

**Technical Assistance Paper****312606****Waiver of the Florida Comprehensive Assessment Test (FCAT)  
Graduation Requirement for Students with Disabilities****Purpose**

The purpose of this technical assistance paper is to assist educators in the consistent implementation of the Enhanced New Needed Opportunity for Better Life and Education for Students with Disabilities (ENNOBLES) Act (HB 1739) and to ensure that appropriate consideration is provided for all students with disabilities who may be eligible for a waiver on one or both sections of the Florida Comprehensive Assessment Test (FCAT).

**Background**

The 2003 Legislature passed the Enhanced New Needed Opportunity for Better Life and Education for Students with Disabilities (ENNOBLES) Act (HB 1739). This law requires that school districts provide instruction to prepare students with disabilities to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade progression and high school graduation. Based on this law, individual educational plan (IEP) teams may waive the required passing score for one or both sections of the FCAT under specific circumstances for eligible students with disabilities for the purpose of receiving a standard high school diploma.

As defined in section 1007.02(2), Florida Statutes (F.S.), students with disabilities include students with

- mental retardation
- hearing impairment, including deafness
- visual impairment, including blindness
- speech or language impairment
- serious emotional disturbance, including an emotional handicap
- orthopedic impairment, including other health or physical impairment
- autism
- traumatic brain injury
- specific learning disability, including but not limited to dyslexia, dyscalculia, or developmental aphasia.

The FCAT with allowable accommodations provides an accurate measure of the abilities of students with 504 plans and most students with IEPs. The FCAT waiver process is meant for eligible students with disabilities who have mastered the Grade 10 Sunshine State Standards and for whom the FCAT, even with allowable accommodations, is not an accurate assessment of their abilities.

In order for the FCAT graduation requirement to be waived, the IEP team must meet during the student's senior year to determine whether or not the FCAT can accurately measure the student's abilities, taking into consideration allowable accommodations. "Senior year" refers to the first time that a student has enough credits to be classified as a senior and those students with disabilities who have elected to remain enrolled in order to seek a standard diploma. In accordance with the Individuals with Disabilities Education Act (IDEA), students with disabilities may receive services through the public school system through age 21 (i.e., until their 22nd

## REFER QUESTIONS TO:

Evy Friend  
ESE Program Development & Services  
325 West Gaines Street, Room 601  
Tallahassee, FL 32399-0400  
evy.friend@fldoe.org  
850/245-0478 SC 205-0478



John Winn, Commissioner

TECHNICAL ASSISTANCE PAPERS (TAPs) are produced periodically by the Bureau of Exceptional Education and Student Services to present discussion of current topics. The TAPs may be used for inservice sessions, technical assistance visits, parent organization meetings, or interdisciplinary discussion groups. Topics are identified by state steering committees, district personnel, and individuals, or from program compliance monitoring.

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

with disabilities may receive services through the public school system through age 21 (i.e., until their 22nd birthday or, at the option of the school district, through the semester or the school year in which the student turns age 22) or until they graduate with a standard diploma, whichever occurs first. Consistent with the provisions of section 1003.43(11)(a), F.S., any senior who has not achieved a passing score on the FCAT must receive intensive remediation. Additional funds to support remediation activities have been provided to districts through their IDEA grant. To help evaluate the effectiveness of such remediation and ensure each student has had every opportunity to pass the FCAT, the student must participate in the March administration of the FCAT during his/her senior year.

To be considered for a waiver from the FCAT graduation requirement, the student must

- be identified as having a disability as defined in section 1007.02(2), F.S.
- have a current individual educational plan (IEP)
- be a senior or a student with disabilities who remains enrolled seeking a standard diploma for whom the FCAT is the required graduation test
- have demonstrated mastery of the Grade 10 Sunshine State Standards (SSS)
- have taken the Grade 10 FCAT with appropriate, allowable accommodations at least twice (for example, once in grade 10 and once in grade 11 or if not continuously enrolled in public school in Florida, at least once during each year of enrollment in grades 10, 11, or 12)
- have participated in intensive remediation for FCAT Reading and FCAT Mathematics, if passing scores were not earned in the assessments
- be progressing toward meeting the state’s 24 credit/course and 2.0 cumulative grade point average (GPA) requirements and any other district requirements for graduation with a standard diploma.

