

Florida Department of Education

1% Cap on Alternate Assessment Participation Waiver Extension Request

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DRAFT FOR PUBLIC COMMENT

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Current Situation

Florida is the third-largest state in the country, with approximately 2.8 million students in 4,382 public schools in Florida. In 2019-2020, the number of Florida students with disabilities (SWD) was 441,353, which represents a steady increase from 350,816 in 2013-2014. The percentage of SWD in the total student population grew as well, from 12.9% in 2013-14 to 14.5% in 2019-2020.

Table 1: Student Enrollment

| Category | 2014-2015 | 2015-2016 | 2016-2017 | 2017-2018 | 2018-2019 | 2019-2020 | 2020-2021 |
|--|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Number of Students Enrolled | 2,756,944 | 2,792,234 | 2,817,076 | 2,833,115 | 2,846,857 | 2,858,949 | |
| Number of Students Identified as SWD | 357,965 | 367,293 | 377,272 | 385,447 | 401,627 | 441,353 | |
| Percentage of Students identified as SWD | 13.0% | 13.2% | 13.4% | 13.6% | 14.1% | 14.5% | |

The mission of the Florida Department of Education (FDOE) is to increase the proficiency of all students within one seamless, efficient system by providing them with the opportunity to expand their knowledge and skills through learning opportunities valued by students, parents and communities, and to maintain an accountability system that measures student progress.

Florida maintains high expectations for all students. These high expectations have resulted in an increased level of student performance. Florida's high school graduation rate has risen from 76.1% in 2013-2014 to 86.9% in 2018-2019, and the high school graduation rate for SWD has increased during the same period from 55.1% to 81.0%. Although the graduation gap between SWD and all students was 21 percentage points in 2013-2014, this number decreased to 6 percentage points in 2018-2019.

a. Compassion and Grace in the Midst of a Worldwide Pandemic

On March 1, 2020, the Governor of Florida issued Executive Order 20-51 directing the Florida State Surgeon General and the State Health Officer to declare a public health emergency in Florida in response to the COVID-19 pandemic. On March 10, 2020, the Governor issued an order declaring a state of emergency throughout Florida and authorized all state agencies to close state buildings to the public due to the emergency. On March 23, 2020, [Emergency Order No. 2020-EO-01](#) was issued by the Commissioner of Education, Richard Corcoran. This order recommended that all school districts close school buildings to students through April 15, 2020, and required that plans to teach students at home after spring break be developed. The order included students with disabilities, stating,

Each student with an IEP [individual educational plan], or [Section] 504 plan, should be included in the school district's instructional continuity plan to the same extent as all other students. This plan may include virtual instruction, as well as virtual specialized instruction and related services to the extent practicable. All areas of the students IEP or 504 [plan] must be considered.

From early March onward, significant educational efforts in Florida focused on COVID-related activities. FDOE immediately created a [COVID page](#) on the FDOE website to provide COVID-related information

to school districts and families on a continual basis. The website provides all available guidance, listed by date for ease of access. Webinars to explain the emergency order and on a large number of other COVID-related topics were, and continue to be, offered to provide technical assistance to districts in real time.

At the district level, efforts turned to COVID-related tasks, such as providing alternate means of instruction and service provision to include meals for students who depend on schools for food each day. Many staff members were involved in buying and distributing technology, finding or creating platforms for distance instruction and tele-therapies, training staff, completing emergency grant applications, and many other COVID-related activities.

School buildings remained closed for the remainder of the 2019-20 school year. On July 6, 2020, Commissioner Corcoran issued [Emergency Order No. 2020-EO-06](#), requiring that, in order for local school districts to receive projected funding, all schools must re-open five days per week by August and provide full services to students, if considered safe based on local health directives. To receive funding enhancements, districts were instructed to offer parents a choice in instructional methods, including an innovative plan for distance education for parents who preferred to keep their children at home. Reopening plans were due to FDOE by July 31, 2020, and included specific assurances that the needs of students with disabilities would be met.

FDOE personnel continued to work through the pandemic, with over 90% of staff teleworking. Providing technical assistance to districts and responding to families regarding COVID-related issues significantly added to the workload for staff while continuing to focus on all other important work related to the education of the state's students. Governor DeSantis and Commissioner Corcoran emphasized that decisions regarding requirements placed on districts were to be made with compassion and grace during the pandemic. The requirement to administer statewide, standardized assessments was waived by the U.S. Department of Education (USED) due to the COVID-19 pandemic. Therefore, data regarding the number and percentage of students who participated in the Florida Standards Alternate Assessment (FSAA) are not available for 2019-2020. Based on guidance from USED suggesting the provision of alternative data in lieu of statewide FSAA participation rates, Florida used course enrollments for Access courses, which are aligned with the FSAA, as a proxy to represent students who would have been expected to take the alternate assessment if it had been administered, and calculated Access course participation as a percentage of course enrollment in the subject area.

In spite of the added responsibilities and shift of priorities due to COVID-19, the majority of the activities discussed in Florida's approved 2019-2020 waiver application were completed and progress in decreasing the percentage of students being assessed on the alternate assessment has been made.

b. Request for the Extension of the 1% Waiver

The Florida alternate assessment based on alternate academic achievement standards is entitled the Florida Standards Alternate Assessment (FSAA). FSAA participation rates for 2018-2019 were 1.5% for English Language Arts (ELA), 1.6% for Mathematics and 1.6% for Science. Based on these data, and the course enrollment data from the 2018-2019 and 2019-2020 school years, FDOE anticipates exceeding the 1.0% cap for the 2020-2021 FSAA administration in ELA, Mathematics and Science.

FDOE has made information and resources available to all of Florida's local educational agencies (LEAs), and provided targeted and intensive support and technical assistance as needed. A comparison of

2018-2019 and 2019-2020 district course enrollment data (Survey 3) indicates 61.7% of all districts decreased in the percentage of students enrolled in courses in at least one content area requiring an FSAA.

Moreover, analysis of the data indicates that 60.4% of the districts that received targeted and intensive interventions decreased in the percentage of students enrolled in courses in at least one content area requiring an FSAA. FDOE staff worked with 43 school district Exceptional Student Education (ESE) Directors to discuss discrepancies in primary exceptionalities not indicative of the most significant cognitive disabilities and identify trends in the 2018-2019 FSAA participation data unique to each LEA. Receiving this waiver extension would allow FDOE to continue providing LEAs with targeted monitoring, intensive support and individualized technical assistance. This will ensure that the most appropriate instruction is delivered and that the most appropriate assessment is administered to every child.

FDOE is seeking a waiver extension from the requirement as detailed in 34 C.F.R. §200.6(c)(3) for all content areas assessed via the FSAA. Receiving this waiver extension would allow time to continue to support the local educational agencies (LEAs) to ensure that the most appropriate instruction is delivered and that the most appropriate assessment is administered to every child.

1. Florida Standards Alternate Assessment (FSAA)

As per the requirements in section 1111(b)(2) of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA), all Florida students participate in the state's assessment and accountability system. The FSAA is designed for students whose participation in the general statewide assessment program (Florida Standards Assessments, Statewide Science Assessment, Next Generation Sunshine State Standards End-of-Course Assessments) is not appropriate, even with accommodations. The FSAA is fully aligned with Florida alternate achievement standards, otherwise known as Access Points. It is expected that only students with the most significant cognitive disabilities, who are eligible under the Individuals with Disabilities Education Act (IDEA) with an individual educational plan (IEP), will participate in the FSAA.

2. Requirement 1, 34 CFR §200.6(c)(4)(i)

States are required by 34 CFR §200.6(c)(4)(i) to submit the alternate assessment waiver request at least 90 days prior to the start of the relevant subject testing windows. The FSAA testing window will be open from March 1 to April 16, 2021, for elementary and middle school (grades 3-8) and Civics end-of-course (EOC) assessments. The FSAA testing window will be open from the receipt of materials, which is projected to occur either March 8-12 or March 15-19 depending on spring break in each district, until April 30, 2021. This later FSAA testing window is for high school English Language Arts (ELA) I, ELA II, Algebra I, Geometry, Biology I and U.S. History EOC assessments. Since the earliest start of the testing window occurs on March 1, 2021, in order to meet the 90-day requirement, FDOE's waiver extension request must be submitted by December 1, 2020.

3. Requirement 2, 34 CFR §200.6(c)(4)(ii)

In submitting a waiver extension request, states are required by 34 CFR §200.6(c)(4)(ii) to provide the number and percentage of students in each subgroup defined in section 1111(c)(2)(A), (B) and (D) who were assessed using the Alternate Assessment Based on Alternate Academic Achievement Standards

(AA-AAAS). States are also required to provide data showing that 95% of all Florida's students and the students with disabilities subgroup, as identified in section 1111(c)(2)(C), were assessed via either Florida Standards Assessments (FSA) or the FSAA. Due to the suspension of all statewide, standardized assessments from the USED in response to the COVID-19 pandemic, Florida has used the 2019-2020 Survey 3 course enrollment data to meet this requirement.

3.1 Number, Percent and Risk Ratio of Students Eligible to take the FSAA during the 2019-2020 School Year

The percentage of students assessed during the 2018-2019 administration of the FSAA was 1.5% in ELA, 1.6% in math and 1.6% in science. Table 3.1 provides the number, percentage and risk ratios of each student subgroup, as defined in ESSA section 1111(c)(2)(A), (B) and (D), who were enrolled in courses requiring an FSAA during the 2019-2020 school year.

Table 3.1: 2019-2020 Access Course Enrollment by Student Subgroup

| Subgroup | Number of Students in Target Group Enrolled in Access course (Proxy for taking FSAA) | Number of students Target Group Enrolled (Proxy for taking FSA or FSAA) | Percentage of Target Group Enrolled in Access course (Proxy for FSAA) (Risk) | Number of Students in Comparison Group Enrolled in Access course (proxy for taking FSAA) | Number of Students in Comparison Group Enrolled (Proxy for taking FSA or FSAA) | Percentage of Comparison Enrolled (Comparison Risk) | Risk Ratio (Risk divided by Comparison Risk) |
|---------------------------------|--|---|--|--|--|---|--|
| ELA | | | | | | | |
| American Indian/ Native Alaskan | 72 | 4,762 | 1.51 | 27,129 | 1,754,185 | 1.55 | 0.977653 |
| Asian | 605 | 49,144 | 1.23 | 26,596 | 1,709,803 | 1.56 | 0.791434 |
| Pacific Islander | 34 | 3,164 | 1.07 | 27,167 | 1,755,783 | 1.55 | 0.694499 |
| Black/ African American | 8,208 | 377,139 | 2.18 | 18,993 | 1,381,808 | 1.37 | 1.583398 |
| White | 8,466 | 644,228 | 1.31 | 18,735 | 1,114,719 | 1.68 | 0.781898 |
| Multiracial | 934 | 64,063 | 1.46 | 26,267 | 1,694,884 | 1.55 | 0.940739 |
| Hispanic | 8,882 | 616,447 | 1.44 | 18,319 | 1,142,500 | 1.60 | 0.898606 |
| Economically Disadvantaged | 18,274 | 988,153 | 1.85 | 8,927 | 770,794 | 1.16 | 1.596769 |
| English Language Learners | 2,846 | 289,943 | 0.98 | 24,355 | 1,469,004 | 1.66 | 0.592048 |
| Students with Disabilities | 27,201 | 1,758,947 | 1.54 | 27,201 | 1,758,947 | 1.54 | 1 |

| Math | | | | | | | |
|------------------------------------|--------|-----------|------|--------|-----------|------|----------|
| American Indian/ Native Alaskan | 77 | 4,549 | 1.69 | 28,176 | 1,659,239 | 1.70 | 0.996792 |
| Asian | 603 | 43,066 | 1.40 | 27,650 | 1,620,722 | 1.71 | 0.820722 |
| Pacific Islander | 36 | 2,936 | 1.23 | 28,217 | 1,660,852 | 1.70 | 0.721716 |
| Black/ African American | 8,456 | 366,953 | 2.30 | 19,797 | 1,296,835 | 1.53 | 1.509523 |
| White | 8,998 | 598,577 | 1.50 | 19,255 | 1,065,211 | 1.81 | 0.831607 |
| Multiracial | 969 | 60,401 | 1.60 | 27,284 | 1,603,387 | 1.70 | 0.942779 |
| Hispanic | 9,114 | 587,306 | 1.55 | 19,139 | 1,076,482 | 1.78 | 0.872835 |
| Economically Disadvantaged | 18,914 | 951,470 | 1.99 | 9,339 | 712,318 | 1.31 | 1.516219 |
| English Language Learners | 2,835 | 285,762 | 0.99 | 25,418 | 1,378,026 | 1.84 | 0.537854 |
| Students with Disabilities | 28,253 | 1,663,788 | 1.69 | 28,253 | 1,663,788 | 1.69 | 1 |
| Science | | | | | | | |
| American Indian/ Native Alaskan | 31 | 1,899 | 1.63 | 10,974 | 687,497 | 1.60 | 1.022687 |
| Asian | 230 | 20,966 | 1.10 | 10,775 | 668,430 | 1.61 | 0.680536 |
| Pacific Islander | 19 | 1,247 | 1.52 | 10,986 | 688,149 | 1.60 | 0.954399 |
| Black/ African American | 3,279 | 146,338 | 2.24 | 7,726 | 543,058 | 1.42 | 1.574983 |
| White | 3,570 | 257,442 | 1.39 | 7,435 | 431,954 | 1.72 | 0.805648 |
| Multiracial | 353 | 24,217 | 1.46 | 10,652 | 665,179 | 1.60 | 0.910252 |
| Hispanic | 3,523 | 237,287 | 1.48 | 7,482 | 452,109 | 1.65 | 0.897148 |
| Economically Disadvantaged | 7,266 | 372,842 | 1.95 | 3,739 | 316,554 | 1.18 | 1.64992 |
| English Language Learners | 933 | 102,348 | 0.91 | 10,072 | 587,048 | 1.72 | 0.531325 |
| Students with Disabilities | 11,005 | 689,397 | 1.59 | 11,005 | 689,397 | 1.59 | 1 |

