

GRADUATION AND DIPLOMAS

Section 504 of the 1973 Rehabilitation Act prohibits discrimination in the implementation of grading policies, setting of graduation requirements, and awarding diplomas. The information in this document is taken from several letters from the Office of Special Education Programs, the Office of Civil Rights, Law Reports and the Special Ed Connection website from LRP Publications.

In Colorado, local school boards have the authority to set graduation requirements, grading policies and conditions for awarding diplomas as long as those policies do not violate civil rights of students. To ensure that district practices do not discriminate, districts must;

- establish clearly defined graduation requirements that include specific, objective criteria and are available to all students,
- provide appropriate advance notice to allow reasonable time to prepare to meet the requirements or make informed decisions about alternative options,
- and, consider the needs of individual students on a case-by-case basis.

Prior to working with individual students to develop transition services within Individual Education Programs (IEPs), it is important to understand district policies related to graduation requirements, diplomas, and participation in graduation ceremonies.

When does FAPE end?

A student's right to a Free Appropriate Public Education (FAPE) ends when the student has received a regular diploma or when the student reaches maximum age. In Colorado, students reach maximum age at 21.

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

YES. High school graduation is considered a change of placement in that eligibility for special education services will cease. Advance written notice of the intended graduation is required along with procedural safeguards. A sample notice is contained in the Colorado Recommended IEP forms available on the CDE website.

Can a student who has graduated with a diploma continue to receive special education services under IDEA until 21?

NO. Granting a regular high school diploma terminates the student's right to FAPE.

Can a district offer different diplomas or certificates?

YES. If a district offers different types of diplomas, or certificates, then all options must be available to all students regardless of whether the student has a disability. Diplomas may not be designated for a specific student population or based on special education status. Districts may set academic and non-academic requirements. The requirements for earning a particular type of diploma must be based upon objective criteria specific to the purpose for awarding different diplomas and need to be well publicized in student handbooks and/or other notices with sufficient time to prepare to meet the requirements.

May a district use different wording on diplomas?

YES. The wording should be based on objective criteria and each possibility must be available to all students on a nondiscriminatory basis. The diploma may refer to the student's transcript for the exact courses or subjects completed.



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

NO. Graduation requirements are established by local districts. Students can complete IEP goals and still not meet graduation requirements. Districts must notify parents in advance if successful completion of the student's IEP will not result in the award of a regular diploma.

Can a school or district set specific requirements for participation in graduation ceremonies?

YES. In Colorado, decisions about participation in graduation ceremonies are made by the local School Board. Policies should be clearly defined and outlined in the Student Handbook. Students with disabilities may be denied participation in ceremonies for the same reasons that would disqualify a non-disabled student.

REFERENCES

- Freedman, M. K., Esq. (2000). Testing, grading and granting diplomas to special education students. Horsham, PA: LRP Publications
- Dunbar, D. (1996). Runkel, letter to (grading/diplomas). Office of Civil Rights, Region VIII, Vol. Issue 2504, Posting Date 19970226; 25 IDELR 387
- Authors. (1995) Grades, graduation, and diplomas. Special education bulletin. Helena, MT: Office of Public Instruction

This CDE guidance document is meant for clarification, is not legally binding, and is not to be confused with legal advice. This guidance reflects CDE's recommendations, but Administrative Units (AUs) may have developed their own policies or procedures that differ from those described herein. Be sure to refer to your local AU's policies and procedures through the Director of Special Education. If you are seeking legal advice, please contact your legal counsel.

The contents of this handout were developed under a grant from the U.S. Department of Education. However, the content does not necessarily represent the policy of the U.S. Department of Education, and you should not assume endorsement by the federal government.

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