

## **TITLE 511 INDIANA STATE BOARD OF EDUCATION**

### **ARTICLE 1. ADMINISTRATION; INFORMATION COLLECTION PROCESSING; SCHOOL FINANCE; GENERAL PROVISIONS**

#### **Rule 1. Submission of Authorized Reports**

##### **511 IAC 1-1-1 Reports by local school corporations; submission**

Authority: IC 20-1-1-6

Affected: IC 20-1-1-6; IC 20-5; IC 20-8.1

Sec. 1. Each local school corporation shall submit all authorized reports to the Department of Public Instruction on or before their respective due dates. (*Indiana State Board of Education; Rule I, Sec 1; filed May 8, 1978, 3:21 pm; Rules and Regs. 1979, p. 123; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*) NOTE: Transferred from the commission on general education (510 IAC 1-1-1) to the Indiana state board of education (511 IAC 1-1-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.

#### **Rule 2. Teacher Summer Employment Tax Credits**

##### **511 IAC 1-2-1 Definitions**

Authority: IC 6-3.1-2-7

Affected: IC 6-3.1-2-1

Sec. 1. As used in 510 IAC 1-2 [511 IAC 1-2]:

“Eligible teacher” means a teacher:

- (1) certified in a shortage area by the commission on teacher training and licensing; and
- (2) employed under contract during the regular school term by a school corporation in a shortage area.

“Qualified position” means a position that:

- (1) is relevant to the teacher's academic training in a shortage area; and
- (2) utilizes skills and expertise developed as a result of the teacher's academic training and/or teaching experience.

“Qualified position certificate” means the certificate issued to a taxpayer pursuant to IC 6-3-3.6-6 [Repealed by Acts 1984, P.L.51, SECTION 3].

“School corporation” means any corporation authorized by law to establish public schools and levy taxes for their maintenance.

“Shortage area” means the subject areas of mathematics and science, and any other subject area designated as a shortage area by the commission on teacher training and licensing. (*Indiana State Board of Education; 511 IAC 1-2-1; filed Aug 26, 1983, 3:06 pm; 6 IR 1923; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*) NOTE: Transferred from the commission on general education (510 IAC 1-2-1) to the Indiana state board of education (511 IAC 1-2-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.

##### **511 IAC 1-2-2 Qualified position certificate**

Authority: IC 6-3.1-2-7

Affected: IC 6-3.1-2

Sec. 2. Subject to the limitations established in IC 6-3-3.6 [IC 6-3-3.6 was repealed by P.L.51-1984, SEC. 3. See IC 6-3.1-2 concerning teacher summer employment credits.], the commission shall issue a qualified position certificate to a taxpayer that employs an eligible teacher in a qualified position during a summer school recess. (*Indiana State Board of Education; 511 IAC 1-2-2; filed Aug 26, 1983, 3:06 pm; 6 IR 1923; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*) NOTE: Transferred from the commission on general education (510 IAC 1-2-2) to the Indiana state board of education (511 IAC 1-2-2) by P.L.20-1984, SECTION 206, effective July 1, 1984.

##### **511 IAC 1-2-3 Teachers employed in shortage area; verification**

Authority: IC 6-3.1-2-7

Affected: IC 6-3.1-2

Sec. 3. School corporations shall verify upon request that a teacher is employed under contract during the regular school term in a shortage area. (*Indiana State Board of Education; 511 IAC 1-2-3; filed Aug 26, 1983, 3:06 pm: 6 IR 1923; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*) NOTE: Transferred from the commission on general education (510 IAC 1-2-3) to the Indiana state board of education (511 IAC 1-2-3) by P.L.20-1984, SECTION 206, effective July 1, 1984.

## **Rule 2.5. School Technology Advancement Account**

### **511 IAC 1-2.5-1 Administration**

Authority: IC 20-1-1-6; IC 20-10.1-6.5-5

Affected: IC 20-10.1-6.5-4

Sec. 1. The state board of education, with the advice of the Indiana consortium for computer and high technology education, as established under IC 20-10.1-6.5-2 [*IC 20-10.1-6.5-2 was repealed by P.L.342-1989(ss), SECTION 38, effective July 1, 1989.*], shall administer the school technology advancement account of the common school fund, as established under IC 20-10.1-6.5-4. (*Indiana State Board of Education; 511 IAC 1-2.5-1; filed Mar 10, 1988, 4:18 pm: 11 IR 2621; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

### **511 IAC 1-2.5-2 Advancement of money for purchases**

Authority: IC 20-1-1-6; IC 20-10.1-6.5-5

Affected: IC 20-10.1-6.5

Sec. 2. The state board shall advance money to school corporations for:

- (1) the purchase of computer hardware and software to be used primarily for student instruction; and
- (2) the development and implementation of innovative technology projects; innovative technology projects are projects that advance student learning and achievement by utilizing new technology or new instructional methods implementing current technology.

(*Indiana State Board of Education; 511 IAC 1-2.5-2; filed Mar 10, 1988, 4:18 pm: 11 IR 2621; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

### **511 IAC 1-2.5-3 Petition for advancement**

Authority: IC 20-1-1-6; IC 20-10.1-6.5-5

Affected: IC 20-10.1-6.5

Sec. 3. School corporations may petition for an advancement from the school technology advancement account by submitting a completed Form STAA-3. The form must be received on or before the last Friday in August at the following address:

Center for School Improvement and Performance

Department of Education

Room 229 State House

Indianapolis, Indiana 46204-2798

(*Indiana State Board of Education; 511 IAC 1-2.5-3; filed Mar 10, 1988, 4:18 pm: 11 IR 2621; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

### **511 IAC 1-2.5-4 Formula for advancement**

Authority: IC 20-1-1-6; IC 20-10.1-6.5-5

Affected: IC 20-10.1-6.5

Sec. 4. (a) School corporations may annually petition for an advancement in an amount between \$20,000 and an amount that does not exceed the amount as determined under the following formula:

STEP ONE: Determine the enrollment of the school corporation, as reported on the current Form DOE-PE.

STEP TWO: Divide the enrollment determined under STEP ONE by 25.

STEP THREE: Multiply the amount determined under STEP TWO by \$500.

(b) If the total amount of all requests for advancements in any year is less than \$5,000,000, the department may distribute the excess funds to school corporations that have indicated on the Form STAA-3 that its project will cost more than the amount determined under STEP THREE of the formula in subsection (a) of this section. The department shall allocate excess funds on a per pupil basis.

(c) If the total amount of all the requests for advancements in any year is greater than \$5,000,000, the department shall rank the requests according to the adjusted assessed valuation per average daily attendance (AAV/ADA) of the school corporations. School corporations with low AAV/ADA rankings shall have priority. (*Indiana State Board of Education; 511 IAC 1-2.5-4; filed Mar 10, 1988, 4:18 pm: 11 IR 2621; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **511 IAC 1-2.5-5 Approval of advancement**

Authority: IC 20-1-1-6; IC 20-10.1-6.5-5

Affected: IC 20-10.1-6.5

Sec. 5. The board shall annually approve advancements from the account and announce the rate of interest at a meeting in September. (*Indiana State Board of Education; 511 IAC 1-2.5-5; filed Mar 10, 1988, 4:18 pm: 11 IR 2622; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **511 IAC 1-2.5-6 Interest on advancements**

Authority: IC 20-1-1-6; IC 20-10.1-6.5-5

Affected: IC 20-10.1-6.5

Sec. 6. Interest on advancements from the account shall accrue at a rate that is one percentage point lower than the lowest published average municipal bond rate as determined by a nationally recognized index at any time between one (1) month and two (2) months prior to the September meeting of the board. Any fractional percentage rate of interest shall be rounded down to the next lowest whole number. (*Indiana State Board of Education; 511 IAC 1-2.5-6; filed Mar 10, 1988, 4:18 pm: 11 IR 2622; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **511 IAC 1-2.5-7 Repayment of advancement**

Authority: IC 20-1-1-6; IC 20-10.1-6.5-5

Affected: IC 20-10.1-6.5

Sec. 7. Depending on the amount of the advancement, a school corporation shall repay the advancement in accordance with the following schedule:

Amount	Years
\$20,000–\$50,999	2
\$51,000–\$100,999	3
\$101,000–\$300,000	4
over \$300,000	5

(*Indiana State Board of Education; 511 IAC 1-2.5-7; filed Mar 10, 1988, 4:18 pm: 11 IR 2622; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **Rule 2.6. Tax Credit for Computer Equipment Donations (Expired)**

(*Expired under IC 4-22-2.5, effective January 1, 2002.*)

#### **Rule 3. Determining and Reporting Attendance and Membership for State Support**

**511 IAC 1-3-1 Definitions**

Authority: IC 20-1-1-6

Affected: IC 20-8.1-3; IC 21-3-1.6-1.1; IC 21-3-1.6-3; IC 21-3-4.5-1

Sec. 1. (a) "ADA flat grant" means the distribution of funds provided for in IC 21-3-4.5.

(b) "Additional pupil count" or "APC" means the number of pupils enrolled in programs as specified in IC 21-3-1.6-3.

(c) "Aggregate days of attendance" means the total days of attendance accumulated by all students enrolled in grades K-12.

(d) "Aggregate days of enrollment" means the total student instructional days of enrollment accumulated by all students in grades K-12 during the regular school year.

(e) "Aggregate days of unexcused absence" means the total days of unexcused absence accumulated by all students enrolled in grades kindergarten through 12.

(f) "Average daily attendance" or "ADA" means the result of dividing the number of aggregate days of attendance for the reporting period by the number of student instructional days during the reporting period.

(g) "Average daily enrollment" means the result of dividing the aggregate days of enrollment by the number of student instructional days during the regular school year.

(h) "Average daily membership" or "ADM" means the number of pupils with legal settlement in the school corporation enrolled in the school corporation or in a transferee corporation on the second Friday following Labor Day. Kindergarten pupils attending half-time or more shall be counted as one-half (½).

(i) "Board" means the Indiana state board of education.

(j) "Department" means the department of education.

(k) "Postgraduate student" means a person who has received a high school diploma or its equivalent.

(l) "Reporting period" means:

(1) for purposes of determining ADA for the ADA flat grant, the three (3) week period beginning the first Monday following Labor Day;

(2) for purposes of determining ADA for the regular school year, the period beginning the first day of the regular school year and ending the last day of the regular school year;

(3) for purposes of determining ADA for summer school, the period beginning the first day of the summer school session and ending the last day of the summer school session; and

(4) for other purposes, the period determined by the board.

(m) "Student attendance rate" means the result of dividing the number of aggregate days of attendance for the regular school year by the number of aggregate days of enrollment.

(n) "Truancy rate" means the result of dividing the number of aggregate days of unexcused absence accumulated by students under eighteen (18) years of age for the regular school year by the number of aggregate days of enrollment.

(o) "Unexcused absence" means an absence from school that is:

(1) not authorized by the local school administrator or local school corporation rule; and

(2) a violation of IC 20-8.1-3.

An out-of-school suspension is not an unexcused absence. (*Indiana State Board of Education; Rule A-1, Sec 1; filed May 8, 1978, 3:21 p.m.: Rules and Regs. 1979, p. 78; filed Mar 15, 1988, 10:45 a.m.: 11 IR 2857; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Jun 22, 2004, 5:15 p.m.: 27 IR 3504*) NOTE: Transferred from the commission on general education (510 IAC 2-1-1) to the Indiana state board of education (511 IAC 1-3-1) by P.L.20-1984, SECTION 206. Effective July 1, 1984.

**511 IAC 1-3-2 Attendance and membership reporting requirements**

Authority: IC 20-1-1-6

Affected: IC 20-8.1-6.1-6; IC 21-3-1.6; IC 21-3-4.5-1

Sec. 2.(a) School corporations shall annually submit all reports for state support in accordance with the schedule established by the department. These reports shall be certified to the department by the superintendent or chief administrative official of the school corporation.

(b) Adjustments of ADA, ADM, APC, eligible regular bus students, or other reports for state support may be requested if the school corporation determines that the reports as defined in 511 IAC 1-3 are unrepresentative. Requests and reasons for the

adjustment shall be submitted to the department. The school corporation may appeal a decision of the department to the board.

(1) If unusual circumstances affect attendance, the department may substitute the following method for determining ADA:

(A) School officials shall choose any three (3) of the past five (5) years' reported ADA, and compute an average.

(B) The current ADA shall be adjusted to the average computed above.

(2) If unusual circumstances occur on or about the ADM reporting date, the school corporation may petition the department to set an alternate date and may appeal the decision to the board.

(c) Post-graduate students shall not be counted for ADA or ADM reports.

(d) All pupils shall be counted once by the corporation in which they have legal settlement. Pupils attending cooperative, joint, or area schools shall be counted by the sending corporation only.

(e) The following students shall be counted by the receiving school corporation:

(1) students placed in the school corporation by the Indiana welfare department;

(2) wards of the court;

(3) cash (private) transfers from another school corporation;

(4) state employees' children under IC 20-8.1-6.1-6;

(5) students placed in an institution operated by the Indiana department of mental health; and

(6) foreign exchange students under IC 20-8.1-6.1-6.

(f) School corporations shall initially report APC and eligible regular bus pupils at the same time as ADM is reported and the count shall be taken on the same day as ADM.

(g) For purposes of calculating ADA for the ADA flat grant, school corporations shall count only those students in grades 1 through 12. A student in attendance during any part of a full student instructional day shall be counted as one (1). A student in attendance during any part of a partial student instructional day shall be counted as one-half (1/2). A full student instructional day shall be counted as one (1) in determining the number of student instructional days in the reporting period. A partial student instructional day shall be counted as one-half (1/2). (*Indiana State Board of Education; Rule A-1, Sec 2; filed May 8, 1978, 3:21 pm: Rules and Regs. 1979, p. 79; filed Mar 15, 1988, 10:45 am: 11 IR 2858; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)  
*NOTE: Transferred from the commission on general education (510 IAC 2-1-2) to the Indiana state board of education (511 IAC 1-3-2) by P.L.20-1984, SECTION 206. Effective July 1, 1984.*

### **511 IAC 1-3-3 Average daily enrollment**

Authority: IC 20-1-1-6

Affected: IC 20-8.1-6.1; IC 21-3-1.6; IC 21-3-4.5-1

Sec. 3. (a) For purposes of computing ADA for the regular school year, school corporations shall count all students enrolled in grades K through 12.

(b) Attendance shall be taken twice during each full student instructional day, once in the morning session and once in the afternoon session. A student in attendance during any part of the day, up to and including one-half (1/2) of the day, shall be counted as one-half (1/2). A student in attendance for more than one-half (1/2) of the day shall be counted as one (1). A full student instructional day shall be counted as one (1) in determining the number of student instructional days in the regular school year.

(c) Attendance shall be taken once during each partial student instructional day. A student in attendance during any part of the day shall be counted as one-half (1/2). A partial student instructional day counts as one-half (1/2) in determining the number of student instructional days in the regular school year.

(d) ADA for summer school shall be determined according to procedures established by the department. (*Indiana State Board of Education; 511 IAC 1-3-3; filed Mar 15, 1988, 10:45 am: 11 IR 2859; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

### **Rule 3.5. Special Education Expenditures (Repealed)**

(*Repealed by Indiana State Board of Education; filed Feb 9, 1999, 4:18 p.m.: 22 IR 1972*)

### **Rule 4. Reimbursement for Extended Services**

### **511 IAC 1-4-1 Adult education programs; reimbursement (Repealed)**

Sec. 1. *(Repealed by Indiana State Board of Education; filed Oct 22, 1985, 8:35 am: 9 IR 512)*

**511 IAC 1-4-2 Summer school programs; reimbursement (Repealed)**

Sec. 2. *(Repealed by Indiana State Board of Education; 511 IAC 1-4-2; filed Dec 2, 1987, 11:15 am: 11 IR 1268)*

**Rule 5. Teaching Experience Credit for Computing State Support (Repealed)**

*(Repealed by Indiana State Board of Education; filed Feb 9, 1999, 4:18 p.m.: 22 IR 1972)*

**Rule 6. Transfers and Transfer/Tuition**

**511 IAC 1-6-1 Definitions**

Authority: IC 20-8.1-6.1-11

Affected: IC 20-8.1-6.1

Sec. 1. As used in this rule, 511 IAC 1-6:

(1) "Curriculum offering" means an academic or vocational course offered for credit, as defined at 511 IAC 6-1-1 *[511 IAC 6-1-1 was repealed filed Feb 9, 1999, 4:18 p.m.: 22 IR 1972.]*. The term does not include non-credit, extracurricular activities such as athletics or school clubs.

(2) "Transferee" means the school corporation to which a transfer is requested or granted.

