



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

DEPUTY COMMISSIONER FOR VOCATIONAL AND EDUCATIONAL SERVICES FOR INDIVIDUALS WITH DISABILITIES
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December 2008

TO: District Superintendents
Superintendent of Schools
Presidents of Boards of Education
Superintendents of State-Operated and State-Supported Schools
Executive Directors of Approved Private Schools
New York City Board of Education
Organizations, Parents and Individuals Concerned with Special Education
Commissioner's Advisory Panel for Special Education Services
SETRC Professional Development Specialists
Regional School Support Centers
Impartial Hearing Officers
Mediators
Other State Agencies

FROM: Rebecca H. Cort 

SUBJECT: Individualized Education Program Diploma – Announcement of Public Policy Discussion Groups

At their July 2008 meeting, the Board of Regents discussed the individualized education program (IEP) diploma for students with disabilities and recommended that the State Education Department seek public comment on the continuation or modification of policy relating to this diploma to address concerns raised by parent and student advocacy organizations, members of the Commissioner's Advisory Panel for Special Education Services and others that:

- Data show a greater than expected percent of students with disabilities exiting school with IEP diplomas.
- A decision by the Committee on Special Education (CSE) that the student is expected to achieve an IEP diploma often results in lower expectations for that student.
- Too often, the decision about the type of diploma the student is expected to achieve is made earlier than necessary in the student's educational career. Once this decision is made, such students may not be enrolled in courses that would lead to high school credits necessary for graduation with a regular high school diploma.

- Students and parents are often not aware that an IEP diploma is not considered a regular high school diploma.
- Without a high school diploma, a student's access to postsecondary training, education and employment options is limited.
- The IEP diploma identifies the individual as a student with a disability, raising concerns about the identification of an individual with a disability in the student's transcript.

I would like to take this opportunity to provide information on these regional sessions and invite you to participate. Four public discussions will be held as follows:

	NYC	Albany	Rochester	Long Island
Date	Wednesday 01/14/2009	Tuesday 01/20/2009	Thursday 01/22/2009	Thursday 02/12/2009
Time	3 - 5 p.m.	3 - 5 p.m.	3 - 5 p.m.	3 - 5 p.m.
Location	Brooklyn Integrated Service Center 131 Livingston Street, Brooklyn, NY 11201 Directions: http://schools.nyc.gov/NR/rdonlyres/5FB277A6-AB1C-4EDF-A826-6E31C902D205/41090/Directions.pdf	Capital Region BOCES Central Administration Boardroom A&B 1031 Watervliet-Shaker Rd Albany, NY 12205 Directions: http://www.capregboces.org/directions/DirectionstoCentAdmin.htm	Monroe #1 BOCES Forman Center Campus 41 O'Connor Road Fairport, NY 14450 Directions: http://www.monroe.edu/popup_info.cfm?map=7	Nassau BOCES 71 Clinton Road Garden City, NY 11530 Directions: http://www.nassauboces.org/locations/nbacmap.htm

Each session will be structured for small group discussions. **Attachment 1** provides the guiding questions for the discussion sessions and **Attachment 2** provides current regulatory requirements for the IEP diploma. I encourage you to review these documents prior to the sessions and to bring them with you to the session that you attend. If you are unable to attend a session, but would like to submit written comment to address these questions, I encourage you to do so using the public comment form provided in **Attachment 3**.

Because space is limited, **pre-registration is required (see Attachment 4)**. Please complete the attached pre-registration form and either fax to 518-473-5387 or e-mail to vesidspe@mail.nysed.gov (Attention: Registration IEP Diploma Discussions) no later than **December 29, 2008**. **Please note you will receive confirmation of your registration.** If you require reasonable accommodations to participate in this discussion, please indicate the requested accommodation on the registration form.

I ask that you share this information with appropriate individuals and encourage participation in these discussions. Questions regarding this memorandum may be directed to the Special Education Policy Unit at 518-473-2878.

Attachments

INDIVIDUALIZED EDUCATION PROGRAM (IEP) DIPLOMA

DISCUSSION QUESTIONS

These questions are presented to facilitate discussion only. The questions posed should not be viewed to limit suggestions of other policy recommendations, nor should they be considered as “either/or” options.

