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MEMORANDUM

TO: School District Superintendents

FROM: Jacob Oliva

DATE: June 11, 2021

SUBJECT: **Amendments to Rule 6A-1.0943, Florida Administrative Code (F.A.C.),
Statewide Assessment for Students with Disabilities**

Contact Information:

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DPS: 2021-78

The State Board of Education approved revisions to Rule 6A-1.0943, F.A.C., Statewide Assessment for Students with Disabilities, at the State Board of Education 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.

Please be aware of the following changes:

A “most significant cognitive disability” is 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 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, a school district-determined procedure that has been approved by the Florida Department of Education under paragraph (5)(e) of this rule.

In order for a student to participate in the statewide, standardized alternate assessment, all of the following criteria must be met:

1. The student must receive exceptional student education (ESE) services as identified through a current IEP and be enrolled in the appropriate and aligned courses using alternate achievement standards for two consecutive full-time equivalent reporting periods prior to the assessment;
2. The student must be receiving specially designed instruction, which provides unique instruction and intervention supports that is determined, designed and delivered through a team approach, ensuring access to core instruction through the adaptation of content, methodology or delivery of instruction and exhibits very limited to no progress in the general education curriculum standards;

JACOB OLIVA
CHANCELLOR OF PUBLIC SCHOOLS

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3. The student must be receiving support through systematic, explicit and interactive small-group instruction focused on foundational skills in addition to instruction in the general education curriculum standards;
4. Even after documented evidence of exhausting all appropriate and allowable instructional accommodations, the student requires modifications to the general education curriculum standards;
5. Even after documented evidence of accessing a variety of supplementary instructional materials, the student requires modifications to the general education curriculum standards;
6. Even with documented evidence of the provision and use of assistive technology, the student requires modifications to the general education curriculum standards;
7. Even with direct instruction in all core academic areas (i.e., English language arts, mathematics, social studies and science), the student exhibits limited or no progress on the general education curriculum standards, and requires modifications;
8. Unless the student is a transfer student, the student must have been available and present for grade-level general education curriculum standards instruction for at least 70 percent of the school year prior to the assessment;
9. Unless the student is a transfer student, the student must have been instructed by a certified teacher for at least 80 percent of the school year prior to the assessment;
10. The assessment instrument used to measure the student's global level of cognitive functioning was 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); and
11. The student has a most significant cognitive disability as defined in paragraph (1)(f) of this rule.

A student is not eligible to participate in the statewide, standardized alternate assessment if any of the following apply:

1. The student is identified as a student with a specific learning disability or as gifted;
2. The student is identified only as a student 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; or
3. The student scored a level 2 or above on a previous statewide, general education curriculum standardized assessment administered pursuant to Section 1008.22(3)(a) and (b), F.S., unless there is medical documentation that the student experienced a traumatic brain injury or other health-related complication subsequent to the administration of that assessment that led to the student having the most significantly below-average global cognitive impairment.

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This amendment also requires that each school district must submit to the Department of Education a procedure to identify students with the most significant cognitive disability when a global, full-scale intelligent quotient score is unattainable. In order to be approved for use by a district, the procedure must:

1. Include data from multiple sources;
2. Meet the criteria found in paragraphs (5)(c) and 5(d) of this rule; and
3. Be documented in the district's annual ESE Policies and Procedures, as required by Section 1003.57, F.S.

The revised rule text is available at www.flrules.org. The rule change will be effective beginning with the 2021-2022 school year. If you have questions regarding the effects of the rule change, please contact Chelsea Strickland at Chelsea.Strickland@fldoe.org or 850-245-0475.

JO/cs

cc: School District Assistant Superintendents
School District Exceptional Student Education Directors
School District Principals