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## Technical Assistance Paper Waiver of Statewide, Standardized Assessment Results for Students with Disabilities

### Summary:

This technical assistance paper (TAP) updates previous technical assistance and guidance provided to school districts regarding the waiver of statewide, standardized assessment results. This TAP includes a sample form for individual educational plan teams making decisions related to waiving statewide, standardized assessment results for students with disabilities for the purpose of earning a course grade and a standard high school diploma.

**Contact:** Laurie Epps  
Program Specialist  
850-245-0475  
[Laurie.Epps@fldoe.org](mailto:Laurie.Epps@fldoe.org)

### Status:

- New technical assistance paper
- ✓ Revises and replaces existing TAP: Waiver of Statewide, Standardized Assessment Results for Students with Disabilities dated April 17, 2015

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**A. Waiver of Statewide, Standardized Assessment Results for Students with Disabilities**

**A-1. What is the statutory authority for a waiver of statewide, standardized assessment results?**

Section 1008.22(3)(c)1., Florida Statutes (F.S.), requires that school districts provide instruction to prepare students with disabilities to demonstrate satisfactory performance in the core content knowledge and skills necessary for successful grade-to-grade progression and high school graduation. Assessment results may be waived under specific circumstances for students with disabilities for the purpose of receiving a course grade and a standard high school diploma. Specific requirements regarding the waiver process are found in s. 1008.22(3)(c)2., F.S.

**A-2. What are the criteria for a waiver of statewide, standardized assessment results?**

To be considered for a statewide, standardized assessment results waiver, the following criteria must be met:

1. The student must be identified as a student with a disability, as defined in s. 1007.02, F.S.:

The term “student with a disability” means a student who is documented as having an intellectual disability; a hearing impairment, including deafness; a speech or language impairment; a visual impairment, including blindness; an emotional or behavioral disability; an orthopedic or other health impairment; an autism spectrum disorder; a traumatic brain injury; or a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia.

2. The student must have an individual educational plan (IEP).
3. The student must have taken the statewide, standardized assessment with appropriate allowable accommodations at least once.
4. In accordance with s. 1008.22(3)(c)2., F.S., the IEP team must make a determination of whether a statewide, standardized assessment accurately measures the student’s abilities, taking into consideration all allowable accommodations for students with disabilities.

The IEP team may meet at any time to:

- Verify that the criteria have been met
- Document the team’s determination and information analyzed in making the decision

**A-3. What evidence can the team review to determine that the results of a statewide, standardized assessment are not an accurate measure of the student’s abilities?**

The team may review evidence that includes, but is not limited to:

- Classroom work samples
- Course grades
- Teacher observations
- Relevant classroom data derived from formative assessments
- Intensive remediation activities on the required course standards
- Higher-level, related coursework (honors, advanced placement, etc.)
- Related postsecondary coursework through dual enrollment
- Other standardized academic assessments, such as the SAT, the ACT or Postsecondary Education Readiness Test (P.E.R.T.)
- Portfolio

**A-4. Is there a timeline during which a waiver of statewide, standardized assessment results must be determined after a student completes a course and the test?**

No. However, it is recommended that the IEP team meet soon after the statewide, standardized assessment results are available to ensure that needed documentation is readily accessible.

**B. Eligible Students**

**B-1. Can students who have not been identified as a student with a disability but are homebound or hospitalized be considered eligible for a statewide, standardized assessment results waiver?**

No. The student must be identified as a student with a disability, as defined in s. 1007.02, F.S. (see question A-2).

A student who has solely been determined eligible for specially designed instruction through the homebound or hospitalized program is not eligible for a waiver of statewide, standardized assessment results.

**B-2. Is a waiver available to students without disabilities who meet all the other requirements for graduation except passing a statewide, standardized assessment required to receive a standard diploma?**

No. The statewide, standardized assessment results waiver may only be considered for eligible students with disabilities as defined in s. 1007.02, F.S. (see question A-2).

