

# ADMISSION, REVIEW, AND DISMISSAL COMMITTEE

## GRADUATION

October 22, 2021

Model operating procedures created by



Student Solutions

and

**Disclaimer:** This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2020 by Texas Association of School Boards, Inc.

*TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.*

## **CONTENTS**

GRADUATION	1
What is Required	1
Foundation High School Program	1
Endorsements	2
Substitutions under the Foundation High School Program	2
Transition to the Foundation High School Program	3
Distinguished Achievement, Recommended, and Minimum High School Programs	3
Students Eligible to Return to School After Graduating	4
Certificates of Attendance and Participation in Graduation Ceremonies	5
Financial Aid Application Requirements	5
Definitions	6
Additional Procedures	6
Evidence of Implementation	9
Resources	9
CITATIONS	10

# GRADUATION

## What is Required

The District's obligation to make FAPE available to all students with disabilities does not apply 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 of placement, requiring Prior Written Notice, and requires compliance with the Summary of Performance procedures. See [PRIOR WRITTEN NOTICE] and [SUMMARY OF PERFORMANCE]. An eligible student who is receiving special education services who is 21 years of age on September 1 of a school year will be eligible for services through the end of that school year or until graduation with a regular high school diploma, whichever comes first.

### **Foundation High School Program**

A special education student without modified curriculum who entered 9<sup>th</sup> grade in the 2014-2015 school year or later may graduate and be awarded a regular high school diploma if the student:

- Demonstrates mastery of the required state standards or District standards, if they are greater;
- Satisfactorily completes the credit requirements for graduation under the Foundation High School Program; and
- Achieves satisfactory performance on the required state assessments, unless the student's ARD Committee has determined that satisfactory performance on the required state assessments is not necessary for graduation. See [ADMISSION, REVIEW AND DISMISSAL COMMITTEE] and [STATE AND DISTRICTWIDE ASSESSMENTS].

A special education student entering the 9<sup>th</sup> grade in the 2014-15 school year or later whose curriculum is modified may graduate and be awarded a regular high school diploma if the student:

- Demonstrates mastery of the required state standards or District standards if they are greater;
- Satisfactorily completes the credit requirements for graduation under the Foundation High School Program through courses, one or more of which contain modified curriculum that is aligned to the standards applicable to general

education;

- Achieves satisfactory performance on the required state assessments, unless the student's ARD Committee has determined that satisfactory performance on the required state assessments is not necessary for graduation; and
- Successfully completes the student's IEP and meets one of the following conditions:
  - Has obtained full-time employment and mastered sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the District;
  - Has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the District;
  - Be involved with an agency that can provide services that are no longer the responsibility of the District; or
  - No longer meets age eligibility requirements.

## Endorsements

Special education students may earn an endorsement by successfully completing, with or without modification, the curriculum requirements for graduation under the Foundation High School Program, as well as the additional endorsement curriculum requirements, and successfully completing all curriculum requirements for that endorsement without modification of the curriculum or with modification of the curriculum, provided that the curriculum, as modified, is sufficiently rigorous as determined by the student's ARD Committee.

The student's ARD Committee will determine whether the student is required to achieve satisfactory performance on an end-of-course assessment to earn an endorsement on the student's transcript.

A special education 11<sup>th</sup> or 12<sup>th</sup> grade student is eligible to receive an endorsement if the student has taken each of the required state assessments, but failed to achieve satisfactory performance on no more than two of the assessments, as long as the student meets the other endorsement requirements.

In order for a special education student to use a course to satisfy both a requirement under the Foundation High School Program and an endorsement requirement, the student must satisfactorily complete the course without any modified curriculum.

## **Substitutions under the Foundation High School Program**

A special education student who is unable to complete two credits in the same language in a language-other-than-English (“LOTE”) due to the student’s disability, may substitute a combination of two credits from English language arts, mathematics, science, or social studies or two credits in career and technical education, technology applications, or other academic electives for the LOTE credit requirements if the ARD Committee determines that the student is unable to complete the LOTE credit requirements.