(3) "Transferor" means the school corporation in which the student has legal settlement, as provided by IC 20-8.1-6.1.

*(Indiana State Board of Education; Rule A-4, Sec 2; filed Aug 31, 1981, 10:00 am: 4 IR 1974; filed Oct 13, 1987, 2:38 pm: 11 IR 935; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on general education (510 IAC 2-4-2) to the Indiana state board of education (511 IAC 1-6-1) by P.L.20-1984, SECTION 206. Effective July 1, 1984.*

**511 IAC 1-6-2 Transfer at request of parents or student**

Authority: IC 20-8.1-6.1-11

Affected: IC 20-8.1-6.1-2

Sec. 2. Requests for transfers under IC 20-8.1-6.1-2 shall be made, in writing, to the transferor by April 1 preceding the first day of school at the transferor in the school year for which transfer is requested. All requests shall be for only one (1) school year. The requests shall be made on the form prescribed by the superintendent of public instruction and shall set forth specifically the reason(s) for the request. *(Indiana State Board of Education; Rule A-4, Sec 3; filed Aug 31, 1981, 10:00 a.m.: 4 IR 1974; filed Oct 13, 1987, 2:38 p.m.: 11 IR 935; filed Sep 26, 1997, 4:00 p.m.: 21 IR 379, eff Oct 1, 1997 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #96-283 was filed Sep 26, 1997.]; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960) NOTE: Transferred from the commission on general education (510 IAC 2-4-3) to the Indiana state board of education (511 IAC 1-6-2) by P.L.20-1984, SECTION 206. Effective July 1, 1984.*

**511 IAC 1-6-3 Determination of better accommodation**

Authority: IC 20-8.1-6.1-11

Affected: IC 20-8.1-6.1-2

Sec. 3. Except where section 4 of this rule applies, a student will be determined to be better accommodated in the transferee than in the transferor, as provided in IC 20-8.1-6.1-2, on a showing of one (1) or more of the following:

(1) Curriculum:

(A) the student has established an academic or vocational aspiration, a curriculum offering at the high school level that is important and necessary to that aspiration is available to the student at the transferee, and that curriculum offering at the high school level or a substantially similar curriculum offering at the high school level is unavailable to the student at the transferor; or

(B) the student is capable of earning an academic honors diploma, the school corporation does not offer the required

academic honors diploma courses, and the student has completed academic honors diploma courses offered by the transferor and available to the student.

(2) Crowded conditions:

- (A) overcrowding at the transferor materially affects the student's opportunity to learn; and
- (B) conditions at the transferee would be significantly less crowded.

(3) Medical:

- (A) attendance by the student at the transferor entails the risk of physical illness; and
- (B) in the opinion, as supported by written documentation, of two (2) persons holding unlimited licenses to practice medicine in Indiana who have examined the student, attendance at the transferee would substantially reduce this risk.

(4) Accreditation:

- (A) the school to which the student is assigned in the transferor is not fully accredited by the board; and
- (B) the student's request is related to the reason that the school has been accorded probationary accreditation status.

*(Indiana State Board of Education; Rule A-4, Sec 4; filed Aug 31, 1981, 10:00 a.m.: 4 IR 1974; filed Mar 24, 1987, 3:00 p.m.: 10 IR 1694; filed Oct 13, 1987, 2:38 p.m.: 11 IR 935; filed Sep 26, 1997, 4:00 p.m.: 21 IR 379, eff Oct 1, 1997 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #96-283 was filed Sep 26, 1997.]; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960) NOTE: Transferred from the commission on general education (510 IAC 2-4-4) to the Indiana state board of education (511 IAC 1-6-3) by P.L.20-1984, SECTION 206. Effective July 1, 1984.*

**511 IAC 1-6-4 Relation to state board rule on special education**

Authority: IC 20-8.1-6.1-11

Affected: IC 20-1-6-1; IC 20-8.1-6.1

Sec. 4. No student who is a handicapped child as defined in IC 20-1-6-1(a) will be determined to be better accommodated in the transferee than in the transferor where the hearing procedures provided by the state board's rules on special education, 511 IAC 7-15-5 [511 IAC 7-15 was repealed filed May 22, 2000, 8:52 a.m.: 23 IR 2497. See 511 IAC 7-30.], are available or have been utilized by the student, parent, or guardian. *(Indiana State Board of Education; Rule A-4, Sec 5; filed Aug 31, 1981, 10:00 a.m.: 4 IR 1975; filed Oct 13, 1987, 2:38 p.m.: 11 IR 936; filed Sep 26, 1997, 4:00 p.m.: 21 IR 380, eff Oct 1, 1997 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #96-283 was filed Sep 26, 1997.]; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960) NOTE: Transferred from the commission on general education (510 IAC 2-4-5) to the Indiana state board of education (511 IAC 1-6-4) by P.L.20-1984, SECTION 206. Effective July 1, 1984.*

**511 IAC 1-6-5 Payment of transfer tuition; interest; due date; determination of penalty, interest**

Authority: IC 20-8.1-6.1-11

Affected: IC 20-8.1-6.1-9

Sec. 5. (a) Transfer tuition for each school year shall be paid according to IC 20-8.1-6.1-9, unless the parties to a transfer agree to a schedule of payments other than that provided by IC 20-8.1-6.1-9.

(b) Interest shall accrue at the rate as provided for judgments against the state under IC 34-2-22-1 [IC 34-2 was repealed by P.L.1-1998, SECTION 221, effective July 1, 1998.] commencing with the eleventh day following the due date of the installment and continuing until the installment is paid. Interest shall not accrue if:

- (1) the amount of transfer tuition is in dispute and that dispute is brought to the state board prior to the due date of the installment that is in dispute;
- (2) the right to transfer is in dispute and that dispute is brought to the state board in a timely manner; or
- (3) the obligation to pay transfer tuition is in dispute and that dispute is brought to the state board in a timely manner.

(c) Transfer tuition found by the state board to be due shall be paid within thirty (30) days of the mailing of the state board's notice of determination unless court action is brought to contest the validity of the state board's determination. In that event, the amount due shall be paid within thirty (30) days of the final court decision. Interest shall accrue at the rate provided in subsection (b) of this section commencing on the thirty-first day following the mailing of the notice and continuing until the amount due is paid.

(d) If any amount of transfer tuition remains unpaid for thirty (30) days beyond the due date as provided by 511 IAC 1-6, there shall be added, in addition to any interest, a late-payment penalty equal to ten percent (10%) of the unpaid principal amount of transfer tuition.

(e) Upon application of the transferred student or the student's parent, the transferor, or the transferee alleging that there is unpaid transfer tuition, the state board shall determine the amount of transfer tuition together with any penalty, interest and reasonable attorney's fees. The state board shall withhold state support from the transferor for the benefit of the transferee in an amount equal to any unpaid transfer tuition plus any penalty and interest which has accrued to the date of the state board's determination and reasonable attorney's fees. This withholding may be made in a lump sum or on application of the transferor showing that withholding in a lump sum would cause a serious financial hardship on the transferor, the lump sum amount may be withheld in installments of no less than ten percent (10%) of the lump sum amount. (*Indiana State Board of Education; Rule A-4, Sec 6; filed Aug 31, 1981, 10:00 am: 4 IR 1975; filed Oct 13, 1987, 2:38 pm: 11 IR 936; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*) NOTE: Transferred from the commission on general education (510 IAC 2-4-6) to the Indiana state board of education (511 IAC 1-6-5) by P.L.20-1984, SECTION 206. Effective July 1, 1984.

## **Rule 7.     Residence Standards**

### **511 IAC 1-7-1     Residence in state longer than 30 days**

Authority: IC 20-8.1-3-2

Affected: IC 20-8.1-3

Sec. 1. In accordance with IC 20-8.1-3-2(b) IC 20-8.1-3 shall apply to a person who is not domiciled in Indiana and who intends to remain for a period of time in excess of thirty (30) calendar days. (*Indiana State Board of Education; Rule A-5; filed Nov 4, 1979, 10:55 am: 2 IR 1739; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*) NOTE: Transferred from the commission on general education (510 IAC 2-5-1) to the Indiana state board of education (511 IAC 1-7-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.

## **Rule 8.     PRIME TIME Program**

### **511 IAC 1-8-1     Purpose**

Authority: IC 21-1-30-9

Affected: IC 21-1-30

Sec. 1. The PRIME TIME program and fund is established for providing money to encourage school corporations to lower the pupil/teacher ratio in kindergarten through third grade. (*Indiana State Board of Education; 511 IAC 1-8-1; filed Aug 28, 1984, 10:56 am: 7 IR 2522; filed Sep 4, 1985, 2:47 pm: 9 IR 32; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

### **511 IAC 1-8-2     Definitions**

Authority: IC 21-1-30-9

Affected: IC 20-8.1-6.1; IC 20-8.1-6.5; IC 21-1-30; IC 21-3-1.6

Sec. 2. As used in 511 IAC 1-8:

“Actual classroom teacher” means a teacher in a regular instructional program. The term does not include teachers in specialized areas such as art, music, physical education or special education.

“Adequate classroom space” means an instructional area containing thirty (30) square feet of space per student to be accommodated.

“Base year” means the school year immediately preceding the school year that the school corporation implements PRIME TIME for a particular grade level.

“Classroom instructional aide” means a person employed to assist the actual classroom teacher in performing instructional duties, who meets the qualifications and performs the duties as specified in 511 IAC 1-8-7.5. If a school corporation is granted approval under 511 IAC 1-8-7, the school corporation may include in its computation for funding under 511 IAC 1-8 each classroom



instructional aide as one-third (1/3) of a teacher.

“Number of pupils” means the number used in determining ADM, as defined by IC 21-3-1.6, for the current year. However, for purposes of 511 IAC 1-8, students who are transferred under IC 20-8.1-6.1 or IC 20-8.1-6.5 shall be counted as students having legal settlement in the transferee corporation and not having legal settlement in the transferor corporation. The number of pupils is determined on the annual ADM count date. Kindergarten students shall be counted as five-tenths (0.5). All other students shall be counted as one (1). (*Indiana State Board of Education; 511 IAC 1-8-2; filed Aug 28, 1984, 10:56 am: 7 IR 2522; filed Sep 4, 1985, 2:47 pm: 9 IR 32; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**511 IAC 1-8-3 Documentation prior to receipt of funds**

Authority: IC 21-1-30-9

Affected: IC 21-1-30

Sec. 3. In order to receive a distribution under 511 IAC 1-8, a school corporation must substantiate, on forms prescribed by the state board of education:

- (1) that, unless included in the number used in 511 IAC 1-8-4(a)(3)(B) and/or 511 IAC 1-8-4.5(a)(3)(B), the school corporation did not increase the combined pupil/teacher ratio or decrease the number of classroom instructional aides in the grade levels not affected by this rule, through and including sixth grade, in order to meet the requirements of funding under 511 IAC 1-8; and
- (2) the reasons for reassigning teachers and instructional aides, since the base year, to grade levels affected by 511 IAC 1-8 from grade levels not affected by 511 IAC 1-8.

(*Indiana State Board of Education; 511 IAC 1-8-3; filed Aug 28, 1984, 10:56 am: 7 IR 2522; filed Sep 4, 1985, 2:47 pm: 9 IR 33; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**511 IAC 1-8-4 Distribution formula: kindergarten or first grade**

Authority: IC 21-1-30-9

Affected: IC 21-1-30

Sec. 4. If a school corporation has implemented PRIME TIME in kindergarten or first grade, the department of education shall distribute the amount determined under subdivision (6) of the following formula for each respective grade:

- (1) Determine, to the nearest ten thousandth, the quotient of:
  - (A) the number of pupils in kindergarten or first grade for the current school year; divided by
  - (B) 18.
- (2) Determine the lesser of:
  - (A) the amount determined under subdivision (1); or
  - (B) the number of full-time teacher equivalents employed by the school corporation for the current school year in kindergarten or first grade classes.
- (3) Determine the sum of:
  - (A) the number of full-time teacher equivalents allocated by the school corporation to kindergarten and first grade classes for the respective base year; and
  - (B) the net number of full-time teacher equivalents that the school corporation has reassigned, since the base year, to the grade levels affected by 511 IAC 1-8-4 from grade levels not affected by 511 IAC 1-8, as determined by the state board of education, and as measured in the current year.
- (4) Determine the remainder of:
  - (A) the amount determined under subdivision (2); minus
  - (B) the amount determined under subdivision (3).
- (5) Determine the greater of:
  - (A) the amount determined under subdivision (4); or
  - (B) zero (0).
- (6) Determine the product of:
  - (A) the amount determined under subdivision (5); and

(B) \$21,500 for the 1987-88 school year and \$22,500 for each subsequent school year.

*(Indiana State Board of Education; 511 IAC 1-8-4; filed Aug 28, 1984, 10:56 am: 7 IR 2523; filed Sep 4, 1985, 2:47 pm: 9 IR 33, filed Dec 2, 1987, 11:19 am: 11 IR 1265; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on general education (510 IAC 2-6-4) to the Indiana state board of education (511 IAC 1-8-4) by P.L.20-1984, Section 206. Effective July 1, 1984.*

**511 IAC 1-8-4.5 Distribution formula: second or third grade**

Authority: IC 21-1-30-9

Affected: IC 21-1-30

Sec. 4.5. If a school corporation has implemented PRIME TIME in second or third grade, the department of education shall distribute the amount determined under subdivision (6) of the following formula for each respective grade:

- (1) Determine, to the nearest ten thousandth, the quotient of:
  - (A) the number of pupils in second or third grade for the current school year; divided by
  - (B) 20.
- (2) Determine the lesser of:
  - (A) the amount determined under subdivision (1); or
  - (B) the number of full-time teacher equivalents employed by the school corporation for the current school year in second or third grade classes.
- (3) Determine the sum of:
  - (A) the number of full-time teacher equivalents allocated by the school corporation to second or third grade classes for the respective base year; and
  - (B) the net number of full-time teacher equivalents that the school corporation has reassigned, since the base year, to the grade levels affected by 511 IAC 1-8-4.5 from the grade levels not affected by 511 IAC 1-8, as determined by the state board of education, and as measured in the current year.
- (4) Determine the remainder of:
  - (A) the amount determined under subdivision (2); minus
  - (B) the amount determined under subdivision (3).
- (5) Determine the greater of:
  - (A) the amount determined under subdivision (4); or
  - (B) zero (0).
- (6) Determine the product of:
  - (A) the amount determined under subdivision (5); and
  - (B) \$21,500 for the 1987-88 school year and \$22,500 for each subsequent school year.

*(Indiana State Board of Education; 511 IAC 1-8-4.5; filed Sep 4, 1985, 2:47 pm: 9 IR 34; filed Dec 2, 1987, 11:19 am: 11 IR 1265; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

**511 IAC 1-8-5 Alternative distribution formula**

Authority: IC 21-1-30-9

Affected: IC 21-1-30

Sec. 5. (a) If the amount determined under 511 IAC 1-8-4(a)(6) or 511 IAC 1-8-4.5(a)(6) is zero (0) because the school corporation has an average pupil/teacher ratio of eighteen to one (18:1), or lower, in kindergarten and first grade and an average pupil/teacher ratio of twenty to one (20:1), or lower, in second and third grade, the amount to be distributed to that school corporation is the amount determined under subdivision (3) of the following formula:

- (1) Determine the number of full-time teacher equivalents allocated by the school corporation to kindergarten, first, second and third grade classes for the respective base years.
- (2) Determine the lesser of:
  - (A) the amount determined under subdivision (1); or
  - (B) the number of full-time teacher equivalents in the current year, allocated to kindergarten and first grade classes with

a pupil/teacher ratio of eighteen to one (18:1), or lower and the number of full-time teacher equivalents in the current year, allocated to second and third grade classes with a pupil/teacher ratio of twenty to one (20:1), or lower.

(3) Determine the product of:

(A) the amount determined in subdivision (2); and

(B) three thousand six hundred dollars (\$3,600).

