

Graduation Tip Sheet

High School Graduation Considerations for Students with Disabilities

Graduation from high school is an exciting time, which marks the beginning of a new journey in a young person's life. It is important that students know their special education rights as they transition to adult life. This Graduation Tip Sheet highlights important information for the consideration of students and their families.

#1 Tip: The NJ Department of Education and/or local school district graduation requirements for classroom credit is NOT the sole criteria for students with disabilities to obtain their high school diploma. **The IEP must contain a **transition plan** to adult life, along with transition goals and a summary of performance prior to students receiving their high school diploma.*

Here is how the NJ law defines "Transition Services"

New Jersey Administrative Code Title 6A Chapter 14 Special Education Transition Requirements
APPENDIX D 20 U.S.C. §1401(34) (34)

Transition services- The term "**transition services**" means a coordinated set of activities for a child with a disability that:

(A) 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 postschool activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

(B) is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and

(C) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

Summary of Relevant New Jersey Special Education components:

- Students are eligible for special education and related services from age **3 through 21**. **NJAC 6A:14-1.3** Defines student age, as the attainment of 21st birthday by June 30 of that school year.
 - **Graduation** (6A:14-4.11) is a **change of placement that requires written notice** according to N.J.A.C. 6A:14-2.3(f) and (g) and that is subject to all procedural safeguards, including mediation, due process and emergent relief if pertaining to graduation ceremonies. *See **PRISE** (Parental rights in special education) <https://www.nj.gov/education/specialed/form/prise/>
 - **Reevaluation** is not required for graduation. **NJAC 6A:14.11(b)**
 - **Summary of Performance** is required and is written summary of the student's academic achievement and functional performance is required and includes recommendations to assist the student their postsecondary goals. **NJAC 6A:14.11(b)**
 - Students in an **Out of District placement** may choose to receive the diploma from either the school attended or the school district of residence per **NJAC 6A:14.11(c)**.
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- **Alicia’s Law:** Students who are receiving services beyond 12th grade have a right to equitable participation in graduation activities, including the commencement ceremony and senior class related events: http://www.njleg.state.nj.us/2008/Bills/AL08/19_.HTM
- **Requirement of facilitation to Adult Agencies:** IDEA and NJAC 6:A chapter 14 require consultation and linkage to appropriate adult systems of care as part of the transition plan on the IEP. Agencies such as the Commission for the Blind and Visually Impaired (CBVI), Division of Mental Health and Addiction Services (DMHAS), Division of Vocational Rehabilitation Services (DVRS), Division of Developmental Disabilities (DDD), Division of the Deaf and Hard of Hearing (DDHH), and New Jersey Consortium on Deaf Blindness (NJCDB) are those typically involved with the transition. **Please note that students may apply to DDD at age 18, however DDD funding does not begin until age 21.*
- **Adult students:** While all special education rights transfer to adult students who have reached the age of 18, an adult student that has reached the age of majority may request their parent or any specified adult, be included in their special education and decision making process by putting their request in writing to the Child Study Team Case Manager. See SPAN Adult Student Consent Sample Letter. <https://spanadvocacy.org/covid-19-resource-page/>
- **The NJ Office of Special Education has issued guidance for students on a path to graduate in 2020 and who may missed services critical to achieving their transition goals due to school shutdowns and “stay at home” orders resulting from the Covid-19 pandemic.** https://spanadvocacy.org/wp-content/uploads/2020/06/COVID_Providing-Additional-Services-for-Students-with-Disabilities-Who-Will-Graduate-or-Exceed-Eligibility-for-Special-Education-Services.pdf

SPAN has an example letter to address compensatory education for missed services for transition age students and those scheduled to graduate June 2020: <https://spanadvocacy.org/wp-content/uploads/2020/05/Sample-Letter-Comp-Svs-Transition.pdf>

Conflict Resolution in Special Education:

If attempts to reach agreement have failed, there is always the option of exercising your rights to seek dispute resolution via **Complaint Investigation, Mediation, Due Process,** and/or **Emergent Relief,** if applicable. For detailed information, instructions and forms, see NJ Office of Special Education’s website: <https://www.state.nj.us/education/specialed/due/>

Additional resources on Transition and Special Education Rights:

NJ Administrative Code Special Education code:

<https://www.state.nj.us/education/code/current/title6a/chap14.pdf>

Transition requirements and resources may be found on the **N.J. Department of Education Office of Special Education website:** <https://www.nj.gov/education/specialed/transition/> and summary of regulations <http://www.state.nj.us/education/specialed/transition/regs.pdf>

The SPAN website www.spanadvocacy.org has a wealth of information and resources including the following transition to adult life projects:

Youth in the Know: <https://spanadvocacy.org/programs/youth-in-the-know/>

REACH for Transition : <https://spanadvocacy.org/programs/reach/>

RAISE: <https://www.raisecenter.org/>