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Technical Assistance Paper

Statewide Assessment for Students with Disabilities

Summary:

The purpose of this technical assistance paper is to provide technical assistance regarding the revisions of Rule 6A-1.0943, Florida Administrative Code, Statewide Assessment for Students with Disabilities. Students with disabilities must participate in statewide standardized assessments. A student participating in the Florida Standards Alternate Assessment must have this participation determined by the student's individual educational plan (IEP) team and with parental consent. Students with disabilities may need allowable accommodations to participate in the statewide standardized assessments. IEP teams may need to recommend an extraordinary exemption or an exemption for a student with medical complexity from participation in a statewide standardized assessment.

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- New technical assistance paper
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Table of Contents

A. Student Participation in the Statewide Assessment Program	1
A-1. Who participates in the statewide standardized assessment program?	1
A-2. May students who are enrolled in private schools or in home education programs participate in the statewide standardized assessment program?	1
A-3. What are the requirements for participation in the Florida Standards Alternate Assessment?	1
B. Accommodations for Statewide Assessments	1
B-1. Who is allowed to have accommodations on the statewide standardized assessment program?	1
B-2. What are allowable accommodations?.....	2
B-3. What are unique accommodations?	2
B-4. What is the procedure for requesting unique accommodations?	2
B-5. If the parents of a student enrolled in private school or in home school programs elect to have their child participate in the statewide standardized assessment program, are accommodations available?	3
C. Extraordinary Exemption from Statewide Assessments	3
C-1. Who may be eligible for an extraordinary exemption from participation in the statewide standardized assessment because of circumstances or conditions?	3
C-2. Who determines whether a student with a disability may be eligible for an extraordinary exemption from participation in the statewide standardized assessment because of circumstances or conditions?	4
C-3. What is the process for submission of an extraordinary exemption from participation in a statewide standardized assessment to the commissioner of education?	4
C-4. How often must a request for extraordinary exemption be submitted?	5
C-5. How is the student’s progress assessed if the commissioner of education grants the exemption?	5
C-6. What is available if a parent disagrees with the IEP team’s recommendation regarding the request for an extraordinary exemption?	5
C-7. What is available if a parent disagrees with the commissioner of education’s denial of an extraordinary exemption?	5

D. Exemption for Students with Medical Complexity	5
D-1. Who may be eligible for an exemption from participation in the statewide standardized assessment because of medical complexity?	5
D-2. Who determines whether students with medical complexity may be eligible for an exemption from participation in the statewide standardized assessment?	6
D-3. What exemption options are available for students with medical complexity?.....	6
D-4. Who determines which exemption option is chosen for students with medical complexity?.....	6
D-5. What are the school district superintendent’s reporting requirements for the one-year exemption granted to students with medical complexity?.....	6
D-6. What is the process for submission of documents for a medical complexity exemption from participation in a statewide standardized assessment to the commissioner of education?	6
Appendix A: Rule 6A-1.0943, Florida Administrative Code.	8
Appendix B: Checklist for Course and Assessment Participation	9
Appendix C: Checklist for Extraordinary Exemption Request Sample Form	10
Appendix D: Checklist for Medical Complexity Exemption Request Sample Form.....	11

A. Student Participation in the Statewide Assessment Program

A-1. Who participates in the statewide standardized assessment program?

In accordance with section (s.) 1008.22(3), Florida Statutes (F.S.), all students enrolled in public schools are required to participate in the statewide standardized assessment program. Additionally, section 200.2 of Title 34 of the Code of Federal Regulations (CFR) requires states to implement a system of “high-quality, yearly student academic assessments” that includes students with disabilities (34 CFR §200.2).

A-2. May students who are enrolled in private schools or in home education programs participate in the statewide standardized assessment program?

School districts must have a plan for including students enrolled in private schools through the McKay Scholarship Program or students who are served through home education, if the parent chooses to have their child participate in the statewide standardized assessment program.

A-3. What are the requirements for participation in the Florida Standards Alternate Assessment?