1. Approximately eight percent of students with disabilities take the New York State Alternate Assessment (NYSAA) due to significant cognitive disabilities and will not earn a regular high school diploma. Although an IEP diploma is intended for students with the most significant disabilities based on the achievement of their IEP goals, current data indicates that nearly 15 percent of students with disabilities entering high school in the class of 2002 received an IEP diploma. Significant regional variations in its use are also noted.
 - If New York State (NYS) continues to grant an IEP diploma, how can we ensure that it is awarded to the appropriate population?
 - Should the regulations specify the population of students who can receive the IEP diploma (e.g., only students taking NYSAA)?
 - If so, should the regulations indicate that the IEP diploma be awarded to students who achieve proficient scores on NYSAA?
2. Students and parents are often unaware that the IEP diploma is not a regular high school diploma.
 - What considerations should a CSE make in determining the expected diploma for a student with a disability?
 - What policy changes would result in parents and students being better informed of the implications and limitations that an IEP diploma might present for post-secondary education and employment?
 - What factors should be considered when educating students, parents and teachers about the IEP diploma?
3. When a student exits school with an IEP diploma, his or her access to postsecondary training, education, and employment options may be limited. The New York State Education Department (NYSED) has developed a sample Career and Technical Education (CTE) Skills Achievement Profile designed to document career and technical knowledge and skills achieved by students currently working towards an IEP diploma. School districts currently have the option to use this model

to develop their own profiles in specific career areas.
(<http://www.emsc.nysed.gov/cte/cteskillsachievementprofile/home.html>)

- Should the IEP diploma be replaced with or supplemented by another exiting credential which requires documentation of career and academic skills?
- How might this credential indicate student skills within a specific career path to best inform a potential employer?
- Should this credential reflect competency levels in basic reading and math skills as well? How might this be done in a way that is uniform and understandable to employers?
- How might this credential reflect the development of “soft skills” such as self-management, problem solving, integrity etc.?
- Should this exiting credential be available to all students, including students without disabilities? If so, what factors should be considered?

Current Regulations Relating to the IEP Diploma

In 1984, the Regulations of the Commissioner of Education were amended to authorize school districts to award a high school IEP diploma to a student with a disability as another option to awarding a local certificate based upon attendance. In 1999, the Regulations of the Commissioner of Education were further amended to add standards-based criteria for the award of an IEP diploma and to establish that the local certificate would cease to be available after February 2005.

Criteria for award of a high school IEP diploma, as established in section 100.9(a-f) of the Regulations of the Commissioner of Education, are as follows:

- Prior to awarding any high school IEP diploma, the school must adopt written policies and procedures ensuring that students with disabilities are provided appropriate opportunities to earn a regular high school diploma.
- An IEP diploma may be awarded to a student with a disability at the end of the school year in which a student turns age 21 upon finding that a student has achieved the educational goals based upon the appropriate level of learning standards established by the Commissioner, as specified in the student's current IEP.
- An IEP diploma may be awarded at any time after a student has attended school or has received a substantially equivalent education elsewhere for at least 12 years, excluding Kindergarten, and upon a finding that such student has achieved the educational goals based on the appropriate level of the learning standards, established by the Commissioner, as specified in the student's current IEP.
- An IEP diploma must be identical in form to the diploma issued by the school district, except that the front of the IEP diploma must include a clear annotation to indicate that the diploma is awarded on the basis of the student's successful achievement of the educational goals based on the appropriate level of the learning standards, established by the Commissioner, as specified in the student's current IEP.
- If the student receiving a high school IEP diploma is less than 21 years of age, the diploma must be accompanied by a written statement of assurance that the student named as its recipient shall continue to be eligible to attend the public schools of the school district in which the student resides without the payment of tuition until the student has earned a high school diploma or until the end of the school year of such student's 21st birthday, whichever is earlier.

Section 200.5(a)(5)(iii) of the Regulations of the Commissioner of Education, requires that prior to the student's graduation with an IEP diploma, written notice be provided to the parent which indicates that the student continues to be eligible for a free appropriate public education (FAPE) until the end of the school year in which a student turns age 21 or until the receipt of a regular high school diploma (Regents or local diploma).