



# Questions and Answers: Graduation and Students with Disabilities

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This document, created by Arizona Department of Education/Exceptional Student Services in collaboration with Dispute Resolution, is technical assistance in question and answer format. It is intended to explain what it means, legally speaking, to “graduate from high school” in Arizona, and what impact federal and state legal requirements regarding graduation have with respect to the rights of students with disabilities to receive a free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA).

### ***Who is responsible for establishing Arizona’s graduation requirements?***

The Arizona State Legislature has directed the Arizona State Board of Education to prescribe a minimum course of study for the graduation of pupils from high school.<sup>1</sup> Accordingly, the Arizona State Board of Education established the minimum course of study and competency requirements for graduation from high school through the rulemaking process. These requirements can be found in Title 7, Chapter 2 of the Arizona Administrative Code.<sup>2</sup>

### ***What has the Arizona State Board of Education set as the minimum requirements for high school graduation?***

The Arizona State Board of Education is charged with prescribing a minimum course of study and corresponding competency requirements, incorporating the academic standards in at least the areas of reading, writing, mathematics, science, and social studies.<sup>3</sup> A public education agency’s (PEA) governing board may prescribe a course of study and competency requirements that are in addition to or higher than the course of study and competency requirements that the Arizona State Board of Education prescribes.<sup>4</sup>

The Arizona State Board of Education has established 22 credits as the minimum number of credits in specified subject areas necessary for high school graduation. Specifically, for the graduating class of 2017 going forward, students must earn no less than the following:

- English or English as a Second Language: 4 credits
- Social Studies: 3 credits
- Mathematics: 4 credits
- Science: 3 credits
- Fine Art or Career and Technical Education: 1 credit
- Locally Prescribed Courses: 7 credits

The specific classes and/or competency requirements that all students are required to complete in order to earn a regular high school diploma are spelled out in detail in the Arizona State Board of Education rules.<sup>5</sup>

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<sup>1</sup>[Arizona Revised Statutes \(A.R.S.\) § 15-701.01\(A\)\(1\)](#)

<sup>2</sup>[Arizona Administrative Code \(A.A.C.\) sections R7-2-302](#)

<sup>3</sup>[A.R.S. § 15-701.01\(A\)](#)

<sup>4</sup>[A.R.S. § 15-701.01\(C\)](#)

<sup>5</sup>[A.A.C. R7-2-302](#)

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 the subject area course requirements or competency requirements and the successful completion of the competency requirements for specified elective subjects.<sup>6</sup> This is the case regardless of how long it takes a student to complete the course or competency requirements.

Beginning with the graduating class of 2017, as part of the competency requirements for social studies, Arizona students are required to pass a civics test based on the United States Immigration and Naturalization civics questions. Students will be required to score 60% or higher on the civics test in order to graduate from high school or obtain a high school equivalency certificate.<sup>7</sup>

### ***For which English and math courses can students receive credit toward graduation?***

According to guidance provided by the Arizona Department of Education’s Assessment Section, all 9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup> grade level English or math courses that meet the minimum competency requirements or higher must include AzMERIT end-of-course (EOC) testing. A passing grade in a course with a corresponding EOC test would result in English or math credit that counts toward high school graduation. In practical terms, this means that a course with a corresponding EOC test is a course with content aligned to the State’s academic standards and the competency requirements set by the Arizona State Board of Education.

Conversely, English and math courses with content that falls *below* the high school level English and math standards do not include AzMERIT EOC tests and therefore should not result in English or math credit that would count toward high school graduation requirements. In practical terms, this means that an English or math course without a corresponding EOC test is a course that is not aligned to the State’s academic standards and the competency requirements set by the Arizona State Board of Education. This is true for courses taken by students with or without disabilities.

