

# FLORIDA DEPARTMENT OF EDUCATION



Dr. Eric J. Smith  
Commissioner of Education



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## Technical Assistance Paper

### Statewide Assessment for Students with Disabilities

#### Summary:

The purpose of this technical assistance paper (TAP) is to provide technical assistance regarding the recent revision of Rule 6A-1.0943, Florida Administrative Code (F.A.C.), *Statewide Assessment for Students with Disabilities*

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# Statewide Assessment for Students with Disabilities

## A. Student Participation in the Statewide Assessment Program

### A-1. What are the major changes in Rule 6A-1.0943, Florida Administrative Code (F.A.C.), Statewide Assessment for Students with Disabilities?

The rule was revised to:

- delete references to specific types of accommodations (e.g., presentation, use of calculators and rulers, setting, assistive technology) and refer to the state test administration manuals published by the Florida Department of Education (FDOE). This allows for the rule to be consistent with updates to the manual without rule revisions (*see question B-2*);
- include new language with regard to the provision of testing accommodations for eligible students with disabilities who are enrolled in home education programs or are in private school and choose to participate in the statewide assessment (*see question A-3*);
- revise previous language regarding criteria for participation in the statewide alternate assessment. The new criteria provides greater specificity and officially references instruction in Sunshine State Standards Access Points (*see question A-4*);
- add language permitting a special exemption from participation in the statewide assessment, in the event of extraordinary circumstances, with the approval of the Commissioner of Education. Extraordinary circumstances are defined (*see questions C-1 and C-2*);
- establish July 1, 2010, as the effective date for the revisions.

### A-2. Who participates in the statewide assessment program?

In accordance with sections 1008.22(3)(c)(6), 1003.428(5), and 1003.43(8), Florida Statutes (F.S.), all students enrolled in public schools are required to participate in the statewide assessment program.

### A-3. Are students who are enrolled in private schools or in home education programs required to participate in the statewide assessment program?

No. However, 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 the option to have their child participate in the statewide assessment program.

### A-4. What are the requirements for participation in the Florida Alternate Assessment?

The decision for a student with a significant cognitive 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 is unable to master the grade-level general state content standards pursuant to Rule 6A-1.09041, F.A.C., even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials;

- the student is participating in a curriculum based on the state standards access points, for all academic areas; and
- the student requires direct instruction in academics based on access points, in order to acquire, generalize, and transfer skills across settings.

To assist IEP teams in making this determination, please see the revised checklist in Appendix B.

## **B. Accommodations**

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

Accommodations are authorized for any student who has been determined eligible as a student with a disability pursuant to s. 1003.01(3)(a), F.S., and Rule 6A-6.0331, F.A.C., and has a current IEP, or who has been determined to be a student with a disability pursuant to Rule 6A-19.001(6), F.A.C., and has a plan developed under Section 504 of the Rehabilitation Act.

The accommodations must be identified on the student's IEP or 504 plan and must align with 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(3)(a), F.A.C., states that appropriate and allowable accommodations for statewide assessments are prescribed in current statewide assessment test administration manuals published by the 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 assessment are not allowable. The use of allowable statewide assessment accommodations must align with current instructional accommodations and accessible instructional materials used regularly by the student in the classroom.

### **B-3. What are unique accommodations?**

Unique accommodations are accommodations that require changes or alterations to the test materials/booklet or media presentation. As with other accommodations, these must be documented in the student's IEP or Section 504 plan. Unlike other allowable accommodations, unique accommodations must be requested and approved so that the appropriate test booklet can be ordered for the student. Please note that braille and large print are not considered unique accommodations, but these formats must be ordered by the district assessment office.

### **B-4. What is the procedure for implementing unique accommodations?**

The need for any unique accommodations not included in the FDOE statewide assessment test administration manuals must be submitted to the Commissioner of Education for approval. Written requests for unique accommodations must be submitted on the Unique Accommodation Request Form. Requests must be reviewed and submitted

by district-level staff and require the signatures of both the District Assessment Coordinator and the District ESE Director.

**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 assessment program, are accommodations available?**

Yes. Students with disabilities who are in private school or in home school programs and who require accommodations in order to participate in the statewide assessment program may receive accommodations identified in paragraph (3)(a) of Rule 6A-1.0943, F.A.C. In order to receive accommodations, the following information must be provided to the 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 Rule 6A-19.001(6), F.A.C.; and
- a statement that the requested accommodations are regularly used for instruction with the student.