3.2 Ninety-five Percent Participation Requirement

Florida requires students in grades 3-10 to be assessed annually in ELA, grades 3-8 in math, middle grades Civics, and grades 5 and 8 in science, via either the Florida Standards Assessments (FSA) or the FSAA. High school students are assessed via EOC assessments with either the FSA or FSAA in U.S. History, Algebra, Geometry and Biology I. The requirement to conduct statewide, standardized assessment was waived by USED due to the COVID-19 pandemic. As described above, FDOE calculated the expected participation percentage based on course enrollment data.

Table 3.2: Assessment Eligibility

| Year | English Language Arts (ELA) | | | Mathematics | | | Science | | |
|------------|---|--|---|---|--|---|---|--|---|
| | Count of Students Eligible to be tested | Count of Students Eligible to be tested Enrolled in Access Courses | % of Eligible Students Enrolled in Access Courses | Count of Students Eligible to be tested | Count of Students Eligible to be tested Enrolled in Access Courses | % of Eligible Students Enrolled in Access Courses | Count of Students Eligible to be tested | Count of Students Eligible to be tested Enrolled in Access Courses | % of Eligible Students Enrolled in Access Courses |
| 2018-2019 | 1,746,167 | 26,084 | 1.49% | 1,660,806 | 27,047 | 1.63% | 677,067 | 10,369 | 1.53% |
| 2019-2020 | 1,758,947 | 27,201 | 1.55% | 1,663,788 | 28,253 | 1.70% | 689,639 | 11,005 | 1.60% |
| 2020-2021* | | | | | | | | | |

* Source was Survey 2 as Survey 3 not yet conducted for 2020-21

4. Requirement 3, 34 CFR §200.6(c)(4)(iii)

4.1 Definition of “Most Significant Cognitive Disabilities”

Florida’s definition of students with the most significant cognitive disabilities is embedded in FDOE’s rule and policies addressing whether a student with a disability requires instruction on Access Points and assessment via the FSAA. As noted in the Resource Guide for the Alternate Assessment, to determine if a student will receive instruction in Access Points, IEP teams must review and discuss a variety of sources of information. A history of poor performance on state assessments or deficient reading scores in and of itself does not necessarily qualify a student as having a significant cognitive disability. Reliance on intelligence quotient (IQ) scores alone is not sufficient. Therefore, IEP teams should review available student information for evidence of a significant cognitive disability. Such information includes the following:

- Psychological assessments
- Achievement test data
- Previous statewide assessment and district-wide test scores
- Aptitude tests
- Observations
- Attendance records
- Medical records
- Mental health assessments
- Adaptive behavior assessments
- Language assessments
- Curricular content
- School history
- Student response to instructional intervention

Unlike a student with a disability who can participate in general education standards and standard assessments, either with or without accommodations, a student with one of the most significant cognitive disabilities is a student who, even with the appropriate and allowable instructional accommodations, assistive technology or accessible instructional materials, requires modifications to grade-level general content standards and who requires direct instruction in academic areas based on Access Points. Access Points are alternate achievement standards built to target the salient content of the Florida Standards. They are designed to contribute to a fully aligned system of content, instruction and assessment. Students with the most significant cognitive disabilities who take Access courses also take the alternate assessment. Understanding this alignment is critical and is therefore central to guidance and technical assistance provided by the SEA.

In determining whether a student is a student with a cognitive disability that is among the most significant cognitive disabilities, IEP teams must carefully consider and remain cognizant that qualifying a student for standards-based instruction via Florida Standards Access Points can significantly impact the extent of a student's access to postsecondary opportunities. Furthermore, IDEA, the USED Office of Special Education Programs and the SEA provide clear expectations that the general education curriculum is to be the first consideration for providing educational services to a student with a disability.

Source Documents: Rule 6A-1.0943(5), F.A.C., Statewide Assessment for Students with Disabilities Assessment Planning Resource Guide for Individual Educational Plan (IEP) Teams, revised August 2019

4.2 Districts Over 1% Threshold

The requirement to conduct statewide, standardized assessment was waived by USED due to the COVID-19 pandemic. Therefore, data regarding the percentage of students who participated in the FSAA is not available for 2019-2020. As a proxy, Florida calculated the participation percentage based on course enrollment in general education courses and Access courses the 2019-2020 school year. An identical calculation for 2018-2019 was completed for comparison purposes. This data, represented in Table 4, illustrates that 61.7% of all LEAs improved in the percentage of students enrolled in at least one of the three (ELA, Math, Science) content area courses eligible for an alternate assessment. The 2019-2020 percentages that improved from 2018-2019 are highlighted in green.

Table 4: Percentage of Students Enrolled in Courses Eligible for the FSAA

| District | 2018-2019 ELA Access Course Enrollment | 2019-2020 ELA Access Course Enrollment | 2018-2019 Math Access Course Enrollment | 2019-2020 Math Access Course Enrollment | 2018-2019 Science Access Course Enrollment | 2019-2020 Science Access Course Enrollment |
|----------|---|--|--|---|--|---|
| Alachua | 0.9% | 0.9% | 1.2% | 1.3% | 1.3% | 1.2% |
| Baker | 2.4% | 2.9% | 2.8% | 3.0% | 2.3% | 2.6% |
| Bay | 1.4% | 1.5% | 1.4% | 1.5% | 1.9% | 1.4% |
| Bradford | 2.4% | 2.9% | 2.5% | 3.1% | 2.2% | 2.2% |
| Brevard | 1.1% | 1.2% | 1.2% | 1.4% | 1.1% | 1.4% |
| Broward | 1.3% | 1.3% | 1.3% | 1.3% | 1.5% | 1.4% |
| Calhoun | 2.5% | 2.9% | 3.3% | 2.6% | 1.2% | 5.3% |

| | | | | | | |
|--------------|------|------|------|------|------|------|
| Charlotte | 2.5% | 2.4% | 2.7% | 2.4% | 3.0% | 2.7% |
| Citrus | 2.0% | 2.0% | 2.3% | 2.1% | 2.1% | 2.1% |
| Clay | 1.7% | 1.7% | 1.7% | 1.8% | 1.6% | 1.8% |
| Collier | 1.5% | 1.6% | 1.7% | 1.8% | 1.7% | 1.8% |
| Columbia | 1.8% | 1.9% | 1.9% | 2.1% | 2.2% | 2.0% |
| Dade | 1.5% | 1.6% | 1.6% | 1.7% | 1.4% | 1.5% |
| Desoto | 2.2% | 2.1% | 2.1% | 2.3% | 1.3% | 1.9% |
| Dixie | 1.9% | 1.9% | 2.1% | 2.1% | 1.6% | 1.4% |
| Duval | 1.9% | 2.0% | 2.1% | 2.1% | 2.2% | 2.7% |
| Escambia | 1.9% | 2.0% | 1.9% | 2.2% | 1.8% | 3.9% |
| Flagler | 1.0% | 1.2% | 1.3% | 2.1% | 2.1% | 2.1% |
| Franklin | 3.1% | 3.0% | 2.6% | 3.0% | 3.5% | 2.7% |
| Gadsden | 3.2% | 3.3% | 3.2% | 3.1% | 3.9% | 2.6% |
| Gilchrist | 1.1% | 1.3% | 1.6% | 1.4% | 0.3% | 1.5% |
| Glades | 2.1% | 2.2% | 2.5% | 2.1% | 2.9% | 2.7% |
| Gulf | 1.9% | 2.4% | 1.9% | 1.9% | 2.1% | 2.6% |
| Hamilton | 1.3% | 1.1% | 2.1% | 1.5% | 1.4% | 1.5% |
| Hardee | 2.2% | 2.2% | 2.6% | 2.2% | 1.5% | 4.0% |
| Hendry | 1.8% | 1.8% | 2.1% | 1.8% | 1.7% | 1.7% |
| Hernando | 1.2% | 1.2% | 1.3% | 1.3% | 1.3% | 1.1% |
| Highlands | 1.9% | 2.3% | 2.6% | 2.7% | 1.3% | 2.8% |
| Hillsborough | 1.6% | 1.6% | 1.7% | 1.8% | 1.7% | 1.8% |
| Holmes | 1.6% | 1.9% | 2.3% | 1.9% | 2.2% | 2.1% |
| Indian River | 1.3% | 1.2% | 1.6% | 1.4% | 1.9% | 1.6% |
| Jackson | 2.0% | 2.5% | 2.0% | 2.5% | 2.5% | 2.6% |
| Jefferson | 1.9% | 2.8% | 2.7% | 2.8% | 0.6% | 5.6% |
| Lafayette | 2.4% | 2.7% | 2.6% | 2.6% | 0.7% | 2.4% |
| Lake | 1.8% | 2.0% | 1.7% | 2.1% | 1.9% | 1.8% |
| Lee | 1.3% | 1.3% | 1.5% | 1.4% | 1.4% | 1.2% |
| Leon | 1.9% | 2.0% | 2.2% | 2.1% | 2.4% | 2.0% |
| Levy | 2.0% | 1.8% | 2.0% | 2.1% | 2.1% | 2.4% |
| Liberty | 3.1% | 3.8% | 2.9% | 3.5% | 5.1% | 2.9% |
| Madison | 2.7% | 2.6% | 2.5% | 2.8% | 2.5% | 2.7% |
| Manatee | 0.9% | 0.9% | 1.0% | 1.1% | 1.1% | 1.1% |
| Marion | 1.6% | 1.6% | 1.7% | 2.0% | 1.4% | 1.3% |
| Martin | 1.2% | 1.3% | 0.8% | 1.6% | 0.7% | 0.7% |
| Monroe | 1.4% | 0.6% | 1.5% | 1.7% | 1.2% | 1.6% |
| Nassau | 1.2% | 1.1% | 0.9% | 1.3% | 1.1% | 1.1% |
| Okaloosa | 2.4% | 2.3% | 2.6% | 2.6% | 2.4% | 3.0% |
| Okeechobee | 1.5% | 1.4% | 2.0% | 1.7% | 2.2% | 0.7% |
| Orange | 1.2% | 1.2% | 1.4% | 1.3% | 1.2% | 1.2% |

| | | | | | | |
|---|------|-------|-------|-------|-------|-------|
| Osceola | 2.0% | 2.0% | 2.0% | 2.2% | 1.5% | 2.1% |
| Palm Beach | 1.5% | 1.6% | 1.8% | 1.7% | 1.6% | 1.6% |
| Pasco | 1.5% | 1.4% | 1.3% | 1.7% | 0.9% | 2.4% |
| Pinellas | 1.6% | 1.7% | 1.7% | 1.9% | 1.7% | 1.4% |
| Polk | 1.6% | 1.8% | 1.8% | 1.8% | 1.5% | 1.9% |
| Putnam | 3.5% | 3.5% | 3.8% | 4.2% | 4.2% | 4.7% |
| St. Johns | 1.2% | 1.3% | 1.3% | 1.3% | 1.2% | 1.2% |
| St. Lucie | 1.4% | 1.5% | 1.6% | 1.5% | 1.7% | 1.3% |
| Santa Rosa | 1.4% | 1.4% | 1.5% | 1.4% | 1.1% | 1.6% |
| Sarasota | 1.2% | 1.2% | 1.0% | 1.1% | 0.9% | 1.3% |
| Seminole | 1.1% | 1.2% | 1.1% | 1.5% | 1.5% | 1.6% |
| Sumter | 1.4% | 1.4% | 1.6% | 1.4% | 1.3% | 1.5% |
| Suwannee | 2.1% | 2.2% | 2.1% | 2.3% | 2.6% | 2.3% |
| Taylor | 3.1% | 1.3% | 2.9% | 3.1% | 3.3% | 2.6% |
| Union | 2.0% | 2.3% | 1.9% | 3.3% | 3.5% | 1.8% |
| Volusia | 1.4% | 2.3% | 1.9% | 1.9% | 0.9% | 0.5% |
| Wakulla | 2.2% | 2.2% | 2.1% | 2.8% | 1.1% | 4.0% |
| Walton | 1.2% | 1.3% | 1.3% | 1.6% | 1.1% | 1.8% |
| Washington | 2.4% | 3.3% | 2.5% | 3.0% | 3.3% | 3.4% |
| Florida School for the Deaf and the Blind | 9.3% | 10.7% | 13.1% | 14.7% | 13.7% | 16.3% |
| FAU Lab School | 1.3% | 1.0% | 1.5% | 1.3% | 0.06% | 1.1% |

