

# Alabama Disabilities Advocacy Program

May 15, 2014



## Special Education for 18-21 Year Old Students: An Update on Their Right to Attend School

Prematurely awarding the Alabama High School Diploma to a student with disabilities who wants to stay in school up to age 21 is a denial of that student's right to a free appropriate public education (FAPE) according to a [memo](#) by Alabama State Department of Education (ALSDE) in April 2014.

As ADAP recently [explored](#), Alabama's high school diploma program changed in big ways in 2013 and these changes potentially threaten an older student's right to continued schooling. As we noted, once a student with a disability receives the Alabama High School Diploma - the only exit document now being awarded under the state's new diploma program - his or her right to continued education ends. ADAP fears this change will lead to students being "accidentally" graduated.

### *ALSDE Clarification*

The ALSDE memo, signed by Dr. Tommy Bice, State School Superintendent, helps to clarify the impact of the diploma changes on 18-21 year old students with disabilities. The memo states in part:

"According to the IDEA, students with disabilities who have not earned a regular high school diploma are entitled to services up to age 21.

Therefore, the awarding of the Alabama High School Diploma must be deferred for students with disabilities who will remain in school until age 21.

Awarding the Alabama High School Diploma prematurely would deny a student his or her right to receive services until age 21 and would be considered a denial of [a] Free Appropriate Public Education (FAPE)."

The memo also repeats long-standing ALSDE policy: even if your child is going to remain in school beyond his or her official 12th grade senior year, your child can participate in all graduation activities and ceremonies with his or her 12th grade peers if desired. However, at graduation, your child will not be awarded the Alabama High School Diploma. Rather, the ALSDE states a substitute document should be presented to your child (the exact nature of which will be determined by your school district).

***What Should Parents Do?***

As Dr. Bice notes, it is vital that you, your child, and your child's IEP Team work together to determine an appropriate school exit date.

Your child's appropriate school exit date depends on his or her plans for adulthood and unique transition needs. As you plan your child's high school career and exit date, you should focus on what it's going to take to get your child ready for the continued education, employment, or independent living your child seeks.

Some students with disabilities benefit tremendously by staying in school beyond their traditional graduation year. Those extra years in school are vital to help these students prepare fully for adulthood.

Unfortunately, some students resist returning to school beyond their senior year; they see that their friends have moved on and feel that they should too. And, often the IEPs that are crafted for 18-21 year olds can neglect age-appropriate, community-based opportunities for education, employment and daily living skill development. The challenge for you, your child, and your child's IEP Team is to develop an IEP that is responsive to your child's unique needs and interests and provides opportunities for age-appropriate training and education. If you want help understanding how to do effective transition planning, including for students age 18-21, contact ADAP at 800-826-1675 or at [adap@adap.ua.edu](mailto:adap@adap.ua.edu).



**Alabama Disabilities Advocacy Program**  
Box 870395 Tuscaloosa, AL 35487-0395

**(205) 348 - 4928 (V/TDD) • (205) 348 - 3909 (Fax) • (800) 826 - 1675 (Toll-free)**  
**Email: [adap@adap.ua.edu](mailto:adap@adap.ua.edu) • Website: <http://www.adap.net>**