



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

OFFICE OF VOCATIONAL AND EDUCATIONAL SERVICES FOR INDIVIDUALS WITH DISABILITIES  
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TO: District Superintendents  
Superintendents of Schools  
Presidents of Boards of Education  
New York City Department of Education  
Principals of Public Schools  
Chairpersons, Committees on Preschool Special Education  
Chairpersons, Committees on Special Education  
Approved Private Schools for Students with Disabilities  
Approved Preschool Programs for Children with Disabilities  
Other New York State Agencies  
State-Operated and State-Supported Schools  
Organizations, Parents and Individuals Concerned with Special Education  
Impartial Hearing Officers  
Commissioner's Advisory Panel for Special Education Services  
Regional Special Education Technical Assistance Support Centers  
Special Education Parent Centers  
Early Childhood Direction Centers

FROM: James P. DeLorenzo

SUBJECT: Individualized Education Program (IEP) Diplomas

The purpose of this memorandum is to provide guidance to parents and school personnel on individualized education program (IEP) diplomas. Most students with disabilities, given the opportunity and appropriate supports and services, have the ability to earn a regular high school diploma. Yet, data shows far too many students with disabilities are exiting high school with an IEP diploma in lieu of a regular high school diploma.

While an IEP 'diploma' is recognition of an individual student's achievement of his or her educational goals based on the appropriate level of the learning standards as specified in the student's current IEP, it is not a standards-based diploma and not recognized in this State as equivalent to a regular high school diploma. Therefore, a student who exits school with an IEP diploma, and not a regular diploma, is likely to be significantly limited in his/her post-secondary education opportunities, employability and earning potential.



While the Board of Regents continues its review of the State's current policy for award of high school IEP diplomas, it is important that each school district critically review its own policies, procedures and practices to ensure that the IEP diploma is awarded only to those students who cannot, due to the severity of the disabilities, achieve a regular diploma. High school principals, guidance counselors, committees on special education (CSEs) and parents all play important roles to ensure that each student with a disability has a meaningful opportunity to achieve a regular high school diploma.

### **Information for Parents and Students**

Each school district should take steps early in the student's high school career to ensure that the parent and student fully understand the differences between a regular high school diploma and an IEP diploma. Parents should be informed that the IEP diploma is intended for a student with very limited cognitive abilities who can not, because of his/her disability, earn a regular diploma. Guidance programs for all students in grades seven to 12 must inform students, including students with disabilities, and parents about graduation requirements, diploma options, and career choices.

At each annual review meeting, the CSE must determine the particular State assessment the student will participate in and provide a statement in the IEP of why the student cannot participate in the regular assessment. A determination that the student cannot take the regular State assessments and will participate in an alternate assessment (New York State Alternate Assessment) will mean that the student cannot graduate with a regular high school diploma. Therefore, this determination is an important one and should be reconsidered at each annual meeting to review the student's IEP.

Prior to receipt of an IEP diploma, the school district must notify the parent in writing that his/or her child's receipt of the IEP diploma does not end the student's right to a free appropriate public education (FAPE) and that, if the student receives an IEP diploma prior to the end of the school year in which the student turns age 21, the student may continue in his/her high school program.

### **Expectations and Achievement**

Years of research detail the correlation between expectations and achievement. The research strongly suggests that increased expectations result in more positive behaviors and improved academic achievement. Establishing and supporting appropriately rigorous expectations for students with disabilities influences decisions about courses of study and will have a significant and lifelong impact upon their post school opportunities.

### **The IEP Diploma**

An IEP diploma may be awarded to a student with a disability at the end of the school year in which a student turns age 21 or at any time after a student has attended school or has received a substantially equivalent education elsewhere for at least 12 years, excluding Kindergarten. The IEP diploma is intended for a student with the most significant disabilities in recognition of his or her successful achievement of individual educational goals based on the appropriate level of the learning standards as specified in

the student's current IEP. While earning an IEP diploma may be an important milestone for a student, it is a diploma that is often not accepted by employers, the military, institutions of higher education, business/trade schools or apprenticeship programs because it is not based on standardized criteria (successful completion of required courses and achievement on State assessments).

A decision as to the type of diploma a student is expected to earn should not be made early in a student's school career. Most students with disabilities should be working towards a regular diploma. The IEP development process and annual guidance reviews should serve to inform students, and their parents, if, because of the severity of the disability, the student may be likely to receive an IEP diploma in lieu of a regular diploma.

A student who does earn an IEP diploma must have the same opportunity as all students to participate in the school district's graduation ceremonies.

