

Utah State Office of Education, Special Education Services

Graduation Guidelines for Students with Disabilities

November 2013

ACKNOWLEDGEMENTS

The Utah State Office of Education (USOE), Special Education Services, formed a committee to develop the *USOE Graduation Guidelines for Students with Disabilities* for local education agency (LEA) use when developing and implementing their graduation procedures.

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FOREWORD

Graduation with a high school diploma is a goal of virtually all students and families of students enrolled in Utah'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 to IEP teams, including parents and students, what graduation options are available and potential unintended consequences of the selected option.

The purpose of these *USOE Graduation Guidelines for Students with Disabilities* is to assist Individualized Education Program (IEP) teams to make informed decisions about graduation options for students with disabilities.

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 students with disabilities does not apply with respect to students with disabilities who have graduated from high school with a regular high school diploma.
- Graduation from high school with a regular high school diploma constitutes a change in placement, requiring written prior notice.
- The term *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 of attendance/completion or a general educational development credential (GED).
- An evaluation is not required before the termination of a student'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 Utah State Board of Education (USBE), through administrative rules, has set minimum requirements that students must complete in order to earn a high school diploma; these requirements apply to all Utah students, regardless of disability or English language acquisition status. While local education agencies (LEAs) may set additional requirements, Section 504 of the Rehabilitation Act of 1973 prohibits discrimination in the implementation of grading policies, setting of graduation requirements, and awarding diplomas. Additionally, the student's transcript must not identify special education classes, although the LEA can identify modified classes with an asterisk or other symbol provided that the grades and courses of all students are treated in a like manner (Letter to Runkel, OCR, 1996).

USBE Administrative Rule R277-705, enacted 11/17/13, contains criteria that LEAs and students must follow to earn a diploma or a certificate of completion:

R277-705-4. Diplomas and Certificates of Completion.

- A. LEAs shall award diplomas and certificates of completion.
- B. LEAs shall establish criteria for students to earn a certificate of completion that may be awarded to students who have completed their senior year, are exiting the school system, and have not met all state or LEA requirements for a diploma.

This rule also addresses graduation requirements for students with disabilities:

R277-705-5. Students with Disabilities.

- A. A student with disabilities served by special education programs shall satisfy high school completion or graduation criteria, consistent with state and federal law and the student's IEP.

B. A student may be awarded a certificate of completion or a differentiated diploma, consistent with state and federal law and the student's IEP or Section 504 Plan.

Students whose IEP team has determined that his/her participation in state-wide testing is through Utah's Alternate Assessment (UAA) may earn a high school diploma if all graduation requirements in place at the time of graduation are met. These students, as well as students who receive a Certificate of Completion will be counted as "Other Completers" when calculating graduation rates for LEAs.

Participation in Graduation Ceremonies

As noted in R277-705-4-A, school districts or schools are given the responsibility to award diplomas or certificates of completion.

- Students who meet graduation criteria are entitled to the same treatment as the nondisabled population, and this means that they have the same rights to participate in graduation ceremonies as any other nondisabled student of the same age would have (Letter to Runkle, OCR 1996).
- School districts or schools are responsible for determining how students with or without disabilities who have not met graduation requirements participate in ceremonies where diplomas or Certificates of Completion may be awarded.
- The USOE Special Education Section recommends that LEAs clearly define in LEA policies or procedures the criteria for participation in graduation ceremonies by students who have not met graduation requirements. The USOE 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 and/or procedures available to students, parents, and LEA staff. This information should also be made available to the public prior to graduation dates.

Amending Graduation Requirements

R277-705-5-A requires students with disabilities served by special education programs to satisfy high school completion or graduation requirements, consistent with state and federal law and the students' IEP. The USBE Special Education Rules VII.C.2 allows the IEP team to amend graduation requirements and require that any amendments must be documented in the IEP. Amendments may include modifications, substitutions, and/or exemptions made to accommodate the needs of the individual student.

R277-700.7.1 allows graduation requirements modifications when such modifications:

- are consistent with the student's IEP or SEOP or both;
- are maintained in the student's file and include the parent's/guardian's signature; and
- maintain the integrity and rigor expected for high school graduation, as determined by the Board.

While the USOE does not define “modifications, substitutions, and/or exemptions,” IEP teams should consider the following guidelines:

- Documentation of any amendments should be cumulative in nature so that the IEP team is able to review previous amendments and accurately discuss the student’s progress toward earning a diploma. A best practice would include the date of the amendment and the parent’s or adult student’s signature.
- Documentation of amendments should be shared with the school counselor/registrar for inclusion in the student’s high school transcript.
- 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. For example, it may be beneficial to substitute a foods and nutrition class for a science credit if a student’s career goal is in the culinary arts. The same substitution may not be appropriate for a student who is interested in a career that would require a knowledge base in science, such as nursing.
- Exemptions to graduation requirements may occasionally be determined necessary by the IEP team. The IEP team should be cautious in recommending exemptions, as the outcome may not be beneficial to students.

