

FAPE

TRANSITION SERVICES AND GRADUATION

August 31, 2022

Model operating procedures created by



Student Solutions

and

**Thompson
& Horton** LLP
ATTORNEYS | COUNSELORS

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2020 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.



CONTENTS

TRANSITION SERVICES 1

 What is Required 1

 By Age 141

 By Age 162

 By Age 172

 By Age 182

 Other Issues Relevant to Transition3

 Transition and Employment Guide3

 Transition and Employment Designee (TED)3

 Additional Procedures 5

 Training6

 Documentation Requirements7

 Transition Assessments and Functional Vocational Evaluations7

 Transition Planning for Students with Significant Needs8

 Self-Determination Skills9

 Outside Agencies10

 Evidence of Implementation 10

 Resources 11

 Citations 11

GRADUATION 12

 What is Required 12

 Foundation High School Program12

 Endorsements13

 Substitutions under the Foundation High School Program13

 Transition to the Foundation High School Program14

 Distinguished Achievement, Recommended, and Minimum High School Programs14

 Students Eligible to Return to School After Graduating15

 Certificates of Attendance and Participation in Graduation Ceremonies16

 Financial Aid Application Requirements16

 Personal Graduation Plan for Junior High and Middle School17



Personal Graduation Plan for High School.....17

Summary of Performance18

Definitions.....18

Additional Procedures 19

 Personal Graduation Plan for Junior High and Middle School22

 Personal Graduation Plan for High School.....22

 Summary of Performance (SOP).....23

 Documentation Requirements.....23

Evidence of Implementation 24

Resources 24

Citations 24



TRANSITION SERVICES

What is Required

Transition services are the coordinated set of activities for a student 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 student with a disability to facilitate the student'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. Transition services are based on the individual student's needs, taking into account the student's strengths, preferences, and interests; and includes instruction, related services; community experiences; the development of employment and other post-school adult living objectives; and the acquisition of daily living skills and provision of a functional vocational evaluation, if appropriate. Transition services may be special education, if provided as specially-designed instruction, or a related service, if required to assist the student with a disability to benefit from special education. See [FAPE - SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, RELATED SERVICES].

Transition planning is done by the ARD Committee and must include the input of the student. If the student does not attend the ARD Committee meeting, the Campus Special Education Personnel must take other steps to ensure the student's preferences and interests are considered during the transition planning. See [FAPE - ARD COMMITTEE MEETING] and [FAPE – ARD COMMITTEE MEMBERSHIP].

By Age 14

Not later than when the student reaches the age of 14, the ARD Committee must annually consider and, if appropriate, address the following in the student's IEP during transition planning:

- appropriate student involvement in the student's transition to life outside of the public school system;
- appropriate involvement in the student's transition by the student's parent and other persons invited to participate by the parent or the Campus Special Education Personnel (if the student is younger than 18);
- appropriate postsecondary education options, including preparation for postsecondary-level coursework;



- appropriate functional vocational evaluation;
- appropriate employment goals and objectives;
- if the student has reached 18, the availability of age-appropriate instructional environments, including community settings or environments that prepare the student for postsecondary education or training, competitive integrated employment, or independent living, in coordination with the adult student's transition goals and objectives;
- appropriate independent living goals and objectives;
- appropriate circumstances for facilitating a referral of a student or the student's parent to a governmental agency for services or public benefits, including a referral to place a student on a waiting list for public benefits; and
- the use and availability of appropriate supplementary aids, services, curricula, and other opportunities to assist the student in developing decision-making skills and supports and services to foster the student's independence and self-determination, including a supported decision-making agreement.

By Age 16

Not later than the first IEP to be in effect when the student turns 16, the ARD Committee must include and update annually the following in a student's IEP during transition planning:

- appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and independent living skills; and
- Transition services, including courses of study needed to assist the student in reaching those postsecondary goals.

By Age 17

Not later than one year before the student's 18th birthday, the Campus Special Education Personnel must comply and provide notification to the student and the student's parent of the transfer of rights to the adult student. *See below* [ADULT STUDENT AND TRANSFER OF RIGHTS].

By Age 18

For an adult student, the ARD Committee must consider and, if appropriate, address involvement in the student's transition and future by the adult student's parent and other



persons, if the parent or other person is invited to participate by the adult student or the Campus Special Education Personnel or has the adult student's consent to participate pursuant to a supported decision-making agreement or other legal document. See *below* [ADULT STUDENT AND TRANSFER OF RIGHTS].

Other Issues Relevant to Transition

When determining the course of study, the ARD Committee must consider the student's graduation plan and post-secondary goals. See [GRADUATION]. In addition, the District must ensure that students with disabilities have access to career and technical education (CTE) classes. When determining placement in a CTE class, the ARD Committee must consider the student's graduation plan, the content of the student's IEP, including the consideration of transition services, and classroom supports. If a participating agency fails to provide the transition services described in the student's IEP, the ARD Committee must identify alternative strategies to meet the transition objectives set out in the IEP.

