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## **Technical Assistance Paper**

### **High School Graduation Options for Students With Disabilities**

**Summary:**

This technical assistance paper describes the high school graduation option for students with disabilities following the adoption of Rule 6A-1.00963, Florida Administrative Code, High School Graduation Requirements for Students with Disabilities.

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**A. High School Diploma Options for Students With Disabilities**

**A-1. What high school graduation options are available to students with disabilities to earn a standard high school diploma?**

Students with disabilities can earn a standard high school diploma using any high school graduation option that is available to all students, including those described in sections 1003.4282(1)-(9) and 1002.3105(5), Florida Statutes (F.S.). The majority of students with disabilities will earn their diploma in this way. Two additional high school graduation options, available only to students with disabilities, are provided in s. 1003.4282(11), F.S., and further described in Rule 6A-1.09963(3) and (4), Florida Administrative Code (F.A.C.).

**A-2. Who decides which high school graduation option a student will follow to earn a standard diploma?**

The individual educational plan (IEP) team, which includes the parent and the student, determines which high school graduation option is the most appropriate, using the postsecondary education and career goals of the student to guide the decision. Students who work toward a standard diploma via access courses must have written parental consent on record to be provided instruction in the state standards access points curriculum, as required by Rule 6A-6.0331, F.A.C. The diploma decision may be re-visited at any time, and students may move between options. A student may be awarded a standard diploma if they meet the requirements of any high school graduation option, as outlined in s. 1002.3105(5), F.S., should they choose to do so.

**A-3. Must all students with disabilities work toward either a Scholar or Merit designation?**

No. The requirements for Scholar and Merit designations, as described in s. 1003.4285, F.S., must be discussed with the parent of all students with disabilities. If the parent, or the student if over 18 years of age and rights have transferred, chooses to work toward one of the designations, this must be noted on the IEP, and the IEP must reflect a high school graduation option that will allow the student the opportunity to earn the chosen designation.

**A-4. What is required to earn a Scholar or a Merit designation?**

In order to earn a Scholar or a Merit designation, a student, with or without disabilities, must meet the requirements listed in s. 1003.4285, F.S.

**A-5. Can a student who received a special diploma in the past, or who left school without a diploma, return to school and work toward a standard diploma as described in Rule 6A-1.09963, Florida Administrative Code (F.A.C.)?**

Yes. S. 1003.571, F.S., establishes an entitlement to a free appropriate public education (FAPE) for students with disabilities, in compliance with the federal Individuals with Disabilities Education Act (IDEA). Rule 6A-6.03028, F.A.C. requires that FAPE be available to students under the age of 22 who have an IEP and who have not earned a standard diploma. Students who graduated with a special diploma or who otherwise left the public school system without earning a standard high school diploma may return to public school.

**A-6. Can a student who began 9th grade before 2014-15 who is pursuing a special diploma change to a standard diploma?**

Yes, if the IEP team, which includes the parent and the student, determines that is the best option for the student and it is aligned with their postsecondary goals. However, because these students did not begin to pursue a standard diploma in 9th grade, they may need additional time to complete all of the required coursework.

**A-7. Can a student with an IEP who began 9th grade before 2014-15 who is pursuing a standard diploma via the high school graduation option described in s. 1003.4282(1)-(9), F.S., now pursue a standard diploma via the high school graduation option described in Rule 6A-1.09963(4), F.A.C., which requires both academic and employment competencies?**

Yes, if the IEP team determines that is the best option for the student and it is aligned with their postsecondary goals. Students are free to move between the high school graduation options.

**A-8. Should districts stop offering the special diploma beginning with the 2014-15 school year?**

No. Students who entered the 9th grade before the 2014-15 school year and whose IEP noted that they were working toward a special diploma on the day the bill was signed into law (June 20, 2014) may receive a special diploma, as provided by s. 1003.438, F.S.

**A-9. If a student who entered 9th grade prior to the 2014-15 school year is pursuing a special diploma using Option 1, may he or she switch to the Option 2 special diploma?**

Yes, if that option is offered by the school district and the IEP team determines that it best meets the student's postsecondary goals.

