



## **Arc Guide to Graduation for Students Receiving Special Education Services**

Federal regulations in The Individuals with Disabilities Education Act (IDEA) require that a Free Appropriate Public Education (FAPE) must be made available to all children between the ages of 3 and 21, inclusive. (34 C.F.R. Sec. 300.101)

Minnesota law requires that special instruction and services must be provided from birth until July 1 after the child with a disability becomes 21 years old but shall not extend beyond secondary school or its equivalent, except as provided in the graduation incentives program. (Minnesota Statute 125A.03 (b))

**However, this does not mean that every student with a disability is eligible to receive special education and related services through age 21. This determination is made by the IEP team based on individual student needs.**

When a student with a disability graduates from school, the student is no longer eligible for special education and related services. This could occur at age 18, 19, 20 or 21.

### **Graduation Requirements**

There are two ways a student receiving special education services can successfully graduate from secondary school. The decision on which way a student with a disability graduates is made by the IEP team.

- A student must complete a specific list of high school level course credits and pass the statewide tests required for graduation. (This is the same process as for students without disabilities.) Passing scores for graduation tests are determined through:
  - The standard setting process used to determine passing scores for all students, or
  - Achieving an individual passing score deemed appropriate by the IEP team for students on an IEP or 504 plan
- A student with a disability satisfactorily attains the objectives in the IEP plan. (Minnesota Statute 125A.04) In this situation, the student will have also achieved an individual passing score on the graduation-required assessments. This is often called an IEP-driven diploma. This can occur at age 18, 19, 20 or 21.



## Additional Information and Considerations

- The high school diploma given to a student with a disability must look identical to the diploma given to a student without a disability.
- Students may participate in the graduation ceremony and all graduation events with their same age peers without officially graduating. In this situation, which is commonly referred to as 'holding the diploma,' the student will be graduating with an IEP-driven diploma.
- Graduation from high school is considered a change in placement. Therefore, prior written notice is required. Among other things, the notice must contain a description of the action being proposed, explanation of the proposal, sources to contact for assistance and other options the team considered.
- When a student turns 18, all rights related to special education transfer to the student unless a guardian has been appointed by the court.
- Upon graduation, the school must provide the student with a summary of his/her academic achievement and functional performance. This must include recommendations on how to assist the student in meeting the postsecondary goals.
- Graduation from high school does not guarantee access for county-funded services. This may be especially true if the student graduates before age 21.
- Discussions on graduation requirements and processes should occur during every transition IEP meeting.
- The transcript for a student with a disability should not disclose that the student has a disability. However, the transcript can indicate if the student took classes with a modified or alternate curriculum by notes or symbols. Again, however, the transcript cannot identify programs for students with disabilities. The transcripts cannot include information on accommodations in the general education curriculum.
- It is recommended that a Vocational Rehabilitation Services (VRS) counselor attend IEP meetings for students preparing to graduate from high school. VRS counselors may assist with jobs, jobs training, financial assistance and independent living. There is a VRS counselor assigned to every public high school. Contact the student's IEP case manager to get the name and phone number of the VRS counselor.
- Some students who have received special education and related services will be eligible for 504 services and a 504 plan in post-secondary school. Section 504 requires post-secondary schools to provide appropriate accommodations and modifications to ensure individuals with disabilities are not discriminated against.



This guide provides general information on graduation for students receiving special education services. Please contact The Arc Greater Twin Cities if you have individual questions related to graduation from high school for students with an IEP and service options available after high school graduation.

**For further information or advocacy services, contact The Arc Minnesota at 952-920-0855 or toll-free at 833.450.1494 or visit [www.arcminnesota.org](http://www.arcminnesota.org).** (Please note: *This document is not legal advice, and should not be construed as such. Thus, no information herein should replace the sound advice of an attorney.*)

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