Transition and Employment Guide

The District must post the *Texas Transition and Employment Guide* (the "Guide") on the District's website. The ARD Committee will provide written information and, if necessary, assistance to the student or parent regarding how to access the electronic version of the Guide at the first meeting of the student's ARD Committee at which transition is discussed and again at the first ARD Committee meeting at which transition is discussed that occurs after the date on which the Guide is updated. In addition, on request, the Campus Special Education Personnel will provide a printed copy of the Guide to the student or parent.

Transition and Employment Designee (TED)

The District must designate at least one employee to serve as the District's designee on transition and employment services for special education students. This person is the District's Transition and Employment Designee or TED. The TED is the District's primary contact for transition and employment services for students with disabilities. This employee must also be able to provide information and resources about effective transition planning and employment services to school staff, parents, and agency providers, including the following:

- Student involvement
- Parent involvement
- Adult Student Support



- Postsecondary Education
- Functional Vocational Evaluation
- Employment
- Age-Appropriate Instructional Environments
- Independent Living
- Referral to State Agency Services
- Self-Determination
- Supported Decision-Making Agreements

In addition, the TED must also help identify contacts at the following state agencies and ensure communication between local staff a regional or local staff at the following agencies:

- Health and Human Services Commission (HHSC)
- Texas Workforce Commission (TWC)
- Department of State Health Services (DSHS); and
- Department of Family and Protective Services (DFPS).

The District will determine which employee will serve in the role of the TED. In determining who will serve as the TED for the District, the District Special Education Director will consider whether the employee is able to lead training and communicate effectively about transition planning and transition assessment, 18-21 services, work-based learning and career experiences, and self-determination. In addition, does the employee feel comfortable answering questions and facilitating discussions with staff, students and parents about agency support and collaboration, supported decision-making agreements, community connections and outreach, and postsecondary education and training. The employee who serves as the TED must have effective communication skills and must continually work to develop partnerships among school staff, students, parents, and local and regional representatives of state agencies. The employee designated at the TED for the District will be inputted into the AskTED and into the Legal Framework website by the District Special Education Director or designee. The job title for the Transition/Employment Services Designee in the District is Transition Counselor.



Additional Procedures

Transition planning provides the focus for the development of the IEP for students age 14 (or younger if deemed appropriate by the ARD Committee) and older. For students with autism, transition planning can be considered at any age. Transition planning is intended to be flexible, dynamic, and appropriate. Transition services emphasize the acquisition of functional skills and hands-on knowledge, enabling students to enter the workforce or continue their education or training. Such services also allow students to live as autonomously as possible, given the extent of their disabilities. At a minimum, the ARD Committee must review the transition information in a student's IEP at least once annually, or more as needed, and update the IEP as necessary. This may be done in the annual ARD meeting or through a revision ARD meeting as needed.

The student's individual transition plan should be individually designed and based on the student's interests, strengths, and preferences. Students should be encouraged and coached to advocate for themselves during the transition planning, at the ARD Committee meeting, and in future environments. The transition planning should always include the student and it is preferable that the student attend at least that portion of the ARD meeting that focuses on transition planning. If the student cannot attend for behavioral and/or cognitive reasons, the student's general education teacher (if appropriate), CTE teacher (if appropriate) and special education teacher should collaborate on providing feedback regarding the student's interests, strengths, and preferences. The ARD Committee shall document the reason that the student did not attend the ARD meeting, as well as the decisions made on the student's behalf, in the IEP. In addition, if the student's interests are difficult to ascertain, the ARD Committee should consider recommending a functional vocational evaluation to be conducted, if appropriate, to be considered by the ARD Committee during transition planning.

Transition planning is documented by the ARD Committee on the Transition Supplement/Section of the IEP and should include:

- appropriate measurable postsecondary goals that are annually updated and based upon age-appropriate transition assessment;
- transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals;
- annual IEP goals related to the student's transition service needs;
- evidence that the student was invited to the ARD meeting where transition services are discussed or documentation that the student's input was obtained and considered if the student is unable to attend the ARD meeting; and
- if appropriate, evidence that a representative of any participating agency was



invited to the ARD Committee meeting with the prior consent of the parent or adult student.

The ARD Committee will determine appropriate measurable postsecondary goals and transitions services to assist the student in meeting those postsecondary goals by reviewing the student's special education eligibility folder, evaluation(s), transition assessments, classwork and assignments, assessments, progress documentation, observations, input from teachers, parent(s), and student, etc. These goals are updated, at a minimum, during the annual ARD meeting to ensure they continue to reflect the student's postsecondary needs.

Campus Special Education Administrator will designate one person on the campus responsible for contacting the outside agencies that are identified as part of the student's transition plan to invite them to the ARD meeting with the consent of the parent and to gather information regarding the agency's services for the ARD Committee to consider during transition planning. This individual is also responsible for identifying the Texas Workforce Commission Vocational Rehabilitation Counselor who works with the District and/or Campus. If the ARD Committee determines that connecting with a participating agency is inappropriate for the student, the decision will be documented in the student's IEP either in the Transition section or in the deliberations, including the rationale for the decision and the data considered when making the decision.

