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April 7, 2004

To: District Assessment Coordinators

From: Christy Hovanetz, Director of Evaluation and Reporting
Michele Polland, Acting Chief, Bureau of Instructional Support and
Community Services

Subject: Implementing the 1% Cap for Alternate Assessment for Students with
Significant Cognitive Disabilities

The purpose of this memorandum is to provide you with information on how Florida will implement the 1% cap requirement for students with disabilities and the district waiver process for exceeding the 1% cap.

All students with disabilities must be assessed either using the FCAT or an alternate assessment. It is expected that the majority of students with disabilities participate in the FCAT. Individual Educational Plan (IEP) teams must continue to make the appropriate determination of whether a student with disabilities should participate in the FCAT or an alternate assessment based on the requirements defined in Rule 6A-1.0943, FAC. It is inappropriate for schools or IEP teams to make decisions regarding a student's participation in the FCAT for any reason related to the school's grade or determination of AYP.

District Waiver Process

In some districts, the percent of students with disabilities who are proficient on alternate standards may exceed 1% of the total assessed population due to the large numbers of students with significant cognitive disabilities served by the district. In such cases, the district may apply to the state for a waiver.

Waiver consideration for a district will be given to districts that:

- House multi-district programs for students with significant cognitive disabilities.
- Are very small, such that a slight change in the number of students produces a significantly large change in the percent of students with significant cognitive disabilities.
- House high quality, research-based programs for students with significant cognitive disabilities that attract families from around the state and country.

USDE has provided guidance to states regarding a state's application for a waiver and has recommended that states use similar, rigorous criteria with districts that wish to apply for a waiver. In general, the guidance indicates that "the LEA should provide evidence that explains why more than 1% of all students in the LEA's tested grades have the most significant cognitive disabilities."

The LEA waiver request must include the following components:

- Explanation of circumstances that result in more than 1% of all students district wide having the most significant cognitive disabilities and achieving at the proficient or advanced level on alternate standards.
- Data showing the number of students participating in an alternate assessment by disability.
- A complete description of the high quality, research-based program for students with significant cognitive disabilities.
- Confirmatory data that demonstrates movement of students with the most significant cognitive disabilities from other districts and states into programs in the LEA.
- Data confirming that the district houses a multi-district program for students with the most significant cognitive disabilities, including the number of students from other districts by disability.

Please send waiver requests to Michelle Polland in the Bureau of Instructional Support and Community Services via e-mail at michelle.polland@fldoe.org. If you have questions regarding the waiver process, please contact Karen Denbroeder or Lezlie Cline at (850)245-0475 or via e-mail at karen.denbroeder@fldoe.org or lezlie.cline@fldoe.org.

Calculation for 1% Cap at the District Level

Federal regulation 34 CFR 200.12(c)(1)(ii) states:

"(c)(1) In calculating adequate yearly progress for schools, LEAs, and the State, a State-
(ii) May include the proficient and advanced scores of students with the most significant cognitive disabilities based on alternate achievement standards...[alternate assessment] provided that the number of those students who score at the proficient or advanced level on those alternate achievement standards at the LEA and State levels, separately, does not exceed 1.0 percent of all students in the grades assessed in reading/language arts and in mathematics."

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The following summarizes the steps the Department will take to calculate 1% of students with disabilities taking the alternate assessment that will be included in AYP proficiency calculations:

Step 1: Match Survey 2/3 membership file with all assessment records; determine what 1% is of all the matched records.

Step 2: Find all students with disabilities taking a Reading alternate assessment; determine the number of students that represent proficient and advanced.

Step 3: Compare the number from Step 1 to the number in Step 2.

- If the number of students that are proficient or advanced on the alternate assessment (Step 2) is less than 1% of matched records (Step 1), then stop. The district has met the 1% requirement.
- If the number of students proficient or advanced on the alternate assessment (Step 2) is more than 1% of matched records (Step 1), then all students identified as specific learning disabled (SLD) who were reported as proficient or advanced on alternate assessments will, for the purpose of AYP, be reported as not proficient to meet the 1% requirement.

Step 4: Repeat with Mathematics alternate assessments.

Step 5: Recalculate AYP results at the school level.

The SLD students who are considered not proficient at the district level because the district exceeded the 1% cap will also be considered not proficient at the school level.

Please refer to DPS Memo #04-085 sent to Superintendents on February 18, 2004, by Chancellor Jim Warford for information on determining whether a student should participate in the FCAT or an alternate assessment. Additional information on the federal and state regulations is attached. For questions regarding the calculation of the 1% cap, please contact Cassie Conn via e-mail at cassie.conn@fldoe.org or Christy Hovanetz via e-mail at Christy.hovanetz@fldoe.org in the Evaluation and Reporting Office or by phone at 850-245-0411.

We appreciate your support and continued efforts in providing services to students with disabilities.

cc:

John Winn

District School Superintendents

Exceptional Student Education Directors

ESE Alternate Assessment Coordinators

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District Accountability Contacts