**B-3. Is a student with a disability who chooses to pursue the 18-credit, Academically Challenging Curriculum to Enhance Learning (ACCEL) option, eligible for a waiver of statewide, standardized assessment results?**

Yes. Students with disabilities who choose to pursue ACCEL may be eligible for a waiver of statewide, standardized assessment results under s. 1008.22(3)(c)2., F.S., as long as they meet all requirements in question A-2 and s. 1002.3105, F.S., Academically Challenging Curriculum to Enhance Learning (ACCEL) options.

**B-4. Can a student with a disability who receives a statewide, standardized assessment results waiver earn a scholar diploma designation?**

No. In order for a student to earn a scholar diploma designation, a student must meet the requirements of s. 1003.4285, F.S.

Statutory requirements and other resources relating to standard diploma designations may also be found at <http://www.fldoe.org/academics/graduation-requirements>.

**B-5. If a student is determined to be a student with a disability after the administration of a statewide, standardized assessment, can the student's assessment results be considered for a waiver?**

Yes, if after the assessment administration a student has been determined to be a student with a disability, the student may be considered for a waiver as long as the student meets the criteria under question A-2.

**B-6. If the IEP team has determined that no test accommodations are appropriate, and the student has failed to achieve a passing or satisfactory score, is the student eligible for a statewide, standardized waiver of the results?**

Yes, as long as the student meets all other requirements in question A-2 and the IEP team has considered allowable accommodations and determined none to be appropriate and that the assessment cannot accurately measure the student's abilities.

**B-7. Can a student who has received instructional accommodations in the classroom that are non-allowable on a statewide, standardized assessment be considered for a waiver of the results?**

Yes. In accordance with s. 1008.22(3)(c)3.a, F.S., students who have received instructional accommodations in the classroom that are non-allowable on a statewide, standardized assessment and who meet all the criteria listed in question A-2 may be considered for a waiver of the statewide, standardized assessment results.

**B-8. Are students who were previously dismissed from exceptional student education (ESE) services eligible for a waiver of statewide, standardized assessment results?**

No. If students have been dismissed from ESE services, they no longer meet the requirements to be considered for a waiver of statewide, standardized results outlined in question A-2.

**B-9. Are students with disabilities who transfer to Florida from another state in 12th grade eligible for the waiver of statewide, standardized assessment results?**

Yes. Under s. 1003.433, F.S., a student who transfers to Florida from out of state or out of country must meet the assessment requirements under s. 1008.22, F.S., earn a 2.0 grade point average and meet all requirements of the school, district, state or country

from which he or she is transferring in order to earn a standard diploma. If the student participates in a Florida statewide, standardized assessment and meets the criteria under question A-2, the student may be considered for a waiver of statewide, standardized assessment results.

**B-10. Can districts grant a waiver of statewide, standardized assessment results to all students with disabilities who are eligible for consideration?**

No. Districts cannot make a policy decision to unilaterally grant the waiver of any statewide, standardized assessment results to all students with disabilities. The IEP team must consider each student individually for each assessment for which the student may be eligible to waive the statewide, standardized assessment results.

**B-11. Do students have to take a course a second time before granting a waiver of statewide, standardized assessment results?**

No. There is no requirement in statute that a student must retake the course.

**B-12. Can students in third grade who do not pass a statewide, standardized assessment receive a waiver of assessment results to avoid retention?**

No. Consideration for a waiver of statewide, standardized assessment results is for middle and high school students to earn a course grade and a standard high school diploma. Students in third grade are not eligible to be considered for a waiver of statewide, standardized assessment results to avoid retention.

Florida law (s. 1008.25(5)(b), F.S.) states that to be promoted to grade 4, a student must score a Level 2 or higher on the statewide, standardized English Language Arts assessment required under s. 1008.22, F.S., for grade 3. If a student's reading deficiency is not remedied by the end of grade 3, as demonstrated by scoring Level 2 or higher on the statewide, standardized assessment required under s. 1008.22, F.S., for grade 3, the student must be retained.

Florida law (s. 1008.25(6)(b)2, 5, and 6, F.S.) states that the district school board may only exempt students from mandatory retention, as provided in paragraph (5)(b), for good cause.

