



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

February 14, 2025

The Honorable Manny Diaz, Jr.  
Commissioner of Education  
Florida Department of Education  
325 West Gaines Street  
Tallahassee, FL 32399-0100

Dear Commissioner Diaz:

I am writing in response to the Florida Department of Education's (FDOE's) request on December 4, 2024, for an extension of the waiver of section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA), which stipulates that a State may not assess more than 1.0 percent of all students in the grades assessed using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS). FDOE requested this waiver because, based on State data for the 2023-2024 school year, FDOE concluded that it may exceed the 1.0 percent cap on AA-AAAS in reading/language arts (R/LA), mathematics, and science in the 2024-2025 school year.

After reviewing FDOE's waiver request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, an extension of the one-year waiver (for school year 2024-2025) of section 1111(b)(2)(D)(i)(I) of the ESEA so that the State may assess more than 1.0 percent of students with an AA-AAAS in R/LA, mathematics, and science.

As part of this waiver extension FDOE assured that it:

- Will continue to meet all other requirements of section 1111 of the ESEA and implement regulations with respect to all State-determined academic standards and assessments, including reporting student achievement and school performance, disaggregated by subgroups, to parents and the public.
- Had assessed in SY 2023-2024 at least 95 percent of all students and all students with disabilities who are enrolled in grades for which the assessments are required.
- Will require that a local educational agency (LEA) submit information justifying the need of the LEA to assess more than 1.0 percent of its assessed students in any such subject with an AA-AAAS.
- Will provide appropriate oversight of an LEA that is required to submit such information to the State.
- Will verify that each LEA that is required to submit such information to the State is following all State guidelines in 34 CFR § 200.6(d) – excluding (d)(6) – and will address any subgroup disproportionality in the percentage of students taking an AA-AAAS.

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*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

- Will implement, consistent with the plan submitted in FDOE's waiver extension request, system improvements and will monitor future administrations of the AA-AAAS to avoid exceeding the 1.0 percent cap.

As a reminder, 34 CFR § 200.6(c)(3)(iv) requires a State to make publicly available the information submitted by an LEA justifying the need to assess more than 1.0 percent of its students on the AA-AAAS, provided that such information does not reveal personally identifiable information about an individual student. I also encourage you to continue to publish your State's plan, timeline, and progress in reducing the percentage of students taking the AA-AAAS.

Given the workplan submitted by FDOE, I expect to continue to see positive results of this plan in the 2024-2025 school year and beyond. Based on the data FDOE submitted, the State has reduced the percentage of students assessed on an AA-AAAS over the past several years (e.g., from 1.63 percent in 2018-2019 to 1.38 percent in 2023-2024 in R/LA, 1.55 percent in 2018-2019 to 1.44 percent in 2023-2024 in mathematics, and 1.55 percent in 2018-2019 to 1.42 percent in 2023-2024 in science). Thank you for your continued efforts in achieving these reductions. Future requests for a waiver extension will continue to expect both continued progress implementing your plan and progress in reducing the current percentage of students taking the AA-AAAS in all tested subjects.


I appreciate the work you are doing to improve Florida's schools and provide a high-quality education for your students. If you have any questions, please contact my staff at [ESEA.Assessment@ed.gov](mailto:ESEA.Assessment@ed.gov).

Sincerely,

A handwritten signature in cursive script, reading "Ruth E. Ryder".

Ruth E. Ryder  
Deputy Assistant Secretary for Policy and Programs  
and Acting Assistant Secretary  
Office of Elementary and Secondary Education

cc: Holly Edenfield, FDOE Office of the Chancellor

A large, stylized graphic of an orange slice, rendered in a golden-yellow color with white outlines for the segments, set against a dark blue background.

# **Every Student Succeeds Act (ESSA) 1% Waiver Extension Request**

**2024**

## Table of Contents

<b>Current Situation .....</b>	<b>1</b>
Table 1: Student Enrollment .....	1
<b>Extension Request for the 1% Waiver .....</b>	<b>2</b>
<b>Requirement 1, Title 34, section (§) 200.6(c)(4)(i), Code of Federal Regulations (C.F.R.) ...</b>	<b>2</b>
<b>Requirement 2, 34 C.F.R. § 200.6(c)(4)(ii).....</b>	<b>3</b>
Number, Percentage and Risk Ratio of Students who Took the Florida Alternate Assessment (FAA) During the 2023-24 SY .....	3
Table 2: 2023-24 FAA Participation by Student Subgroup – English Language Arts (ELA) .....	3
Table 3: 2023-24 FAA Participation by Student Subgroup – Mathematics .....	4
Table 4: 2023-24 FAA Participation by Student Subgroup – Science .....	5
<b>Reduction in the Rate of Alternate Assessment Aligned with Alternate Academic Achievement Standards (AA-AAAS) Participation.....</b>	<b>6</b>
Table 5: Overall Rates of Statewide, Standardized Assessment.....	6
Table 6: Overall Rates of FAA Participation – ELA .....	7
Table 7: Overall Rates of FAA Participation – Mathematics .....	7
Table 8: Overall Rates of FAA Participation – Science .....	8
<b>Requirement 3, 34 C.F.R. § 200.6(c)(4)(iii) Evidence That Local Educational Agencies (LEAs) Followed the State’s Participation Guidelines.....</b>	<b>8</b>
Definition of “Most Significant Cognitive Disabilities” .....	8
LEA Requirements.....	9
Table 9: Comparison of the Number of LEAs Exceeding the 1.0% Cap for 2022-23 and 2023-24 SY for ELA, Mathematics and Science .....	10
Course Instruction and Participation in Statewide, Standardized Assessment .....	12
Step 1 – Checklist for Course and Assessment Participation .....	12
Parental Consent Form.....	13
Step 2 – Datafolio Participation Guidelines .....	14
Administration of the AA-AAAS.....	14
The Access Project.....	14
<b>Requirement 4, 34 C.F.R. § 200.6(c)(4)(iv).....</b>	<b>15</b>
Participation Plan .....	15
Improving the Implementation of State Guidelines.....	15
Support and Oversight of LEA Implementation.....	15

FDOE Required FAA Participation Reporting.....	18
FDOE Reporting to LEAs .....	18
LEA Reporting to FDOE.....	18
FDOE Reporting to the Public .....	19
<b>Timeline .....</b>	<b>19</b>
Table 10: Timeline of Implementation .....	19
<b>Public and LEA Comments and FDOE Responses .....</b>	<b>22</b>
<b>Appendix: Implementation of State Guidelines .....</b>	<b>25</b>

## Current Situation

Florida is the third-largest state in the country, with over 2.8 million students in 3,771 traditional public schools, 733 public charter schools and 67 traditional local educational agencies (LEAs). In the 2023-24 school year (SY), the number of Florida students with disabilities (SWD) was 441,347, representing a steady increase from 377,272 in 2016-17. The percentage of SWD in the total student population has increased from 13.4% in 2016-17 to 15.4% in 2023-24 (see Table 1). Florida continues to see a significant influx of students and families from other states due to our services and access to opportunities for all students and, specifically, for SWD. Families from across the country are relocating to Florida in record numbers, and school districts in Florida regularly welcome new students throughout the year. Due to our relentless focus on high academic achievement and parental rights for all students, Florida earned the top spots in educational freedom and parental involvement and was recently ranked the top education state in the nation by U.S. News & World Report for the second year in a row.

In 2014, Florida became the second state in the nation to create an Education Savings Account program for children with unique abilities. In its inaugural year, the program served 1,491 students. In the 2023-24 SY, 83,941 students received the Family Empowerment Scholarship for Students with Unique Abilities, making this one of the largest programs for students with special needs in the United States.

**Table 1: Student Enrollment**

School	Total Number of	Number of Students	Percentage of Students
<b>16-17</b>	2,816,824	377,153	13.4%
<b>17-18</b>	2,833,115	385,545	13.6%
<b>18-19</b>	2,846,857	401,745	14.1%
<b>19-20</b>	2,858,952	414,352	14.5%
<b>20-21</b>	2,791,687	406,944	14.6%
<b>21-22</b>	2,833,179	415,980	14.7%
<b>22-23</b>	2,870,507	428,213	14.9%
<b>23-24</b>	2,872,309	441,347	15.4%

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. The 2022 National Assessment of Educational Progress results demonstrate that Florida is in the top five of states for average scale scores of SWD in grades 4 and 8. Florida's SWD also ranked number one in Grade 4 Reading and Grade 4 Mathematics. The SWD graduation rate was 90.90% in 2022-23.

