

**FLORIDA BOARD OF GOVERNORS  
NOTICE OF PROPOSED NEW REGULATION**

**DATE:** November 17, 2011

**REGULATION NUMBER AND TITLE:** 6.018 Substitution or Modification of Requirements for Program Admission, Undergraduate Transfer, and for Graduation by Students with Disabilities

**SUMMARY:** Due to changes in statute, Regulation 6.018 requires amendment. The statement exempting documented intellectual disabilities from the definition of "other health disabilities" has been proposed for elimination. Language was added for clarity, and Attention Deficit Disorder/ Attention Deficit Hyperactivity Disorder was added within the individual definitions. Additionally, the name of the regulation has been slightly modified in order to capture the possibilities of substitutions being made for university admission decisions.

**FULL TEXT OF THE REGULATION IS INCLUDED WITH THIS NOTICE.**

**AUTHORITY TO PROPOSE REGULATION(S):** Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

**THE BOARD OF GOVERNORS' OFFICIAL INITIATING THE PROPOSED REGULATION:** Richard Stevens, Director of Academic and student Affairs

**COMMENTS REGARDING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW.** The comments must identify the regulation on which you are commenting:

General Counsel, Board of Governors, State University System, 325 W. Gaines Street, Suite 1614, Tallahassee, Florida 32399, (850) 245-0466 (phone), (850) 245-9685 (fax), or [generalcounsel@flbog.edu](mailto:generalcounsel@flbog.edu).

**6.018 Substitution or Modification of Requirements for University or Program Admission, Undergraduate Transfer, and or for Graduation by Students with Disabilities.**

(1) A university shall provide reasonable substitution or modification for any requirement for admission into the university, into an undergraduate or graduate program of study; or for entry into the upper division; or for graduation for any otherwise eligible student with a disability; where

- (a) The student seeking substitution or modification of an admission or graduation requirement has provided documentation demonstrating that he or she is disabled and that the student's inability to meet the requirement is related to the disability, and
- (b) The university has determined that if the requested substitution or modification is granted, a fundamental alteration in the nature of the program will not result. Appropriate documentation must be provided to indicate that the student's failure to meet the requirement is related to the disability. Additionally, the university must determine that such failure to meet the requirement does not constitute a fundamental alteration in the nature of the academic program.

(2) For purposes of this regulation, the following conditions may constitute a recognized disability for which substitution or modification of an admission or graduation requirement may be provided, depending upon the effect of the condition on the requirement and the effect of the substitution or modification on the program:

- (a) Deaf/Hard of Hearing. A hearing loss of thirty (30) decibels or greater, pure tone average of 500, 1000, 2000, and 4000 hertz (Hz), unaided, in the better ear. Examples include, but are not limited to, conductive hearing impairment or deafness, sensorineural hearing impairment or deafness, high or low tone hearing loss or deafness, and acoustic trauma hearing loss or deafness.
- (b) Blind or Low Vision. Disabilities in the structure and function of the eyes as manifested by at least one of the following: visual acuity of 20/70 or less in the better eye after the best possible correction, a peripheral field so constricted that it affects one's ability to function in an educational setting, or a progressive loss of vision that may affect one's ability to function in an educational setting. Examples include, but are not limited to, cataracts, glaucoma, nystagmus, retinal detachment, retinitis pigmentosa, and strabismus.
- (c) Specific Learning Disability. A disability in one or more psychological or neurological processes involved in understanding or using spoken or written language. Learning disabilities may be manifested in listening, thinking, reading, writing, spelling, or performing arithmetic calculations. Examples include dyslexia, dysgraphia, dysphasia, dyscalculia, and other specific learning disabilities in the basic psychological or neurological processes. Such disabilities do not include learning problems that are due primarily to visual, hearing, or motor disabilities, to intellectual disabilities, to psychiatric or emotional disabilities or to an environmental deprivation.