Training

At least once annually, Campus and District Special Education Administration and Campus and District Special Education Personnel who work with students in grades 6 through 12 must participate in training about state transition requirements that must be in place for students by age or younger if determined appropriate by the ARD Committee. Additionally, Campus and District Special Education Administration and Campus and District Special Education Personnel who work with students in grades 9 through 12 must participate in training about the federal transition requirements (courses of study, age-appropriate transition assessments, and postsecondary goals) that must be in place by age 16 or younger if determined appropriate by the ARD Committee. This may be the same training for those who work with students in grades 9 and up.

In addition, the District will provide training to families about transition services for children of all ages, including children younger than age 14, to include information about graduation endorsements, appropriate class and course offerings, career-related training, self-determination resources, opportunities for community participation, and agency resources. The parent will also be provided the name and contact information of the District's TED and the TED's role in facilitating transition services connections between school staff, student, parents, and agency representatives.



Documentation Requirements

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide annual training, with follow up, to ensure the documentation required is in place and compliant.

Specifically for Secondary Transition, District Special Education Administration will comply with the documentation requirements for State Performance Plan Indicator 13 (SPPI 13). SPPI 13 measures the percent of youth with IEPs aged 16 and above with an IEP in compliance with 7 items:

- (1) appropriate measurable postsecondary goals
- (2) annually updated postsecondary goals
- (3) postsecondary goals based on age-appropriate transition assessment(s)
- (4) transition services, including courses of study, that reasonably enable the student to meet post-secondary goals
- (5) IEP goal(s) related to student's transition services needs
- (6) If appropriate, evidence student invited to ARD; and
- (7) If appropriate, evidence agency representative invited to ARD.

District Special Education Personnel will track and monitor the above compliance items for all special education student's aged 16 and above.

Transition Assessments and Functional Vocational Evaluations

Prior to an ARD meeting to discuss transition planning, District or Campus Transition Personnel and/or Campus Special Education Personnel will assess the student using a variety of transition assessments involving the continual collection of information about a student's strengths, needs, preferences, and interests. The ARD Committee then uses the results to identify appropriate measurable goals and transition services to include in the student's IEP. District or Campus Transition Personnel and/or Campus Special Education Personnel shall determine which assessments are appropriate on a case-by-case basis and ensure that all transition assessments are focused on measurable post-secondary goals. Using a variety of formal and informal assessments that test a student's skills and uses in education/training, employment, independent living/personal allows District or Campus Transition Personnel and/or Campus Special Education Personnel to obtain information on a student's current performance and identify those skills needed for the future. The most commonly administered



assessments address student interests (i.e., topics or subjects relating to vocations), aptitudes (i.e., job-related knowledge and abilities), or preferences (i.e., working individually or in groups, working inside or outside, physical activity or sedentary work, etc.).

Transition assessments will be age-appropriate, nondiscriminatory, and sensitive to a student's cultural background. Additionally, transition assessments will consider the student's disability-related needs, including the student's abilities, communication barriers, and need for various accommodations. Professionals who conduct transition assessments will be knowledgeable and experienced in administering and interpreting a wide range of assessment tools. At least once annually, District or Campus Transition Personnel and/or Campus Special Education Personnel will receive training on the process of conducting transition assignments, as well as the various transition assessments available.

Campus or District Transition Personnel and/or Campus Special Education Personnel will communicate the results of the transition assessments to parents at least annually during ARD meetings and make reasonable efforts to obtain parent input and encourage engagement in transition planning. In addition to annual ARD meetings, Campus or District Personnel and/or Campus Special Education Personnel will attempt to contact the parent prior to conducting transition assessments to obtain relevant information regarding appropriate assessments for the student. Should the parent's native language be a language other than English, the District will provide an interpreter to ensure the parent is able to effectively communicate in the process.

A functional vocational evaluation (FVE), which is an ongoing process that identifies a student's interests, work-related aptitudes and skills, and need for training, may also be conducted. A FVE may be considered when a student has difficulty communicating their career interests, when a student has completed training at multiple job sites, but there is not a clear direction for next steps; and/or when a transition assessment has not provided enough information to develop a comprehensive transition plan. An FVE should include information from multiple sources, including student and parent input, and include recommendations related to career interests, aptitudes, and skills.

Transition Planning for Students with Significant Needs

Students with severe and multiple developmental disabilities demonstrate diverse skills, strengths, limits, and support needs, and generally have associated health conditions of various severity. These students usually present with multiple system impairments that impact the student, family, and community participation. The transition services and supports needed for these students are usually pervasive and extensive in order to achieve community living, employment, and self-sufficiency. As such, transition planning for students with complex or more significant needs should start early, as soon as the student is identified as eligible for special education services.



Transition planning should be reviewed and discussed at the student's initial ARD meeting and at every subsequent ARD meeting to ensure that the needs of the student are met. At the primary levels, grades K through 4, transition discussions should focus on employability skills, independent living skills, and self-determination attitudes. The student's transition planning should be based on the student's need to develop positive work and activities of daily living and to develop an understanding of the student's disability and needed support. At the middle school grades, the focus for transition planning should shift to career exploration and transition planning related to the course of study as well as developing independent living skills. At that point, the focus should be on the student's need to understand the relationship of school and work; understand the student's interests, preferences, and aptitudes; understand work, education, independent living, and community options; determine a general course of secondary study; and identify needed accommodations and supports for secondary education.