In summary

School Districts	Students	IEP Teams
<p>School districts must</p> <ul style="list-style-type: none"> <li>• <input type="checkbox"/> provide instruction to prepare students with disabilities to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade progression and high school graduation</li> <li>• <input type="checkbox"/> provide intensive remediation for students with disabilities who did not earn passing scores on FCAT Reading and FCAT Mathematics.</li> </ul>	<p>To be eligible for the waiver, students must</p> <ul style="list-style-type: none"> <li>• <input type="checkbox"/> be an eligible student with a disability</li> <li>• <input type="checkbox"/> be a senior or a student with disabilities who remains enrolled seeking a standard diploma for whom the FCAT is the required graduation test</li> <li>• <input type="checkbox"/> have a current IEP</li> <li>• <input type="checkbox"/> have demonstrated mastery of the Grade 10 SSS</li> <li>• <input type="checkbox"/> have taken the Grade 10 FCAT with appropriate, allowable accommodations at least twice (for example, once grade 10 and once in grade 11 or if not continuously enrolled in public school in Florida, at least once during each year of enrollment in grades 10, 11, or 12 including participation in the March administration of the FCAT during the student's senior year</li> <li>• <input type="checkbox"/> have participated in intensive remediation for FCAT Reading and FCAT Mathematics, if passing scores were not earned</li> <li>• <input type="checkbox"/> be progressing toward meeting the state’s 24 credit/course and 2.0 cumulative grade point average (GPA) requirements and any other district requirements.</li> </ul>	<p>IEP teams must</p> <ul style="list-style-type: none"> <li>• <input type="checkbox"/> meet during the student’s senior year</li> <li>• <input type="checkbox"/> determine if the FCAT can accurately measure the student’s abilities, taking into consideration all allowable accommodations</li> <li>• <input type="checkbox"/> review student information to determine mastery of the Sunshine State Standards</li> <li>• <input type="checkbox"/> determine if one or both sections of the FCAT should be waived as a requirement for graduation with a standard diploma</li> <li>• <input type="checkbox"/> complete the waiver form.</li> </ul>

## Questions and Answers

### Eligible Students

**1. Are students with limited English proficiency (LEP) or students with 504 plans eligible for consideration for the waiver?**

No. Students with a 504 plan are not eligible for consideration for the waiver. The waiver may only be considered for students who have a current IEP. LEP students with disabilities who have an IEP may be considered for the waiver.

**2. Is the waiver available to students without disabilities who meet all the other requirements for graduation except passing the FCAT?**

No. The waiver may only be considered for students with disabilities who have a current IEP at the time that the waiver decision is made.

**3. Is a student who chooses a three year graduation program eligible for consideration for the FCAT waiver?**

No. Students who choose to graduate in 3 years with 18 academic credits are not eligible for consideration for the waiver.

**4. If after FCAT administration, a student is determined to be a student with a disability, can the student be considered for the waiver?**

Yes, but the IEP team must determine if the FCAT is an accurate measure of the student's abilities, taking into consideration all allowable and appropriate accommodations. For example, consider a student who took the FCAT in grade 10 and did not earn passing scores, but the student was identified as a student with a disability at the beginning of grade 11. If the IEP team determines that accommodations are appropriate for this student, the student should take the FCAT during the next administration with all appropriate accommodations. Alternatively, although it would be unusual for a student to be identified as a student with a disability after grade 10 and not need any allowable test accommodations, if the IEP team determines that no accommodations are appropriate for this student and the FCAT is not an accurate measure of the student's ability, then the student may be considered for the waiver. It is important to remember that students must have taken the Grade 10 FCAT with appropriate, allowable accommodations at least twice to be eligible for consideration for the waiver.