## **Extension Request for the 1% Waiver**

Florida's initial waiver extension request for 2019 was approved, and its waiver extension requests for the 2020-21 and 2021-22 SYs were approved. Florida's waiver request was again approved for the 2023-24 SY and the state is seeking an extension for the 2024-25 SY.

FDOE has been actively involved in providing support to LEAs to ensure adherence to guidelines. FDOE has implemented various initiatives, including an annual assurance process, 1% Data Discussions and revisions to Rule 6A-1.0943, Florida Administrative Code (F.A.C.), to enhance the assessment process for SWD. FDOE has also offered extensive monitoring, tiered support and technical assistance to LEAs, resulting in a reduction in the number of students participating in Florida's statewide, standardized alternate assessment. Furthermore, FDOE has collaborated with LEA exceptional student education (ESE) directors to identify trends in participation data and is seeking a waiver extension to support continued progress in reducing assessment participation and providing appropriate instruction to every student.

Since the last waiver request, FDOE surveyed states to identify effective strategies and guidelines related to participation in the alternate assessment aligned with alternate academic achievement standards (AA-AAAS). Additionally, Florida continues to provide technical assistance for all stakeholders, review state educational agency (SEA) and LEA AA-AAAS data, and monitor the assessment practices for students participating in the AA-AAAS. These strategies have been effective, as demonstrated by Florida's continued reduction in AA-AAAS participation rates.

To continue to reduce Florida's AA-AAAS participation rates, FDOE will develop a webpage for the AA-AAAS as a repository for resources and information for school districts and other stakeholders. FDOE will continue to engage the State Advisory Panel and content experts, and will convene a workgroup that will work collaboratively to develop and revise resources and strategies for implementation of state guidelines. Strategies may include the development of an individual educational plan (IEP) team decision-making guide for IEP teams, the development of a parent and family flyer for students with most significant cognitive disabilities, and the enhancement of the LEA annual justification process.

Florida's AA-AAAS is the Florida Alternate Assessment (FAA). FAA participation rates for the 2023-24 SY were 1.38% in English language arts (ELA), 1.44% in mathematics and 1.42% in science. This represents progress in each content area from the 2022-23 SY (ELA – decrease of 0.06%, mathematics – decrease of 0.04% and science – decrease of 0.09%).

Additionally, Florida offers two formats of the FAA, which provide more choices to meet students' needs appropriately. Other states may limit choice in this area, but Florida will continue to prioritize appropriate decisions for the participation in the FAA made by the IEP team. Florida is proud to prioritize student learning and the IEP team process, which complies with federal guidelines.

## **Requirement 1, Title 34, section (§) 200.6(c)(4)(i), Code of Federal Regulations (C.F.R.)**

States are required by 34 C.F.R. § 200.6(c)(4)(i) to submit the alternate assessment waiver request at least 90 days before the start of the relevant subject testing windows. The FAA testing window will be open from February 24 to April 11, 2025, for elementary and middle school

(grades 3 through 8) and civics end-of-course (EOC) assessments. The FAA testing window will be open from March 10 to April 25, 2025, for FAA high school ELA I, ELA II, Algebra I, Geometry, Biology I and U.S. History EOC assessments. FDOE will submit a waiver extension request to the United States Education Department in ELA, mathematics and science.

## **Requirement 2, 34 C.F.R. § 200.6(c)(4)(ii)**

In submitting a waiver extension request, states are required by 34 C.F.R. § 200.6(c)(4)(ii) to provide the number and percentage of students in each subgroup defined in the Elementary and Secondary Education Act (ESEA) section 1111(c)(2)(A), (B) and (D) who were assessed using the AA-AAAS. Florida has met the requirement to assess at least 95% of all students in ELA, mathematics and science, and 95% of students in the SWD subgroup under ESEA section 1111(c)(2)(C) who are enrolled in grades for which the assessment is required under 34 C.F.R. § 200.5(a) in ELA, mathematics and science.

### **Number, Percentage and Risk Ratio of Students who Took the FAA During the 2023-24 SY**

Tables 2 through 4 provide the number, percentage and risk ratio of each student subgroup, as defined in ESEA section 1111(c)(2)(A), (B) and (D), during the 2023-24 SY. The risk ratio measures potential disproportionality among FAA participants based on membership in the target group. Risk ratios exceeding 1.0 indicate that the target group is overrepresented among the population of students participating in the alternate assessment compared to participation rates of students who are not members of the target group.

**Table 2: 2023-24 FAA Participation by Student Subgroup – ELA**

**NOTE:** FAST is the Florida Assessment of Student Thinking, which is Florida’s statewide, standardized assessment program.

<b>ELA</b>							
<b>Target Group</b>	<b>Target Group</b>			<b>Comparison Group</b>			<b>Risk Ratio</b>
	<b>Number of Students Taking FAA</b>	<b>Number of Students Taking FAST, FAA or EOCs</b>	<b>Percentage Taking FAA</b>	<b>Number of Students Taking FAA</b>	<b>Number of Students Taking FAST, FAA or EOCs</b>	<b>Percentage Taking FAA</b>	
American Indian/Native Alaskan	55	3,993	1.38	23,273	1,692,177	1.38	1.0
Asian	603	50,676	1.19	22,725	1,645,494	1.38	0.86
Pacific Islander	40	3,044	1.31	23,288	1,693,126	1.38	0.95
Black/African American	7,047	347,258	2.03	16,281	1,348,912	1.21	1.68
White	6,651	578,017	1.15	16,677	1,118,153	1.49	0.77



ELA							
Target Group	Target Group			Comparison Group			Risk Ratio
	Number of Students Taking FAA	Number of Students Taking FAST, FAA or EOCs	Percentage Taking FAA	Number of Students Taking FAA	Number of Students Taking FAST, FAA or EOCs	Percentage Taking FAA	
Multi-racial	898	69,378	1.29	22,430	1,626,792	1.38	0.94
Hispanic	8,034	643,804	1.25	15,294	1,052,366	1.45	0.86
Economically Disadvantaged	14,649	904,775	1.62	8,679	791,395	1.10	1.48
English Language Learners	2,485	322,998	0.77	20,843	1,373,172	1.52	0.51

**Table 3: 2023-24 FAA Participation by Student Subgroup – Mathematics**

Mathematics							
Target Group	Target Group			Comparison Group			Risk Ratio
	Number of Students Taking FAA	Number of Students Taking FAST, FAA or EOCs	Percentage Taking FAA	Number of Students Taking FAA	Number of Students Taking FAST, FAA or EOCs	Percentage Taking FAA	
American Indian/Native Alaskan	46	3,699	1.24	22,572	1,572,436	1.44	0.87
Asian	602	43,894	1.37	22,016	1,532,241	1.44	0.95
Pacific Islander	43	2,817	1.53	22,575	1,573,318	1.43	1.06
Black/African American	6,731	329,538	2.04	15,887	1,246,597	1.27	1.60
White	6,490	527,717	1.23	16,128	1,048,418	1.54	0.80
Multi-racial	862	64,238	1.34	21,756	1,511,897	1.44	0.93
Hispanic	7,844	604,232	1.30	14,774	971,903	1.52	0.85
Economically Disadvantaged	14,239	855,662	1.66	8,379	720,473	1.16	1.43

Mathematics							
Target Group	Target Group			Comparison Group			Risk Ratio
	Number of Students Taking FAA	Number of Students Taking FAST, FAA or EOCs	Percentage Taking FAA	Number of Students Taking FAA	Number of Students Taking FAST, FAA or EOCs	Percentage Taking FAA	
English Language Learners	2,404	314,857	0.76	20,214	1,261,278	1.60	0.48

**Table 4: 2023-24 FAA Participation by Student Subgroup – Science**

Science							
Target Group	Target Group			Comparison Group			Risk Ratio
	Number of Students Taking FAA	Number of Students Taking FAST, FAA or EOCs	Percentage Taking FAA	Number of Students Taking FAA	Number of Students Taking FAST, FAA or EOCs	Percentage Taking FAA	
American Indian/Native Alaskan	19	1,485	1.28	8,783	617,867	1.42	0.90
Asian	234	18,789	1.25	8,568	600,563	1.43	0.87
Pacific Islander	16	1,143	1.40	8,786	618,209	1.42	0.98
Black/African American	2,726	124,477	2.19	6,076	494,875	1.23	1.78
White	2,489	214,306	1.16	6,313	405,046	1.56	0.75
Multi-racial	330	24,723	1.33	8,472	594,629	1.42	0.94
Hispanic	2,988	234,429	1.27	5,814	384,923	1.51	0.84
Economically Disadvantaged	5,479	321,585	1.70	3,323	297,767	1.12	1.53
English Language Learners	786	110,069	0.71	8,016	509,283	1.57	0.45

## Reduction in the Rate of AA-AAAS Participation

States who are requesting a waiver, consistent with 34 C.F.R. § 200.6(c)(4)(v), must demonstrate progress toward reducing participation in the alternate assessment. The following data reflect participation rates in the 2023-24 FAA in ELA, mathematics and science that were lower than the 2022-23 participation rates.