### **Opportunity to Earn a Regular High School Diploma**

Each school district must adopt written policies and procedures ensuring that students with disabilities are provided appropriate opportunities to earn a regular high school diploma. This opportunity must be available to students regardless of where the student attends school or who is providing special education services to the student (e.g., local school district, board of cooperative educational services (BOCES), approved private school, Special Act School District, State-operated or State-supported school).

The following are important factors relating to the opportunity for students with disabilities to earn regular high school diplomas.

1. Students will be enrolled in coursework that leads to a diploma and be provided instruction by teachers highly qualified in the subject area courses being taught.
2. Each student with a disability will receive appropriate special education supports and services to address the effect of the student's disability on participation and progress in the general education curriculum.
3. CSEs, parents and students will understand the relationship between courses of study, a regular diploma and the student's post-secondary goals.
4. Transition planning and activities will be meaningful and motivate the student to work towards a regular diploma.

The attachments to this document provide additional information on the above factors and information to assist school personnel and parents with these important decisions. To ensure dissemination to appropriate individuals within a school district, I ask Superintendents to please share this memorandum with individuals such as Directors of Special Education, School Psychologists, CSE members, Guidance Counselors, Directors of Pupil Personnel and Parent Teacher Associations.

Questions regarding this memorandum may be directed to the Special Education Policy Unit at 518-473-2878 or to the Special Education Quality Assurance Office in your region:

Central Regional Office - (315) 476-5081  
Eastern Regional Office - (518) 486-6366  
Hudson Valley Regional Office - (914) 245-0010  
Long Island Regional Office - (631) 884-8530  
New York City Regional Office - (718) 722-4544  
Western Regional Office - (585) 344-2002  
Nondistrict Unit - (518) 473-1185

Attachments

**Factors Relating To the Opportunity For Students With Disabilities  
To Earn Regular High School Diplomas**

**1. Students will be enrolled in coursework that leads to a diploma and provided instruction by teachers highly qualified in the subject area courses being taught.**

Each student with a disability, with exceptions made for individual students with disabilities who are working to meet the State's alternate performance indicators, must have access to coursework at his/her appropriate instructional level that will lead to a regular diploma. While most students with disabilities will attend general education classes, some students with disabilities are removed from their general education classes for a portion of the day, placed in special classes or placed in separate schools where access to course credit and highly qualified teachers may be limited. In making decisions about special education services and the placement where the IEP will be implemented, CSEs should also consider how those decisions may affect the student's opportunity to earn the credits necessary to graduate with a regular diploma.

All students, including those with disabilities, are required to have an annual guidance review. Such reviews, which are conducted either individually or in small groups by personnel certified or licensed as school counselors, focus on each student's educational progress and career plans. School counselors or classroom teachers working in cooperation with school counselors are required to provide information to all students about various career options and required skills. The regulations require that other individual or group counseling sessions be provided to assist students to benefit from the curriculum; to develop and implement postsecondary education and career plans; to address attendance, academic, behavioral or adjustment problems; and to encourage parental involvement.

Many students with disabilities can achieve a regular diploma, but they need to be encouraged to remain in high school beyond four years to complete the required coursework. Statewide data shows that by remaining in school for a fifth year, an additional 1,967 students with disabilities from the 2004 cohort graduated as of June 2009 with a regular high school diploma.

In addition, alternatives to the traditional way of earning credit can provide some students opportunities for completing diploma requirements. These include credit by examination, accelerated course completion, and advanced out-of-school study as well as making-up failed or incomplete courses (credit recovery), independent study, and digital learning (online courses). The credits that students need to earn beyond the core academic requirements may be in music and art programs, occupational programs, and elective academic courses designed by the local school. State-approved work-based learning programs that help students to achieve the State learning standards continue to be an option for earning credit toward graduation, either as electives or as a part of career and technical education programs. For additional information, see <http://www.emsc.nysed.gov/part100/pages/diprequire.pdf> or <http://www.emsc.nysed.gov/part100/pages/1005.html>.

**2. Each student with a disability will receive appropriate special education supports and services to address the effect of the student's disability on participation and progress in the general education curriculum.**

Each student's IEP, developed and reviewed annually, is the mechanism to ensure that students can participate and progress in the required courses, electives and State assessments leading to a regular high school diploma. The CSE is charged with the responsibility to document in an IEP specific factors and recommendations relating to the student's participation and progress in the general education curriculum and to consider this information as it makes its recommendations for special education programs, services, accommodations and placement.

In considering the effect of the student's disability on his/her ability to participate and progress in the general curriculum, the CSE should specifically consider the unique needs resulting from the student's disability and the relationship of these needs to such factors as:

- the content of the instruction;
- methods of instruction;
- instructional materials;
- the physical environment;
- behavioral supports and services;
- the student's ability to demonstrate his/her learning (e.g., assessments and homework); and
- where (location) the student will receive the recommended special education services.