Then, in high school, the student's entire IEP should be focused on career exploration and transition with the focus of transitioning and overlapping into postsecondary environments desired by the student. In the early years of high school, the student needs are to develop meaningful and realistic postsecondary goals, develop work, education, residential, and community participation skills and supports relevant to those goals, and, as much as possible, independently learn to manage disability needs and request accommodations. And, in the last two years of high school, the student should be testing goals through experiences and activities, securing options for postsecondary education and/or employment, developing residential and community participation supports and contacts, developing linkages with adult services, and empowering families to function in adult service environments.

Self-Determination Skills

Self-determination is a combination of skills, knowledge, and beliefs that enables a student to engage in goal-directed, self-regulated, and autonomous behavior. Self-determination allows a student with disabilities to understand the student's strengths and limitations together with a belief in oneself as capable and effective. As part of the self-determination curriculum, students will be able to identify areas of strength, difficulties, interests, and values. Additionally, students will understand their disabilities and be able to explain them to others.

Self-determination instruction is typically provided through embedded TEKS and supplemental lessons as needed. Students will be taught the skills associated with self-determination including choice making, decision making, problem solving, goal setting, planning, goal attainment, self-management, self-advocacy, self-awareness, and self-knowledge. They will then be provided opportunities to use and practice those skills, and be provided supports and accommodations, as necessary, in order to lead self-



determined lives.

Outside Agencies

Students transitioning from high school to adulthood may require services and supports from outside agencies to live independently. At least annually in ARD meetings, Campus and District Transition Personnel shall provide information to students with disabilities and their parents regarding the services and supports available within the community to assist in the transition process.

Many services are available through waiver programs, meaning certain Medicaid requirements do not apply. Some of the services available through these waivers include personal care services, nursing care, home modifications, car modifications, respite care, and various therapies. Texas has seven waivers, and each one has its own interest list. Waivers are managed by the Health and Human Services Commission (“HHSC”) and the Department of State Health Services (“DSHS”). Parents should be encouraged to add students to as many waiver interest lists as soon as possible and preferably as soon as the child is diagnosed with a disability or special health care need. Students will be added to these programs once there is availability. District and Campus Personnel will inform parents of the HHSC waiver list and the process for enrollment in annual ARD meetings as early as Early Childhood Intervention and Early Childhood Special Education.

Prior to a student turning 14, Campus and District Transition Personnel will encourage parents to identify any needs for long-term services and supports and the type of long-term services and supports needed. Additionally, Campus and District Transition Personnel will encourage parents to explore the community and long-term services and supports that are available and provide contact information for community and long-term services and support agencies. Campus and District Transition Personnel shall be available to assist parents in applying for long-term services and supports as appropriate.

When or before a student turns 16, Campus and District Transition Personnel will encourage parents to identify natural supports for students and routinely contact HHSC for updates in positions on waiver lists. If the parent and/or adult student has not already done so when or before the student turns 18, Campus and District Transition Personnel will provide parents and/or adult students information on applying for long-term services and supports, if appropriate.

Evidence of Implementation

- ARD/IEP
- Transition Supplement/Section of ARD/IEP
- Documentation of Student Participation in Transition Planning



- Course of Study
- Transition/Vocational Assessments
- Contacts with Outside Agencies
- Consent to Invite Outside Agency Representative to ARD
- Prior Written Notice
- Document Acknowledging Receipt of *Texas Transition and Employment Guide*
- Transition Services Training
- Transition and Employment Services Designee
- Self-Determination Curriculum/Instruction
- Documentation for the state in TSDS, PEIMS, and SPP

Resources

[The Legal Framework for the Child Centered Special Education Process: Transition Services Framework - Region 18](#)

[Secondary Transition Guidance \(TEA\)](#)

[Texas Transition and Employment Guide](#)

[Texas Transitions Network \(TEA\)](#)

[Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities \(OCR\)](#)

[OSERS Questions and Answers on Secondary Transition \(2011\)](#)

[SPEDTEX - Secondary Transition in Texas](#)

[Navigate Life Texas - Medicaid Waivers Overview](#)

Citations

34 CFR 300.43(a)-(b), 300.320(b), 300.321(b)(2), 300.324; Texas Education Code 28.025, 29.011, 29.0111, 29.0112(e); Texas Estates Code Ch. 1357; 19 TAC 75.1023, 89.1055(j)-(l)



GRADUATION

What is Required

The District's obligation to make FAPE available to all students with disabilities does not apply to students with disabilities who have graduated from high school with a regular high school diploma. Graduation from high school with a regular high school diploma constitutes a change of placement, requiring Prior Written Notice, and requires compliance with the Summary of Performance procedures. See [PRIOR WRITTEN NOTICE] and [SUMMARY OF PERFORMANCE]. An eligible student who is receiving special education services who is 21 years of age on September 1 of a school year will be eligible for services through the end of that school year or until graduation with a regular high school diploma, whichever comes first.

