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MEMORANDUM

TO: School District Superintendents

FROM: Dr. Paul O. Burns

DATE: April 7, 2023

SUBJECT: Rule 6A-1.0943, Florida Administrative Code (F.A.C.), Statewide Assessments for Students with Disabilities, and Assessment Participation

Contact Information:

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DPS: 2023-40

Necessary instructional supports can be identified through the essential data provided by statewide standardized assessments. Such data drives programmatic decision making and accountability. Federal regulations require that all students in specified elementary, middle and high school grade ranges participate in state assessments used for accountability. The [Individuals with Disabilities Education Act](#) requires that all children with disabilities are included in all statewide assessment programs with appropriate accommodations and alternate assessments, regardless of whether the assessments are used for accountability. The 2015 reauthorization of the Elementary and Secondary Education Act, known as the [Every Student Succeeds Act \(ESSA\)](#), stipulates that states must assess at least 95 percent of all students, as well as 95 percent of students in each subgroup, including children with disabilities, with federally approved statewide academic content assessments to meet federal accountability requirements.

To meet the 95 percent participation rate required by ESSA and fulfill the statutory requirement of [section \(s.\) 1008.22, Florida Statutes \(F.S.\)](#), Florida students in grades 3 through 10 must be administered either the Florida Assessment of Student Thinking (FAST) or the Florida Standards Alternate Assessment (FSAA) in English language arts, and students in grades 3 through 8 must be administered either the FAST or FSAA in mathematics. Students taking Algebra I, Geometry, Biology I, United States History, and Civics must be assessed with the applicable general curriculum end-of-course (EOC) assessment or with an FSAA EOC.

Per s. 1008.22, F.S., students with the most significant cognitive disabilities who have met the eligibility criteria of [Rule 6A-1.0943\(5\), F.A.C.](#), may participate in the FSAA if it is indicated on their individual educational plans. Students who have met the criteria in Rule 6A-1.0943(5), F.A.C., except for Rule 6A-1.0943(5)(c)1., F.A.C., which states the student must “be enrolled in the appropriate aligned courses using alternate achievement standards for two (2) consecutive full-time equivalent reporting periods prior to the assessment,” must participate in the FAST progress monitoring (PM3) and not the FSAA.

DR. PAUL O. BURNS
CHANCELLOR OF PUBLIC SCHOOLS

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If you have questions regarding this topic, please contact Chelsea Strickland, senior educational program director, Instructional Support Services (ISS), Bureau of Exceptional Education and Student Services (BEES), at Chelsea.Strickland@fldoe.org, or Patricia Bodiford, state lead for intellectual disabilities, ISS, BEES, at Patricia.Bodiford@fldoe.org or by phone at 850-245-0475.

PB/cs

cc: School District Assistant Superintendents
School District Exceptional Student Education Directors
School District Alternate Assessment Coordinators
School District Assessment Coordinators