A student who, due to student’s disability or illness, is unable to participate in physical activity, may substitute one credit in English language arts, mathematics, science, social studies, a locally-designed course that meets the state criteria for substitution under state law, or one academic credit elective for the physical education credit requirement if the ARD Committee determines that the student is unable to participate in the physical activity.

A substitute credit for LOTE or physical education may not be used to satisfy any other graduation requirement.

## **Transition to the Foundation High School Program**

A special education student who entered grade 9 before the 2014-2015 school year may graduate and be awarded a high school diploma under the Foundation High School Program, if the student’s ARD Committee determines that the program is appropriate for the student and the student satisfies the requirements of the program.

A special education student transitioning to the Foundation High School Program who meets the requirements for an endorsement may earn an endorsement.

A special education student transitioning to the Foundation High School Program during the student’s 11th or 12th grade year who has taken each of the required state assessments but failed to achieve satisfactory performance on no more than two assessments, may graduate if the student has satisfied all other applicable graduation requirements.

## **Distinguished Achievement, Recommended, and Minimum High School Programs**

A special education student entering the 9th grade before the 2014-15 school year may graduate and be awarded a regular high school diploma if the student demonstrates mastery of the state standards (or District standards if they are greater), satisfactorily completes credit requirements for graduation under the recommended or distinguished achievement high school programs, and achieves satisfactory performance on the

required state assessment.

An 11<sup>th</sup> or 12<sup>th</sup> grade special education student who has taken each of the required state assessments but failed to achieve satisfactory performance on no more than two of the assessments is eligible to graduate under the recommended or distinguished achievement high school program if the student meets all other applicable graduation requirements.

A special education student entering the 9th grade before the 2014-15 school year may also graduate and be awarded a regular high school diploma if the student demonstrates mastery of the state standards (or District standards if they are greater), satisfactorily completes credit requirements for graduation under the minimum high school program, and participates in or satisfactorily performs on the required state assessments, as determined by the ARD Committee.

A special education student entering the 9th grade before the 2014-15 school year may also graduate and be awarded a regular high school diploma if the student:

- Demonstrates mastery of the state standards or District standards if they are greater through courses, one or more of which contain modified content that is aligned to the standards required under the minimum high school program;
- Satisfactorily completes credit requirements under the minimum high school program; participates in or satisfactorily performs on the required state assessments, as determined by the ARD Committee; and
- Successfully completes the IEP and meets one of the following conditions:
  - Has obtained full-time employment and mastered sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the District;
  - Has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the District;
  - Be involved with an agency that can provide services that are no longer the responsibility of the District; or
  - No longer meets age eligibility requirements.

### **Students Eligible to Return to School After Graduating**

A special education student who meets the age requirement for eligibility for continued services—i.e. who has not reached age 21 on September 1 of a school year—will be

eligible for services and may return to school after graduation as long as the student was awarded a diploma that meets the following conditions:

- The student was required to successfully complete the student’s IEP; and
- The student was required to:
  - Obtain full-time employment, based on the student’s abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the District;
  - Demonstrate mastery of specific employability skills and self-help skills that do not require direct and ongoing education support of the District; or
  - Have access to services that were not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.

See [AGE RANGES FOR ELIGIBILITY]. The ARD Committee must determine student’s educational service needs upon the request of the student or parent to resume services.

### **Certificates of Attendance and Participation in Graduation Ceremonies**

Campus Administration must issue a certificate of attendance to a special education student who has completed four years of high school but has not yet completed the student’s IEP. Campus Administration must allow special education students receiving certificates of attendance to participate in a graduation ceremony with students receiving high school diplomas. A special education student may participate in only *one* graduation ceremony to receive a certificate of attendance. The student will then return to school to complete the IEP goals and objectives before receiving a diploma. A student receiving a certificate of attendance is not prevented from receiving a diploma if the student completes the student’s IEP.