Table 5 compares the percentages of all students assessed on statewide, standardized assessments; SWD assessed on statewide, standardized assessments; and the percentage of students assessed on the statewide, standardized alternate assessment from 2018-19 to 2023-24 SYs.

**Table 5: Overall Rates of Statewide, Standardized Assessment**

Year	ELA			Mathematics			Science		
	% Tested All (FAST and FAA)	% Tested SWD (FAST and FAA)	% Tested (FAA only)	% Tested All (FAST and FAA)	% Tested SWD (FAST and FAA)	% Tested (FAA only)	% Tested All (FAST and FAA)	% Tested SWD (FAST and FAA)	% Tested (FAA only)
2017-18	97.57%	94.99%	1.40%	96.95%	95.00%	1.53%	97.36%	94.33%	1.46%
2018-19	99.20%	98.40%	1.54%	98.40%	97.30%	1.63%	99.20%	96.10%	1.56%
2019-20*	/	/	/	/	/	/	/	/	/
2020-21	95.70%	92.90%	1.40%	92.90%	89.90%	1.54%	91.60%	87.50%	1.56%
2021-22	98.60%	97.40%	1.46%	97.20%	95.70%	1.60%	96.50%	94.50%	1.53%
2022-23	98.30%	97.00%	1.42%	97.90%	96.70%	1.48%	97.50%	95.70%	1.51%
2023-24	98.39%	97.15%	1.38%	98.01%	96.73%	1.44%	97.62%	95.81%	1.42%

\*Note: The 2019-20 assessments were canceled pursuant to [FDOE Emergency Order No. 2020-EO-01](#).

Table 6 compares the overall rates of FAA participation in ELA during the 2018-19 through 2023-24 SYs.

**Table 6: Overall Rates of FAA Participation – ELA**

<b>ELA</b>			
<b>School Year</b>	<b>Number of Total Students Tested</b>	<b>Number of Students Whose Only Subject Test was an FAA</b>	<b>Percentage of Students Tested Whose Only Subject Test was an FAA</b>
<b>2018-19</b>	1,705,251	26,243	1.54%
<b>2019-20*</b>	/	/	/
<b>2020-21</b>	1,637,903	22,876	1.40%
<b>2021-22</b>	1,697,158	24,790	1.46%
<b>2022-23</b>	1,691,688	24,138	1.43%
<b>2023-24</b>	1,692,098	23,328	1.38%
<b>Change from Last Year</b>	+410	-810	-0.05 percentage points
<b>Change Since 2019</b>	-13,153	-2,915	-0.16 percentage points

\*Note: The 2019-20 assessments were canceled pursuant to [FDOE Emergency Order No. 2020-EO-01](#).

Table 7 compares the overall rates of FAA participation in mathematics during the 2018-19 through 2023-24 SYs.

**Table 7: Overall Rates of FAA Participation – Mathematics**

<b>Mathematics</b>			
<b>School Year</b>	<b>Number of Total Students Tested</b>	<b>Number of Students Whose Only Subject Test was an FAA</b>	<b>Percentage of Students Tested Whose Only Subject Test was an FAA</b>
<b>2018-19</b>	1,576,300	25,744	1.63%
<b>2019-20*</b>	/	/	/
<b>2020-21</b>	1,492,811	22,923	1.54%
<b>2021-22</b>	1,539,116	24,556	1.60%
<b>2022-23</b>	1,583,047	23,441	1.48%
<b>2023-24</b>	1,572,070	22,618	1.44%
<b>Change from Last Year</b>	-10,977	-823	-0.04 percentage points
<b>Change Since 2018-19</b>	-4,230	-3,126	-0.19 percentage points

\*Note: The 2019-20 assessments were canceled pursuant to [FDOE Emergency Order No. 2020-EO-01](#).

Table 8 compares the overall rates of FAA participation in science during the 2018-19 through 2023-24 SYs.

**Table 8: Overall Rates of FAA Participation – Science**

Science			
School Year	Number of Total Students Tested	Number of Students Whose Only Subject Test was an FAA	Percentage of Students Tested Whose Only Subject Test was an FAA
2018-19	616,991	9,621	1.56%
2019-20*	/	/	/
2020-21	577,461	8,986	1.56%
2021-22	622,568	9,506	1.53%
2022-23	620,713	9,377	1.51%
2023-24	617,695	8,802	1.42%
Change from Last Year	-3,018	-575	-0.09 percentage points
Change Since 2018-19	+704	-819	-0.14 percentage points

\*Note: The 2019-20 assessments were canceled pursuant to [FDOE Emergency Order No. 2020-EO-01](#).

### **Requirement 3, 34 C.F.R. § 200.6(c)(4)(iii) Evidence That LEAs Followed the State’s Participation Guidelines**

#### **Definition of “Most Significant Cognitive Disabilities”**

Consistent with guidance resulting from Florida’s participation in the National Center for Educational Outcomes (NCEO) 1% Cap Community of Practice and at the request of LEAs, Florida revised Rule 6A-1.0943, F.A.C., Statewide Assessment for Students with Disabilities, which was approved by the State Board of Education (SBOE) on June 10, 2021, to include increased guidance specific to the definition of “most significant cognitive disabilities.” Per these revisions, “most significant cognitive disability” is now defined as a global cognitive impairment that adversely impacts multiple areas of functioning across many settings; is a result of a congenital, acquired, or traumatic brain injury or syndrome; and is verified by either:

1. A statistically significant below-average global cognitive score that falls within the first percentile rank (i.e., a standard, full-scale score of 67 or under); or
2. In the extraordinary circumstance when a global, full-scale intelligent quotient score is unattainable, an LEA-determined procedure has been approved by FDOE under Rule 6A-1.0943(5)(e), F.A.C.

In determining whether a student has 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 the access points – alternate academic achievement standards (AP-AAAS) can significantly affect the extent of a student’s access to postsecondary opportunities. Furthermore, the Individuals with Disabilities Education Act (IDEA), the United States Education Department Office of Special Education Programs and the SEA provide clear expectations that the general education curriculum is the first consideration for providing educational services to SWD.

## LEA Requirements

Florida verifies that each LEA that exceeds the 1% cap has adopted FDOE's guidelines in this area by reviewing and approving their policies. Section 1003.57(1)(b)1., Florida Statutes (F.S.), requires that school boards submit to FDOE proposed ESE policies and procedures (P&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., Definitions, ESE Policies and Procedures, and ESE Administrators, as a prerequisite for an LEA's use of weighted cost factors under the Florida Education Finance Program. This document also serves as a basis for the identification, evaluation, eligibility determination and placement of students to receive ESE services and is a component of the LEA's application for funds available under the IDEA. All approved ESE P&P are posted for public view through the Bureau of Exceptional Education and Student Services (BEESS) website at <http://beessgsw.org/#/spp/institution/public/>.