The decision for a student with a disability to participate in the statewide alternate assessment is made by the Individual Educational Plan (IEP) team and recorded on the IEP. The following criteria must be met:

- The student has a significant cognitive disability.
- Even with appropriate and allowable instructional accommodations, assistive technology or accessible instructional materials, the student requires modifications, as defined in Rule 6A-6.03411(1)(z), Florida Administrative Code (F.A.C.), to the grade-level general state content standards pursuant to Rule 6A-1.09401, F.A.C.
- The student requires direct instruction in academic areas of English language arts, math, social studies and science, based on access points, in order to acquire, generalize and transfer skills across settings.
- The parent must sign consent in accordance with Rule 6A-6.0331(10), F.A.C.

To assist IEP teams in making course and assessment determinations, see the checklist in Appendix B.

B. Accommodations for Statewide Assessments

B-1. Who is allowed to have accommodations on the statewide standardized assessment program?

Accommodations are authorized for any student who has been determined eligible as a student with a disability and has a current IEP or has a plan developed under Section 504 of the Rehabilitation Act (Section 504 plan).

The accommodations must be identified on the student’s IEP or Section 504 plan and

must be based on current instructional accommodations and accessible instructional materials used regularly by the student in the classroom.

B-2. What are allowable accommodations?

Rule 6A-1.0943(4)(a), F.A.C., states that appropriate and allowable accommodations for statewide standardized assessments are prescribed in current statewide standardized assessment test administration manuals published by the Florida Department of Education (FDOE). Accommodations are changes or adjustments to standard testing procedures or materials that enable a student with a disability to participate in state or district assessments. Accommodations that negate the validity of a statewide standardized assessment are not allowable. The use of allowable statewide assessment accommodations is based on current instructional accommodations and the accessible instructional materials that are used regularly by the student in the classroom.

In accordance with s. 1008.22(3)(c)3.b., F.S., and Rule 6A-6.03028(3)(h)4., F.A.C., if a student with a disability is provided with accommodations in the classroom that are not allowed as accommodations for statewide standardized assessments, the school district must inform the parent in writing and provide the parent with information regarding the impact on the student's ability to meet expected performance levels. A parent must provide signed consent for a student to receive classroom instructional accommodations that would not be available or permitted on a statewide standardized assessment and acknowledge in writing that he or she understands the implications of such instructional accommodations.

B-3. What are unique accommodations?

Unique accommodations are specialized accommodations that require changes or alterations to available test materials or established test administration guidelines. In order to be used during testing, a unique accommodation must be an allowable accommodation that does not negate the validity of the assessment, must be documented in the student's IEP or Section 504 plan. Unique Accommodation requests must be made to FDOE and approved. Paper-based test materials (e.g., regular print, large print, braille and one-item-per-page) are not considered unique accommodations and may be provided to eligible students, if indicated.

B-4. What is the procedure for requesting unique accommodations?

On an annual basis, FDOE communicates with district assessment coordinators regarding the process to submit unique accommodation requests. The need for any unique accommodations that are not included in the FDOE statewide standardized assessment test administration manuals must be submitted to the commissioner of education for approval. Written requests for unique accommodations must be submitted on the district's Unique Accommodation Request Form. Requests should be reviewed by the district assessment coordinator and the district exceptional student education director before being submitted to FDOE.

B-5. If the parents of a student enrolled in private school or in home school programs elect to have their child participate in the statewide standardized assessment program, are accommodations available?

Yes. Students with disabilities who are in private school or in home school programs and who require accommodations to participate in the statewide standardized assessment program must receive accommodations identified in paragraphs (4)(a) and (4)(c) of Rule 6A-1.0943, F.A.C. To receive accommodations, the following information must be provided to the school district:

- Evidence that the student has been found eligible as a student with a disability as defined by s. 1003.01(3)(a), F.S., or is an eligible student with a disability with a Section 504 plan; and
- A statement that the requested accommodations are regularly used for instruction with the student.

