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## Deferment Frequently Asked Questions (FAQs)

### Introduction

The following FAQs on deferment have been approved for use in tandem with technical assistance and training provided by Project 10: Transition Education Network.

The term “deferment”, as described in [section 1003.4282, Florida Statutes \(F.S.\)](#) is used to describe the process of an Individual Educational Plan (IEP) team to defer receipt of a standard diploma earned by a student with a disability in order for the student to continue to receive free and appropriate public education (FAPE) though age 22 and/or until the student takes receipt of the diploma. Consequently, the term “deferment program” is meant to generally describe any educational program that supports students who have deferred receipt of their standard diploma, and include the five specific options identified in [s. 1003.4282, F.S.](#): (1) accelerated college credit instruction pursuant to [s. 1007.27, F.S.](#), (2) industry certification courses that lead to college credit, (3) an early college program, (4) courses necessary to satisfy the Scholar designation requirements, and (5) a structured work-study, internship, or pre-apprenticeship program.

### Frequently Asked Questions 1 - 14

#### **1. Does each school district/school get to establish individual entrance criteria for their deferral program(s)? How do changes in deferral program criteria impact students with disabilities already in deferral programs?**

Answer: There is flexibility to define criteria for entrance into district deferral programs. However, there must be a continuum of support to provide free and appropriate public education (FAPE) for all students with disabilities who require specially designed instruction, related services, secondary transition planning and/or secondary transition services. Deferral programs that have statutory requirements and/or postsecondary institutions of higher education enrollment eligibility requirements must be followed. If specific deferment program criteria changes and/or a particular deferral program(s) is/are no longer supported by a district, students enrolled in deferment programs at that time should be provided other deferment programs that address their needs as identified within their individual educational plan (IEP). Any changes to a student’s service, instruction and/or enrollment during deferment should be done via an IEP team meeting.

#### **2. If a student defers receipt of a standard diploma, can the student change program focus during deferment years and/or complete the program and enroll in an additional program, provided the student has not turned age 22?**

Answer: Any changes in a deferral program are acceptable provided they are documented in an IEP meeting and are in alignment with the student’s IEP with consideration of deferment program eligibility requirements,

recent secondary transition assessment data, present levels, measurable postsecondary goals, course of study and a continued need for specialized instruction, related services, secondary transition planning and/or secondary transition services. Successful deferment program completion may be a factor for consideration of a student to accept his/her diploma. The IEP team must also consider the need for continued specialized instruction, related services, secondary transition planning and/or secondary transition services that may be necessary to support the student's annual and postsecondary IEP goals.

### **3. What are considerations for districts to support students with the most significant disabilities?**

Answer: There must be a continuum of support to provide FAPE for all students with disabilities, including those with the most significant disabilities. Some students with disabilities who require specially designed instruction, related services, secondary transition planning and/or secondary transition services may require skills related to pre-vocation, daily living, and/or independent functioning as part of a structured work-study deferment program. In addition, considerations by an IEP team can include measurable postsecondary goal attainment, medical and/or health needs/plan, agency linkages/supports (particularly Agency for Persons with Disabilities), relevant community resources and expanded IEP team participants, as appropriate, to support transition of the student from K-12 to postsecondary.

### **4. What processes or considerations are needed when determining whether a student with a disability fails to meet requirements to defer receipt of a standard diploma?**

Answer: Meeting requirements to defer receipt of a standard diploma means that a student with a disability meets both criteria per [s. 1003.4282, F.S.](#) Specifically, the student (upon meeting requirements to earn a standard diploma) (1) has an IEP that prescribes specialized instruction, related services, secondary transition planning and/or secondary transition services prescribed through 21, and (2) the student is enrolled in an eligible deferment program (accelerated college credit instruction, industry certification courses that lead to college credit, an early college program, courses necessary to satisfy the Scholar designation requirements, or a structured work-study, internship, or pre-apprenticeship program.)

**If the student has not met the requirements to earn a standard diploma, nor met both requirements in [s. 1003.4282, F.S.](#), then the student cannot defer receipt of a standard diploma.**

Regarding (2) above, enrollment in an eligible deferment program could be interpreted as either a) a student being *expected* to successfully meet all entrance criteria for an eligible deferment program, including required program application deadlines, by the conclusion of the academic semester/year in which they meet graduation requirements, or b) a student *actively* enrolled in a deferment eligible program prior to the conclusion of the academic semester/year in which they meet graduation requirements and remain eligible to continue enrollment in that program at the start of the following semester/year.

