



Graduation and Students with Disabilities

A Guide for Public Education Agencies

This document is intended to provide a summary of federal and state legal requirements impacting graduation for students with disabilities.

Arizona Department of Education/Exceptional Student
Services
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This guide was developed by the Arizona Department of Education, Exceptional Student Services (ADE/ESS), in collaboration with the Arizona Department of Education, Legal Department, and with input from representatives from public education agencies, ADE-approved private day schools, Raising Special Kids, the Arizona Center for Disability Law, and parents of students with disabilities.

Background

Graduation with a high school diploma is a goal of students in high schools and their families throughout Arizona. Students earn a high school diploma upon the successful achievement of graduation requirements set by the Arizona State Board of Education or by a local governing board, if that board has prescribed graduation requirements that are in addition to or higher than those prescribed by the State Board of Education.¹ Students with disabilities, like their typical peers, can earn a regular high school diploma with their four-year cohort group and some students with (and without) disabilities will require additional time in high school in order to meet graduation requirements. Some students with disabilities will not meet graduation requirements and will instead “age out” of high school (that is, for students with disabilities, leaving school after the school year during which they turn 22).

This document is intended to clarify Arizona’s graduation requirements, their interplay with the federal Individuals with Disabilities Education Act (IDEA), and how graduation requirements impact students with disabilities.

In order to better understand the perspectives of students, families, schools, and agencies involved in graduation planning, the Arizona Department of Education, Exceptional Student Services (ADE/ESS), solicited volunteers from the field to compose a graduation workgroup. This workgroup includes representatives from all relevant stakeholder groups, and its purpose is a continuing one—to discuss and develop guidance to assist public education agencies (PEAs) and individualized education program (IEP) teams in making informed decisions about graduation for students with disabilities.

This document represents the first communication from the graduation workgroup and is not intended to be a “one size fits all” guide for all graduation issues nor will it address all questions related to graduation. ADE/ESS, through the advisement of the graduation workgroup, ADE/Legal Department, and other ADE program areas, will continue to generate helpful documents, resources, and web links and to disseminate them to the field on a regular basis. Additional related topics will be addressed in future communications.

Federal Requirements Impacting Graduation

The Right to a Free Appropriate Public Education (FAPE) under the Individuals with Disabilities Education Act (IDEA)

The IDEA is a comprehensive federal law governing the provision of special education and related services to children with disabilities. One of the stated purposes of the IDEA is to “ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.”² A FAPE is defined as special education and related services that are provided at public expense, under public supervision and direction, and at no cost to parents.³ These special education and related

¹ Arizona Revised Statutes (A.R.S.) [§ 15-701.01\(D\)](#)

² 20 United States Code ([20 U.S.C.](#)) [§ 1400\(d\)](#)

³ [20 U.S.C. § 1401\(9\)](#)

services must meet state standards and must be provided in conformity with each student's individualized education program (IEP).⁴

The federal regulations that implement the IDEA require that all children with disabilities between the ages of 3 and 21 receive a FAPE, with some exceptions.⁵ In Arizona, if a student is being provided special education services at the time the student reaches 22 years of age, she or he shall continue to receive special education services until the end of that school year.⁶

The regulations clarify that students with disabilities who have graduated from high school with a **regular high school diploma** are no longer entitled to receive a FAPE.⁷ The regulations also clarify that students with disabilities who graduate from high school, but who have not been awarded a regular high school diploma are still entitled to receive a FAPE until they reach the age at which eligibility ceases under the State's age requirements.⁸ It is important to note that the federal regulations are clear that an alternative degree that is not fully aligned with the State's academic standards, such as a general educational development (GED) credential, "certificate of completion," or any other alternative certificate option offered by a PEA is **not** considered a *regular high school diploma*, and the student still has the right to receive a FAPE.⁹ Note, the Grand Canyon diploma is considered a regular high school diploma in Arizona.¹⁰

The Individualized Education Program (IEP) and Transition Requirements

An IEP is a written document for each child with a qualifying disability that is developed, reviewed, and revised in a meeting that includes certain required PEA personnel and the child's parents.¹¹ Each child's IEP must include specific components, including but not limited to a statement of the child's present levels of academic achievement and functional performance, measurable annual goals, and a statement of the special education and related services to be provided to the child.¹² Of particular importance for high school-aged students, the federal regulations that implement the IDEA require IEP teams to include measurable postsecondary goals and transition services in the first IEP to be in effect when a student turns 16 years of age and in each subsequent IEP.¹³ More specifically, the IEP must include:

1. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training or education, employment, and where appropriate, independent living skills; and
2. Transition services (including courses of study) needed to assist the student in reaching his or her postsecondary goals.

