



Ben Gibson, *Chair*
Ryan Petty, *Vice Chair*
Members
Monesia Brown
Esther Byrd
Grazie Pozo Christie
Kelly Garcia
MaryLynn Magar

MEMORANDUM

TO: School District Superintendents

FROM: Paul O. Burns, Ed.D.

DATE: November 2, 2023

SUBJECT: Request for Waiver Regarding 1% Participation Cap for Alternate Assessment – Opportunity for Comment

Contact Information:

Patricia Bodiford
850-245-0475
Patricia.Bodiford@fldoe.org
DPS: 2023-196

Pursuant to Title 34, section 200.6(c)(4), Code of Federal Regulations (C.F.R.), the Florida Department of Education (FDOE) is requesting a waiver from the alternate assessment 1% participation cap placed on the states under the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (ESSA). As a reminder and consistent with federal law, alternate assessments are only allowable for students for whom the Individual Educational Plan (IEP) Team has determined are appropriate and who have documented evidence of being among the most significantly cognitively impaired. States that continue to exceed the 1% threshold may have Title I funds withheld. Receiving this waiver will allow FDOE to continue providing local educational agencies (LEAs) with targeted monitoring and intensive support. This will ensure that the most appropriate instruction is delivered and the most appropriate assessment is administered to every child.

Florida Alternate Assessment participation rates for the 2022-23 school year were 1.42% in English Language Arts, 1.48% in mathematics and 1.51% in science. This shows a reduction in all areas from 2021-22. Florida is moving in the right direction, and we look forward to working with each district on continuous improvement in this area.

The Individuals with Disabilities Education Act (IDEA) requires that students with disabilities be included in each state's system of accountability and that students with disabilities have access to the general education standards and curriculum. ESSA also speaks to including all children in a state's accountability system by requiring states to report student achievement for all students and specific groups of students (e.g., students with disabilities and students for whom English is a second language) on a disaggregated basis. All students should be academically challenged and taught to high standards.

Soliciting public and LEA comments is required as part of the waiver request process. A draft of the waiver request is posted at <https://www.fldoe.org/academics/exceptional-student-edu/>. Comments may be submitted via email to DOEBEESS@fldoe.org until November 14, 2023.

PB/pb

cc: School District Assistant Superintendents
School District Exceptional Student Education Directors

DR. PAUL O. BURNS
CHANCELLOR OF PUBLIC SCHOOLS