

# Colorado Graduation Provisions

## Students with Individual Education Programs (IEPs)



**COLORADO**  
Department of Education

Graduation requirements and policies pertaining to students with Individual Education Programs (IEPs) are influenced by state and federal legislation. The purpose of this summary is to highlight how each relevant piece of legislation affects Local Education Providers (LEPs) and students.

### Regular High School Diploma in Colorado

[Colorado's Graduation Guidelines](#) outline the minimum components, expectations, and responsibilities of the state and local LEPs to support students in attaining their high school diploma. To graduate from a Colorado high school, students must demonstrate Postsecondary and Workforce Readiness (PWR) through one measure in English and one in math on the [Graduation Guidelines Menu of College and Career-Ready Demonstrations](#). The Colorado Graduation Guidelines are in effect for students beginning high school in the 2017-2018 school year.

Regardless of which graduation option a student with an IEP may select or whether the coursework is aligned with the Colorado Academic Standards or the Extended Evidence Outcomes<sup>1</sup>, *an LEP may provide accommodations* to enable the student receiving special education services to reach the same standard as students without disabilities. However, an LEP **may not modify** the standard any student must demonstrate in college or career readiness on the Graduation Guidelines Menu of Options in the areas of English or math. Further clarification on this issue can be found in the questions and answers section of this document. LEPs report the measure(s) by which each student from the class of 2021 has graduated, according to the Menu of Options. The [2019-2020 Student Interchange File for Graduation Guidelines](#) is available now. LEPs will report for each student the college and career readiness demonstrations they have undertaken or met in both English and math.

### Every Student Succeeds Act

The Every Student Succeeds Act (ESSA) defines how graduation rates are calculated for federal accountability purposes. Under ESSA, students whose diplomas are aligned to the state's alternate achievement standards (called the Extended Evidence Outcomes or EEOs in Colorado) cannot be considered to have exited with a "regular diploma" and will not be counted as graduates for federal accountability purposes only.

Under ESSA, a regular high school diploma is defined as the diploma with which the majority of high school students within the state exit and that is not aligned to the state's alternate achievement standards. Each state must use the Adjusted Cohort Graduation Rate (ACGR) for calculating graduation rate for ESSA accountability purposes. ACGR is defined as the "cohort" of first-time ninth-graders in a particular school year. The cohort is then adjusted by adding any students who transfer into the cohort after 9th grade and subtracting any students who are verified as transferring out. The ACGR is the percentage of students in this adjusted cohort who graduate within 4 years with a regular high school diploma.

For ESSA accountability, Colorado uses both the 4-year ACGR and the 7-year extended graduation rates to identify schools for support and improvement.

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<sup>1</sup> Extended Evidence Outcomes (EEOs) are alternate academic achievement standards for students with the most significant cognitive disabilities that are fully aligned with State's academic content standards, promote access to the general education curriculum, and are aligned to ensure that students who meet the alternate achievement standards are on track to pursue postsecondary education or employment. 20 U.S.C. § 6311(b)(1)(E); 34 C.F.R. § 1412(a) (16) (C) (ii).



## House Bill 19-1066

H.B. 19-1066 amends Colorado statute regarding how state graduation rates are calculated for state accountability purposes. The statute requires that a student who is receiving special education services must be counted in a high school's graduation rate in the year that the student completes the graduation requirements. The bill makes clear that nothing within the legislation limits the right of a student who has met the local LEP's graduation requirements to continued access to a free and appropriate public education (FAPE) as provided by the Individuals with Disabilities Education Act (IDEA), the Exceptional Children's Educational Act (ECEA), or any other federal or state law or rule. In short, a student receiving special education services must be counted as a graduate for state accountability purposes when he or she meets the local LEP's graduation requirements; however, the LEP's obligation to provide FAPE to the student is not terminated until the student exits with a regular high school diploma or no longer meets the age requirement for special education services. Students with IEPs ages 18-21 may access [transition services](#) through their LEP as determined by the student's IEP team. While these students may meet the minimum requirements for graduation in their LEPs, these students may have ongoing transition needs that require continued special education services. Further clarification on this issue can be found in the questions and answers section of this document.

## Implications for High School Students Receiving Special Education Services

A student with an IEP who has not exited high school with a regular diploma is entitled to ongoing access to a free and appropriate public education (FAPE) that is reasonably calculated to enable the child to make appropriate progress in light of the child's individual circumstances. As a result, while a student receiving special education services may accrue the required credits and course work to meet a local LEP's graduation requirements, the LEP's obligation to provide FAPE remains until the student either exits with a regular high school diploma (as defined by ESSA) or reaches the age of 21.

## Frequently Asked Questions

### Using the State Graduation Guidelines Menu of Options

**Q1: Must all graduation options adopted by a local school board be available to all students, including those students with the most significant cognitive disabilities?**

Yes. Under the Individuals with Disabilities Education Act (IDEA), all students with IEPs have the right to attempt to complete the requirements for a regular high school diploma. *See* 34 C.F.R. §§ 200.6(d) (4) & 300.160(d) (2). Placing any diploma option off-limits to a student with an IEP risks denial of Free and Appropriate Public Education (FAPE).