### ***How does the Individuals with Disabilities Education Act describe a free appropriate public education?***

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.”<sup>8</sup> 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.<sup>9</sup> These special

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<sup>6</sup>[A.A.C. R7-2-302](#)

<sup>7</sup>[A.R.S. § 15-701.01\(A\)\(2\)](#)

<sup>8</sup>[20 United States Code \(20 U.S.C.\) § 1400\(d\)](#)

<sup>9</sup>[20 U.S.C. § 1401\(9\)](#)

education and related services must meet state standards and must be provided in conformity with each student’s individualized education program (IEP).<sup>10</sup>

***How does high school graduation affect the right of a child with a disability to receive a FAPE?***

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.<sup>11</sup> Students with disabilities who have graduated from high school with a regular high school diploma are no longer entitled to receive a FAPE.<sup>12</sup> Students with disabilities who leave 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.<sup>13</sup> In Arizona, students with disabilities who reach the age of 22 during the regular school year shall continue to receive special education services until the end of that school year.<sup>14</sup>

***How does the IDEA define “regular high school diploma?”***

According to the regulations that implement the IDEA, a regular high school diploma is a diploma that is fully aligned with the State’s academic standards. In order to conform with the definition found in the Elementary and Secondary Education Act (ESEA), the IDEA regulations were recently revised to clarify that the term *regular high school diploma* means “the standard high school diploma awarded to the preponderance of students in the State that is fully aligned with State 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.”<sup>15</sup> To be clear, an alternative degree that is not fully aligned with the State’s academic standards or any other alternative certificate option offered by a PEA is **not** considered a regular high school diploma, and a student who has earned such an alternative degree still has the right to receive a FAPE.<sup>16</sup>

***What is a regular high school diploma in Arizona?***

A regular high school diploma is a written acknowledgement by a PEA’s governing board that a student has met the graduation requirements established by the Arizona State Board of Education by successfully demonstrating proficiency with the State’s academic standards or with higher standards established by the PEA. “The determination and verification of student accomplishment and performance shall be the responsibility of the subject area teacher.”<sup>17</sup>

<sup>10</sup>[20 U.S.C. § 1401\(9\)](#)

<sup>11</sup>[34 Code of Federal Regulations \(34 C.F.R.\) § 300.101](#)

<sup>12</sup>[34 C.F.R. § 300.102\(a\)\(3\)\(i\)](#)

<sup>13</sup>[34 C.F.R. § 300.102\(a\)\(3\)\(ii\)](#)

<sup>14</sup>[A.R.S. § 15-764\(A\)\(1\)](#)

<sup>15</sup>[34 C.F.R. § 300.102\(a\)\(3\)\(iv\)](#)

<sup>16</sup>[34 C.F.R. § 300.102\(a\)\(3\)\(iv\)](#)

<sup>17</sup>[A.A.C. R7-2-302\(5\)\(b\)](#)

In Arizona, the only diplomas that qualify as a *regular high school diploma* are the standard high school diploma (those that are issued to a preponderance of students in the State), a higher diploma awarded by a governing board, or the Grand Canyon diploma.<sup>18</sup>

### ***Can students with disabilities earn a regular high school diploma?***

Just as a regular high school diploma is not guaranteed to every student who does not have a disability, the IDEA does not guarantee that every student with a disability will receive a regular high school diploma. Students with disabilities, like their nondisabled peers, can earn a regular high school diploma if they meet the competency requirements set by the Arizona State Board of Education or the more rigorous requirements set by the PEA's governing board. The United States Department of Education/Office of Special Education Programs (OSEP) is clear that a PEA cannot deny a diploma to a student who meets state-established proficiency standards on the grounds that the student has a disability.<sup>19</sup>

### ***Must a student with a disability pass the civics test in order to graduate?***

A student with a disability is not required to pass the civics test in order to graduate from high school unless he or she "is learning at a level appropriate for the pupil's grade level in a specific academic area and unless a passing score on the statewide assessment or the [civics test] is specifically required in a specific academic area by the pupil's individualized education program as mutually agreed on by the pupil's parents and the pupil's individualized education program team or the pupil, if the pupil is at least eighteen years of age."<sup>20</sup>

Schools are required to document on each student's transcript that he or she has passed the civics test.<sup>21</sup> In order to meet this documentation requirement for students with disabilities who are not required to pass the civics test without revealing the student's disability status in violation of the Family Educational Rights and Privacy Act (FERPA), schools can simply indicate on the student's transcript that the civics test requirement has been "met" or "not met."

