

STATE BOARD OF EDUCATION
Action Item
November 18, 2014

SUBJECT: Approval of Amendment to Rule 6A-1.0943, Statewide Assessment for Students with Disabilities

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Sections 1001.02(1),(2)(n), 1003.01, 1003.571, 1008.212, 1008.22(3), (9), (10) Florida Statutes

EXECUTIVE SUMMARY

The proposed rule includes recently amended language based on revisions to section 1008.22, F.S. The proposed rule adds a definition for medically complex in accordance with s. 1008.22(9), F.S. The proposed rule states that "parent" shall have the same meaning as defined in Rule 6A-6.03411(1)(bb), F.A.C. The proposed rule removes large print as a unique accommodation because it is no longer a unique accommodation. The proposed rule revises criteria for participation in the Florida Alternate Assessment by removing some redundant language and clarifying that direct instruction in access points are required for ELA, math, social studies and science. The proposed rule also adds an additional item to the information that is included in the district's request for an extraordinary exemption to include the name, address and phone number of the student's parent.

The proposed rule includes a new section of rule related to a Medically Complex Exemption. If the parent consents in writing and a student's individual educational plan (IEP) team determines that the student should not be assessed based on the student meeting the criteria of being medically complex (as defined in s. 1008.22(9), F.S.), the parent may select one of the following assessment exemption options:

- A one-year exemption can be approved by the district superintendent as described in s. 1008.22(9), F.S.
- A one-, two- or three-year or permanent exemption can be approved by the Commissioner of Education as described in s. 1008.22(9), F.S.

The proposed rule adds when a one year exemption is approved by the district superintendent, the following information must be reported to the Commissioner of Education beginning June 1, 2015, and each June 1 thereafter:

- The total number of students for whom a one-year exemption has been granted by the superintendent
- For each student receiving the exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student is exempted

The proposed rule adds requirements related to exemptions approved by the Commissioner. In order for a one-, two-, three-year or permanent exemption to be considered, the following must be submitted by the district superintendent to the Commissioner of Education no later than thirty (30) calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:

- The student's name, grade level and the 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 medically complex as defined in s. 1008.22(9), F.S.
- Medical documentation of the student's condition as determined by a physician licensed in accordance with chapter 458 or chapter 459, F.S.

The proposed rule includes the timelines for the Commissioner's approval or denial of a request as follows:

- Upon receipt of the request and documentation, the Commissioner shall make a determination and notify the parent and the district school superintendent in writing within twenty (20) calendar days of the receipt of the request whether the exemption has been granted or denied.

Supporting Documentation Included: Proposed Rule 6A-1.0943, Statewide Assessment for Students with Disabilities

Facilitator/Presenter: Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools

6A-1.0943 Statewide Assessment for Students with Disabilities.

(1) Definitions. For the purposes of this rule, the following definitions apply:

(a) Statewide standardized assessments shall have the same meaning as defined in Section 1008.22(3), Florida Statutes (F.S.) ~~mean the Florida Comprehensive Assessment Test until replaced, statewide standardized end-of-course (EOC) assessments, and the Florida Alternate Assessment.~~

(b) “Circumstance” shall have the same meaning as defined in Section 1008.212, F.S.

(c) “Condition” shall have the same meaning as defined in Section 1008.212, F.S.

(d) “Medical complexity” shall have the same meaning as defined in Section 1008.22(9), F.S.

(e) “Parent” shall have the same meaning as defined in Rule 6A-6.03411.(1)(bb), Florida Administrative Code (F.A.C.).

(2) through (3) No change.

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

(a) Each school board shall utilize appropriate and allowable accommodations for statewide standardized assessments within the limits prescribed herein and current statewide standardized assessment test administration manuals published by the Florida Department of Education Bureau of K-12 Student Assessment, 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 standardized assessment questions, methods of recording examinee responses to the questions, scheduling for the administration of a statewide standardized assessment to include amount of time for administration, settings for administration of a statewide standardized assessment, and ~~or~~ the use of assistive technology or devices to facilitate the student’s participation in a statewide standardized assessment. Accommodations that negate the validity of a statewide standardized assessment are not allowable. Within the limits specified in this rule, allowable statewide standardized assessment accommodations are based on current instructional accommodations and accessible instructional materials used by the student in the classroom.