(b) A school corporation shall include in 511 IAC 1-8-5(a)(1) and 511 IAC 1-8-5(a)(2)(B) only the figures for the grade levels at which PRIME TIME has been implemented. (*Indiana State Board of Education; 511 IAC 1-8-5; filed Aug 28, 1984, 10:56 am: 7 IR 2523; filed Sep 4, 1985, 2:47 pm: 9 IR 34; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **511 IAC 1-8-6 Additional allocation for hiring instructional aides**

Authority: IC 21-1-30-9

Affected: IC 21-1-30

Sec. 6. If a school corporation qualifies under 511 IAC 1-8-7 for use of classroom instructional aides and the number determined under 511 IAC 1-8-4(a)(3)(B) and 511 IAC 1-8-4.5(a)(3)(B) is greater than zero (0), that school corporation is entitled to an additional amount for hiring classroom instructional aides. The additional amount is equal to the sum of the amounts determined under 511 IAC 1-8-4(a)(3)(B) and 511 IAC 1-8-4.5(a)(3)(B) multiplied by six thousand dollars (\$6,000). (*Indiana State Board of Education; 511 IAC 1-8-6; filed Aug 28, 1984, 10:56 am: 7 IR 2523; filed Sep 4, 1985, 2:47 pm: 9 IR 35; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **511 IAC 1-8-7 Approval of use of instructional aides in computation for funding**

Authority: IC 21-1-30-9

Affected: IC 20-8.1-6-8; IC 21-1-30

Sec. 7. (a) The state board of education shall approve the counting of classroom instructional aides as teachers for purposes of computation for funding under 511 IAC 1-8-4 and 511 IAC 1-8-4.5 or the negotiation of transfer tuition agreements between school corporations under IC 20-8.1-6.1-8(h), if the school corporation can substantiate each year that providing adequate classroom space for the attainment of an average pupil/teacher ratio of eighteen to one (18:1) in kindergarten and first grade and twenty to one (20:1) in second and third grade creates an unreasonable hardship for that school corporation. On or before August 1 the school corporation shall submit to the state board of education a plan concerning that school corporation's instructional aides program.

(b) The use of aides shall not be approved unless the school corporation has, insofar as practical, reduced its average pupil/teacher ratio through the use of teachers.

(c) The number of aides that shall be approved for purposes of funding under 511 IAC 1-8 is equal to the lesser of:

(1) the number needed to attain the number of full time teacher equivalents computed under 511 IAC 1-8-4(a)(1) and 511 IAC 1-8-4.5(a)(1); or

(2) the number of kindergarten, first, second and third grade classes in the school corporation.

(*Indiana State Board of Education; 511 IAC 1-8-7; filed Aug 28, 1984, 10:56 am: 7 IR 2523; filed Sep 4, 1985, 2:47 pm: 9 IR 35; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **511 IAC 1-8-7.5 Qualification and duties of instructional aides**

Authority: IC 21-1-30-9

Affected: IC 21-1-30

Sec. 7.5. (a) To be qualified for the duties of a PRIME TIME instructional aide, a person must have a minimum of a high school diploma or its equivalent and one of the following additional requirements:

(1) Post high school work in education or a related field;

(2) Previous work experience in an early childhood program (i.e., day care, community program) documented by letter(s) of reference submitted to the local school corporation;

(3) Previous experience as an elementary classroom aide, documented by letter(s) of reference and record of duties performed; or

(4) Completion of a 15 contact hour training program conducted by the local school corporation. Plans for this program shall be filed with the department of education prior to the beginning of the school year.

(b) PRIME TIME instructional aide duties include:

(1) Working under the direction of the classroom teacher to:

(A) Assist individual students with learning tasks assigned by the teacher;

(B) Assist students in small group learning situations; and

(C) Monitor the class while the teacher works with groups or individuals.

(2) Assisting the teacher with making instructional materials; and

(3) Assisting the teacher with instruction-related clerical tasks.

(c) A PRIME TIME instructional aide shall not be assigned:

(1) The sole responsibility for teaching units of study;

(2) As a substitute for an absent teacher; or

(3) Exclusively to non-instructional/clerical responsibilities.

(d) To qualify as one-third (1/3) full time teacher equivalent for funding, a PRIME TIME instructional aide shall be:

(1) Employed full-time for at least five (5) hours per day or if employed part-time at least two and one-half [sic.] (2 1/2) hours per day. For state funding purposes, two (2) half-time aides are equivalent to one (1) full-time aide. Aides may not be employed for less than half-time if they are counted for state funding;

(2) Employed for at least the same number of days the students are in attendance;

(3) Assigned to work with no more than two (2) teachers; and

(4) Assigned to a classroom during the core curricular program

(3) [sic., (e)] Nothing in 511 IAC 1-8 shall be interpreted to prohibit a school corporation from establishing additional qualifications for a PRIME TIME instructional aide or employing additional classroom aides, not funded under IC 21-1-29 [Repealed by P.L.170-1972, SECTION 1.], for a PRIME TIME classroom. (*Indiana State Board of Education; 511 IAC 1-8-7.5; filed Sep 4, 1985, 2:47 pm: 9 IR 35; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **511 IAC 1-8-8 Receipt of funds from other sources**

Authority: IC 21-1-30-9

Affected: IC 21-1-30

Sec. 8. A school corporation shall not receive funds under 511 IAC 1-8 for any teacher or aide and, at the same time, receive any federal or other state funds specifically for that teacher or aide. (*Indiana State Board of Education; 511 IAC 1-8-8; filed Aug 28, 1984, 10:56 am: 7 IR 2524; filed Sep 4, 1985, 2:47 pm: 9 IR 36; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **511 IAC 1-8-9 Governor's early grades pilot projects; exception to funding penalty (Repealed)**

Sec. 9. (*Repealed by Indiana State Board of Education; filed Dec 2, 1987, 11:19 am: 11 IR 1266*)

#### **511 IAC 1-8-10 Grade levels eligible for funding**

Authority: IC 21-1-30-9

Affected: IC 21-1-30

Sec. 10. (a) Regardless of the school year in which a school corporation initially applies for funding under 511 IAC 1-8, first grade shall be included in that year's computation for funding.

(b) Additional grade levels shall be added in the following order:

(1) second grade;

(2) third grade or kindergarten; and

(3) the grade not chosen under subdivision (2).

(*Indiana State Board of Education; 511 IAC 1-8-10; filed Aug 28, 1984, 10:56 am: 7 IR 2524; filed Sep 4, 1985, 2:47 pm: 9 IR 36; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**511 IAC 1-8-11 Application for funding; computation of amount; appeal**

Authority: IC 21-1-30-9

Affected: IC 20-8.1-6.1-8; IC 21-1-30

Sec. 11. (a) School corporations shall apply for funding under 511 IAC 1-8 on a form prescribed by the state board of education on or before September 30. School corporations seeking approval for counting of instructional aides or transfer tuition agreements under IC 20-8.1-6.1-8(h) shall annually apply for the approval on or before August 1.

(b) Upon receipt of an application for funding under 511 IAC 1-8, the department of education shall compute the amount to be distributed to the school corporation. The department of education shall distribute the funds in twelve (12) monthly installments to the school corporations on or before the fifteenth day of each month.

(c) School corporations may appeal decisions of the department of education under 511 IAC 1-8 to the state board of education.

(d) If the money appropriated in any fiscal year by the general assembly for the PRIME TIME program is insufficient to fund the state PRIME TIME distribution formulas in 511 IAC 1-8-4 and 511 IAC 1-8-4.5, all claims shall be reduced proportionately. (*Indiana State Board of Education; 511 IAC 1-8-11; filed Aug 28, 1984, 10:56 am: 7 IR 2524; filed Sep 4, 1985, 2:47 pm: 9 IR 36; filed Dec 2, 1987, 11:19 am: 11 IR 1266; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*) NOTE: Transferred from the commission on general education (510 IAC 2-6-11) to the Indiana state board of education (511 IAC 1-8-11) by P.L.20-1984, Section 206. Effective July 1, 1984.

**511 IAC 1-8-12 Rounding off amounts**

Authority: IC 21-1-30-9

Affected: IC 21-1-30

Sec. 12. The amount determined under 511 IAC 1-8-4(a)(4) and 511 IAC 1-8-4.5(a)(4) shall be rounded in the following manner:

(1) Greater than zero (0), but less than thirty-four hundredths (0.34) shall be treated as one-third (1/3).

(2) At least thirty-four hundredths (0.34), but less than sixty-seven one hundredths (0.67) shall be treated as two-thirds (2/3).

(3) At least sixty-seven hundredths (0.67), but less than one (1) shall be treated as one (1).

(*Indiana State Board of Education; 511 IAC 1-8-12; filed Aug 28, 1984, 10:56 am: 7 IR 2524; filed Sep 4, 1985, 2:47 pm: 9 IR 37; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**511 IAC 1-8-13 Alternative standards for computation of number of pupils**

Authority: IC 21-1-30-9

Affected: IC 21-1-30

Sec. 13. The state board of education may designate a day other than the annual ADM count date for determining the number of pupils in grade levels affected by 511 IAC 1-8 if extreme patterns of student in-migration or other unusual circumstances in a particular school corporation cause the enrollment in the corporation to increase prior to the ADM count date. The purpose of this section is to avoid penalizing school corporations who have made a good faith effort to comply with the requirements of 511 IAC 1-8 but who have experienced an increase in enrollment between the first day of school and the count date. (*Indiana State Board of Education; 511 IAC 1-8-13; filed Aug 28, 1984, 10:56 am: 7 IR 2524; filed Sep 4, 1985, 2:47 pm: 9 IR 37; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**511 IAC 1-8-14 Use of instructional aides in computation for funding; filing of school plan; exception (Repealed)**

Sec. 14. (*Repealed by Indiana State Board of Education; filed Sep 4, 1985, 2:47 pm: 9 IR 37*)

**Rule 9. Alternative Education Grant Program**

**511 IAC 1-9-1 Eligibility to receive a diploma**

Authority: IC 20-10.1-4.6-9

Affected: IC 20-10.1-4.6; IC 21-3-11

Sec. 1. Students in alternative education programs must complete all graduation course requirements and fulfill the graduation examination requirement in order to be eligible to receive a diploma. *(Indiana State Board of Education; 511 IAC 1-9-1; filed Apr 1, 1998, 11:00 a.m.: 21 IR 2820)*

**511 IAC 1-9-2 Eligibility for funding**

Authority: IC 20-10.1-4.6-9

Affected: IC 20-10.1-4.6; IC 21-3-11

Sec. 2. To be eligible for funding under IC 21-3-11, an alternative education program session must be conducted for a minimum of two (2) hours. *(Indiana State Board of Education; 511 IAC 1-9-2; filed Apr 1, 1998, 11:00 a.m.: 21 IR 2820)*

**511 IAC 1-9-3 Academic instruction by teachers employed by a school corporation or cooperative**

Authority: IC 20-10.1-4.6-9

Affected: IC 20-10.1-4.6; IC 21-3-11

Sec. 3. To be eligible for funding under IC 21-3-11, a school corporation must provide an alternative education program of its own or as an area program in cooperation with other school corporations. If a school corporation provides a program on its own, academic instruction will be provided by teachers who are employed by the school corporation. For area programs, academic instruction will be provided by teachers who are employed by one (1) of the participating school corporations or by the cooperative. *(Indiana State Board of Education; 511 IAC 1-9-3; filed Apr 1, 1998, 11:00 a.m.: 21 IR 2821)*

**ARTICLE 2. SCHOOL CONSTRUCTION**

**Rule 1. General Principles (Repealed)**

*(Repealed by Indiana State Board of Education; filed Mar 27, 1998, 9:35 a.m.: 21 IR 2821)*

**Rule 2. Procedures and Standards for Remodeling Existing Buildings or Constructing New Schools (Repealed)**

*(Repealed by Indiana State Board of Education; filed Mar 27, 1998, 9:35 a.m.: 21 IR 2821)*

**Rule 3. Acquisition of Relocatable Classroom Units (Repealed)**

*(Repealed by Indiana State Board of Education; filed Mar 27, 1998, 9:35 a.m.: 21 IR 2821)*

**Rule 3.5. Mobile Instructional Units (Repealed)**

*(Repealed by Indiana State Board of Education; filed Mar 27, 1998, 9:35 a.m.: 21 IR 2821)*

**Rule 4. Requirement for Safe Areas in Education Facilities (Repealed)**

*(Repealed by Indiana State Board of Education; filed Mar 27, 1998, 9:35 a.m.: 21 IR 2821)*

**Rule 5. Administration of the Veterans Memorial School Construction Fund**

**511 IAC 2-5-1 Applications for advancement of funds**

Authority: IC 21-1-11-1

Affected: IC 21-1-11-4; IC 21-1-11-5; IC 21-1-11-6

Sec. 1. Procedure. (A) Any public school or public school corporation or public joint school organization desiring to obtain an advancement of funds under this Act shall submit to the Commission on General Education of the Indiana State Board of

Education a completed official application (including separate applications for each corporation comprising a joint school organization) indicating the basis of the need and the ability factors existing in said corporation or corporations. The application shall be properly signed before, and notarized by an official of competent jurisdiction. The signers shall be the trustee and a majority of the advisory board members of a township or joint school organization, the members of the board of trustees of the joint school organization, and the superintendent of schools having proper jurisdiction, or a majority of the members of the board of school trustees and the proper superintendent of schools of the applying city, town, metropolitan, or consolidated school corporation.

(B) Upon receipt of the official application channeled through the appropriate superintendent of schools and upon the verification of the facts the applicant school or school corporation shall be assigned by the Commission a School Building Index on the basis of need and taxing ability.

(C) Schools or school corporations, to be considered for advancements on or shortly after July 1, 1955, shall file their completed and certified applications on or before June 30, 1955. The dates for future applications shall be set by the Commission as determined by the availability of funds.<sup>1</sup>

<sup>1</sup>[Attention is called to the position taken by the Commission regarding the size of school in relation to educational need and high standards of achievement, which has often been reiterated.]

(D) Schools or school corporations which file applications but which do not qualify at the time the School Building Indexes are computed may file new applications at such times as the Commission may designate. (*Indiana State Board of Education; Rule B-3, Sec 1; filed Aug 8, 1955, 1:00 pm: Rules and Regs. 1956, p. 136; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*) NOTE: Transferred from the commission on general education (510 IAC 3-5-1) to the Indiana state board of education (511 IAC 2-5-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.

#### **511 IAC 2-5-2 Qualifications**

Authority: IC 21-1-11-1

Affected: IC 21-1-11-3; IC 21-1-11-5; IC 21-1-12-1

Sec. 2. Qualifications of the Applicants. (A) All schools or school corporations which qualify under this Act shall comply with all existing rules and regulations pertaining to schoolhouse planning and construction as established by the Commission and other State Agencies having official jurisdiction.

(B) If a consolidated or metropolitan school corporation has been formed during the three years immediately preceding the filing of the application for advancement, data to compute the enrollment increase as prescribed in Section 6-a, of Chapter 312, of the Acts of 1955 [IC 21-1-11-5(a)], shall be taken from the records of the constituent corporation.

(C) If, during each of the preceding three years prior to making application for advancement, the total school building tax efforts of the component parts of a new consolidated or metropolitan corporation have been equivalent to at least 50¢ on each \$100 of the combined assessed valuation, the new corporation shall be deemed qualified under Section 4-d [IC 21-1-11-3(d)] of said Act.

(D) Schools heretofore, now or hereafter organized and operating under the laws of this state as a joint school organization shall have their School Building Indexes determined on the basis of the separate reports of the individual corporation concerned.

(E) For implementing said Act [IC 21-1-11] the term, "classroom", shall be defined as any room originally designed for or later suitably adapted to and normally used for classroom purposes, or under construction during the current school year to accommodate some form of group instruction in grades one to twelve on a day-by-day basis, excluding such areas as auditoriums, gymnasiums, lunchrooms, study halls or any athletic facilities. This rule [511 IAC 2-5] shall be interpreted and applied to mean a room accommodating from 24 to 36 pupils, as the subject need requires.

(F) The average daily attendance shall be deemed to mean both those public school pupils in grades one (1) to twelve (12) inclusive, residing in a school corporation and those public school pupils in grades (1) to (12) inclusive being transferred into a school corporation during the current school year. If a school corporation is approved for an advancement for which the attendance of pupils transferred from any school corporation or corporations shall have been used in computing the average daily attendance to assist in establishing the need factor, such pupil or pupils shall not be eligible to be considered in any other school corporation for purposes of receiving an advancement under this Act prior to the complete payment of the advancement for which said transferred pupils were originally considered in awarding said advancement except with the approval of the Commission on General Education.

(G) The Commission will take into account the adequacy of enrollments and the size of the administrative unit in its deliberations. (*Indiana State Board of Education; Rule B-3, Sec 2; filed Aug 8, 1955, 1:00 pm: Rules and Regs. 1956, p. 137;*

*readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on general education (510 IAC 3-5-2) to the Indiana state board of education (511 IAC 2-5-2) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**511 IAC 2-5-3 Administration of fund; processing of applications; determinations**

Authority: IC 21-1-11-1

Affected: IC 20-1-1-6; IC 21-1-11

Sec. 3. Administration. (A) The first deduction on the advancement from tuition support referred to in Section 8 [IC 21-1-11-7] of said Act shall be made from the distribution in the year in which the revenue from the special tax provided for in Section 9 [IC 21-1-11-8] of said Act is collected.