Students who demonstrate the required reading level through a state-approved alternative standardized reading test or through a student portfolio can be granted a "good cause exemption" and be promoted to fourth grade. For additional information, refer to the TAP on Third-Grade Student Progression (DPS: 2014-128; October 24, 2014) at <http://info.fldoe.org/docushare/dsweb/Get/Document-7208/dps-2014-128.pdf>.



**C. Applicable Statewide, Standardized Assessments**

**C-1. For which statewide, standardized assessment can a student with a disability be considered for a waiver of the results?**

S. 1008.22(3)(c)2., F.S., states that students with disabilities can be eligible for a waiver of statewide, standardized assessment results for the purpose of receiving a course grade and a standard high school diploma. This includes Civics, the Grade 10 English Language Arts assessment, Algebra I end-of-course (EOC) assessment, Geometry (EOC) assessment, Algebra II EOC assessment, Biology I EOC assessment, United States History EOC assessment and the Florida Alternate Assessment.

Requirements for a standard high school diploma may be found in s. 1003.4282., F.S.

**C-2. Can students with disabilities be found eligible for more than one statewide, standardized assessment results waiver?**

Yes, as long as the IEP team feels the student meets the criteria for waiving the results of the statewide, standardized assessment. More than one statewide, standardized assessment can be considered during a team meeting; however, each waiver of assessment result should be considered individually and documented separately.

**C-3. Are there specific requirements when waiving results for students who are assessed on the Florida Alternate Assessment?**

Yes. State Board of Education Rule 6A-1.09963(3)(d), Florida Administrative Code, (F.A.C.) states the following:

The development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community based instruction, MOCPs [modified occupational completion points], work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.

**D. Continuous Enrollment**

**D-1. Is a student with a disability who has not been continuously enrolled in school eligible for a waiver of statewide, standardized assessment results?**

Yes. A student with a disability who has not been continuously enrolled in school may be eligible for the waiver as long as the student meets all other requirements outlined in question A-2.

**D-2. Is a student with a disability who received a special diploma or certificate of completion eligible for consideration of a waiver of statewide, standardized assessment results if the student re-enrolls to pursue a standard diploma?**

Yes. If a student re-enrolls and is under age 22, the student must meet all of the criteria outlined in question A-2 to be considered for the waiver of statewide, standardized assessment results.

**D-3. Can students with disabilities who attended private schools be eligible for a waiver of statewide, standardized assessment results after enrolling or re-enrolling in a public school?**

Yes. Students with disabilities who attended private school may enroll or re-enroll in a public school and be considered for the waiver of statewide, standardized assessment results if they meet the requirements outlined in question A-2. This includes students using the McKay Scholarship for Students with Disabilities.

**D-4. Is a student with a disability who participates in virtual instruction eligible for consideration of a waiver of statewide, standardized assessment results?**

Yes, public school students meeting the criteria in question A-2 and pursuing a Florida standard diploma are eligible to be considered for a waiver of statewide, standardized assessment results if they are enrolled in a virtual program.

**E. Informing the Parent(s) and Student**

**E-1. Do parents need to approve a waiver of statewide, standardized assessment results?**

Yes. S. 1003.4282(10)(e) F.S., states:

Beginning with students entering grade 9 in the 2014-15 school year...(e) Any waiver of the statewide, standardized assessment requirements by the individual education plan team, pursuant to s. 1008.22(3)(c), must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided for in s. 1003.572.

Independent reviewers may include appropriately licensed behavior analysts, speech-language pathologists, occupational therapists, physical therapists, psychologists and clinical social workers.

**E-2. When may the parent(s) and the student be made aware of the possibility of a waiver of statewide, standardized assessment results?**

The possibility may be discussed any time.

