

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

SENATOR RHOADES, EDUCATION, IN SENATE, AS AMENDED,
MARCH 14, 2006

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~~. BY STUDENTS WITH DISABILITIES IN HIGH <—
7 SCHOOL GRADUATION CEREMONIES.

8 The General Assembly hereby declares its intention to enact a
9 version of Ashley's Law in this Commonwealth ~~to put into effect~~ <—
10 ~~the findings of the General Assembly.~~

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

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

16 ~~Section 1504.1. Participation in Graduation Ceremony. (a)~~

~~The General Assembly finds the following:~~

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

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

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

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

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

~~(b) By March 1, 2006, each school district that operates a high school must have a policy and procedures that allow a student with a disability who satisfactorily completes a special~~

~~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 1. THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, IS AMENDED BY ADDING A SECTION TO READ:

SECTION 1614. PARTICIPATION BY STUDENTS WITH DISABILITIES IN HIGH SCHOOL GRADUATION CEREMONIES.--(A) FOR THE 2005-2006 SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER, A BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT, AN AREA VOCATIONAL-TECHNICAL

1 SCHOOL OR A CHARTER SCHOOL SHALL ALLOW A STUDENT WITH A
2 DISABILITY, WHOSE INDIVIDUALIZED EDUCATION PROGRAM AS
3 ESTABLISHED PURSUANT TO 22 PA. CODE § 14.131 (RELATING TO IEP)
4 PRESCRIBES CONTINUED SPECIAL EDUCATION PROGRAMS BEYOND THE
5 FOURTH YEAR OF HIGH SCHOOL, TO PARTICIPATE IN COMMENCEMENT
6 CEREMONIES WITH THE STUDENT'S GRADUATING CLASS AND RECEIVE A
7 CERTIFICATE OF ATTENDANCE, PROVIDED THAT THE STUDENT HAS
8 ATTENDED FOUR (4) YEARS OF HIGH SCHOOL REGARDLESS OF WHETHER THE
9 STUDENT HAS COMPLETED THE INDIVIDUALIZED EDUCATION PROGRAM.

10 (B) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PRECLUDE A
11 STUDENT WITH A DISABILITY FROM RECEIVING A HIGH SCHOOL DIPLOMA
12 WHEN THE STUDENT SATISFACTORILY COMPLETES AN INDIVIDUALIZED
13 EDUCATION PROGRAM AS REQUIRED UNDER 22 PA. CODE § 14.131.

14 Section 2. This act shall take effect immediately.