**Q2: Must students with IEPs graduate under one of the graduation options adopted by the LEP?**

Yes, in order to earn a regular high school diploma in Colorado, students with IEPs must make the same demonstration of readiness that other students must make from the Menu of Options available under the State's Graduation Guidelines. The IEP team must consider whether the student requires accommodations, but cannot change the requirements for graduating with a regular diploma. *See* 34 C.F.R. § 300.160; 34 C.F.R. § 300.102(a)(3)(ii) & (iv). If a student is unable to demonstrate Postsecondary and Workforce Readiness according to one measure in English and one in math on the State Graduation Guidelines Menu of Options, the student may not be counted as a graduate. However, LEPs have the authority to issue other credentials such as certificates of completion or certificates of attendance, but students receiving this type of credential would not count as graduates for either state or federal accountability



purposes. If a student earns a credential other than a regular high school diploma, they will be counted as a completer rather than a graduate in state graduation/completion rates. Please see Q10 for additional details.

**Q3: Is it permissible for a student's IEP team to substitute courses for courses that are required for graduation?**

In accordance with LEP graduation policies and requirements, the IEP team has the discretion to develop an IEP that meets the individual needs of the student based on the student's present levels of performance and appropriately challenging IEP goals and objectives. A course substitution is allowable if the IEP team, including the child's parents, determines it to be appropriate and reasonable given the individual needs of the student. However, for the student to exit with a regular high school diploma for *federal accountability* purposes, the course substitution would need to be available to all students, including students not eligible for special education services. These courses may not align with EEOs.

**Q4: Is it permissible for a student's IEP team to use lower minimum scores required under particular options of the Graduation Guidelines? For example, can a student's IEP team lower the ACT or SAT scores required under the Menu of College and Career-Ready Demonstrations?**

No. The IEP team must consider whether the student requires appropriate accommodations, but those accommodations must be allowable and not "invalidate" the assessment. See 34 C.F.R. § 300.160(b). To exit with a regular high school diploma, the student must make a demonstration from the State Graduation Guidelines Menu of Options that is equally available to general education students. The IEP team may not modify scores or change measures on the State Graduation Guidelines Menu of Options in any way; the team may make appropriate accommodations.

**Q5: Is it permissible for a student's IEP team to develop accommodations that will allow the student to access an assessment or to demonstrate knowledge?**

Yes. The IEP team must consider whether the student requires appropriate accommodations (as long as those accommodations do not "invalidate" the assessment). See 34 C.F.R. § 300.160(b). These accommodations should be documented in the student's IEP and be routinely utilized by the student.

**Q6: For whom is the District Capstone option intended?**

If a local school board adopts the District Capstone as a graduation option, it should be made available to all students in the LEP. LEPs should develop evaluation criteria for its Capstone Option that are applicable to all students, including students with IEPs. A separate evaluation criteria for students with IEPs would not be appropriate because federal law requires states and LEPs to "apply the same challenging academic content and achievement standards for all students, including students with disabilities." *Letter to White*, 63 IDELR 230 (OSERS 7/2/14).

**Q7: How will students with significant cognitive disabilities show that they have met the demonstrations of learning on the State Graduation Guidelines Menu of Options?**

To exit high school with a regular high school diploma, a student with a significant cognitive disability must demonstrate Postsecondary and Workforce Readiness according to one measure in English and one in math on the State Graduation Guidelines Menu of Options adopted by the LEP. If a student does not meet both of these measures, they do not count as a graduate with a regular high school diploma. However, as previously noted, LEPs have the authority to issue other credentials such as certificates of completion or certificates of attendance, but students receiving this type of document would not count as graduates for either state or federal accountability purposes.

## Graduating Students with IEPs

### **Q8: How does graduation affect FAPE?**

Under the IDEA, the student’s right to FAPE does not end until the student either (1) reaches age 21 or (2) exits with a regular high school diploma. See 34 C.F.R. § 300.102(a)(3)(ii) & (iv); 34 C.F.R. § 300.305(e)(2). While a student with an IEP may participate in graduation ceremonies with their same age peers, participation in graduation ceremonies does not end an LEP’s obligation to provide FAPE. As noted above, a student may require transition services as determined by the student’s IEP team.

## Diplomas

### **Q9: What is considered a regular high school diploma?**

The answers to this question vary, depending on Federal and state definitions.

Under Federal law, a regular high school diploma, as defined by Every Student Succeeds Act (ESSA), is the “standard high school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma, except that a regular high school diploma shall not be aligned to ... alternate achievement standards....” 20 U.S.C. § 7801(43); 34 C.F.R. § 300.102(a) (3) (iv).

Under Colorado law, each LEP determines the criteria for earning its regular high school diploma provided that the requirements for earning it meet or exceed the State Graduation Guidelines Menu of Options.