Each decision about where a student will receive his/her special education services may impact the student's ability to graduate with a regular diploma. For this reason, the CSE must discuss, and the IEP must specify, the location where each recommended special education service will be provided. Whenever appropriate, the student should be receiving his/her special education services in general education classes.

For additional information on these factors, see the New York State Education Department publication "Guide to Quality IEP Development and Implementation" at [www.vesid.nysed.gov/specialed/publications/iepguidance.htm](http://www.vesid.nysed.gov/specialed/publications/iepguidance.htm).

**3. CSEs, parents and students will understand the relationship between courses of study, a regular diploma and the student's post-secondary goals.**

The CSE must discuss and document the effect of the student's disability on the student's participation and progress in the general education curriculum. In doing so, the CSE should discuss a student's need for special education specifically in relationship to the courses of study the student will be enrolled in. By understanding the standards in each course the student will need to achieve, the CSE can make specific recommendations that will facilitate the student's access and progress in these classes. Without this understanding, the student's IEP may not be reasonably

calculated to provide the student with educational benefit to meet the State's learning standards and his/her post-secondary goals.

The general education teacher on the CSE should bring information on course expectations and State assessments to the CSE meeting. In this way, the CSE can discuss the student's disability in the context of his or her courses of study. In addition, the general education teacher should assist in the determination of appropriate positive behavioral interventions and supports and other strategies for the student; and supplementary aids and services, program modifications and supports for school personnel to address the student's disability needs.

For each student with a disability beginning with the first IEP to be in effect when the student turns age 15, and younger if determined appropriate, the IEP must identify the courses of study the student will take in that year to prepare the student to meet his/her post-secondary goals. Identification of courses should include the student's general education classes as well as any other courses (such as career and technical education classes) the student would be taking.

**4. Transition planning and activities will be meaningful and motivate the student to work towards a regular diploma.**

For students with disabilities, the process of transition planning is extremely important. If done appropriately, the student is involved in the CSE meeting to discuss transition planning. This gives the student the opportunity to see the relationship between courses of study and achieving his/her post-secondary goals. This process, which engages the student and family to identify the support the student will need through instruction and other transition activities, often helps motivate students to stay in school and work toward a regular diploma.

**Career Plan and Career Zone**

The New York State (NYS) Career Plan documents an individual's skills, abilities, interests and experiences with respect to career exploration and preparation and is available for those in kindergarten through adulthood. It aligns with the Career Development and Occupational Studies (CDOS) Standards, is designed to add relevance and meaning to learning experiences across subject areas and is an excellent graduation planning tool for all students. Students in grades 6-12 can create individual Career Plans with the "My Portfolio" tool found at the New York State Department of Labor's CareerZone web site. CareerZone is an online tool that assists individuals to assess their skills and interests, and provides information on over 800 different careers, including the education and skills necessary for success in those careers. It also includes a resource section for students, parents, guidance counselors, and educators, including lesson plans cross walked to the 28 New York State Learning Standards. For more information, see <http://www.emsc.nysed.gov/cte/careerplan>; <https://www.nycareerzone.org/cz/index.jsp>; and <https://www.nycareerzone.org/cz/resources/index.jsp>.

## **Work-Based Learning (WBL) Programs**

All students, including students with disabilities, are required to have access to and can benefit from participation in career and technical education (CTE) and other work experience programs. Work-based learning (WBL), offered in collaboration with schools and employers, provides students with structured learning experiences and the opportunity to develop broad, transferable skills for postsecondary education and the workplace. A quality WBL program can make school-based learning more relevant by providing students with the opportunity to apply knowledge and skills learned in the classroom to real world situations. The guidance document *NYSED Approved Work Based Learning Programs* provides information on work-based learning options available in NYS. It describes WBL programs available to all students, including students with disabilities and those specific only to students with disabilities. Information regarding required components of WBL programs, staff certification requirements, and federal and State labor law considerations are included in the document. For additional information, see <http://www.emsc.nysed.gov/cte/wbl/docs/CompleteWBLManual.doc>.

## **Career and Technical Education (CTE) Skills Achievement Profile**

The Career and Technical Education (CTE) Skills Achievement Profile is a tool specifically designed for students with disabilities who will receive an IEP diploma and who will be participating in CTE coursework. The Profile documents a student's attainment of career and technical knowledge and skills; work-related skills and certification or licenses; and relates directly to the student's individual Career Plan. It provides documentation of a student's employability skills based on industry standards and can provide important information to a potential employer about a student's skills. Districts are encouraged to develop career specific profiles using the framework provided by the Department. Model and sample profiles and materials developed by districts piloting the profiles are available on the Department's website. For additional information, see <http://www.vesid.nysed.gov/specialed/publications/transition/CTEprofile.htm>.