Transition services are defined to mean coordinated activities designed to be results-oriented that focus on improving the academic and functional achievement of the student with a

⁴ [20 U.S.C. § 1401\(9\)](#)

⁵ 34 Code of Federal Regulations ([34 C.F.R.](#)) [§ 300.101](#)

⁶ [A.R.S. § 15-764\(A\)\(1\)](#)

⁷ [34 C.F.R. § 300.102\(a\)\(3\)\(i\)](#)

⁸ [34 C.F.R. § 300.102\(a\)\(3\)\(ii\)](#); 71 Federal Register 46580

⁹ [34 C.F.R. § 300.102\(a\)\(3\)\(iv\)](#)

¹⁰ [A.R.S. § 15-792.03](#)

¹¹ [34 C.F.R. § 300.320\(a\)](#); [34 C.F.R. § 300.321\(a\)](#); [A.R.S. § 15-761\(11-12\)](#)

¹² [34 C.F.R. § 300.320\(a\)](#)

¹³ [34 C.F.R. § 300.320\(b\)](#)

disability to facilitate the student's movement from school to post-school activities.¹⁴ Transition services are based on the student's individual needs, taking into account his or her strengths, preferences, and interests, and include instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and if appropriate, the acquisition of daily living skills and the provision of a functional vocational evaluation.¹⁵

Although the IDEA does not require inclusion of measurable postsecondary goals and transition services (including courses of study) until the first IEP that will be in effect when the student turns 16, it is often productive to begin planning for a student's postsecondary transition **prior to the student's 16th birthday**. Regardless of whether the student will achieve graduation requirements in four years or will require additional years of educational services in order to receive a FAPE, **transition services should be provided throughout the high school years after the student turns 16 that include both required courses and elective courses to satisfy the student's specific transition needs and to ensure she or he receives a FAPE.**

Please note, inadequate planning and failure to integrate transition services within the course of study in the early high school years may result in unintended consequences requiring formal dispute resolution. If a student meets graduation requirements without receiving a FAPE, including appropriate transition services, to which he or she is entitled, the PEA may be required to provide compensatory education if the student or his or her parent prevails in a due process hearing. It is important to note that documentation related to a student's course of study and transition services should support the decision to graduate a student and should also be consistent with state and federal rules and regulations, as well as local PEA school board or charter school policy.

Arizona Statutes and Rules Pertaining to Graduation Requirements

Requirements for a Regular High School Diploma: Minimum Course of Study

The Arizona State Board of Education has set forth the minimum course of study and competency requirements for graduation from high school.¹⁶ Subject area course requirements are dependent upon each student's cohort year and thus, vary depending on the year of graduation.¹⁷

Arizona State Board of Education rules state that the awarding of credit toward the completion of high school graduation requirements shall be based on the successful completion of State Board-adopted academic standards and the successful completion of the competency requirements for specified elective subjects.¹⁸ "The determination and verification of student accomplishment and performance shall be the responsibility of the subject area teacher."¹⁹

¹⁴ [34 C.F.R. § 300.43\(a\)\(1\)](#)

¹⁵ [34 C.F.R. § 300.43\(a\)\(2\)](#)

¹⁶ These can be found in the Arizona Administrative Code (A.A.C.) at sections [R7-2-302](#), [302.01](#) and [302.02](#).

¹⁷ Membership in a cohort class is established at the time of the student's first enrollment in a high school grade in Arizona and is computed on the typical four-year expectation for graduation.