### **Q10: Is it permissible for local LEPs to issue a document of high school completion rather than a diploma for students who follow Colorado’s alternate achievement standards (EEOs)?**

State and federal law do not limit LEPs’ discretion to issue credentials other than a regular high school diploma, such as a certificate of completion or a certificate of attendance. That said, such credentials do not end a student’s right to a Free and Appropriate Public Education (FAPE), see 34 C.F.R. § 300.102(a) (3) (ii) & (iv). Students completing high school with such credentials do not count as graduates for either state or federal accountability purposes, see 20 U.S.C. § 7801(23) & (25).

## ESSA and Graduation Policies

### **Q11: How do the definitions of regular and alternate high school diplomas under ESSA affect Colorado?**

The ESSA definition of a “regular high school diploma” encompasses any diploma earned by meeting or exceeding the State’s Graduation Guidelines. Colorado has not adopted a State-defined alternate diploma within the meaning of ESSA. For federal accountability purposes, students who follow the alternate achievement standards (the Extended Evidence Outcomes) are not counted as graduates. The ESSA definitions do not affect how Colorado LEPs grant diplomas, nor do they affect state graduation rate calculations or state accountability.

### **Q12: Does ESSA restrict a LEP’s ability to award a high school diploma to a student whose academic program is aligned to the Extended Evidence Outcomes (EEOs), Colorado’s alternate achievement standards?**

ESSA does not limit an LEP’s ability to award a diploma—but students do not count as graduates for *federal accountability* purposes unless the diploma with which they exit high school is the standard high school diploma



awarded to the preponderance of students in the State that is fully aligned with State standards. ESSA further clarifies that a regular high school diploma *shall not be aligned* to alternate academic achievement standards (EEOs).

**Q13: How are graduation rates for students receiving special education services calculated for state and federal accountability purposes?**

Under ESSA, a regular high school diploma means “the standard high school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma, except that a regular high school diploma shall not be aligned to the alternate academic achievement standards.” 20 U.S.C. § 7801(23), (25), & (43). This means that the calculation of graduation rates, for *federal accountability purposes only*, would exclude students who follow alternate achievement standards (EEOs).

For *state accountability purposes*, as long as a student meets local graduation requirements, including demonstration of Postsecondary and Workforce Readiness according to the State Graduation Guidelines Menu of Options, the student may be counted as a graduate. The student’s curriculum may follow either the Colorado Academic Standards or the EEOs.

**Q14: What happens to schools identified under ESSA due to graduation rate calculations?**

Under ESSA, each year CDE identifies schools for Comprehensive, Targeted, or Additional Targeted Support and Improvement based on five indicators and the requirements of ESSA. High Schools with graduation rates below 67% are identified for Comprehensive Support. Identified schools may qualify for school improvement grant funds through the Empowering Action for School Improvement (EASI) Application.

**Q15: Does the ESSA definition of a regular high school diploma affect graduation rate calculations for the state accountability system?**

No. The state’s graduation rate calculation process is not changed by ESSA.

[Understanding House Bill 19-1066](#)

**Q16: What does HB 19-1066 mean for LEPs?**

For state accountability purposes, HB 19-1066 requires LEPs to count students with IEPs as graduates in the year in which these students complete minimum graduation requirements.

**Q17: Does HB 19-1066 conflict with IDEA and ESSA?**

No. The bill does not conflict with IDEA or ESSA because it does not change anything about the provision of FAPE, nor does it change anything about the eligibility to graduate for students with IEPs. LEPs must count a student as a graduate in the year in which the student meets all LEP minimum graduation requirements. However, this student must remain enrolled to access FAPE for as long as is required in the IEP. The LEP should count the student as a graduate but hold the diploma until the student completes services.



**Q18: Does counting a student with an IEP in the public high school's graduation rate - for the year in which this student completes the LEP's minimum graduation requirements - terminate the LEP's obligation to provide the student with FAPE?**

No. House Bill 19-1066 requires that a student enrolled in special education services be counted in the graduation rate in the school year in which the student completes the LEP's minimum graduation requirements. The bill does not change anything about the right to FAPE, which does not end until the student either (1) reaches age 21 or (2) exits with a regular high school diploma. See 34 C.F.R. § 300.102(a)(3)(ii) & (iv); 34 C.F.R. § 300.305(e)(2). As noted above, students with IEPs ages 18-21 may access transition services through their LEP as determined by the student's IEP team. While these students may meet the minimum LEP graduation requirements, these students may have ongoing transition needs that require continued special education services.

**Q19: How does HB19-1066 affect per pupil funding (PPR) for students ages 18-21 receiving transition services through their IEP?**

HB19-1066 allows students to be counted as graduates in the year in which they meet all local graduation requirements. If a student requires additional special education services as determined by the IEP team, the student's access to FAPE persists, as does per pupil funding for the student. (Please see the [Student October Count Resource Guide](#) for more information.)