



# Guidance Policy: Applying Graduation Requirements to Students with Disabilities

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## FOREWORD

South Dakota strives to prepare students graduating from high school ready for postsecondary and the workforce. Graduating with a regular signed diploma is a goal of virtually all students and families of students enrolled in South Dakota's high school programs.

The purpose of these *SD DOE Graduation Guidelines for Students with Disabilities* is to assist IEP teams to make informed decisions about meeting SD graduation requirements for students with disabilities and planning for post school.

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## Frequently Used Acronyms and Glossary

### Acronyms

ESEA – Elementary & Secondary Education Act

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

### Glossary

**Accommodations:** The teaching supports and services that the student may require to successfully demonstrate learning. Accommodations do not change curriculum expectations, or the knowledge and skills students are expected to demonstrate.

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

**Graduation -** Student receives a regular signed diploma

**Regular Diploma -** Sec. 300.102 (a) (3) (iv)

(iv) As used in paragraphs (a)(3)(i) through (iii) of this section, the term regular high school diploma means the standard high school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma, except that a regular high school diploma shall not be aligned to the alternate academic achievement standards described in section 1111(b)(1)(E) of the ESEA. A regular high school diploma does not include a recognized equivalent of a diploma, such as a general equivalency diploma, certificate of completion, certificate of attendance, or similar lesser credential.

**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. Modifications change the scope and demonstration of knowledge and skills students are expected to demonstrate.

## Graduation Guidelines for Students with Disabilities

### IDEA requirements

The Individuals with Disability Education Improvement Act (IDEA 2004) and as amended by ESEA in 2017 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 **regular signed diploma**.
- Graduation from high school with a regular signed diploma constitutes a change in placement, requiring written prior notice.
- The term **regular signed 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 signed 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 regular signed 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

(<https://sdlegislature.gov/Rules/DisplayRule.aspx?Rule=24:43:11>) contains criteria that LEAs and students must follow to earn a regular signed 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 <https://doe.sd.gov/gradrequirements/>

### Modifying Graduation Requirements for Students with Disabilities

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.

Modifications may include modifications to content requirements and/or substitutions made

to required courses to accommodate the needs of the individual student; the nature and extent of any modifications must be documented in the IEP. Parents and students should be fully informed of any implications that may result from modifying graduation requirements and that the issuing of a diploma based on modified course requirements and/or content does not end the district obligation to provide a FAPE unless a regular signed diploma is earned and awarded.

Receipt of a general education development (GED) certificate does not end an LEA's obligation to provide a FAPE to eligible students.

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

- Documentation of any modifications should be cumulative in a nature so that the IEP team is able to accurately discuss the student's progress toward earning a diploma.
- Modification 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 General 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 modification of graduation requirements.
- When making modifications, 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 modifying graduation requirements, the IEP team should consider the effect on the student's progress toward achieving his/her measurable post-secondary goals.
- When making graduation modifications, the team should take into consideration if the modified requirement meets job expectations for jobs that require a high school diploma.

## 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 information can be found on the compulsory Attendance to 18 website:

<http://doe.sd.gov/secretary/attendanceto18.aspx>

For more information, see: **Department of Labor: General Education Development (GED) at** [http://dlr.sd.gov/workforce\\_services/individuals/high\\_school\\_equivalency/ged\\_individuals.aspx](http://dlr.sd.gov/workforce_services/individuals/high_school_equivalency/ged_individuals.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 regular signed 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. 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. **The IEP team may modify the specific units of credit described in § 24:43:11:02 however this does not end the obligation to provide a FAPE.**

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### 3. What is the difference between an accommodation and modification in regard 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.

Modifications 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 Special Education - Individual Education Program 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 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 SD DOE and be approved. If approved, a district can get full core content credit. Please see:

<https://doe.sd.gov/cte/corecontentcredit.aspx> for more information.

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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 regular signed diploma. Earning a diploma based on modified course requirements and/or content does not end the districts obligation to provide a FAPE, therefore no changes of placement has occurred.

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

The discussion of graduation with a regular signed 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: <https://doe.sd.gov/octe/gradrequirements.aspx> or <http://sdmylfe.com>)

**Regulations:**

1. State that a transition plan beginning 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 regular signed diploma.
3. Prior written notice sent prior to graduation from high school with regular signed 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 regular signed diploma?**

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

According to the Office for Civil Rights *Letter to Runkel*, all publicly enrolled students with a disability are eligible to receive a regular signed 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 regular signed diploma.

There is no guaranteed right for every student with a disability to receive a regular signed diploma 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. The modifications must be clearly defined in the course of study in the IEP. Parents and students should be fully informed of the implications and that a diploma based on modified course requirements and/or content does not end the district requirements to provide a FAPE.

