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HOUSE . . . . . No. 3932

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:

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

, except as described in subsection (ia) below

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

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

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

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

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

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

(5) the superintendent has certified to the commissioner that the student has satisfactorily participated in the remediation strategies and services made available by or

21 approved by the school, provided that the superintendent may present evidence of extenuating
22 circumstances that would justify an exemption from this requirement, and provided, further, that
23 said remediation strategies and services shall be aimed at helping the student to achieve the
24 required competency levels, and shall provide the student with sufficient time, resource access,
25 and instruction in grade 10 and beyond;

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

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

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

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

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

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