

Technical Assistance Paper**312722****Serving Students with Disabilities Ages 18 through 21****Background**

The Individuals with Disabilities Education Improvement Act (IDEA 2004) was signed into law on December 3, 2004. One of the purposes of IDEA 2004 is "...to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living; ..." Section 612(a)(1) states, "a free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children who have been suspended or expelled from school."

The proposed regulations which implement IDEA 2004 (34 CFR 300.101 and 300.102) require school districts to provide a free appropriate public education (FAPE) to all students with disabilities who have not reached age 22 and who have not earned a standard diploma or its equivalent. At the student's option, the school district shall serve the student through age 21 (i.e., the student's 22nd birthday). School districts may choose to serve students until the student's 22nd birthday, through the end of the semester in which the student turns age 22, or through the end of the school year in which the student turns age 22. As school districts have worked to implement this provision, questions have arisen regarding requirements and suggested practices.

Purpose

The purpose of this technical assistance paper (TAP) is to clarify the IDEA 2004 requirements for serving students with disabilities ages 18 through 21, address suggested practices, respond to frequently asked questions, and provide related information. The TAP is divided into the following sections: IDEA 2004 provisions; effective practices for serving students ages 18 through 21; key questions and answers; a matrix of sample program options; references; and other pertinent information. For the purpose of this paper, the term "students with disabilities" refers to students with disabilities who are eligible for special education and related services under the provisions of IDEA 2004 and Florida's State Board of Education rules. For the purpose of this paper, the term "FAPE" refers to the provision of special education and related services pursuant to the IDEA 2004. Although the settings in which students ages 18 through 21 are served may vary (e.g., high school, postsecondary career/technical center, adult education center, community training sites), the student is still a K-12 (secondary) student. This paper provides information on the array of educational options, settings, and instructional services

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that may be developed at the district level to meet the varying preferences, interests, and desired post-school outcomes of students with disabilities ages 18 through 21. This paper also provides considerations for selecting educational options, settings, and instructional services which are individualized to meet each student's unique needs.

IDEA 2004 Provisions

IDEA 2004 requires districts to provide FAPE to all students through age 21 (i.e., until 22nd birthday or at the option of the school district, through the school year in which the student turns age 22) who have not earned a standard high school diploma or its equivalent (i.e., the State of Florida high school diploma earned by passing the General Education Development [GED] Tests). The requirement includes students who are eligible to receive or have received a special diploma, a certificate of completion, or a special certificate of completion, as well as students who have dropped out of school and who wish to return. Students with disabilities who have not earned a standard diploma may choose to continue in educational programs through age 21 to

- work toward a standard diploma
- work toward a special diploma (Option 1 or 2)
- continue receiving specially designed instruction and related services in accordance with a transition individual educational plan (IEP) without working toward a specific diploma option.

All of the IDEA 2004 requirements continue to apply to students with disabilities ages 18 through 21 who are thus served. These requirements include but are not limited to evaluation, reevaluation, transition IEPs, and procedural safeguards. School districts may provide specially designed instruction and related services by offering a wide array of options in a variety of settings, as determined appropriate by the transition IEP team. This determination must be based on the student's needs, preferences, interests, and desired post-school outcome. These settings may include but are not limited to high schools, adult education and technical centers, community colleges, universities, and other sites in the community.

The IDEA 2004 regulations (IDEA, 34 CFR 300.102) provide exceptions to the FAPE requirements for certain individuals with disabilities ages 18 through 21 who are convicted as adults and incarcerated in adult prisons (see question #6).

Students and their parents are important members of transition IEP teams. Students must be invited to participate in their transition IEP meetings beginning at age 14 and annually thereafter in accordance with Rule 6A-6.03028, Florida Administrative Code (FAC). If the student is unable to attend the meeting, the transition IEP team must document how the student's needs, preferences, and interests were considered. In order for the student's participation to be meaningful, the student's IEP must include consideration of instruction or the provision of information in the area of self-determination. Such instruction or information for students regarding self-determination skills might include self-awareness, self-advocacy, making choices, setting goals, solving problems, taking action, and understanding and participating in the transition IEP process. The school district shall provide all notices required by Rules 6A-6.03311 and 6A-6.03028, Florida Administrative Code (FAC), to both the student who has attained the age of 18 and the student's parent. The exception to this provision relates to students who have attained the age of 18 and are incarcerated in a juvenile justice facility or county jail.

In these circumstances, parents no longer retain the right to notice. If a student has been determined to be incompetent, then rights would not transfer to the student and would be retained by the individual appointed by the court as the student's guardian. This notice must indicate that a purpose of the meeting will be the consideration of needed transition services for the student, indicate that the school district will invite the student, and identify any other agency that will be invited to send a representative.

The school district is responsible for inviting agencies to send representatives to the transition IEP meeting. An agency shall be invited if it is anticipated that the student will need transition services from that agency (i.e., the agency is likely to provide or pay for needed transition services) beginning at age 16. If agencies invited to send representatives to the meeting are unable to attend, the transition IEP team shall identify other steps to obtain agency participation in the planning of any transition services. If an agency agrees to provide needed transition services and fails to do so, the school district shall reconvene the transition IEP team to identify alternative strategies to meet the student's transition objectives. Agency collaboration is essential in developing effective transition IEPs for students. Community transition teams and interagency cooperative agreements are effective strategies for developing and maintaining on-going collaboration with key agencies in the community. Community transition teams are encouraged to develop resource materials designed to ensure that all transition IEP team members are knowledgeable about transition services and agency services in their communities.

The Individuals with Disabilities Education Improvement Act (IDEA 2004), Section 614(c)(5) states,

(A) IN GENERAL.—Except as provided in subparagraph (B), a local educational agency shall evaluate a child with a disability in accordance with this section before determining that the child is no longer a child with a disability.