**C. Special Exemption**

**C-1. Who may be eligible for a special exemption from participation in the statewide assessment due to extraordinary circumstances?**

Extraordinary circumstances are events or conditions that prevent a student from physically demonstrating the mastery of skills that have been acquired and are measured by statewide assessments. In most cases, the inability to demonstrate the mastery of skills is related to the recency of the circumstance in which the student has yet to acquire the skills needed to show mastery and less related to existing/ongoing issues. As such, pursuant to s. 1008.22(3)(c)(6), F.S., upon approval of the Commissioner, a student with a disability, as defined in s. 1003.01(3)(a), F.S., is eligible for consideration for a special exemption from participation in statewide assessments, including the alternate assessment, under extraordinary circumstances. 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, **does not, in and of itself, constitute extraordinary circumstances.** Extraordinary circumstances are physical conditions that affect a student's ability to communicate in modes deemed acceptable for statewide assessments, creating a situation where the results of administration of a statewide assessment would reflect a student's impaired sensory, manual, or speaking skills rather than the student's acquired achievement. For example, a request for exemption due to extraordinary circumstance would be submitted for a student who recently lost his or her vision and has not had sufficient time to learn braille.

*Note: It is important that all students are included in the accountability process. Students who are exempt due to extraordinary circumstances are counted as non-participants in the accountability process.*

**C-2. What is the process for applying for consideration of a special exemption under extraordinary circumstances?**

A request for consideration of this special exemption must be submitted to the Commissioner of Education in writing from the district school superintendent no later

than thirty school days prior to the assessment administration window. Documentation shall include:

- written description of the student's disabling condition (with date of onset), including a specific description of the student's impaired sensory, manual, or speaking skills and the extraordinary circumstances for the exemption request;
- written documentation of the most recent evaluation data;
- written description of the disability's effect on the student's achievement;
- written evidence that the student has had the opportunity to learn the skills being tested; and,
- written evidence that the manifestation of the student's disability prohibits the student from responding to the statewide assessment, even when appropriate accommodations are provided, so that the result of the testing reflects the student's impaired sensory, manual, or speaking skills rather than the student's achievement.

The Commissioner shall determine whether the exemption will be granted based upon the documentation provided by the district school superintendent. A request for the determination of a special exemption must be submitted annually and approved by the Commissioner.

## Appendix A

### **6A-1.0943, F.A.C., Statewide Assessment for Students with Disabilities.**

(1) The Department of Education shall assure the participation of students with disabilities as defined by Section 1003.01(3)(a), F.S., or subsection 6A-19.001(6), F.A.C., in the statewide assessment program and provide technical assistance to school districts in the implementation of the requirements of this rule including appropriate accommodations for students participating in the statewide assessment program as required by Sections 1008.22(3)(c)6., 1003.428(5) and 1003.43(8), F.S.

(2) All students with disabilities will participate in the statewide assessment program based on state standards, pursuant to Rule 6A-1.09401, F.A.C., without accommodations unless:

(a) The individual educational plan (IEP) team, or the team that develops the plan required under Section 504 of the Rehabilitation Act, determines and documents that the student requires allowable accommodations during instruction and for participation in a statewide assessment; or

(b) The IEP team determines that a student with a significant cognitive disability meets the criteria for participating in the statewide alternate assessment under subsection (4) of this rule.

(3) Provision of accommodations for students with disabilities participating in the statewide assessment program.

(a) Each school board shall utilize appropriate and allowable accommodations for statewide assessments within the limits prescribed herein and current statewide assessment test administration manuals published by the Florida Department of Education Bureau of Assessment and School Performance, and Bureau of Exceptional Education and Student Services. Copies of the manuals are available by contacting the Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400. Accommodations are defined as adjustments to the presentation of the statewide assessment questions, methods of recording examinee responses to the questions, scheduling for the administration of a statewide assessment to include amount of time for administration, settings for administration of a statewide assessment, and/or the use of assistive technology/devices to facilitate the student's participation in a statewide assessment. Accommodations that negate the validity of a statewide assessment are not allowable. Within the limits specified in this rule, allowable statewide assessment accommodations are based on current instructional accommodations and accessible instructional materials used by the student in the classroom.

(b) The accommodations described in paragraph (3)(a) of this rule are authorized for any student who has been determined to be an eligible student with a disability pursuant to Section 1003.01(3)(a) F.S. and Rule 6A-6.0331, F.A.C., and has a current IEP, or who has been determined to be a student with a disability pursuant to subsection 6A-19.001(6), F.A.C. The accommodations must be identified on the student's IEP or the plan developed under Section 504 of the Rehabilitation Act.

(c) The need for any unique accommodations for use on a statewide assessment not outlined in the statewide assessment test administration manuals published by the Florida Department of Education as described in paragraph (3)(a) of this rule must be submitted to the Department of Education for approval by the Commissioner of Education.

