

Sec. 1. APPLICABILITY OF TITLE RELATING TO HIGH SCHOOL GRADUATION

Heritage Academy is subject to a prohibition, restriction, or requirement, as applicable, imposed by Title 2 (Public Education) of the Texas Education Code (“TEC”), or a rule adopted under Title 2 (Public Education) of the TEC, relating to high school graduation under TEC Section 28.025. *Education Code 12.104(b)(2)(E)*.

Sec. 2. MODIFIED CURRICULUM AND MODIFIED CONTENT

For purposes of this policy and its related requirements, “modified curriculum” and “modified content” reference any reduction of the amount or complexity of required Texas Essential Knowledge and skills. Substitutions that are not specifically authorized in statute or regulations must not be considered modified curriculum or modified content. *19 TAC 89.1070(k)*.

Sec. 3. ARD COMMITTEE AND TRANSITION PLANNING

The Admission, Review and Dismissal (“ARD”) committee must begin transition planning in accordance with applicable state and federal law not later than when the student turns age 14. The ARD committee must also consider the student’s graduation plan and what state assessments are required for graduation. *34 CFR 300.43(a), (b), 300.321(b)(2); Education Code 29.011, 29.0111; 19 TAC 89.1055(j)*.

Sec. 4. SPECIAL EDUCATION ELIGIBILITY UPON GRADUATION

Except as specifically provided by law, graduation with a regular high school diploma terminates a student’s eligibility for special education and related services. Termination of eligibility based on graduation requires Heritage Academy to complete a summary of performance in accordance with *34 CFR 300.305(e)(3)*, and prior written notice must also be provided. *34 CFR 300.102; 19 TAC 89.1035(a), 89.1070(a)*

A student who meets the age range for eligibility under state and federal law may return to school provided the student was awarded a diploma that satisfied the following conditions:

1. The student was required to successfully complete the individualized education program (“IEP”); and
2. The student was required to:
 - a. Obtain full-time employment, based on the child’s abilities and local employment opportunities, and master sufficient self-help skills to enable to the student to maintain employment without direct or ongoing educational support of Heritage Academy;

- b. demonstrate mastery of specific employability skills and self-help skills that do not require ongoing educational support from Heritage Academy; or
- c. have access to services that are not within the legal responsibility of Heritage Academy or employment or educational options for which the student has been prepared for by the academic program.

19 TAC 89.1070(b)(3)(A)-(C), (f)(4)(A)-C, (j).

Upon request of the student or parent to resume services, the ARD committee must determine the needed educational services. *19 TAC 89.1070(j).*

Sec. 5. GRADUATION REQUIREMENTS UNDER THE FOUNDATION HIGH SCHOOL PROGRAM

A student with a disability who receives special education services and who enters or entered ninth grade during or after the 2014-2015 school year may graduate and receive a regular high school diploma if the student satisfies the following criteria:

- 1. Demonstrates mastery of the required states standards or Heritage Academy's standards if they are greater;
- 2. Satisfactorily completes the credit requirements for graduation under the Foundation High School Program; and
- 3. Achieves satisfactory performance on the required end-of-course assessment instruments.

Education Code 28.025(c)(1), 39.025; 19 TAC 74.12, 74.125(n), 89.1070(b)(1), 101.3023(a).

A student who receives special education services entering ninth grade in 2014-2015 or after may also graduate and earn a regular high school diploma if:

- 1. The student demonstrates mastery of the required states standards or Heritage Academy's standards if they are greater;
- 2. The student satisfactorily completes the credit requirements for graduation under the Foundation High School Program; but
- 3. The student's ARD committee has determined that satisfactory performance on the required end-of-course instruments is not necessary for graduation.

19 TAC 89.1070(b)(2).

A student who receives special education services entering ninth grade in 2014-2015 or after may also graduate and earn a regular high school diploma if:

1. The student demonstrates mastery of the required states standards or Heritage Academy's standards if they are greater;
2. The student satisfactorily completes the credit requirements for graduation under the Foundation High School Program, one or more of which contain modified curriculum that is aligned to the standards applicable to general education;
3. The student achieves satisfactory performance on the required end-of-course assessment instruments, unless the student's ARD committee has determined that satisfactory performance on the required end-of-course instruments is not necessary for graduation; and
4. The student successfully completes the IEP and meets one of the following conditions:
 - a. consistent with the IEP, the student obtains full-time employment and masters sufficient self-help skills to enable the student to maintain employment without direct or ongoing educational support of Heritage Academy;
 - b. consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require ongoing educational support from Heritage Academy;
 - c. the student has access to services that are not within the legal responsibility of Heritage Academy or employment or educational options for which the student has been prepared for by the academic program; or
 - d. the student no longer meets age eligibility requirements.

