

“When a Diploma Isn’t the End”: A District’s Obligations Post-Graduation

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Transition Services

Definition: Transition services help students prepare for post-school life.

Legal Sources:

- IDEA: 20 U.S.C. § 1401(34)
- Texas Education Code: §§ 29.011 & 29.0111
- Texas Administrative Code: 19 TAC § 89.1055(h)

Must Include:

- Postsecondary goals
- Instruction, services, and activities
- Individualization based on student’s needs and interests
- Begins by age 14 in Texas

Transition Services in the IEP

IEP must address:

- Measurable postsecondary goals
- Needed transition services
- Coordination between school and outside agencies
- The student must be invited to IEP meetings where transition is discussed

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Outside Agency Participation Requires Consent

- Under IDEA and Texas law, schools may not invite outside agencies (e.g., vocational rehab, community services) to IEP meetings unless the parent (or adult student) provides consent.

Legal Source:

34 C.F.R. § 300.321(b)(3)

19 TAC § 89.1055(h)(2)

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Examples of Outside Agencies for Transition Services

With parental or adult student consent, schools may coordinate with agencies such as:

State and Local Agencies:

- Texas Workforce Solutions – Vocational Rehabilitation Services (TWS-VRS)
- Texas Health and Human Services Commission (HHSC)
- Local Mental Health Authorities (LMHAs)

Postsecondary Education Supports:

- College disability services offices
- Texas Workforce Commission – College Prep Services

Community and Independent Living Supports:

- Centers for Independent Living (CILs)
- The Arc of Texas and local Arc chapters

Other Supports:

- Social Security Administration (SSA)
- Medicaid Waiver Providers (CLASS, HCS, TxHmL)

Note: Agencies are not automatically invited; consent required.

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IDEA and Transfer of Rights at Age 18

- At age 18, rights under IDEA transfer from the parent to the student
- Federal Law: 20 U.S.C. § 1415(m)
- Texas Law: 19 TAC § 89.1049(b)(6)
- Students become the educational decision-makers
- Schools must provide written notice at least one year before the transfer
- IEP must include this information beginning by age 17

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Foundation High School Program (Standard or with Endorsements)

This option is for students with disabilities who meet the same credit and assessment requirements as their non-disabled peers, possibly with accommodations.

- Complete 22 Foundation High School Program credits
- May earn endorsements (e.g., STEM, Business & Industry) for a total of 26 credits
- Must pass STAAR EOC exams (unless waived by ARD committee)
- Curriculum is not modified—accommodations allowed
- Leads to a standard diploma identical to peers

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Foundation High School Program (Standard or with Endorsements)

Example: A student with ADHD uses extended time and a quiet room for testing. She passes all EOCs and earns an endorsement in Business & Industry.

Statutes:

Texas Education Code §28.025

19 Texas Administrative Code §§74.11–74.13

Texas Education Code §39.025

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FHSP with Endorsements – Modified Curriculum

This option is for students who complete Foundation Program credits using a curriculum that is modified per the IEP and ARD committee decisions.

- Complete required credits using modified curriculum
- May earn endorsements if ARD committee determines it's appropriate
- May take alternate assessments (e.g., STAAR Alternate 2)

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FHSP with Endorsements – Modified Curriculum

Example: A student with an intellectual disability completes coursework using modified assignments. The ARD committee allows an endorsement in Arts & Humanities based on IEP goals.

Statutes:

- Texas Education Code §28.025(c-6)
- 19 Texas Administrative Code §74.1027(f)(1)
- Texas Education Code §29.005

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IEP-Based Graduation (No EOCs, Modified Coursework)

Students graduate by completing IEP goals and modified coursework, without meeting standard state assessment or course requirements.

- ARD committee determines student has completed IEP
- No requirement to pass STAAR or EOC exams
- Focus on functional and academic goals in IEP
- Student receives a standard diploma (not a certificate)

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IEP-Based Graduation (No EOCs, Modified Coursework)

Example: A student with an intellectual disability completes her IEP goals for math and life skills and receives her diploma without passing STAAR EOCs.

Statutes:

- 19 Texas Administrative Code §74.1027(f)(2)
- Texas Education Code §29.005
- Texas Education Code §28.025(c)

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Employability and Self-Help Curriculum

For students with significant cognitive disabilities. Focus is on life skills, employability, and self-help skills per the IEP.

- Curriculum focuses on daily living, job readiness, and community participation
- Student must complete IEP goals
- Often used in life skills programs
- Graduation is based on ARD committee decision

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Employability and Self-Help Curriculum

Example:

A student in a life skills program learns to ride the bus, handle money, and work part-time with support. He graduates after meeting all IEP goals.

Statutes:

- 19 Texas Administrative Code §74.1027(f)(3)
- Texas Education Code §29.005
- Texas Education Code §28.025(c)

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Deferred Graduation / Continued Services to Age 22

Students may delay graduation if they need continued special education services to complete transition goals (e.g., employment, independent living).

- Applies when student has not completed IEP transition goals
- Allows services until the end of the school year in which the student turns 22
- Graduation is deferred, not denied
- Provides ongoing support in vocational training, community access, etc.