Adult Education Programs

Adult Education programs are available to out-of-school youth 16 years of age and older who are Utah residents, legal residents of the United States, are no longer enrolled in public education programs, or whose high school class has graduated and who do not have a high school diploma. These programs are available through Utah school districts as well as several community/faith-based organizations. Program and contact information is available at

<http://www.schools.utah.gov/adulted/DOCS/Community/AEProgramDirectory.aspx>

Programs may emphasize: English language acquisition and competency; basic skills in reading, writing, math and problem solving; and academic/credit courses leading to an adult secondary diploma. Students who have not met high school graduation

requirements and wish to earn a high school diploma might consider enrolling in an Adult High School Completion program; students whose literacy and numeracy skills are below the ninth grade level and who wish to improve those skills might consider enrolling in an Adult Basic Education program (<http://www.schools.utah.gov/adulted/ABE-and-AHSC.aspx>). Students who would like additional instruction in English language acquisition might consider enrolling in the English to Speakers of Other Languages (ESOL) program through Adult Education (<http://www.schools.utah.gov/adulted/DOCS/Community/AEProgramDirectory.aspx>).

Students with disabilities may enroll in Adult Education programs; students who do not have a high school diploma are still eligible for a FAPE (appropriate special education and related services) while in Adult Education until they reach maximum age (22) or receive a Utah Adult Secondary Diploma. The Utah Adult Education Policies and Procedures Guide, Tab E (<http://www.schools.utah.gov/adulted/DOCS/Directors/Policy/TabE.aspx>) requires the following:

- The adult education program will notify the LEA (district or charter school) special education department of a student who may be eligible for special education services.
- The LEA special education department will facilitate and determine special education eligibility.
- Special education and related services will be determined by an IEP team which will include an adult education representative.
- The LEA is responsible to assist the adult education program in selecting the most appropriate strategies and educational materials to meet the student's needs.
- The LEA is responsible to ensure that the student participating in an adult education program receives special education services through a recognized K-12 school, including a school post-high program..
- Funding for special education services will be as follows:
 - LEAs providing special education services will receive state and IDEA special education funding for the amount of time the student is receiving services as reported to the USOE on SCRAM.
 - The adult education program will receive, from the LEA, the regular WPU for the time the student is enrolled and engaged in the adult education program up to 990 hours of instruction per fiscal/program year.

General Educational Development (GED) /Utah High School Completion Diploma

GED testing is open to individuals who are at least 16 years of age and not enrolled in any K-12 school; students aged 16-18 must submit an application completed by the school stating that the student is not enrolled in a school and understands the possible consequences of withdrawing from school. Additionally, the application must be signed by representatives from an Adult Education program stating that the youth

demonstrates the academic competencies required for passing the GED Tests and by the youth's parents stating that the parents and youth understand the possible consequences of withdrawing from school. More information may be found at <http://www.schools.utah.gov/adulted/GED.aspx>.

The GED Test is composed of five subtests: Language Arts/Writing Skills, Language Arts/Reading, Social Studies, Science, and Mathematics. Youth who pass all subtests with a standard score of at least 410 on each of the subtests and an overall average standard score of at least 450 on the five subtests combined will be awarded a Utah High School Completion Diploma.

Students with disabilities who pass the GED Test and earn a Utah High School Completion Diploma are eligible to return to the school system as this type of diploma does not qualify as a "regular high school diploma" and does not end the LEA's (both district and charter school) responsibility to provide a FAPE to eligible students (IDEA §300.102(a)(3)(i-iv)).

Graduation Calculations

Effective with the graduating Class of 2008, the USOE modified graduation calculations to meet new federal requirements¹. These changes will impact how students with disabilities are counted in the graduation rate calculations. In the past, for example, students who participated in the UAA and earned a diploma were counted as graduates. These students will now be counted as "other completers" and not included in the state or LEA graduation rate. Students who need more than four years to complete a diploma will no longer be counted as graduates, but will be counted as "non-graduates" and not included in the graduation rate calculations. While these students will not be counted in graduation rate calculations, they will still have graduated from high school and will have valid high school diplomas. Previously, students who left school at age 22 were not included in the calculations; they will now be counted as "other completers". Students who withdrew from school were not included in the calculations; they will now be counted as "dropouts".