4.3 34 CFR §200.6 (c)(4)(iii) Evidence That Districts Followed State's Participation Guidelines

Florida verifies that each LEA that exceeds the 1% cap understands and has adopted the FDOE's guidelines in this area by reviewing and approving their policies. Section 1003.57(1)(b)4., Florida Statutes (F.S.), requires that district school boards submit to FDOE proposed ESE policies and procedures (SP&P) for the provision of special instruction and services for exceptional students once every three years. Approval of this document by FDOE is required by Rule 6A-6.03411, F.A.C., as a prerequisite for a district's use of weighted cost factors under the Florida Education Finance Program (FEFP). This document also serves as the basis for the identification, evaluation, eligibility determination and placement of students to receive exceptional education services, and is a component of the district's application for funds available under IDEA. All approved SP&Ps are posted for public view at <https://beessgsw.org/#/spp/institution/public/>. Below is the required alternate assessment based on alternate academic achievement standards (AA-AAAS) assurance component for the 2019-2020 SP&P.

Alternate Assessment Based on Alternate Academic Achievement Standards (AA-AAAS)

1. Students with the most significant cognitive disabilities, for whom the statewide standardized assessment – even with allowable accommodations – is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAAS.

2. Eligibility requirements

The decision that a student with a most significant cognitive disability will participate in the statewide 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 Standards Alternate Assessment in accordance with Rule 6A-6.0331(10), Florida Administrative Code (F.A.C.), must be followed. The following criteria must be met:

- a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and
- b. The student requires direct instruction in academic 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.

3. District and IEP team requirements

If it is determined by the IEP team using the Checklist for Course and Assessment Participation that the student will participate in the statewide assessment through the AA-AAAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAAS is appropriate. It will also indicate that notification was made to the parent/guardian and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The Checklist for Course and Assessment Participation may be accessed at <https://info.fl DOE.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf>.

4. Administration of the AA-AAAS

The assessment will be administered individually by the student's exceptional student education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAAS must be trained in administration procedures and receive annual update training.

IEP Team Guide to Assessment for Students with Disabilities

The IEP Team Guide to Assessment for Students with Disabilities flowchart (Figure 1) is a visual outline of the process for determining instruction and assessment decisions for students with disabilities. IEP teams are encouraged to use this guide in conjunction with their collaborative knowledge and established IEP practices to determine the most appropriate means of assessment.

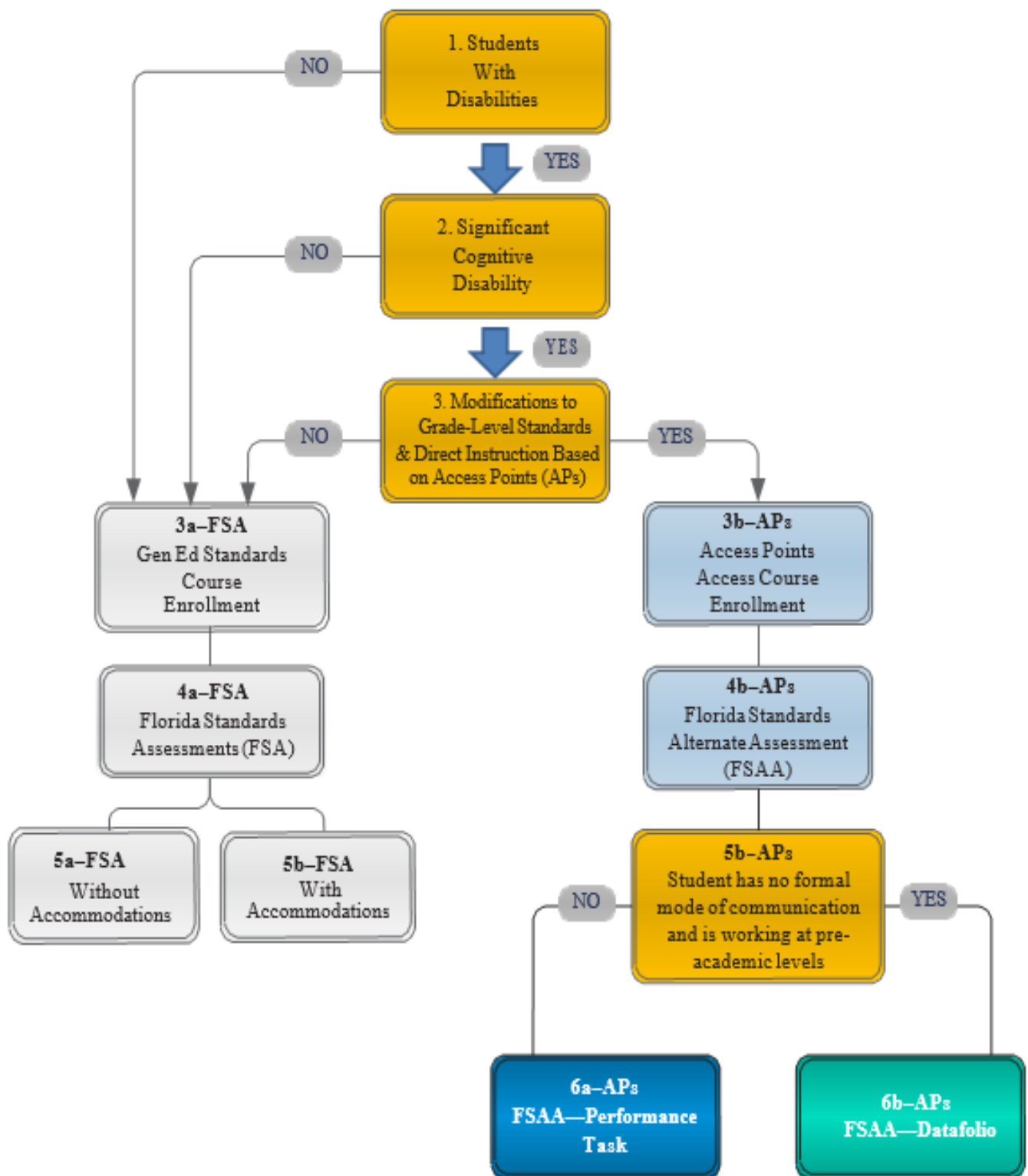


Figure 1: IEP Team Guide to Assessment for Students with Disabilities

IEP Team Guide to Assessment for Students with Disabilities Summary

- 1. The student has a documented disability and is eligible for exceptional student education (ESE) services.**
 - a) If NO, go to 3a–FSA—the student should be enrolled in general education courses and receive instruction based on the Florida Standards or the Next Generation Sunshine State Standards.
 - b) **If YES, go to 2.**
- 2. The student has one of the most significant cognitive disabilities.**
 - a) If NO, go to 3a–FSA—the student should be enrolled in general education courses and receive instruction based on the Florida Standards or the Next Generation Sunshine State Standards.
 - b) **If YES, go to 3.**
- 3. The student requires modifications to grade-level standards and direct instruction based on Access Points.**
 - a) **If NO, go to 3a–FSA.**
 - b) **If YES, go to 3b–APs.**

3a–FSA The student should be enrolled in general education courses and receive instruction based on the Florida Standards or the Next Generation Sunshine State Standards. Go to 4a–FSA.

3b–APs The student should be enrolled in Access courses, receive instruction based on the Florida Standards—Access Points or the Next Generation Sunshine State Standards Access Points, and subsequently, be assessed via the FSAA. Go to 4b–AP.

4a–FSA The student is receiving instruction based on the Florida Standards or the Next Generation Sunshine State Standards and subsequently, will be assessed via the FSA, and requires support to demonstrate what he or she knows and can do.

- i. **If NO, go to 5a–FSA.**
- ii. **If YES, go to 5b–FSA.**

4b–APs The student is receiving instruction based on the Florida Standards Access Points or the Next Generation Sunshine State Standards Access Points and, subsequently, will be assessed via the FSAA.

- i. **If YES, go to 5b–APs.**

5a–FSA The student will take the FSA without accommodations.

5b–FSA The student will take the FSA with accommodations.

5b–APs The student typically does not have a formal mode of communication and is working at pre-academic levels.

- i. **If NO, go to 6a–APs**
- ii. **If YES, go to 6b–APs**

6a-APs The student will participate in the FSAA—Performance Task.

6b-APs The student will participate in the FSAA—Datafolio.

Course Instruction and Participation in Statewide, Standardized Assessment

IEP teams are responsible for determining whether the student with disabilities will be instructed in the general standards or Access Points and, subsequently, assessed through the administration of the general statewide, standardized assessment (with or without accommodations) or the alternate assessment aligned to alternate academic achievement standards based on criteria outlined in Rule 6A-1.0943(5), F.A.C. IEP teams will also have to determine whether students participating in the FSAA should be assessed via the FSAA—Performance Task (FSAA—PT) or FSAA—Datafolio.

STEP 1—Checklist for Course and Assessment Participation

The IEP team should consider the student’s present level of educational performance in reference to the Florida Standards and the Next Generation Sunshine State Standards. The IEP team should also be knowledgeable of guidelines and the use of appropriate testing accommodations. To facilitate informed and equitable decision-making, IEP teams should answer each of the following questions when determining the appropriate course of instruction and 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. Is the student among those with the most significant cognitive disabilities? | | |
| 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 (ELA), mathematics, social studies and science based on Access Points in order to acquire, generalize and transfer skills across settings? | | |

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.

If the IEP team determines that all three of the questions accurately characterize a student’s current educational situation, then the student should be enrolled in Access courses, and the FSAA should be used to provide meaningful evaluation of the student’s current academic achievement. The IEP team then proceeds to STEP 2.

Once the IEP team determines that a student will be instructed in Access Points and participate in the FSAA, the next step is to determine the method in which the student will be assessed – via the FSAA—PT or FSAA—Datafolio. The FSAA—Datafolio is an alternate achievement standards-based assessment designed specifically for students with the most significant cognitive disabilities who have limited to no formal mode of communication.

Parental Consent Form

In accordance with Rule 6A-6.0331(10)(b), F.A.C., if the decision of the IEP team is that the student will participate in Access courses and be assessed via the FSAA, the parents and/or guardians of the student must give signed consent to have their child instructed in Access Points and their child's achievement measured based on alternate academic achievement standards. This decision must be documented on the Parental Consent Form — Instruction in the State Standards Access Points Curriculum and Statewide, Standardized Alternate Assessment, available at <https://www.flrules.org/gateway/reference.asp?No=Ref-04779>. If the parents/guardians fail to respond after reasonable efforts by the school district to obtain consent, the school district may provide instruction in the state standards Access Points curriculum and administer the FSAA. The IEP should include a statement of why the student cannot participate in the general assessment and why the alternate assessment is appropriate.