An IEP team must document relevant historical data, present levels of performance, secondary transition assessment information and review measurable postsecondary goals and specialized instruction, related

services, secondary transition planning and/or secondary transition services to determine if a student meets requirements to defer receipt of a high school diploma. Additional considerations and practices by a school district in determining if a student meets requirements to defer receipt of a standard diploma include: discussion and documentation of input and resources from relevant agency/community/school stakeholders, postsecondary education information, work and career information, and IEP documentation throughout secondary school identifying secondary transition planning needs as a student progresses towards earning a standard high school diploma.

**5. What happens when IEP teams are not in agreement in determining whether a student meets requirements to defer receipt of a standard diploma and/or deferment program options?**

Answer: Information should be provided to the parent or adult student about all available postsecondary options and agency support, including postsecondary comprehensive secondary transition programs that would not require deferral. The IEP team should ensure all data and meeting notes are accurately and thoroughly captured within the IEP, including recent secondary transition assessment results, present levels and measurable postsecondary goals. Facilitated IEPs, Due Process procedures and dissemination of Procedural Safeguards are activities that support parent understanding and/or IEP team collaboration and agreement.

**6. Can IEP teams make decisions on a student meeting criteria to defer two or more years prior to the year the student is expected to meet graduation requirements (i.e., Junior year or earlier)?**

Answer: Deferment discussions should occur as early as appropriate, and be accompanied by documentation in each annual IEP, in accordance with secondary transition planning requirements. However, deferment declaration and final decisions of meeting requirements to defer a standard diploma do not occur until closer to a student meeting high school standard diploma graduation requirements.

Per [s. 1003.5716, F.S.](#), starting when a student turns 12 or during 7<sup>th</sup> grade, whichever occurs first, IEP teams must provide secondary transition-related information to the student and family about the school district's high school-level secondary transition services, career and technical education, and collegiate programs available to students with disabilities and how to access such programs. Information shall also be provided on programs and services available through Florida's Center for Students with Unique Abilities, the Florida Centers for Independent Living, the Division of Vocational Rehabilitation, the Agency for Persons with Disabilities, and the Division of Blind Services.

Per [s. 1003.5716, F.S.](#), starting when a student turns 14 or in place and operational on the student's first day of high school, whichever occurs first, IEP teams must document the discussion of the process for a student with a disability who meets the requirements for a standard high school diploma to defer the receipt of such diploma pursuant to [s. 1003.4282, F.S.](#)

Formal declaration of deferment (parent/adult student deferment intention) and final deferment decisions **do not occur** until closer to when a student meets graduation requirements. Specifically, prior to the year the student is expected to meet graduation requirements, the parent, or adult student whose rights have transferred, must sign a statement indicating the deferral process is understood and the choice to defer or not to defer. If a student will defer receipt of the diploma, the request to defer must be received in writing by the school district by May 15<sup>th</sup> (of the year they are expected to meet graduation requirements) in order for the student to continue receiving secondary transition or related services. The request to defer is only needed once. Ages may vary depending on when graduation requirements are completed.

**7. What are options for IEP teams for students with disabilities who transfer into a school district who are significantly behind in credits for their age and for whom the IEP team determines that successful completion of remaining required coursework and credits are not possible to earn any of the available standard diploma options prior to the student turning 22 and aging out (FAPE ending)?**

Answer: All students with disabilities enrolled in Florida public schools are expected to be in coursework that leads to earning a standard diploma. For high school transfer students, a rigorous and thorough transcript review, enrollment history and course credit check is conducted at the receiving school to determine the appropriate grade level placement and/or diploma earning status. The version of the standard diploma that is most appropriate for a student with a disability is determined at the IEP meeting. Relevant specialized instruction, present levels and data, related services, annual and postsecondary goals, secondary transition services, accommodations, and for some students with disabilities who are deemed eligible, modifications, are considered in supporting students achieve meeting standard diploma requirements.

For students significantly behind same-age and/or same-grade peers in earning a standard diploma, the IEP teams may consider the need of secondary transition courses, work-based learning experiences and other work preparation activities and supports to assist the student in progress toward meeting standard diploma requirements while also being prepared to enter postsecondary settings, with consideration of their postsecondary employment, career and education/training goals (and for some students, independent living goals).