FDOE has developed, implemented and delivered support to LEAs to ensure that guidelines are followed. Florida has continued to provide robust technical assistance and outreach to all its stakeholders and anticipates continued success in increasing student performance with its SWD while decreasing participation in the FAA. Highlights include:

- FDOE meets with each LEA that is over 1% to discuss the 1% participation rates for ELA, mathematics and science to review data and procedures.
- Extensive monitoring and tiered support continue from FDOE as LEAs implement these new provisions (described in detail later in this document).
- FDOE has provided multiple opportunities for Florida's LEAs to receive additional information and resources, while providing targeted and intensive support and technical assistance based on commitments made as part of Florida's previously approved waiver requests. Through a combination of improved policy guidance and these opportunities, assessment data indicate an improvement in the overall reduction in the number of students participating in Florida's statewide, standardized alternate assessment.
- FDOE implemented an annual assurance process in which districts provide supporting data for students who will participate in the FAA. This process is included in the monitoring and compliance procedures. Beginning with the 2022-23 SY, Florida LEAs must complete a Level 1 – 1% self-assessment, which requires the LEA to review the appropriateness of each student's participation in the FAA annually.
- FDOE staff worked with LEA ESE directors to discuss discrepancies in primary exceptionalities not indicative of the most significant cognitive disabilities. Trends were identified in the 2020-21, 2021-22 and 2022-23 SYs' FAA participation data unique to each LEA. FDOE is seeking a waiver extension from the requirement as detailed in 34 C.F.R. § 200.6(c)(4), for ELA, mathematics and science assessed via the FAA. Receiving this waiver would allow Florida to continue to progress in reducing FAA participation and providing technical assistance and support to its LEAs to ensure that the most appropriate instruction is delivered, and the most appropriate assessment is administered to every student.
- The SBOE approved revisions to Rule 6A-1.0943, F.A.C., Statewide Assessment for Students with Disabilities, at the SBOE meeting on June 10, 2021. Rule 6A-1.0943, F.A.C., was revised to establish a definition for "most significant cognitive disability"

and specify the criteria required for a student to participate in the administration of the statewide, standardized alternate assessment. FDOE continues to review materials and revise its resources to ensure the definition for the most significant cognitive disability is consistent for all IEP teams to make informed decisions.

Table 9 compares the number of LEAs that exceeded the 1% threshold in 2022-23 and 2023-24 SYs and the progress with the reduction of the percentage of students participating in the FAA. Currently, two Florida LEAs do not exceed the 1% cap for participation in the FAA.

**Table 9: Comparison of the Number of LEAs Exceeding the 1.0% Cap for 2022-23 and 2023-24 SY for ELA, Mathematics and Science**

Of the 70 represented LEAs, 35 (50.00%) LEAs showed a reduction in ELA alternate assessment participation, 37 (52.86%) LEAs showed a reduction in math alternate assessment participation, and 35 (50.00%) showed a reduction in science alternate assessment participation in the 2023-24 school year.

**NOTE:** The highlighted green cells indicate a reduction in the percentage of students participating in the FAA (although some of the numbers presented may appear identical and suggest no change, this is a result of rounding to the tenths place).

LEA	2022-23 ELA	2022-23 Mathematics	2022-23 Science	2023-24 ELA	2023-24 Math	2023-24 Science
State	1.4%	1.5%	1.5%	1.4%	1.4%	1.4%
Alachua	1.1%	1.2%	1.2%	1.1%	1.2%	1.2%
Baker	2.3%	2.1%	2.9%	1.9%	1.8%	1.9%
Bay	1.5%	1.5%	1.4%	1.3%	1.4%	1.3%
Bradford	2.6%	2.3%	2.9%	2.8%	2.8%	1.6%
Brevard	1.1%	1.1%	1.2%	1.0%	1.1%	1.2%
Broward	1.2%	1.0%	0.9%	1.2%	0.9%	0.9%
Calhoun	2.2%	3.0%	1.6%	2.1%	1.9%	2.1%
Charlotte	1.5%	1.7%	1.8%	1.5%	1.8%	1.5%
Citrus	2.0%	2.0%	2.2%	1.9%	2.1%	2.1%
Clay	1.7%	1.8%	2.1%	1.5%	1.6%	1.5%
Collier	1.7%	1.8%	1.8%	1.6%	1.8%	1.5%
Columbia	1.8%	1.6%	2.6%	1.6%	1.8%	1.3%
FSDB*	3.0%	3.0%	7.5%	2.0%	1.9%	3.0%
DeSoto	2.0%	2.3%	1.9%	2.0%	2.1%	3.4%
Dixie	2.4%	1.6%	2.0%	2.4%	1.9%	1.8%
Duval	1.9%	2.1%	2.2%	1.9%	2.0%	2.1%
Escambia	1.6%	1.7%	1.5%	1.5%	1.6%	1.9%
Flagler	1.0%	1.0%	1.6%	1.0%	1.2%	0.9%
FAU Lab**	0.0%	0.8%	1.0%	0.5%	0.6%	0.5%
Franklin	2.6%	2.4%	1.7%	2.6%	2.7%	2.1%
Gadsden	3.0%	3.3%	4.3%	3.3%	3.2%	5.6%
Gilchrist	1.5%	1.5%	1.7%	1.5%	1.8%	1.7%
Glades	1.0%	1.3%	1.0%	0.9%	0.9%	0.3%
Gulf	1.6%	2.0%	1.9%	1.5%	1.9%	1.9%
Hamilton	1.1%	1.1%	1.3%	0.7%	1.0%	1.0%

\*Florida School for the Deaf and the Blind (FSDB).

\*\*Florida Atlantic University (FAU) Lab.

LEA	2022-23 ELA	2022-23 Mathematics	2022-23 Science	2023-24 ELA	2023-24 Math	2023-24 Science
Hardee	2.3%	2.7%	2.1%	2.2%	1.9%	4.5%
Hendry	1.5%	1.7%	1.4%	1.1%	1.3%	1.3%
Hernando	1.3%	1.3%	1.4%	1.3%	1.4%	1.0%
Highlands	2.1%	2.4%	1.9%	2.0%	1.8%	2.7%
Hillsborough	1.6%	1.8%	1.6%	1.6%	1.7%	1.8%
Holmes	1.9%	2.2%	1.3%	2.0%	1.8%	2.5%
IDEA Public Schools	0.8%	0.8%	0.0%	1.2%	1.1%	1.5%
Indian River	1.0%	1.2%	1.2%	0.9%	1.1%	1.3%
Jackson	2.6%	2.6%	3.5%	2.2%	2.4%	2.2%
Jefferson	*	*	*	1.5%	1.1%	2.0%
Lafayette	1.3%	0.9%	1.9%	1.1%	1.3%	2.1%
Lake	1.7%	1.8%	2.0%	1.6%	1.7%	1.7%
Lee	1.3%	1.2%	1.4%	1.2%	1.3%	1.2%
Leon	1.9%	2.2%	2.5%	1.8%	2.0%	2.4%
Levy	1.8%	1.8%	2.4%	1.8%	1.7%	1.8%
Liberty	3.9%	4.4%	4.8%	3.8%	3.8%	3.2%
Madison	2.0%	2.0%	2.9%	2.4%	2.9%	3.3%
Manatee	0.8%	0.9%	0.8%	0.8%	0.8%	1.1%
Marion	1.7%	1.9%	1.8%	1.8%	1.9%	2.1%
Martin	1.1%	1.0%	0.9%	1.2%	1.5%	0.8%
Miami-Dade	1.6%	1.6%	1.6%	1.5%	1.6%	1.6%
Monroe	1.6%	1.4%	1.4%	1.5%	1.7%	2.2%
Nassau	1.0%	1.0%	0.9%	1.0%	1.1%	0.6%
Okaloosa	1.8%	1.9%	2.0%	1.7%	1.8%	2.2%
Okeechobee	1.3%	1.4%	0.6%	1.6%	1.4%	1.4%
Orange	1.1%	1.2%	1.2%	1.1%	1.2%	1.3%
Osceola	1.3%	1.3%	1.6%	1.2%	1.3%	1.2%
Palm Beach	1.3%	1.3%	1.4%	1.2%	1.3%	1.2%
Pasco	1.3%	1.6%	2.4%	1.3%	1.1%	0.9%
Pinellas	1.4%	1.5%	1.4%	1.3%	1.4%	1.3%
Polk	1.7%	1.8%	1.8%	1.7%	1.7%	1.8%
Putnam	3.0%	3.3%	4.0%	3.1%	3.1%	4.1%
Santa Rosa	1.2%	1.3%	1.3%	1.3%	1.3%	1.6%
Sarasota	1.0%	1.0%	1.2%	0.9%	1.0%	1.0%
Seminole	1.1%	1.3%	1.4%	1.0%	1.1%	0.9%
St. Johns	1.0%	1.2%	1.1%	1.1%	1.1%	1.1%
St. Lucie	1.5%	1.5%	1.8%	1.4%	1.4%	1.4%
Sumter	1.4%	1.6%	1.8%	1.1%	1.3%	1.5%
Suwannee	1.9%	2.2%	2.0%	1.9%	1.9%	2.3%
Taylor	3.2%	3.1%	2.7%	3.0%	3.4%	4.4%
Union	2.4%	2.5%	3.3%	2.5%	2.7%	2.3%
Volusia	1.4%	1.4%	0.9%	1.4%	1.6%	0.9%
Wakulla	1.8%	2.0%	3.6%	1.7%	1.8%	1.1%
Walton	1.3%	1.3%	1.5%	1.6%	1.6%	2.2%
Washington	3.4%	3.8%	3.5%	3.2%	3.4%	3.0%

\*LEA did not report participation rates to the SEA.