C. Extraordinary Exemption from Statewide Assessments

C-1. Who may be eligible for an extraordinary exemption from participation in the statewide standardized assessment because of circumstances or conditions?

Section 1008.212, F.S., establishes two determinations that guide the IEP team in determining whether a student with a disability needs an extraordinary exemption from statewide standardized assessments.

A student with a disability who has a circumstance, defined according to s. 1008.212, F.S., may be eligible for an extraordinary exemption from participation in the statewide assessment. Circumstance is defined as a situation in which accommodations allowable on a statewide standardized assessment are not offered to a student during the current year's assessment administration because of technological limitations in the testing administration program that lead to results that reflect the student's impaired sensory, manual or speaking skills rather than the student's achievement of the benchmarks assessed by a statewide standardized assessment.

A student with a disability who has a condition may be eligible for an extraordinary exemption from participation in the statewide standardized assessment. A condition is defined according to s. 1008.212, F.S., to mean an impairment, whether recently acquired or longstanding, that affects a student's ability to communicate in modes deemed acceptable for statewide standardized assessments, even if appropriate accommodations are provided. The impairment creates a situation in which the results of administration of a statewide standardized assessment would reflect the student's impaired sensory, manual or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment.

A learning, emotional, behavioral or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., **is not, in and of itself, an adequate criterion for granting an extraordinary exemption.**

C-2. Who determines whether a student with a disability may be eligible for an extraordinary exemption from participation in the statewide standardized assessment because of circumstances or conditions?

The IEP team, which must include the parent, may determine if the student is eligible for an extraordinary exemption. The IEP team must then submit all documents required to the district school superintendent.

C-3. What is the process for submission of an extraordinary exemption from participation in a statewide standardized assessment to the commissioner of education?

The IEP team, which includes the parent, may submit a written request for an extraordinary exemption to the district school superintendent at any time during the school year, but no later than 60 days before the first day of the administration window of the statewide standardized assessment for which the request is made. The request must include the following:

- A written description of the student’s disabilities, including a specific description of the student’s impaired sensory, manual or speaking skills;
- Written documentation of the most recent evaluation data;
- Written documentation, if available, of the most recent administration of statewide standardized assessments;
- Written description of the effect of the circumstance or condition, as defined in section. 1008.212, F.S., on the student’s participation in statewide standardized assessments and on the student’s achievement;
- Written evidence that the student had the opportunity to learn the skills being tested;
- Written evidence that the student had been provided appropriate instructional accommodations;
- Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student’s IEP that are allowable in the administration of a statewide standardized assessment;
- Written evidence of the circumstance or condition as defined in subsection (1) of Rule 6A-1.0943, F.A.C.; and
- The name, address and phone number of the student’s parent.

Based on the IEP team’s recommendation, the school district superintendent shall recommend to the commissioner of education whether an extraordinary exemption for a given assessment administration window should be granted or denied. The school district’s recommendation and accompanying documentation must be sent to the Florida Department of Education, Office of the Commissioner, 325 West Gaines Street, Tallahassee, Florida, 32399-0400.

Within 30 calendar days of receiving the request, the commissioner of education shall verify the information documented, make a determination and notify the parent and the district school superintendent in writing whether the exemption has been granted or denied.

C-4. How often must a request for extraordinary exemption be submitted?

A request for the determination of an extraordinary exemption must be submitted annually and approved by the commissioner of education. If the commissioner of education denies the exemption, the notification must state the reasons for the denial.

C-5. How is the student's progress assessed if the commissioner of education grants the exemption?

A student's progress must be assessed in accordance with the goals established in the student's IEP.

C-6. What is available if a parent disagrees with the IEP team's recommendation regarding the request for an extraordinary exemption?

When a parent disagrees with the IEP team's recommendation, the dispute resolution methods as described in Rule 6A-6.03311, F.A.C., shall be made available to the parent.

C-7. What is available if a parent disagrees with the commissioner of education's denial of an extraordinary exemption?

