

**STATE BOARD OF EDUCATION**  
**Action Item**  
November 18, 2014

**SUBJECT:** Approval of New Rule 6A-1.09963, High School Graduation Requirements for Students with Disabilities

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**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Sections 1001.02(1), 1003.4282, 1003.57, Florida Statutes

**EXECUTIVE SUMMARY**

The proposed new rule outlines new requirements that students with disabilities, including those with significant cognitive disabilities who participate in the Florida Alternate Assessment, may follow to earn a standard high school diploma. The rule provides definitions for access courses, alternate assessment, employment transition plan, and eligible career and technical education (CTE) courses; states requirements for students participating in the Florida Alternate Assessment, including course substitutions and use of a graduation portfolio to provide evidence of achievement; and requirements for students with disabilities for whom the individual educational plan (IEP) team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. The rule also outlines the process for a student to defer receipt of a high school diploma and continue to receive services.

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**Supporting Documentation Included:** Proposed Rule 6A-1.09963, High School Graduation Requirements for Students with Disabilities

**Facilitators/Presenters:** Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools

6A-1.09963 High School Graduation Requirements for Students with Disabilities

(1) General requirements.

Beginning in the 2014-2015 school year, students with disabilities entering grade nine may attain a standard diploma and earn standard diploma designations by meeting the requirements in Sections 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(11) and 1003.4285 Florida Statutes (F.S.). Nothing contained in this rule shall be construed to limit or restrict the right of a student with a disability solely to the options described in this rule. A certificate of completion will be awarded to students who earn the required eighteen (18) or twenty-four (24) credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with Section 1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with Section 1008.212, F.S., or Section 1008.22(9), F.S. Students who entered grade nine before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma.

(2) Definitions. For the purposes of this rule, the following definitions apply:

(a) Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, Florida Administrative Code (F.A.C.). Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general curriculum.

(b) Alternate Assessment. In accordance with Section 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.

(c) Employment transition plan. A plan that meets the requirements found in Section 1003.4282(11)(b)2.d., F.S. This plan is separate and apart from the IEP.

(d) Eligible career and technical education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a post-secondary program if the student is earning secondary (high school) credit for the program.

(3) Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with Rule 6A-1.0943(5), F.A.C, and instruction in the access points is the most appropriate means of providing the student access to the general curriculum. Students must meet the graduation requirements specified in

Section 1003.4282(1)-(9), F.S., or Section 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

(a) Eligible CTE courses, as defined in paragraph (2)(d) of this rule, may substitute for Access English IV; one (1) mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one (1) science credit, with the exception of Access Biology; and one (1) social studies credit with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

(b) Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.

(c) A score of at least four (4) on the Florida Alternate Assessments in reading and math must be attained, until replaced by the grade 10 English Language Arts alternate assessment and the End-of-Course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with Section 1008.22(3)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to Section 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in Section 1003.572, F.S.

(d) For those students whose performance on standardized assessments are waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community based instruction, MOCPs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.

(4) Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in Section 1003.4282(1)-(9), F.S. or Section 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

(a) Eligible CTE courses, as defined in paragraph (2)(d) of this rule, may substitute for English IV; one (1) mathematics credit, with the exception of Algebra and Geometry; one (1) science credit, with the exception of Biology; and one (1) social studies credit with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

(b) Students must earn a minimum of one-half (.5) credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor

Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as specified in Section 1003.4282(11)(b)2.d., F.S., for the equivalent of at least one (1) semester. Additional credits in employment-based courses are permitted as electives.

(c) Documented achievement of all components defined in Section 1003.4282(11)(b)2.b., F.S., on the student's employment transition plan.

(5) A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to Section 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in Section 1003.572, F.S.

(6) Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at Section 1003.4282(11)(c), F.S.

(a) The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of eighteen (18) for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.

1. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.

2. School districts must inform the parent and the student, in writing by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.

3. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.

(b) In accordance with Rule 6A-6.03028(1), F.A.C., a student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns twenty-two (22).

Rulemaking Authority 1001.02(1), 1003.4282, 1008.22 FS. Law Implemented 1003.4282, 1008.22, FS. History-  
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