



south dakota
DEPARTMENT OF EDUCATION
Learning. Leadership. Service.

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.

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 *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 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/secretary/attendanceto18.asp>

For more information, see: **Department of Labor: General Education Development (GED) at http://dol.sd.gov/workforce_training/ged_intro.aspx**

Frequently Asked Questions about Graduation

1. 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 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).

2. 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 parent 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 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.

3. 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.

4. Can a student, who has met the course requirements for the LEA, still receive 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 if they lack sufficient basic educational skills to function effectively in society, skills necessary to live independently or to obtain or maintain employment. 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.

5. 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.

6. 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](#)).

7. Must an LEA waive diploma requirements for students with disabilities?

No. The IEP team may choose to amend graduation requirements by modification and/or substitution, but is not required to do so.

8. 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 requirements for an individual student.

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

No. The obligation of the LEA to make FAPE available does not apply to students who have graduated with a signed regular high school diploma. This reiterates the importance of early planning for school completion and agency collaboration.

10. 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.

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 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 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.