Education Code 28.025; 19 TAC 89.1035, 89.1070(b)(3).

Sec. 6. ENDORSEMENTS UNDER THE FOUNDATION HIGH SCHOOL PROGRAM

A student receiving special education services may receive an endorsement if the student:

1. Satisfactorily completes, with or without modification of the curriculum:
 - a. the curriculum requirements for graduation under the Foundation High School Program;
 - b. The additional credit requirements in mathematics, science, and elective courses; and
2. Satisfactorily completes the courses required for the endorsement either:
 - a. without modified curriculum for those courses; or
 - b. with modification of the curriculum for those courses, provided that the curriculum as modified is sufficiently rigorous as determined by the student's ARD committee.

Education Code 28.025(c-7); 19 TAC 89.1070(c)(2).

The ARD committee is responsible for determining whether a student is required to achieve satisfactory performance on an end-of-course assessment to earn an endorsement on the student's transcript. *Education Code 28.025(c-8); 19 TAC 89.1070(c)(3).*

A student who is in eleventh or twelfth grade and who has taken each of the required state assessments but failed to achieve satisfactorily on no more than two of the assessments, is eligible for an endorsement if the student meets the other endorsement requirements. *19 TAC 89.1070(d).*

Sec. 7. TRANSITIONING TO THE FOUNDATION HIGH SCHOOL PROGRAM

A student receiving special education services who entered ninth grade prior to the 2014-2015 school year may receive a diploma under the Foundation High School Program if the student's ARD committee determines the student should take courses under the Foundation High School Program and the student completes the requirements of that Program. *Education Code 28.025(c)(1); 19 TAC 74.1021(a)(1), 89.1070(e).*

A student transitioning to the Foundation High School Program may earn an endorsement if the student meets the requirements to do so. *19 TAC 89.1070(c)-(e).*

A student transitioning to the Foundation High School Program who is classified as in grade 11 or 12 who took each of the required assessments, but failed to achieve satisfactorily on no more than two of the assessments may graduate if the student met all other applicable graduation requirements. *19 TAC 89.107(e), 101.3022(f)(1).*

Sec. 8. SUBSTITUTIONS UNDER THE FOUNDATION HIGH SCHOOL PROGRAM

a) *Language- Other-Than-English ("LOTE")*

A student who, due to disability, is unable to complete two credits in the same language in a LOTE, as provided in Section 28.025(b-1)(5), may substitute for those credits:

1. Two credits in ELA, mathematics, science, or social studies; or
2. Two credits in career and technology education ("CTE"), technology applications, or other academic electives.

A credit allowed to be substituted under the above provisions may not also be used by the student to satisfy a graduation credit requirement other than credit for completion of a LOTE. The determination regarding a student's ability to participate in LOTE courses will be made by the student's ARD committee.

Education Code 28.025(b-14)(1); 19 TAC 74.12(b)(5)(D)(i).

b) *Physical Education*

In accordance with State Board of Education (“SBOE”) rules, a student who is unable to participate in physical activity due to disability or illness is allowed to substitute for the physical education credit required under TEC 28.025(b-1)(8):

1. One credit in ELA, mathematics, science, or social studies;
2. One credit in a course that is offered for a credit as provided by TEC 28.002(g-1); or
3. One academic elective credit.

A credit allowed to be substituted for PE credit may not also be used by the student to satisfy any other graduation requirement.

The determination regarding a student’s ability to participate in physical activity must be made by:

1. The student’s ARD committee, if the student receives special education services under the IDEA and Texas Education Code Chapter 29;
2. The student’s 504 committee, if the student does not receive special education services under the IDEA or Texas Education Code Chapter 29, Subchapter A but is covered by Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794; or
3. If each of the committees described above is inapplicable, a committee established by the school of persons with appropriate knowledge regarding the student.