### ***Is participation or completion of a school-offered cardiopulmonary resuscitation (CPR) program required for graduation?***

A.R.S. § 15-718.01(A) states, "On or before July 1, 2019, school districts and charter schools shall provide public school pupils with one or more training sessions in cardiopulmonary resuscitation, through the use of psychomotor skills in an age-appropriate manner, during high school."<sup>22</sup> Although it is unclear from the statute whether CPR training is required for graduation, A.R.S. § 15-701(D) allows a child's IEP team to make an individualized determination to excuse the child from the instruction.

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<sup>18</sup> [A.R.S. § 15-792.03](#)

<sup>19</sup> [Letter to Anonymus, 22 IDELR 456 \(OSEP 1994\)](#)

<sup>20</sup> [A.R.S. § 15-763\(A\)](#)

<sup>21</sup> [A.R.S. § 15-701\(A\)\(2\)](#)

<sup>22</sup> [A.R.S. § 15-718.01\(A\)](#)

### ***Can IEP teams set individualized graduation requirements for students with disabilities?***

The Arizona State Board of Education is responsible for prescribing a minimum course of study and corresponding competency requirements and a PEA's governing board may prescribe a course of study and competency requirements that are in addition to or higher than the State Board of Education's course of study and competency requirements; however, a child's IEP team is **not** authorized to individualize graduation requirements. The federal regulations require each child's IEP to include, among other things, "a statement of measurable annual goals, including academic and functional goals designed to meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and meet each of the child's other educational needs that result from the child's disability."<sup>23</sup> Even if a child's goals are aligned with the State's grade-level academic standards, an IEP team cannot independently determine that the child will receive a diploma upon completion of IEP goals because achievement of those goals is not the same as successfully demonstrating proficiency with the State's academic standards, or higher standards established by the PEA.

This position has been confirmed by the United States Department of Education/Office of Special Education and Rehabilitative Services (OSERS), which has explained that the IDEA does not make achievement of the IEP goals of a student with a disability a prerequisite for award of a regular high school diploma; indeed, the IDEA does not establish standards for graduation as a general matter.<sup>24</sup> And again in 2014, in describing why a Louisiana statute that allowed IEP teams to set requirements for high school graduation that are not fully aligned with the State's academic standards could violate federal education and discrimination laws, OSERS explained that the Elementary and Secondary Education Act requires States to apply the same content and achievement standards to all students,<sup>25</sup> including students with disabilities.<sup>26</sup> OSERS went on to explain that "the authority to set and/or modify those standards rests solely with the State" and "[g]iving IEP teams authority to apply different standards for promotion or graduation to students with disabilities will result in those students being taught to different and, potentially lower, standards than students without disabilities, thus depriving them of the same opportunities to learn that are available to their non-disabled peers."<sup>27</sup> Moreover, failing to apply the same academic standards to students with disabilities would be inconsistent with the IDEA's definition of special education, which requires schools to specially design instruction to meet the unique needs of children with disabilities and ensure their access to the general curriculum so that they can meet the educational standards that apply to all children.<sup>28</sup>

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<sup>23</sup>[34 C.F.R. § 300.320\(a\)\(2\)](#)

<sup>24</sup>[See, e.g., Letter to Richards, 17 IDELR 288 \(OSERS 1990\)](#)

<sup>25</sup>[The ESEA was reauthorized in 2015 and renamed the Every Student Succeeds Act \(ESSA\). ESEA section 1111\(b\)\(1\)\(B\) cited by OSERS in Letter to White is now ESSA section 1111\(B\).](#)