In accordance with the provisions of s. 1008.212, F.S., when a parent disagrees with the commissioner of education's denial of an extraordinary exemption, the parent may request an expedited due process hearing. If requested, FDOE must inform the parent of any low- or no-cost legal services and must arrange the hearing with the Division of Administrative Hearings. This hearing must begin within 20 school days following receipt of the request, and the administrative law judge must make a determination within 10 school days after the completed hearing.

D. Exemption for Students with Medical Complexity

D-1. Who may be eligible for an exemption from participation in the statewide standardized assessment because of medical complexity?

Section 1008.22(10), F.S., establishes criteria to guide the IEP team in making a determination about a student with a disability who has the need for an exemption from participation on statewide standardized assessments because of the student's medical complexity.

Medical complexity is defined to mean a child who, based upon medical documentation from a physician licensed under chapter 458 or chapter 459, F.S., is medically fragile and needs intensive care because of a condition such as a congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living and lacks the capacity to perform on an assessment.

D-2. Who determines whether students with medical complexity may be eligible for an exemption from participation in the statewide standardized assessment?

The IEP team, which must include the parent, may determine whether the student with medical complexity is eligible for an exemption.

D-3. What exemption options are available for students with medical complexity?

Multiple exemption options for students with medical complexity are available as follows: a one-year exemption granted by the superintendent, or a one-, two-, three-year or permanent exemption approved by the commissioner of education.

D-4. Who determines which exemption option is chosen for students with medical complexity?

The parent may choose the exemption option for the student with medical complexity. The IEP team must then submit all required documents to the district school superintendent.

D-5. What are the school district superintendent's reporting requirements for the one-year exemption granted to students with medical complexity?

In accordance with s. 1008.22(10), F.S., the school district superintendent must report annually to the district school board and the commissioner of education the number of students who are identified as a child with medical complexity who are not participating in the assessment program.

D-6. What is the process for submission of documents for a medical complexity exemption from participation in a statewide standardized assessment to the commissioner of education?

An IEP team submits the appropriate documents to the district school superintendent, who then submits a written request to the commissioner of education for a medical complexity exemption. This request can be submitted at any time during the school year, but no later than 30 calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made. The request must include the following:

- The student's name, grade level and statewide standardized assessment for which the exemption request is made;
- The name, address and phone number of the student's parent;
- Documentation of parental consent for the exemption;
- Documentation of the superintendent's approval of the exemption;
- Documentation that the IEP team considered and determined that the student meets the definition of medical complexity as defined in s. 1008.22(10), F.S.; and
- Medical documentation of the student's condition as determined by a physician licensed in accordance with chapter 458 or chapter 459, F.S.

Within 20 calendar days of receiving the request, the commissioner of education shall verify the information presented, make a determination, and notify the parent and the school district's superintendent in writing whether the exemption has been granted or denied.

The school district's recommendation and accompanying documentation must be sent to the Florida Department of Education, Office of the Commissioner, 325 West Gaines Street, Tallahassee, Florida, 32399-0400.

**Appendix A:
Rule 6A-1.0943, F.A.C.**

Rule 6A-1.0943,F.A.C.: Statewide Assessment for Students with Disabilities can be found using the following link: <https://www.flrules.org/gateway/ruleNo.asp?id=6A-1.0943>.

**Appendix B:
Checklist for Course and Assessment Participation**

Student: _____ Age: _____ Date: _____
Teacher: _____ School: _____

Individual educational plan (IEP) teams are responsible for determining whether students with disabilities will be assessed through administration of the general statewide standardized assessment or the Florida Standards Alternate Assessment based on criteria outlined in Rule 6A-1.0943(5), Florida Administrative Code (F.A.C.). The IEP team should consider the student’s present level of educational performance in reference to the Next Generation Sunshine State Standards and Florida Standards. The IEP team should also be knowledgeable of guidelines and the use of appropriate testing accommodations.

In order to facilitate informed and equitable decision making, IEP teams should answer each of the following questions when determining the appropriate assessment. Check all that apply.