## **B. Courses and Assessments**

### **B-1. What core courses are appropriate for students entering 9th grade for the first time in 2014-15?**

Students entering 9th grade for the first time in 2014-15 must be enrolled in general education core courses unless the IEP team has determined that the student has a significant cognitive disability and that access points are the most appropriate way for the student to access the curriculum. Students receiving instruction in access points and taking the alternate assessment should be enrolled in access courses.

Access courses are based on access points, 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, F.A.C. Students taking access courses must have written parental consent on record to be provided instruction in the state standards access points curriculum, as required by Rule 6A-6.0331, F.A.C. Access courses are setting neutral. A student may be enrolled in an access course but receive instruction in a general education class.

### **B-2. Can students who were enrolled in general education courses in middle school be enrolled in access courses in high school?**

Yes, but only if their IEP team has determined, based on data, that the student has a significant cognitive disability and, therefore, access courses are the most appropriate way for the student to access the curriculum. Students taking access courses must have written parental consent on record to be provided instruction in the state standards access points curriculum, as required by Rule 6A-6.0331(10), F.A.C. Appropriate data include, but are not limited to, intelligence quotient scores, psychological assessments, achievement test results, previous state-wide and district-wide test scores, aptitude tests, observations, medical records, mental health assessments, adaptive behavior assessments, language assessments, school history and student response to instruction or intervention. The focal point for discussion should be the impact of the student's cognitive disability; to qualify as a student with a "significant cognitive disability," that impact should affect all aspects of the student's academic, independent functioning, community living, leisure and vocational activities.

### **B-3. Can districts continue to enroll students in fundamental courses?**

Only students who began 9th grade prior to 2014-15 and who are working toward a special diploma may enroll in fundamental courses. Fundamental courses are academic skill-building courses that support a student's participation in general education classes by allowing them more time to build the necessary skills for success. These courses may not replace core academic courses required for a standard diploma in grades 9-12.

**B-4. Which career and technical education (CTE) courses can substitute for specific access content area courses?**

Students with disabilities who are following the high school graduation option outlined in s. 1003.4282(11)(b)1., F.S., may substitute an eligible secondary CTE course for English IV; for one math, with the exception of algebra or geometry; for one science, with the exception of biology; and for one social studies, with the exception of U.S. history. Any CTE course that has content related to the course for which it is substituting may be used. Information on CTE courses is available at <http://www.fldoe.org/academics/career-adult-edu/career-tech-edu>. There are also exceptional student education (ESE) CTE courses with related content that can substitute for these courses. These substitutions are permitted by Rule 6A-1.09963(3)(a), F.A.C.

**B-5. How is it determined if a career technical course has “content related” to a course in the core subject area for which it is substituting?**

Districts may use course standards to determine suitable substitutions. Many CTE curriculum frameworks, available at <http://www.fldoe.org/academics/career-adult-edu/career-tech-edu>, contain academic alignment tables, noting the percentage of standards CTE courses have in common with science, mathematics and English/language arts courses. The Course Code Directory (CCD) & Instructional Assignments, available at <http://www.fldoe.org/policy/articulation/ccd/>, and CPALMS, available at <http://www.cpalms.org/>, may also be useful resources in making this determination. Districts should submit their list of recommended courses to the department for approval.

**B-6. In what course(s) should a student who is earning course credit through employment enroll?**

Students may enroll in any employment-based course, including 7980130 Career Placement. Consult the most recent CCD for a list of appropriate courses.

**B-7. Must students with disabilities earn credit via an online course in order to meet graduation requirements?**

Section 1003.4282(4), F.S., requires that at least one course within the 24 credits required be completed through online learning. However, it also states that this requirement does not apply to a student for whom the IEP team has determined that an online course would be inappropriate. Because many students with disabilities will be accessing online instruction in a postsecondary or employment setting, it is critical that efforts be made to support the participation of students in an online course. IEP teams should consider what supports, services, accessible instructional materials (AIMs), assistive technologies and accommodations the student will need to be able to participate and progress in an online learning environment and also consider whether the student will need time to become proficient in using these tools.

If the IEP team decides that a student does not have sufficient time to become proficient in these tools to participate and progress in an online course during the next school year, the IEP team should include goals, supports, services and AIMs in the IEP to assist the student to become proficient in the use of the technologies for future participation. The IEP team should reconsider the student's ability to participate in an online course during the next IEP review.