## **Student Exit Summary (SES)**

School districts are required to provide each student with a disability a summary of his/her academic achievement and functional performance, which must also include recommendations on how to assist the student in meeting his or her post-secondary goals. This summary, referred to in NYS as the Student Exit Summary (SES), must be provided prior to school exit for a student whose eligibility for special education services terminates due to graduation from secondary school with a regular diploma or who exceeds the age eligibility for FAPE. This includes students exiting school with a Regents, local, or IEP diploma. It is recommended that students exiting with a High School Equivalency Diploma be provided with this summary as well.

The SES should be developed to be a useful and relevant document that summarizes individual student abilities, skills, needs and limitations and provides recommendations to support successful transition to adult living, learning and working. As such, the SES



will help the student better understand the impact of his/her disability and articulate individual strengths and needs as well as supports that would be helpful in post-school life. It should also assist the student in establishing eligibility for reasonable accommodations and supports in postsecondary settings, the workplace and the community and to aid the student in accessing adult services as appropriate. The Department provides a sample form and accompanying guidance to assist districts in developing the SES. For additional information, see <http://www.vesid.nysed.gov/specialed/idea/exitsumm.htm>, <http://www.vesid.nysed.gov/specialed/idea/exitform.doc>, and <http://www.vesid.nysed.gov/specialed/idea/studentexit.htm>.

**Considerations for the Committee on Special Education (CSE)**

- The CSE considers the student's opportunity to graduate with a regular diploma in the development of the individualized education program (IEP), including, but not limited to, enrollment in courses that will lead to a regular diploma; and access to highly qualified teachers in the core academic subject areas.
- The student's present level of performance documents the effect of the student's disability on the student's participation and progress in his or her general education courses and subject areas.
- The CSE discusses, and the IEP documents, the courses of study necessary for the student to achieve his/her post-secondary goals.
- The IEP documents the special education supports and services in consideration of the student's courses of study, including, but not limited to:
  - the content of the instruction;
  - methods of instruction;
  - instructional materials;
  - the physical environment;
  - behavioral supports and services;
  - the student's ability to demonstrate his/her learning (e.g., assessments and homework); and
  - where (location) the student will receive the recommended special education services.
- The recommended placement will provide the student with credit-bearing courses necessary to earn a regular high school diploma.
- Annually, the CSE discusses the student's participation and progress in the general curriculum, regardless of the student's placement.
- The CSE encourages the student to work towards a regular diploma and to remain in school beyond the traditional four years of high school to earn a regular diploma.
- The CSE informs the student's parent(s) that the student is entitled to a free appropriate public education (FAPE) until age 21 even if awarded an IEP diploma prior to that age.
- The school district provides prior written notice to the parent prior to receipt of an IEP diploma.

**Questions Parents May Want to Ask School Personnel**

School personnel should proactively be discussing answers to these questions with parents and students.

1. What are the course and State assessment requirements the student needs to successfully complete in order to graduate with a regular diploma?
2. What are the differences between Regents, local and individualized education program (IEP) diplomas?
3. What is the impact of the IEP diploma on post-secondary opportunities including vocational training programs, education and employment?
4. How many credits has the student earned toward a regular high school diploma?
5. Is the student enrolled in courses that would lead to high school credits necessary for graduation with a regular high school diploma? If the student is recommended for a special class, will the student earn course credits?
6. Is the student participating in the required State assessments for earning a local or Regents diploma?
7. What effect will modifications to the curriculum or grading have on the student's ability to earn units of credit for courses that will lead to a local or Regents diploma?
8. If the student is placed in an approved private school, Special Act School District, State-supported or State-operated School, can he or she still be awarded a diploma? Which school would award the diploma?
9. Has the student participated in annual guidance reviews in which graduation requirements, diploma options and career choices were discussed?
10. Does the IEP identify courses of study and how special education services will assist the student to be successful in those courses?
11. What opportunities has the student had to explore career options and participate in work experience programs?
12. Has the student developed a Career Plan or explored options using tools such as CareerZone?
13. If the student will be receiving an IEP diploma, how can he/she also exit with a Career and Technical Education (CTE) Skills Achievement Profile?
14. If my child takes the New York State Alternate Assessment and not a regular State assessment, will he/she still be able to graduate with a regular high school diploma?