

Special Education Diplomas

OCR investigation

The United States Department of Education, Office for Civil Rights (OCR) has completed an investigation of the Georgia Department of Education's (GaDOE) and a Georgia LEA's alleged noncompliance with Section 504 of the Rehabilitation Act of 1973 (504) and Title II of the American with Disabilities Act of 1990 (ADA) based upon discrimination against students with disabilities by identifying them as students with disabilities on their high school diplomas.

Nothing in federal law prohibits or precludes states and local agencies from establishing general diploma and graduation requirements that are applicable to all students in a nondiscriminatory manner. The Georgia State Board of Education is authorized by law to establish state-wide requirements for receiving a high school diploma. Students with disabilities shall receive high school diplomas if they are able to complete the state-established high school graduation requirements. Furthermore, for students with disabilities who are not able to complete the state-established graduation requirements, high school diplomas based on completion of an IEP are authorized by O.C.G.A. § 20-2-281(c) and the State Board of Education. OCR indicates, however, that the language on a high school diploma may not disclose that the student was a student with a disability.

OCR found insufficient evidence to support a finding of noncompliance with 504 and ADA against GaDOE because the state constitution vests management and control of local systems in the local board of education. Therefore LEAs are responsible for the language printed on their high school diplomas since it is issued by the LEA.

One LEA, however, entered into a resolution agreement with the OCR arising from the same allegation of noncompliance of 504 and ADA based upon the language appearing on its high school diplomas. The remedy in the agreement with OCR results in the LEA changing the language that appears on their high school diplomas for students with disabilities so as not to identify such students as participating in special education programs.

That LEA has agreed to re-label its diploma for special education with the following titles:

Life Skills Concentration Diploma

Employment Preparatory Concentration Diploma

The LEA has also agreed to ensure that their high school transcripts do not contain references to special education services (more guidance from GaDOE will be issued in early 2009 regarding transcripts and report cards). The LEA has also agreed to reissue the special education diploma with revised wording to students with disabilities who previously graduated with a special education diploma if requested.

Other local systems

Other LEAs have changed the names and other descriptive language on their special education diplomas over the years. Some of those additional titles include:

Employment Preparatory Diploma
Life Skills Preparatory Diploma
Transitions Course of Study Diploma
High School Diploma

LEAs often define criteria for meeting the specific diploma beyond completing the IEP. They have their local board approve the course of study made available to students with disabilities.

Lessons Learned

LEAs are responsible for the language appearing on their diplomas, and such language may violate 504 and/or ADA if it identifies a student as having a disability.

- A diploma should not contain the following words or phrases: Individualized Education Program, IEP, Special Education, Special Needs or any other word or phrase that indicates a student was a student who received special education services.
- The section of the diploma that describes who is awarding the diploma should read the same as other students in that school and not say the “department of special education of the school system is awarding this...”
- The descriptive section should also not say “having completed the goals of the individualized education program” or similar language.
- The seals that are used for diplomas should not reference special education, IEPs or similar disclosing language.

Recommendations

Some of the options that LEAs may want to consider in lieu of a special education designation on their high school diploma include:

- Be simple and generic and call it a diploma without a seal or any other term or phrase.
- State in the descriptive section “having completed the individualized course of study, Smith High School awards this diploma”.
- State in the descriptive section, “having satisfactorily completed the required course of study”
- State “having completed the Transition Course of Study”

Legal requirements

LEAs are being provided this information and may want to review the attached documents. The GaDOE is not requiring LEAs to change their high school diplomas. The purpose of this guidance is to advise LEAs of alternative options to reduce the risk of future OCR complaints or other litigation.

These OCR documents are now public records, and we expect that many parents and students with disabilities will have access to the information. LEAs and local boards of education will want to consider their options and make an informed decision.