## **Course Instruction and Participation in Statewide, Standardized Assessment**

IEP teams are responsible for determining whether SWD will be instructed in the general education state academic standards or instruction in the AP-AAAS and, subsequently, assessed through the administration of the general statewide, standardized assessment (with or without accommodations) or the AA-AAAS based on criteria outlined in Rule 6A-1.0943(5)(c) and (d), F.A.C. IEP teams must also determine whether students participating in the FAA should be assessed via the FAA – Performance Task or FAA – Datafolio.

### ***Step 1 – Checklist for Course and Assessment Participation***

To facilitate informed decision making, IEP teams should answer each of the following questions, which align with Rule 6A-1.0943, F.A.C., when determining the appropriate course of instruction and assessment:

1. Is the student identified only as eligible for services as a student who is deaf or hard of hearing or has a visual impairment, a dual sensory impairment, an emotional or behavioral disability, a language impairment, a speech impairment, or an orthopedic impairment?
2. Does the student receive ESE services as identified through a current IEP, and has the student been enrolled in the appropriate and aligned courses using alternate achievement standards for two consecutive full-time equivalent reporting periods before the assessment?
3. Does the student receive specially designed instruction which provides individualized instruction and intervention supports that are determined, designed and delivered through a team approach, ensuring access to instruction through the adaptation of content, methodology or delivery of instruction and is exhibiting very limited to no progress in the general education curriculum standards?
4. Does the student receive support through systematic, explicit and interactive small-group instruction focused on foundational skills and instruction in the general education curriculum standards?
5. Even with documented evidence of exhausting all appropriate and allowable instructional accommodations, does the student require modifications to the general education curriculum standards?
6. Even with documented evidence of accessing various supplementary instructional materials, does the student require modifications to the general education curriculum standards?
7. Even with documented evidence of the provision and use of assistive technology, does the student require modifications to the general education curriculum standards?
8. Even with direct instruction in all academic areas (i.e., ELA, mathematics, social studies and science), is the student exhibiting limited or no progress on the general education curriculum standards and requires modifications?

9. Does the student have a most significant cognitive disability, defined as a global cognitive impairment that adversely impacts multiple areas of functioning across many settings and is a result of a congenital, acquired, or traumatic brain injury or syndrome that is verified by either:
  - A statistically significant below-average global cognitive score that falls within the first percentile rank (i.e., a standard, the full-scale score of 67 or under); or
  - An evaluation process with procedures to identify students with the most significant cognitive disabilities when a global, full-scale intelligent quotient score is unattainable. This procedure must be approved by FDOE and documented in the LEA's ESE P&P, as required by Rule 6A-1.0943, F.A.C.
10. Was the student available and present for grade-level general education curriculum standards instruction for at least 70 percent of the prior school year? (Not applicable for transfer students.)
11. Did a certified teacher instruct the student for at least 80 percent of the prior school year? (Not applicable for transfer students.)
12. Was the assessment instrument used to measure the student's global level of cognitive functioning selected to limit the adverse impact of already identified limitations and impairments (e.g., language acquisition, mode of communication, culture, hearing, vision, orthopedic functioning, hypersensitivities and distractibility)?
13. Was the assessment instrument used to measure the student's global level of cognitive functioning selected to limit the adverse impact of already-identified limitations and impairments (e.g., language acquisition, mode of communication, culture, hearing, vision, orthopedic functioning, hypersensitivities and distractibility)?

Once the IEP team has determined that a student will be instructed in the AP-AAAS and participate in the FAA, the next step is to determine how the student will be assessed – via the FAA – Performance Task or FAA – Datafolio. The FAA – Datafolio is an alternate achievement standards-based assessment explicitly designed for students with the most significant cognitive disabilities who have limited to no formal mode of communication.

### **Parental Consent Form**

Pursuant to Rule 6A-6.0331(10)(b), F.A.C., General Education Intervention Procedures, Evaluation, Determination of Eligibility, Reevaluation and the Provision of Exceptional Student Education Services, if the IEP team decides that the student will be instructed in the AP-AAAS and participate in the FAA, the parent or guardian of the student must sign consent *to have their* child instructed in the AP-AAAS. Their child's achievement is measured based on alternate academic achievement standards. This decision must be documented on the Parental Consent Form AP-AAAS and Administration of the Statewide, Standardized Alternate Assessment, available at <http://www.fldoe.org/academics/exceptional-student-edu/beess-resources/parental-consent-form-prior-written-no.stml>. In the event that the parents or guardians fail to respond after reasonable efforts by the LEA to obtain consent, the LEA may provide instruction in the AP-AAAS and administer the FAA. The IEP should include 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 FAA. Next, the IEP team should answer the following questions when determining how the student will participate in the FAA. Check all that apply.

Questions to Guide the Decision-Making Process to Determine How	YES	NO
1. Does the student primarily communicate through cries, facial expression, eye gaze and 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 requires actual physical assistance to follow simple directions?		
3. Does the student react primarily to stimuli (e.g., student only communicates being hungry, tired, uncomfortable and sleepy)?		
<b>Previous FAA—Performance Task Performance (If Applicable)</b>		
4. Has the student’s previous performance on the FAA – Performance Task provided limited information and reflected limited growth within Level 1? *		

\*For a student in grade 3 or 4 or a student who does not have previous FAA – Performance Task scores, question 4 does not apply.

If “NO” is selected for each of the first three questions, the IEP team should conclude that the FAA – Performance Task is the more appropriate statewide, standardized assessment. If “YES” is selected for any of the first three questions and “YES” is also selected for the fourth question (when applicable), then the IEP team should conclude that the FAA – Datafolio is the appropriate method to provide meaningful evaluation of the student’s current academic achievement.

### Administration of the AA-AAAS

The student’s ESE teacher will administer the assessment individually. 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 updated training.

### The Access Project

The [Access Project](#) is an IDEA-funded state project of FDOE’s BEESS. The Access Project’s mission is to provide resources that facilitate the teaching and learning of the AP-AAAS. The Access Project focuses on evidence-based instructional strategies and supports that align with Florida’s AP-AAAS for students with the most significant cognitive disabilities. The Access Project continues to support statewide professional learning for districts and teachers to ensure a greater understanding of Florida’s AP-AAAS, providing professional learning on appropriate

supports and strategies for students with the most significant cognitive disabilities, including developing communication strategies for this population. The project also supports alternate assessment activities that align instruction with assessment, as needed.

## **Requirement 4, 34 C.F.R. § 200.6(c)(4)(iv)**

### **Participation Plan**

#### ***Improving the Implementation of State Guidelines***

FDOE has reviewed the definition of students with the “most significant cognitive disabilities” and revised the FAA participation guidelines, as required by 34 C.F.R. § 200.6(c)(4)(iv)(A), to ensure that FDOE has adequately addressed all guidelines included in 34 C.F.R. § 200.6(d). FDOE has reviewed and updated supporting resources and documentation that all LEAs are provided.

- FDOE leadership staff participated in the Office of Elementary and Secondary Education 2023 Assessment Conference in September 2023 to collaborate with other SEAs on strategies to reduce alternate assessment participation.
- FDOE actively participates in the NCEO 1% Community of Practice to learn with and from other states, using guidance provided by national technical assistance centers, and incorporating resources and information gained. For example, when considering the LEA justifications submitted in the ESE P&P, FDOE staff referenced the *NCEO Tool 4 District Dialogue Guide: Addressing the Percentage of Students Participating in the Alternate Assessment* to help LEAs consider data sources, methods of analysis and other information about the percentage of students participating in the FAA. The LEA justifications help ensure appropriate implementation of state guidelines for participation in the AA-AAAS in the LEAs.
- The SBOE approved revisions to Rule 6A-1.0943, F.A.C., Statewide Assessment for Students with Disabilities, at the SBOE meeting on June 10, 2021. Rule 6A-1.0943, F.A.C., was revised to establish a definition for “most significant cognitive disability” and specify the exclusionary and inclusionary criteria required for a student to participate in the administration of the statewide, standardized alternate assessment.