STEP 2—Datafolio Participation Guidelines

After carefully reviewing the “Checklist for Course and Assessment Participation,” the IEP team determined that the most meaningful evaluation of the student's current academic achievement is through participation in the FSAA. Next, the IEP team should answer each of the following questions when determining how the student will participate in the FSAA. Check all that apply.

| Questions to Guide the Decision-Making Process to Determine How the Student Will Participate in the FSAA | YES | NO |
|--|-----|----|
| 1. Does the student primarily communicate through cries, facial expression, eye gaze and/or change in muscle tone that requires interpretation by listeners/observers? | | |
| 2. Does the student respond/react to sensory (e.g., auditory, visual, touch, movement) input from another person BUT require actual physical assistance to follow simple directions? | | |
| 3. Does the student exhibit reactions primarily to stimuli (e.g., student only communicates that he or she is hungry, tired, uncomfortable, sleepy)? | | |
| Previous FSAA—PT Performance (If Applicable) | | |
| 4. Has the student's previous performance on the FSAA—PT provided limited information and/or reflected limited growth within Level 1?* | | |

If “NO” is selected for each of the first three questions, then the IEP team should conclude that the FSAA—Performance Task is the more appropriate statewide assessment.

If “YES” is selected for any of the first three questions and “YES” is selected for question 4 (when applicable*), then the IEP team should conclude that the FSAA—Datafolio is the appropriate method to provide meaningful evaluation of the student's current academic achievement.

*For a student in grade 3 or 4, or a student who does not have previous FSAA—PT scores, question 4 does not apply.

5. Requirement 4, CFR §200.6(c)(4)(iv)

Florida's 2019-2020 Activity Report

To decrease the percentage of students who participate in a modified curriculum and the FSAA, Florida plans to continue all of the activities listed in the approved 2019-2020 waiver application along with additional supports which will be described within this application. Listed under each activity heading below is a report of progress made on that activity during the 2019-2020 school year.

FDOE has developed, implemented and provided LEAs the support necessary to ensure that guidelines are followed and disproportionality issues are addressed.

5.1 Plan

5.1.1 Improving the Implementation of State Guidelines.

FDOE has reviewed the definition of students with the “most significant cognitive disabilities” and revised FSAA participation guidelines, as required by 34 CFR §200.6(c)(4)(iv)(A), to ensure that FDOE has adequately addressed all guidelines included in 34 CFR §200.6(d). FDOE has reviewed and updated supporting resources and documentation that all LEAs are provided to guide in the FSAA eligibility determination process, including the “[Assessment Planning Resource Guide for Individual Educational Plan \(IEP\) Teams](#).”

- FDOE actively participates in the 1% Community of Practice to learn with and from other states, continues to use guidance provided by national technical assistance centers, and incorporates resources and information gained. For example, when considering the LEA justifications, submitted in the SP&Ps, FDOE staff referenced the *NCEO Tool 4 District Dialogue Guide: Addressing the Percentage of Students Participating in the Alternate Assessment*, to help districts consider data sources, methods of analysis and other information pertaining to the percentage of students participating in the FSAA.

5.1.2 Support and Oversight of LEA Implementation.

In addition to updated FSAA participation guidelines, FDOE provides oversight, technical assistance and supports, as required by 34 CFR §200.6(c)(4)(iv)(B), to promote proper implementation of the guidelines by LEAs. Florida provides a Multi-Tiered System of Support (MTSS) to assist all LEAs in problem solving and data-based decision making. Tier 1 (universal supports) includes general, statewide support designed to inform, assist and improve results for all districts. Tier 2 (supplemental supports) includes more focused, targeted, frequent support in addition to and aligned with universal supports provided to subgroups of districts in response to identified needs. Tier 3 (intensive supports) is the most focused, targeted, frequent support in addition to and aligned with universal supports that are provided to individual districts in response to identified needs.

- FDOE considered the 2018-2019 FSAA participation data to determine how to tier support to districts. Districts with participation rates less than or equal to the state level data, 1.6% in Math and 1.5% in ELA, were identified as Tier 1 (universal). Districts with participation rates of 1.7% to 2.4% in Math and/or 1.6% to 2.3% in ELA were identified Tier 2 (targeted or moderate) districts. Districts with participation rates greater than 2.4% in Math and 2.3% in ELA were identified as Tier 3 (intensive) districts. Districts in Tier 1 were able to participate in activities and receive assistance in any level.

Professionals within the FDOE Bureau of Exceptional Education and Student Services (BEESS) and the Bureau of K-12 Assessment, as well as staff of several discretionary projects, including the ACCESS Project and the Florida Diagnostic & Learning Resources System, are dedicated to supporting all LEAs in the appropriate instruction and assessment of students with disabilities, including students with the most significant cognitive disabilities.

The following is based on the Florida Department of Education Alternate Assessment Based on Alternate Academic Achievement Standards (AA-AAAS) Participation Plan.

5.1.2.1 Universal Professional Development and Supports (Tier1): FDOE provides universal technical assistance and supports to all LEAs to improve the implementation of participation guidelines.

- a) The “Assessment Planning Resource Guide for IEP Teams,” includes the definition of significant cognitive disability and a decision tree for IEP teams.
- b) FDOE hosts an annual meeting for FSAA Alternate Assessment Coordinators (AAC) and District Assessment Coordinators (DAC).
 - This was held September 8-10, 2020.
- c) A technical assistance paper (DPS-208, May 5, 2017) entitled “Statewide Assessment for Students with Disabilities” includes information on the requirements for participation in the Florida Standards Alternate Assessment. A Checklist for Course and Assessment Participation is also provided to assist all LEAs in making the appropriate decisions.
- d) All LEAs have their ESE policies and procedures (SP&P) reviewed, approved and posted online at <https://beessgsw.org/#/spp/institution/public/> by FDOE. The SP&P includes a section (Part 2, Section E) on the LEA’s participation in state and district assessments, including information on the FSAA.
- e) During one or more monthly technical assistance calls that are held during the school year, information on the FSAA is provided. Calls average over 100 participants and the calls are recorded and sent to all LEAs. LEAs are encouraged to call or email FDOE for technical assistance at any time.
 - In 2020 these calls took place on: February 13th, March 10th, April 9th, May 12th, August 6th, August 27th, September 8th and October 6th.
 - BEESS also hosted a FDOE Virtual Compliance Convening, which provided an overview of the legal responsibilities for all districts with respect to IDEA Part B compliance and to share guidance related to the impact of the COVID-19 pandemic.
- f) Guidance and specific technical assistance is provided at annual intellectual disabilities (InD), autism spectrum disorders (ASD) and other health impairment (OHI) state and regional contacts’ meetings.
 - ASD meeting took place in January, 2020, Regional InD meetings took place in April and 2020 OHI meeting took place in October 2020, and also included contacts for Hospital Homebound, Reading Contacts, Local Assistive Technology Specialists (LATS), and Regional LATS.

- g) During the annual Administrators' Management Meeting (AMM), technical assistance regarding the FSAA and participation rates was offered to all participants.
- This event was held in December, 2019. 340 individuals, representing 63 Florida LEAs, were in attendance. Due to COVID-19 the 2020 AMM has been postponed.
- h) All educators who administer the FSAA are required to complete a training on the administration of the FSAA. Information regarding how to appropriately determine whether a student should be instructed on Access Points and assessed via the FSAA will be added to the training.
- Virtual trainings took place during July and August of 2020.
- i) The exceptional student education director in each district is sent an annual email containing a table indicating the number and percentage of students who have taken the alternate assessment in each content area.
- Due to COVID-19 and the suspension of statewide standardized assessments this did not take place for the 2019-2020 school year.
- j) Prior to ordering 2019-2020 FSAA materials, all LEAs are required to submit an [assurance](#) that each student being assessed via the FSAA meets the eligibility requirements for most significant cognitive disability. This included a review of each individual student, including primary exceptionality, verification of signed parental consent, and IEP justification for placement on alternate assessment. (**See Appendix A: 2020 FSAA Assurances**).
- FSAA Assurances were submitted to FDOE via a secure protocol by January 31, 2020. This resulted in new district level activities. For example, in some districts, FSAA Task Force Committees have been created to develop policies, procedures and processes. These teams complete a review to ensure the student level information and data is compiled and available for the IEP team to make an informed decision. Several districts are providing professional development on teaching Access Points to all general education classroom teachers, focusing on primary and intermediate grade levels first.
- k) In reflection of the 2019-2020 assurance process, the Instructional Support Services (ISS) unit in BEESS collaborated with the Dispute Resolution and Monitoring (DRM) unit to adopt the assurance process in the monitoring and compliance procedure. In 2020-2021, all Florida districts will be required to annually complete a Level 1 - 1% self-assessment (formerly known as the assurances). From this information, the district self-assessment will determine the appropriateness of each student's participation in the FSAA. FDOE will also review a sample of randomly selected records. (**See Appendix B: FDOE 1% Monitoring and Compliance**)
- BEESS Dispute Resolution and Monitoring (DRM) and Instructional Support Services (ISS) sections worked collaboratively to create a data collection system to serve multiple purposes. The FSAA Assurances have evolved into an activity included in the 1% Monitoring and Compliance-Self Assessments that all LEAs are required to submit annually, beginning with the 2020-2021 school year.

- l) According to our data, all LEAs had FSAA participation rates above 1% and were required to submit a justification to FDOE, which must include a reason for the overage and address disproportionality, as part of the annual SP&P update process. This information will be reviewed and approved by FDOE prior to publishing online for public access.
 - All LEA justifications were reviewed. When revisions were required FDOE staff helped districts engage in thoughtful conversations, tailored to their unique contexts, about participation in the FSAA. Several frank discussions took place and helped to identify ways in which LEAs could examine a variety of data sources, use strategic methods and other information to understand why more than 1% of students were participating in the FSAA.
- m) Email sent to all district ESE Directors about the FSAA Module 1: Assessment Overview training opportunity for district and school level personnel serving as an LEA representative during IEP meetings. (**See Appendix D: FSAA Module 1: Assessment Overview**)
 - Districts were sent emails October 7, 2020.

5.1.2.2 Targeted Technical Assistance and Supports (Tier 2): FDOE provides additional technical assistance, support, targeted professional development/intervention and supplemental support, in addition to the core universal professional development and supports.

- a) District- and school-level personnel responsible for attending IEP meetings will be encouraged to participate in FSAA training.
 - Email sent to all district ESE Directors about the FSAA Module 1: Assessment Overview.
- b) FDOE will review school-level FSAA participation data, including a comparison of the number of students taking Access courses and the number taking the FSAA, and provide targeted professional development, technical assistance and support. This will include, but not be limited to, following up with districts to ensure that they have reviewed and acted upon the information provided to them and that they are taking measures to ensure that only students enrolled in Access courses take the FSAA.
 - 28 districts participated in this targeted technical assistance and support activity. FDOE staff reviewed student-level, school-level, and district-level data to identify trends unique to the district. Of these LEAs, 57.01% (16) districts decreased in the number of students eligible to take the FSAA. One district decreased in all 3 content areas, 2 decreased in 2 content areas and 13 decreased in 1 content area. Improvement was determined by comparing the 2018-2019 and 2019-2020 Survey 3 course enrollment data.
- c) Based on the FSAA participation data districts with discrepancies in their data receive points. Districts with the most points are targeted to participate in the Level 2- 1% Monitoring and Compliance Self-Assessment. After submitting the FSAA Assurances and a completed Student Data Tool, FDOE will select a predetermined number (dependent of the district size) of students for the district to self-assess. Once these students have been selected, their IEPs, class schedules, support facilitator

schedules, parental permission documents, MTSS/response to intervention (RTI) data, progress monitoring data and state assessment data will be reviewed. From this information, the district self-assessment will determine the appropriateness of each student's participation in the FSAA. FDOE will also review a sample of randomly selected records. **(See Appendix B: FDOE 1% Monitoring and Compliance)**

- Initial Correspondence and Introduction to the 2020-2021 Monitoring Cycle was sent to each district.
- FDOE disseminated *Notification of Monitoring for Compliance Activities Letter* to district superintendents.
- Districts were provided with an extended deadline due to COVID-19.

- d) Email sent to all Tier 2 district ESE Directors regarding FSAA Module 1: Assessment Overview training opportunity for district and school level personnel serving as an LEA representative during IEP meetings. **(See Appendix D: FSAA Module 1: Assessment Overview)**

- Districts were sent emails on October 7, 2020.
- Follow-up emails were sent on October 22, 2020, to Tier 2 districts suggesting they encourage district and school level personnel to participate in FSAA Module 1: Assessment Overview training.

5.1.2.3 Intensive Individualized Interventions and Supports (Tier 3): FDOE provides additional, more frequently focused, targeted instruction/intervention and supplemental support in addition to and aligned with the core universal professional development, interventions and supports.

- a) Email sent to all Tier 2 district ESE Directors about the FSAA Module 1: Assessment Overview training opportunity for district and school level personnel serving as an LEA representative during IEP meetings. **(See Appendix D: FSAA Module 1: Assessment Overview)**

- Districts were sent emails on October 7, 2020.
- Follow-up emails were sent on October 22, 2020 to Tier 3 districts notifying them district and school level personnel to must be required to participate in the FSAA Module 1: Assessment Overview training.