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

No. Graduation with a **regular signed diploma** ends the student's eligibility for a FAPE under IDEA and South Dakota Special Education Rules. If the IEP team determines the student still has transition needs even if credit requirements have been met the student can continue to receive services and the regular signed diploma can be signed and awarded at the time all transition goals have been met.

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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 age21?**

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

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

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

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

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

SD has one diploma. It is a local decision whether additional types of certificates or district diplomas are awarded.

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

No. A student must pass the coursework utilizing any accommodations and/or modifications outlined by the IEP to receive credit for the class. An IEP does not mean that a student cannot fail a course.

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

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 regular signed 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 regular signed 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 regular signed diploma, then he cannot be denied a regular signed 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 regular signed 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 regular signed diploma terminates a district's responsibility to provide special education services. But when a district awards a regular signed diploma to a special education student based solely on general education requirements without considering the completion of IEP goals and objectives with regards to transition, the student might be able to reject that **diploma**.

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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.

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### **21. How does a district determine which course codes to use? Are these different when providing a course for students with disabilities?**

DOE has implemented a common course numbering system for high school courses for all accredited public-school districts to provide consistency in student transcripts across the state.

The course code used for students with disabilities should be the code that best aligns to the standards/course description that the student will be expected to meet. For example: if the student is enrolled in Algebra I and received accommodations or supports, but meets the Algebra I standards, then the Algebra I course code should be used. If considering Algebra I but the IEP team identifies modifications to the extent that the expectations are not aligned to the Algebra I standards, but rather basic math concepts, then the district needs to find a code that best aligns to the expectations (such as a general mathematics code).

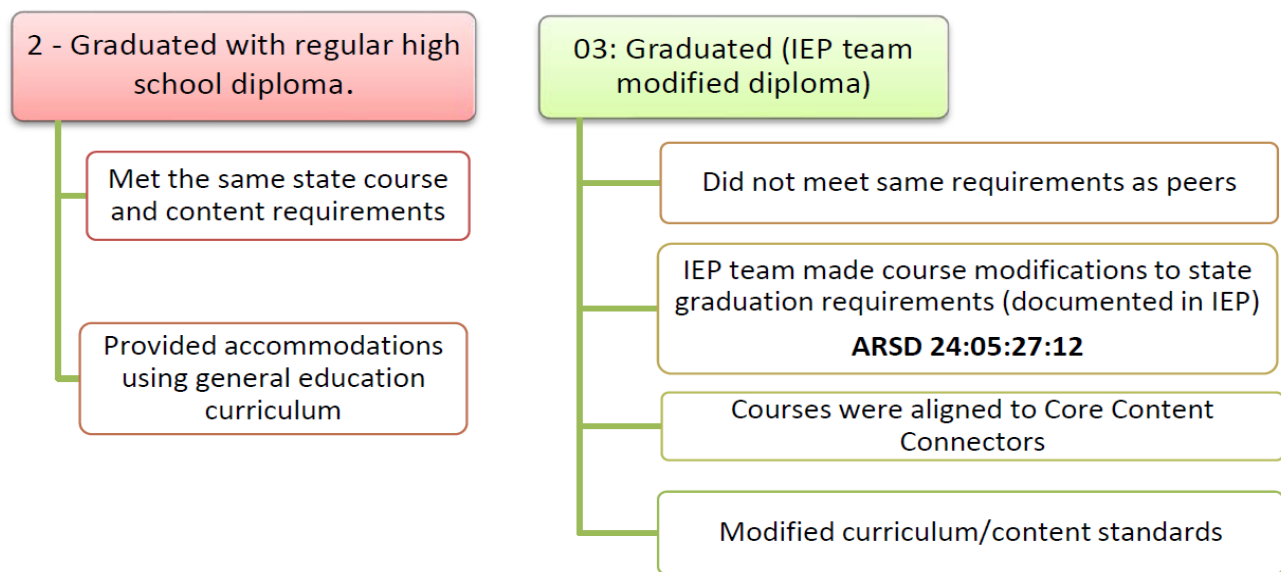
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## 22. What special education ending/exiting code should be used?

District must accurately code students on an IEP who are awarded a diploma based on how the state's graduation requirements were met. According to ARSD 24:05:27:12. Graduation requirements: It states "The IEP team may modify the specific units of credit described in § 24:43:11:02.". If the diploma requirements are modified and not fully aligned, the student is still eligible for special education until either the student meets the same requirements as all students or ages out. Districts must accurately identify in the special education exit code whether the student received a regular signed diploma that met the same requirements as all students or if requirements were modified. The state must submit accurate data to federal Office of Special Education Programs and under Every Student Succeeds Act on the number of students that met the regular diploma requirements.

Key information:

- Only one diploma in South Dakota
- Student can receive a diploma at any age, even at 21 years old.



For more information see the [Graduating Coding Guidance for Students on an IEP](#).

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### 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-ga-20081017.html>