April 23, 2004

MEMORANDUM

TO: City and County Superintendents of Education
    City and County Special Education Coordinators
    High School Principals
    High School Counselors

FROM: Joseph B. Morton
      Interim State Superintendent of Education
      Mahrey Whetstone, Director
      Special Education Services

RE: Revision of the Procedures for the Emergency Rule Change for Special Education.

On March 11, 2004, the Alabama State Board of Education adopted emergency rules that added an alternative route for students with disabilities to receive the Alabama High School Diploma. A memorandum dated March 12, 2004, entitled Procedures for the Emergency Rule Change for Special Education contained the following, “Question 7: May a student with a disability working toward an Alabama Occupational Diploma (AOD) who has passed all but one part of the Alabama High School Graduation Exam (AHSGE) qualify for the general diploma under this new rule?" The answer given was "no." The answer explained that "an Alabama High School Diploma except for students working toward the AOD currently exists." The current rule (Alabama Administrative Code, Chapter 290-8-9.10(9)(g), page 562) allows each student with a disability who completes the required Alabama Occupational Diploma coursework and passes all sections of the Alabama High School Graduation Exam to be awarded the Alabama High School Diploma (AHSD).

After review of the rules for the two alternative routes to the AHSD for students with disabilities, it was determined that students with disabilities under the aforementioned rule for the AOD are covered under the new emergency rule change. Students with disabilities are eligible to receive the Alabama High School Diploma if they pass all but one subject-area test of the Alabama High School Graduation Exam, meet all other graduation requirements for the AOD, and have the required alternate documentation. The required alternate documentation is the same as identified in the adopted emergency rule on March 12, 2004 (obtained all required course credits [AOD], documented the disability in the area where a subject-area test of the AHSGE was not passed, participated in remediation, met attendance requirements, and hold a cumulative C average in Grades 9-12). The flexibility granted here continues to be retroactive to first-time ninth graders in the 1997-1998 school year (Class of 2001) and applies only to students with a disability(ies) (defined by the Individuals with Disabilities Education Act) taking the Alabama High School Graduation Exam.

Please contact the Special Education Services Section of the Alabama Department of Education at (334) 242-8114 if you have any questions.

JBM/MW/VL
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