



Secondary Transition Services and Graduation with a High School Diploma



WHY?

Graduation with a Regular High School Diploma* Under IDEA

- Ends a student's eligibility for special education and related services.
- A change in placement, subject to procedural protection under Individuals with Disabilities Education Act (IDEA).

* Does not include an alternative degree such as the HiSET or GED

In Massachusetts: One Regular Diploma

1. Competency Determination Standard
2. Local Graduation Requirements
 - Prerequisites only.
 - State Law does not say the diploma *must* be issued.

What Does IDEA Require?

- A Free and Appropriate Public Education (FAPE) for all eligible students with disabilities.
- Under IDEA, even if a student with disabilities has met state and local requirements for graduation, a district **may not properly graduate the student if the district did not provide FAPE to that student.**

What Constitutes FAPE?

- An educational program that offers the student the chance to meet challenging objectives and, in light of the student's circumstances, is appropriately ambitious and reasonably calculated to enable a student to make progress.
 - See ESE legal advisory on *Endrew F. v. Douglas County School District RE-1, 2017*, <http://www.doe.mass.edu/lawsregs/advisory/2017-0616ieps.html>
 - See U.S. DOE's *Questions and Answers (Q&A) on U. S. Supreme Court Case Decision Endrew F. v. Douglas County School District Re-1*, <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-endrewcase-12-07-2017.pdf>

Is There a Guarantee?

- The FAPE requirement applies to **secondary transition services**, as well as other special education and related services.
- An IEP is **not** a guarantee of a specific educational or functional result for a student with a disability.
- However, IDEA does provide for **revisiting the IEP** if the progress the IEP Team expects is not occurring.



Secondary Transition Services – Age 14 Onward

- **Coordinated** set of activities designed to be within a **results-oriented process**, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities.
- Based on the student's needs, strengths, preferences, and interests.
-- 34 CFR 300.43
- See www.doe.mass.edu/sped/secondary-transition/default.html

To Decrease the Number of Disputes...

- At the annual IEP meeting starting no later than age 14 and each year thereafter, the Team should **explicitly** discuss and document:
 - the student's current progress toward meeting goals;
 - needed annual goals and objectives *aligned with the student's postsecondary goals (a.k.a. vision for adult life)*;
 - **the secondary transition services** to be delivered during the upcoming year;
 - **the specific anticipated year of graduation.**

Most Students

The great majority of students with IEPs will graduate with a high school diploma on the anticipated date, and because of previous annual discussions, the student's graduation will be a surprise to no one.



Some Students

- In rare circumstances, **the IEP Team may determine that the provision of FAPE** requires that the student continue to receive additional transition services and/or other special education services, **even though the student has earned the CD and completed all local graduation requirements.**
- The Team will then specify on the IEP the needed services and revise the date for the student's graduation with a high school diploma.

A Few Students

Although a parent or a student with decision-making authority **may not unilaterally “refuse” a diploma**, they may disagree with and reject the final IEP **on the basis that the student did not receive FAPE.**

Dispute resolution procedures then apply.



Dispute Resolution Procedures

- School districts must follow stay-put procedures by retaining the student in the current placement during the pendency of the dispute relating to the student's special education program, unless the school district and the parent or student with decision-making authority mutually agree on another placement.
- The family and district have opportunities to settle the dispute at a resolution session or through mediation.
- If the parties cannot resolve their disagreement, the dispute will be heard and decided by the Bureau of Special Education Appeals (BSEA).

-- 603 CMR 28.08



Graduation Ceremonies

- When a student will not graduate with their peers, whether because of a pending FAPE dispute or agreement by the Team to extend the student's graduation date, the student may wish to participate in graduation ceremonies. The Department encourages districts to allow such requests.
- For those students who meet the requirements of G.L. c. 71B, Section 16, districts *must* allow such participation.



Contact Information

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