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Deferred Graduation / Continued Services to Age 22

Example: A 19-year-old student receives job training through a transition program. She continues services until age 21 before graduating. Remember, if the student turns 22 after September 1st, the student can receive services during that school year.

Statutes:

- Texas Education Code §29.011(a)
- 34 CFR §300.102(a)(3)(ii) (IDEA)
- 19 Texas Administrative Code §89.1070(b)

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Scooter's Law:

This law codified under Texas Education Code § 28.025 (f) ensures that students receiving special education services have the opportunity to participate in graduation ceremonies after four years of high school, regardless of whether they've completed all their IEP requirements.

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Participation Options:

Students can choose to participate in the ceremony with their same-age peers or wait until they have officially completed all graduation requirements.

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One Ceremony:

A student can only participate in one graduation ceremony, either with their peers or after completing their IEP requirements.

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No Diploma Requirement:

Participation in the ceremony without meeting all graduation requirements does not mean a student is receiving a diploma; it simply allows them to "walk" in the ceremony.

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Continued Services:

A student can still receive services under their IEP after participating in the ceremony.

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Eligibility to Return After Graduation

Under 19 Texas Administrative Code (TAC) §89.1070, a student with disabilities who graduates under certain conditions may be eligible to return to school to receive additional special education services, provided they have not exceeded the age eligibility limit.

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Eligibility to Return After Graduation

A student who graduates under §89.1070(b)(3)—which includes completing a modified curriculum aligned with their Individualized Education Program (IEP) and achieving specific transition goals such as:

1. Obtaining full-time employment
2. Demonstrating mastery of specific employability and self-help skills
3. Accessing services or supports not within the legal responsibility of public education

They may request to return to school to receive additional special education services if they have not yet reached the maximum age eligibility.

Upon such a request, the Admission, Review, and Dismissal (ARD) committee must convene to determine the educational services needed by the student .

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Important Considerations

- Students who graduate under §89.1070(b)(1)—by completing all standard credit and assessment requirements—are not eligible to return for additional special education services.
- The right to return for services is contingent upon the student not exceeding the age eligibility limit.
- 19 TAC §89.1070(j):

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18+ Programs

In Texas, an 18+ program provides continued special education services to students who have completed their high school graduation requirements but still need support to transition to adult life. These programs are designed to help students develop skills in life management, communication, daily living, and community access.

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18+ Programs

Who is eligible for an 18+ program?

- Students who have been receiving special education services.
- Students who have met all graduation requirements under their IEP.
- Students who need continued support with transition goals, such as vocational skills, social skills, leisure activities, and life skills.
- Students who have not reached the age of 22 by September 1st of the school year.

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Key Aspects of 18+ Programs

Focus on transition goals:	These programs help students prepare for life after high school, including vocational training, community access, and independent living skills.
Community-based instruction:	Many 18+ programs emphasize learning and practicing skills in real-world settings, such as community centers, workplaces, and public transportation.
Collaboration:	School districts often work with outside agencies to provide the services
Individualized plans:	The specific services and support provided in an 18+ program are tailored to each student's individual needs and goals.

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Options for Continued Family Involvement After Age 18

Families and schools can use legal tools to stay involved:

- Educational Power of Attorney
- Supported Decision-Making Agreement
- Guardianship (if necessary)

Goal: balance support with self-determination

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Durable Power of Attorney (DPOA)

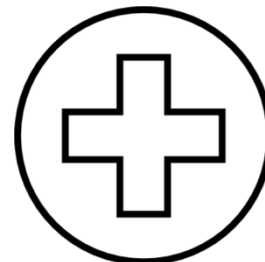
- Law: Texas Estates Code Chapter 751
- Allows someone to act on behalf of the student for financial, legal, and business matters
- “Durable” = remains valid even if incapacitated
- Can be immediate or springing (upon incapacity)
- Must be signed voluntarily, with capacity
- Does NOT include medical or educational decisions unless specified



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Medical Power of Attorney (MPOA)

- Authorizes another adult to make medical decisions only when the individual cannot
- Must be signed by someone 18+ who understands the decision
- Commonly used for students with disabilities to appoint a trusted adult
- Can be revoked by the adult student at any time



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Educational Power of Attorney

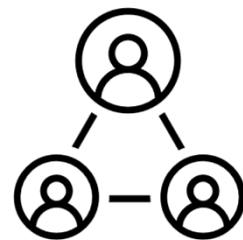
- No standalone Texas statute; schools use FERPA-based local forms
- Allows trusted adult to:
 - Attend IEP meetings
 - Access education records
 - Participate in decision-making
- Must be signed by the student
- Valid only when the student is capable and consents



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Supported Decision-Making Agreement (SDMA)

- Law: Texas Estates Code Chapter 1357
- Student selects a supporter to help understand, consider, and communicate decisions
- Student remains the decision-maker; supporter cannot sign documents
- Used for medical, educational, financial decisions
- Encourages autonomy and informed choice



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Guardianship (Full or Limited)

- Law: Texas Estates Code Chapters 1001–1253
- Legal process removing some or all decision-making rights
- Court must find person incapacitated and no less restrictive options exist
- Types:
 - Full Guardianship: All rights removed
 - Limited Guardianship: Specific rights removed (medical, financial)
 - Expensive, complex, last resort