(B) EXCEPTION.—

(i) IN GENERAL.—The evaluation described in subparagraph (A) shall not be required before the termination of a child's eligibility under this part due to graduation from a secondary school with a regular diploma, or due to exceeding the age eligibility for a free appropriate public education under state law.

(ii) SUMMARY OF PERFORMANCE.—For a child whose eligibility under this part terminates under circumstances described in clause (i), a local educational agency shall provide a child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

One purpose of this requirement is to assist students in transitioning from high school to postsecondary education and employment. An important aspect of this transition is the student and his or her family having a clear understanding of the skills the student has mastered thus far (academic and functional) as well as having specific ideas of what the student and the student's support network can do as "next steps" to reach postsecondary goals. It is also important to remember that goals change with time and the student and support network must be prepared to revise plans as needed to accommodate these new goals.

This requirement applies to students who graduate with a standard diploma or who exceed the age eligibility for a free appropriate public education (FAPE) at age 22 or at the end of the school year in which the student reaches age 22.

There is a variety of information/documents that may be provided to students and their families to meet the intent of the requirement. And there are many ways in which a school district may organize the information required in this section. For example, students who have maintained portfolios throughout their educational experience could add specific records to ensure that their accomplishments are accurately reflected. District staff are encouraged to review sources of information currently available as well as consider a variety of formats that would increase the usefulness of available information (e.g., to agency staff, employers, etc.).

Effective Practices for Serving Students Ages 18 through 21

There is a wide range of options for serving students ages 18 through 21. For example, students may wish to

- complete courses at the high school to work toward a standard diploma
- dual enroll in classes at a community college to complete a standard diploma and earn college credits
- dual enroll in a career education (formerly career and technical education) program at a career/technical center to complete a standard diploma and earn a technical certificate
- dual enroll in a career education program at a career/technical center to complete a special diploma and earn a technical certificate
- enroll in adult secondary courses (Adult General Education) for high school credit as a co-enrolled student to work toward a standard diploma*
- participate in a GED Exit Option Program to work toward a standard diploma*
- participate in a program at the high school to work toward a special diploma
- participate in on-the-job training (with time-limited support)
- participate in community-based instruction to learn the necessary skills to access the community (e.g., domestic, recreation/leisure, general community, and vocational skills)
- participate in supported employment (with intensive ongoing support).

* Districts need to be very careful, however, to ensure that no Federal Adult Education and Family Literacy Funds are used to support co-enrolled or GED Option instruction.

Effective options focus on the needs of the students and form partnerships with families and key interagency and business/industry representatives to identify and address needs. It is also important for partners to think “outside the box” to create innovative programs/services that lead to positive student outcomes.

School districts are encouraged to offer an array of options and settings in which the specially designed instruction and services are offered to students with disabilities who are eligible for ESE under the provisions of IDEA 2004. Settings may include high schools, adult education and career/technical centers, community colleges, universities, and other sites in the community. In establishing settings, it is critical that instruction and services are provided in the least restrictive environments. Brief descriptions of potential strategies for meeting the needs of students with disabilities ages 18 through 21 are provided below.

A school district signed a memorandum of understanding with the Navy and opened a classroom for eligible students at the Naval Air Station. The ESE department, in cooperation with adult education, implemented this option to meet the needs of students who graduated with a special diploma and were in need of continued training. The purpose was to provide real-world training (including employment and independent living skills) in a more adult-oriented environment,

resulting in successful transition. The curriculum focused on functional academics, community skills, job skills, and leisure/recreation skills.

A school district formed a partnership with the local university (College of Education, College of Health Sciences, and College of Engineering). School district staff identified students with multiple disabilities who required transition services with their age-appropriate peers. An ESE teacher and job coaches provided transition and job training skills to students with significant disabilities and major health problems. Social, leisure, and recreational activities were provided through community-based instruction as well as interaction with age-appropriate non-disabled peers. This option provided students with the opportunity to enhance their functional academic, employability, and social skills. Students benefited from interaction with age-appropriate peers as they participated in various activities on campus. Following successful training, students were hired for jobs on the university campus.

One school district established a class for students with disabilities ages 18 through 21 at a career/technical center with an ESE teacher. This teacher provided instruction in functional academics and employability skills. Students could also enroll in career education job preparatory classes (training for a specific job) or participate in off-campus work. In addition to providing direct instruction, the ESE teacher provided support to other faculty members and employers participating in the work component.

A school district formed a partnership with a local hospital to provide extended job training (and possible job placement) for students with disabilities requiring supports. The goal of this option was to prepare students in all areas of transition, including job preparation, transportation, social skills, functional academics, and community access. Students spent a portion of the day at the hospital with a teacher and a job coach. Students became part of the culture of work by eating in the employee cafeteria, attending department meetings, wearing uniforms, and transitioning to public transportation. Vocational training areas included housekeeping, food service, laundry, and central supply. Students gained vocational skills and work-related behaviors by transitioning through the four job clusters each nine weeks. Social skills and functional academic skills training were provided in community settings, such as the local bank, grocery store, mall, and other related post-school adult living environments. The school district provided transportation, but students were able to transition to public transportation following travel training.

A school district developed an option focusing on intense employability skills training in cooperation with a community agency housed in the local mall and designed to meet the transition needs of older high school students requiring supports. The program was especially helpful for students who had either been unsuccessful in traditional, community-based employment training or who needed to expand their training experiences. The students had classes at the agency located in the mall in an adult environment with adult workplace behavioral expectations. Both in-house and community training opportunities were provided to teach workplace social skills and adult work-related behaviors. Functional academics, travel training, consumer skills, public safety, communication, and leisure/recreational activities were also important components of the instructional design.

Summary

Many students with disabilities do not wish to remain in high school after their peers have left for college or employment. However, it is incumbent upon the school district to ensure that each young adult is ready to transition successfully.