(B) The tax rate provided for in said Section 9 [IC 21-1-11-8] shall be considered as having been levied in the August next following the advancement.

(C) In situations in which the procedures and qualifications outlined have been clearly met, the Director of the Division of Schoolhouse Planning is authorized to recommend approval through the State Superintendent of Public Instruction, to the Commission on General Education of the Indiana State Board of Education which shall act on all cases. In situations in which the procedures and qualifications have not been clearly met, the Director of the Division of Schoolhouse Planning shall report to the Commission concerning which procedures or qualifications have not been fully met and shall furnish the Commission the data which he has concerning such situations whereupon the Commission shall take whatever action it deems appropriate.

(D) The state advancement of funds to a duly qualified school or school corporation shall be determined on the following basis:

(1) New construction, at the rate of \$20,000 per classroom for the actual number of classrooms needed due to overcrowding and increased enrollments as certified in the application, provided that in no case shall the amount of advancement exceed actual construction costs.

(2) Addition of classrooms to existing buildings, at the rate of \$10,000 per classroom for the actual number of classrooms needed due to overcrowding and increased enrollments as certified in the application, provided that in no case shall the amount of the advancement exceed actual construction costs.

(3) Remodeling and/or repair to existing school buildings at the rate of \$5,000 per classroom in the school building to be remodeled or repaired, provided that in no case shall the amount of the advancement exceed actual construction costs.

(4) In no case shall any advancement to any school or school corporation be in excess of \$250,000.

(E) After all applications have been duly processed and the School Building Index has been completed, the schools or school corporations qualifying shall be notified as to the maximum amount which may be advanced. Advancements shall not be made, however, until it is determined that actual construction is to commence immediately. The total amount so encumbered shall not exceed the amount of funds available. When it has been determined finally that some corporations will qualify for less than the maximum, the schools or school corporations next in line shall be notified of the availability of funds.

(F) When the Commission has determined that a school corporation which has qualified for an advancement is ready to proceed with construction, it shall certify the name of the school or school corporation receiving the advancement and the amount of the advancement to the auditor of state who shall thereupon issue his warrant to such school or school corporation in the amount to which the school or school corporation has qualified, or in the amount of the actual construction cost, whichever is the lesser.

(G) The Commission reserves the right to negotiate with the applicant corporation the optimum time and agreed tax rate necessary to liquidate this advancement of funds.

(H) The amount which shall be deducted from tuition support as provided for in Section 8 [IC 21-1-11-7] shall be ascertained at the time of computing the tuition support distribution. One half of the amount so ascertained shall be withheld in each semi-annual distribution. (*Indiana State Board of Education; Rule B-3, Sec 3; filed Aug 8, 1955, 1:00 pm: Rules and Regs. 1956, p. 138; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on general education (510 IAC 3-5-3) to the Indiana state board of education (511 IAC 2-5-3) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**ARTICLE 3. REORGANIZATION OF SCHOOL CORPORATIONS**

**Rule 1. General Provisions**



**511 IAC 3-1-1 School population requirement**

Authority: IC 20-1-1-6

Affected: IC 20-4-1-8

Sec. 1. SCHOOL POPULATION. Each proposed reorganized school corporation shall be sufficiently large in population to provide an average daily attendance of not less than 1,000 resident pupils in grades one (1) through twelve (12) as indicated by the average daily attendance reported on the last Form 30, as filed by the school corporations with the State Superintendent of Public Instruction. (*Indiana State Board of Education; School Reorganization Comm. Standard 1; filed May 28, 1963, 9:00 pm: Rules and Regs. 1964, p. 155; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*) NOTE: Transferred from the commission on general education (510 IAC 15-1-1) to the Indiana state board of education (511 IAC 3-1-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.

**511 IAC 3-1-2 Tax base requirement**

Authority: IC 20-1-1-6

Affected: IC 20-4-1-6; IC 20-4-1-8

Sec. 2. TAX BASE. If more than one administrative unit is proposed for the county, no such unit shall have a tax base of less than \$5,000.00 adjusted assessed valuation per resident pupil in average daily attendance as evidenced by the last Form 30, as filed by the school corporations with the State Superintendent of Public Instruction, and by the adjusted assessed valuation for taxes payable in the current year. (*Indiana State Board of Education; School Reorganization Comm. Standard 2; filed May 28, 1963, 9:00 pm: Rules and Regs. 1964, p. 156; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*) NOTE: Transferred from the commission on general education (510 IAC 15-1-2) to the Indiana state board of education (511 IAC 3-1-2) by P.L.20-1984, SECTION 206, effective July 1, 1984.

**511 IAC 3-1-3 Included area**

Authority: IC 20-1-1-6

Affected: IC 20-4-1-6

Sec. 3. AREA. County plans shall provide for the inclusion of all the area of the county in a school corporation or school corporations, except for that part of the county authorized or required by law to be included in the plan of an adjoining county. (*Indiana State Board of Education; School Reorganization Comm. Standard 3; filed May 28, 1963, 9:00 am: Rules and Regs. 1964, p. 156; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*) NOTE: Transferred from the commission on general education (510 IAC 15-1-3) to the Indiana state board of education (511 IAC 3-1-3) by P.L.20-1984, SECTION 206, effective July 1, 1984.

**511 IAC 3-1-4 Number of grades**

Authority: IC 20-1-1-6

Affected: IC 20-4-1-6

Sec. 4. NUMBER OF GRADES. Each proposed reorganized school corporation shall provide an efficient and adequate educational opportunity for all the pupils in grades one (1) through twelve (12). (*Indiana State Board of Education; School Reorganization Comm. Standard 4; filed May 28, 1963, 9:00 am: Rules and Regs. 1964, p. 156; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*) NOTE: Transferred from the commission on general education (510 IAC 15-1-4) to the Indiana state board of education (511 IAC 3-1-4) by P.L.20-1984, SECTION 206, effective July 1, 1984.

**ARTICLE 4. PUPIL PERSONNEL SERVICES; STUDENT HEALTH TESTING; FOOD AND NUTRITION PROGRAMS; EXTENDED SERVICES**
**Rule 1. Pupil Personnel Services; Guidelines, Administration, Program Services (Repealed)**

(*Repealed by Indiana State Board of Education; filed Jun 19, 2000, 10:37 a.m.: 23 IR 2717*)

**Rule 1.5. Student Services**

**511 IAC 4-1.5-1 Definitions**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Credential" means a professional certificate or license issued to an individual by an agency of Indiana. For the purpose of this rule, the term does not include any of the various forms of credentials issued by professional associations.

(c) "Educational and career services" means services that assist students in identifying realistic and challenging futures and provide the support services to help in realizing those futures.

(d) "Elementary school" means grades 1 through 6.

(e) "Health services" means programs and services that promote and protect the health, safety, and well-being of students to assure a healthy environment that nurtures academic growth.

(f) "Secondary school" means grades 7 through 12.

(g) "Student assistance services" means services that prevent or alleviate problems that interfere with student learning.

(h) "Student services" means:

- (1) educational and career services;
- (2) student assistance services; and
- (3) health services.

(i) "Student services personnel" means persons who provide educational and career services, student assistance services, or health services and who hold credentials in the areas of:

- (1) school counseling for educational and career services;
- (2) school counseling, school psychology, or school social work (master's level) for student assistance services; or
- (3) registered nursing for health services.

*(Indiana State Board of Education; 511 IAC 4-1.5-1; filed Jun 19, 2000, 10:37 a.m.: 23 IR 2715)*

**511 IAC 4-1.5-2 Personnel**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2

Sec. 2. (a) Student services personnel shall hold appropriate credentials.

(b) The following ratios are recommended for providing student services:

(1) For elementary educational and career services, one (1) school counselor for every six hundred (600) students enrolled in grades 1 through 6 in the corporation.

(2) For secondary school educational and career services, one (1) school counselor for every three hundred (300) students enrolled in grades 7 through 12 in the corporation.

(3) For student assistance services, one (1) school counselor, school psychologist, or master's level school social worker for every seven hundred (700) students enrolled in the corporation.

(4) For health services, one (1) registered nurse for every seven hundred fifty (750) students enrolled in the corporation.

*(Indiana State Board of Education; 511 IAC 4-1.5-2; filed Jun 19, 2000, 10:37 a.m.: 23 IR 2715)*

**511 IAC 4-1.5-3 Records**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 5-14-3; IC 5-15-6; IC 20-1-1.2

Sec. 3. All records shall be maintained, released, and destroyed in accordance with:

(1) the provisions of the Family Educational Rights and Privacy Act (20 U.S.C. 1232g and the regulations at 34 CFR 99) and the Indiana Public Records Act (IC 5-14-3); and

(2) records retention schedules and regulations of the county commission of public records under IC 5-15-6.

*(Indiana State Board of Education; 511 IAC 4-1.5-3; filed Jun 19, 2000, 10:37 a.m.: 23 IR 2715)*

**511 IAC 4-1.5-4 Educational and career services**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2

Sec. 4. (a) School corporations shall provide educational and career services at the secondary school level. Secondary school educational and career services shall be coordinated by a certified school counselor.

(b) School corporations should provide educational and career services at the elementary school level.

(c) Educational services shall include, but are not limited to, the following:

(1) Admission and orientation, which includes developing and implementing a systematic program for the:

(A) orientation of prospective students; and

(B) orderly transfer of students in and out of the school.

(2) Study skills and tutoring, which includes:

(A) assisting teachers in developing student study skills through a planned sequence of instruction; and

(B) arranging tutoring services through the school or private tutors as needed.

(3) Achievement testing, which includes:

(A) assisting teachers with the administration of local, state, and national group achievement testing programs;

(B) providing individual achievement testing to students when needed; and

(C) assisting teachers and administrators in interpreting and reporting the results of achievement tests to students, parents, and the community.

(4) Advising and scheduling, which includes:

(A) assisting students in planning a meaningful program of studies leading to appropriate educational and career placements; and

(B) ensuring that all staff who provide advisory services are knowledgeable of the school corporation's philosophy and procedures for course selection or placement.

(d) Career services shall include, but are not limited to, the following:

(1) Career education, which includes providing a planned sequence of instruction in career education based on written proficiencies for all students in grades 1 through 12 in coordination with other schools in the corporation.

(2) Career information, which includes disseminating current educational and occupational information to staff, parents, and community members, as well as to students.

(3) Career assessment, which includes:

(A) administering interest inventories or other career assessment instruments to all students at least once during their school careers; and

(B) interpreting and reporting the results of career interests inventories to students, parents, and teachers.

(4) Career planning, which includes providing assistance to students either through an advisory program or other small group presentations to help them develop educational and career plans.

(5) Placement and follow-up, which includes:

(A) assisting students with:

(i) making choices;

(ii) learning about educational opportunities; and

(iii) making referrals to placement agencies, including when students:

(AA) are enrolled;

(BB) leave school prematurely; and

(CC) graduate; and

(B) conducting periodic follow-up studies of graduates to learn their degree of success in postsecondary endeavors.

*(Indiana State Board of Education; 511 IAC 4-1.5-4; filed Jun 19, 2000, 10:37 a.m.: 23 IR 2715)*

**511 IAC 4-1.5-5 Student assistance services**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2

Sec. 5. (a) School corporations shall provide student assistance services at the elementary and secondary school levels.

(b) Student assistance services shall be coordinated by a:

- (1) certified school counselor;
- (2) certified school psychologist; or
- (3) certified school social worker (master's level).

(c) Student assistance services shall include, but are not limited to, the following:

(1) Prevention, which includes:

- (A) assisting teachers and parents in delivering the health and social studies proficiencies of the school curricula;
- (B) collaborating with community resources to develop summer and extended school programs to meet the social and recreational needs of students; and
- (C) educating school staff and parents on the developmental needs and behavioral management of students.

(2) Assessment, which includes:

- (A) educating school staff and parents to identify and refer students who are experiencing problems that interfere with student learning;
- (B) obtaining and interpreting data on student needs; and
- (C) implementing the school's policies and procedures with regard to identifying and referring students with their families who are in need of special services.

(3) Intervention, which includes:

- (A) providing brief individual and group counseling to students and families who need help with personal concerns or developmental problems; and
- (B) providing consultation services to school staff and parents regarding strategies for helping students cope with personal and social concerns.

(4) Referral, which includes:

- (A) implementing policies and procedures for referring students and families to student assistance services and to community agencies for intensive counseling or other specialized services not available from the school;
- (B) disseminating a directory of community services and resources; and
- (C) creating a system to monitor referrals to ensure that students and families receive services in a timely and appropriate manner.

*(Indiana State Board of Education; 511 IAC 4-1.5-5; filed Jun 19, 2000, 10:37 a.m.: 23 IR 2716)*

**511 IAC 4-1.5-6 Health services**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2

Sec. 6. (a) School corporations shall provide health services at the elementary and secondary school level.

(b) Except as provided in subsection (c), a school corporation shall employ at least one (1) registered nurse who holds a bachelor of science in nursing and who shall coordinate health services.

(c) A school corporation may employ a registered nurse who does not hold a bachelor of science in nursing to coordinate health services under the following circumstances:

(1) The registered nurse was employed by the school corporation on June 30, 2000, to coordinate health services.

(2) The registered nurse has been continuously employed in the same position since June 30, 2000.

(d) Health services include, but are not limited to, the following:

(1) Prevention, which includes:

- (A) creating a safe and healthful school environment through a continuous health program for all students;
- (B) employing principles of learning and appropriate teaching in the delivery of health education; and
- (C) acting as a resource to students, families, staff, and the community regarding:

- (i) health services;
  - (ii) health education; and
  - (iii) a healthy environment.
- (2) Assessment, which includes:
  - (A) maintaining a continuous health program for all students through implementing and monitoring health services in accordance with laws, regulations, and standards of practice; and
  - (B) using the nursing process to collect, interpret, and record information about the health, developmental, and educational status of students to determine a nursing diagnosis and develop health care plans.
- (3) Intervention, which includes:
  - (A) implementing and monitoring a system for the provision of health services and emergency care;
  - (B) providing individual and group counseling to students and staff in health related matters; and
  - (C) communicating with parents and collaborating with others to facilitate the continuity of services and care.
- (4) Referral, which includes:
  - (A) utilizing appropriate health care personnel and health care resources to meet individual student needs;
  - (B) evaluating student and family responses to nursing actions and referrals; and
  - (C) coordinating health services with:
    - (i) families;
    - (ii) other school programs;
    - (iii) in-school professionals;
    - (iv) school-based resources; and
    - (v) community-based resources.

*(Indiana State Board of Education; 511 IAC 4-1.5-6; filed Jun 19, 2000, 10:37 a.m.: 23 IR 2716)*

#### **511 IAC 4-1.5-7 Crisis intervention plans**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2

Sec. 7. Each school corporation shall, in concert with the emergency preparedness plan developed under 511 IAC 6.1-2-2.5, develop a crisis intervention plan for the school corporation and for each school in the school corporation. The plan, which should be developed by student services personnel in conjunction with school administrators and community crisis intervention personnel, shall include crisis management and intervention provisions. *(Indiana State Board of Education; 511 IAC 4-1.5-7; filed Jun 19, 2000, 10:37 a.m.: 23 IR 2717)*

#### **511 IAC 4-1.5-8 Student services program management**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2

Sec. 8. (a) Program management activities, which are necessary to ensure that the student services program is relevant, efficient, and accountable, may be performed at the school or corporation level and should be the responsibility of a person who holds a credential in a student services area or an administrator.

- (b) Program management activities shall include, but are not limited to, the following:
  - (1) Conducting needs assessments to serve as a basis for program development.
  - (2) Creating and using an advisory board, consisting of staff, parents, students, and community representatives, to advise and support the student services program.
  - (3) Developing, in conjunction with school corporation administrators, policies and procedures for each service area for approval by the governing body of the school corporation.
  - (4) Coordinating services:
    - (A) within the school;
    - (B) among the schools in the corporation; and
    - (C) between the schools and the community.

(5) Creating an evaluation system for personnel and services that is based in part on student outcomes.  
(*Indiana State Board of Education; 511 IAC 4-1.5-8; filed Jun 19, 2000, 10:37 a.m.: 23 IR 2717*)

## **Rule 2. Student Health Testing**

### **511 IAC 4-2-1 Visual acuity testing; equipment and procedures; reports**

Authority: IC 20-1-1-6

Affected: IC 20-8.1-7-16

Sec. 1. (a) All school corporations shall conduct an annual screening test of the visual acuity of all children enrolled in or transferred to grades 3 and 8 and all other school children suspected of having a visual defect.

