

## **ACDL Position Statement: High School Graduation and Transition Services**

Background: The Arizona Center for Disability Law (ACDL) has learned that some schools are graduating students with disabilities once they complete their required credits, even if the students have not yet received all of their transition services. We traced this unlawful practice to apparent confusion created by an Arizona Department of Education (ADE) document titled *AZ-TAS – Arizona’s Graduation Requirements and the Provision of a Free Appropriate Education for Students with Disabilities* (July 2010).

We expressed our concerns about this publication to Arizona Superintendent of Public Instruction John Huppenthal. ADE has since removed the document from its website, pending further review, and has sent the attached notices to all Arizona school districts and charter schools (see attached Memorandum and letter to parents and guardians).

ACDL’s Position: **There are no new laws requiring students who are entitled to special education services to graduate in four years.** The ACDL’s position is that schools should not make any changes to their policies or practices based upon the ADE document, or based upon any trainings or information received concerning the document. Both federal law (the Individuals with Disabilities Education Act, or IDEA) and Arizona law require school districts and charter schools to provide a free appropriate public education to eligible special needs students between the ages of three and 21. An Individualized Education Program, or IEP, must be created for each student. Once the student turns 16, the IEP must include transition services which will help the student prepare for adult life. Some special education students will have IEPs that enable them to graduate in four years; others will have IEPs that allow them more time to complete high school.

What Parents Can Do: If you were unexpectedly told your child must graduate in four years:

- Ask the school in writing for an IEP meeting. Ask the IEP team to decide that your child needs more than four years of high school to receive all of the services in his IEP. Make sure that any IEP team members who can make this happen come to the meeting.
- If you are not happy with the results of the IEP meeting, you can:
  - Ask the school for written notice of its decision to graduate your child even though she has not received all of the services in her IEP;
  - Contact the ACDL at (602) 274-6287 or (800) 927-2260 between 9 a.m. and 1 p.m. on Mondays, Tuesdays, Thursdays or Fridays to speak with a person on our staff;
  - File a complaint with the Arizona Department of Education. You can also ask for mediation. Go to <http://www.ade.state.az.us/ess/dispute/> or call (602) 542-3084.

*March 18, 2011*