It is critical that students, families, ESE personnel, career education personnel, adult education personnel, and counselors understand the requirements for FAPE and the opportunities for participation in program options in adult education environments or community-based programs. The goal is to meet the needs of individual students and to provide them with opportunities to earn credentials that will enhance their successful transition from school to post-school adult life.

Questions and Answers

The following questions and answers may be helpful in understanding the requirements relating to the provision of services to students ages 18 through 21 who choose to continue their education.

Eligibility

1. Which students with disabilities may continue to receive educational services through age 21?

Any student with disabilities who has been receiving ESE services, has not reached age 22, and has not earned a standard diploma may choose to continue to receive educational services through age 21 (i.e., until the student's 22nd birthday or through the school year of the student's 22nd birthday, based on district policy). This includes students who have received a special diploma, a certificate of completion, or a special certificate of completion, as well as students who have dropped out of school and who wish to return. Students who have attained a standard diploma or its equivalent are not entitled to FAPE.

2. May students with disabilities who are under age 22, have not earned a standard diploma or its equivalent, and have left school return to continue their education?

Yes. Students who have not turned 22 and who have not earned a standard diploma or its equivalent must, at the student's option, be given the opportunity to earn a standard diploma or continue to receive educational services to work toward a special diploma or continue without working toward a diploma.

3. Are students ages 18 through 21 who have moved to Florida from out of state without having earned a standard diploma in their previous home state entitled to FAPE?

If a student age 18 through 21 moves to Florida without having earned a standard diploma or its equivalent, chooses to continue his or her education, and is determined eligible to receive services in Florida, FAPE requirements would apply. If the student's status is unclear, the district may need to contact the state where the student previously resided to determine if the student had earned a standard diploma.

4. Are students who have been suspended or expelled from school still entitled to FAPE through age 21?

Yes. IDEA 2004 states that a FAPE is available to all children with disabilities who are residing in the state between the ages of 3 and 21, including students with disabilities who have been suspended or expelled from school.

5. Are school districts required to serve students through the entire school year in which they reach their 22nd birthday?

No. It is the school district's option to continue offering FAPE beyond the day the student turns age 22. This is included in the school district's Special Programs and Procedures and applies equally to all students with disabilities in the district.

6. What are the FAPE requirements for an ESE student who is incarcerated in an adult correctional facility?

Under IDEA 2004, students ages 18 through 21 who are incarcerated in an adult correctional facility are not entitled to FAPE through age 21 unless they were identified as being a "child with a disability" under IDEA in their last educational placement prior to their incarceration in an adult correctional facility and had a transition IEP under IDEA 2004. There are two exceptions. First, students who had a transition IEP in their last placement and left that placement are still entitled to FAPE through age 21. Second, students who did not have a transition IEP but had been identified as a "child with a disability" under IDEA prior to entering the adult correctional facility are entitled to FAPE through age 21. Local school districts are responsible for providing services to eligible students in local county jails (including pretrial and inmates sentenced to 365 days or less). The Florida Department of Corrections is responsible for providing services to students in state correctional facilities (inmates sentenced to more than 365 days).

7. When students with disabilities ages 18 through 21 are co-enrolled in secondary programs and adult education programs, are the IDEA 2004 requirements applicable?

Yes. A co-enrolled student is one who is enrolled in a secondary school, has not earned a high school diploma or its equivalent, is receiving secondary instruction under the adult general education program, and is receiving credit toward high school graduation or preparation for the GED for such instruction. Students who are co-enrolled in secondary and adult education programs for the purpose of working toward a standard diploma must be provided with procedural safeguards in accordance with IDEA 2004.

8. If students who are dual-enrolled in career education programs earn special diplomas, can the students continue in the program through age 21 under the FAPE requirements?

Yes. If students are dual-enrolled in career education programs and earn special diplomas, they may choose to continue in that program through age 21 under the FAPE

requirements. Students who wish to continue participating in the program after age 22 must continue as adult students and are no longer eligible for FAPE.

9. Are ESE students who are served by the Department of Juvenile Justice (DJJ) eligible for FAPE through age 21?

Yes. Students with disabilities who are served by the DJJ are eligible for FAPE until they graduate with a standard diploma or reach age 22. The court determines the length of each juvenile's sentence. Students released back into the community prior to age 22 have the option of continuing their education in the public schools under IDEA 2004 until they are 22 years of age or receive a standard diploma. Juveniles who are transferred to an adult correctional facility are still covered by the provisions of FAPE as long as they were identified as being a "child with a disability" under IDEA 2004 prior to their incarceration in adult corrections.

Assessment, Educational Options, and Services

10. What assessment procedures are appropriate for students ages 18 through 21? Is an alternate assessment required for these students?

Determinations regarding appropriate assessment procedures should be based on the diploma option that has been selected by the IEP team. If the student chooses to continue his or her education through age 21 in order to pursue a standard diploma, the Florida Comprehensive Assessment Test (FCAT) with appropriate accommodations, if needed, would be the appropriate assessment. For students who are not working toward a standard diploma, no alternate assessment would be required for students in grades 11 and 12. However, an alternate assessment would be required for students ages 18-21 in grade 10. Assessment processes, such as situational assessments in the community and workplace, classroom assessments, or curriculum-based vocational assessment (CBVA), etc., may be used for instructional purposes. Alternate assessments must be administered at the same grade levels that regular state assessments are administered to other students.

11. Are students in the 18- to 21-year-old age range eligible for the Florida Comprehensive Assessment Test (FCAT) waiver?

Yes. Some students may need more than four years to meet the requirements for a standard diploma. These students would be eligible if they meet the following requirements:

- The student has taken the grade 10 FCAT with appropriate, allowable accommodations at least twice and has participated in the March administration of the FCAT during the senior year.
- If passing scores were not earned, the student has participated in intensive remediation in math and/or reading.
- The student is progressing toward meeting the minimum number of course credits prescribed by the state and local school board.
- The student has demonstrated the knowledge, skills, and abilities required by the grade 10 Sunshine State Standards.