<sup>26</sup>[Letter to White, 63 IDELR 230 \(OSERS 2014\)](#)

<sup>27</sup>*Id.*

<sup>28</sup>[34 C.F.R. § 300.39\(a\)\(3\)](#)

### ***What is the difference between high school graduation and “aging out” of high school?***

The IDEA regulations mandate that a FAPE must be available to all children with disabilities between the ages of 3 and 21.<sup>29</sup> In Arizona, students with disabilities who reach the age of 22 during the regular school year shall continue to receive special education services until the end of that school year.<sup>30</sup> When a student with a disability completes the school year in which he or she turns 22, the student “ages out” of special education and is no longer eligible to receive a FAPE. This is different from graduating, which means that the student has met graduation requirements by successfully demonstrating proficiency with the State’s academic standards, or higher standards established by the PEA, and has, therefore, earned a regular high school diploma.

### ***How are postsecondary transition activities in IEPs different from graduation requirements?***

Graduation requirements are the minimum course of study and corresponding competency requirements established by the Arizona State Board of Education that a student must meet in order to receive a regular high school diploma. Postsecondary transition activities are intended to position a child with a disability to pursue employment, education/training, and independent living after high school in accordance with the purpose of the IDEA.

Specifically, the federal regulations state that “[b]eginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP team, and updated annually, thereafter, the IEP must include appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, independent living skills (where appropriate), and the transition services (including courses of study) needed to assist the child in reaching those goals.<sup>31</sup> The regulations define transition services to mean “a coordinated set of activities for a child with a disability that is 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, including postsecondary education, vocational, education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.”<sup>32</sup> Transition services are based on each child’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, acquisition of daily living skills and provision of a functional vocational evaluation.”<sup>33</sup>

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<sup>29</sup>[34 C.F.R. § 300.102\(a\)\(3\)\(ii\)](#)

<sup>30</sup>[A.R.S. § 15-764\(A\)\(1\)](#)

<sup>31</sup>[34 C.F.R. § 300.320\(b\)\(1\) and \(2\)](#)

<sup>32</sup>[34 C.F.R. § 300.43\(a\)\(1\)](#)

<sup>33</sup>[34 C.F.R. § 300.43\(a\)\(2\)](#)

It is important to understand that transition activities should be integrated into and occur simultaneously with a student's coursework and should not be delayed until after coursework toward graduation requirements has been completed.

***Do PEAs have documentation requirements when a student with a disability graduates with a regular high school diploma or ages out of special education?***

Although graduation with a regular high school diploma or exiting special education due to exceeding the age limitations does constitute a change of educational placement, the IDEA regulations are clear that PEAs are not required to evaluate a student with a disability before these events result in the end of eligibility for special education and related service. However, PEAs must provide the student with a summary of his or her academic achievement and functional performance, which must include recommendations on how the student can meet his or her postsecondary goals.<sup>34</sup> Additionally, the PEA must provide prior written notice to the eligible student or his or her parents, if the student has not reached the age of majority, documenting the change of placement.<sup>35</sup>

***Can PEAs continue to receive funding for students with disabilities after their four-year high school cohort group has graduated?***

Yes, PEAs can receive funding for any full or part-time student, as those terms are defined in A.R.S. § 15-901(A)(1).

***Can a student participate in the graduation ceremony if he or she does not earn a regular high school diploma?***

Arizona has no specific law or policy regarding who can participate in graduation ceremonies and, therefore, the decision about whether a particular student may participate lies with the individual PEA. It is important to point out that Section 504 of the Rehabilitation Act prohibits PEAs from limiting participation in graduation ceremonies to only students who graduate with a regular high school diploma.

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<sup>34</sup>[34 C.F.R. § 300.305\(e\)\(3\)](#)

<sup>35</sup>[34 C.F.R. § 300.503\(a\)](#)