- b) The FDOE will review student level FSAA participation data and provide targeted and individualized professional development, technical assistance and support. This may include addressing disproportionality in the percentage of students taking the FSAA and assisting with strategies needed to move a student or students from Access Points and the FSAA to the general standards and assessments.

- 15 districts participated in this target technical assistance and support activity. FDOE reviewed student level, school level, and district level data to identify trends unique to the district. Of these 15 LEAs, 66.7% (10) of districts decreased in the number of students eligible to take the FSAA. One district decreased in 3 content areas, 4 decreased in 2 content areas and 13 decreased in 1 content area. This was determined by comparing the 2018-2019 and 2019-2020 Survey 3 course enrollment data.

- c) Districts with over 1% of their students on FSAA will provide a justification, which must include a reason for the overage, as part of the annual SP&P update process. This information will be reviewed and approved by FDOE prior to publishing online.
- d) Districts identified as noncompliant through the 1% Monitoring and Compliance activity for AA-AAAS participation will be required to engage in frequent technical assistance and the submission of documentation indicating the completion of a corrective action plan within one year of the finding(s) of noncompliance related to AA-AAAS participation.

5.1.2.4 Addressing Disproportionality: FDOE will address any disproportionality issues, as required by 34 CFR §200.6(c)(4)(iv)(C). LEA-level relative risk ratios will be calculated for all student subgroups included in 1111(c)(2)(A), (B) and (D) of ESSA for all four content areas.

FDOE will determine the need for improvements at the state and LEA levels following a thorough data analysis of these relative risk ratios. Technical assistance and supports will be provided to LEAs as deemed appropriate.

- COVID-19 delayed the delivery of the LEA-level disproportionality and risk ratio data. LEAs were required to address disproportionality in their SP&P. FDOE has not analyzed the relative risk ratios to identify the need for improvement but has provided technical assistance and supports regarding disproportionality to LEAs through the SP&P approval process.

5.1.3 Reporting. FDOE requires the following FSAA participation reporting.

5.1.3.1 FDOE reporting to LEAs: FDOE provides annual data reports to LEAs that identify trends and patterns in FSAA participation at the district and school levels. These reports are used to inform and, if necessary, improve local FSAA implementation efforts.

- During the 1% District Data Discussion this information was reviewed and compared to the 2020 FSAA Assurances. Districts were able to identify data entry errors, as well as trends that were taking place (i.e., primary exceptionalities identified not being the most educational relevant, students enrolled in the incorrect courses).

5.1.3.2 LEA reporting to FDOE: Any LEA above 1% FSAA participation will be required (34 CFR §200.6(c)(3)(ii)) to submit information to the FDOE with a justification of exceeding the 1% threshold of students taking the FSAA.

5.1.3.3 FDOE reporting to the public: Under ESSA, FDOE must make LEA justifications for exceeding 1%, as submitted in 5.3.2 above, available to the public as long as doing so does not reveal any personally identifiable student information 34 CFR §200.6(c)(3)(iv).

5.2 Timeline

October 2019

1% Data Review and Guidance provided to the state contacts for the Visually Impaired and Deaf/Hard of Hearing, the Florida Instructional Materials for the Visually Impaired (FIMC-VI) and the Resource Materials and Technology Center for Deaf/ Hard of Hearing (RMTC-D/HH).

November 2019

BEESS, in partnership with the Office of Assessment, drafted, submitted and gained approval from FDOE Leadership for the 2020 FSAA Assurances. Chancellor Oliva sent memo regarding the 2020 FSAA Assurance to all superintendents (11/22/19) requiring districts to provide verification of assurances for each student scheduled to participate in the FSAA and securely transfer information to FDOE.

Added 1% questions to the 2019-2020 BEESS On-Site monitoring protocols of questions posed to school-based focus groups (Administrative, Teacher, Support Staff and Student Services including IEP Team members) for schools identified as Targeted Support & Improvement and Comprehensive Support & Improvement who were over the 1% threshold.

December 2019

FDOE submitted the Florida Department of Education ESSA 1% Waiver Request.

January 2020

LEAs securely submitted FSAA assurances.

February 2020

1% District Data Discussion were scheduled and held with Tier 2 and Tier 3 Districts.

March 2020

1% District Data Discussion continued to be held with Tier 2 and Tier 3 districts.

Florida State of Emergency: School campus closures and USED suspension of statewide, standardized assessments due to COVID-19 pandemic.

July 2020

FDOE Leadership, BEESS staff and Bureau of K-12 Assessment staff met to coordinate efforts and begin developing monitoring protocols. (See Appendix: 1% Monitoring and Compliance)

1% Monitoring and Compliance Workgroup met to review FSAA Participation data and identify discrepancies concerning students with exceptionalities that are not indicative of the most significant cognitive disabilities.

1% Monitoring for Compliance Protocol, AA-AAAS Self-Assessment 1% Monitoring and Compliance Workgroup was reviewed with Dispute Resolution and Monitoring (DRM) Leadership.

DRM Leadership met to discuss Level 1 and Level 2 monitoring for targeted districts during 2020-2021 1% Monitoring and Compliance process.

Data meeting with Division of Accountability, Research & Measurement (ARM) to discuss 1% Alternate Assessment Participation, disproportionality and data from the 2019-2020 school year.

August 2020

DRM Leadership team met to develop timeline for district submission of AA-AAAS Participation Self-Assessment. (See Appendix: 1% Monitoring and Compliance)

1% Monitoring and Compliance Workgroup drafted and finalized Notification of Targeted Monitoring for Compliance for Alternate Assessment and selected districts for Targeted Monitoring.

DRM and Instructional Support Services (ISS) staff collaborated to develop AA-AAAS Student Specific Data Request for 1% Monitor and Compliance District Self-Assessment.

1% Monitoring and Compliance Workgroup reviewed the comparative state and national data.

October 2020

FDOE Liaisons discussed deadline flexibility with each district to determine the schedule that would best meet district needs.

2021 1% Waiver Extension Request was sent to FDOE Leadership for review and feedback.

Memo was sent to LEAs about the availability of FSAA Module 1: Assessment Overview.

Follow up emails were sent to Tier 2 districts encouraging participation in the FSAA Module 1: Assessment Overview, as specified in the approved 2019-2020 ESSA 1% Waiver.

Follow up emails were sent to Tier 3 districts requiring participation in the FSAA Module 1: Assessment Overview, as specified in the approved 2019-2020 ESSA 1% Waiver.

November 2020

2021 1% Waiver Extension Request posted on Florida Administrative Register for public review.

2021 1% Waiver Extension Request was sent to all State Advisory Committee members.

2020 1% Waiver Extension Request public review responses considered.

Each ESE Director will submit a list of district and school level personnel (i.e., staffing specialist, case managers, assistant principals, principals, guidance counselors) who serve as an LEA representative during IEP meetings to participate in the Tier 3 FSAA Module

1: Assessment Overview - training requirement. (See Appendix: FSAA: Module 1: Assessment Overview)

December 2020

2021 ESSA Alternative Assessment 1% Cap Waiver Extension Request will be submitted to the USED.

January 2021

Districts identified, based on their percentage of students eligible to participate in the FSAA, as Tier 3 must have school- and district-level personnel responsible for attending IEP meetings complete the Tier 3 FSAA Module 1: Assessment Overview training requirement.

Monitoring for Compliance Webinar will be available for all LEAs.

Email will be sent to ESE Directors identifying school and district level personnel responsible for attending IEP meetings who have and have not completed the Tier 3 FSAA Module 1: Assessment Overview training requirement. (See Appendix: FSAA: Module 1: Assessment Overview).

February 2021

Deadline for FSAA Module 1: Assessment Overview training completed by identified district personnel responsible for attending IEP meeting as LEA representatives. The FSAA vendor will provide a list of participants who successfully completed the training. Districts with personnel who have not successfully completed the training will be contacted.

All LEAs will securely submit their 1% self-assessment (assurances).

March 2021

BEESS will notify districts of validation of submitted AA-AAAS Assurances (data required from ARM) and of students selected for Level 2 validation.

April 2021

Level 2 districts will securely submit requested student records and documentation. FDOE will use a random generator to select a predetermined number (dependent of the district size) of students for the district to self-assess. Once these students have been selected, their IEPs, class schedules, support facilitator schedules, parental permission documents, MTSS/response to intervention (RTI) data, progress monitoring data and state assessment data will be reviewed.

May 2021

Virtual interviews will be conducted by BEESS staff with districts needing intensive support.

LEAs with FSAA participation rates above 1% will be required to submit a justification to FDOE, which includes a reason for the overage and, if necessary addresses

disproportionality, as part of the annual SP&P update process. This information will be reviewed, sent back for revisions if necessary, and approved prior to publishing online for public access.

June 2021

Bureau will complete the reviews of selected student records and documentation for Level 2 districts.

Bureau will disseminate letter with findings and describes next steps regarding student-specific corrections and Corrective Action Plan activities.

August 2021

LEAs must complete Corrective Action Plan activities and securely submit verification.

6. Public and LEA Comment and FDOE Responses

FDOE uses the Florida Administrative Register (FAR), which is published by the Florida Department of State, to post grant applications, rules and meeting notifications to the public, and provide an opportunity for comments. This publication serves as the official publication for the Florida Department of State for most agency related matters, such as rulemaking, petitions, and other materials. See section 120.55, F.S. The [FAR](#) was used to solicit public comment on the Florida Department of Education ESSA Alternate Assessment 1% Cap Waiver Extension Request. LEA comment was solicited via a Chancellor's Memo to Superintendents, via the BEESS Weekly electronic newsletter and via email to all district ESE Directors. In addition, an email containing a link to the BEESS Weekly was sent to all members of the State Advisory Committee for the Education of Exceptional Students.

Appendix A: 2020 FSAA Assurance

Andy Tuck, *Chair*
Marva Johnson, *Vice Chair*
Members
Ben Gibson
Tom Grady
Michael Olenick
Joe York

TO: School District Superintendents

FROM: Jacob Oliva

DATE: November 22, 2019

SUBJECT: 2020 Florida Standards Alternate Assessment Assurances

Contact Information:

Chelsea Strickland
850-245-0475

Chelsea.Strickland@fldoe.org

DPS: 2019-192

The Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (ESSA, 2015), mandates that only students with the most significant cognitive disabilities may participate in an alternate assessment based on alternate academic achievement standards (AA-AAAS) and that this group of students **must not exceed 1% of the total number of students assessed**. While there is a limit on the percentage of students statewide who may take an AA-AAAS, there is no such limit on local educational agencies (LEAs). However, according to [34 CFR §200.6\(c\)\(3\)\(ii\) and \(iv\)](#), an LEA exceeding the cap applied to the State shall submit information to the State educational agency justifying the need to assess more than 1% of its students in any subject with an AA-AAAS. Florida's training focus will continue to be on ensuring that individual educational plan (IEP) teams make the appropriate, individualized and data-based decision for each student.

As part of Florida's focus and support to districts, beginning with the 2020 assessment administrations, the Florida Department of Education (FDOE) will implement a new assurance process in which districts will provide supporting data for students who require an AA-AAAS. The purpose of this memorandum is to detail the assurances requirements for the Florida Standards Alternate Assessment (FSAA) and the process for submitting this information to the FDOE. This process is used for each of the content areas for both components of the FSAA program (FSAA—Performance Task and FSAA—Datafolio).

Assurances Requirements

A student who has a significant cognitive disability may be eligible for modifications to grade-level standards and thus receive direct academic instruction based on the Florida Standards Access Points and/or the Next Generation Sunshine Standards Access Points subsequently participating in statewide assessment via the FSAA. Decisions regarding modifications are determined by the IEP team and should be based on the student's needs.

Note: A student with a specific learning disability has been determined not to have an intellectual (i.e., cognitive) disability per [Rule 6A-6.03018, Florida Administrative Code \(F.A.C.\)](#).

For a student to be eligible to receive modifications to grade-level standards, **all** of the following assurances must be confirmed for students **in grades 3-12**:

- The IEP team has determined that the student is among those with the most significant cognitive disabilities. A history of poor performance on state assessments or deficient reading scores in and of itself does not necessarily qualify a student as being among those with the most significant cognitive disabilities. Reliance on intelligence quotient (IQ) scores alone is not sufficient either. Therefore, IEP teams should review available student information for evidence that the student is among those with the most significant cognitive disabilities. Such information includes the following:
 - psychological assessments
 - achievement test data
 - previous statewide assessment and district-wide test scores
 - aptitude tests
 - observations
 - attendance records
 - medical records
 - mental health assessments
 - adaptive behavior assessments
 - language assessments
 - curricular content
 - school history
 - student response to instructional intervention

More guidance can be found in the [Florida Standards Alternate Assessment \(FSAA\) Assessment Planning Resource Guide for Individual Educational Plan \(IEP\) Teams](#).