Foundation High School Program

A special education student without modified curriculum who entered 9th grade in the 2014-2015 school year or later may graduate and be awarded a regular high school diploma if the student:

- Demonstrates mastery of the required state standards or District standards, if they are greater;
- Satisfactorily completes the credit requirements for graduation under the Foundation High School Program; and
- Achieves satisfactory performance on the required state assessments, unless the student's ARD Committee has determined that satisfactory performance on the required state assessments is not necessary for graduation. See [ADMISSION, REVIEW AND DISMISSAL COMMITTEE] and [STATE AND DISTRICTWIDE ASSESSMENTS].

A special education student entering the 9th grade in the 2014-15 school year or later whose curriculum is modified may graduate and be awarded a regular high school diploma if the student:

- Demonstrates mastery of the required state standards or District standards if they are greater;
- Satisfactorily completes the credit requirements for graduation under the Foundation High School Program through courses, one or more of which contain modified curriculum that is aligned to the standards applicable to general education;



- Achieves satisfactory performance on the required state assessments, unless the student's ARD Committee has determined that satisfactory performance on the required state assessments is not necessary for graduation; and
- Successfully completes the student's IEP and meets one of the following conditions:
 - Has obtained full-time employment and mastered sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the District;
 - Has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the District;
 - Be involved with an agency that can provide services that are no longer the responsibility of the District; or
 - No longer meets age eligibility requirements.

Endorsements

Special education students may earn an endorsement by successfully completing, with or without modification, the curriculum requirements for graduation under the Foundation High School Program, as well as the additional endorsement curriculum requirements, and successfully completing all curriculum requirements for that endorsement without modification of the curriculum or with modification of the curriculum, provided that the curriculum, as modified, is sufficiently rigorous as determined by the student's ARD Committee.

The student's ARD Committee will determine whether the student is required to achieve satisfactory performance on an end-of-course assessment to earn an endorsement on the student's transcript.

A special education 11th or 12th grade student is eligible to receive an endorsement if the student has taken each of the required state assessments but failed to achieve satisfactory performance on no more than two of the assessments, as long as the student meets the other endorsement requirements.

In order for a special education student to use a course to satisfy both a requirement under the Foundation High School Program and an endorsement requirement, the student must satisfactorily complete the course without any modified curriculum.

Substitutions under the Foundation High School Program

A special education student who is unable to complete two credits in the same language



in a language-other-than-English (“LOTE”) due to the student’s disability, may substitute a combination of two credits from English language arts, mathematics, science, or social studies or two credits in career and technical education, technology applications, or other academic electives for the LOTE credit requirements if the ARD Committee determines that the student is unable to complete the LOTE credit requirements.

A student who, due to student’s disability or illness, is unable to participate in physical activity, may substitute one credit in English language arts, mathematics, science, social studies, a locally-designed course that meets the state criteria for substitution under state law, or one academic credit elective for the physical education credit requirement if the ARD Committee determines that the student is unable to participate in the physical activity.

A substitute credit for LOTE or physical education may not be used to satisfy any other graduation requirement.

Transition to the Foundation High School Program

A special education student who entered grade 9 before the 2014-2015 school year may graduate and be awarded a high school diploma under the Foundation High School Program, if the student’s ARD Committee determines that the program is appropriate for the student and the student satisfies the requirements of the program.

A special education student transitioning to the Foundation High School Program who meets the requirements for an endorsement may earn an endorsement.

A special education student transitioning to the Foundation High School Program during the student’s 11th or 12th grade year who has taken each of the required state assessments but failed to achieve satisfactory performance on no more than two assessments, may graduate if the student has satisfied all other applicable graduation requirements.

Distinguished Achievement, Recommended, and Minimum High School Programs

A special education student entering the 9th grade before the 2014-15 school year may graduate and be awarded a regular high school diploma if the student demonstrates mastery of the state standards (or District standards if they are greater), satisfactorily completes credit requirements for graduation under the recommended or distinguished achievement high school programs and achieves satisfactory performance on the required state assessment.

An 11th or 12th grade special education student who has taken each of the required state assessments but failed to achieve satisfactory performance on no more than two of the assessments is eligible to graduate under the recommended or distinguished achievement high school program if the student meets all other applicable graduation



requirements.

A special education student entering the 9th grade before the 2014-15 school year may also graduate and be awarded a regular high school diploma if the student demonstrates mastery of the state standards (or District standards if they are greater), satisfactorily completes credit requirements for graduation under the minimum high school program and participates in or satisfactorily performs on the required state assessments, as determined by the ARD Committee.

A special education student entering the 9th grade before the 2014-15 school year may also graduate and be awarded a regular high school diploma if the student:

- Demonstrates mastery of the state standards or District standards if they are greater through courses, one or more of which contain modified content that is aligned to the standards required under the minimum high school program;
- Satisfactorily completes credit requirements under the minimum high school program; participates in or satisfactorily performs on the required state assessments, as determined by the ARD Committee; and
- Successfully completes the IEP and meets one of the following conditions:
 - Has obtained full-time employment and mastered sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the District;
 - Has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the District;
 - Be involved with an agency that can provide services that are no longer the responsibility of the District; or
 - No longer meets age eligibility requirements.