- (d) Orthopedic Disability. A disability of the musculoskeletal system, connective tissue, or neuromuscular system. Examples include, but are not limited to, cerebral palsy, absence of some body member, clubfoot, nerve damage to the hand or arm, cardiovascular aneurysm (CVA), head injury or spinal cord injury, arthritis or rheumatism, epilepsy, intracranial hemorrhage, embolism, thrombosis (stroke), poliomyelitis, multiple sclerosis, Parkinson's disease, congenital malformation of brain cellular tissue, and physical disabilities pertaining to muscles or nerves, usually as a result of disease or birth defect, including, but not limited to, muscular dystrophy and congenital disorders.
- (e) Speech/Language Disabilities. Disabilities of language, articulation, fluency, or voice that interfere with communication in academic settings, employment preparation/training or social interaction on campus. Examples include, but are not limited to, cleft lip or palate with speech disabilities, stammering, stuttering, laryngectomy, and aphasia.
- (f) ~~Psychological, Emotional, or Behavioral Disability. Any mental or psychological disability including, but not limited to, organic brain syndrome, emotional or mental illness, or attention deficit disorders.~~ Emotional or behavioral disabilities rendering the student unable to complete an admission or graduation requirement. Any mental or psychological disability including, but not limited to, organic brain syndrome, emotional or mental illness, or attention deficit disorders.
- (g) Autism Spectrum Disorder. Disabilities characterized by an uneven development profile and a pattern of qualitative impairments in social interaction, communication difficulties, and/or the presence of restricted repetitive or stereotyped patterns of behavior, interests, and activities. These characteristics may manifest in a variety of combinations and range from mild to severe.
- (h) Traumatic Brain Injury. An injury to the brain, not of a degenerative or congenital nature but caused by an external force, that may produce a diminished or altered state of consciousness, which results in impairment of cognitive ability or physical ability and functioning.
- (i) Attention Deficit Disorder/ Attention Deficit Hyperactivity Disorder. A chronic condition manifested by hyperactive and impulsive behavior, significant symptoms of inattention, or both. The behavior and symptoms have a significant impact on cognitive ability and academic functioning.
- (j) ~~Other Health Disabilities. Any disability not identified in this subsection, except documented intellectual disability,~~ deemed by a disability professional to make completion of the requirement impossible.

(23) In determining whether to grant a substitution or modification, a university will consider pertinent documents including, but not limited to, assessments administered and interpreted by a licensed psychologist or interns supervised by a licensed psychologist; a physician or other qualified professional's statement; vocational rehabilitation records; school records maintained as a result of the exceptional child provisions of Public Law 94-142; military/Veterans Administration records; Board of Governors regulations; or statewide articulation documents. Standards for documentation required for specific learning disabilities shall include at a minimum intelligence, achievement, and processing assessment using adult-normed instruments with information about functional limitations.

Each university shall provide the student the opportunity to present evidence of a qualifying disability.

(34) Each university shall develop and implement policies and procedures for providing reasonable substitution or modification for eligible students as required by this regulation.

The policies and procedures shall include at least the following:

- (a) A mechanism for informing students of the process for requesting a substitution or modification;
- (b) A mechanism for identifying reasonable substitutions or modifications for criteria for admission to the institution, admission to a program of study, entry into the upper division, or graduation;
- (c) A mechanism for making the designated substitution or modification known to affected persons;
- (d) A mechanism for making substitution or modification decisions on an individual basis; and
- (e) A mechanism for a student to appeal a denial of substitution, modification, or a determination of eligibility.

(45) The policies shall provide for articulation with other state postsecondary institutions, which shall include, at a minimum, acceptance of all reasonable substitutions previously granted by a state postsecondary institution.

(56) Each university shall maintain records on the substitutions or modifications provided per this regulation, the substitutions identified as available for each documented disability, the number of students granted substitutions by type of disability, and substitutions provided and the number of requests for substitutions that were denied.

Authority: Section 7(d), Art. IX, Fla. Const., History-New 4-20-87, Amended 9-15-91. Amended and Renumbered as 6.018 1-29-09. Amended 9-16-10. Amended \_\_\_\_\_.