- The student has an overall grade point average of 2.0 or higher on a 4.0 scale.
- The IEP team has determined that the FCAT cannot accurately measure the student's abilities, even if all appropriate, allowable testing accommodations are used.

12. Are students in the 18- to 21-year-old age range eligible for the College Placement Test (CPT) Eligible Option?

Yes. Students who have met the 2.0 grade point average and course requirements for a standard high school diploma but did not pass the FCAT and are not approved for the FCAT waiver will receive the Certificate of Completion—College Placement Test Eligible. With this credential, the students will be allowed to take the CPT and be placed into either college credit or remedial courses. These students would be coded W8A in the Florida Department of Education's Automated Student Information System.

13. What educational options do students with disabilities have if they are below age 22 and have not earned a standard diploma?

The options for students in this age group are varied. In general, options should be age-appropriate and responsive to a range of desired post-school outcomes. See the chart in appendix A for some possible options and funding sources.

14. How is the provision of educational services determined for ESE students who have chosen to continue their education through age 21?

The transition IEP team determines what special education and related services should be provided for the student. In addition, the team determines a student's placement and the setting in which the services will be provided. Districts are encouraged to offer an array of options to meet the needs, preferences, and interests of individual students.

15. What are the requirements relating to reevaluation for these students?

A reevaluation is conducted if the student's condition warrants a reevaluation, the student's parent or teacher requests a reevaluation, or if dismissal from ESE is being considered; however, reevaluation should be conducted at least once every three years regardless of the above conditions.

16. What is the school district's responsibility related to developing and implementing transition IEPs for students ages 18 through 21 who choose to continue school?

School districts must continue to review and revise transition IEPs annually. When conducting a meeting to review and, if appropriate, revise a student's IEP, the IEP team should consider any relevant special factors, including but not limited to the strengths of the student; recent evaluation results; the results of the student's performance on any state or district-wide assessments; behavioral interventions, strategies, and supports; the language needs of a student with limited English proficiency; the student's need for instruction in Braille; the communication/language needs of the student; and the student's

need for assistive technology devices and services. The same procedural safeguards apply as in previous years. That is, school districts must provide notice of IEP meetings to both students and their parents; students must be invited to attend such meetings; and a participating agency's representative must be invited to attend such meetings. If the student does not agree with the IEP team's decisions regarding the services that will be offered or the appropriate placement, the student may request a due process hearing to challenge such decisions.

17. What is the district's responsibility for providing transportation for these students to the setting in which their educational program is being provided?

The school district is responsible for providing special education and related services, including transportation to the educational program, if identified as a related service and specified on the transition IEP. If travel training is being addressed as part of the special education services, school district staff should work with the student to identify and use the transportation that is available in the community. Districts are encouraged to include provisions for teaching students to use public forms of transportation that will enable them to meet with success in post-school adult life (e.g., city buses, walking, cabs, etc.).

18. What is the district's responsibility for providing therapy services for students who return to school to work on basic job skills (e.g., community-based instruction)?

The district would be required to provide any special education and related services, including therapy services identified on the transition IEP.

19. Can high school students be co-enrolled in adult education programs and still be eligible for a FAPE under the provisions of IDEA 2004?

Yes. If the co-enrolled student has not turned 22, the student is eligible for a FAPE under the provisions of IDEA 2004. This means that the special education and related services are provided to the student without charge based on the student's transition IEP. (See appendix B for further information about adult education.)

20. Is a student who is enrolled solely in adult education (for example, GED prep) eligible for FAPE?

No. However, this student would be protected under the provisions of Section 504 and the Americans with Disabilities Act (ADA) and might qualify for accommodations if he or she chose to self-identify and request services.

21. Can a student who has received a special diploma take the GED tests to earn a State of Florida high school diploma?

Yes. The GED Tests are primarily intended for persons who for any number of reasons have missed their first opportunity to complete a high school program of instruction; no State Board of Education rules prohibit students with disabilities who have earned a special diploma from taking the GED Tests.

22. Can ESE students who earn a GED come back to school until age 22?

No. The GED is a State of Florida high school diploma, the equivalent of a standard diploma, and does not entitle the student to FAPE.

23. Can ESE students who earn a GED prior to age 22 come back to school for the sole purpose of participating in graduation exercises or to participate in grade 12 extracurricular activities?

This is a local district decision.

Procedural Safeguards

24. Are the IDEA 2004 procedural safeguards applicable when a student with disabilities who is age 16 or above chooses not to continue to receive FAPE and enrolls in an adult education program?

No. If students with disabilities beyond the compulsory school age (i.e., age 16 or older) have been informed of their right to FAPE, they may legally withdraw from a secondary school program; in this situation, the IDEA 2004's procedural safeguards are no longer applicable. Adult students with disabilities retain their rights under the ADA and Section 504 of the Rehabilitation Act of 1973.

25. How does the provision of the IDEA 2004 procedural safeguards change when students reach age 18?

Beginning at least one year before the student's 18th birthday, the transition IEP must include a statement that the student and the student's parents have been informed of his or her rights under Part B of the IDEA 2004 that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The school district shall notify the student and the parent of the transfer of rights when the student attains the age of 18 (unless the student has been determined to be incompetent under state law). In circumstances where there are concerns about the student's ability to participate in the process of decision-making, districts should try to work as closely as possible with the student's parents to ensure that appropriate decisions are made. Both students and parents must continue to receive the notices required under the IDEA 2004, unless the student is incarcerated in an adult correctional facility.

26. Who should the family contact if they feel that their child's rights should not transfer?

In circumstances where the parents and a student over the age of 18 disagree with each other on a course of action, the parents and student should be assisted in resolving their conflict. Mediation may be appropriate in such a circumstance. Parents are encouraged to contact their school district's office of exceptional student education for assistance.