#### ***Support and Oversight of LEA Implementation***

In addition to updated FAA participation guidelines, FDOE provides oversight, technical assistance and support, as required by 34 C.F.R. § 200.6(c)(4)(iv)(B), to promote the proper implementation of the guidelines by LEAs. Florida provides a multi-tiered system of supports to assist all LEAs in problem-solving and data-based decision making. Tier 1 (universal support) includes general, statewide support designed to inform, assist and improve results for all LEAs. Tier 2 (supplemental supports) includes more focused, targeted, frequent support aligned with the universal support provided to LEAs’ subgroups in response to identified needs. Tier 3 (intensive support) is the most focused, targeted, frequent support in addition to and aligned with the universal support provided to individual LEAs in response to identified needs. Based on the FAA participation data, LEAs with the highest number and the highest percentage of students participating in the FAA are provided universal, targeted and individualized support.

Professionals within BEESS, the Bureau of K-12 Student Assessment and staff of several IDEA-funded state projects are dedicated to supporting all LEAs in the appropriate instruction and assessment of SWD, including students with the most significant cognitive disabilities.

The following is based on the FDOE AA-AAAS Participation Plan.

### **Universal Professional Learning and Supports (Tier 1)**

FDOE provides universal resources, technical assistance and support to all LEAs to improve the implementation of FAA participation guidelines. Listed below are the universal resources, technical assistance and support FDOE provided and enhanced to meet the needs of LEAs as they work to provide the most appropriate instruction and aligned assessments to all students.

- An Assessment Planning Checklist for IEP teams is included in the Teacher Administration Manual on the [FAA Portal](#) to reflect the revisions to [Rule 6A-1.0943, F.A.C., Statewide Assessment for Students with Disabilities](#).
- The [Updates to Access Points – Alternate Academic Achievement Standards \(AP-AAAS\)](#) presentation is another resource available for stakeholders. This module reviews the SBOE's approved revisions to Rule 6A-1.0943, F.A.C.
- [Florida's Access Points – Alternate Academic Achievement Standards](#) brochure provides LEAs and families with an overview of the AP-AAAS.
- LEAs must complete a self-assessment process annually, which is reviewed and validated by the SEA to identify additional technical assistance opportunities concerning student eligibility for AP-AAAS instruction and participation in the FAA. The protocol for this process is outlined in the *Participation in Alternate Assessments Based on Alternate Academic Achievement Standards (AA-AAAS) Compliance Protocol* document found at <https://www.fldoe.org/academics/exceptional-student-edu/monitoring/>.
- Professionals within BEESS, the Bureau of K-12 Student Assessment and BEESS-managed IDEA-funded state projects are dedicated to supporting all LEAs in the appropriate instruction and assessment of SWD, including students with the most significant cognitive disabilities. Such support is provided through professional learning, meetings and presentations at regional and statewide conferences.
- LEAs are required annually to submit FAA Assurances. With these submissions, LEAs assure that each student scheduled to be assessed via the FAA meets the criteria of Rule 6A-1.0943, F.A.C., Statewide Assessment for Students with Disabilities, which includes conditions for determining if the student has a most significant cognitive disability. Review of the FAA Assurances for each LEA includes data analysis and information about each student (primary exceptionality, verification of signed parental consent, IEP justification for the appropriateness of participation in the alternate assessment, the last IEP review date and course enrollment). FAA Assurances are submitted to FDOE via the Test Information Distribution Engine (TIDE) system by the end of January. During LEA Data Discussions, FDOE staff review these data extensively with LEA personnel.

### **Targeted Technical Assistance and Support (Tier 2)**

- After reviewing FAA Participation and FAA Assurances data, LEA staff meet with FDOE staff to review the data during 1% LEA Data Discussions. Data related to

subgroups, performance, significant disproportionality, exceptionality, course enrollment, assessment alignment, parent consent obtained, participation rate and data entry are addressed during these discussions. Technical assistance and support are provided virtually, and a digital copy of the data reviewed is provided to LEAs. More detailed information about these discussions is provided in the Appendix.

- Professionals within BEESS, the Bureau of K-12 Student Assessment and several BEESS-managed IDEA-funded state projects support LEAs and provide targeted technical assistance.
- The Bureau of K-12 Student Assessment and BEESS collaborate for desktop monitoring of the FAA administration and eligibility criteria for the most significant cognitive disability for participation in the FAA. Desktop monitoring activities include the review of IEPs, FAA administration materials, FAA training materials and FAA security protocols.
- LEAs with over 1% of their students on the FAA provide a justification, including a reason for the overage, as part of the triannual ESE P&P update process. This information will be reviewed and approved by FDOE before publishing online. LEA justifications are accessible to the public through the BEESS website at <https://www.fldoe.org/academics/exceptional-student-edu/data/>.

### **Intensive Individualized Interventions and Supports (Tier 3)**

FDOE provides additional, more frequently focused, targeted instruction or intervention and supplemental support in addition to and aligned with universal professional learning, interventions and supports.

- 1% LEA Data Discussions – After reviewing FAA Participation and FAA Assurances data, LEA staff meet with FDOE staff to review the data. Technical assistance and support are provided virtually, and a digital copy of the data reviewed is provided to the LEA. FDOE staff review proficiency assessment data, including perfect scores in one or more subject areas with districts over the 1% cap of students participating in the FAA. More detailed information about these discussions is provided in the Appendix.
- The Bureau of K-12 Student Assessment and BEESS collaborate for on-site monitoring of the FAA administration and eligibility criteria for the most significant cognitive disability for participation on the FAA. On-site monitoring activities include the review of IEPs, FAA administration materials, FAA training materials, FAA security protocols and classroom walk throughs.
- LEAs with findings of noncompliance through the 1% Monitoring and Compliance activity for AA-AAAS participation must engage in frequent technical assistance and the submission of documentation indicating the completion of a corrective action plan within one year of findings of noncompliance related to AA-AAAS participation. Superintendents of these identified LEAs must engage in technical assistance meetings hosted by FDOE to discuss participation rates and action steps for AA-AAAS monitoring.
- During the 2022-23 1% Monitoring and Compliance activity for AA-AAAS participation, 36 LEAs were identified as noncompliant as determined by the protocol

outlined in the *Participation in Alternate Assessments Based on Alternate Academic Achievement Standards (AA-AAAS) Compliance Protocol* document found at <https://www.fldoe.org/academics/exceptional-student-edu/monitoring/>. Furthermore, LEAs participated in additional technical assistance discussions to improve LEA protocols for obtaining parental consent for the student to be instructed on alternate academic achievement standards and to participate in the FAA. All LEAs completed additional discussions within the permitted time frame and included a district action plan to correct noncompliance. Each quarter, LEAs found noncompliant will submit up to three IEPs to FDOE for validation to ensure future compliance.

- During the 2023-24 1% Monitoring and Compliance activity for AA-AAAS participation, three LEAs were identified as noncompliant as determined by the protocol outlined in the *Participation in Alternate Assessments Based on Alternate Academic Achievement Standards (AA-AAAS) Compliance Protocol* document found at <https://www.fldoe.org/academics/exceptional-student-edu/monitoring/>. Furthermore, LEAs participated in additional technical assistance discussions to improve LEA protocols for obtaining parental consent for the student to be instructed on alternate academic achievement standards and to participate in the FAA. All LEAs completed additional discussions within the permitted time frame and included a district action plan to correct noncompliance. Each quarter, LEAs found noncompliant will submit up to three IEPs to FDOE for validation to ensure future compliance.

### **LEA-Level Risk Ratios**

FDOE will continue to address any disproportionality issues, as required by 34 C.F.R. § 200.6(c)(4)(iv)(C). LEA-level relative risk ratios will be calculated for all student subgroups included in ESEA section 1111(c)(2)(A), (B) and (D) for all four content areas.

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

### **FDOE Required FAA Participation Reporting**

#### ***FDOE Reporting to LEAs***

FDOE provides annual data reports to LEAs identifying trends and patterns in FAA participation at the LEA and school levels. These reports are used to inform and, if necessary, improve local FAA implementation efforts.

- During the 1% LEA Data Discussion, this information was reviewed and compared to the 2024 FAA Assurances. LEAs were able to identify data entry errors and trends that were taking place (i.e., primary exceptionalities identified as not being the most educationally relevant and students enrolled in the incorrect courses).

#### ***LEA Reporting to FDOE***

Any LEA above 1% FAA participation will be required (34 C.F.R. § 200.6(c)(3)(ii)) to submit information to FDOE with a justification for exceeding the 1% threshold of students taking the FAA.