(b) Equipment for testing visual acuity [*sic.*] shall consist of the following:

(1) The minimum equipment to be used shall be a Snellen Chart illuminated by two (2) sixty (60) watt bulbs.

(2) The Snellen E Chart shall be used for grade 3.

(3) The Snellen Alphabetical Chart shall be used for grade 8.

(4) The use of testing equipment equivalent to or more elaborate than the Snellen test is at the discretion of the local school system and should be based on the recommendations of the school's professional health advisory sources.

(c) Procedures for vision testing are as follows:

(1) Equipment shall be used as follows:

(A) The Snellen Chart (E or Alphabetical) shall be used at a distance of twenty (20) feet.

(B) The lamps used to illuminate the chart shall be placed one (1) foot from the chart.

(2) The following standards apply:

(A) Children in grade 3 who are unable to read with each eye the 20/30 line of the Snellen Chart shall be recommended for further examination based upon the recommendations of the professional advisors of a school's eye screening program.

(B) Children in grade 8 who are unable to read with each eye the 20/20 line of the Snellen Chart shall be recommended for further examination.

(C) Parents of children with corrective lenses or other ocular devices shall be informed of the eye screening program but these children need not be referred for further examination.

(d) The school administrator shall assign the best qualified person in the school system or school health service to supervise eye screening tests.

(e) Each school corporation shall submit an annual report of its vision testing program under this section and 511 IAC 4-2-1.1 to the Indiana state board of health. The report shall include the following:

(1) The number of children in each grade tested.

(2) The number of children in each grade requiring further examination.

(3) The number of children receiving further professional attention.

(4) The type of screening test used.

(5) The person or department supervising the testing program.

The school's testing program is subject to review and approval by the state board of education and the state board of health.  
(*Indiana State Board of Education; Rule S-3; filed Mar 30, 1960, 1:40 pm: Rules and Regs. 1961, p. 28; filed Mar 24, 1988, 8:30 am: 11 IR 2860; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*) NOTE: This rule was promulgated jointly with the state board of health and also appears at 410 IAC 3-1. NOTE: Transferred from the commission on general education (510 IAC 13-1-1) to the Indiana state board of education (511 IAC 4-2-1) by P.L.20-1984, SECTION 206. Effective July 1, 1984.

#### **511 IAC 4-2-1.1 Visual acuity testing; modified clinical technique**

Authority: IC 20-1-1-6

Affected: IC 20-8.1-7-16

Sec. 1.1. (a) Every school corporation shall conduct an annual visual test, using the modified clinical technique, of children when they enroll in either kindergarten or grade 1 unless an eye care professional requests, in writing, that the child not be tested.

The modified clinical technique consists of testing for vision acuity, refractive error, ocular health, and binocular coordination. The school corporation shall use the suggested equipment unless the professional health personnel of the school recommend other equivalent or superior equipment.

(b) To test for visual acuity, the school corporation shall use the Snellen Alphabetical, Stycar (HOTV) Chart or equivalent test. The chart shall be calibrated at ten (10) to twenty (20) feet for distance vision and fourteen (14) inches for near vision. For testing distance vision, the chart shall be illuminated by two (2) sixty (60) watt bulbs and for near vision, by one (1) sixty (60) watt bulb. The chart shall be located at a distance of ten (10) to twenty (20) feet from the student and calibrated accordingly. Lamps shall be placed one (1) foot from the chart. The school shall recommend for further examination those students who:

- (1) are unable to read the 20/40 line with either eye;
- (2) with one (1) eye can read a line that is two (2) or more lines higher or lower on the chart than the line that can be read with the other eye; or
- (3) are unable to read the 20/30 line at 14 inches using both eyes.

(c) To test for refractive error, a retinoscope with loose lenses or a lens bar shall be used. The child shall focus on an object at twenty (20) feet for distance vision of *[sic.]* 3/4 meter (29.53 inches) for near vision. A school corporation shall recommend for further examination a student who has:

- (1) refraction of +2.00 D or greater;
- (2) refraction of -1.00 or greater;
- (3) astigmatism of 1.00 D or greater;
- (4) anisometropia of 1.00 D or greater.

(d) To determine the external health of the eyes, the ocular adnexa, conjunctiva and cornea of the eyes shall be observed in a room with normal illumination and the illumination from a pen light.

(e) To determine the internal health of the eyes, the anterior chamber, iris, posterior chamber, lens, vitreous, optic nerve head, and retina shall be observed with a direct ophthalmoscope with rheostat, variable aperture and variable plus and minus lenses.

(f) Binocularity shall be tested respectively at twenty (20) feet (distance) and fourteen (14) inches (near). To test the binocularity of the eyes, any of the following equipment may be used:

- (1) A paddle occluder *[sic.]* to alternately cover the eyes while the opposite eye fixates on a target.
- (2) Plastic or glass prisms loose or in a bar or rotary pedestal to measure manifest or latent deviation.
- (3) Stereopsis targets with appropriate testing spectacles. Disparity shall be recorded in seconds of arc.
- (g) The school corporation shall recommend for further examination those students who demonstrate:
  - (1) a manifest deviation of any size;
  - (2) a latent deviation of 10 prism diopters of exodeviation;
  - (3) a latent deviation of 8 prism diopters of esodeviation; or
  - (4) a lack of stereo acuity.

(h)(1) The school administrator shall be responsible for assigning the best qualified person(s) in the school system or school health service for conducting, supervising, and assisting in eye screening.

(2) The school administration shall be responsible for obtaining the services of a licensed eye health care professional to conduct testing using the modified clinical technique (internal and external diseases of the eye, testing of refraction and binocularity using paddle occlusion test with prism measurement) for students upon first entrance into the school. (*Indiana State Board of Education; 511 IAC 4-2-1.1; filed Mar 24, 1988, 8:30 am: 11 IR 2861; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*) NOTE: This rule was promulgated jointly with the state board of health and also appears at 410 IAC 3-1.1.

#### **511 IAC 4-2-2 Lead poisoning testing**

Authority: IC 20-1-1-6

Affected: IC 20-8.1-7-15

Sec. 2. Lead Poisoning Test. Lead poisoning test methods shall include one or more of the following acceptable quantitative test procedures for screening or confirmatory purposes to determine the content of lead in blood, urine or other clinical specimen from human sources.

- (a) The acceptable quantitative test procedures for the detection of blood lead shall include the following methods: dithizone, colorimetric, atomic absorption spectrophotometric, emission spectroscopic, anodic stripping voltametric, fluorimetric test

for free erythrocyte porphyrins (indirect test for blood lead), or any other procedure shown to be accurate and reliable.

(b) Also acceptable is the quantitative test on urine to measure elevated urinary ALA (delta-aminolevulinic acid) as an indirect test for lead poisoning or any other accurate and reliable test on urine, specimens of hair or other clinical specimen from human sources.

*(Indiana State Board of Education; Rule H-1, Sec 1; filed Apr 10, 1974, 2:00 pm: Rules and Regs. 1975, p. 342; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: This rule was promulgated jointly with the state board of health and also appears at 410 IAC 3-2. NOTE: Transferred from the commission on general education (510 IAC 13-2-1) to the Indiana state board of education (511 IAC 4-2-2) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

#### **511 IAC 4-2-3 Sickle cell anemia testing**

Authority: IC 20-1-1-6

Affected: IC 20-8.1-7-14

Sec. 3. Sickle Cell Anemia. (a) The sickle cell anemia testing equipment shall be of a type generally recognized as suitable to provide accurate test results by one or more of the test procedures indicated in (c). The equipment may be of manual or automated design, subjected to whatever periodic preventive maintenance and quality control measures are necessary to assure satisfactory operation and accurate test results.

(b) The qualifications of the sickle cell anemia testing personnel shall indicate sufficient training and experience in the techniques of the tests employed to assure competency in operation of the testing equipment and accuracy in the test results obtained.

(c) The sickle cell anemia testing procedures shall consist of one or more test methods generally recognized as dependable and accurate for the detection of sickle cell anemia. The test procedures may be of manual or automated type. The screening tests and/or confirmatory tests recognized as useful include the sodium metabisulfite method, the solubility or dithionite-type tests, hemoglobin electrophoresis procedures, and other tests which detect sickle cell anemia. *(Indiana State Board of Education; Rule H-1, Sec 2; filed Apr 10, 1974, 2:00 pm: Rules and Regs. 1975, p. 342; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on general education (510 IAC 13-2-2) to the Indiana state board of education (511 IAC 4-2-3) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

#### **Rule 3. Food and Nutrition Programs (Repealed)**

*(Repealed by Indiana State Board of Education; filed Feb 9, 1999, 4:18 p.m.: 22 IR 1972)*

#### **Rule 4. Educational Service Centers**

##### **511 IAC 4-4-1 Purpose of centers**

Authority: IC 20-1-1-6

Affected: IC 20-1-11.3-1; IC 20-1-11.3-3

Sec. 1. Purpose. (A) The primary purpose for the establishment and operation of an educational service center shall be to perform educational planning on a cooperative basis and to assist in meeting specific educational needs in participating school districts which could be better provided by an educational service center than by the districts themselves.

(B) The educational service center shall assist in providing those educational programs and services which are determined pursuant to section 6 [511 IAC 4-4-6] to be priority needs of the cooperating group and shall assist in meeting special needs of individual school districts. *(Indiana State Board of Education; Rule SC-1, Sec 1; filed Jul 24, 1978, 9:20 am: 1 IR 569; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on general education (510 IAC 14-1-1) to the Indiana state board of education (511 IAC 4-4-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

##### **511 IAC 4-4-2 Membership units; establishment**

Authority: IC 20-1-1-6

Affected: IC 20-1-11.3-1; IC 20-1-11.3-3

Sec. 2. Establishment of Membership Units. (A) The following geographical areas are designated (by county) as membership



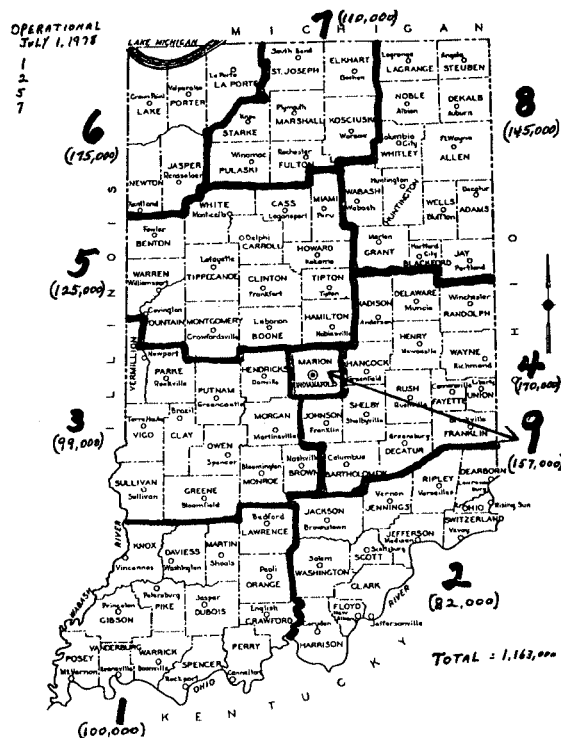
INDIANA STATE BOARD OF EDUCATION

units and are eligible to organize and operate an educational service center.

ESC 1	ESC 2	ESC 3	ESC 4	ESC 5	ESC 6	ESC 7	ESC 8	ESC 9
Crawford	Clark	Brown	Bartholomew	Benton	Jasper	Elkhart	Adams	Marion
Daviess	Dearborn	Clay	Decatur	Boone	Lake	Fulton	Allen	
DuBois	Floyd	Greene	Delaware	Carroll	LaPorte	Kosciusko	Blackford	
Gibson	Harrison	Hendricks	Fayette	Cass	Newton	Marshall	DeKalb	
Knox	Jackson	Monroe	Franklin	Clinton	Porter	Pulaski	Grant	
Lawrence	Jefferson	Morgan	Hancock	Fountain		St. Joseph	Huntington	
Martin	Jennings	Owen	Henry	Hamilton		Starke	Jay	
Orange	Ohio	Parke	Johnson	Howard			LaGrange	
Perry	Ripley	Putnam	Madison	Miami			Noble	
Pike	Scott	Sullivan	Randolph	Montgomery			Steuben	
Posey	Switzerland	Vermillion	Rush	Tippecanoe			Wabash	
Spencer	Washington	Vigo	Shelby	Tipton			Wells	
Vanderburg			Union	Warren			Whitley	
Warrick			Wayne	White				
*100,000	*82,000	*99,000	*170,000	*125,000	*175,000	*110,000	*145,000	*157,000

\*Approximate enrollment, 1976.

(B) The designated units, should they become operational, shall be termed Educational Service Centers, hereafter designated as ESC.



(Indiana State Board of Education; Rule SC-1, Sec 2; filed Jul 24, 1978, 9:20 am: 1 IR 569; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on general education (510 IAC 14-1-2) to the Indiana state board of education (511 IAC 4-4-2) by P.L.20-1984, SECTION 206, effective July 1, 1984.

**511 IAC 4-4-3 Organization; cooperative agreement**

Authority: IC 20-1-1-6; IC 20-1-11.3-1

Affected: IC 20-1-11.3

Sec. 3. (a) The initial organization of each ESC, after July 1, 1978, may occur upon petition to the Indiana state board of education by thirty percent (30%) of the local school corporations in any ESC membership unit identified previously in this section. The Indiana state board of education shall, upon receipt of such petition, invite representation from all public school districts whose central administration office is located within the petitioning ESC membership unit to a meeting wherein a plan for organization will be developed.

(b) For the purpose of planning, a committee composed of all superintendents whose employing corporation is within the ESC membership unit shall be created. Such committee shall select a chairman and secretary to serve throughout the planning and organizational period. The Indiana state board of education shall then assist in the necessary organizational activities for establishment of an ESC pursuant to IC 20-1-11.3.

(c) The organizational plan shall have as its focus a cooperative agreement to establish and maintain an ESC. This agreement shall address the following:

- (1) Governance.
- (2) Finance.
- (3) Fiscal responsibility.
- (4) Advisory council.
- (5) Fiscal and operating year.
- (6) Date of commencement.
- (7) Termination of agreement.
- (8) Amendments to agreement.
- (9) Any other topic deemed necessary by the participating school corporations.

The Indiana state board of education shall develop and make available a model agreement (contract).

(d) Within ninety (90) days after the signing of the initial cooperative agreement and by June 1 thereafter, the executive officer of the ESC shall submit to the Indiana state board of education and to each participating school corporation a plan that describes the objectives and procedures to be implemented in meeting:

- (1) the needs of the ESC;
- (2) the estimated cost of services and programs;
- (3) a needs assessment report; and
- (4) a procedure for evaluation.

(e) Requests from a school corporation to change its membership assignment must have the approval of the Indiana state board of education and the ESC that the corporation wishes to join. Notice shall be given to both ESCs affected and to the Indiana state board of education as follows:

- (1) If the change in membership assignment is proposed to take place at the beginning of a calendar year, notice shall be given no later than the first day of July preceding the change by eighteen (18) months.
- (2) If the change in membership assignment is proposed to take place at the beginning of a school year, notice shall be given by the first day of July preceding the change by twelve (12) months.

(f) The provisions of subsection (e) notwithstanding, a school corporation may change its membership assignment at any time if the change is approved by both ESCs affected. The change becomes effective when the Indiana state board of education is notified of the change. (*Indiana State Board of Education; Rule SC-1, Sec 3; filed Jul 24, 1978, 9:20 a.m.: 1 IR 572; filed Sep 24, 1997, 3:35 p.m.: 21 IR 380; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960*) NOTE: Transferred from the commission on general education (510 IAC 14-1-3) to the Indiana state board of education (511 IAC 4-4-3) by P.L.20-1984, SECTION 206, effective July 1, 1984.

**511 IAC 4-4-4 Membership; participation; services to nonpublic educational units**

Authority: IC 20-1-1-6

Affected: IC 20-1-11.3-1; IC 20-1-11.3-3

Sec. 4. (a) Participation in services and programs provided by an ESC shall be discretionary, and no school corporation shall be compelled under this authority to participate. Except as provided in section 3(e) of this rule, a school corporation may not be a member of any ESC other than provided for in section 2 of this rule. A school corporation may, however, receive services from another ESC either through a cooperative contractual agreement administered by the ESC of which the corporation is a member or by direct contractual arrangement between the school corporation and the other ESC. This nonmember arrangement is encouraged if an ESC is unable to provide the service and especially where it is more practical to provide it through this arrangement.