Students Eligible to Return to School After Graduating

A special education student who meets the age requirement for eligibility for continued services—i.e., who has not reached age 21 on September 1 of a school year—will be eligible for services and may return to school after graduation as long as the student was awarded a diploma that meets the following conditions:

- The student was required to successfully complete the student's IEP; and



- The student was required to:
 - Obtain full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the District;
 - Demonstrate mastery of specific employability skills and self-help skills that do not require direct and ongoing education support of the District; or
 - Have access to services that were not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.

The ARD Committee must determine student's educational service needs upon the request of the student or parent to resume services.

Certificates of Attendance and Participation in Graduation Ceremonies

Campus Administration must issue a certificate of attendance to a special education student who has completed four years of high school but has not yet completed the student's IEP. Campus Administration must allow special education students receiving certificates of attendance to participate in a graduation ceremony with students receiving high school diplomas. A special education student may participate in only *one* graduation ceremony to receive a certificate of attendance. The student will then return to school to complete the IEP goals and objectives before receiving a diploma. A student receiving a certificate of attendance is not prevented from receiving a diploma if the student completes the student's IEP.

Financial Aid Application Requirements

Beginning with students enrolled in grade 12 during the 2021-22 school year, each student will complete and submit a free application for federal student aid ("FAFSA") or a Texas application for state financial aid ("TAFSA") before graduating from high school.

A student is not required to submit a FAFSA or TASFA if:

- The student's parent submits a signed form indicating that the parent authorizes the student to decline to complete and submit the financial aid application;
- The student signs and submits a form declining to complete and submit the financial aid application, if the student is 18 years of age or older or the student's disabilities of minority have been removed for general purposes; or
- A school counselor authorizes the student to decline to complete and submit the



financial aid application for good cause, as determined by the school counselor.

District Administration must adopt a form to be used for purposes of documenting a waiver to submit the FAFSA or TASFA, and the form must be approved by the Texas Education Agency and made available in English, Spanish, and any other language spoken by a majority of the students enrolled in a bilingual education or special language program in the District or on a campus. If a school counselor notifies District Administration that a student has complied with the financial aid application requirement for the purpose of determining whether the student meets high school graduation requirements, the school counselor may only indicate whether the student has complied and may not indicate the manner in which the student complied.

Personal Graduation Plan for Junior High and Middle School

Campus Personnel must develop and implement a personal graduation plan for each student in junior high or middle school who has not performed satisfactorily on the STAAR or who is unlikely to receive a high school diploma before the fifth school year following the student's enrollment in the ninth grade.

The personal graduation plan must:

- Identify educational goals for the student;
- Include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
- Include an intensive program of instruction;
- Address participation by the student's parent or guardian, including consideration of educational expectations for the student; and
- Provide innovative methods to promote the student's advancement, such as flexible scheduling, alternative learning environments, online instruction, and other interventions scientifically proven to improve learning and cognitive ability.

For students with disabilities who receive special education services through an IEP, the IEP may serve as the Personal Graduation Plan.

Personal Graduation Plan for High School

Every high school student in the District must have a personal graduation plan. District Administration must publish in English and Spanish on the District website the information provided by TEA that explains the benefits of choosing a high school graduation plan that includes the distinguished level of achievement under the Foundation High School Program and includes one or more endorsements to enable the student to achieve a class rank in the top 10 percent of students at the campus and encourages parents, to the greatest extent practicable, to have the student choose these options. This information must be available to all high school students and their



parents in the language in which the parents are most proficient only if at least 20 students in a grade level speak that language.

Each high school principal must choose a school counselor or school administrator to discuss personal graduation plan options with each student entering ninth grade, along with the student's parent. This plan must be confirmed and signed by both the student and the student's parent before the end of the student's ninth grade school year.

A personal graduation plan for a student in high school must identify a course of study that promotes college and workforce readiness and career placement and advancement. The personal graduation plan must also help the student transition from secondary to postsecondary education, where applicable. Campus Personnel cannot prevent the student and the student's parent or guardian from choosing a distinguished level of achievement or an endorsement.

The personal graduation plan can be amended by the student as the student progresses through high school, but Campus Personnel must send written notice to the student's parent regarding the change.

Summary of Performance

A summary of performance ("SOP") generally refers to a summary of the student's academic achievement and functional performance, which includes recommendations on how to assist the student with a disability in meeting the student's postsecondary goals. An SOP is required for the student whose eligibility under special education terminates due to graduation from secondary school with a regular high school diploma or due to exceeding the age of eligibility for FAPE.

The SOP must consider the views of the parent, the views of the student, and written recommendations for adult service agencies (such as the Department of Assistive and Rehabilitative Services) on how to assist the student in meeting postsecondary goals.

An evaluation must be included as part of the SOP for students graduating based on:

- Completion of the credit requirements for graduation under the Foundation High School Program or the Minimum High School Program through courses, one or more of which contain modified curriculum;
- Satisfactory performance on required state assessments, unless the ARD Committee has determined that satisfactory performance on the assessments is not necessary for graduation; and
- Completion of the individualized education program. See [EVALUATION PROCEDURES] and [REVIEW OF EXISTING EVALUATION DATA].