**5. If a student's IEP team has determined that no test accommodations are appropriate, and the student has failed the FCAT at least twice, is the student eligible for the waiver?**

Yes, as long as the student meets all other requirements, the IEP team has considered allowable accommodations and determined none to be appropriate. This determination may be based on the student not receiving accommodations in the classroom or on the classroom accommodations not being allowed on the FCAT.

**6. Are hospital/homebound students eligible for the waiver?**

Yes, but only if the student has been found eligible for special education services through an eligible disability program in addition to hospital/homebound (e.g., specific learning disability, other health impaired).

**7. Are students who were previously dismissed from an exceptional student education (ESE) program eligible for the waiver?**

No.

**8. Can students who were previously dismissed from ESE be re-admitted to be determined eligible for the waiver?**

Yes. Districts must follow their special programs and procedures document to determine if the student is in need of specially designed instruction and related services. Students may be re-admitted to an ESE program if they no longer meet dismissal criteria and are in need of specially designed instruction and related services, support aids and services, or accommodations.

**9. Is a student with a disability for whom the High School Competency Test (HSCT) was the graduation requirement eligible for consideration for the waiver?**

Yes, under certain conditions. The 2002 graduating class was the last class for whom the HSCT was an allowable graduation test. Students with disabilities who were members of this class may stay in school until age 22. So, if the student has taken the FCAT at least twice and meets all other requirements, the student is eligible for consideration for the waiver. A student who has only taken the HSCT is not eligible for consideration for the waiver.

**10. Are students with disabilities who transfer to Florida from another state in 12th grade eligible for the waiver?**

Yes. Students must be provided with every opportunity to take and pass the FCAT. For example, a 12th grade student who enrolls in a Florida public school from another state at the beginning of the school year must take the FCAT during the October and March administrations. However, a 12th grade student who enrolls in a Florida public school in January may take only the March FCAT and still be considered for the waiver.

**11. Are students with disabilities who are retained in grade 9 for several years and then promoted to grade 12 eligible for the waiver even though they have not had an opportunity to take the grade 10 FCAT until their-senior year?**

Yes, but they must take the FCAT in October and March with all appropriate accommodations before being considered for the waiver.

**12. Can districts grant the waiver to all students with disabilities who are eligible for consideration?**

Districts cannot make a policy decision to grant the waiver to all students in grade 12 with disabilities who meet the requirements. IEP teams must consider each student individually.

## **Continuous Enrollment**

**13. Is a student with a disability who has not been continuously enrolled in school eligible for the waiver?**

Yes, as long as the student meets all the requirements and takes the FCAT at least once during each year of enrollment in grades 10-12.

**14. Is a student with a disability who graduated early (e.g. December) and is no longer enrolled, eligible for consideration for the waiver?**

If the student is under age 22 and graduated with a special diploma or *received* a certificate of completion, the student may re-enroll to pursue a standard diploma and must meet all the requirements to be considered for the waiver. The IEP must be in compliance at the time of consideration.

**15. Can students with disabilities who attend private school, including those using the McKay Scholarship for Students with Disabilities but who took the FCAT once, re-enroll in public school and be eligible for the waiver?**

Students who attend private schools may re-enroll in a public school and be considered for the waiver if they meet all the requirements, including having taken the FCAT twice (at least once during each year of enrollment). Students attending private schools using the McKay Scholarship are given the opportunity to take the FCAT. However, students receiving a McKay Scholarship who re-enroll in a public school for the purpose

of having the FCAT waived will not be eligible to receive a scholarship for the following school year even if the FCAT waiver is not granted.

**16. Is a student with a disability who took the FCAT in grades 11 and 12 but was in private school in grade 10 eligible for the waiver?**

Yes, if the student meets all the requirements, including those for academic credits and GPA.

