



**Question:** Who makes the determination when a student receives their signed diploma?

**Answer:** The Individual Education Program (IEP) team is responsible for determining whether a student has completed a course of study and no longer has needs in special education. This information needs to be documented in the IEP, and Prior Written Notice (PWN).

**Question:** What are some areas that the IEP team should review and determine when considering that a student should receive their diploma?

**Answer:** Consider these three questions:

1. Does the student continue to have special education needs that the IEP team needs to address in the course of study, so that the student is able to access and begin progressing in the students' post – secondary goals?
2. Has the student met the required general education [state/district] requirements as written in the student's IEP, in the course of study and other areas on the IEP?
3. Has the IEP team identified and addressed transition needs of a student, even when that student is earning passing grades?

Neither one of these determinations *can stand alone in determining when a student earns their diploma*. A student who has completed their high school requirements and the IEP team determines that they continue to have needs in the areas of their post-secondary goals would not qualify for a signed diploma until the IEP team determined those needs were addressed through the IEP process.

A student who has addressed their post-secondary goals and needs more academic work to access their post-secondary goals, the IEP team needs to take





that into consideration when determining when the student should receive their diploma.

Also, Local Education Agencies need to be aware that students who are progressing

through general education, still need to have their transition needs assessed, identified, and receive instruction, based on if the student can access and progress in their entry point to their post-secondary goals. [8<sup>th</sup> Circuit, Court of Appeals, *Yankton School District v. Harold and Angie Schramm*].

**Question:** When are students no longer eligible for special education programming?

- The IEP team has determined that the student has no further special education needs and has met the requirements for graduation as indicated in their IEP and receives their diploma.
- The student has reached the age of the age of 21 and has earned their diploma.
- The student has reached the age of 21 and did not earn their diploma.

**Question:** What happens if the school awards the student a Certificate of Attendance:?

**Answer:** Student can participate in the graduation ceremony with their peers and class. Participating in the graduation does not trigger eligibility or ineligibly of special education, that is done through the IEP process. [Participation in High School Graduation Ceremony Nebraska State Statute 79-770, enacted July 18, 2008]. A student who receives a Certificate of Attendance, is eligible to continue to receive special educational services, to earn their regular signed diploma, or they turn 21.





In the state of Nebraska, there is one diploma that terminates eligibility for special education and that is a signed, school/state district diploma.

**Question:** If a student turns 21 and has not met the requirements can the district award a Certificate of Attendance?

**Answer:** Yes, If the IEP team has determined that the student has not met the requirements necessary to earn their diploma. The district would document in the Prior Written Notice, that the student has reached 21, and did not meet the requirements for earning a signed diploma, and the student is no longer eligible to receive special education or general education services.

**Question:** What are the options for earning a diploma?

**Answer:** There are three options:

**Option 1:** A student completes a standard course of study based upon meeting all requirements for graduation and IEP/Transition goals. The student would be eligible to receive a signed, regular diploma and participate in the graduation ceremonies.

**Option 2:** A student completes the standard or modified course of study, but not the IEP/Transition goals. The student may participate in graduation ceremonies with his/her peers without receiving a signed regular diploma. The student may receive a certificate of attendance at the graduation ceremony. The student may continue to receive services and supports from the school district until the IEP/transition goals are met or until the student completes the school year in which s/he reaches the age of 21. At this time, the student will receive a signed, regular diploma.

**Option 3:** A student completes his/her IEP transition goals, but not the standard course of study. When a student's disability prevents him/her from completing the standard course requirements for graduation, the IEP team must identify





IEP/transition goals for graduation that are consistent with the student's individual needs and post-secondary goals. Upon completion of those goals, the student will be allowed to graduate with a signed, regular high school diploma. A student may elect to participate in graduation ceremonies with peer classmates or upon completion of his/her course.

### **Citation(s) & Sources**

Diploma – NE Statute 79-730

- NE Rule 51.043 Exceptions to the Requirement to Provide a Free Appropriate Public Education
- Notice Requirement – 34 CFR Section 300.102 (a) (B)(iii)

Graduation & Age Eligibility terminating special education services –

- 34 CFR Section 300.102(a)(3) & 300.05 (e)(2).
- Rule 51.004.03A2
- Notice Requirement Rule 51.004.03A2

Certificate of Attendance

- NE. Rule 51.004.04
- NE. Rule 51.004.04A.
- NE. Rule 51.004.04
- 8<sup>th</sup> Circuit Court of Appeals, Yankton School District vs Harold and Angie Schramm