Definitions



“Regular high school diploma” means the standard high school diploma awarded to the preponderance of students in Texas that is fully aligned with Texas 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.

“Employability and Self-Help Skills” are those skills that directly relate to the preparation of students for employment, including general skills necessary to obtain or retain employment.

“Modified curriculum” and “Modified content” refer to any reduction in the amount or complexity of the required Texas Essential Knowledge and Skills. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content.

Additional Procedures

The above graduation requirements are designed to ensure students finish high school with skills designed to meet their unique needs and prepare them for further education, employment, and/or independent living. Because graduation is a change of placement, the ARD Committee decides whether a student has met graduation requirements under the above framework.

In order for the ARD Committee to determine whether a student has met his/her graduation requirements, the following questions may be considered:

- For a student graduating in accordance with his/her IEP by obtaining full-time employment and mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support, the ARD Committee may consider:
 - What is the student’s postsecondary goal in the areas of employment, education/training, and independent living (if applicable)?
 - What are the disability related needs of the student relative to their transition plan and their postsecondary goals for transition?
 - What courses, if any, has the student completed that have prepared them with the employment skills and/or self-help skills necessary to obtain or retain a job?
 - What jobs (paid or unpaid) has the student held during high school?
 - Is the student currently employed? If so, where and for how long?
 - Is the student successful in this job(s)? How do you know?
 - Did the student require any support from special education in order to



- obtain or retain the job?
- If so, who will the student contact once they graduate from high school to access the same type of support to retain their job or obtain a new job?
- If so, is the student already in contact with this person/agency?
- For a student graduating in accordance with his/her IEP by demonstrating mastery of specific employability skills and self-help skills that do not require direct ongoing educational support, the ARD Committee may consider:
 - What is the student's postsecondary goal in the areas of: employment, education/training, and independent living (if applicable)?
 - What are the disability related needs of the student relative to their transition plan and their postsecondary goals for transition?
 - What courses, if any, has the student completed that have prepared them with the employment skills and/or self-help skills necessary to obtain or retain a job?
 - What jobs (paid or unpaid) has the student held during high school?
 - Is the student currently employed? If so, where and for how long?
 - Is the student successful in this job(s)? How do you know?
 - Did the student require any support from special education in order to obtain or retain the job?
 - If so, who will the student contact once they graduate from high school to access the same type of support to retain their job or obtain a new job?
 - If so, is the student already in contact with this person/agency?
 - If the student has never held a job or been competitively employed, what courses has the student taken that have prepared them to obtain or retain a job (as identified in their postsecondary employment goal), including courses that have provided instruction for self-help skills that the student would need in order to be successful in that job (based on their individual disability-related needs in the PLAAFP)?
 - Was the student successful in these courses? How do you know (ex. IEP goal was created, and the student mastered the goal)?
- For a student graduating in accordance with his/her IEP by being involved with an agency that can provide services that are no longer the responsibility of the District, the ARD Committee may consider:
 - What is the student's postsecondary goal in the areas of: employment, education/training, and independent living (if applicable)?
 - What are the disability related needs of the student relative to their transition plan and their postsecondary goals for transition?



- What courses, if any, has the student completed that have prepared them with the employment skills and/or self-help skills necessary to obtain or retain a job?
 - What jobs (paid or unpaid) has the student held during high school?
 - Is the student currently employed? If so, where and for how long?
 - Is the student successful in this job(s)? How do you know?
 - Did the student require any support from special education in order to obtain or retain the job?
 - If so, who will the student contact once they graduate from high school to access the same type of support to obtain or maintain a new job or support in a postsecondary education program?
 - If so, is the student already in contact and receiving services with this person/agency?
 - If not, what should be the next steps for the student to complete in order to access this support or service?
- For a student who no longer meets age eligibility requirements, the ARD Committee may consider:
 - Is this student currently 22? If so, they will not be eligible for services through special education during the next school year.
 - Will this student turn 22 on or before September 1 of next year? If so, they will not be eligible for services through special education during the next school year.

When the ARD Committee determines that modifications to the curriculum are required, the ARD Committee must also ensure that the curriculum remains sufficiently rigorous for the student to retain eligibility for an endorsement.

In regard to state assessments, the ARD Committee will determine whether the state assessment or an alternate assessment is appropriate. The ARD Committee will also determine whether a student is required to achieve satisfactory performance on an end-of-course assessment instrument to earn an endorsement on the student's transcript. See [STATE AND DISTRICTWIDE ASSESSMENTS].

A student dismissed from special education services must complete the requirements for high school graduation and perform satisfactorily on any remaining assessments taken after the student is dismissed from special education. Therefore, the ARD Committee should carefully consider whether the student is capable of completing the requirements and passing the statewide exit-level assessment before dismissing the student.

Students who have completed four years of high school but have not completed the graduation plan in their IEP may be allowed to participate in a graduation ceremony with



their peers and receive a certificate. Campus Special Education Personnel determine which students meet this requirement and will contact and notify the parent and the adult student that they have an opportunity to participate in the ceremony. Campus Special Education Personnel will tell the parent and adult student that the student may only participate in one graduation ceremony and if the student were to participate now, that when the student completes his/her IEP graduation plan, he/she will receive a diploma, but will not be allowed to participate in another ceremony.