**E-3. What information should be communicated to parent(s) and students at the time they are made aware of a waiver of statewide, standardized assessment results?**

At the time the parent(s) and students are initially made aware of the possibility of a waiver of statewide, standardized assessment results, an emphasis should be placed on ensuring that the student and parent(s) understand the following information:

- The IEP team must have evidence that indicates the student’s performance on a statewide, standardized assessment was not an accurate measure of the student’s abilities, taking into account all allowable accommodations.
- For students not meeting the criteria in question A-2 and, therefore, not found eligible for a waiver of the statewide, standardized assessment results, the school will continue to provide remediation, opportunities to retake an assessment and appropriate instruction and intervention needed by the student. These efforts and any accommodations will be specified on the student’s IEP.
- In accordance with s. 1008.22(3)(a)(b), F.S., students who have not earned a passing score on a statewide, standardized assessment needed to earn a standard high school diploma, have the opportunity to earn a passing score on a retake of a statewide, standardized assessment, a concordant score on a standardized test (e.g. SAT or ACT), or a comparative score for the Algebra I EOC assessment.

**F. Waiver Form and Documentation of Satisfactory Performance**

**F-1. Is an IEP team required to convene to consider a waiver?**

Yes. The IEP team must convene to analyze the information needed to consider whether a student is eligible for a waiver of statewide, standardized assessment results for the purpose of receiving a course grade and a standard high school diploma. The IEP team is encouraged to document the team’s analysis of the student’s performance data used to make the decision to grant or deny a waiver of statewide, standardized assessment results. The Sample Waiver Form in Appendix A may be used to guide the team through this process, but it is not required. Districts can also create their own form or process of documentation.

**F-2. When should the decision be made to waive a student’s statewide, standardized assessment results?**

A decision may be made at an IEP team meeting any time after a student takes a statewide, standardized assessment needed to earn a course grade and a standard high school diploma in accordance with s. 1008.22 (3)(a)(b), F.S. Documentation of the decision should be completed at that time.

**F-3. How can parents obtain documentation of their child’s statewide, standardized assessment results waiver?**

The parent can receive documentation of the waiver of statewide, standardized assessment results at the IEP team meeting after the determination is made.

**F-4. Is there a cut-off score required for consideration for a waiver of statewide, standardized assessment results (e.g., students within 50 points of passing)?**

No. IEP teams may consider a waiver of statewide, standardized assessment results, regardless of the scores received, for a student who meets all requirements under question A-2.

**G. Postsecondary Considerations**

**G-1. Will students be able to apply to a college or university if they obtain a standard high school diploma using a waiver of statewide, standardized assessment results?**

Yes. The student will have obtained a standard high school diploma and will be able to apply for college or university admission.

**G-2. May co-enrolled students with disabilities (students currently enrolled in a 9-12th grade high school program and taking credit courses through adult education) request a waiver of statewide, standardized assessment results?**

Yes. Co-enrolled students with disabilities who are taking adult education courses for the purpose of making up credits, improving their grade point average or earning extra credits may request a waiver of statewide, standardized assessment results. Students should follow their school district's procedures for requesting the waiver and are required to meet eligibility requirements outlined in question A-2.

**H. Other**

**H-1. What options are available for students with disabilities who do not pass a required statewide, standardized assessment and do not receive a waiver?**

Students who do not pass a required statewide, standardized assessment and are not found eligible to waive the results have the following options:

- Return to high school to continue working toward passing the assessment or meeting the criteria for a waiver of the results until reaching the age of 22
- Receive a score comparable (a concordant score) to the passing score for the required statewide, standardized assessment on the SAT, ACT or P.E.R.T.
- Receive assessment remediation through adult education
- Prepare for the high school equivalency test through adult education
- Receive a certificate of completion

## Appendix A: Sample Waiver Form

### STATEWIDE, STANDARDIZED RESULTS WAIVER FOR STUDENTS WITH DISABILITIES

Section 1008.22(3)(c), Florida Statutes (F.S.), states the following:

A student with a disability, as defined in s. 1007.02 F.S., for whom the individual education plan (IEP) team determines that the statewide, standardized assessments under this section cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma.

