

# §89.1070 Graduation Requirements for Students with Disabilities Frequently Asked Questions

## Termination of Eligibility for Special Education

1. **How does graduation from high school affect the eligibility of a student with disabilities to receive a free appropriate public education (FAPE)?**

Graduation with a regular high school diploma under TAC §89.1070(b) or TAC §89.1070(d) terminates a student's entitlement to the benefits of public education.

## Graduation from High School

2. **How does a student receiving special education graduate from high school?**

When the student has completed the minimum curriculum and credit requirements applicable to students in general education and has passed the exit level assessment, the student can graduate and receive a regular high school diploma under the minimum, recommended or distinguished high school program outlined in TAC [Chapter 74](#).

A student can also graduate and receive a regular high school diploma under the minimum high school program outlined in TAC [Chapter 74](#), upon completing the minimum curriculum and credit requirements for students in general education and participating in required assessments. For these students the ARD committee must determine whether passing the assessment is a requirement for graduation.

ARD committees should not apply the requirements of §89.1070(b)(1) to students who began completing the recommended or distinguished high school program requirements prior to November 2007, the effective date of this rule. Students entering Grade 9 in 2008-09 and thereafter must demonstrate satisfactory performance on exit-level TAKS or TAKS (Accommodated) assessments to graduate under the recommended or distinguished high school programs.

Additionally, a student can graduate by completing the minimum credit requirements for students in general education, completing the minimum curriculum requirements to the extent possible as determined by the ARD committee, and completing the requirements of the IEP, including one of the following conditions outlined in the IEP: (a) full-time employment and sufficient self-help skills to maintain employment without direct support from the school district, (b) demonstration of full-time employability skills, including skills related to obtaining or retaining employment, or (c) access to employment or educational options not within the legal responsibility of public education for which the student has been prepared as part of the IEP.

Finally, a student receiving special education services may also graduate and receive a regular high school diploma upon the ARD committee determining that the student no longer meets age eligibility requirements and has completed the requirements specified in the IEP.

## **Summary of Academic Achievement and Functional Performance Requirements**

### **3. What does a graduating student with disabilities receive in addition to a high school diploma?**

Upon graduation, a student must receive a summary of academic achievement and functional performance. This summary must include, as appropriate, the views of the parent and student, and written recommendations from adult service agencies regarding assisting the student in meeting postsecondary goals.

A student who graduates under TAC §89.1070(c) also receives an evaluation as outlined in 34 CFR §300.305(e)(1). This reevaluation and the summary of academic achievement and functional performance may be combined in a single document.

If a student is participating in graduation ceremonies, but will remain in school to complete graduation requirements under subsection (c), the reevaluation and summary of academic achievement and functional performance documents are not required

## **Eligibility to Re-enter the Public School System**

### **4. Can a student receive a high school diploma and then return to school to continue education?**

A student who graduates under TAC §89.1070(c), or the student's parent, can request that an ARD committee evaluate the student's need for educational services. If the ARD committee determines that there is a need for educational services, the student may continue to receive services as long as the student meets age eligibility requirements.