

GRADUATION REQUIREMENTS FOR STUDENTS WITH DISABILITIES

Date of Issue: June 2013

PURPOSE

The Basic Education Circular (BEC) entitled Graduation Requirements for Students with Disabilities was developed as a result of inquiries submitted to the Pennsylvania Department of Education (PDE) regarding high school graduation requirements for students with disabilities. This BEC does not reflect any revised state or federal law, regulations or standards; rather, it provides local education agencies (LEAs) with a summary of information regarding graduation requirements for students with disabilities. In this BEC, current requirements and regulations are restated, clarified and prioritized for the LEAs. The Bureau of Special Education (BSE) was the only bureau consulted in the development of this BEC and current special education issues are addressed. It was the intention of the BSE to provide LEAs with a quick reference guide for graduation requirements for students with disabilities.

BACKGROUND

According to the Pennsylvania Code (22 Pa. Code § 12.6(a)), "...All persons residing in this Commonwealth between the ages of 6 and 21 years are entitled to a free and full education in the Commonwealth's public schools." Based on the Pennsylvania Public School Code of 1949, as amended (24 P.S. § 13-1301), "...Notwithstanding any other provision of the law to the contrary, a child who attains the age of 21 years during the school term and who has not graduated from high school may continue to attend the public schools in his/her district free of charge until the end of the school term..." The school term, as defined in the Pennsylvania Public School Code of 1949 (24 P.S. § 1-102), is "...the period of time elapsing between the opening of the public schools in the fall of one year and the closing of the public schools in the spring of the following year..." For students with disabilities for which a free appropriate public education (FAPE) includes extended school year services, the school term includes the summer extended school year services.

AUTHORITY

According to the Pennsylvania Code (22 Pa. Code § 4.24(e)), a student with disabilities may graduate one of two ways. A student with disabilities may graduate either through the fulfillment of high school graduation requirements set forth in Chapter 4 (relating to academic standards and assessment) or upon the completion of his/her individualized education program (IEP) goals. Graduation with a regular high school diploma is a change in educational placement that requires an IEP team meeting. The IEP team makes the determination whether the student will graduate with a regular high school diploma through the academic standards and assessment in 22 Pa. Code Chapter 4 or completion of the IEP goals (34 CFR § 300.102(a)(3))

PROCEDURE

Graduation Ceremonies

According to the Pennsylvania Public School Code of 1949, as amended (24 P.S. § 16-1614), a board of school directors of a school district, an area vocational-technical school or a charter school shall allow a student with a disability, whose IEP prescribes continued special education programs beyond the fourth year of high school, to participate in commencement ceremonies with the student's graduating class and receive a certificate of attendance, provided that the student has attended four years of high school regardless of whether the student has completed the IEP. The local education agency (LEA) would not create the diploma until the student graduates with a regular diploma. A diploma is dated and awarded when the student with disabilities actually graduates.

Termination of the Right to a FAPE

The receipt of a regular high school diploma terminates a student's right to a FAPE. Whether a student's right to a FAPE is terminated by the receipt of a regular high school diploma or aging out, the LEA must provide the student with a summary of academic achievement and functional performance, which shall include a recommendation on how to assist the student in meeting their postsecondary goals (34 CFR § 300.305(e)).

When the student graduates with a regular high school diploma, this constitutes a change in educational placement. The LEA must provide the parents with prior written notice for this change in educational placement (34 CFR § 300.102(a)(2)), including an explanation of why the LEA is proposing the change and a description of each evaluation procedure, assessment, record, or report used as a basis of the proposed action. If the student is to graduate with a regular high school diploma prior to the age of 21, the parents have the right to accept or refuse the LEA's recommendation. The recommendation must be appropriate, clearly defining the postsecondary goals, and outline the processes designed to assist the student during the postsecondary transition. If the parents refuse the change in educational placement, they must file for mediation or due process to invoke pendency/stay put.

The recommendation for graduation must be appropriate. A student who has aged out of eligibility under Individuals with Disabilities Education Act or received a regular high school diploma may be entitled to compensatory education if the LEA inappropriately graduated him or her, or otherwise failed to provide a FAPE during the student's period of eligibility, even if the parent approved the Notice of Recommended Educational Placement (NOREP). This may include the period of time a student was without a program of education due to an inappropriately issued diploma.

Extended School Year Services – Students Who Aged Out

If a student with a disability turns 21 years of age during the school term, that student may be eligible for extended school year services during the subsequent summer. The IEP team must determine whether that student is eligible for extended school year during the summer. If the IEP team determines that extended school year is a part of a FAPE, that student must be provided with extended school year services during the summer after the end of the school term. If a student graduates at the conclusion of the extended school year program with a regular high school diploma, the LEA would issue a NOREP/Prior Written Notice exiting the student from special education.

References:**Purdon's Statues**

24 P.S. §1-102
24 P.S. §13-1301
24 P.S. §16-1614

State Board of Education Regulations

22 Pa. Code Chapter 4
22 Pa. Code Chapter 12
22 Pa. Code Chapter 14
22 Pa. Code Chapter 711

Federal Regulations

34 C.F. R. Part 300

Contact Bureau/Office:

Pennsylvania Department of Education
Bureau of Special Education
333 Market Street, 7th Floor
Harrisburg, PA 17126-0333
Phone: (717) 783-6913

