

HOUSE No. 03932

By Ms. Peisch of Wellesley, for the committee on Education, on Senate, No. 258 and House, Nos. 140, 167, 1944 and 1946, a Bill relating to high school graduation requirements for students with learning disabilities (House, No. 3932). February 6, 2012.

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act relating to high school graduation requirements for students with learning disabilities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subsection (i) of section 1D of chapter 69 of the General Laws, as appearing in the
2 2010 Official Edition, is hereby amended by inserting after the word “graduation” in line 62 the
3 following:-

4 , except as described in subsection (ia) below

5 SECTION 2. Said section 1D is hereby further amended by inserting after subsection (i) the
6 following section:-

7 (ia) Any “School Age Child with a Disability,” as defined in section 1 of chapter 71B, who fails
8 to satisfy the requirements of the competency determination may nonetheless receive a high
9 school diploma if the following requirements are met:-

10 (1) the student has been measured by the assessment instruments described in section 1;

11 (2) the student has pursued the appeals process, as described in section 119 of chapter 140 of
12 the Acts of 2003;

13 (3) the student has failed to achieve the required competency level in one or more subjects;

14 (4) the superintendent of schools in the student's district has certified to the commissioner
15 that the student's disability is the proximate cause of his failure to achieve the required
16 competency levels;

17 (5) the superintendent has certified to the commissioner that the student has satisfactorily
18 participated in the remediation strategies and services made available by or approved by the
19 school, provided that the superintendent may present evidence of extenuating circumstances that
20 would justify an exemption from this requirement, and provided, further, that said remediation
21 strategies and services shall be aimed at helping the student to achieve the required competency
22 levels, and shall provide the student with sufficient time, resource access, and instruction in
23 grade 10 and beyond;

24 (6) the student has participated in and satisfactorily completed an educational proficiency
25 plan, as defined by the department, in all subjects in which he has failed to achieve the required
26 competency levels;

27 (7) the student has met all other requirements for graduation, both district and state;

28 (8) the student has completed the goals of his Individualized Education Program (IEP) to the
29 satisfaction of the IEP team, the student, and his parent or guardian; and

30 (9) the student has received preliminary or final acceptance into any accredited 2, 3, or 4
31 year-long post-secondary educational program at a technical school, vocational school, college,
32 or university.

33 In the event that the student does not meet criteria (1) through (9), inclusive, the student may
34 receive a high school diploma if the student has participated in the inclusive concurrent
35 enrollment program, has enrolled through said program in a 3 credit college course in the
36 academic subject area in which he has failed to achieve the required competency level, and has
37 successfully completed said course. Any diploma awarded pursuant to this section shall be
38 known as a “standard” diploma which shall be considered evidence of high school graduation for
39 all purposes, including but not limited to, post-secondary school admission, eligibility for state
40 and federal post-secondary financial aid, and eligibility for employment.

41 SECTION 3. The commissioner of elementary and secondary education shall compile an annual
42 report on the total number of students with an individualized education program (IEP) who failed
43 the mathematics or English language arts Massachusetts Comprehensive Assessment System
44 exam twice and the science and technology/engineering exam once in each school district, the
45 total number of performance appeals submitted in each subject area in each district, the
46 disposition of each appeal in each district, and the number of students in each district awarded a
47 diploma pursuant to subsection (ia) of section 1D of chapter 69 of the General Laws. Said report
48 shall be submitted annually to the Joint Committee on Education.