Education Code 28.025(b-11),(b-14); 19 TAC 74.12(b)(6)(G)(i).

Sec. 9. DISTINGUISHED ACHIEVEMENT, RECOMMENDED, AND MINIMUM HIGH SCHOOL PROGRAM

A student receiving special education services who entered ninth grade before the 2014-2015 school year may graduate with a regular diploma if the student:

1. Demonstrates mastery of the required states standards or Heritage Academy’s standards if they are greater;
2. Satisfactorily completes the credit requirements for graduation under the Foundation High School Program; and
3. Achieves satisfactory performance on the required state assessments.

Education Code 28.025(c)(1), 39.025; 19 TAC 74.1021, 89.1070(f), 101.3023.

A student who is in eleventh or twelfth grade and who has taken each of the required assessments, but failed to achieve satisfactorily on no more than two assessments, may graduate under the recommended or distinguished program if the student meets all other applicable graduation requirements. *19 TAC 89.1070(f)(2), 101.3022(f)(1).*

A student receiving special education services who entered ninth grade before the 2014-2015 school year may also graduate with a regular high school diploma if the student:

1. Demonstrates mastery of the required states standards or Heritage Academy's standards if they are greater;
2. Satisfactorily completes the credit requirements for graduation under the minimum high school program; and
3. Participates in or satisfactorily performs on the required state assessments as determined by the student's ARD committee.

19 TAC 89.1070(f)(3).

A student receiving special education services who entered ninth grade before the 2014-2015 school year, may also graduate and be awarded a regular high school diploma if the student:

1. Demonstrates mastery of the state standards through courses, or Heritage Academy's standards if they are greater, one or more of which contained modified content and is aligned with the requirements under the minimum high school program;
2. Completes credit requirements for graduation under the minimum high school program; and
3. Participates in or satisfactorily performs on the required state assessment as determined by the ARD committee.

Education Code 28.025(c), 39.025; 19 TAC 74.1021, 74.1025(n), 89.1070(f)(3), 101.3023.

A student receiving special education services who entered ninth grade before the 2014-2015 school year, may also graduate and be awarded a regular high school diploma if the student:

1. Demonstrates mastery of the state standards through courses, or Heritage Academy's standards if they are greater, one or more of which contained modified content and is aligned with the requirements under the minimum high school program;
2. Completes credit requirements for graduation under the minimum high school program;
3. Participates in or satisfactorily performs on the required state assessment as determined by the ARD committee; and
4. Successfully completes the IEP and meets one of the following conditions:
 - (a) consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, and masters sufficient self-help skills to enable the student to maintain employment without direct or ongoing educational support of Heritage Academy;

- (b) consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require the ongoing educational support of Heritage Academy;
- (c) the student has access to services that are not within the legal responsibility of public education or educational options for which the student has been prepared for by the academic program; or
- (d) the student no longer meets age eligibility requirements.

Education Code 28.025(c)(2), 39.025; 19 TAC 74.1025(n), 89.1035, 89.1070(f)(4), 101.3023.

Sec. 10. HIGH SCHOOL DIPLOMA AND CERTIFICATE OF COURSEWORK COMPLETION

Heritage Academy may issue a certificate of coursework completion to a student who successfully completes the curriculum requirements identified by the SBOE under Education Code Section 28.025(a) but who fails to comply with Section 39.025 (Secondary-Level Performance Required) relating to exit-level assessment requirements. Heritage Academy does allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas. *Education Code 28.025(d).*

Sec. 11. CERTIFICATE OF ATTENDANCE

Heritage Academy shall issue a Certificate of Attendance to a student who receives special education services under Subchapter A, Chapter 29 of the Texas Education Code and who has completed four years of high school but has not completed the student's IEP. Heritage Academy shall allow a student who receives a certificate of attendance to participate in a graduation ceremony with students receiving high school diplomas. A student may participate in only one graduation ceremony. Receiving a Certificate of Attendance does not preclude a student from receiving a diploma if the student completes the IEP. *Education Code 28.025(f).*

For additional information related to state assessments, please see Heritage Academy's Policy Group 2 (Instruction).