### ***FDOE Reporting to the Public***

Under ESEA, FDOE must make the LEA justifications for exceeding 1%, as stated above, available to the public if doing so does not reveal any personally identifiable student information (34 C.F.R. § 200.6(c)(3)(iv)). Currently, these justifications can be found at <https://www.fldoe.org/academics/exceptional-student-edu/data/>.

## **Timeline**

**Table 10: Timeline of Implementation**

<b>Date</b>	<b>Implementation Evidence</b>
October 1-December 31, 2023	Quarter 1 - The Access Project provided technical assistance and services to stakeholders supporting the implementation of state guidelines for the most significant cognitive disabilities and instruction in the AP-AAAS and participation in the FAA.
November 1-2, 2023	FDOE staff presented at the Florida Organization of Instructional Leaders conference. The purpose of this presentation was to provide LEA administrators of ESE and student service programs, representatives of college and university training programs, special and IDEA-funded state projects personnel, and state agency programs with technical assistance and guidance relating to the eligibility requirements, per Rule 6A-1.0943, F.A.C., for students with the most significant cognitive disabilities to be instructed on alternate academic achievement standards and to participate in the FAA.
November 2, 2023	Regional Intellectual Disabilities Contacts Meeting (Tallahassee).
November 15, 2023	Regional Intellectual Disabilities Contacts Meeting (Ocala).
November 16, 2023	Regional Intellectual Disabilities Contacts Meeting (Port St. Lucie).
November 16, 2023	State Advisory Panel Meeting discussed the 2023-24 1% Waiver Request.
December 2023	Workgroup meeting for 1% state implementation of guidelines and practices/
January 1-March 31, 2024	Quarter 2 - The Access Project provided technical assistance and services to stakeholders supporting the implementation of state guidelines for the most significant cognitive disabilities and instruction in the AP-AAAS and participation in the FAA.
January 16, 2024	LEAs uploaded the FAA Assurances into TIDE for state monitoring.
January 2024	FAA Datafolio Committee Meeting.
January 19, 2024	FAA Desktop Monitoring Random Student Selection from the FAA Assurances.
January 2024	Technical assistance presentation posted for AA-AAAS desktop monitoring.
January 29, 2024	Student selection correspondence for AA-AAAS desktop monitoring sent to all LEAs.
February 2024	LEA justification enhancement.



Date	
February 2024	The 1% data analysis files developed for all LEAs.
February 2024	1% Data Discussion emails sent to all LEAs.
February-July 2024	1% Data Discussion meetings with all LEAs (refer to the Appendix for more information).
March 15, 2024	Student selection correspondence for validation of AA-AAAS desktop monitoring sent to LEAs.
March 2024	Datafolio supervisor scoring in Austin, Texas.
April 1-June 30, 2024	Quarter 3 - The Access Project provided technical assistance and services to stakeholders supporting the implementation of state guidelines for the most significant cognitive disabilities and instruction in the AP-AAAS and participation in the FAA.
April 2024	Size-Alike Intellectual Disabilities Contacts meetings.
May 3-24, 2024	Individual technical assistance provided to all LEAs with findings of noncompliance for AA-AAAS desktop monitoring.
June 2024	Datafolio Panhandle Train-the-Trainer professional learning.
June 14-16, 2024	FDOE staff presented at the 26th Annual Family Café to provide an overview of the AP-AAAS. Information was presented to inform families of the eligibility criteria for students being instructed in the AP-AAAS and participating in the FAA. A high-level overview of access course enrollment versus class placement was addressed and information about available support for students with cognitive impairments in the regular education classroom was provided. Potential implications of instruction in the AP-AAAS and participation in alternate assessments were also discussed.
June 28, 2024	FDOE staff presented Instructional Planning for Students with Disabilities at East Coast Technical Assistance Center.
July 1-September 30, 2024	Quarter 4 - The Access Project provided technical assistance and services to stakeholders supporting the implementation of state guidelines for the most significant cognitive disabilities and instruction in the AP-AAAS and participation in the FAA.
July 2024	FAA Performance Task and Datafolio Train-the-Trainer professional learning in Tampa, Florida.
August 2024	The 1% data analysis was calculated and sent to BEESS by the Division of Accountability, Research and Measurement.
August 30, 2024	LEAs updated the ESE P&P to include LEA justifications for exceeding the 1% cap.
December 2024	FDOE will develop and disseminate a flyer for parents and families regarding participation in the AA-AAAS.
December 2024	FDOE will develop a draft webpage to include all Florida 1% waiver and extension requests, LEA justifications, assurances, 1% state- and LEA-level data, and state guidelines and best practices resources for all stakeholders.
January 2025	FDOE will develop and disseminate a guide for LEAs and IEP teams to use in determining participation in the FAA.

Date	
January 2025	LEAs will upload the 24-25 FAA Assurances into TIDE for AA-AAAS desktop monitoring.
January 2025	FAA Desktop Monitoring Random Student Selection from the 24-25 FAA Assurances will be completed.
January 2025	LEAs will receive student selection correspondence for AA-AAAS desktop monitoring.
February 2025	LEA justification enhancement for posting on the 1% webpage will be completed.
February 2025	The 1% data analysis files will be developed for all LEAs.
February 2025	1% Data Discussion emails will be sent to all LEAs exceeding the 1% cap.
February-July 2025	1% Data Discussion meetings with all LEAs (refer to the Appendix for more information).
March 2025	Student selection correspondence for validation of AA-AAAS desktop monitoring sent to all LEAs with students participating in the 24-25 FAA.
April 2025	Size-Alike Intellectual Disabilities Contacts' meetings.
May 2025	Individual technical assistance with all LEAs with findings of noncompliance for AA-AAAS desktop monitoring.
June 2025	Datafolio Panhandle Train-the-Trainer professional learning.
June 2025	FDOE staff will present at the 27th Annual Family Café to provide an overview of the AP-AAAS. Information will be presented to inform families of the eligibility criteria for students being instructed in the AP-AAAS and participating in the FAA. A high-level overview of access course enrollment versus class placement will be addressed and more information about available support for students with cognitive impairments in the regular education classroom will be provided. Potential implications of instruction in the AP-AAAS and participation in alternate assessments will also be discussed.
August 2025	The 1% data analysis will be calculated and sent to BESS by the Division of Accountability, Research and Measurement.
August 2025	LEAs will update their ESE P&P to include LEA justifications for exceeding the 1% cap.

## Public and LEA Comments and FDOE Responses

FDOE uses the Florida Administrative Register (F.A.R.), published by the Florida Department of State, to post grant applications, rules and meeting notifications to the public and provide an opportunity for comment. This publication serves as the official publication for most agency-related matters, such as rulemaking, petitions and other materials. (See section 120.55, F.S.) The [F.A.R.](#) was used to solicit public comment on the FDOE Alternate Assessment 1% Cap Waiver Request. LEA comments were also solicited via a Chancellor's Memo to superintendents, the BEESS Weekly electronic newsletter and an email to all LEA ESE directors.

### Submitted Comment

On behalf of St. Johns County School district, we would like to request the 1% Waiver Extension due to the continued growth in our county and student population. We will continue to monitor FAA scores and requirements for students to be placed on alternate assessment.

### Response

Thank you for your valuable feedback during this process. We will continue to keep stakeholders apprised of the next steps. If you have any questions or want more information, please do not hesitate to contact the FDOE at [DOEBEESS@fldoe.org](mailto:DOEBEESS@fldoe.org).

### Submitted Comment

Below please find our comments to Florida's Waiver Extension Request to Exceed the 1% Participation Cap for Alternate Assessment for the 2024-2025 School Year posted at <https://www.fldoe.org/file/7567/24onepercentwaiver.pdf>:

- The draft request (page 5) fails to note that Florida's waiver request for 2022-2023 school year was denied due to failure to show sufficient progress in reducing the percentage of students taking the AA-AAAS between the 2018-2019 and 2021-2022 school years and failure to assess at least 95 percent of students with disabilities in science in the 2021-2022 school year.
- The draft 2024-2025 request (page 5) contains exactly the same language as the 2023-2024 request (see below). Therefore, it should be assumed that Florida did not complete these activities in 2023-2024. (We note that the implementation timeline shows some of these activities will be accomplished in December of 2024.)
- The draft request includes no activities focused on parents and no collaboration with the state's Federally funded Parent Training and Information Centers and Community Parent Resource Centers. These centers serve as critical conduits to the state's families of students with disabilities. As such, they can play a critical role in helping parents understand important assessment decisions, including moving from the alternate assessment to the regular state assessment. The state should develop a robust plan to collaborate with the PTIs and CPRCs to help achieve the required reduction in alternate assessment participation.
- The draft request Table 5 (page 6) must include assessment data for the 2017-2018 school year as specified in the letter to states issued October 3, 2024 ([available here](#)).