(b) No change.

(c) The need for any unique accommodations for use on a statewide standardized assessment must be submitted to the Department of Education for approval by the Commissioner of Education. In order to be approved, a unique accommodation must be allowable for use on a statewide standardized assessment and must be used by the student during classroom instruction and for assessments and described as such on the student’s IEP or plan developed in accordance with Section 504 of the Rehabilitation Act. ~~When paper-based large print is requested as a unique accommodation for a computer-based test administration, additional documentation must be provided which justifies the student’s need for such an accommodation.~~

(d) through (e) No change.

(5) Participation in the Florida Alternate Assessment. The decision that a student with a significant cognitive disability will participate in the Florida Alternate Assessment as defined in Section 1008.22(3)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the Florida

Alternate Assessment in accordance with Rule 6A-6.0331(10), F.A.C., must be followed. The following criteria must be met:

~~(a) The student is unable to meaningfully participate in 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, the student requires modifications, as defined in Rule 6A-6.03411(1)(z), to the grade-level general state content standards pursuant to Rule 6A-1.09401, F.A.C.; and

~~(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~~

~~(b) (e)~~ The student requires direct instruction in academics areas of English language arts, math, social studies and science based on access points, pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

(6) through (b)3. No change.

4. A written description of the circumstance's or condition's, as defined in subsection (1) of this rule, effect on the student's participation in statewide standardized assessments; ~~and~~

5. through 6. No change.

7. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of a statewide standardized assessment; ~~and~~

8. Written evidence of the circumstance or condition as defined in subsection (1) of this rule; ~~and-~~

9. The name, address and phone number of the student's parent.

(c) through (f) No change.

(7) Exemption options for students with medical complexity. A student with medical complexity as defined in Section 1008.22(9), F.S., may be exempt from participating in statewide, standardized assessments to include the Florida Alternate Assessment. If the parent consents in writing, and the student's IEP team determines that the student should not be assessed based on medical documentation that confirms that the student meets the criteria of medical complexity, the parent may select one (1) of the following assessment exemption options:

(a) A one-year exemption approved by the district superintendent as described in Section 1008.22(9), F.S. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the Commissioner of Education beginning June 1, 2015, and each June 1 thereafter:

1. The total number of students for whom a one-year exemption has been granted by the superintendent; and

2. For each student receiving an exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student was exempted.

(b) A one-, two-, or three-year or permanent exemption approved by the Commissioner of Education as described in Section 1008.22(9), F.S. In order for the Commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the Commissioner of Education no later than thirty (30) calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:

1. The student's name, grade level and the statewide standardized assessment for which the exemption request is made;

2. The name, address and phone number of the student's parent;

3. Documentation of parental consent for the exemption;

4. Documentation of the superintendent's approval of the exemption;

5. Documentation that the IEP team considered and determined that the student meets the definition of medically complex as defined in Section 1008.22(9), F.S.; and

6. Medical documentation of the student's condition as determined by a physician licensed in accordance with chapter 458 or chapter 459, F.S.

(8) Upon receipt of the request, documentation and recommendation, the Commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within twenty (20) calendar days after the receipt of the request whether the exemption has been granted or denied.

Rulemaking Authority 1001.02(1), (2)(n), 1003.01, ~~1003.428(5)~~, 1003.571, 1008.212, 1008.22(3), (9), ~~(11)~~ ~~(40)~~ FS. Law Implemented 1003.01, ~~1003.428(5)~~, 1003.571, 1008.212, 1008.22(3), (9) FS. History--New 9-12-78, Amended 3-4-84, Formerly 6A-1.943, Amended 6-12-90, 9-17-01, 7-1-10, 1-5-14.