The calculation changes are as follows:

1. Graduate
 - a. Basic high school diploma (earned on-time in 4 years)
 - b. Utah Adult Secondary Diploma (Carnegie units)
2. Other Completer
 - a. UAA
 - b. GED (Utah High School Completion Diploma)
 - c. Certificate of Completion
 - d. Aged out (reached maximum age for IDEA eligibility)

¹ See "New Graduation Rate Summary Information" at <http://www.schools.utah.gov/data/Educational-Data/Graduation-Dropout-Rates.aspx>

3. Continuing student
 - a. Retained Senior
 - b. Transferred to Higher Education
 - c. Transferred to UCAT
4. Dropout
 - a. Withdrawn
 - b. Unknown status
 - c. Dropout

High School Completion Codes

Using the correct codes will improve the accuracy of the graduation rate data by correctly coding the student as a graduate or non-graduate (i.e., other completer, continuing student, or dropout). The following scenarios may help clarify the use of exit codes.

1. Graduate (3 year cohort rate and 4 year cohort rate) – GR
 Johnny enters 9th grade in Apple High, a 4 year high school. He stays in Apple High for all four years of high school and graduates at the end of his senior year. Johnny is coded as a GR (or the equivalent GM for military children) and is considered a graduate in Apple High's 3-year and 4-year graduation rates and in Apple School District's 4 year graduation rates.
2. Graduate (3 year cohort rate) – GR
 Jennie enters Orange School District as a 9th grader but due to district policy, stays in the district's junior high. In 10th grade she transfers from Orange Jr. High to Orange High school and stays there until she graduates at the end of her senior year. Jennie is coded as a GR (or GM for military children) and is considered a "graduate" in Orange High's 3-year graduation rate and Orange School District's 4-year graduation rates.
3. Participated in UAA – G3
 Alice's IEP team at Silverton High determined that her participation in state-wide assessment would be through UAA. Her IEP team carefully planned her courses of study during high school and Alice was able to receive a regular high school diploma by meeting graduation requirements with course substitutions after her class had graduated. Alice had previously been coded a "retained senior" (RT), but at graduation is coded as a G3 and is not considered to be either a graduate or a dropout, but is considered an "other completer".
4. Retained Senior – RT
 James is a student with a disability who has spent four years in high school. Because he continues to qualify for services, he returns to school for another year. At the end of his fourth year in high school, he should be coded as a "retained senior" (RT) for each and every year afterwards. James will count as a non-graduate and will be dropped from all future cohorts, even if he is still

enrolled in school. If he drops out between his fourth year of high school and age 22, he will be counted as a single-year dropout.

5. **Transfer to Adult Education – AE**
Jane leaves Apple High as an 11th grader and transfers to Adult Education (AE). She will be counted as a dropout (DO) for the single-year rate that year and will count as a dropout when her cohort graduates the following year unless she receives her Utah High School Completion Diploma (GG) or Utah Adult Secondary Diploma (GC) by September 30th of the calendar year in which her class graduated (e.g., if the class graduated in May 2012, Jane would have to complete requirements for the diploma by September 30, 2012).
6. **Transferring to UCAT or higher education before graduation - UC or HE**
Peter decides to transfer to UCAT (UC) or an institution of higher education (HE) before receiving his high school diploma. Peter is not considered a graduate or a dropout; rather, he will be coded as a “non-graduate”, or more specifically, a “continuing student”.
7. **Not on-time graduate – DO**
Mary repeats 10th grade twice; thus, she does not graduate in four years with her cohort. She will be considered a dropout in the cohort graduation rate and will be dropped from all future cohorts. In other words, she will never be considered a graduate even though she met graduation requirements and received a regular high school diploma. This is due to very strict federal guidelines that only include *on-time* graduates. This code does not invalidate Mary’s high school diploma.
8. **Certificate of Completion (CT) vs. Retained Senior (RT)**
Luke is a student with a disability who has spent four years in high school. Because he continues to qualify for services, the school knows he will be returning the following year. However, he walks with his class and receives a certificate of completion/award of completion from the LEA. Luke should NOT be coded with a high school completion status of CT, or certificate of completion, if the LEA knows he will be returning. Instead, Luke is coded as a “retained senior” (RT) each and every year until he finally completes his high school career, at which time the LEA can code him as “aged out” (AO).
9. **Aged Out - AO**
Kate is a 22 year old student with a disability who has not completed her high school requirements. Because she is ineligible for services, the LEA should code her as an AO, which means she aged out of services. The LEA may award Kate a certificate of completion/award of completion, but should NOT code her as CT. She will not be considered a dropout but will be considered a “non-graduate”, or more specifically, an “other completer”.