- According to the draft request, LEA justifications are posted for public view at <https://beessgsw.org/#/spp/institution/public/>. We are unable to locate the LEA justifications via this webpage. ESSA requires that LEA justifications be made publicly available. LEA justifications should be posted on an easily accessible area of the FLDOE website.
- Table 10 - Timeline of Implementation should be updated to reflect 2024-2025 activities.
- The data presented in Table 5 (page 6) does not indicate that the state is making adequate progress in reducing FAA participation. Based on the rate of reduction between 2018-2019 and 2023-2024, it will take another 5 to 7 years to reach the 1% cap required by ESSA. The state must put into place activities that will result in much greater reductions in the coming years. Based on the inadequate progress in FAA reduction, we recommend that the U.S. Dept. of Education deny this waiver extension request.

As required by ESSA regulations, all public comments must be submitted in full with the waiver request along with the state's response to the comments.

## Response

Thank you for your valuable feedback during our public comment period. Please see the below responses.

- The information provided on page 5 is accurate. After receiving the denial in May 2023, the FDOE conducted a thorough analysis and implemented targeted strategies to achieve the 95% participation rate for science and continues to implement strategies that have resulted in participation decreases. In fact, as shown in Table 5, the participation rate students with disabilities in science during the 22-23 SY was 95.70%, which increased to 95.81% for the 23-24 SY. Further, the data throughout the request shows the continued decrease in overall participation rates in the alternate assessment.
- The comment's assumption that FDOE included its 2023-24 activities in this request because the activities were not completed is not accurate. As this is an extension request, the FDOE intentionally included the 2023-24 activities as this is a continuation of our efforts in this area.
- Contrary to the comment's statement, this extension request **does** include activities focused on parents and collaboration with state and federally funded projects. As Florida has a strong commitment to parental input and rights, activities involving parents and families is on-going and not limited to participation in AA-AAAS. For ease of reference:
  - As described on page 20, FDOE staff annually participates in The Annual Family Café, which is a three-day event that provides parents and families information, training, and networking on various issues affecting students with disabilities. This year, staff hosted a session on AA-AAAS.
  - Also as described on pages 14, 19, and 20, FDOE utilizes other IDEA-funded

- state projects focused on learning and technical assistance for parents, including the Access Project. Although not described in the request, FDOE has additional projects that routinely aid families of students with disabilities, including: the Center for Autism and Related Disabilities, Family Café, Florida Diagnostic Learning and Resources System, and FIN. In addition to the work these projects do with families, FDOE utilizes these projects for feedback on student participation in the AA-AAAS as well as to provide districts with more targeted technical assistance on the same.
- The [Center for Autism and Related Disabilities](#) has seven regional centers across the state and provides support and assistance to individuals with autism and related disabilities and their families.
  - The [Florida Diagnostic Learning and Resources System](#) (FDLRS) has 18 associate centers across the state. FDLRS provides various resources for families, but of note, one of its core functions is “Parent and Family Services,” which provides information, training, and support to districts and families in order to promote effective parent participation in the education of children with disabilities or exceptionalities. FDLRS Parent & Family Services Specialist assist in the development of family-friendly programs, training and support for services for children with disabilities, and the support of partnerships between schools and parents to support student achievement.
  - The [FIN's](#) mission is to facilitate the implementation of best practices for the least restrictive environment. FIN facilitators work closely with districts to implement best practices; however, they also are available to provide information and resources to families.
  - The majority of FDOE’s State Advisory Panel are members who are either individuals with disabilities or parents of children with disabilities (ages birth through 26) (34 C.F.R. § 300.168). As described on pages 2 and 19, FDOE has presented to the State Advisory Panel multiple times and has specifically sought feedback from the Panel on the participation of students in AA-AAAS.
  - FDOE also solicits feedback from parents in the annual Exceptional Student Education (ESE) Survey. To continue FDOE’s efforts to focus on parent involvement, FDOE will be expanding the window for completion of the parent survey. Please visit <https://www.fldoe.org/academics/exceptional-student-edu/parent-info/exceptional-student-edu-parent-survey.shtml> for more information.
  - In response to the comment that FDOE must include assessment data for the 2017-2018 school year, FDOE has updated the data to reflect the 2017-18 school year. Due to the timeliness involved in waiver and extension requests, FDOE had been proactively working on this extension request and has made this adjustment.
  - The LEA justifications are included in the ESE Policies and Procedures for all LEAs and are posted at <https://www.fldoe.org/academics/exceptional-student-edu/data/>.

- The title of Table 10 has been updated to “Timeline for Implementation.” The 2024-25 activities were already described in Table 10.
- FDOE’s extension request meets the requirements. While adequate progress has not been defined by USED, FDOE continues to make progress in all areas in reducing the participation rates for AA-AAAS even while the state’s population continues to grow. As you know, whether a student will be assessed using the AA-AAAS is an IEP team decision and FDOE will continue to educate and support Florida’s families, districts, and IEP teams in ensuring that this decision is based on the student’s individual needs as determined by the IEP team. Any recommendation to deny this extension request would not support such efforts or benefit Florida’s students or families.

### Submitted Comment

We do not have any students that take Alternate Assessments. Please let the ESE Coordinator know if you need any additional information.

### Response

Thank you for the information. If you have any questions or want more information, please do not hesitate to contact the FDOE at [DOEBEESS@fldoe.org](mailto:DOEBEESS@fldoe.org).

## Appendix: Implementation of State Guidelines

**NOTE:** This chart illustrates the tiered supports provided to LEAs.

Date of Implementation	Number of LEAs	Overview
February 21 through June 5, 2024	74	Universal Professional Learning and Supports (Tier 1).  1% Data Discussions (state, LEA, school level student level) in each subject area (ELA, mathematics and science).
February 21 through June 5, 2024	53	Targeted Technical Assistance and Support (Tier 2).  1% Data Discussions (state, LEA, school level and student level) in each subject area (ELA, mathematics and science), missing some primary and other exceptionalities that are indicative of the most significant cognitive disability, disproportionality, missing some access course enrollment, missing some parental consent forms, 2024 FAA Assurances, proficient scores on 2023 assessment participation.
February 21 through June 5, 2024	41	Intensive Individualized Interventions and Supports (Tier 3).  1% Data Discussions (state, LEA, school level and student level) in each subject area (ELA, mathematics and science), missing many primary and other exceptionalities that are indicative of the most significant cognitive disability, disproportionality, missing many access course enrollment,

Date of Implementation	Number of LEAs	Overview
		missing many parental consent forms, 2024 FAA Assurances, perfect scores on 2023 assessment participation.
October 1, 2023, through September 30, 2024	All	<p>Below is a summary of implementation evidence provided by the Access Project.</p> <ul style="list-style-type: none"> <li>• Access Project trainers directly served 2,163 education professionals at 96 training events. <ul style="list-style-type: none"> <li>○ Access Points – 21 trainings with 546 participants.</li> <li>○ Present Level – 17 trainings with 391 participants.</li> <li>○ Access Points in the General Education Setting – 23 trainings with 597 participants.</li> <li>○ Datafolio: Content Differentiation – eight trainings with 502 participants.</li> </ul> </li> <li>• In collaboration with other IDEA-funded state projects, the Access Project participated in 14 events. <ul style="list-style-type: none"> <li>○ Assistive Technology: Lesson Integration in collaboration with Technology Learning Connections and Resource Materials and Technology Center for the Deaf/Hard of Hearing – four trainings with 96 participants.</li> <li>○ Planning for Instructions for Students with the Most Significant Cognitive Disabilities – five trainings with 122 participants.</li> </ul> </li> <li>• Environmental Communication Teaching in collaboration with Technology Learning Connections resulted in growth in communication as shown on the Communication Matrix – 21% on average for nine students.</li> <li>• Held six events in which 140 district-level staff who supported students with the most significant cognitive disabilities and IDEA-funded state project personnel attended.</li> </ul> <p>Participated in 73 leadership activities with state, regional and local stakeholders.</p>