



November 19, 2008

Q & A: High School Diplomas for Children with Disabilities

The Minnesota Department of Education (MDE) Division of Compliance and Assistance has developed this document to address questions raised by parents and school districts regarding high school diplomas for children with disabilities.

Question 1: What is an “IEP-driven diploma”?

Answer: “IEP-driven diploma” is the colloquial reference used to describe the diploma earned by a child with a disability when the objectives in that child’s Individualized Education Program (IEP) are the factors used to determine whether he or she receives a diploma.

The requirement that school districts grant a child with a disability a high school diploma when these objectives are met is codified in Minnesota law: “Upon completion of secondary school or the equivalent, a pupil with a disability who satisfactorily attains the objectives in the pupil's IEP must be granted a high school diploma that is identical to the diploma granted to a pupil without a disability.”

Authority: Minn. Stat. § 125A.04.

Question 2: When is it appropriate for a child with a disability to receive a diploma based on attainment of IEP objectives and who should make this decision?

Answer: The child’s IEP team is charged, in part, with determining appropriate placement, accommodations, modifications, services, goals, objectives, transition goals, objectives, and services for that child. In making these determinations, the IEP team also considers whether the child is able to take the examinations required or fulfill all of the requirements necessary for graduation in Minnesota, with or without modification. For some children, the IEP team may decide that attainment of individualized objectives is a more appropriate determining factor, with respect to receipt of a high school diploma, than is attainment of required examinations or other requirements. The IEP team, because of its unique knowledge of and work with the child, is best-suited to make this determination.
Authority: 34 C.F.R. §§ 300.320; 300.321; 300.324; Minn. Stat, § 125A.08(a)(1); Minn. R. 3525.2810, Subp. 2-4.

Question 3: When a child with a disability receives a diploma, should that diploma or transcript appear to be any different from the diploma or transcript granted to a child without a disability?

Answer: As a general rule, the transcript and diploma of a student or child with a disability may not contain information disclosing that the child has a disability. A notation that the student's or child's diploma was IEP-driven is considered such a disclosure. Such action is considered different treatment on the basis of disability and is prohibited under federal law. Further, and as stated above, Minnesota law requires that such a diploma be identical to the diploma granted to a child without a disability.

The transcript of a student or child with a disability can indicate that the student or child took classes with a modified or alternate curriculum when indication, through notation or symbols, does not disclose that the student or child has a disability and is not used to identify programs for children or students with disabilities. Such transcript notations must also be consistent with the transcript's purpose of providing information on the student's or child's academic achievements. Note that transcripts must not include notations indicating that a child or student received accommodations in the general education curriculum.

Authority: 34 C.F.R. § 104.4(b)(1)(i)-(iv); 28 C.F.R. § 35.130(b)(1)(i)-(iv); Minn. Stat. § 125A.04; Dear Colleague Letter: Report Cards and Transcripts for Students with Disabilities, U.S. Department of Education, Office for Civil Rights (October 17, 2008).

For additional information on transcripts of students with disabilities, please contact the United States Department of Education's Office for Civil Rights:

Office for Civil Rights
U.S. Department of Education
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661
Telephone: 312-730-1560
Email: OCR.Chicago@ed.gov

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