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In order to be considered for the statewide, standardized assessment results waiver:

1. The student must be identified as a student with a disability, as defined in s. 1007.02, F.S.

The term "student with a disability" means a student who is documented as having an intellectual disability; a hearing impairment, including deafness; a speech or language impairment; a visual impairment, including blindness; an emotional or behavioral disability; an orthopedic or other health impairment; an autism spectrum disorder; a traumatic brain injury; or a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia.

2. The student must have an IEP.
3. The student must have taken the statewide, standardized assessment with appropriate allowable accommodations at least once.
4. In accordance with s. 1008.22(3)(c)2., F.S., the IEP team must make a determination of whether a statewide, standardized assessment accurately measures the student's abilities, taking into consideration all allowable accommodations for students with disabilities.

District: \_\_\_\_\_

School: \_\_\_\_\_

Student Name: \_\_\_\_\_

Student ID#: \_\_\_\_\_

Student Grade Level: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Date of IEP Team Meeting: \_\_\_\_\_

**The IEP team must meet to determine whether the statewide, assessment results should be waived.**

**STATEWIDE, STANDARDIZED ASSESSMENT RESULTS/COURSE  
PERFORMANCE**

Complete this section or attach a copy of the student's statewide, standardized results and IEP accommodations provided. (Additional copies of this page may be made when considering more than one statewide, standardized assessment for waiver of results.)

**Name of Assessment:** \_\_\_\_\_

**Date of Administration:** \_\_\_\_\_

**Score or Level Achieved:** \_\_\_\_\_

**Accommodations Provided:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Why doesn't the statewide, standardized assessment accurately measure the student's abilities? (Check at least one. Check all that apply.)**

The student received the following accommodations in the classroom that are not allowed on the statewide, standardized assessment: (describe or attach information)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The student's disability prohibits the student from responding to the test, even with allowable accommodations, so that the results of the test reflect the student's impaired sensory, manual or speaking skills rather than the student's abilities.

Other \_\_\_\_\_

**What evidence did the team review to determine that the results of the statewide, standardized assessment results are not an accurate measure of the student's abilities? (Check at least one. Check all that apply.)**

- Classroom work samples
- Course grades
- Teacher observations
- Relevant classroom data derived from formative assessment
- Intensive remediation activities on the required course standards
- Higher-level, related coursework (honors, advanced placement, etc.)
- Related postsecondary coursework through dual enrollment
- Other standardized academic assessments: \_\_\_\_\_
- Portfolio: \_\_\_\_\_

**IEP TEAM RECOMMENDATION**

The following determination has been made by the IEP team:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The IEP team has approved the waiver of this statewide, standardized assessment results.

Yes  No

In the event that the IEP team determined that the results will not be waived, the student and the parent have been informed of the district’s obligation to make available to the student a free appropriate public education through age 21 (until the student turns 22 or until the end of the semester or school year in which the student turns 22, in accordance with the school district’s policy) or receives a standard diploma, whichever occurs first (Rule 6A-6.03028(1), F.A.C.).

**PARENT/GUARDIAN APPROVAL REQUIRED (Beginning with 9<sup>th</sup> grade cohort for 2014-2015)**

I approve the waiver of statewide, standardized assessment results.  Yes  No

\_\_\_\_\_  
**Signature of Parent/Guardian/Student, if 18 years old**

\_\_\_\_\_  
**Date**

Section 1003.4282 (10)(e), F.S., requires parental approval of the waiver of statewide, standardized assessment results. In the event that the parent does not approve the waiver of the statewide, standardized assessment results, the IEP team should document this in the meeting notes. In this circumstance, if the IEP team believes that the waiver of results should be provided to the student, regardless of the parent’s lack of approval, then the school is advised to provide a notice of refusal to the parent with a copy of the Procedural Safeguards.

**IEP Team Signatures**

**Parent/Guardian:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Student:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Teacher:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Exceptional Student Education Teacher:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Local Educational Agency Representative:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Title of Local Educational Agency Rep.:** \_\_\_\_\_

**Other:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**THE COMPLETED WAIVER FORM MAY BE FILED IN THE STUDENT’S CUMULATIVE FOLDER.**