## **Special Diploma**

**17. Are students who were pursuing a standard diploma but switched to special diploma because they could not pass the FCAT eligible to move back to a standard diploma and be considered for the waiver?**

Yes. The IEP team must determine that a standard diploma is appropriate for this student and determine if the student has been enrolled in courses leading to a standard diploma, is progressing towards meeting the state's 24 credit/course and 2.0 cumulative GPA requirements and any other district graduation requirements, and had multiple opportunities to master the Sunshine State Standards that are assessed by the grade 10 FCAT.

**18. Are students who took course work leading to a special diploma eligible for the waiver?**

The appropriateness of the waiver will be determined by the IEP team. Students who have been taking ESE courses may not be eligible for the waiver. Students must have had sufficient opportunity to master the Sunshine State Standards leading to a standard diploma, and IEP teams must review evidence that the student has demonstrated mastery of the standards and be progressing toward GPA and credit requirements for a standard diploma.

**19. Can a student who has been working toward a special diploma stay in school to work on credits to be considered for the waiver?**

Yes, as long as the student has not reached the age of 22.

**20. Can a student who has graduated with a special diploma return to school and work on credits to earn a standard diploma and be considered for the waiver?**

Yes, as long as the student has not reached the age of 22.

## **Waiver Form**

**21. Who makes the decision to grant a waiver of one or both sections (reading and mathematics) of the FCAT for graduation with a standard diploma?**

This decision is made by the IEP team.

**22. Is the IEP team required to convene to consider the waiver?**

Yes, all IEP team members must be invited and a meeting must be held.

**23. When should the waiver decision be made and the form completed?**

For seniors who are anticipating graduation in May or June, the IEP team must meet during the second semester of the student's senior year to make a waiver decision. By the second semester of the senior year, the student would have had additional opportunities to receive remediation and participate in the FCAT in March. The school would also have more evidence of the student's progress toward the course/credit and GPA requirements for graduation. For seniors who are anticipating graduation in December, the IEP team must meet following the fall administration of the FCAT.

**24. What evidence of mastery of the Sunshine State Standards is acceptable?**

Evidence of a student's mastery of the Sunshine State Standards includes but is not limited to the student's performance

- on standardized academic assessments such as the Scholastic Aptitude Test (SAT), College Placement Test (CPT), American College Test (ACT), or the Armed Services Vocational Aptitude Battery (ASVAB)
- in core academic courses (e.g. language arts and mathematics) including classroom work, end-of-year or semester exams, and teacher observations
- during intensive remediation activities on the Sunshine State Standards
- in higher-level courses (honors, advanced placement, etc.) or in postsecondary courses through dual enrollment.

**25. Is the student's GPA in core classes, in addition to the overall GPA, a consideration when granting the waiver?**

The student's GPA in core classes (e.g. English and mathematics) may be considered as evidence of mastery of the Sunshine State Standards. However, the student must be progressing toward meeting the state's 24 credit/course and 2.0 cumulative GPA requirements and any other district graduation requirements to be considered for the waiver.

**26. Can a student with a disability who has taken FCAT Mathematics three times and FCAT Reading one time be considered to have taken the FCAT twice?**

No. Each section of the FCAT should be considered as an individual test. If the student fails either section of the FCAT once, he or she must take that section at least two times with appropriate accommodations before being considered for the waiver.

**27. If a student with a disability passes one section of the FCAT (reading or mathematics) on the first attempt but fails the second section twice, can that second section be waived?**

Yes. The IEP team may waive either section of the FCAT independent of the other section.

**28. Is there a cut-off score required for consideration for the waiver (e.g. students within 50 points of passing)?**

No. IEP teams may consider eligible students (i.e. students who can demonstrate mastery of the Sunshine State Standards) regardless of the scores they received on the FCAT.

**29. How can parents obtain a copy of their child's waiver form?**

The IEP team, school counselor, or school principal should provide a copy of the waiver form to the student's parents upon parental request.