27. When is the district required to give prior written notice to a parent whose child will be exiting the public school system?

Graduation from high school with a standard diploma constitutes a change in placement, requiring prior written notice in accordance with IDEA, 34 CFR 300.503. If a student graduates with a special diploma before the age of 22 and the student and parents have decided that the student will not continue to receive special education or related services, the parents and student must be provided with written notice of a change in FAPE. Even if the student continues in school, a notice of change of placement or FAPE may be required if the services that will be delivered to the student will change significantly. An IEP meeting does not have to be convened to address the change in FAPE due to graduation; however, the parents and student must be provided written notice prior to graduation. If it is likely that the student will graduate, this notice should be provided at the IEP meeting conducted closest to the time of the anticipated graduation date. Please note that graduation should be discussed frequently during the student's IEP meetings from grades 9 – 12. (See TAP FY 2001-10 *Change in Identification, FAPE, Placement, or Dismissal from Special Education.*)

28. What responsibilities does the school district have to inform students and their families of the option to continue to receive educational services under IDEA 2004 through age 21?

As part of the transition planning process, districts should inform parents of their young adult's right to retain FAPE through age 21. This information should be provided during the student's first transition IEP team meeting (i.e., on or before the student's 14th birthday), so that students and their families can make informed decisions about their long-term plans and should be readdressed at each transition IEP meeting thereafter. It is recommended that school districts provide information on the array of options the district offers for students through age 21. It is suggested that districts develop written materials describing the options available.

Funding

29. How are program options for students ages 18 through 21 funded?

Funding for providing education and related services to students ages 18 through 21 is available as follows:

- Students remain eligible under IDEA 2004, Part B; therefore, the district may use IDEA 2004, Part B, entitlement funds to support various program options and services.
- Under the Florida Education Finance Program (FEFP), any student who graduates with a credential other than a standard high school diploma or its equivalent and who chooses to continue to receive FAPE can continue to generate weighted full-time-equivalent funding (FTE) through the FEFP until the student receives a standard high school diploma or the student "ages out" (i.e., reaches age 22 or completes the school year in which he/she turns 22, depending on the district's policy). (BEES Memo 99-53, 6/15/99)

- Students enrolled in secondary career education courses may generate weighted FTE through the FEFP.
- Students dual-enrolled in a postsecondary career education program (reported under postsecondary and secondary course numbers) may be funded through workforce development funding sources and the FEFP.
- Students enrolled in the K-12 education program generate funding under the FEFP. Students enrolled in the adult education program earn funding through adult education program allocations.
- Carl Perkins Career and Technical Education (federal) funds may be used to support program options and provide services for students with disabilities who are enrolled in career education programs.

30. How can districts access IDEA 2004 funds for students with special diplomas who have not reached age 22 and who wish to continue their education?

IDEA 2004 funds for these students are included in a district's entitlement proposal because students ages 18-21 are still eligible for FAPE.

31. Can school districts combine workforce education and IDEA 2004 dollars to provide educational programs in off-campus training environments for students who are eligible for IDEA 2004 and students who have already dropped out?

Yes. With appropriate planning, collaboration, and documentation, both workforce education and IDEA 2004 funds can be used to share the program costs for a variety of career exploration, preparation, and placement programs, including supported employment.

32. Who pays for fees, books, and tools, etc. for students who are dual-enrolled?

If the student who is dual-enrolled continues to be served as a student with a disability under IDEA 2004 and if the items are necessary for the provision of FAPE, then the school district must pay for the student's fees, books, and tools.

33. Can fees be charged for students who choose to continue their education through age 21 (e.g., lab fees, uniforms, tools, books, tuition)?

No. If these items are necessary for the provision of FAPE, then the students are entitled to them at no cost.

34. If a student with a developmental disability is eligible for adult day training (ADT) and chooses not to re-enroll in high school after graduating with a special diploma, is the school district responsible for funding the ADT?

No. School districts are only responsible for providing services to students who are enrolled in K-12 programs. If a student (age 18 through 21) chooses not to re-enroll in the public school system (officially withdraws from school), then the school district is not responsible for providing funding for instruction or services.

Miscellaneous

35. What grade level should be used for students ages 18 through 21 opting to remain in school under IDEA 2004? How are they coded?

There are two data elements in the Florida Department of Education Automated Student Information System that address these students: Grade Promotion Status and Additional School Year Student. In order to capture data that accurately reflect the school experience of students who opt to continue receiving FAPE, districts should use the table found in appendix C for guidance in reporting appropriate codes for the elements Additional School Year Student; Grade Promotion Status; and Withdrawal Code, PK-12. Proper use of these codes will ensure that students opting to continue receiving FAPE will not be counted as retained or counted twice for earning a special diploma, certificate of completion, or special certificate of completion.

36. What courses should be used for students ages 18 through 21 opting to remain in school?

A variety of courses may be used for these students, depending on the individual student's goals and needs. Courses may include regular academic, regular career education, ESE/ career education (including Career Placement and Supported Competitive Employment), and Vocational Education for Students with Disabilities.

37. What withdrawal code should be used for students who have previously received a special diploma, certificate of completion, or special certificate of completion and have opted to return to receive FAPE and do not complete a higher level exit credential?

IDEA 2004 requires that LEAs provide FAPE to all students who have not reached the age of 22 and who have not earned a standard diploma. If a student with a disability graduates with a special diploma (W07, W27), certificate of completion (W08, W8A), or special certificate of completion (W09), the student may return to school until reaching 22 years of age or until earning a standard diploma, whichever comes first. If the student returns to school and then withdraws without achieving an educational outcome beyond the student's current status, then the student should be reported as withdrawn with a positive outcome (WPO). If the student reaches a higher outcome, use the appropriate exit code.

Note: Under Florida law, a non-disabled student who earns a certificate of completion may choose to return to school for up to one additional year for remediation. If this student withdraws from school without earning a standard diploma, then the student should be reported as WPO.