IEP teams must carefully consider and remain cognizant that qualifying a student for standards-based instruction via Florida Standards Access Points can significantly impact the extent of a student's access to postsecondary opportunities. Furthermore, the reauthorization of the Individuals with Disabilities Act (IDEA, 2004), the United States Department of Education and the Office of Special Education Programs provide clear expectations that the general education curriculum is to be the first consideration for providing educational services to a student with a 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\(1\)\(z\), 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 (ELA), mathematics, social studies and science based on Access Points in order to acquire, generalize and transfer skills across settings.

- Parental consent, in accordance with [Rule 6A-6.0331\(10\)\(b\), F.A.C.](#), has been obtained to have their child instructed in Access Points and the student's achievement measured based on alternate academic achievement standards.
- A valid IEP, identifying the reason the student must access the Florida Standards via Florida Standards Access Points.
- Be enrolled in the appropriate Access courses:
 - 7710014 Access Language Arts - Grade 3
 - 7712040 Access Mathematics - Grade 3
 - 7710015 Access Language Arts - Grade 4
 - 7712050 Access Mathematics - Grade 4
 - 7710016 Access Language Arts - Grade 5
 - 7712060 Access Mathematics - Grade 5
 - 7720060 Access Science - Grade 5
 - 7810011 Access M/J Language Arts 1
 - 7812015 Access M/J Grade 6 Mathematics
 - 7810012 Access M/J Language Arts 2
 - 7812020 Access M/J Grade 7 Mathematics
 - 7821021 Access M/J Civics
 - 7810013 Access M/J Language Arts 3
 - 7812030 Access M/J Grade 8 Pre-Algebra
 - 7820017 Access M/J Comprehensive Science 3
 - 7910120 Access English 1
 - 7910125 Access English 2
 - 7912065 Access Geometry
 - 7912075 Access Algebra 1
 - 7912080 Access Algebra 1A
 - 7912090 Access Algebra 1B
 - 7920015 Access Biology 1
 - 7921025 Access United States History

Assurances Verification Process

District personnel are responsible for providing the verification of assurances for each student who is recommended to participate in the FSAA to FDOE. As the Superintendent, please assign the most appropriate district-level staff member to communicate and oversee this process in your district.

The spreadsheet template is attached to this memorandum and will be forwarded to Alternate Assessment Coordinators, District Assessment Coordinators, and District Exceptional Student Education (ESE) Directors in your district. Once a contact person is established for this process, please have him or her contact Chelsea Strickland at 850-245-0475, or by email at Chelsea.Strickland@fldoe.org for instructions on how to securely submit the completed spreadsheet to FDOE.

JO/mvt/vv/sl

Attachment

cc: School District Assessment Coordinators
School District Alternate Assessment Coordinators
School District Exceptional Student Education (ESE) Directors

DRAFT

Appendix B: FDOE 1% Monitoring and Compliance



State Board of Education

Andy Tuck, *Chair*
Marva Johnson, *Vice Chair*
Members
Ben Gibson
Tom Grady
Michael Olenick
Ryan Petty
Joe York

Richard Corcoran
Commissioner of Education

September 25, 2020

[Name, Superintendent]

[District] County School District

[Street Address]

[City, State and Zip Code]

Re: Notification of Monitoring for Compliance for the 2020-2021 Academic Year

Dear Superintendent [Name]:

In order to ensure compliance with Title 34, section 300.600, Code of Federal Regulations (C.F.R.), and other federally mandated requirements and guidance, during the 2020-2021 academic year, the Bureau of Exceptional Education and Student Services (bureau) will be conducting the following monitoring for compliance activities for your district. More details regarding these activities will be shared with your exceptional student education (ESE) director; however, a brief outline is provided below.

Due to the continued impact from the outbreak of the COVID-19 pandemic, the bureau will offer flexibility regarding the submission of documentation pursuant to each required action for the monitoring for compliance activities for the 2020-2021 academic year. To provide maximum flexibility we are providing the information on what will be required now, as some districts may choose to begin this work immediately.

- **Activity 1 (Postsecondary Transition): Monitoring activity to be completed no later than March 30, 2021**
- **Activity 2 (Student Participation in the Florida Standards Alternate Assessment [FSAA]):**
 - Assurances due February 26, 2021
 - Level 2 monitoring activity to be completed no later than June 1, 2021

ACTIVITY 1
Postsecondary Transition

The self-assessment is designed to address the major areas of compliance related to the State Performance Plan (SPP)/Annual Performance Report (APR) required under the Individuals with Disabilities Education Act regarding SPP Indicator 13, which measures the percentage of youth aged 16 and older with

individual educational plans (IEPs) with required transition components that include the following, among other things.

- Appropriate measurable postsecondary goals that are annually updated and based on an age-appropriate transition assessment;
- Transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals; and
- Annual IEP goals related to the student's identified transition services needs.

A more detailed protocol for this activity will be coming soon. SPP Indicator 13 also requires the state to identify and correct any areas of noncompliance during self-assessment that is part of monitoring for compliance as soon as possible, but no later than one year from identification.

ACTIVITY 2

Student Participation in the FSAA

In addition to 34 C.F.R. § 300.600, mentioned previously, the following federal regulations and state statutes and rules require that the bureau ensures compliance regarding the percentage of students taking the FSAA:

- Per 34 C.F.R. § 300.8 and Rule 6A-6.03018, Florida Administrative Code, students identified with a specific learning disability may not have a learning problem that is a result of intellectual factors and are prohibited from participation in Florida Standards Access Points instruction and the FSAA;
- Per 34 C.F.R. § 300.324, the district must ensure that the IEP team reviews and revises the student's IEP, to include ensuring that continued participation in the FSAA is appropriate;
- Title 1 of the Elementary and Secondary Education Act of 1965 (ESEA) requires that only students with the most significant cognitive disabilities may take an assessment using alternate academic achievement standards, and 34 C.F.R. § 300.320 requires that IEPs contain a statement of why the student cannot participate in the regular assessment; and
- Section 1003.5715, F.S., requires parental permission, multiple documented attempts and no response, or due process for instruction of a student in alternate academic achievement standards and FSAA participation.

If Florida continues to have a participation rate in the alternate assessment over 1.0 percent, the United States Department of Education (USED) may consider, per USED's letter to the Florida Department of Education (FDOE) received on June 19, 2019, withholding Title 1, Part A State administrative funds.

Students with the most significant cognitive disabilities may be eligible for modifications to grade-level standards and receive direct academic instruction based on the Florida Standards Access Points and/or the Next Generation Sunshine State Standards Access Points and, when applicable, participate in statewide assessments via the FSAA. Decisions regarding modifications are determined by the IEP team and should be based on the student's needs. As a part of Florida's training focus and support to districts, the bureau implements an annual FSAA assurance process. During this process, districts provide data for students who require an alternate assessment based on alternate academic achievement standards.

As the superintendent, please assign the most appropriate district-level staff member to communicate and oversee this process in your district. Detailed information on this activity and the spreadsheet template attached will be forwarded to the compliance contact, alternate assessment coordinator, assessment coordinator, and ESE director in your district. Once the contact person is established, please have them contact Chelsea Strickland at 850-245-0475, or by email at [Chelsea.Strickland@](mailto:Chelsea.Strickland@fldoe.org)

fldoe.org, for instructions on gathering and securely submitting these data to FDOE. This submission is due to FDOE by close of business on Friday, February 26, 2021.

Your district has also been identified to participate in level 2 monitoring for this activity and will be required to participate in targeted desktop monitoring for compliance to include the submission of individual student assessments and records for selected students.

Results of some of these reviews are included in the state's APR and are used to inform general supervision activities, including the selection of districts for on-site monitoring and the district's determinations required under 34 C.F.R. § 300.603. The bureau's district liaisons (see attached map) will be contacting each of their assigned districts to confirm when the district will begin the monitoring activities and to discuss more specific timelines.

If you have questions regarding this process, please contact Victoria Gaitanis at 850-245-0475, or by email at BEESSMonitoring@fldoe.org. We look forward to working with you and your staff, and appreciate your ongoing efforts to improve services for students with disabilities in the [District] County School District.

Sincerely,

Judith White, Chief
Bureau of Exceptional Education and Student Services

JW/bmk

Attachments

cc: [ESE Director]
[District Staff]
[Program Director]
[Bureau Liaison]



State Board of Education

Andy Tuck, *Chair*
Marva Johnson, *Vice Chair*
Members
Ben Gibson
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Richard Corcoran
Commissioner of Education

September 25, 2020

[Name, Superintendent]

[District] County School District

[Street Address]

[City, State and Zip Code]

Re: Notification of Monitoring for Compliance for the 2020-2021 Academic Year

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- Appropriate measurable postsecondary goals that are annually updated and based on an age-appropriate transition assessment;
- Transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals; and
- Annual IEP goals related to the student's identified transition services needs.

A more detailed protocol for this activity will be coming soon. SPP Indicator 13 also requires the state to identify and correct any areas of noncompliance during self-assessment that is part of monitoring for compliance as soon as possible, but no later than one year from identification.

ACTIVITY 2 Student Participation in the FSAA

In addition to 34 C.F.R. § 300.600, mentioned previously, the following federal regulations and state statutes and rules require that the bureau ensures compliance regarding the percentage of students taking the FSAA:

- Per 34 C.F.R. § 300.8 and Rule 6A-6.03018, Florida Administrative Code, students identified with a specific learning disability may not have a learning problem that is a result of intellectual factors and are prohibited from participation in Florida Standards Access Points instruction and the FSAA;
- Per 34 C.F.R. § 300.324, the district must ensure that the IEP team reviews and revises the student's IEP, to include ensuring that continued participation in the FSAA is appropriate;
- Title 1 of the Elementary and Secondary Education Act of 1965 (ESEA) requires that only students with the most significant cognitive disabilities may take an assessment using alternate academic achievement standards, and 34 C.F.R. § 300.320 requires that IEPs contain a statement of why the student cannot participate in the regular assessment; and
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If Florida continues to have a participation rate in the alternate assessment over 1.0 percent, the United States Department of Education (USED) may consider, per USED's letter to the Florida Department of Education (FDOE) received on June 19, 2019, withholding Title 1, Part A State administrative funds.

Students with the most significant cognitive disabilities may be eligible for modifications to grade-level standards and receive direct academic instruction based on the Florida Standards Access Points and/or the Next Generation Sunshine State Standards Access Points and, when applicable, participate in statewide assessments via the FSAA. Decisions regarding modifications are determined by the IEP team and should be based on the student's needs. As a part of Florida's training focus and support to districts, the bureau

implements an annual FSAA assurance process. During this process, districts provide data for students who require an alternate assessment based on alternate academic achievement standards.

As the superintendent, please assign the most appropriate district-level staff member to communicate and oversee this process in your district. Detailed information on this activity and the spreadsheet template attached will be forwarded to the compliance contact, alternate assessment coordinator, assessment coordinator, and ESE director in your district. Once the contact person is established, please have them contact Chelsea Strickland at 850-245-0475, or by email at Chelsea.Strickland@fldoe.org, for instructions on gathering and securely submitting these data to FDOE. This submission is due to FDOE by close of business on Friday, February 26, 2021.

Your district has also been identified to participate in level 2 monitoring for this activity and will be required to participate in targeted desktop monitoring for compliance to include the submission of individual student assessments and records for selected students.

Results of some of these reviews are included in the state's APR and are used to inform general supervision activities, including the selection of districts for on-site monitoring and the district's determinations required under 34 C.F.R. § 300.603. The bureau's district liaisons (see attached map) will be contacting each of their assigned districts to confirm when the district will begin the monitoring activities and to discuss more specific timelines.

If you have questions regarding this process, please contact Victoria Gaitanis at 850-245-0475, or by email at BEESSMonitoring@fldoe.org. We look forward to working with you and your staff, and appreciate your ongoing efforts to improve services for students with disabilities in the [District] County School District.