To support all students in the use of an online learning environment, teachers should start to blend distance-learning tools and services into their regular class routine to help students develop appropriate skills. Teachers should consider using phone or video conferencing, online tutoring, digital instructional materials, online course materials, submission of assignments online, wikis, blogs and other collaboration tools, online feedback and reporting to students and parents, mobile learning devices and social media.

### **C. Parental Approval and Independent Reviewers**

#### **C-1. What IEP team decisions require parental approval and are subject to verification of appropriateness by an independent reviewer?**

There are multiple decisions that require parental approval. Section 1003.5716, F.S., requires parental approval, or student approval, if the student has reached the age of 18 and rights have transferred, on any change to IEP goals regarding long-term postsecondary and career goals. Beginning with students who entered grade 9 in 2014-15, s. 1003.4282(11), F.S., requires parental approval on any change to the high school graduation option specified in the student's IEP and the waiver of state-wide standardized assessment results. Such decisions are subject to verification for appropriateness by an independent reviewer, as provided in s. 1003.572, F.S.

Students who work toward a standard diploma via access courses must have written parental consent on record to be provided instruction in the state standards access points curriculum, as required by Rule 6A-6.0331, F.A.C.

#### **C-2. How is parental approval documented?**

Parental approval of an IEP team decision can be documented in the IEP notes. There have been changes made to the Portal to Exceptional Education Resources (PEER) system, Florida's state-wide Web application used to create and manage IEPs and other related documents for students with disabilities, to allow parental approval to be documented in PEER. It is recommended that districts that do not use PEER make similar adjustments to their electronic IEP systems. Districts may also create a form to serve this purpose.

#### **C-3. If a parent does not attend an IEP meeting, how does the district get approval for changing the choice of high school graduation option, postsecondary goals or a waiver of assessment results?**

When a parent does not attend an IEP meeting and decisions or changes are made to the IEP that require parental approval, the IEP, a copy of the requirements under s. 1003.4282(11)(b)3., F.S., and a district contact name, phone number and email address must be provided to the parent or the adult student and they must be asked to notify the district if approval is not granted.

**C-4. What happens if a parent does not approve an IEP team decision related to the items listed in C-1?**

The IEP team should carefully consider the parent's concern(s) regarding the decision that the parent does not approve and take the steps necessary to gain consensus. If consensus cannot be reached, the parent may choose to seek the opinion of an independent reviewer. The decision of the IEP team prevails until the results of the independent review are available. Once the findings are provided, the IEP team must consider them. If the parent and the IEP team still cannot come to an agreement, the parent can exercise their procedural safeguards and request a due process hearing.

The above statement does not apply to moving a student from the general curriculum to access points. That change requires parental consent, per Rule 6A-6.0331, F.A.C. If the district cannot obtain consent, they may request a due process hearing.

**C-5. Who can verify the appropriateness of an IEP team decision, as related to the items listed in C-1?**

The list of professionals who can verify the appropriateness of an IEP team decision is provided in s.1003.572, F.S. These include individuals certified under s. 393.17, F.S., or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098, F.S., speech-language pathologists licensed under s. 468.1185, F.S., occupational or physical therapists licensed under chapter 468, psychologists licensed under chapter 490 or clinical social workers licensed under chapter 491. The parent may choose an appropriate individual who meets the required credentials.

**C-6. Who pays for the independent review, and what is an appropriate timeframe?**

The law is silent on who pays for the independent review and the timeframe in which the review must be completed.

**D. Employment and Goal Achievement**

**D-1. Who is responsible for finding employment for students who chose the high school graduation option that requires paid employment?**

The law is silent on this. It is expected that the school district, student, family and appropriate community agencies, including Vocational Rehabilitation, will work together to locate suitable employment. The district can support the student in their efforts to find

employment through courses such as 7980110 Career Preparation, 7980120 Career Experiences or other appropriate employment-related courses in the CCD. Additionally, some students may already be employed in the community and such employment may be appropriate for consideration.