38. How is a school's dropout rate affected when students choose to continue their education through age 21?

If a student chooses to continue high school education after having received a special diploma, certificate of completion, or special certificate of completion and subsequently

withdraws from school without earning a standard diploma, a WPO withdrawal code is reported for the student. Students with a WPO withdrawal code are not counted as dropouts. Thus, the school's dropout rate is not negatively affected.

39. Are students counted during FTE week?

Yes. As long as the student is enrolled in a K-12 school, FAPE is being provided, and the student is younger than 22, the student is counted during FTE week. The student should also be included in the December 1 child count.

40. When does a student with a special diploma graduate? (e.g., What date goes on the diploma? When does the student "walk?" Must students participate in graduation with peers when they've met requirements for a special diploma and then come back if they choose? Do they have to wait until they age out? Do districts have flexibility in this decision/procedure?)

The district/school determines when the student has met the requirements for graduation and when the student will participate in graduation activities with peers.

41. Can a student who is still in the K-12 system take Adult Basic Education (ABE) or GED classes?

High school students cannot enroll in ABE or GED classes (except GED Exit Option or DJJ) unless they are co-enrolled to take regular high school credit courses through the Adult General Education system.

42. What is a school district's responsibility for providing food service to students?

The Child Nutrition Program regulations require participating school food authorities, institutions, and sponsors to offer to all participants/students breakfasts, lunches, suppers, supplements, and milk where applicable that meet meal patterns as identified in United States Department of Agriculture (USDA) Program regulations. (See appendix D for further information about the Child Nutrition Program including information about cost of meals and substitutions or modifications to the meal pattern to meet a student's individual needs.)

43. Who is eligible for the Child Nutrition Program?

A participant/student of high school grade or under who is enrolled in an education unit of high school grade or under is eligible. They are also required to be under 21 years of age.

44. Can meals be provided to students who participate in an educational program but are off campus?

School food service staff may provide bag lunches to eligible students to take when participating in off campus activities.

45. Are training agreements with off-campus sites for non-paid community-based vocational education (shadowing, assessment, training) considered contracts that would require employees of community businesses to participate in Level 2 background screening in accordance with the Jessica Lunsford Act?

No. Section 1012.465, Florida Statutes, now states (amendments underlined),

(1) Noninstructional school district employees or contractual personnel who are permitted access on school grounds when students are present, who have direct contact with students or who have access to or control of school funds must meet Level 2 screening requirements as described in s. 1012.32, F.S. Contractual personnel shall include any vendor, individual, or entity under contract with the school board.

The statute, as amended, applies to three categories of either noninstructional or contractual personnel, all of whom must meet Level 2 background screening requirements, including those who

1. are permitted access on school grounds when students are present
2. have direct contact with students, or
3. have access to or control of school funds.

Appendix A

Sample Program Options for Serving Students 18 through 21

Desired Post-School Outcome Statement	Scope of Program Options	Diploma Option Chosen	Delivery Options	Funding Sources	Possible Postsecondary Options Based on Attainment of Diploma Selected
Carlotta wants to attend community college to work toward a career as a paralegal in a law office. She would like to marry and have a family. She plans to continue her volunteer activities at the humane society.	regular and remedial courses to prepare for FCAT and other tests required for access to postsecondary education options; courses to prepare for desired career	standard (with or without FCAT waiver)	regular high school, career/technical center, community college	FEFP, IDEA 2004, workforce development funding sources, dual enrollment funds	work force, military service, postsecondary education institutions, such as career/technical centers, community colleges and universities
Jorge desires to pursue further training for a career in automotive technology. He would like to build his own home. Jorge plans to stay involved in community sports activities.	regular and remedial courses to prepare for FCAT and other tests required to access post-secondary education options; courses to prepare for desired career	certificate of completion - CPT eligible	regular high school, career/technical center, community college	FEFP, IDEA 2004, workforce development funding sources	work force, possible entry to military service (check with recruiter), postsecondary education institutions, such as career/technical centers, community colleges
Ginny desires to obtain her GED, obtain employment as a secretary with the local school district, and live on her own.	regular and remedial courses to prepare for GED and related courses for desired career	GED	adult general education center, secondary GED Exit Option Model Program	FEFP, IDEA 2004	work force, some military service, postsecondary education institutions, such as career/technical centers, community colleges
Mark desires to obtain employment in a hospital cafeteria, live in an apartment with a friend, and participate in recreational activities in the community.	job training (non-paid and/or paid) leading to supported competitive employment, daily living skills necessary for supported living, and community access and participation	Special Diploma (Option 1)	regular high school, center school, homebound instruction, juvenile justice facility, alternative education center	FEFP, IDEA 2004	selected work force opportunities, possible entry to military service (check with recruiter), or possible enrollment in a community college (in a certificate career education program), or a career/technical center (depending on the school and program)
Taneka desires to become a cabinet maker, own her own cabinet making shop, buy her own home, and travel with friends.	job training (non-paid and/or paid) leading to competitive or supported competitive employment, development of community competencies	Special Diploma (Option 2)	regular high school, business, community-based organization, university/college campus, mall	FEFP, IDEA 2004, grants, private industry, agency	selected work force opportunities, possible entry to military service (check with recruiter), or possible enrollment in a community college in a certificate career education program, or a career/technical center (depending on the school and program).
Lee desires to be included in community activities, have a full-time job with a sports team, continue to work out at the gym, and live in his own apartment with a roommate.	job training (non-paid and/or paid) leading to competitive or supported competitive employment, development of community competencies	continuing to receive specially designed instruction and related services without working toward a specific diploma option	regular high school, business, community-based organization, university/college campus, mall	FEFP, IDEA 2004, agency, grants, colleges	selected work force opportunities, possible entry to military service (check with recruiter), or possible enrollment in a community college in a certificate career education program, or a career/technical center (depending on the school and program)

*Note: in many situations, a student will be able to select from a variety of options to reach his or her desired post-school outcomes.

