



State of Vermont
Vermont Department of Education
120 State Street
Montpelier, VT 05620-2501

MEMORANDUM

To: Superintendents, Principals, Special Education Directors
From: Armando Vilaseca, Commissioner
Re: Participation in Graduation Activities for Students Eligible for Special Education
Date: January 5, 2010

High school students who are eligible for special education occasionally require more than four years to graduate from high school. The Individuals with Disabilities Education Act (IDEA) ends the entitlement to special education at either high school graduation or age 22. Vermont and many other states allow special education services to extend up to the 22nd birthday for those students who require additional time to graduate. Two factors determine when a student receiving special education will graduate and whether more than four years are required: meeting local high school graduation requirements and meeting transition goals in the IEP. IDEA requires that transition goals be included in Individual Education Programs (IEPs) beginning in the year that an eligible student turns 16. These goals must be age-appropriate, measurable post-secondary goals related to community employment, post-secondary education and independent living (if appropriate). Because it is possible that a student receiving special education may need more than four years to graduate, it is important that IEP teams plan for that possibility, identify an anticipated date of graduation, monitor progress toward the scheduled graduation date and revise the date when necessary. This should be part of the IEP team discussion beginning in the student's ninth-grade year and be part of the transition planning process when the student turns 16.

An important factor to be determined for those students who will not graduate in four years is when a student will participate in graduation ceremonies and activities. In Vermont this has been a local decision based on local school board policy. The Vermont Department of Education intends to include provisions for participation in graduation ceremonies and activities in the State Board of Education Special Education Rules. Since this rule-making process will not be completed until sometime in 2010, the following is proposed policy guidance for those students receiving special education who require more than four years to graduate and who are part of a cohort of peers who will be graduating in June 2010.

Requirements for Graduation Participation

- (1) Each school district that operates a high school shall permit a student who is receiving special education services described in an Individualized Education Program (IEP) pursuant to state and federal law and who will need more than four years of high school to complete

the graduation requirements and IEP transition goals, the opportunity to participate in the graduation ceremony and activities after four years of high school attendance with his or her age-appropriate peers. This shall be documented as part of the student's transition plan.

- (2) The student shall not receive a diploma and participation in a graduation ceremony under this section does not preclude a student from continuing to receive special education and related services pursuant to an IEP beyond the graduation ceremony.
- (3) Upon completion of the student's graduation requirements and transition goals the student shall receive a high school diploma. If the student did not participate in a graduation ceremony with his/her age-appropriate peers, he/she may participate in graduation at the time of receiving a diploma.
- (4) Unless a school district determines otherwise, a student may only participate in one graduation ceremony.