

1 **§18-5-48. Graduation policy; students with disabilities.**

2 (a) The Legislature finds:

3 (1) Each year, school districts across this state celebrate
4 their students' accomplishments through graduation ceremonies
5 during which high school diplomas are bestowed upon students who
6 have completed the necessary credits to graduate from high school.

7 (2) There are many children with disabilities in this state
8 who have attended all the required years of high school but who
9 have individualized education programs (IEPs) that prescribe
10 continued education after the last year of high school, including
11 regular education, special education, transition planning,
12 transition services or related services.

13 (3) It is well established that the awarding of a high school
14 diploma to, and the high school graduation of, a child with a
15 disability is tantamount to the termination of eligibility for
16 special education and related services for the student under
17 applicable federal law.

18 (4) Many children with disabilities continue their public
19 education in accordance with their IEPs after attending high school
20 wish to celebrate their accomplishments by participating in a
21 graduation ceremony with their classmates.

22 (5) The opportunity for classmates with disabilities and those
23 without disabilities to celebrate their accomplishments together
24 only occurs once, and the opportunity to celebrate the receipt of

1 a diploma several years after one's classmates have graduated
2 diminishes the experience for students whose age peers have left
3 high school several years earlier.

4 (b) By May 1, 2013, each county board of education that has a
5 high school shall have a policy and procedures that allow a student
6 with a disability who satisfactorily completes a special education
7 program developed by an IEP team or otherwise meets the
8 requirements of this code, relating to academic standards and
9 assessment, but whose IEP prescribes continued education after the
10 last year of high school, to participate in the graduation ceremony
11 of the student's high school graduating class and receive a
12 certificate of attendance. Continued education includes regular
13 education, special education, transition planning, transition
14 services or related services. Policies and procedures adopted
15 pursuant to this section shall:

16 (1) Be effective in time to allow participation in graduation
17 ceremonies at the end of the 2012-2013 school year; and

18 (2) Require timely and meaningful written notice to students
19 with disabilities and their parents or guardians.

20 (c) This section does not preclude receipt of a diploma at a
21 later date if the student with a disability satisfactorily
22 completes a special education program developed by an IEP team or
23 who otherwise meets the requirements of this code.

24 (d) The Department of Education shall monitor and enforce

1 compliance with this section and is authorized to promulgate rules
2 for that purpose.

NOTE: The purpose of this bill is to require county boards of education to allow students with disabilities to participate in high school graduation ceremonies with their peers. The bill prohibits county boards from denying continued education services to students with disabilities due to participating in the graduation ceremonies. The bill makes findings and authorizes rule-making. The bill also requires the Department of Education to monitor and enforce compliance with the new requirements.

This section is new; therefore, it has been completely underscored.