**D-2. If a student in the high school graduation option that requires paid employment does not secure such employment, or loses their job before goals are achieved, can they graduate with a standard diploma?**

Yes, if other suitable employment is found or if the student meets the graduation requirements under another high school graduation option. Only s.1003.4282(11)(b)2.c., F.S., requires that students be employed at or above a minimum wage, in compliance with the federal Fair Labor Standards Act, for the number of hours per week noted in their employment transition plan and for the equivalent of at least one semester in order to meet graduation requirements. In the event that paid employment is not secured, or is lost before the student meets their goals and another employment site cannot be found, the requirements of all other high school graduation options should be reviewed to determine whether the student has already met, or can meet through additional coursework, the graduation criteria of a different high school graduation option.

**D-3. May a student earning their standard diploma via access courses earn credit through employment?**

Yes. If the parent of a student taking access courses wants the student to gain work experience in order to meet their postsecondary goals, the series of ESE career technical education courses, including 7980110 Career Preparation, 7980120 Career Experiences, and 7980130 Career Placement or 7980150 Supported Competitive Employment, or other employment-based courses listed in the CCD, may be used. These courses can be repeated as often as required for the student to attain the skills they need to be successful in future employment. These courses can be taken as electives or as CTE course substitutions, if appropriate.

**E. Deferral of the High School Diploma**

**E-1. Who can defer receipt of their standard diploma?**

Only a student whose IEP requires special education, transition planning, transition services or related services through the age of 21 may defer receipt of their standard diploma. In addition, once a student defers, they must be enrolled in accelerated college credit instruction, industry certification courses that lead to college credit, a collegiate high school program, courses necessary to satisfy the Scholar designation requirements or a structured work-study, internship or pre-apprenticeship program in order to continue to receive FAPE (s. 1003.4282(11)(c), F.S.).

Transition services are defined by section 300.43 of Title 34, Code of Federal Regulations (CFR). They are a coordinated set of activities for a child with a disability that is:

- Designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living or community participation
- Based on the individual child's needs, taking into account the child's strengths, preferences and interests, and includes:
  - Instruction
  - Related services
  - Community experiences
  - The development of employment and other post-school adult living objectives
  - Acquisition of daily living skills and provision of a functional vocational evaluation (if appropriate)

Section 300.43 of Title 34, CFR, also states, "Transition services for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education."

Related services are defined in paragraph (26) of Section 1401 of Title 20 of the United States Code and means transportation and such developmental, corrective and other supportive services (including speech-language pathology and audiology services; interpreting services; psychological services; physical and occupational therapy; recreation, including therapeutic recreation; social work services; school nurse services designed to enable a child with a disability to receive FAPE as described in the IEP; counseling services, including rehabilitation counseling; orientation and mobility services; and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes early identification and assessment of disabling conditions in children. This definition is also found in Rule 6A-6.03011, F.A.C.

Accelerated college credit programs, as described in s. 1007.27(1), F.S., include dual enrollment and early admission, advanced placement, credit by examination, the International Baccalaureate program and the Advanced International Certificate of Education program.

Collegiate high school programs are required by s. 1007.273, F.S., to provide, at a minimum, an option for public school students in grade 11 or grade 12 participating in the program for at least one full school year to earn Career and Professional Education industry certifications and complete 30 credit hours through dual enrollment toward the first year of college for an associate or baccalaureate degree.

A structured work-study program is any program that is designed to prepare the student for employment. Programs would normally include instruction in basic employment competencies, social skills and job search skills, and provide one or more work experiences, which may include supported employment.

Pre-apprenticeship programs provide an avenue for both adults and youth who are at least 16 years old to become qualified to enter registered apprenticeship programs. They are sponsored and operated by registered apprenticeship programs in the same trade or trades. Additional information regarding pre-apprenticeship programs is available at <http://www.fldoe.org/workforce/apprenticeship/preapprenticeship.asp>.

**E-2. What actions must school districts take with regard to deferral of the standard high school diploma?**

Rule 6A-1.9963(6), F.A.C., specifies the district's obligations, which include the following:

- Review the benefits of deferring with the parent and the student, including continuation of educational and related services
- Describe to the parent and the student, in writing, all of the services and programs available to students who defer
- Note the deferral decision on the IEP
- Provide a document that notes the decision for the parent, or the student if over 18 and rights have transferred, to sign that is separate from the IEP
- Inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet all graduation requirements that failure to defer releases the school district of the obligation to provide FAPE, that the deadline for acceptance or deferral is May 15 and that failure to attend the graduation ceremony does NOT constitute deferral
- Ensure that the names of the students who are deferring are submitted to appropriate staff for entry into the district's management information system

**E-3. When does a student defer?**

Students must make their decision to defer receipt of their standard diploma by May 15 in the school year in which they are expected to meet all of the requirements for graduation. The decision must be noted on the IEP and also kept on file in writing. The district may choose to create a form for this purpose. (Rule 6A-109963(6)(a)2., F.A.C.)

