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MEMORANDUM

TO: Superintendents, Charter School Administrators, Directors of State-Supported Schools, BIE School Administrators, Special Education Directors and Coordinators, REC Directors

FROM: Amy Lane
State Director of Special Education

RE: REMINDERS ABOUT GRADUATION OPTIONS AND THE REQUIREMENTS FOR STUDENTS WITH DISABILITIES

The New Mexico Public Education Department's (PED's) Special Education Bureau (SEB) is sending you this guidance in response to questions received from educators at the beginning of this school year regarding graduation requirements for students with disabilities and the new graduation exit exam. **Please note: there are no changes in the graduation requirements for students with disabilities.** These are the same rules and criteria set in 2003. All requirements set forth in the [New Mexico Standards of Excellence](#) (Subsection J of 6.29.1.9 NMAC) remain in effect. In addition, here are four resources on the PED web site to assist you.

1. *Graduation Options for Students with Disabilities Technical Assistance Manual* (Revised May 2010) is posted at: <http://ped.state.nm.us/SEB/technical/GraduationOptionsStudentsWithDisabilities.pdf>.
2. In September of 2011, the IDEA Advisory Panel, in conjunction with the SEB staff, developed a "Fact Sheet" and it can be viewed at: <http://ped.state.nm.us/SEB/community/dl11/Graduation%20Options%20%20Fact%20Sheet%20Final.pdf>
3. At the end of June 2012, the SEB sent the memorandum CLARIFICATION ON "IMPORTANT GRADUATION MEMO": <http://ped.state.nm.us/SEB/technical/ClarificationofGraduationLetter-FinalRevision.pdf>
4. Please see the *2012 Guidance Document for the Implementation of the New Mexico Alternative Demonstration of Competency*: <http://www.ped.state.nm.us/ped/adc/ADC2012.pdf>.

All of these publications offer excellent guidance in planning and implementing a program of study for students with disabilities to achieve postsecondary goals while maintaining the integrity of the high school diploma.

New Mexico is one of many states with a high stakes graduation exam, but is one of a few states providing options for students with disabilities to earn a regular diploma (identical in appearance, content, and effect) through three programs of study or graduation options: **Standard, Career Readiness, and Ability**.

Students graduating on the **Standard** option must meet the graduation requirements in state statute described in **Subsection J (13) of 6.29.1.9 NMAC** by achieving the established New Mexico cut scores for the Standards Based Assessment (SBA) or the High School Graduation Assessment (HSGA). State rule requires the Individualized Educational Program (IEP) team, beginning at the end of eighth grade, to consider the **Standard** option initially and document any reasons for variation within the IEP. The graduation option must be considered at least annually, along with the student's progress in meeting the graduation criteria set forth in state law. Students on the **Standard** option must meet all of the graduation criteria meaning they cannot have the cut scores on the SBA/HSGA adjusted.

Paragraph (h) (iii) of Subsection J (13) of 6.29.1.9 NMAC was updated in 2009 to state the following:

The IEP team shall not change the program of study for a student entering the final year of high school from the standard program of study to the career readiness program of study, nor from the career readiness program of study to the ability program of study, after the 20th school day of the final year of high school. IEP teams may change a student's program of study from the ability program of study to the career readiness program of study, or from the career readiness program of study to the standard program of study, if the student meets the graduation requirements of that program of study and if the change is made and documented appropriately in a revised IEP and PWN by a properly constituted IEP team in a properly convened meeting.

Guidance on students on the **Career Readiness** and **Ability** options can be found in all of the documents listed above as well as NMAC—Standards for Excellence at **Paragraphs (b)(ii) and (b)(iii) of Subsection J (13) of 6.29.1.9 NMAC**.

All students with disabilities, regardless of their graduation option (unless they graduated on the **Standard** option), still have the right to a Free Appropriate Public Education (FAPE) as defined by the federal Individuals with Disabilities Education Act (IDEA) and state special education rule. Specifically, **Paragraph (o) of Subsection J (13) of 6.29.1.9 NMAC** states as follows:

Students eligible for special education services are entitled to a FAPE through age 21. If a student turns 22 during the school year, the student shall be allowed to complete the school year. If a student becomes 22 prior to the first day of the school year, the student is no longer eligible to receive special education services.

Students with disabilities are allowed to return or remain in school on a continuing or transition IEP. In these circumstances, students can be awarded a **Conditional Certificate of Transition** in the form of a continuing or

transition IEP. This allows students attending four years or more of high school to participate in graduation activities without receiving a diploma, and requires them to continue to receive services to obtain a high school diploma. Students can continue to take the SBA/HSGA to pass by meeting the State established cut score for the **Standard** option. Students with disabilities on **Career Readiness** and **Ability** options are permitted meet the IEP cut score criteria. The student can also receive tutoring or direct services to pass the test or meet credits for graduation.

Regarding State Performance Plan Indicator 1 (SPP 1), the only option that is considered “regular” by the U.S. Department of Education’s Office of Special Education Programs (OSEP) is the **Standard** option under the Elementary and Secondary Education Act. The state “must report using the graduation rate calculation and timeline established under the ESEA.” When special education data is reported, only the graduates under the **Standard** option are publically reported by the LEA and reported by New Mexico to OSEP.

The 2012 *Guidance Document for the Implementation of the New Mexico Alternative Demonstration of Competency (ADC)*, mentioned in the beginning of this memo, is an important resource. These alternatives create additional opportunities for students with disabilities to prove their competency on any of the three options.

In the last paragraph on page 3 it states the following:

*A student has three opportunities to pass the math and reading HSGA—once in March of the H2, once in March of the H3, and once in the fall of H4. SBA scoring, verification, and reporting will allow retake scores to be available to a H4 student prior to spring graduation. Each student has the capability of “banking” scores, which means that a student’s highest score on any given subject area will be saved or “banked” and used to assess competency, regardless of future performance in that subject area. Students have one opportunity to pass the Science SBA as H3 students. **Students must participate in all available administrations of the SBA before moving on to the ADC.** Students with disabilities are also required to meet the New Mexico assessment graduation requirements. A separate document will provide additional guidance.*

As stated in the last sentence above, guidance was issued about the H4 Fall re-testing window.

If you have any additional questions, please call the Special Education Bureau at 505–827–1457.

DK/AL/vs

cc: Hanna Skandera, Secretary-Designate of Education
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