**30. Are districts required to submit copies of the FCAT waiver forms to DOE?**

Yes. DOE will be collecting data on the waiver. Please submit copies of the waiver forms to

Karen Denbroeder  
Florida Department of Education  
Bureau of Exceptional Education and Student Services  
614 Turlington Building  
325 W. Gaines Street  
Tallahassee, FL 32399-0400

**31. Whose signatures are required on the waiver form?**

The members of the IEP team are required to sign the waiver form along with the principal or designee and the superintendent or designee.

## Adult Education

**32. Will students be able to apply to a college or university if they obtain a standard high school diploma using the waiver?**

Yes. The student will obtain a standard high school diploma. However, many colleges and universities have admission requirements beyond the standard high school diploma that should be taken into consideration when applying for admission.

**33. May co-enrolled students with disabilities (students currently enrolled in a 9-12 high school program and taking credit courses through adult education) request an FCAT waiver?**

Yes. Co-enrolled students with disabilities who are taking adult education courses for the purpose of making up credits, improving their grade point average, or earning extra credits may request an FCAT waiver. Students should follow their school district procedure for requesting the waiver and are required to meet state eligibility requirements.

**34. Are adult high school students with disabilities eligible for an FCAT waiver?**

No. Since adult high school students have officially withdrawn from secondary school and are not served in exceptional student education (and do not have an IEP), they are not eligible for an FCAT waiver.

However, if the adult high school student with a disability has not yet reached age 22, the student has the option of re-enrolling in school and requesting an eligibility staffing for ESE. If it is determined that the student is eligible for ESE, the student may be eligible for an FCAT waiver if all waiver eligibility criteria are met.

**35. Are students with disabilities enrolled in a General Educational Development (GED) Exit Option Program eligible for an FCAT waiver?**

No. Students enrolled in a GED Exit Option Program who wish to earn a standard high school diploma must earn passing scores on both the FCAT and the GED Tests. Students participating in the GED Exit Option Model are not required to earn 24 credits to be eligible for a standard diploma. Students with disabilities would be eligible for an FCAT waiver only if they meet all graduation eligibility requirements, including progressing towards meeting the state's requirement for 24 academic credits, a 2.0 GPA, and any other district requirements.

## Other

**36. What options are available for students who do not pass the FCAT and do not receive a waiver?**

Students who are not eligible for the waiver have other options. These include

- FCAT remediation through adult education
- GED preparation through adult education
- continuation of ESE services until the age of 22.

Further information about these options is available from the Florida Department of Education at 1-800-315-0833 or on line at [www.12thgradeoptions.org](http://www.12thgradeoptions.org).

**37. Can a student with disabilities be required to participate in intensive remediation for the FCAT Reading and FCAT Mathematics if passing scores were not earned on these assessments in order to receive a waiver?**

Yes. The law states that each district school board must provide remediation to prepare students with disabilities to demonstrate proficiency in the skills and competencies necessary for grade-to-grade progression and high school graduation. Additionally, the student's performance during intensive remediation activities may serve as evidence of the student's mastery of the Sunshine State Standards.

**38. When is the score required to pass the FCAT determined? What if one score was required to pass when the student was in grade 10, but a different score is required when the student is in grade 12?**

Beginning with the FCAT administration in June 2003 and beyond, all students will be required to earn passing scores of 300 or higher except those identified as part of the graduating class of 2003 cohort (i.e., 9th graders in 1999-2000 and/or 12th graders in 2002-2003). Refer to the waiver form for passing scores required for earlier cohort groups.

**39. Can students still request a special exemption from the FCAT from the Florida Commissioner of Education?**

Yes. In extraordinary circumstances, a student with a disability who is a senior may ask the school district superintendent to request a special exemption from the FCAT graduation test requirement (Rule 6A-1.09431, FAC). The decision regarding the exemption is made by the Commissioner of Education after a review of documentation submitted by the school district superintendent.

**40. Are districts required to include information about the FCAT waiver in the district's student progression plan?**

Yes. For information about student progression plans or assistance, please contact the Florida Department of Education; Bureau of School Improvement; 325 W. Gaines Street, Suite 432; Tallahassee, FL 32399-0400; phone: 850-245-0422; Suncom 205-0422.