**E-4. Who decides if a student will defer receipt of their high school diploma?**

The parent, or the student if over the age of 18 and rights have transferred, in consultation with the rest of the IEP team, makes the deferral decision.

**E-5. May a student who decided to accept their diploma change their mind before graduation day and defer acceptance?**

Yes, if this change is made before May 15 of the year in which they met graduation requirements.

**E-6. May a student accept their diploma and change their mind later?**

No. The decision to defer must be made before May 15 of the year in which the student will meet all requirements. If a student does not defer their diploma, the district is released of the obligation to provide FAPE. (Rule 6A-1.09963(6)(a)2., F.A.C.)

**E-7. Does a student need to defer every year?**

No, students do not need to defer every year. The deferral applies until the student is no longer age eligible for FAPE or elects to accept the standard diploma, whichever comes first.

**E-8. May a student choose to end their deferral period and request their diploma at any time after they defer and before they age out?**

Yes. Although it is expected that most students who defer receipt of their high school diploma will receive their diploma after they complete the program or programs for which they deferred, students can request their diploma whenever they choose. This decision must be based on the understanding that the district is released of the obligation to provide FAPE once the student receives the standard diploma.

**E-9. Does a student who receives a certificate of completion need to defer receipt of the certificate in order to continue to receive FAPE?**

No. A student with a disability who receives a certificate of completion and has an IEP that requires special education, transition planning, transition services or related services through the age of 21 may continue to receive the specified instruction and services. (s. 1003.4282(11)(d),F.S.)

**E-10. May students who defer receipt of their standard high school diploma participate in graduation activities and “walk” during the graduation ceremony?**

This is a district decision.

**F. Postsecondary Options for Students Graduating With a Standard Diploma Using a High School Graduation Option Described in Rule 6A-1.09963(3) and (4), F.A.C.**

**F-1. What options are available for a student who earned a standard diploma via the high school graduation options described in Rule 6A-1.09963(3) and (4), F.A.C., with regard to attending a state college or university?**

Section 1007.263, F.S., establishes the minimum standard for admission to an associate degree at a state college as a standard high school diploma or its equivalent. There is no minimum standard for admission to most career and technical certificate programs, but there are some regulated certificate programs with minimum entry standards.

Admission into Florida's public universities is competitive. Institutions consider the courses a student has completed, grades received and scores on admission tests, such as the SAT or ACT. Courses that are "college prep" are listed in the Florida Counseling for Future Education Handbook, available at <https://www.flvc.org/documents/96858/97588/Florida+Counseling+for+Future+Education+Handbook.pdf/34b5014e-0bbe-48a4-bdaa-b702a7201a8f>.

Once admitted to a public postsecondary institution, students with disabilities are expected to meet the same academic standards as their nondisabled peers, although certain accommodations are available. Postsecondary students are also expected to be independent adults. In order to receive accommodations, students with disabilities must register with the disability services office at the institution, provide that office with documentation of their disability and self-advocate for the accommodations they need.

In high school, public school students with disabilities who have an IEP have rights and protections described in the Individuals with Disabilities Education Act (IDEA), including accommodations and services that are designed to help the student succeed. Postsecondary students with disabilities have rights and protections through the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. These laws prohibit discrimination and provide for access of people with disabilities to all programs. ADA and Section 504 differ from IDEA.

**F-2. Are there any special programs for students with intellectual disabilities at the postsecondary level?**

Yes. Several universities and state colleges have Transition and Postsecondary Programs for Students with Intellectual Disabilities (TPSID) programs. TPSID programs are designed to support students with intellectual disabilities who seek to continue academic, career and technical, and independent living instruction at an institution of higher education. The programs include academic advisement and curriculum structure and prepare students for employment. Additional information is available at the website of the Florida Consortium on Postsecondary Education and Intellectual Disabilities, at <http://www.fltpsid.info/>.