**8. Are students with disabilities able to participate in extended secondary transition (18-22) programs if they have not yet met requirements to earn a standard diploma?**

Answer: Students who have not yet met graduation requirements, but want to continue working toward meeting graduation requirements, and whose IEP team determines that certain secondary transition services, experiences and/or coursework are necessary to support their postsecondary goals, may do so. It is possible that both students who have met graduation requirements, but deferred receipt of their diploma and students who have not deferred receipt of their diploma and are still working towards a standard diploma, could be in the same setting/experiences/courses.

## 9. What are the considerations when determining appropriate deferment program enrollment for a student with a disability?

Answer: In order for a student to defer receipt of their standard diploma, the student must have an IEP that prescribes specialized instruction, secondary transition services, secondary transition planning or related services through age 21. This prescription of needs identified through age 21 is the foundation on which an IEP team depends when considering deferment program options. Per [s. 1003.4282 F.S.](#), there are five categories of deferment program options available for students in Florida: (1) accelerated college credit instruction, (2) industry certification courses that lead to college credit, (3) an early college program, (4) courses necessary to satisfy the Scholar designation requirements, and (5) a structured work-study, internship, or pre-apprenticeship program.

Additional factors for an IEP team to consider when determining deferment program placement and design could include the following:

- Course of study: Often, a well-developed and comprehensive course of study lends itself to identifying an appropriate deferment program match.
- Measurable postsecondary goals (MPGs): The IEP team should consider how best to support the student's progress toward meeting their MPGs (education/training, employment, career, independent living). Some deferment program options provide a more applicable match to the experiences, skills and settings that a student requires, based on the student's present levels of performance, existing needs/gaps and consideration of their postsecondary goals. It is important to note that students can often benefit from deferment programs that have education/training, employment, pre-employment, and/or instructional components in areas of interest outside those specific career fields identified by the student. For example, if a student has a measurable postsecondary employment goal of working with animals at a veterinary clinic, it could be appropriate for that student to be enrolled in a structured work-study deferment program that offers general work readiness skills and experiences in a retail setting. Many pre-employment and related skills are transferrable across disciplines.
- Academic rigor: applications, course pre-requisites, and college requirements.
- Independence level: Is there a need for certain aspects of a deferment program component to require higher levels of independent functioning? Structured work-study programs can offer a variety of settings and supports that lend themselves to supporting the unique needs of students with more independent functioning needs. In contrast, some internships, college settings and/or environments may prove necessary for students to exhibit higher levels of autonomy and independence.
- Safety: The ability of students to learn and thrive in settings that are safe to themselves and others is paramount. Consideration of physical and emotional safety needs of students must be addressed when considering deferment program options. Some programs offer the flexibility to increase a focus on safety compared to others. For example, when considering work-based learning, internships, on-the-job training, instruction on college or other postsecondary settings and/or off-campus instruction, safety plays a critical factor.

## **10. Must a deferment program enrollment reflect a full-time, daily Monday through Friday schedule for all students with disabilities?**

Answer: No, there is flexibility in deferment program scheduling. The IEP team determines what individualized special education, secondary transition planning, secondary transition services and/or related services should be provided for a student with a disability. In addition, the team determines a student's placement, time and 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 to best support postsecondary readiness with consideration to making progress towards their measurable postsecondary goals.

Students enrolled in secondary transition or career education courses generate funding through the Florida Education Finance Program (FEFP) <https://www.fldoe.org/finance/fl-edu-finance-program-fefp/>. When planning student schedules, district and IEP teams should consider incorporating these courses to ensure the student generates the necessary and appropriate funding and that all FAPE-related instruction, services and supports are appropriately provided.

## **11. Can students with disabilities be enrolled in multiple deferment programs?**

Answer: IEP teams discuss and plan what an appropriate deferment program looks like for students to best meet their identified needs and provide FAPE. [Section 1003.4282, F.S.](#) indicates that a student be "enrolled in accelerated college credit instruction pursuant to [s. 1007.27](#), industry certification courses that lead to college credit, an early college program, courses necessary to satisfy the Scholar designation requirements, or a structured work-study, internship, or pre-apprenticeship program".

The statute fails to mention the provision of multiple concurrent deferment program enrollments for students. However, IEP teams should consider the individualized needs and experiences necessary for a student to make progress towards their annual and postsecondary goals as prescribed within their IEP. As such, students may require a hybrid of environments, experiences and instructional components to best meet their needs. Often, district-developed structured work-study programs provide the most flexibility to support various needs of students in deferment.