Questions to Guide the Decision-Making Process to Determine How a Student With Disabilities Will be Instructed and Participate in the Statewide Standardized Assessment Program	YES	NO
1. Does the student have a significant cognitive disability?		
2. Even with appropriate and allowable instructional accommodations, assistive technology or accessible instructional materials, does the student require modifications, as defined in Rule 6A-6.03411(1)(z), F.A.C., to the grade-level general state content standards pursuant to Rule 6A-1.09401, F.A.C.?		
3. Does the student require direct instruction in academic areas of English language arts, math, social studies and science based on access points in order to acquire, generalize and transfer skills across settings?		

If the IEP team determines that all three of the questions accurately characterize a student’s current educational situation, the student should be enrolled in access courses, and the Florida Standards Alternate Assessment should be used to provide meaningful evaluation of the student’s current academic achievement. If “yes” is not checked in all three areas, then the student should be instructed in the general education courses and participate in the general statewide standardized assessment with accommodations, as appropriate.

In accordance with Rule 6A-6.03331(10)(b), F.A.C., if the decision of the IEP team is that the student will participate in access courses and be assessed through the Florida Standards Alternate Assessment, the parents of the student must give signed consent to have their child instructed in access points and their achievement measured based on alternate academic achievement standards. This decision must be documented on a consent form available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-04779>. If the parent fails to respond after reasonable efforts by the school district to obtain consent, the school district may provide instruction in the state standards access points, and administer the Florida Standards Alternate Assessment. The IEP should include a statement of why the student cannot participate in the general assessment and why the alternate assessment is appropriate.

**Appendix C:
Checklist for Extraordinary Exemption Request
Sample Form**

District: _____ School: _____
Student: _____ Student ID: _____
Date of Birth: _____ Grade: _____
Assessment(s) for Exemption: _____

The documentation attached is intended to address and support the request for:

- One-year extraordinary exemption for student because of circumstance or condition

Information included:

- Individual educational plan to include documentation of the parent’s participation in the team’s decision to recommend to the superintendent that an extraordinary exemption be requested;
- A written description of the student’s disabilities, including a specific description of the student’s impaired sensory, manual or speaking skills;
- Written documentation of the most recent evaluation data;
- Written documentation, if available, of the most recent administration of statewide standardized assessments;
- Written description of the effect of the circumstance or condition, as defined in section 1008.212, Florida Statutes, on the student’s participation in statewide standardized assessments and on the student’s achievement;
- Written evidence that the student had the opportunity to learn the skills being tested;
- Written evidence that the student had been provided appropriate instructional accommodations;
- Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student’s individual educational plan, which are allowable in the administration of a statewide standardized assessment;
- Written evidence of the circumstance or condition as defined in subsection (1) of Rule 6A-1.0943, Florida Administrative Code; and
- The name, address and phone number of the student’s parent.

Superintendent

Date

District Exceptional Student Education Director

Date

District Assessment Coordinator

Date

**Appendix D:
Checklist for Medical Complexity Exemption Request
Sample Form**

District: _____ School: _____

Student: _____ Student ID: _____

Date of Birth: _____ Grade: _____

Assessment(s) for Exemption: _____

The documentation attached is intended to address and support the request for the commissioner of education's approval for:

- One-year exemption for student determined medical complexity
- Two-year exemption for student determined medical complexity
- Three-year exemption for student determined medical complexity
- Permanent exemption for student determined medical complexity

Information included:

- The student's name, grade level and statewide standardized assessment for which the exemption request is made;
- The name, address and phone number of the student's parent;
- Documentation of parental consent for the exemption;
- Documentation of the superintendent's approval of the exemption;
- Documentation that the individual educational plan team considered and determined that the student meets the definition of medical complexity as defined in section 1008.22(10), Florida Statutes; and
- Medical documentation of the student's condition as determined by a physician licensed in accordance with chapter 458 or chapter 459, Florida Statutes.

Superintendent

Date

District Exceptional Student Education Director

Date

District Assessment Coordinator

Date