Appendix B

Adult General Education

The following background information is provided to clarify adult education requirements. For further information, see the following websites

- Adult Education, http://www.firn.edu/doe/workforce/adult_ed.htm
- General Education Development (GED) Tests
<http://www.firn.edu/doe/workforce/gedover.htm> or www.aceofflorida.org/ged.

Definitions

Section 1004.02(6) of the Florida Statutes (F.S.) defines “adult student” as a student who is beyond the compulsory school age (16 years of age or older) and who has legally left elementary or secondary school or a high school student who is taking an adult course required for high school graduation.

Rule 6A-6.014 (2) of the Florida Administrative Code (FAC), entitled, “General Requirements for Adult General Education Program,” states that

[e]nrollment shall be limited to individuals who have legally left the elementary or secondary school as specified in Section 232.01(1)(c), Florida Statutes; provided, however, that the school may temporarily assign individuals of compulsory school age to one (1) or more classes offered in the adult general education program where such students exhibit an educational need which can more effectively be served by the adult general education program when such courses are required for high school graduation.

The term “co-enrolled” is widely accepted throughout Florida (*Technical Assistance Paper for Adult High School Instruction Program*, Florida Department of Education) to refer to a student who

- is currently enrolled in a secondary school (grade 9-12)
- has not earned a standard diploma or its equivalent
- is receiving secondary instruction through the adult general education program, General Education Promotion (#9900010)
- is receiving credit toward high school graduation for such instruction.

Two diploma options are available through adult education.

- standard high school diploma (pass courses and Florida Comprehensive Assessment Test (FCAT))
- State of Florida high school diploma (successfully pass official GED Tests).

General Educational Development (GED) Tests

The GED Tests provide adults with an opportunity to earn a high school diploma that will enable them to obtain jobs or advance in their careers, enroll in higher education or technical training, or fulfill a lifelong goal. The GED Tests are developed by the American Council on Education (ACE) to enable individuals who have not graduated from high school to demonstrate the attainment of academic skills that are normally acquired through the completion of a high school

program of study. The GED tests measure competency in five subject areas: (1) language arts – reading; (2) language arts – writing; (3) mathematics; (4) science; and (5) social studies.

The GED tests may be given to residents of Florida with identification at registration and examination that provides the legal name, date of birth, address, signature, and a photograph of the examinee, such as a Florida driver's license, Florida identification card, social security card, passport, taxpayer identification card, military, or other form of official governmental identification (local, state, national, or foreign).

Adults with special needs may apply for special accommodations for the GED tests. Documentation of the disabling condition must be submitted with the required forms. All special accommodations requests must be submitted to the Florida GED Chief Examiner. Special accommodations may include extended testing time, use of an audiocassette, assistance from a scribe, use of a talking calculator, testing in a private room, and/or supervised breaks. Special editions of the tests are also available in audiocassette, Braille, and large print formats.

GED examinees who pass the official GED tests will receive a State of Florida high school diploma. In addition, each examinee receives a transcript of his/her scores.

GED Exit Option Model

The GED Exit Option Model is a strategy developed in collaboration with ACE. This strategy permits currently enrolled high school students to take the GED tests and helps students who may be at risk of not graduating with their class to gain a standard high school diploma through an alternate graduation route. Students utilizing the GED Exit Option Model must meet all of the following criteria:

- be at least 16 years old and currently enrolled in a K-12 program
- be enrolled in courses that meet high school graduation requirements
- be overage for grade, behind in credits, have a low grade point average (GPA), and be in jeopardy of not graduating with their cohort group (The cohort group is defined as the class with whom they entered kindergarten.)
- have a minimum reading level at seventh grade.

Students who enter the program must pass the FCAT and then pass the GED Tests in order to receive a standard high school diploma.

School districts must apply to the Florida Department of Education (DOE) and be approved on an annual basis to implement the GED Exit Option Model for all schools utilizing this strategy. The application must address the guidelines developed by ACE to ensure the integrity of this exit model. Each year the Office of Title I Programs and Academic Intervention Services reviews applications submitted by each district that wishes to utilize this strategy. Through this process, the DOE is able to gather data required by ACE and comply with the required assurances developed by ACE. The Department is also required to collect and report student outcome data regarding this strategy. This data is provided in the Annual Supplemental Academic Instruction Report.

Appendix C

Use of Additional School Year, Grade Promotion Status and Withdrawal Codes For Students Remaining in School Beyond Initial Year of Completion Students with Disabilities

Outcome	Initial Year of Completion			Additional Year One (Not Last Year of Attendance)			Additional Years Two and Higher (Not Last Year of Attendance)			Last Year of Attendance		
	Additional School Year	Grade Promotion Status	Withdrawal Code	Additional School Year	Grade Promotion Status	Withdrawal Code	Additional School Year	Grade Promotion Status	Withdrawal Code	Additional School Year**	Grade Promotion Status	Withdrawal Code
Standard Diploma (W06, W6A, W6B, W10, WGD, WFW, WFT, WFA, or WFB)	Z	P	W06, W6A, W6B, W10, WGD, WFW, WFT, WFA, or WFB									
Special Diploma (W07 or W27)	Z	P	W07 or W27	S or F	D	W01	F	D	W01	S or F	P	W06, W6A, W6B, W08, W8A, W10, WGD, WFW, WTW, WFA, WFB, or WPO***
Certificate Of Completion (W08 or W8A)	Z	P	W08 or W8A	S or F	D	W01	F	D	W01	S or F	P	W06, W6A, W6B, W07, W10, W27, WGD, WFW, WFT, WFA, WFB, or WPO***
Spec. Cert. Of Completion (W09)	Z	P	W09	S or F	D	W01	F	D	W01	S or F	P	W06, W6A, W6B, W07, W08, W8A, W10, W27, WGD, WFW, WFT, WFA, WFB, or WPO***
Student who has met completion requirements for W07, W08, W6A, W09, or W27 but opts not to accept completion (W01) Student who has been retained (W01)*	Z	P	W01	S or F	D	W01	F	D	W01	S or F	P	W06, W6A, W6B, W07, W08, W8A, W09, W10, W27, WGD, WFB, WFT, WFA, or WFB.