Frequently Asked Questions about Graduation

When does FAPE end?

A student's right to a FAPE ends when the student has graduated from high school with a regular high school diploma or when the student reaches maximum age for eligibility ("ages out"). In Utah, a student "ages out" at age 22, leaving school either at the LEA's winter break or the end of the school year, depending on the student's birthday.

A student's eligibility for FAPE also terminates when a student receives a Utah Adult Secondary Diploma through an Adult Education program. A student's eligibility for FAPE does not terminate when the student receives a Utah High School Completion Diploma earned by passing all subtests of the GED.

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

Yes. Graduation from high school with a regular high school diploma is a change in placement. The parent and adult student must receive prior written notice of this change a reasonable amount of time before the LEA proposes to terminate the student's eligibility under the IDEA by issuing the student a diploma; notification within at least 30 days of graduation would provide ample time for the parent or adult student to obtain legal guidance and file for a due process hearing, triggering the stay-put provision of IDEA. The prior written notice and notice of change of placement are generally included in a special education form titled "Prior Written Notice of Change of Placement in Special Education."

Can student who have graduated with a diploma continue to receive special education services under IDEA until age 22?

Yes and No. Students who graduate with a Utah High School Completion Diploma after passing the GED tests remain eligible for a FAPE from a district or charter school until age 22. Students who graduate with a regular high school diploma are no longer eligible for a FAPE under IDEA and Utah Special Education Rules. Students who have earned a regular high school diploma may be eligible to attend Adult Basic Education classes if they lack sufficient basic educational skills to function effectively in society or to obtain or maintain employment; these students are no longer eligible for a FAPE, but may still be eligible for accommodations under Section 504. Any needed accommodations must be provided by the adult education program.

Can an LEA offer differentiated diplomas or certificates of completion?

Yes. LEAs may offer differentiated diplomas as long as the diploma does not identify the student as a student with a disability, an English Language Learner, etc. LEAs may offer certificates of completion to students who meet the criteria developed by the LEA.

May an LEA set additional graduation requirements?

Yes. The USBE has outlined minimum course requirements for a regular high school diploma in Rule R277-700. LEAs, through local school board approved policies, may set additional requirements. Students with disabilities must meet LEA graduation requirements in order to earn an LEA diploma; an IEP team may amend those requirements for a student with disabilities as outlined in that rule.

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. For example, the diploma for a student who participated in the UAA would have no reference to the student's participation in the UAA.

Must an LEA waive diploma requirements for students with disabilities?

No. The IEP team may choose to amend graduation requirements by modification, substitution, and/or exemption, but is not required to do so. If the IEP team amends graduation requirements, a cumulative record of such amendments should be kept in the student's IEP file for review by subsequent IEP teams. This will allow each team to monitor the student's progress toward earning a diploma.

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

No. Graduation requirements for a diploma, above the state-required minimum, are set by the LEA. 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 USOE minimum graduation requirements, although the IEP team may amend the requirements for an individual student.

Many LEAs allow students with disabilities to participate in graduation ceremonies without awarding the student a diploma; this may lead the student and his/her family to assume that the student has "graduated" from high school. IEP teams should discuss the LEA's policies or procedures regarding participation in graduation ceremonies by students who have not completed all graduation requirements.

IEP teams, including the student and the student's parents, should discuss school exit options annually at IEP meetings beginning prior to ninth grade when students start to earn credits needed for a diploma. These exit options could include earning a diploma or a certificate of completion or staying in school until age 22.

If a student with an IEP completes the LEA's requirements for a high school diploma, must the student be awarded a diploma?

Yes. When LEA diploma requirements have been met, the student must be awarded the diploma. Once earned, the diploma may not be withheld in order to provide additional special education services to the student. Annual consideration of the student's progress toward earning a diploma will help alleviate this situation.

May the student who has earned a diploma continue to receive special education services, including transition services?

Yes and No. The obligation of the LEA to make a FAPE available does not apply to students who have graduated with a regular high school diploma or a Utah Adult Secondary Diploma. The LEA (district and charter school) must make a FAPE available to a student who has earned a Utah High School Completion Diploma by passing the GED. This reiterates the importance of early planning for school completion and agency collaboration.

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

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

Frequently Used 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 41 Utah school districts, the Utah Schools for the Deaf and the Blind, and all public charter schools

UAA – Utah's Alternate Assessment

UBSCT – Utah Basic Skills Competency Test

USOE – Utah State Office of Education

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.

Exemptions. Freedom from an obligation; permission or entitlement not to do something that others are obliged to do.