

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

(1) No change.

(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 – alternate academic achievement standards.

(b) Access points are modifications as defined in Rule 6A-6.03411, F.A.C., and the alternate academic achievement standards for Florida. Access points are built to target the salient content of Florida’s Standards. Access points are intended for students with the most significant cognitive disabilities, as defined in Rule 6A-1.0943, F.A.C., and are designed to contribute to a fully aligned system of content, instruction and assessment, allowing fluid movement as students grow in the competency. ~~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.~~

(c) (b) Statewide, standardized alternate assessment Florida Standards Alternate Assessment. In accordance with Section 1008.22(3)(d)(e), F.S., an alternate assessment is a statewide, standardized assessment designed for students with the most significant cognitive disabilities that meet the inclusionary and exclusionary criteria in Rule 6A-1.0943, F.A.C. in order to measure performance on the access points.

(d) (e) Employment transition plan. A plan that meets the requirements found in Section 1003.4282(9)(10)(b)2.d., F.S. This plan is separate and apart from the IEP.

(e) (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, 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. Modifications 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.

(f) “General Education Curriculum Standards” means the standards incorporated in Rule 6A-1.09401, F.A.C.

(g) “Modifications” shall have the same meaning as defined in paragraph 6A-6.03411(1)(z), F.A.C.

(3) Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the statewide, standardized alternate assessment ~~Florida Alternate Assessment~~ is the most appropriate measure of the student’s skills, in accordance with subsection 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 education curriculum. Students must meet the graduation requirements specified in Section 1003.4282(1)-(8) or 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 aligned with the general education curriculum standards. ~~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~~) (e) 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 statewide, standardized alternate assessment ~~Florida Standards Alternate Assessments~~ in Access English Language Arts (ELA) I, Access ELA II, Access Algebra I, Access Geometry, Access Biology I and Access United States History ~~reading, mathematics, and science is required until replaced by Florida Standards 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 three (3) on the statewide, standardized alternate assessment in Access ELA I, Access ELA II, Access Algebra I, Access Geometry, Access Biology I and Access United States History must be attained ~~A score of at least four (4) on the Florida Standards 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)(d) (e), F.S. For a A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to Section 1008.22(3)(d) (e), F.S., consent must be provided 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) No change.

(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)-(8) or 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) No change.

(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(9) ~~(10)~~ (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(9) ~~(10)~~ (b)2.d.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)(d) ~~(e)~~, 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(9) ~~(10)~~(c), F.S.

(a) The decision to accept or defer the standard high school diploma must be made prior to the beginning of ~~during~~ the school year in which the student is expected to meet all requirements for a standard high school diploma. A signed statement by the parent, guardian or student, if the student has reached the age of majority and rights have transferred to the student in accordance with subsection 6A-6.03311(8), F.A.C., that he or she understands the process for deferment and identifies if the student will defer the receipt of his or her standard high school diploma, must be included in the IEP. ~~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 subsection 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 discussion must be included in the IEP ~~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 subsection 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, 1003.5716, 1008.22 FS. History—New 12-23-14, Amended 7-14-21.