### **Financial Aid Application Requirements**

Beginning with students enrolled in grade 12 during the 2021-22 school year, each student will complete and submit a free application for federal student aid (“FAFSA”) or a Texas application for state financial aid (“TAFSA”) before graduating from high school.

A student is not required to submit a FAFSA or TASFA if:

- The student’s parent submits a signed form indicating that the parent authorizes

the student to decline to complete and submit the financial aid application;

- The student signs and submits a form declining to complete and submit the financial aid application, if the student is 18 years of age or older or the student's disabilities of minority have been removed for general purposes; or
- A school counselor authorizes the student to decline to complete and submit the financial aid application for good cause, as determined by the school counselor.

District Administration must adopt a form to be used for purposes of documenting a waiver to submit the FAFSA or TASFA, and the form must be approved by the Texas Education Agency and made available in English, Spanish, and any other language spoken by a majority of the students enrolled in a bilingual education or special language program in the District or on a campus. If a school counselor notifies District Administration that a student has complied with the financial aid application requirement for the purpose of determining whether the student meets high school graduation requirements, the school counselor may only indicate whether the student has complied and may not indicate the manner in which the student complied.

## **Definitions**

“Regular high school diploma” means the standard high school diploma awarded to the preponderance of students in Texas that is fully aligned with Texas 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.

“Employability and Self-Help Skills” are those skills that directly relate to the preparation of students for employment, including general skills necessary to obtain or retain employment.

“Modified curriculum” and “Modified content” refer to any reduction in the amount or complexity of the required Texas Essential Knowledge and Skills. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content.

## **Additional Procedures**

The above graduation requirements are designed to ensure students finish high school with skills designed to meet their unique needs and prepare them for further education, employment, and/or independent living. Because graduation is a change of placement,



the ARD Committee decides whether a student has met graduation requirements under the above framework.

In order for the ARD Committee to determine whether a student has met his/her graduation requirements, the following questions may be considered:

- For a student graduating in accordance with his/her IEP by obtaining full-time employment and mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support, the ARD Committee may consider:
  - What is the student's postsecondary goal in the areas of employment, education/training, and independent living (if applicable)?
  - What are the disability related needs of the student relative to their transition plan and their postsecondary goals for transition?
  - What courses, if any, has the student completed that have prepared them with the employment skills and/or self-help skills necessary to obtain or retain a job?
  - What jobs (paid or unpaid) has the student held during high school?
  - Is the student currently employed? If so, where and for how long?
  - Is the student successful in this job(s)? How do you know?
  - Did the student require any support from special education in order to obtain or retain the job?
  - If so, who will the student contact once they graduate from high school to access the same type of support to retain their job or obtain a new job?
  - If so, is the student already in contact with this person/agency?
- For a student graduating in accordance with his/her IEP by demonstrating mastery of specific employability skills and self-help skills that do not require direct ongoing educational support, the ARD Committee may consider:
  - What is the student's postsecondary goal in the areas of: employment, education/training, and independent living (if applicable)?
  - What are the disability related needs of the student relative to their transition plan and their postsecondary goals for transition?
  - What courses, if any, has the student completed that have prepared them with the employment skills and/or self-help skills necessary to obtain or retain a job?
  - What jobs (paid or unpaid) has the student held during high school?
  - Is the student currently employed? If so, where and for how long?
  - Is the student successful in this job(s)? How do you know?