Campus Special Education Administration and Personnel will participate in training regarding the graduation requirements for students with disabilities at least once annually.

Personal Graduation Plan for Junior High and Middle School

Campus Special Education Personnel will be responsible for implementing a personal graduation plan for each student in junior high or middle school receiving special education services who has not performed satisfactorily on statewide assessments or who is unlikely to receive a high school diploma before the fifth school year following the student's enrollment in the ninth grade.

The student's ARD Committee is responsible for developing and making decisions related to the student's personal graduation plan. The student's IEP itself will include all of the required elements of the personal graduation plan for general education students and will be used as the personal graduation plan for special education students. The ARD Committee will discuss and review the personal graduation plan annually at the ARD meeting. The Campus Counselor will attend the ARD meeting to discuss and share information about the Foundation High School Program, courses of study, and endorsements.

Personal Graduation Plan for High School

The Campus Special Education Administrator will be responsible for reviewing the personal graduation plan options for each ninth-grade high school student receiving special education services, including the distinguished level of achievement option and endorsements. See [GRADUATION]. For a student with an IEP, the student's ARD Committee will develop and make decisions related to the student's personal graduation plan, with the input of the parent and the student and such information will be included in the student's IEP in a separate section related to graduation. The ARD Committee will work together to identify a course of study that promotes college and workforce readiness, promotes career placement and advancement, and facilitates the student's transition from secondary to post-secondary education.

The personal graduation plan will be discussed and reviewed at each annual ARD meeting, as well as upon request by the ARD Committee at any time, with the student's



input. Campus Special Education Personnel will provide Prior Written Notice to the parent or guardian when any change to the student's personal graduation plan is made. The Campus Counselor will attend the ARD meeting to discuss and share information about the Foundation High School Program, courses of study, and endorsements.

Summary of Performance (SOP)

When the SOP will be completed may vary depending on the student's post-secondary goals, but must be completed no later than the final year of a student's high school education. The SOP is critical as a student transitions from high school to higher education, training and/or employment. Students may share their SOP with colleges, adult agencies, vocational and rehabilitative centers, employers, and others. The SOP helps entities identify services and accommodations the student may require in the classroom, the workplace, or the community. In some instances, it may be most appropriate to wait until the spring of a student's final year to provide an entity, agency, or employer the most updated information on the performance of the student.

The completion of the SOP may require the input of the student's special education teacher, regular education teacher, school psychologist, and/or related service personnel. The SOP should include information about the student, including the most recent formal and informal assessment reports that document the student's disability and provide information to assist in post-high school planning. The SOP should also provide information about the student's performance in at least three areas: functional, academic, and cognitive. The SOP should identify, if applicable, the accommodations, modifications, assistive technology, or general areas of need that were essential in high school to assist the student in making progress and which are needed for the student to be successful in a post-high school environment.

Campus Special Education Personnel will meet with the student and parent prior to the student's annual ARD to explain and discuss the SOP and solicit the student and parent's input. The student's contribution to the SOP can help the student better understand the impact of his/her disability on academic and functional performance in the postsecondary setting. The SOP will then be completed at the student's annual ARD that occurs no later than the final year of a student's high school education. The student will be given a copy of the SOP at the student's final annual ARD Committee meeting.

Documentation Requirements

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant. As part of this documentation, the Campus Administrator will ensure that the number and graduation type code for students with disabilities graduating based on ARD Committee



decisions is accurately reported through the TSDS/PEIMS system.

Evidence of Implementation

- FIE
- ARD/IEP
- Personal Graduation Plan
- Summary of Performance
- State and Districtwide Assessments
- Prior Written Notice
- Summary of Performance
- Graduation ARD Document
- Documentation for the state in TSDS, PEIMS, and SPP

Resources

[The Legal Framework for the Child-Centered Special Education Process: Graduation - Region 18](#)

[The Legal Framework for the Child-Centered Special Education Process: Parent Notification and Personal Graduation Plan - Region 18](#)

[The Legal Framework for the Child-Centered Special Education Process: Summary of Performance - Region 18](#)

[Graduation Guidance - Texas Education Agency](#)

[Statewide High School Transition Network - Texas Education Agency](#)

[State Graduation Requirements - Texas Education Agency](#)

[Graduation Guidance - Region 4](#)

[Graduation - SPEDTEX](#)

Citations

Board Policy EHBAA; Board Policy EHBAB; Board Policy EHBAD; Board Policy EIF; 20 U.S.C. 1412(a)(1)(A); 34 CFR 300.101(a), 300.102(a)(3), 300.305(e)(1-3); Texas Education Code 28.0212, 28.02121, 28.022, 28.025, 28.0256, 39.023, 39.024, 39.0241, 39.025, 39.034, 39.302-39.304, 42.003(a), 74.1021, 74.1025(n), 74.12, 74.13; 19 TAC



89.1035, 89.1070, 89.1414(c)(5)(A), 101.3022(f), 101.3023; Texas Family Code Chapter 31; HB 3 Sec. 5.001(c)