Sincerely,

Judith White, Chief
Bureau of Exceptional Education and Student Services

JW/bmk

Attachments

cc: [ESE Director]
[District Staff]
[Program Director]
[Bureau Liaison]

Florida Department of Education
Bureau of Exceptional Education and Student Services

Exceptional Student Education Compliance Protocols
2019–20

Introduction

The Florida Department of Education, Bureau of Exceptional Education and Student Services (bureau), in carrying out its roles of leadership, resource allocation, technical assistance, monitoring and evaluation, is required to oversee the performance of district school boards in the enforcement of all exceptional student education (ESE) laws and rules (sections 1001.03(8), 1003.571 and 1008.32, Florida Statutes [F.S.]). One purpose of the Individuals with Disabilities Education Act (IDEA) is to assess and ensure the effectiveness of efforts to educate children with disabilities (section 300.1(d) of Title 34, Code of Federal Regulations [CFR]). In accordance with IDEA, the bureau is responsible for ensuring that the requirements of the Act and the educational requirements of the State are implemented (34 CFR §300.149(a)(1) and (2)).

In fulfilling this requirement, the bureau monitors ESE programs that district school boards provide in accordance with ss. 1001.42, 1003.57, and 1003.573, F.S. Through these monitoring activities, the bureau examines and evaluates procedures, records and ESE services; provides information and assistance to school districts; and otherwise assists school districts in operating effectively and efficiently. The monitoring system is designed to emphasize improved educational outcomes for students while ensuring compliance with applicable federal laws and regulations and state statutes and rules.

Background

IDEA and its implementing regulations at 34 CFR §300.600 require that states focus their oversight activities on the following priority areas:

- Provision of a free appropriate public education (FAPE) in the least restrictive environment (LRE)
- General supervision, including child find; effective monitoring and the use of resolution meetings, mediation and a system of transition services designed to facilitate the student's articulation from school to post-school activities
- Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification
-

In accordance with 34 CFR §300.601, each state is required to develop a Part B State Performance Plan (SPP) that addresses indicators identified by the Office of Special Education Programs (OSEP) as representative of the monitoring priority areas noted. The state is required to develop a state Systemic Improvement Plan, which is a comprehensive, multi-year plan focused on improving results for students with disabilities.

Florida's general supervision website (GSW) ensures that school districts comply with federal and state requirements related to ESE programs, meet requirements related to the State Performance Plan and the bureau's strategic plan and make progress toward indicator targets.

Overview

All school districts will participate in a leveled system of compliance monitoring that includes both self-assessment activities and on-site monitoring visits. The results of monitoring activities may be used for LEA determinations required under 34 CFR §300.603 and to inform future monitoring activities.

To the extent applicable, all districts participate in Level 1 desktop monitoring by completing web-based self-assessment protocols related to basic ESE procedures. In addition, some districts may be required to complete additional self-assessment(s) in Level 2 desktop monitoring by completing indicator-specific "focused" protocols. **Level 2 monitoring may happen concurrently with Level 1 monitoring.** On-site monitoring and technical assistance for selected districts may include on-site visits and will be conducted in addition to Level 1 and any required Level 2 activities. Each of these levels is described in detail below.

Definitions

Monitoring

Monitoring consists of the activities or actions conducted to determine the functioning of a program or services compared to what is required by a regulation for the purpose of accountability.

Self-Assessment

Self-assessment is the process whereby districts undertake the review of critical components of their ESE programs. This is accomplished by completing the applicable protocols to determine the level of compliance with federal and state laws, rules, and regulations regarding procedures related to exceptional student education. Districts are responsible for conducting the self-assessment and for identifying and reporting on required corrective actions.

Finding of Noncompliance

In accordance with OSEP's guidance regarding noncompliance that is identified through monitoring processes, within a given school district a ***finding of noncompliance*** is identified by the standard (i.e., regulation or requirement) that is violated, not by the number of times the standard is violated. Therefore, **multiple incidents** of noncompliance regarding a given standard that are identified through monitoring activities are reported as a **single finding** of noncompliance for that district. In contrast, **all findings** identified through state complaints and due process hearings in a given school district are reported in the SPP/APR as separate and distinct findings of noncompliance.

Identification of Noncompliance

Formal ***identification of noncompliance*** occurs when the State issues a written conclusion that includes the citation of the regulation that has been violated and a description of the data supporting the decision of compliance or noncompliance with that regulation. Districts are informed of findings on noncompliance through the following types of communication: 3

- Correspondence provided following self-assessment and validation
- Correspondence provided following an on-site monitoring visit identifying student- specific noncompliance
- Final monitoring report provided following an on-site monitoring and assistance visit, including the student-specific noncompliance and identifying any additional noncompliance revealed during the development of the report
- Report of inquiry issued as a result of a state complaint investigation

Correction of Noncompliance

OSEP Memorandum 09-02, *Reporting on Correction of Noncompliance in the Annual Performance Report Required under Sections 616 and 642 of the Individuals with Disabilities Education Act*, dated October 17, 2008, clarified that states must apply the following two- pronged standard when evaluating a district's ***correction of noncompliance***:

- The district has corrected each individual incident of noncompliance
- The district is correctly implementing the specific regulatory requirement (i.e., achieved 100 percent compliance) based on the State's review of updated data

In order to verify a district's correction of identified noncompliance, there must be evidence that correction occurred for the individual student **and that the district is implementing the requirement appropriately for 100 percent of a sample of students.**

Timely Correction

In accordance with OSEP requirements, ***timely correction*** means that noncompliance is corrected and supporting documentation is submitted to the State as soon as possible but in no case later than one year from identification (i.e., from receipt of written notification of noncompliance). To ensure that noncompliance is corrected as soon as possible, the following procedures and timelines apply.

- For noncompliance identified through the self-assessment process, **within 60 days** of the date of follow-up correspondence, districts are expected to correct each incident of student-specific noncompliance and submit evidence of the action taken to correct it.
- For noncompliance identified through on-site monitoring, state complaint investigations, or the statewide data reporting system, the procedures and timelines for correction will be based on the nature and extent of the noncompliance and will be stated in the relevant correspondence or reports.
- **Windows of time** (i.e., monthly, from April through October) during which districts can sample records to demonstrate 100 percent compliance have been established. Sampling will continue until the district demonstrates 100 percent compliance, **which can be no later than one year from the date the noncompliance was identified.**

Additional guidance regarding sampling is provided in the following Correction of Noncompliance section.

An effective system of general supervision requires that monitoring procedures and protocols are implemented consistently to ensure the integrity of the process. Validation is the means whereby bureau staff test the accuracy of data obtained from the district's self-assessment. 4

Verification

In accordance with the OSEP requirements, states must **verify** that districts have corrected any findings of noncompliance. In most instances, verification is accomplished when the district submits supporting documentation (e.g., a copy of the revised individual educational plan [IEP] that reflects the required components). Verification must occur as soon as possible but in no case longer than one year from identification of the noncompliance.

Enforcement Actions

Enforcement actions designed to promptly bring the district into compliance are actions taken by the State education agency against a school district that has not corrected noncompliance within one year from its identification.

Monitoring Procedures and District Selection

Levels 1 and 2 – Desktop Monitoring

A self-assessment system that comprises both basic (Level 1) and focused (Level 2) desktop monitoring components has been established to ensure that school districts comply with all applicable laws, regulations, and State statutes and rules, while focusing on the student outcomes. The bureau has developed web-based compliance protocols to align with selected indicators using OSEP's *Part B SPP/APR Related Requirements* document. The specific standards (i.e., regulatory requirements) OSEP determined to relate most directly to each priority area and indicator under IDEA, as well as Florida-specific statutes and rules, are incorporated into the protocols, which include the citations for each standard.

The information required to complete these protocols is available as individual protocols. In addition to the protocols required for monitoring, protocols related to other ESE procedures (e.g., evaluation and eligibility) have been included for informational or staff-training purposes.

Self-Assessment Sampling Plan

Sampling plans identify the number of records to be reviewed as well as any criteria that must be applied when selecting student records (e.g., elementary, middle, or high schools; charter schools; Department of Juvenile Justice [DJJ] facilities; specific disabilities; age, race, or gender; diploma option). Sampling plans are based on district size, the specific protocol in question, and the number of protocol types the district is required to complete. LEAs will be notified of specific student records to sample for Levels 1 and 2 desktop monitoring through correspondence with their bureau liaison.

To the extent applicable, record selection will be based on school-level data related to a specific protocol. Districts may be asked to provide additional information about the schools in the district (e.g., feeder patterns for school enrollment, location of special programs). District-specific information regarding the specific protocols to use is provided in the *District-Required Activities* document. As applicable, a given student record may be used to complete more than one required protocol.

Completion of Web-Based Protocols

The desktop monitoring process requires that protocols representing specific ESE procedures be completed and submitted via the ESE General Supervision Website (GSW) at <http://beess.fcim.org>.

Correction of noncompliance and corrective action plans (CAPs) are also reported and tracked via this website.

To ensure confidentiality, no personally identifiable student information will be included on the website. The following procedures must be adhered to:

- Upon beginning a review for a given protocol, a **unique student identifier** will be assigned by the web-based application.
- **The user must record the student identifier assigned to the particular review;** and provide this number to the bureau liaison on a student list, as maintaining this information is critical for the validation and verification processes.
- A single student record may be used to complete more than one protocol; **if so, a separate unique student identifier will be assigned to each protocol, not to each student record.**
- Upon the district's completion of the self-assessment, districts must submit via mail a list of student names with corresponding student identifier generated by the GSW.
- The bureau will identify records for validation from the list for the desktop monitoring.

If you have questions regarding the content or procedures related to the desktop monitoring, please contact your bureau monitoring liaison. For questions regarding technical difficulties accessing or navigating the website, please contact the Florida Center for Interactive Media (FCIM) at support@fcim.org or 800-357-1072. When contacting FCIM, please include your name, school district, and the protocol or section of the website with which you have experienced difficulty.

Refer to the *Comprehensive Timeline of Activities* document for a detailed schedule of required activities.

Level 3 Monitoring and Assistance

On-site monitoring of selected districts is conducted annually, which may be included as part of Level 3 monitoring and assistance. The focus of the visits and other assistance varies by district and is based on areas of concern identified by the bureau. Team members providing the assistance may include bureau staff as well as other Florida Department of Education staff, discretionary project staff and contracted consultants.

Planning for On-Site Visits

Districts are notified of on-site visits by a telephone call to the exceptional student education director and a letter to the superintendent. Following communication between the bureau and the district regarding the date of the visit, the bureau liaison or state support team (SST) bureau facilitator will contact the district to discuss the activities of the on-site monitoring and assistance process. Items to be included in the discussion(s) prior to the on-site visit may include the following:

- Identification of SST members
- Preparation for problem-solving process
- Identification of district staff to participate in pre-visit telephone interview(s)
- Review Guiding Questions documents with district staff
- Request(s) for additional data to determine specific school site selection
- Notification of school principals
- School checklist for on-site preparation
- Request for student records for review
- Logistics (daily schedules) of on-site visit
- School-level interviews

- Student focus groups
- Classroom observation procedures

School Selection

The bureau will determine school site selections after submission of data pertaining to the specific issues to be addressed. School selection will vary depending upon the reason(s) for the on-site visit and the size of the district. If applicable, at least one charter school and DJJ facility may be visited. It is recommended that the ESE director notify the schools and DJJ facilities in advance of the scheduled visit, as the bureau liaison or SST bureau facilitator may need to communicate with the school principals prior to the visit.

The following checklist is intended as a guide for selected schools to use in completing activities in conjunction with the monitoring process:

- Prepare a map of the school with classrooms identified for bureau staff.
- Prepare copies of teacher schedules, bell schedule, and pertinent information about the school (e.g., unique programs in place).
- Prepare copies of ESE student rosters, including name, date of birth, areas of eligibility, statewide assessment participation and time in general education classes.
- Inform school staff about the upcoming visit and make them aware of the possibility of an interview and class visit.
- Make arrangements for a substitute teacher or other appropriate personnel as needed to cover classes for teachers who are being interviewed.
- Have private space available for interviews and record reviews, if possible.

Note: The bureau may make unannounced visits to additional schools in the district at any time during the on-site visit.

Student Records

The bureau may request student records prior to and following the on-site visit. The records to be reviewed may include but are not limited to the following:

- Current IEP
- Previous IEP
- Functional behavioral assessment (FBA), if any
- Behavioral intervention plan (BIP), if any
- Therapy logs
- Consultation logs
- Discipline record
- Attendance record
- Lesson plans
- Evidence of provision of accommodations and modifications
- Evidence of provision of special education and related services
- Evidence of provision of supplementary aids and services
- Evidence of provision of supports for school personnel
- Report cards
- Progress reports
- Student schedule
- Parent notices and other documentation related to restraint and seclusion

- Any other supporting documentation, as needed

District Interview

Prior to the on-site visit, selected district staff members may be asked to participate in a telephone interview with the SST. The selection of district staff members to participate is at the discretion of the district and varies based on the focus of the visit, but may include the ESE director, representation from general education, staff members, compliance staff and other district-level personnel responsible for the area(s) of concern. Questions or topics for discussion may be provided prior to the interview in order to allow time for the district to provide thorough responses and opportunity for discussion. In some cases, an interview may be conducted on-site at the beginning of the visit.