(b) Full membership in an ESC shall be limited to public school corporations of the state. A center may provide services to nonpublic schools to the extent allowed by law and in accordance with criteria established by the governing board for providing such services. Information regarding the organization of an ESC shall be disseminated to nonpublic schools located within the membership area. (*Indiana State Board of Education; Rule SC-1, Sec 4; filed Jul 24, 1978, 9:20 a.m.: 1 IR 572; filed Sep 24, 1997, 3:35 p.m.: 21 IR 381; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960*) NOTE: Transferred from the commission on general education (510 IAC 14-1-4) to the Indiana state board of education (511 IAC 4-4-4) by P.L.20-1984, SECTION 206, effective July 1, 1984.

**511 IAC 4-4-5 Governance; executive board; advisory council**

Authority: IC 20-1-1-6

Affected: IC 20-1-11.3

Sec. 5. Governance. (A) The management and control of an ESC shall be vested in a Governing Board, Executive Board, and Advisory Council. There shall be a Governing Board which shall be an assembly composed of the superintendent or designee from each participating school corporation. Members of the Governing Board shall serve without compensation. The Governing Board shall meet at least twice a year to:

- (1) select from its membership those persons who shall constitute the Executive Board;
- (2) review the terms of the educational service center agreement;
- (3) review the evaluation procedures and results to assure that the objectives and needs of the center are being met in an effective and economical manner;
- (4) consider and approve the center's budget and programs;
- (5) approve any changes in the operational procedures for the following year.

(B) There shall be an Executive Board composed of an uneven number of members. The number of members shall be not less than five nor more than eleven. At the initial selection of an Executive Board the following procedure shall determine the length of term for each member:

- (1) If a five member Executive Board is desired, the first three members selected shall serve for a two year term; the next two members chosen shall serve a three year term.
- (2) If a seven member Executive Board is desired, the first four members selected shall serve a two year term; the next three members chosen shall serve a three year term.
- (3) If a nine member Executive Board is desired, the first five members selected shall serve for a two year term; the next four members chosen shall serve a three year term.
- (4) If an eleven member Executive Board is desired, the first six members selected shall serve for a two year term; the next five members chosen shall serve a three year term.

After the terms of the initial selection expire, all Executive Board members shall be selected to serve a term of two years beginning July 1 next following their selection. Vacancies shall be filled by appointment by the remaining members of the board. The officers of the Executive Board shall include a chairman, vice chairman, and secretary. The Executive Board shall:

- (1) arrange for the appointment and maintenance of an Advisory Council and meet with that group at least quarterly;
- (2) determine the policies and procedures for the general operation of the center in accordance with the plan approved for the center under Section 3 [511 IAC 4-4-3];
- (3) establish and maintain such services and programs which it deems proper and in accordance with the plan approved for the center under Section 3 [511 IAC 4-4-3];
- (4) review and evaluate periodically the process and development of the existing services and programs;
- (5) submit evaluation reports to the Governing Board, the Advisory Council, and by October 1 of the year following the school year the programs and services were provided, an annual evaluation report to the State Board of Education;

- (6) authorize the purchase of supplies and equipment as it deems necessary to carry out the functions of the center;
- (7) establish criteria to bill each participating school corporation for services rendered by the center;
- (8) employ an Executive Director who shall operate the center in accordance with the provisions of this Rule and who shall be certified by the Division of Teacher Licensing and Certification;
- (9) employ such other personnel as it deems necessary to carry out the functions of the center; such personnel to be certified as required by the Division of Teacher Licensing and Certification;
- (10) consider the budget and the services and program recommendations of the Executive Director and submit its findings annually to the Governing Board by May 15;
- (11) do and perform all other things which it deems proper for the successful operation of the center.

(C) There shall be an Advisory Council to the Executive Board of each ESC. Provisions shall be made for representation of an equal number of teachers, principals, members of the governing body of a school corporation, parents, and students. The Advisory Council may organize and meet at least quarterly with the Executive Board to provide input on matters relating to planning, operation, and evaluation of the center. (*Indiana State Board of Education; Rule SC-1, Sec 5; filed Jul 24, 1978, 9:20 am: 1 IR 572; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*) NOTE: Transferred from the commission on general education (510 IAC 14-1-5) to the Indiana state board of education (511 IAC 4-4-5) by P.L.20-1984, SECTION 206, effective July 1, 1984.

**511 IAC 4-4-6 Programs and services; coordination**

Authority: IC 20-1-1-6

Affected: IC 20-1-11.3-1; IC 20-1-11.3-3

Sec. 6. Programs and Services. (A) Pursuant to Section 5 [511 IAC 4-4-5], the Executive Board shall submit annually a plan to the school corporations within the ESC. This plan shall identify the services and programs which are suggested for implementation by the ESC during the following school year and shall contain components for long range planning. This plan, on approval of the Governing Board, shall be forwarded to the State Board of Education by June 1.

(B) The State Board of Education may review the proposed plan for the purposes of coordinating:

- (1) long range planning with other ESC's;
- (2) needs assessment report and suggested programs;
- (3) research, development, and dissemination.

(C) These programs and services may include, but are not limited to, the following:

- (1) curriculum development
- (2) pupil personnel services
- (3) in-service education
- (4) instructional materials and multi-media services
- (5) purchasing and financial management
- (6) needs assessment
- (7) computer utilization
- (8) research and development.

(*Indiana State Board of Education; Rule SC-1, Sec 6; filed Jul 24, 1978, 9:20 am: 1 IR 573; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*) NOTE: Transferred from the commission on general education (510 IAC 14-1-6) to the Indiana state board of education (511 IAC 4-4-6) by P.L.20-1984, SECTION 206, effective July 1, 1984.

**511 IAC 4-4-7 Fiscal responsibility; administration costs; withdrawal of corporation; financial support**

Authority: IC 20-1-1-6; IC 20-1-11.3

Affected: IC 20-1-11.3; IC 21-3-1.6-1.1

Sec. 7. (a) An educational service center may either be attached to a participating school corporation which shall administer the fiscal responsibility and be the fiscal agent for the center, or it may establish a separate treasury with separate accounts. When an educational service center is not attached to a participating school corporation, it shall comply with the state board of accounts' approved forms and rules for fiscal accountability and be subject to audit by the state board of accounts.

(b) The following shall apply if an educational service center is attached to a participating school corporation:

- (1) That corporation shall be selected by the governing board at the same time as selections are made for the executive board. The corporation must agree to serve as fiscal agent for the educational service center.
- (2) The superintendent of the selected school corporation shall be a member of the executive board of the educational service center.
- (3) The selected school corporation shall receive, maintain, and disburse all funds of the center in accordance with the laws of Indiana and the organizational agreement (contract). The school corporation shall be responsible for the following:
  - (A) Budget management and accounting.
  - (B) Purchasing supplies and equipment approved by the center's executive board.
  - (C) Entering into contractual agreements approved by the center's executive [sic.] board.
  - (D) Billing for services rendered, in accordance with the criteria established by the center's executive board under section 5 of this rule.
  - (E) Applying for state and federal grants approved by the center's executive board.
  - (F) Filing documents and assurances required by the state and federal governments.
  - (G) Contracting for the employment of an executive director, who shall be chosen by the center's executive board.
  - (H) Contracting for the employment of other personnel approved by the center's executive board.

The actual cost of administering the educational center shall be determined collectively by the executive board of the center and the board of school trustees of the administering school corporations. The mutually agreed upon cost shall be paid to the administering school corporation.

- (c) The fiscal and operating year of each educational service center shall be determined by its executive board.

(d) A participating school corporation that does not wish to continue as a member of the center during the succeeding year shall submit written notice of its intent to the executive board by February 1 of the year in which it wishes to terminate membership. A withdrawing corporation shall be liable for its pro rata share of the center's budget, as approved under section 5 of this rule, for the fiscal year in which termination occurs.

(e) An educational service center which has been approved by the state board of education is eligible to receive monies appropriated by the Indiana general assembly as well as any other funds, federal, donated, or from other local sources, as may be available. In addition to any of the above sources, each participating school corporation shall pay a stipulated sum per student, based upon the kindergarten through grade 12 ADM (with kindergarten pupils counted as one-half (1/2) ADM) as reported for tuition support calculation purposes as defined in IC 21-3-1.6-1.1. The stipulated sum shall be determined under section 5 of this rule. (*Indiana State Board of Education; Rule SC-1, Sec 7; filed Jul 24, 1978, 9:20 a.m.: 1 IR 573; filed Mar 28, 1991, 11:00 a.m.: 14 IR 1625; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*) NOTE: Transferred from the commission on general education (510 IAC 14-1-7) to the Indiana state board of education (511 IAC 4-4-7) by P.L.20-1984, SECTION 206, effective July 1, 1984.

**Rule 5. Extended School Services; Adult Education Classes (Repealed)**

(*Repealed by Indiana State Board of Education; filed Oct 22, 1985, 8:35 am: 9 IR 513*)

**Rule 6. Extended School Services; High School Summer Classes (Repealed)**

(*Repealed by Indiana State Board of Education; filed Dec 2, 1987, 11:15 am: 11 IR 1268*)

**Rule 7. Extended School Services; Elementary Summer School (Repealed)**

(*Repealed by Indiana State Board of Education; filed Dec 2, 1987, 11:15 am: 11 IR 1268*)

**ARTICLE 5. ACHIEVEMENT TESTS**

**Rule 1. Achievement on Tests of General Educational Development**

**511 IAC 5-1-1 Definitions**

Authority: IC 20-10.1-12.1-3

Affected: IC 20-8.1-3-17; IC 20-10.1-12.1-1

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "State of Indiana general educational development (GED) diploma" means the state credential issued to a qualified applicant who meets the requirements of IC 20-10.1-12.1-1 and this rule.

(c) "Tests of general educational development" or "GED" means the test battery, published by the General Educational Development Testing Service of the American Council on Education, which is designed to:

- (1) measure the major outcomes and concepts generally associated with four (4) years of high school education; and
- (2) assess high school graduation equivalency for individuals who did not complete a formal high school program of instruction.

(d) "GED practice test" means an instrument that is acknowledged to provide information regarding the potential of a person to pass the GED.

(e) "Compulsory school attendance" means the requirements of IC 20-8.1-3-17.

(f) "Exit interview" means the process described in IC 20-8.1-3-17(b)(2).

(g) "School corporation" means any public school corporation established by and under the laws of Indiana. The term includes, but is not necessarily limited to, any:

- (1) school city;
- (2) school town;
- (3) school township;
- (4) consolidated school corporation;
- (5) metropolitan school district;
- (6) township school corporation;
- (7) county school corporation;
- (8) united school corporation; or
- (9) community school corporation.

*(Indiana State Board of Education; 511 IAC 5-1-1; filed Feb 13, 1980, 11:30 a.m.: 3 IR 328; filed Oct 26, 1983, 9:11 a.m.: 7 IR 45; filed Feb 13, 1989, 9:30 a.m.: 12 IR 1507; filed Oct 10, 1997, 10:20 a.m.: 21 IR 382; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960) NOTE: Transferred from the commission on general education (510 IAC 10-1.1-1) to the Indiana state board of education (511 IAC 5-1-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

#### **511 IAC 5-1-2 Minimum standards**

Authority: IC 20-10.1-12.1-3

Affected: IC 20-10.1-12.1

Sec. 2. (a) An applicant for a state of Indiana general educational development (GED) diploma must meet the requirements of this section and qualify within one (1) of the following categories:

- (1) Be at least eighteen (18) years of age.
- (2) Be at least seventeen (17) years of age and:
  - (A) not be subject to compulsory attendance;
  - (B) provide documentation of completing the exit interview process; and
  - (C) provide documentation of receiving a passing score on the GED practice test.

(b) An applicant for a state of Indiana general educational development (GED) diploma must have resided in Indiana a minimum of thirty (30) days immediately preceding the date of testing.

(c) An applicant for a state of Indiana general educational development (GED) diploma must provide the testing center with identification that includes the applicant's photograph.

(d) An applicant for a state of Indiana general educational development (GED) diploma must provide the testing center with proof of age.

(e) An applicant for a state of Indiana general educational development (GED) diploma must obtain:

- (1) a minimum standard score of four hundred ten (410) on each of the five (5) tests included in the GED test battery;
- (2) a minimum average standard score of four hundred fifty (450) on all five (5) tests; and
- (3) a minimum of two thousand two hundred fifty (2,250) standard score points.

*(Indiana State Board of Education; 511 IAC 5-1-2; filed Feb 13, 1980, 11:30 a.m.: 3 IR 329; filed Oct 26, 1983, 9:11 a.m.: 7 IR 46; filed Oct 10, 1997, 10:20 a.m.: 21 IR 382; filed Oct 24, 2002, 2:40 p.m.: 26 IR 786) NOTE: Transferred from the commission*

*on general education (510 IAC 10-1.1-2) to the Indiana state board of education (511 IAC 5-1-2) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**511 IAC 5-1-3 Authority to grant diploma**

Authority: IC 20-10.1-12.1-3

Affected: IC 20-10.1-12.1

Sec. 3. The department of education will grant the state of Indiana general educational development (GED) diploma on the basis of official GED test results, provided the requirements of section 2 of this rule are met. A school corporation or accredited nonpublic school has the option of issuing a GED diploma. *(Indiana State Board of Education; 511 IAC 5-1-3; filed Feb 13, 1980, 11:30 a.m.: 3 IR 329; filed Feb 13, 1989, 9:30 a.m.: 12 IR 1507; filed Oct 10, 1997, 10:20 a.m.: 21 IR 383; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960) NOTE: Transferred from the commission on general education (510 IAC 10-1.1-3) to the Indiana state board of education (511 IAC 5-1-3) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**511 IAC 5-1-3.5 Honors diploma**

Authority: IC 20-10.1-12.1-3

Affected: IC 20-10.1-12.1

Sec. 3.5. The department of education will grant the state of Indiana general educational development (GED) honors diploma to an applicant whose overall average standard score is six hundred twenty (620) or higher, provided the requirements of section 2 of this rule are met. A school corporation or accredited nonpublic school has the option of issuing a GED honors diploma. *(Indiana State Board of Education; 511 IAC 5-1-3.5; filed Oct 10, 1997, 10:20 a.m.: 21 IR 383; filed Oct 24, 2002, 2:40 p.m.: 26 IR 787)*

**511 IAC 5-1-4 Testing centers and procedures**

Authority: IC 20-10.1-12.1-3

Affected: IC 20-10.1-12.1

Sec. 4. (a) The department of education shall:

- (1) determine the number and the location of official GED testing centers in Indiana based on the need for services;
- (2) designate a local chief examiner to administer the GED tests at each of the centers; and
- (3) establish a maximum fee for the testing services.

(b) Testing must be conducted under conditions that ensure a minimum of distraction, prevent cheating, and provide test security.

(c) Each official GED testing center shall provide the department of education with a report of testing schedules throughout the year and adhere to all procedures related to administration and centralized scoring of GED tests.

(d) Each official GED testing center shall be responsible for providing the department of public instruction with:

- (1) a report of test scores for each applicant who tests in the center; and
- (2) a report of testing schedules throughout the year.

*(Indiana State Board of Education; 511 IAC 5-1-4; filed Feb 13, 1980, 11:30 a.m.: 3 IR 329; filed Oct 26, 1983, 9:11 a.m.: 7 IR 46; filed Oct 10, 1997, 10:20 a.m.: 21 IR 383; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960) NOTE: Transferred from the commission on general education (510 IAC 10-1.1-4) to the Indiana state board of education (511 IAC 5-1-4) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**511 IAC 5-1-4.5 Time limit**

Authority: IC 20-10.1-12.1-3

Affected: IC 20-10.1-12.1

Sec. 4.5. An applicant must complete all five (5) tests in the GED test battery within thirty-five (35) days. If an applicant does not meet this requirement, the test administration is incomplete. Scores from incomplete test administrations are not reported or used to determine retesting requirements under section 6 of this rule. *(Indiana State Board of Education; 511 IAC 5-1-4.5; filed Oct 10,*

1997, 10:20 a.m.: 21 IR 384; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960)

**511 IAC 5-1-5 Report of test results**

Authority: IC 20-10.1-12.1-3

Affected: IC 20-10.1-12.1

Sec. 5. (a) The department of education shall provide an official report of test results (GEDTS Form 30) to the local chief examiner who shall distribute reports to applicants and to a reasonable number of other persons, institutions, or agencies designated by applicants.

(b) Each official report of test results must state:

(1) the applicant's standard score for each test;

(2) the applicant's average standard score for all five (5) tests; and

(3) the following statement: "Satisfactory achievement on the high school level of the Tests of General Educational Development shall be a standard score of four hundred ten (410) or more on each of the five (5) tests in the battery and an average standard score of four hundred fifty (450) or more on all five (5) tests of the battery."