In all of above cases, use Grade 12 for reporting and FTE.

*Students who have not met completion requirements are retained. Their year of completion is marked by a W06, W6A, W6B, W07, W08, W8A, W09, W10, W27, WGD, WFW, WFT, WFA, or WFB. If none of these withdrawal code requirements are met, a W23 is assigned at the end of the school year in which the student turns 22, or the student's last year of attendance.

***S is valid only if this is the student's first additional school year.

**WPO - Any disabled student who is withdrawn from school in a year subsequent to receiving a W07, W08, W8A, W09, or W27.

The information provided in the chart may be found at the following DOE websites:

- withdrawal appendix
http://www.firn.edu/doe/eias/dataweb/database_0506/student_0506/appenda.pdf
- data elements
 - o grade level
http://www.firn.edu/doe/eias/dataweb/database_0506/student_0506/st99_1.pdf
 - o additional school year student
http://www.firn.edu/doe/eias/dataweb/database_0506/student_0506/st1_25.pdf
 - o grade promotion status
http://www.firn.edu/doe/eias/dataweb/database_0506/student_0506/st104_1.pdf

Appendix D

The Child Nutrition Program and Students with Special Dietary Needs

Child Nutrition Program regulations require participating school food authorities, institutions, and sponsors to offer to all participants/students breakfasts, lunches, suppers, supplements, and milk, where applicable, that meet meal patterns as identified in United States Department of Agriculture (USDA) Program regulations. School food authorities receive a reimbursement for all meals that meet the USDA standards. These funds flow from the USDA through the Florida Department of Education to the School District Food Service Program.

Any participants who have a disability under Code of Federal Regulations, 7 CFR Part 15b, and whose disability restricts their diet are eligible for substitutions to the meal pattern. Program meals are to be offered to students wherever general populations are served by the programs. The Individuals with Disabilities Education Act (IDEA) imposes requirements that may include the service of meals even when such service is not required by the Child Nutrition Program. The individual educational plan (IEP) developed for a child under the IDEA 2004 may require meals to be served outside of regular meal schedules or where programs are not offered. For more guidance please refer to the United States Department of Agriculture's "Accommodating Children with Special Dietary Needs in the School Nutrition Programs: Guidance for School Food Service Staff."

Who is eligible?

A participant/student of high school grade or under who is enrolled in an education unit of high school grade or under is eligible. They are also required to be under 21 years of age.

What is needed for a student to receive substitutions or modifications to the meal pattern?

A physician's medical statement of the participant's disability must be based on regulatory criteria as defined in 7 CFR Part 15b.3(i) and contain a finding that the disability restricts the participant's diet. The medical statement shall identify

- the participant's disability and an explanation of why the disability restricts the participant's diet
- the major life activity affected by the disability
- the food or foods to be omitted from the participant's diet and the food or choice of foods that must be substituted.

What is the cost of the meal? Is there a charge for these substitutions?

There will be no charge for substituted foods made to a participant with a disability or a participant with other special dietary needs. The cost of the meal will be based on the income eligibility of the participant/student and meal prices in the district. All students may apply for free or reduced price meal status. If they do not meet the income eligibility guideline requirements, they will pay the same cost as other paying students.

Can meals be provided to students who participate in an educational program but are off campus?

School food service staff may provide bag lunches to eligible students to take when participating in off campus activities.

Can participants receive á la cart items as part of their meal?

Á la carte items are not part of a reimbursable meal and must be purchased separately.

Who do I contact with questions?

Call your local school food service director, supervisor or coordinator. You may also contact the Florida Department of Education, Food and Nutrition Department at 1-800-504-6009.

References

Florida Department of Education (2005). *Program Options for Students with Disabilities: Career Education and Adult General Education*. Tallahassee, FL: Florida Department of Education.

Florida Department of Education (2005). *BEESS Memorandum 2005-35. Transfer of Rights – Age of Majority*. Tallahassee, FL: Florida Department of Education.

Florida Department of Education (2003). *Technical Assistance Paper for Adult High School Instruction Program*. Tallahassee, FL: Florida Department of Education.

NICHCY (2000). *Transition*. Chicago, IL: National Information Clearinghouse for Children and Youth with Disabilities.

United States Department of Agriculture Food and Nutrition Service (2001). *Accommodating Children with Special Dietary Needs in the School Nutrition Programs: Guidance for School Food Service Staff*. Washington, D.C.: United States Department of Agriculture.

Web sites

- Florida Department of Education, Bureau of Exceptional Education and Student Services
<http://www.myfloridaeducation.com/commhome/>
- Florida Department of Education, Division of Community Colleges and Workforce Education (Adult Education)
http://www.firn.edu/doe/workforce/adult_ed.htm
- Florida Department of Education, Food and Nutrition Management, Health and Nutrition
<http://www.fldoe.org/nutrition>
- State of Florida official GED Web site
<http://www.aceofflorida.org/ged>
- IDEA 2004 Practices
<http://www.ideapractices.org>
- National Dissemination Center for Children with Disabilities
<http://www.nichcy.org>
- Transition Coalition
<http://www.transitioncoalition.org>

This link provides

- o transition publications, including a manual with suggestions for developing community-based transition programs entitled, *The Community Transition Program: Experiences Starting a Community-Based Program for Students Aged 18 through 21*
- o a database entitled, *18 through 21 Programs*. It enables one to search based on state, population, community location, funding source, etc.