

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1618

Session of
2005

INTRODUCED BY FAIRCHILD, PALLONE, FLEAGLE, PHILLIPS, BELFANTI, BENNINGHOFF, BOYD, CALTAGIRONE, CAPPELLI, CORNELL, CREIGHTON, DALLY, J. EVANS, FABRIZIO, FRANKEL, GEIST, GEORGE, GERGELY, HARHAI, HARRIS, HENNESSEY, HERSHEY, KILLION, LEACH, MANN, MARKOSEK, O'NEILL, PICKETT, PRESTON, QUIGLEY, ROEBUCK, STABACK, T. STEVENSON, STURLA, TANGRETTI, E. Z. TAYLOR, THOMAS, TIGUE, TRUE, WOJNAROSKI, YOUNGBLOOD, YUDICHAK, KAUFFMAN, WANSACZ, GOODMAN, CLYMER, BALDWIN AND BASTIAN, JUNE 3, 2005

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
DECEMBER 15, 2005

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," providing for participation in
6 graduation ceremony.

7 THE GENERAL ASSEMBLY HEREBY DECLARES ITS INTENTION TO ENACT A <—
8 VERSION OF ASHLEY'S LAW IN THIS COMMONWEALTH TO PUT INTO EFFECT
9 THE FINDINGS OF THE GENERAL ASSEMBLY.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
13 as the Public School Code of 1949, is amended by adding a
14 section to read:

15 Section 1504.1. Participation in Graduation Ceremony.--(a)
16 The General Assembly finds the following:

1 (1) Each year, school districts across this Commonwealth
2 celebrate their students' accomplishments through graduation
3 ceremonies at which high school diplomas are bestowed upon
4 students who have completed their high school requirements.

5 (2) There are children with disabilities in this
6 Commonwealth who have attended four (4) years of high school,
7 but whose individualized education programs prescribe continued
8 education after the fourth year of high school, which may
9 include regular education, special education, transition
10 planning, transition services or related services.

11 (3) It is well established that the awarding of a high
12 school diploma to and the high school graduation of a child with
13 a disability is tantamount to the termination of eligibility for
14 special education and related services for the student under
15 applicable Federal law.

16 (4) Many children with disabilities who will continue their
17 public education in accordance with their individualized
18 education programs after attending high school for four (4)
19 years wish to celebrate their accomplishments by participating
20 in a graduation ceremony with their classmates.

21 (5) The opportunity for classmates with disabilities and
22 those without disabilities to celebrate their accomplishments
23 together only occurs once, and the opportunity to celebrate the
24 receipt of a diploma several years after one's classmates have
25 graduated diminishes the experience for students whose age peers
26 have left high school several years earlier.

27 (b) By March 1, 2006, each school district that operates a
28 high school must have a policy and procedures that allow a
29 student with a disability who satisfactorily completes a special
30 education program developed by an Individualized Education

Program (IEP) team or otherwise meets requirements of 22 Pa. Code Ch. 4 (relating to academic standards and assessment), but whose IEP prescribes continued education after the fourth year of high school to participate in the graduation ceremony of the student's high school graduating class and receive a certificate of attendance. Continued education includes regular education, special education, transition planning, transition services or related services. Policies and procedures adopted pursuant to this section shall:

(1) be effective in time to allow participation in graduation ceremonies at the end of the 2005-2006 school year; and

(2) require timely and meaningful written notice to students with disabilities and their parents or guardians.

(c) Nothing in this act shall be construed to preclude receipt of a diploma at a later date if the student with a disability satisfactorily completes a special education program developed by an Individualized Education Program (IEP) team or who otherwise meets requirements of 22 Pa. Code Ch. 4.

(d) The Department of Education shall monitor and enforce compliance with the provisions of this section and is authorized to adopt rules for that purpose.

Section 2. This act shall take effect immediately.