## **12. Can students with the most significant cognitive disabilities fail to meet the requirements for deferment (and continued FAPE)?**

Answer: The first requirement for a student to defer receipt of a standard diploma, per [s. 1003.4282, F.S.](#) states:

"Has an individual educational plan that prescribes special education, secondary transition planning, secondary transition services, or related services through age 21;"

It would be rare for a student with the most significant cognitive disability to have an IEP that does not reflect a need for special education, secondary transition planning, secondary transition services, or related services

through age 21. Most students with significant cognitive disabilities meet Florida standard high school diploma requirements via Access points. Access points allows modifications of learning standards that result in academic outcomes that fall below the rigor of all other Florida standard diploma options. Consequently, IEPs often reflect outstanding academic, employment and/or independent living skill needs and goals despite a student with the most significant cognitive disabilities meeting requirements to earn a standard diploma via Access.

The second requirement for a student to defer receipt of a standard diploma, per [s. 1003.4282, F.S.](#), states:

“Is enrolled in accelerated college credit instruction pursuant to [s. 1007.27, F.S.](#), industry certification courses that lead to college credit, an early college program, courses necessary to satisfy the Scholar designation requirements, or a structured work-study, internship, or pre-apprenticeship program.”

Enrollment into a deferment program is necessary for students with the most significant cognitive disabilities to receive identified special education, secondary transition planning, secondary transition services and/or related services needs. For a majority of students with more significant needs, a school district/LEA-designed structured-work study program would be an appropriate deferment option that meets their outstanding special education and secondary transition-related services needs. Structured work-study programs can be designed to meet a wide range of individual student needs and abilities. A structured work-study program for students with the most significant disabilities could emphasize skills such as independent living, pre-work readiness, self-determination, self-advocacy, and communication.

Students with the most significant cognitive disabilities would typically meet requirements to defer receipt of a standard diploma via access courses because they would likely have (1) an IEP that prescribes special education, secondary transition planning, secondary transition services or related services through age 21, and (2) be eligible for enrollment into a structured work-study program, since structured work-study programs can be uniquely and flexibly designed and offered by school districts/LEAs that meet the needs of students they serve.

### **13. Must students with disabilities meet minimum independent living and work-readiness thresholds to enroll in a structured work-study program?**

Answer: There is no provision in federal or state law that requires a minimum level of skill set in order for a student to enroll or participate in structured work-study programs. Individual school districts and LEAs may provide one or more programs to support the needs of students that have prescribed special education, secondary transition planning, secondary transition services or related services needs through age 21. For some students, independent living and work readiness skills (e.g., pre-employment skills) are a focus of their structured work-study program.

Qualitative and quantitative data, including data available within a student’s IEP, may be used and considered when determining enrollment in a particular structured work study (if a district or LEA offers more than one



program) and/or considered when designing a student's course of study, schedule and instructional design within a structured work-study program.

**14. Can a student with a disability receiving only Hospital/Homebound (H/H) services defer receipt of a standard diploma?**

Answer: Yes, the requirements to defer receipt of a standard diploma per [s. 1003.4282, F.S.](#), do not specify inclusions or exclusions related to disability categories. It states that a student who has met requirements for a standard diploma may defer receipt of that standard diploma if the student 1) "Has an individual educational plan that prescribes special education, secondary transition planning, secondary transition services, or related services through age 21; and 2) "Is enrolled in accelerated college credit instruction pursuant to [s. 1007.27, F.S.](#), industry certification courses that lead to college credit, an early college program, courses necessary to satisfy the Scholar designation requirements, or a structured work-study, internship, or pre-apprenticeship program.

For a student receiving hospital/homebound services considering deferral of receipt of a standard diploma, unique factors may need to be addressed by an IEP team to ensure appropriate services and deferment program options match the needs of the student, including possible emphasis on health care, mobility, transportation, assistive technology, social-emotional/behavioral and communication needs.

Furthermore, IEP teams developing secondary transition IEPs for students with disabilities classified as "Hospital/Homebound" should reference FDOE's "Hospital/Homebound Policies and Procedures Manual (2008)" located at <https://www.fldoe.org/academics/exceptional-student-edu/ese-eligibility/hospital-homebound-hh.shtml>.

"For general education students expected to fully recover and return to general education, the IEP may include a statement that the student does not need secondary transition services for the duration of this IEP. For general education students whose illness or injury prohibits return to the general education environment without special education services, the IEP committee may indicate that a full secondary transition plan will be developed prior to the student's return to the home school" (2008, p.7)