



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

SEP 29 1999

[Redacted]  
Dear [Redacted]

Your letter to President and Mrs. Clinton regarding [Redacted] has been referred to the Office of Special Education Programs for response. You indicate that [Redacted] who has attention deficit disorder, will not be able to graduate or participate in graduation ceremonies because she cannot pass the State proficiency examination, even though [Redacted] as enough credits to graduate.

The establishment of proficiency standards for a high school diploma and requirements for participating in graduation ceremonies are a State, not a Federal, function. States have the right to set standards for graduation that must be met by all students. The Department encourages States to establish high academic standards for all students. However, while it is appropriate for States to set standards for the receipt of a high school diploma, including the use of proficiency examinations, Federal law would prohibit States from establishing standards that, or implementing those standards in a way that, discriminated against a student on the basis of his or her disability. Two Federal statutes, Section 504 of the Rehabilitation Act of 1973(Section 504) and Title II of the Americans with Disabilities Act (Title II of the ADA), are potentially relevant to [Redacted] situation.

Section 504 and Title II of the ADA prohibit discrimination on the basis of disability in providing education services to students with disabilities. These statutes require the provisions of appropriate test accommodations, such as extended time or alternate formats, for students who require these accommodations because of their disabilities. Both Section 504 and Title II of the ADA are enforced by the Department's Office for Civil Rights (OCR). If you believe that [Redacted] rights under Section 504 and Title II of the ADA have been violated, you, or [Redacted] since [Redacted] has achieved the age of majority, can contact OCR at the following address:

Office for Civil Rights, Cleveland Office  
U.S. Department of Education  
600 Superior Avenue East  
Bank One Center  
Cleveland, Ohio 441 14-261 1  
Telephone: (216)522-4970

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Furthermore, if \_\_\_\_\_ has been identified as a student with a disability under the Individuals with Disabilities Education Act (IDEA), the 1997 Amendments to the IDEA require that the IEP committee determine modifications that will be needed by the student in the administration of State assessments. A copy of the March 12, 1999 IDE A regulations is enclosed, with relevant areas marked.

I am also enclosing some material, issued by the National Information Center for Children and Youth with Disabilities (NICHCY) that concerns special education resources specific to Ohio and the name and address of the Parent Training and Information Center in your State. NICHCY is a national information clearinghouse that provides free information to assist parents, educators, and others in helping students with disabilities become participating members of the school and community. The Parent Training and Information Centers were established to make parent-to-parent training and information services available to parents of children with disabilities across the country. The purpose of these services is to enable families to participate more fully in the education of their children.

I hope that the letter and the enclosed information are helpful to you. If this Office can be of further assistance, you or \_\_\_\_\_ can contact Dr. Helen Eano, a member of my staff, at (202)205 -9583.

Sincerely,

Patricia J. Guard  
Acting director  
Office of Special Education  
Programs

Enclosure