- o Did the student require any support from special education in order to obtain or retain the job?
  - o If so, who will the student contact once they graduate from high school to access the same type of support to retain their job or obtain a new job?
  - o If so, is the student already in contact with this person/agency?
  - o If the student has never held a job or been competitively employed, what courses has the student taken that have prepared them to obtain or retain a job (as identified in their postsecondary employment goal), including courses that have provided instruction for self-help skills that the student would need in order to be successful in that job (based on their individual disability-related needs in the PLAAFP)?
  - o Was the student successful in these courses? How do you know (ex. IEP goal was created, and the student mastered the goal)?
- For a student graduating in accordance with his/her IEP by being involved with an agency that can provide services that are no longer the responsibility of the District, the ARD Committee may consider:
    - o What is the student's postsecondary goal in the areas of: employment, education/training, and independent living (if applicable)?
    - o What are the disability related needs of the student relative to their transition plan and their postsecondary goals for transition?
    - o What courses, if any, has the student completed that have prepared them with the employment skills and/or self-help skills necessary to obtain or retain a job?
    - o What jobs (paid or unpaid) has the student held during high school?
    - o Is the student currently employed? If so, where and for how long?
    - o Is the student successful in this job(s)? How do you know?
    - o Did the student require any support from special education in order to obtain or retain the job?
    - o If so, who will the student contact once they graduate from high school to access the same type of support to obtain or maintain a new job or support in a postsecondary education program?
    - o If so, is the student already in contact and receiving services with this person/agency?
    - o If not, what should be the next steps for the student to complete in order to access this support or service?
  - For a student who no longer meets age eligibility requirements, the ARD Committee may consider:

- o Is this student currently 22? If so, they will not be eligible for services through special education during the next school year.
- o Will this student turn 22 on or before September 1 of next year? If so, they will not be eligible for services through special education during the next school year.

When the ARD Committee determines that modifications to the curriculum are required, the ARD Committee must also ensure that the curriculum remains sufficiently rigorous for the student to retain eligibility for an endorsement.

In regard to state assessments, the ARD Committee will determine whether the state assessment or an alternate assessment is appropriate. The ARD Committee will also determine whether a student is required to achieve satisfactory performance on an end-of-course assessment instrument to earn an endorsement on the student's transcript. See [STATE AND DISTRICTWIDE ASSESSMENTS].

A student dismissed from special education services must complete the requirements for high school graduation and perform satisfactorily on any remaining assessments taken after the student is dismissed from special education. Therefore, the ARD Committee should carefully consider whether the student is capable of completing the requirements and passing the statewide exit-level assessment before dismissing the student.

Students who have completed four years of high school, but have not completed the graduation plan in their IEP may be allowed to participate in a graduation ceremony with their peers and receive a certificate. Campus Special Education Personnel determine which students meet this requirement and will contact and notify the parent and the adult student that they have an opportunity to participate in the ceremony. Campus Special Education Personnel will tell the parent and adult student that the student may only participate in one graduation ceremony and if the student were to participate now, that when the student completes his/her IEP graduation plan, he/she will receive a diploma, but will not be allowed to participate in another ceremony.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

[ADD ADDITIONAL DISTRICT PROCEDURES AS APPROPRIATE ]

## **Evidence of Implementation**

- FIE

- ARD/IEP
- Graduation Plan
- Summary of Performance
- State and Districtwide Assessments
- Prior Written Notice
- Documentation for the state in TSDS, PEIMS, and SPP
- **[DISTRICT FORMS]**

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Graduation - Region 18](#)

[The Legal Framework for the Child-Centered Special Education Process: Summary of Performance - Region 18](#)

[Graduation Guidance - Texas Education Agency](#)

[Statewide High School Transition Network - Texas Education Agency](#)

[State Graduation Requirements - Texas Education Agency](#)

[Graduation Guidance - Region 4](#)

[Graduation - SPEDTEX](#)

**[ADDITIONAL DISTRICT RESOURCES]**

## **CITATIONS**

Board Policy EHBAA; Board Policy EHBAB; Board Policy EHBAD; 20 U.S.C. 1412(a)(1)(A); 34 CFR 300.101(a), 300.102(a)(3), 300.305(e)(1-3); Texas Education Code 28.022, 28.025, 28.0256, 39.025, 42.003(a), 74.1021, 74.1025(n), 74.12, 74.13; 19 TAC 89.1035, 89.1070, 89.1414(c)(5)(A), 101.3022(f), 101.3023; Texas Family Code Chapter 31; HB 3 Sec. 5.001(c)