¹⁸ A.A.C. [R7-2-302.01\(5\)\(a\)](#)

¹⁹ A.A.C. [R7-2-302.01\(5\)\(b\)](#)

Although the Arizona State Board of Education has set the minimum course of study for graduation from high school, the student's local school district governing board or charter school is responsible for developing a course of study and graduation requirements for all students placed in special education programs.²⁰ In practice, this means that a PEA, through a student's IEP team, determines **how** a student will be assisted in working toward the achievement of graduation requirements through the use of specially designed instruction. The IDEA defines "specially designed instruction" as adapting, as appropriate, the content, methodology, or delivery of instruction in order to address the child's unique needs and to ensure the child is able to access the general curriculum so that the child can meet the educational standards that apply to all children.²¹

The Arizona State Board of Education rule shall *not* be interpreted to mean that schools should develop courses of study or graduation requirements for students with disabilities that are different from the graduation requirements that apply to all students. The federal regulations are clear that a diploma or an alternative degree that is earned by a student's completing coursework that is not fully aligned with the State's academic standards is not a *regular high school diploma* and will not lead to graduation.²² Moreover, imposition of graduation requirements on students with disabilities over and above, or less than, the requirements for nondisabled students may lead to an allegation of discrimination.

Requirements for a Regular High School Diploma: Competency Tests

The Arizona State Board of Education has established competency tests for graduation from high school in the areas of reading, writing, and math, known collectively as "Arizona's Instrument to Measure Standards" (AIMS).²³ All high school students in grade 10 must participate in and pass the AIMS in order to graduate, except that students with disabilities are not required to *pass* the AIMS test in order to graduate. Each student's IEP should identify the expectation with regard to AIMS and graduation. For example, the student's IEP should indicate whether the student must:

1. Take and pass AIMS with or without standard accommodations;²⁴
2. Participate in AIMS, but not be required to pass in order to meet graduation requirements (note that this is presumed if the IEP is silent regarding the passing of the tests);
3. For students with significant cognitive disabilities, the State includes an alternate assessment (AIMS A) that is based on alternate achievement standards;²⁵ or
4. Pass the test using the augmentation option.²⁶

²⁰ A.A.C. R7-2-302(6), 302.01(6), and 302.02(6)

²¹ 34 C.F.R. § 300.39(b)(3)

²² 34 C.F.R. § 300.102(a)(3)(iv)

²³ A.R.S. §15-701.01

²⁴For more information on standard vs. nonstandard accommodations, please view the following link: <http://www.azed.gov/standards-development-assessment/files/2012/07/testing-accommodations-2012-13.pdf>

²⁵ Alternate achievement standards determine a student's proficiency level on the state alternate assessment and are not the same as alternate academic standards that are used for instruction

²⁶ For more information on the augmentation option, see A.R.S. § 15-701.02

Requirement for Claiming Funding for Average Daily Membership (ADM)

A full-time high school student, for purposes of calculating ADM, is a student who has “not graduated from the highest grade taught in the school district or an ungraded student at least fourteen years of age by September 1, and enrolled in at least a full-time instructional program of subjects that count toward graduation. . . .”²⁷ PEAs cannot receive ADM funding for students who have graduated with a regular high school diploma.

Conclusion

There is no “one size fits all” approach to graduation. Neither state nor federal special education laws require schools to ensure that **all** students with disabilities graduate in four years, nor are **all** students with disabilities entitled to remain in school through the school year in which he or she turns 22. As explained in the introduction to this document, some students with (and without) disabilities will earn a regular high school diploma with their four-year cohort group, some will require additional time in high school in order to meet graduation requirements, and some will not meet graduation requirements and will instead “age out” of high school. The IDEA emphasizes that special education must be individually tailored to each student’s unique needs and that includes an individualized determination about whether or not the student has met graduation requirements.

Thoughtful planning by IEP teams is crucial for students with disabilities in order to ensure that they receive a free appropriate public education, including transition services. To that end, the following elements are essential for transition-aged students:

1. At least once a year, the IEP team considers the progress of the student toward graduation and, if necessary, makes adjustments to the student’s course of study and services;
2. IEPs specify the academic, support, and transition services the student is to receive during the term of the IEP;
3. Academic courses and services are specifically selected to support the student’s postsecondary goal(s), and;
4. Transition services are integrated within the course of study throughout the high school years.

If you have further questions or concerns, please use the following resources:

- Your PEA’s attorney
- Arizona Department of Education websites:
 - [Graduation for Students with Disabilities](#)
 - [Secondary Transition](#)
 - [Parent Information Network](#)
 - [Raising Special Kids](#)

²⁷ A.R.S. [§ 15-901\(A\)\(1\)\(b\)\(ii\)](#)

- [Dispute Resolution](#)
- Your PEA's ADE/ESS Program Specialist—see the [Program Support & Monitoring](#) website for the current “ESS Specialist Case Load” list.