*(Indiana State Board of Education; 511 IAC 5-1-5; filed Feb 13, 1980, 11:30 a.m.: 3 IR 329; filed Oct 10, 1997, 10:20 a.m.: 21 IR 384; filed Oct 24, 2002, 2:40 p.m.: 26 IR 787) NOTE: Transferred from the commission on general education (510 IAC 10-1.1-5) to the Indiana state board of education (511 IAC 5-1-5) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**511 IAC 5-1-6 Retesting**

Authority: IC 20-10.1-12.1-3

Affected: IC 20-10.1-12.1

Sec. 6. (a) An applicant who achieves a total standard score of at least two thousand one hundred fifty (2,150) points but less than two thousand two hundred fifty (2,250) points must wait at least thirty (30) days after completion of the last test in the original battery to be eligible for retesting.

(b) An applicant who achieves a total standard score of two thousand one hundred forty (2,140) points or below must wait at least ninety (90) days after completion of the last test in the original battery to be eligible for retesting.

(c) An applicant who does not achieve the minimum standard score of two thousand two hundred fifty (2,250) points as a result of the first retesting must wait at least one hundred eighty (180) days to be eligible for all subsequent retesting.

(d) An applicant whose scores are determined to be incomplete must wait at least thirty (30) days to be eligible for retesting.  
*(Indiana State Board of Education; 511 IAC 5-1-6; filed Feb 13, 1980, 11:30 a.m.: 3 IR 330; filed Oct 10, 1997, 10:20 a.m.: 21 IR 384; filed Oct 24, 2002, 2:40 p.m.: 26 IR 787) NOTE: Transferred from the commission on general education (510 IAC 10-1.1-6) to the Indiana state board of education (511 IAC 5-1-6) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**Rule 2. Indiana Statewide Testing for Educational Progress (ISTEP) Program**

**511 IAC 5-2-1 Definitions**

Authority: IC 20-1-1-6; IC 20-10.1-16-5; IC 20-10.1-16-10

Affected: IC 20-1-1.2; IC 20-1-1.3; IC 20-10.1-17

Sec. 1. (a) "ISTEP" refers to the Indiana statewide testing for educational progress test consisting of the following components:

(1) A criterion-referenced test in English/language arts and mathematics for grades 3, 6, 8, and 10.

(2) A standardized, norm-referenced test in the subject areas of English/language arts and mathematics for grades 3, 6, 8, and 10. Beginning with the 2000-2001 school year, a school corporation or accredited nonpublic school may administer, but is not required to administer, the norm-referenced test in grade 10. Beginning with the 2001-2002 school year, a school corporation or accredited nonpublic school may administer, but is not required to administer, the norm-referenced test in grades 3, 6, and 8. If a school corporation or accredited nonpublic school administers the norm-referenced test, the state shall pay the cost of administering the norm-referenced test.



(3) A cognitive abilities test for grades 3, 6, 8, and 10. Beginning with the 2000-2001 school year, a school corporation or accredited nonpublic school may administer, but is not required to administer, the cognitive abilities test. If a school corporation or accredited nonpublic school administers the cognitive abilities test, the state shall pay the cost of administering the cognitive abilities test.

(4) Beginning in the 2002-2003 school year, tests in science.

(5) Beginning in the 2003-2004 school year, tests in social studies.

(b) "Academic standards" refers to the skills and knowledge base expected of a student at a particular grade level for a particular subject area.

(c) "Student" means any individual enrolled in a school corporation or accredited nonpublic school. (*Indiana State Board of Education; 511 IAC 5-2-1; filed May 4, 1988, 8:40 a.m.: 11 IR 3037; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Dec 2, 2001, 12:22 p.m.: 25 IR 1147*)

### **511 IAC 5-2-2 Purpose**

Authority: IC 20-1-1-6; IC 20-10.1-16-10

Affected: IC 20-1-1.2; IC 20-1-1.3; IC 20-10.1-16; IC 20-10.1-17

Sec. 2. The purposes of the ISTEP program are as follows:

(1) To assess the strengths and weaknesses of school performance.

(2) To assess the effects of state and local educational programs.

(3) To compare achievement of Indiana students to achievement of students on a national basis.

(4) To provide a source of information to be utilized in state and local educational decisions including, but not limited to:

(A) overall academic progress of students;

(B) need for new or revised educational programs;

(C) need to terminate existing educational programs;

(D) student readiness for postsecondary school experiences;

(E) curriculum development and revision;

(F) identification of students needing remediation under 511 IAC 12-4 [*511 IAC 12-4 was repealed filed Feb 9, 1999, 4:18 p.m.: 22 IR 1972.*];

(G) diagnosing individual student needs; and

(H) teacher training and staff development activities.

(*Indiana State Board of Education; 511 IAC 5-2-2; filed May 4, 1988, 8:40 am: 11 IR 3037; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

### **511 IAC 5-2-3 Applicability**

Authority: IC 20-1-1-6; IC 20-10.1-16-5; IC 20-10.1-16-10

Affected: IC 20-1-1.2; IC 20-1-1.3; IC 20-10.1-17

Sec. 3. (a) Any nonpublic school seeking accreditation and all school corporations shall administer the ISTEP criterion-referenced test to each student in grades 3, 6, 8, and 10.

(b) A student with a disability under 511 IAC 7 shall participate in the ISTEP program as required by federal law.

(c) A student whose primary language is other than English and who is a student with limited English proficiency shall participate in the ISTEP program as required by federal law.

(d) The building principal must document the exemption of a student from participation in the ISTEP program in the student's permanent educational record. For a student under subsection (b), the student's participation must be included in the student's IEP as defined under 511 IAC 7. (*Indiana State Board of Education; 511 IAC 5-2-3; filed May 4, 1988, 8:40 a.m.: 11 IR 3037; filed Nov 13, 2000, 8:01 a.m.: 24 IR 994; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Dec 2, 2001, 12:22 p.m.: 25 IR 1148; filed Jun 17, 2003, 9:30 a.m.: 26 IR 3645*)

**511 IAC 5-2-4 Accommodations**

Authority: IC 20-1-1-6; IC 20-10.1-16-10

Affected: IC 20-1-1.2; IC 20-1-1.3; IC 20-1-6; IC 20-10.1-16; IC 20-10.1-17

Sec. 4. (a) The case conference committee may determine that a testing accommodation is necessary for a student, who is a student with a disability under 511 IAC 7, to take the test. The accommodation must be documented in the student's individualized education program as defined in 511 IAC 7, the student's permanent educational record, and on the appropriate ISTEP document.

(b) For a student who has an unusual condition that significantly impairs the student's ability to take the test, but to whom subsection (a) does not apply, the building principal or principal's designee shall ensure that determinations about testing accommodations are made. Examples of these conditions range from temporary disabling conditions, such as a broken arm, to chronic conditions that affect motor ability, such as cerebral palsy. The accommodation must be documented in the student's permanent educational record and on the appropriate ISTEP document.

(c) The building principal or principal's designee may determine that a testing accommodation is necessary for a student whose primary language is a language other than English and who is a student with limited English proficiency. The accommodation must be documented in the student's permanent educational record and on the appropriate ISTEP document.

(d) Subject to the requirements of federal law, IC 20-1-6, and the ISTEP program manual, testing accommodations include, but are not limited to:

- (1) adaptive equipment;
- (2) braille;
- (3) increased testing time;
- (4) large print; and
- (5) a test assistant to fill in the answers indicated by the student on the answer document.

*(Indiana State Board of Education; 511 IAC 5-2-4; filed May 4, 1988, 8:40 a.m.: 11 IR 3038; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Dec 2, 2001, 12:30 p.m.: 25 IR 1147; filed Jun 17, 2003, 9:30 a.m.: 26 IR 3645)*

**511 IAC 5-2-5 Responsibilities**

Authority: IC 20-1-1-6; IC 20-10.1-16-10

Affected: IC 20-1-1.2; IC 20-1-1.3; IC 20-10.1-16; IC 20-10.1-17

Sec. 5. (a) The state board of education shall, on or before March 1, set the achievement standards for English/language arts and mathematics for each of the grade levels participating in the ISTEP program.

(b) The department of education shall perform the following:

(1) Develop proficiency statements for the following subject areas:

- (A) English/language arts;
- (B) mathematics;
- (C) social studies;
- (D) science.

(2) Develop design specifications for the ISTEP program which must:

- (A) take into account the state educational proficiency statements; and
- (B) include testing of students' higher level cognitive thinking in each subject area tested.

(3) On or before January 1, announce at a public meeting of the board the dates of:

- (A) test administration;
- (B) test pick-up from the school corporation for scoring;
- (C) test results returned to the department of education;
- (D) test results returned to the school corporation; and
- (E) writing sample results returned to the school corporation.

(4) Develop an ISTEP program manual to assist in the understanding and administration of the testing program; and

(5) Provide workshops to assist in the interpretation of ISTEP results.

(c) The school corporation shall perform the following:

(1) Report to the department the number of students enrolled in the school corporation by grade level who did not take the

test and the reasons for not taking the test.

(2) Compile the aggregate results of the ISTEP tests in a manner that permits evaluation of the learning progress within the corporation.

(3) Make the compilation of test results available for public inspection.

(4) Provide the compilation of test results to the parent or guardian of each student tested under the ISTEP program.

(5) Provide ISTEP program test results on a school by school basis to the department upon request.

(6) Provide each student tested and the parent or guardian of each student tested with the student's ISTEP scores.

(7) Maintain confidentiality of individual student ISTEP scores as required under federal and state law.

*(Indiana State Board of Education; 511 IAC 5-2-5; filed May 4, 1988, 8:40 am: 11 IR 3038; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

#### **511 IAC 5-2-6 Private schools**

Authority: IC 20-1-1-6; IC 20-10.1-16-10

Affected: IC 20-1-1.2; IC 20-1-1.3; IC 20-10.1-16; IC 20-10.1-17

Sec. 6. A private school seeking accreditation by the board must, at its own expense:

(1) contract for the purchase of the ISTEP program tests;

(2) administer the ISTEP program tests to its students;

(3) contract for scoring reports approved by the department;

(4) make ISTEP test results available to the department; and

(5) comply with the testing calendar established by the department under 511 IAC 5-2-5(b)(3).

*(Indiana State Board of Education; 511 IAC 5-2-6; filed May 4, 1988, 8:40 am: 11 IR 3039; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

### **Rule 3. Graduation Examination**

#### **511 IAC 5-3-1 Definitions**

Authority: IC 20-1-1-6; IC 20-10.1-16-10

Affected: IC 20-10.1-16-13

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Attendance rate" means the number of instructional days a student is present divided by the number of instructional days provided by the school during a specific period. Exceptions to compulsory attendance and excused absences shall be included as instructional days present for the purpose of this calculation.

(c) "Board" means the Indiana state board of education.

(d) "Educational proficiency standard" means the knowledge and skills that are:

(1) expected of a student for a particular subject area; and

(2) demonstrated by achieving a passing score on the graduation examination.

(e) "Graduation examination" means the test designated by the board under the ISTEP program which each student, beginning with the class of students who expect to graduate during the 1999-2000 school year, must pass to be eligible to graduate.

(f) "Principal" means a properly certified person who is assigned as the chief administrative officer of the school where the student attends.

(g) "Student" means any individual enrolled in a school accredited or approved by the board.

(h) "Subject area" means an academic course of study for which the department of education has developed educational proficiency statements and which the board has included in the graduation examination.

(i) "Teacher" means a properly certified, licensed person assigned to instruction of a student in a subject area. *(Indiana State Board of Education; 511 IAC 5-3-1; filed Aug 20, 1997, 3:20 p.m.: 21 IR 82; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960)*

**511 IAC 5-3-2 Completion of Core 40**

Authority: IC 20-1-1-6; IC 20-10.1-16-10

Affected: IC 20-10.1-5.7-1; IC 20-10.1-16-13

Sec. 2. A student who does not receive a passing score on the graduation examination may be eligible to graduate if the principal of the school the student attends certifies that the student will within one (1) month of the student's scheduled graduation date complete all components of the Core 40 curriculum established under IC 20-10.1-5.7-1 with a grade of "C" or higher in all required and directed elective courses. (*Indiana State Board of Education; 511 IAC 5-3-2; filed Aug 20, 1997, 3:20 p.m.: 21 IR 82; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960*)

**511 IAC 5-3-3 Appeal of graduation examination results (Repealed)**

Sec. 3. (*Repealed by Indiana State Board of Education; filed Mar 27, 2000, 9:04 a.m.: 23 IR 2000*)

**511 IAC 5-3-4 Definition of grade 10**

Authority: IC 20-1-1-6; IC 20-10.1-16-10

Affected: IC 20-10.1-16-13

Sec. 4. (a) A student is considered to be in grade 10 for purposes of initially taking the graduation examination if the student meets any one (1) of the following criteria prior to an administration of the graduation examination:

(1) The student has been enrolled in high school during a majority of each of:

(A) two (2) semesters; or

(B) three (3) trimesters.

(2) The student has earned at least ten (10) credits that apply toward high school graduation.

(3) The student meets the definition of grade 10 that has been adopted by the student's school for determining class standing.

(b) If a student is considered to be in grade 10 under the definition in subsection (a)(1), but is not considered to be in grade 10 under the definitions in subsection (a)(2) or subsection (a)(3), the student's school may delay the initial administration of the graduation examination for no more than one (1) year for the student if all of the following criteria are met:

(1) The student's parent agrees to the delay.

(2) The school, in consultation with the student's parent, has developed an educational program specifically for the student.

(3) The educational program will take more than four (4) years for the student to complete.

(4) The educational program includes:

(A) a written plan for the school to make available to the student the courses necessary for the student to:

(i) demonstrate the academic standard measured by the graduation examination; and

(ii) earn a high school diploma; and

(B) other provisions, as determined by the school.

(c) The definitions in subsection (a)(1) and subsection (a)(2) determine when a student will initially take the graduation examination. The definitions are not synonymous with class standing. (*Indiana State Board of Education; 511 IAC 5-3-4; filed Mar 27, 2000, 9:04 a.m.: 23 IR 2000*)

**Rule 4. National and International Assessments****511 IAC 5-4-1 National assessment for educational progress**

Authority: IC 20-10.1-16-15

Affected: IC 20-10.1-16

Sec. 1. Public schools and accredited nonpublic schools shall participate, if selected, in national assessment of educational progress testing. (*Indiana State Board of Education; 511 IAC 5-4-1; filed Jun 21, 2001, 3:09 p.m.: 24 IR 3650*)

**511 IAC 5-4-2 International mathematics and science study**

Authority: IC 20-10.1-16-15

Affected: IC 20-10.1-16

Sec. 2. Public schools and accredited nonpublic schools shall participate, if selected, in international mathematics and science study testing. (*Indiana State Board of Education; 511 IAC 5-4-2; filed Jun 21, 2001, 3:09 p.m.: 24 IR 3650*)

**ARTICLE 6. CURRICULUM; REQUIREMENTS FOR COMMISSIONED SCHOOLS**

**Rule 1. Curriculum**

**511 IAC 6-1-1 Definitions (Repealed)**

Sec. 1. (*Repealed by Indiana State Board of Education; filed Feb 9, 1999, 4:18 p.m.: 22 IR 1972*)

**511 IAC 6-1-2 Curriculum guidelines (Repealed)**

Sec. 2. (*Repealed by Indiana State Board of Education; filed Aug 29, 1985, 8:38 am: 9 IR 32*)

**511 IAC 6-1-2.1 General principles (Repealed)**

Sec. 2.1. (*Repealed by Indiana State Board of Education; filed Dec 22, 1992, 5:00 p.m.: 16 IR 1388, eff Jul 1, 1993*)

**Rule 2. Requirements for Certified, Commissioned Schools**

**511 IAC 6-2-1 Certification recommendation report; minimum standards (Repealed)**

Sec. 1. (*Repealed by Indiana State Board of Education; filed Feb 20, 2002, 9:43 a.m.: 25 IR 2239*)

**511 IAC 6-2-1.1 Instructional time; minimum requirements (Repealed)**

Sec. 1.1. (*Repealed by Indiana State Board of Education; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1193*)

**511 IAC 6-2-2 Kindergarten curriculum (Repealed)**

Sec. 2. (*Repealed by Indiana State Board of Education; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1193*)

**511 IAC 6-2-3 Elementary school curriculum (Repealed)**

Sec. 3. (*Repealed by Indiana State Board of Education; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1193*)

**511 IAC 6-2-4 Middle/junior high school curriculum (Repealed)**

Sec. 4. (*Repealed by Indiana State Board of Education; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1193*)