Daily Schedule

The daily schedule for the on-site visit will be provided via email to the ESE director. The schedule will include the dates and times for district and SST problem-solving sessions as well as school visits. The exchange of contact numbers for district staff and the SST bureau facilitator is highly recommended, in the event there are delays or a change in schedule while on-site.

School administrators and staff may be interviewed regarding the identified issues for the visit. School-specific information and programs will be discussed during this time. ESE and general education teachers may be interviewed, and classroom observations may be conducted.

Lesson plans, parent contact logs and any other relevant documentation should be available for review upon request. Student focus groups, if applicable, will be conducted. The school will have previously identified these students, with parents contacted in accordance with district policy.

Throughout the on-site visit, members of the SST and district staff (ESE and general education, as determined relevant) will participate in the problem-solving process or other applicable planning to address the identified areas.

Reporting Procedures and Corrective Actions

Follow-Up Correspondence

Levels 1 and 2 Self-Assessment

Upon completion of all required record reviews by school district staff, the results will be submitted to the bureau via the GSW, and follow-up correspondence will be provided to the district ESE director via email. If the district has identified noncompliance, the correspondence will include instructions regarding the types of corrective action required.

Correction of Noncompliance

A finding of noncompliance is made when the standard aligned with a given regulatory requirement is not met for one or more students. As described in the *Definitions* section, the following two-pronged standard applies when evaluating correction of noncompliance:

- The district has corrected each individual incident of noncompliance

- The district is correctly implementing the specific regulatory requirement (i.e., achieved 100 percent compliance) based on the State’s review of updated data

Individual Correction

Individual correction should occur as soon as possible. For noncompliance identified through the self-assessment process, **within 60 days of the date of receipt of follow-up** correspondence **from the bureau**, districts must submit evidence of the following via the GSW:

- If individual correction **is** possible, the district must correct the noncompliance for the individual student(s) in question and provide a description of the action taken (e.g., convened the IEP team and revised the goals, contacted the parent and amended the IEP), the date the action was taken, and the outcome of the action.
- If individual correction **is not** possible, the district must identify the policy, procedure or practice that caused the noncompliance and provide evidence of the action taken to ensure future compliance (e.g., training for the specific staff member(s) responsible, sending meeting notices regarding the required content of the notices).
- In addition to the procedures described above, the district must develop a CAP detailing the activities, resources and timelines the district will implement to ensure that the compliance target of 100 percent will be met. This plan must include demonstration through review of a random sample of student records that the district is now consistently implementing the requirement (i.e., 100 percent compliance). (See *Demonstrating 100 Percent Compliance – Windows for Sampling and Reporting*)

Note the exceptions to the above statement: For noncompliance identified through on-site monitoring, the sampling process is required with slight variation. Demonstration of 100 percent compliance through the sampling process is not required typically for noncompliance identified through a state complaint investigation or due process hearing.

Demonstrating 100 Percent Compliance – Windows for Sampling and Reporting

For **any finding of noncompliance**, as soon as possible but in no case later than one year from identification, the district must demonstrate that it is implementing the targeted standard(s) 100 percent of the time. Procedures for sampling and reporting compliance are as follows:

Sampling

– Monthly windows for sampling have been established and include April, May, June, July, August, September and October. In addition, for noncompliance identified through the self-assessment process, sampling can occur within the 60-day period during which individual student correction must occur (see *Individual Correction* above).

– Sampling during any given month is optional; however, the intent is that correction occurs as soon as possible, and the district **must** demonstrate 100 percent compliance through sampling **no later than one year** from the date of identification. **The sample must reflect actions taken within the stated month** (e.g., IEP was developed or amended within the month, incident of restraint or seclusion occurred within the month).

– The sample size must be at least **five** student records, unless the total number of eligible records for that month is fewer than five; if so, report on the total number of eligible records (i.e., one, two, three, or four).

Reporting

– By the **15th of each month**, the district must report in the GSW, based on the previous month's actions, **one** of the following for **each** of the target standard(s):

- The size of the sample and the results of the review (i.e., rate of compliance), **or**
- That there were no eligible records during the month, **or**
- That the district opted not to sample during the month

– When the district reports 100 percent compliance, verifying documentation must be provided to the bureau; upon review and approval, districts will be notified that the corrective action is complete.

– **Once the district has demonstrated 100 percent compliance on the required standard(s), no additional sampling or reporting is required.**

Corrective Action Plans

As indicated above, the district must demonstrate that a given standard is implemented appropriately 100 percent of the time. For noncompliance identified during the self-assessment process, the district must develop and implement a CAP to address the root cause of the noncompliance and achieve the goal of 100 percent compliance as soon as possible but in no case later than one year from identification.

Noncompliance may reflect isolated incidents; complex, systemic issues related to the ways in which a district implements its ESE programs; or inconsistencies in the way the district's established policies and procedures are practiced by staff across the district. To ensure that the CAP includes effective strategies, districts are encouraged to implement a problem-solving process to identify those factors most likely to impact the standards in question. For example, if during a focused review regarding least restrictive environment (LRE) a systemic finding of noncompliance is made regarding the IEP team's explanation of the extent, if any, to which the student will not participate with nondisabled peers in the general education classroom, it would be helpful for district staff to understand the basis upon which placement decisions are made.

Understanding the root cause of noncompliance will assist the district in developing and implementing effective strategies to address the issue. Additional sources of information, such as interviews with teachers, administrators, and IEP team members or more in-depth record reviews, could be used to inform the problem-solving process. Problem-solving teams that include stakeholders and staff from a range of disciplines are generally most effective.

The CAP **must include**, at a minimum, (1) a description of activities to be implemented, (2) the resources to be accessed or allocated to implement the plan, and (3) assessment on the targeted standard(s) of a sample of records in accordance with the procedures described in *Demonstrating 100 Percent Compliance – Windows for Sampling and Reporting* above.

Activities may include such actions as reviewing and revising policies, procedures or forms; implementing intensive, targeted staff development; increasing supervision or changing staff assignments; or adding staff or other resources. The CAP must be developed to ensure noncompliance will be corrected to a level of 100 percent and verified by the bureau as soon as possible, but in no case later than one year from identification. Bureau staff is available to assist the district (see *Appendix C: Bureau Contacts* for a list of monitoring liaisons).

CAPs required as a result of Level 1 or Level 2 self-assessment should be submitted to the bureau for approval **within 60 days of the date of follow-up correspondence**. For CAPs required as a result of on-site monitoring, State complaint investigations, or other data sources, the district will be notified of the required timelines to be followed. Bureau compliance and program staff will review CAPs, and districts will be notified if revisions to the plan are required to better facilitate attainment of the desired outcomes.

Validation of Self-Assessment

- A sampling of records from each district will be selected for validation.
- Districts will be provided a list of selected student identifiers and will be required to submit copies of all relevant records through tracked shipping for those students.
- Districts will organize and label documents according to standards on the protocols.
- Documentation provided to the bureau may be returned to the district if the documentation is insufficient or not organized in a way that allows bureau staff to validate.
- Bureau staff will review the records to determine whether the district accurately identified noncompliance.
- If it is determined that some requirements were not accurately assessed, the district will be provided technical assistance regarding appropriate use of the protocols.

After the final results are submitted to the bureau, they will be reflected in the GSW. If the results warrant it, the district's CAP will be revised to reflect the results of the validation. Districts for which the validation process reveals a high level of inconsistencies when compared with the rest of the state may be selected for additional validation activities or consideration for on-site monitoring.

Verification of Correction of Noncompliance

Verification will be accomplished through examination of student records and other documents, interviews with district and school staff, or other actions the bureau determines necessary. The most common method of verification is the submission of supporting documents by the district (e.g., a copy of the revised IEP that includes all required components). Data may be collected through on-site visits, if warranted. To ensure timely correction, the verification process will be conducted as soon as possible to allow for additional technical assistance to be provided to school districts **to ensure correction within a year**.

Verification Report

Levels 1 and 2 Self-Assessment

A verification report will be issued to the district superintendent subsequent to the validation process.

Level 3 Monitoring and Assistance

A final report will be disseminated to the district superintendent after the close of the on-site visit summarizing the activities of the on-site visit and including any corrective action deemed necessary. When all corrective action has been completed, reviewed and accepted by the bureau, a final closeout letter will be sent to the ESE director.

Additional Enforcement

In the event a district demonstrates ongoing noncompliance, either through Levels 1 or 2 self-assessment, Level 3 monitoring and assistance, State complaint investigations, or other data sources, the bureau reserves the right to implement additional enforcement actions that may include, but are not limited to additional targeted on-site monitoring; required participation in targeted technical assistance; and additional self-assessment and reporting, with results verified by the bureau.

Appendix C: FSAA Module 1: Assessment Overview

State Board of Education

Andy Tuck, *Chair*
Marva Johnson, *Vice Chair*
Members
Ben Gibson
Tom Grady
Michael Olenick
Ryan Petty
Joe York

Richard Corcoran
Commissioner of Education

MEMORANDUM

TO: School District Exceptional Student (ESE) Directors

FROM: Judy White

DATE: October 5, 2020

SUBJECT: **Florida Standards Alternate Assessment (FSAA) Module 1: Assessment Overview**

The Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (ESSA, 2015), mandates that only students with the most significant cognitive disabilities may participate in an alternate assessment based on alternate academic achievement standards (AA-AAAS) and that this group of students must not exceed 1% of the total number of students assessed. While there is a limit on the percentage of students statewide who may take an AA-AAAS, there is no such limit on local educational agencies (LEAs). However, according to 34 CFR §200.6(c)(3)(ii) and (iv), an LEA exceeding the cap applied to the State shall submit information to the State educational agency justifying the need to assess more than 1% of its students in any subject with an AA-AAAS. Florida's training focus will continue to be on ensuring that individual educational plan (IEP) teams make the appropriate, individualized and data-based decision for each student.

Florida provides a Multi-tiered System of Support (MTSS) to assist LEAs in problem solving and making databased decisions. Tier 1 (universal supports) includes general, statewide support designed to inform, assist and improve results for all districts. Tier 2 (supplemental supports) includes more focused, targeted, frequent support in addition to and aligned with universal supports provided to subgroups of districts in response to identified needs. Tier 3 (intensive supports) is the most focused, targeted, frequent support in addition to and aligned with universal supports that are provided to individual districts in response to identified needs.

Our approved ESSA ALTERNATE ASSESSMENT 1% CAP WAIVER requires, beginning with the 2020-2021 school year, that district- and school-level personnel responsible for attending IEP meetings must participate in [Florida Standards Alternate Assessment \(FSAA\) Module 1: Assessment Overview](#) training. This training module is brief and is accessible through the FSAA Portal. After participating in the overview, participants will understand the following:

- Eligibility criteria for a student to participate in the FSAA
- Grades and content areas assessed with the FSAA
- Teacher qualifications necessary to administer the FSAA- Performance Task (PT)
- When and where the FSAA-PT is administered
- Organization of assessment components
- Tasks that are included in each item set
- Information included in the test booklet
- Documentation protocol for student responses during administration

Chelsea Strickland will contact you in the next week if your district is in the “suggested” or the “required” category. Those who are required to participate must submit a list of district- and school-level personnel (i.e. staffing specialist, case managers, assistant principals, principals, school counselors) who serve as an LEA representative during IEP meetings by email to Chelsea at Chelsea.Strickland@fldoe.org no later than November 30, 2020.

1. Each Exceptional Student Education (ESE) Director must submit a list (see attachment) of district- and school-level personnel (i.e., staffing specialist, case managers, assistant principals, principals, guidance counselors) who serve as an LEA representative during IEP meetings to by email to Chelsea Strickland at Chelsea.Strickland@fldoe.org no later than November 30, 2020.
2. Each identified individual accesses and completes the brief [FSAA Module 1: Assessment Overview](#).
3. Each identified individual completes [Module 1 Quiz](#).
4. Roster of participants who have successfully completed [FSAA Module 1: Assessment Overview](#) and [Module 1 Quiz](#) will be obtained by FDOE staff from Cognia on January 15, 2021.
5. An email will be sent to ESE Directors identifying personnel who have completed online module on January 30, 2021.

The template is attached to this memorandum. If you have additional questions contact Chelsea Strickland at 850-245-0475 or by email at Chelsea.Strickland@fldoe.org.