

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 REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, DECEMBER 13, 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 of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

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

12 Section 1504.1. Participation in Graduation Ceremony.--(a)

13 The General Assembly finds the following:

14 (1) Each year, school districts across this Commonwealth
15 celebrate their students' accomplishments through graduation
16 ceremonies at which high school diplomas are bestowed upon

1 students who have completed their high school requirements.

2 (2) There are children with disabilities in this

3 Commonwealth who have ~~finished~~ ATTENDED four (4) years of high <—

4 school, but whose individualized education programs prescribe

5 ~~the continuation of~~ CONTINUED EDUCATION AFTER THE FOURTH YEAR OF <—

6 HIGH SCHOOL, WHICH MAY INCLUDE REGULAR EDUCATION, special

7 education, transition planning, transition services or related

8 services. ~~beyond the completion of four (4) years of high~~ <—

9 ~~school.~~

10 (3) It is well established that the awarding of a high

11 school diploma to and the high school graduation of a child with

12 a disability is tantamount to the termination of eligibility for

13 special education and related services for the student under

14 applicable Federal law.

15 (4) Many children with disabilities who will continue their

16 public education in accordance with their individualized

17 education programs after ~~finishing four (4) years of high school~~ <—

18 ATTENDING HIGH SCHOOL FOR FOUR (4) YEARS wish to celebrate their <—

19 accomplishments by participating in a graduation ceremony with

20 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) ~~Beginning~~ BY March 1, 2006, each school district that <—

28 operates a high school must have a policy and procedures that

29 ~~allow a child with a disability who will have completed four (4)~~ <—

30 ~~years of high school at the end of a school year to participate~~

~~in the graduation ceremony of the student's high school~~
~~graduating class and receive a certificate of completion if the~~
~~student's individualized education program prescribes only~~
~~special education, transition planning, transition services or~~
~~related services beyond the student's four (4) years of high~~
~~school. The policy and procedures must require timely and~~
~~meaningful written notice to children with disabilities and~~
~~their parents or guardians about the school district's policy~~
~~and procedures adopted in accordance with this section.~~ 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.

1 ~~(e)~~ (D) The Department of Education shall monitor and
2 enforce compliance with the provisions of this section and is
3 authorized to adopt rules for that purpose.

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4 Section 2. This act shall take effect immediately.