The discussion of graduation with a regular signed high diploma should start in 8<sup>th</sup> grade when students are participating in career inventory assessments, class registration and creating personal learning plans. (Reference: <http://doe.sd.gov/octe/index.asp> )

**Regulations:**

1. State that a transition plan begin at age 16 years old or younger, if needed, must be implemented into the IEP. The transition portion of the IEP requires the student, parent, and team to look at post-secondary goals and coursework selection.

2. Require that one year (12 months) **prior** to graduation the team reviews the coursework needed for that student to graduate with a signed high school diploma.
  3. Prior written notice sent prior to graduation from high school with a signed regular high school diploma and/or age out.
  4. Summary of Performance shall be given to the student upon termination graduation and/or age out.
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**8. Does a student have to complete the required minimum 22 credits and any local district total composed of the required units in each of the course areas in order to receive a diploma?**

Yes. The district is still obligated to meet the specific state/district unit requirements in all course areas to issue a diploma.

According to the Office for Civil Rights *Letter to Runkel*, all publicly enrolled students with a disability are eligible to receive a signed regular high school diploma. But keep in mind that eligibility means no more for disabled students than it does for non-disabled students. Eligibility is not the same as guaranteed receipt of a diploma.

There is no guaranteed right for every student with a disability to receive a diploma of graduation from high school. *Letter to Anonymous*, 22 IDELR 456 (OSEP 1994).

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**9. Can an LEA set specific requirements for participation in graduation ceremonies?**

Yes. Decisions about participation in graduation ceremonies are made at the LEA level. The SD DOE Special Education Programs recommends that LEAs clearly define local policies and procedures and make them available to students, parents, and LEA staff.

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**10. Can an LEA waive graduation requirements for students with disabilities?**

Yes. The IEP team may choose to amend graduation requirements by modification and/or substitution, but is not required to do so. The IEP team

must keep the student's post secondary goals in mind when determining potential coursework.

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

No. Graduation with a **signed regular high school diploma** ends the student's eligibility for a FAPE under IDEA and South Dakota Special Education Rules.

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**12. Can a student, who has met the course requirements for the LEA, still receives special education services under IDEA until age 21?**

Yes. Students who have earned the high school credits to receive a diploma but have not received their **signed diploma** may be eligible for transition services: postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.

The IEP team makes that determination. The student can receive a signed diploma once transition services have been completed or age out which ever comes first.

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

No. While all students are eligible to work toward a diploma, and may eventually earn one, special education eligibility does not guarantee that a student will be awarded a diploma. All students who earn a high school diploma must meet LEA graduation requirements, although the IEP team may amend the course requirements for an individual student.

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**14. Can the district issue an alternate diploma?**

The district can create an alternative certificate of attainment or certificate of attendance to present to students who have not met the graduation requirements. This can be presented to students who participate in the graduation ceremony with their class, but does not end the district's obligation to continue to provide services to the student through the end of the fiscal year

in which the student turns 21. The certificate could also be awarded to students upon aging out of the program if they had not met the graduation requirements.

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**15. If a student can't pass the coursework, can they receive a diploma?**

No. A student must pass the coursework utilizing any special factors outlined by the IEP to receive credit for the class. An IEP does not mean that you cannot fail a course.

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**16. If a student with a disability takes a modified coursework will they receive credit for those modified courses they take?**

It is up to the IEP team and school district to determine whether or not a student will be receiving credit for the classes they take. This needs to be discussed very thoroughly at the IEP meeting so parents, the student and the school district know what the plan is for the student. The special education director needs to be working closely with other administration so they know what will be accepted for a diploma, and what won't be accepted.

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**17. If a student completes modified coursework toward meeting the graduation requirements will that student be able to attend college?**

Every post-secondary institution in and out of state have specific entrance requirements that students must meet and it is at the discretion of the institution to accept applicants. It is highly recommended for the IEP team to consider those issues when choosing a modified coursework.

If a student is planning on attending a post-secondary institution and had modified coursework or testing in high school, those same modifications will not be available at the post-secondary level.

Students may still be able to receive some accommodations, but they must be able to advocate for themselves and contact the disabilities coordinator.

Reference: [Catch the Wave Handbook](#) can be found on the [www.tslp.org](http://www.tslp.org) website or click on the title.

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**18. If a student with disabilities has met all local district course requirements for graduation, is the district obligated to issue a diploma?**

**SDCL 13-28-5.** Public school privileges free to children of legal age. States that the privileges of the public schools of any district shall be free to all persons with school residence within the district until they complete the secondary school program or until they reach the age of twenty-one.

If a student with a disability meets all state and school district requirements for award of a signed regular high school diploma, then he cannot be denied a diploma purely and simply because he has a disability. That is discrimination on the basis of disability, clearly prohibited under Section 504.

The IDEA 2004, however, does not compel a school district to graduate a student with a disability who has met the requirements for award of a signed regular high school diploma, assuming the parents and school district agree to continue the student's secondary education. With the renewed emphasis that the federal Office of Special Education Programs has made for transition, districts should also consider progress made on IEP goals and objectives. Normally, **graduation** with a general high school diploma terminates a district's responsibility to provide special education services. But when a district graduates a special education student based solely on general education requirements without taking into account the completion of IEP goals and objectives, the student might be able to rescind that **graduation**.

The main thing districts need to remember is to establish diploma and graduation standards before they may be needed, that are clear and concise, and that do not disregard students with disabilities. Make sure you implement your standards consistently with all students.

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**19. May an LEA use different wording on a diploma?**

Yes. LEAs may offer different wording as long as the wording does not identify a student as a student with a disability (refer to [Office of Civil Rights for guidance](#)).

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## **20. What is the difference between report cards and transcripts?**

Report cards are provided by local educational agencies (LEAs) to parents to indicate their child's progress or level of achievement in specific classes, course content, or curriculum. These report cards are made available to parents, not to postsecondary institutions, potential employers, and others outside the LEA.

In contrast, a student's transcript generally is intended to inform postsecondary institutions or prospective employers of a student's academic credentials and achievements. Accordingly, there is an expectation that a student's transcript may be shared with persons other than the student and the student's parents, provided the district complies with the consent requirements contained in the Family Educational Rights and Privacy Act (FERPA) and the IDEA that apply to public agencies in disclosing personally identifiable information in education records. See 34 C.F.R. §§ 99.30-99.31 of the FERPA regulations and 34 C.F.R. § 300.571 of the IDEA regulations. With regard to disclosure to third parties, the same confidentiality requirements apply both to a student report card and a student transcript, since both are "education records" within the meaning of FERPA and IDEA.

**Questions and Answers on Report Cards and Transcripts  
For Students with Disabilities Attending Public Elementary and  
Secondary Schools**

In October 2008, Office of Civil Rights released guidance regarding questions related to report cards and transcripts. The guidance has ten questions and answers. Please refer to the Office of Civil Rights website at:

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-qa-20081017.html>