(d) District personnel are required to implement the accommodations in a manner that ensures that the test responses are the independent work of the student. Personnel are prohibited from assisting a student in determining how the student will respond or directing or leading the student to a particular response. In no case shall the accommodations authorized herein be interpreted or construed as an authorization to provide a student with assistance in determining the answer to any test item.

(e) Students with disabilities who are not currently enrolled in public schools or receiving

services through public school programs and require accommodations in order to participate in the statewide assessment program may have access to accommodations identified in paragraph (3)(a) of this rule if the following information is provided:

1. Evidence that the student has been found eligible as a student with a disability as defined by Section 1003.01(3)(a), F.S., or subsection 6A-19.001(6), F.A.C.; and,

2. Documentation that the requested accommodations are regularly used for instruction.

(4) Participation in the statewide alternate assessment. The decision that a student with a significant cognitive disability will participate in the statewide alternate assessment is made by the IEP team and recorded on the IEP. The following criteria must be met:

(a) The student is unable to master the grade-level general state content standards pursuant to Rule 6A-1.09401, F.A.C., even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials;

(b) The student is participating in a curriculum based on the state standards access points, pursuant to Rule 6A-1.09401, F.A.C., for all academic areas; and

(c) The student requires direct instruction in academics based on access points, pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

(5) Pursuant to Section 1008.22(3)(c)6., F.S., upon approval of the Commissioner, a student with a disability, as defined in Section 1003.01(3)(a), F.S., is eligible for consideration of a special exemption from participation in statewide assessments, including the alternate assessment, under extraordinary circumstances. Extraordinary circumstances are events or conditions that prevent the student from physically demonstrating the mastery of skills that have been acquired and are measured by statewide assessments. 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., does not, in and of itself, constitute an extraordinary circumstance. Extraordinary circumstances are physical conditions that affect a student's ability to communicate in modes deemed acceptable for statewide assessments, creating a situation where the results of administration of a statewide assessment would reflect a student's impaired sensory, manual, or speaking skills rather than the student's achievement. A request for consideration of this special exemption must be submitted to the Commissioner in writing from the district school superintendent no later than thirty (30) school days prior to the assessment administration window. Attached documentation shall include:

(a) Written description of the student's disabling condition, including a specific description of the student's impaired sensory, manual or speaking skills and the extraordinary circumstances for the exemption request;

(b) Written documentation of the most recent evaluation data;

(c) Written description of the disability's effect on the student's achievement;

(d) Written evidence that the student has had the opportunity to learn the skills being tested; and,

(e) Written evidence that the manifestation of the student's disability prohibits the student from responding to the statewide assessment, even when appropriate accommodations are provided so that the result of the testing reflects the student's impaired sensory, manual, or speaking skills rather than the student's achievement.

The Commissioner shall determine whether the exemption will be granted based upon the documentation provided by the district school superintendent. A request for the determination of a special exemption must be submitted annually and approved by the Commissioner.

*Rulemaking Authority 1003.428(5), 1003.43(8), 1003.571, 1008.22(3), (12) FS. Law Implemented 1003.428(5), 1003.43(8), 1003.571, 1008.22(3), (12) FS. History—New 9-12-78, Amended 3-4-84, Formerly 6A-1.943, Amended 6-12-90, 9-17-01, 7-1-10.*



## Appendix B

### ASSESSMENT PARTICIPATION CHECKLIST

<b>Student:</b> _____	<b>Age:</b> _____	<b>Date:</b> _____
<b>Teacher:</b> _____	<b>School:</b> _____	

Individual educational plan (IEP) teams are responsible for determining whether students with disabilities will be assessed with the general statewide assessment or with the Florida Alternate Assessment based on criteria outlined in Rule 6A-1.0943(4), Florida Administrative Code (F.A.C.). The IEP team should consider the student’s present level of educational performance in reference to the Florida State Sunshine 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.

<b>Questions to Guide the Decision-Making Process to Determine How a Student with Disabilities will Participate in the Statewide Assessment Program</b>	<b>YES</b>	<b>NO</b>
1. Does the student have a significant cognitive disability?		
2. Is the student unable to master the grade-level, general state content standards even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials?		
3. Is the student participating in a curriculum based on Sunshine State Standards Access Points for all academic areas?		
4. Does the student require extensive direct instruction in academics based on access points in order to acquire, generalize, and transfer skills across settings?		

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

If the decision of the IEP team is to assess the student through the Florida Alternate Assessment, the parents of the student must be informed that their child’s achievement will be measured based on alternate academic achievement standards, and that the decision must be documented on the IEP. The IEP must include a statement of why the alternate assessment is appropriate and why the student cannot participate in the general assessment.