**511 IAC 6-2-5 High school curriculum (Repealed)**

Sec. 5. (*Repealed by Indiana State Board of Education; filed Nov 8, 1990, 3:05 p.m.: 14 IR 663*)

**Rule 3. Requirements for Continuous, Commissioned Schools (Repealed)**

*(Repealed by Indiana State Board of Education; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1193)*

**Rule 4. Requirements for First Class, Commissioned Schools (Repealed)**

*(Repealed by Indiana State Board of Education; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1193)*

**Rule 5. Requirements for Special First Class, Commissioned Schools**

**511 IAC 6-5-1 Minimum standards (Repealed)**

Sec. 1. *(Repealed by Indiana State Board of Education; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1193)*

**511 IAC 6-5-2 Kindergarten curriculum (Repealed)**

Sec. 2. *(Repealed by Indiana State Board of Education; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1193)*

**511 IAC 6-5-3 Elementary school curriculum (Repealed)**

Sec. 3. *(Repealed by Indiana State Board of Education; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1193)*

**511 IAC 6-5-4 Middle/junior high school curriculum (Repealed)**

Sec. 4. *(Repealed by Indiana State Board of Education; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1193)*

**511 IAC 6-5-5 High school curriculum (Repealed)**

Sec. 5. *(Repealed by Indiana State Board of Education; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1193)*

**511 IAC 6-5-6 Private nursery schools and kindergartens; certification (Repealed)**

Sec. 6. *(Repealed by Indiana State Board of Education; filed Feb 9, 1999, 4:18 p.m.: 22 IR 1972)*

**Rule 6. Driver Education**

**511 IAC 6-6-1 Type of instruction; laboratory phase**

Authority: IC 20-1-1-6

Affected: IC 20-1-1-6

Sec. 1. Driver and traffic safety education at the secondary level consist of classroom and laboratory phases. The laboratory phase is construed to mean on-street instruction in a dual-controlled, DPI approved vehicle and/or on an approved driving range, and/or instruction in a simulator as provided in Section 7 of this Rule [511 IAC 6-6-7]. *(Indiana State Board of Education; Rule D, Sec 1; filed May 8, 1978, 3:21 pm: Rules and Regs. 1979, p. 114; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on general education (510 IAC 5-1-1) to the Indiana state board of education (511 IAC 6-6-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**511 IAC 6-6-2 Separate subject; availability**

Authority: IC 20-1-1-6

Affected: IC 20-1-1-6

Sec. 2. The Driver Education course shall be taught as a separate subject and made available to all youths of licensing age. *(Indiana State Board of Education; Rule D, Sec 2; filed May 8, 1978, 3:21 pm: Rules and Regs. 1979, p. 114; readopted filed Oct*

12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on general education (510 IAC 5-1-2) to the Indiana state board of education (511 IAC 6-6-2) by P.L.20-1984, SECTION 206, effective July 1, 1984.

**511 IAC 6-6-3 Full semester credit**

Authority: IC 20-1-1-6

Affected: IC 20-1-1-6

Sec. 3. A maximum of one credit may be granted to those high school students who satisfactorily complete the equivalent of a full semester of supervised instruction in keeping with the requirements of Rule C-1, 5, A, 2 [511 IAC 6-2-5 was repealed filed Nov 8, 1990, 3:05 p.m.: 14 IR 663.], for laboratory courses; or the requirements set forth in Rule E-2, 5 [511 IAC 4-6-5 was repealed filed Dec 2, 1987, 11:15 a.m.: 11 IR 1268.]. Student experience shall include a minimum of six (6) hours behind-the-wheel and twelve (12) hours of in-car observation and meet all other standards of Section 5 of this Rule [511 IAC 6-6-5]. (Indiana State Board of Education; Rule D, Sec 3; filed May 8, 1978, 3:21 pm: Rules and Regs. 1979, p. 114; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on general education (510 IAC 5-1-3) to the Indiana state board of education (511 IAC 6-6-3) by P.L.20-1984, SECTION 206, effective July 1, 1984.

**511 IAC 6-6-4 Half semester credit**

Authority: IC 20-1-1-6

Affected: IC 20-1-1-6

Sec. 4. A maximum of 1/2 credit may be granted to those high school students who satisfactorily complete the equivalent of one-half semester of supervised instruction in keeping with the requirements of Rule C-1, 5, A, 2 [511 IAC 6-2-5 was repealed filed Nov 8, 1990, 3:05 p.m.: 14 IR 663.]. Student experiences will include a minimum of six (6) hours behind-the-wheel and twelve (12) hours of in-car observation and meet all other standards of Section 5 of this Rule [511 IAC 6-6-5]. (Indiana State Board of Education; Rule D, Sec 4; filed May 8, 1978, 3:21 pm: Rules and Regs. 1979, p. 114; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on general education (510 IAC 5-1-4) to the Indiana state board of education (511 IAC 6-6-4) by P.L.20-1984, SECTION 206, effective July 1, 1984.

**511 IAC 6-6-5 Non-credit programs; minimum standards**

Authority: IC 20-1-1-6

Affected: IC 20-1-1-6

Sec. 5. Non-credit, but approved, programs may be offered by public, parochial, private, and commercial school programs using properly licensed instructors, and meeting the following minimum standards:

(A) No student shall receive less than thirty (30) clock hours of classroom instruction.

(B) No student shall receive less than six (6) clock hours of behind-the-wheel instruction (part of which may be undertaken in equivalent State-approved programs utilizing simulators and/or ranges).

(C) No student shall receive more than two (2) clock hours of classroom instruction and one (1) of behind-the-wheel instruction in a practice driving vehicle during any 24-hour period.

(Indiana State Board of Education; Rule D, Sec 5; filed May 8, 1978, 3:21 pm: Rules and Regs. 1979, p. 114; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on general education (510 IAC 5-1-5) to the Indiana state board of education (511 IAC 6-6-5) by P.L.20-1984, SECTION 206, effective July 1, 1984.

**511 IAC 6-6-6 Grade or age level for offering instruction**

Authority: IC 20-1-1-6

Affected: IC 20-1-1-6

Sec. 6. Courses shall be offered at that grade level or age level where students are closely approaching or have recently reached the licensing age. (Indiana State Board of Education; Rule D, Sec 6; filed May 8, 1978, 3:21 pm: Rules and Regs. 1979, p. 115; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on general education (510

*IAC 5-1-6) to the Indiana state board of education (511 IAC 6-6-6) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**511 IAC 6-6-7 Behind-the-wheel instruction; equivalents**

Authority: IC 20-1-1-6

Affected: IC 20-1-1-6

Sec. 7. Approved driver education simulators and/or off-street multiple car driving ranges may be employed in the program. When these are used, the following substitution equivalences and limitations for behind-the-wheel experience shall apply:

(A) Approved simulator experience may be substituted for behind-the-wheel experience on a 4 to 1 basis, but in no case shall it replace more than three hours of behind-the-wheel instruction in an approved dual-controlled vehicle.

(B) Approved off-street multiple car driving range experience may be substituted for behind-the-wheel experience on a 2 to 1 basis, but in no case shall it replace more than three hours of behind-the-wheel instruction in an approved dual-controlled vehicle.

(C) A combination of approved simulator and range programs may be used; however, two clock hours of on-street behind-the-wheel instruction in an approved dual-controlled vehicle must occur.

*(Indiana State Board of Education; Rule D, Sec 7; filed May 8, 1978, 3:21 pm: Rules and Regs. 1979, p. 115; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on general education (510 IAC 5-1-7) to the Indiana state board of education (511 IAC 6-6-7) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**511 IAC 6-6-8 Completion of program; time requirements**

Authority: IC 20-1-1-6

Affected: IC 20-1-1-6

Sec. 8. For any approved program the student must complete both phases (classroom and laboratory) of the program in not more than three consecutive semesters. *(Indiana State Board of Education; Rule D, Sec 8; filed May 8, 1978, 3:21 pm: Rules and Regs. 1979, p. 115; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on general education (510 IAC 5-1-8) to the Indiana state board of education (511 IAC 6-6-8) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**511 IAC 6-6-9 Fractional credit; minimum standards and approval**

Authority: IC 20-1-1-6

Affected: IC 20-1-1-6

Sec. 9. Fractional credit may be granted on a pro rata basis provided that (1) minimum standards stated in Section 5 of this Rule [511 IAC 6-6-5], are met, and (2) prior approval is obtained from the Commission. Performance based criteria may supersede the minimum standards when developed by the local education agency and approved by the Commission. *(Indiana State Board of Education; Rule D, Sec 9; filed May 8, 1978, 3:21 pm: Rules and Regs. 1979, p. 115; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on general education (510 IAC 5-1-9) to the Indiana state board of education (511 IAC 6-6-9) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**Rule 7. Graduation Requirements**

**511 IAC 6-7-1 Definitions**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-4-5

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Academic honors diploma" means a certificate of graduation issued by the governing body of the school corporation certifying that the student has satisfied requirements as specified in section 6.5 of this rule.

(c) "Area of study" means a curriculum area under which course titles can be grouped in order to define concentrations in



the student's program to meet the requirements for majors and minors. These curriculum areas are as follows:

- (1) English language arts.
- (2) Social studies.
- (3) Foreign languages.
- (4) Mathematics.
- (5) Science.
- (6) Health, physical education, and safety.
- (7) Art.
- (8) Music.
- (9) Business technology education.
- (10) Family and consumer sciences.
- (11) Technology education.

Vocational-technical:

- (12) Agricultural science and business.
- (13) Business services and technology.
- (14) Health occupations.
- (15) Family and consumer sciences.
- (16) Occupational family and consumer sciences.
- (17) Trade and industrial education.
- (18) Interdisciplinary cooperative education.
- (19) Marketing education.

(d) "Credit" means a minimum of two hundred fifty (250) minutes of instruction per week for one (1) semester except in the case of basic physical education. One (1) school year of instruction is required for one (1) credit in basic physical education.

(e) "High school diploma" means a certificate of graduation issued by the governing body of a school corporation certifying that the student has satisfied the minimum requirements for graduation from a high school of the school corporation.

(f) "Major" means six (6) or more credits earned in the same area of study.

(g) "Minor" means four (4) or more credits earned in the same area of study.

(h) "Semester" means half of a regular school year.

(i) "State board" means the Indiana state board of education. (*Indiana State Board of Education; Rule G, Sec 1; filed May 8, 1978, 3:21 p.m.: Rules and Regs. 1979, p. 119; filed Mar 29, 1982, 2:25 p.m.: 5 IR 983; filed Aug 26, 1983, 3:04 p.m.: 6 IR 1920; filed Mar 24, 1987, 3:00 p.m.: 10 IR 1694; filed Oct 6, 1997, 5:20 p.m.: 21 IR 385; filed May 28, 1998, 4:57 p.m.: 21 IR 3823*)  
*NOTE: Transferred from the commission on general education (510 IAC 9-1-1) to the Indiana state board of education (511 IAC 6-7-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

## **511 IAC 6-7-2 Minimum standards; academic honors diploma**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-2; IC 20-10.1-4; IC 20-10.1-16-13

Sec. 2. (a) The following general principles are a guide to school corporations in certifying to the state board that students are qualified for high school graduation:

(1) The standards in sections 4 through 7 of this rule [*511 IAC 6-7-5 was repealed filed May 28, 1998, 4:57 p.m.: 21 IR 3833.*] are minimum requirements for granting a high school diploma. School corporations may establish graduation requirements that exceed these minimum standards, in which case the local standards take precedence.

(2) Students who cannot demonstrate competency in the basic skills necessary for future learning, to the satisfaction of the governing body of the school corporation, shall not be graduated from a high school certified by the board. Subject to IC 20-10.1-16-13, school corporations may, but are not required to, use scores from tests in determining a student's eligibility for a high school diploma.

(3) To help ascertain that graduates of its high school(s) have adequate breadth and depth in their education, school corporations may, but are not required to, prescribe that a given number of majors or minors be accumulated by a student prior to receiving a high school diploma.

(4) The state board recognizes only high school diplomas conferred by schools accredited by the board.

(b) Beginning with the 1988 graduating class, a school corporation may award an academic honors diploma to a student who completes the requirements specified in section 6.5 of this rule. Beginning with the 1990 graduating class, a school corporation shall award an academic honors diploma to a student who completes the requirements specified in section 6.5 of this rule. (*Indiana State Board of Education; Rule G, Sec 2; filed May 8, 1978, 3:21 p.m.: Rules and Regs. 1979, p. 119; filed Aug 26, 1983, 3:04 p.m.: 6 IR 1921; filed Mar 24, 1987, 3:00 p.m.: 10 IR 1695; filed Oct 6, 1997, 5:20 p.m.: 21 IR 385; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960*) NOTE: Transferred from the commission on general education (510 IAC 9-1-2) to the Indiana state board of education (511 IAC 6-7-2) by P.L.20-1984, SECTION 206, effective July 1, 1984.

### **511 IAC 6-7-3 Major and minor areas of study (Repealed)**

Sec. 3. (*Repealed by Indiana State Board of Education; filed Mar 24, 1987, 3:00 pm: 10 IR 1698*)

### **511 IAC 6-7-4 Semester requirements; waiver**

Authority: IC 20-1-1-6

Affected: IC 20-10.1

Sec. 4. (a) To be graduated from a high school, a pupil shall attend at least seven (7) semesters in grades 9 through 12.

(b) A school corporation may, under procedures adopted by the governing body, waive the seven (7) semester requirement if:

- (1) failure to waive the requirement would effectively prevent the student from graduating from high school; or
- (2) the student likely would have qualified for a gifted and talented education program waiver had it been available, and:
  - (A) the waiver is for the purpose of enrolling in an accredited postsecondary educational institution, and the student has been accepted for enrollment; or
  - (B) the waiver is for the purpose of furthering the student's education through military enlistment and the student has an enlistment contract that contains an educational component.

(c) A decision of a high school to deny a request for waiver may be appealed to the superintendent, and a decision of a superintendent to deny a request for a waiver may be appealed to the governing body of the school corporation.

(d) Local decisions on requests for waivers shall be documented. (*Indiana State Board of Education; Rule G-1, Sec 2; filed May 8, 1978, 3:21 p.m.: Rules and Regs. 1979, p. 120; filed Jun 29, 1981, 4:30 p.m.: 4 IR 1493; filed Aug 26, 1983, 3:04 p.m.: 6 IR 1921; filed Mar 24, 1987, 3:00 p.m.: 10 IR 1696; filed Oct 6, 1997, 5:20 p.m.: 21 IR 386; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960*) NOTE: Transferred from the commission on general education (510 IAC 9-2-2) to the Indiana state board of education (511 IAC 6-7-4) by P.L.20-1984, SECTION 206, effective July 1, 1984.

### **511 IAC 6-7-5 Credits; required courses (Repealed)**

Sec. 5. (*Repealed by Indiana State Board of Education; filed May 28, 1998, 4:57 p.m.: 21 IR 3833*)

### **511 IAC 6-7-6 Required and elective credits**

Authority: IC 20-1-1-6

Affected: IC 20-10.1-4-7

Sec. 6. (a) After August 15, 1988, a minimum of thirty-eight (38) credits is necessary for high school graduation. Twenty-two (22) of the credits shall be earned in the areas of study specified in subsection (b), and sixteen (16) of the credits shall be earned from courses in these and other areas of study listed in subsection (b) and 511 IAC 6.1-5.1.

(b) The twenty-two (22) required credits consist of the following:

- |                    |           |
|--------------------|-----------|
| (1) Language arts  | 8 credits |
| (2) Social studies | 4 credits |
| (3) Mathematics    | 4 credits |
| (4) Science        | 4 credits |

- (5) Health and safety 1 credit
- (6) Basic physical education 1 credit

(c) Courses that may be counted toward the required credits prescribed in subsection (b) are subject to the following provisions:

- (1) A minimum of six (6) credits of the language arts requirement shall be from the English language arts area of study and are to provide a balance of writing, reading, listening, speaking, grammar, literature, and media studies. For students with a major in a vocational-technical program, two (2) credits may be from business technology education, family and consumer sciences, technology education, or vocational-technical courses having predominately language arts content. For students who successfully complete a Level III foreign language course, two (2) credits of the language arts requirement may be waived.
- (2) The social studies requirement shall include two (2) credits in United States history, one (1) credit in United States government, and one (1) credit in another social studies course.
- (3) A minimum of two (2) credits of the mathematics requirement shall be from the mathematics area of study. For students with a major in a vocational-technical program, two (2) credits may be from business technology education, family and consumer sciences, technology education, or vocational-technical courses having predominately mathematics content.
- (4) Subject to the provisions of subdivisions (5) through (7), the health and safety credit shall be from a course in the health, physical education, and safety area of study that has comprehensive health education content.
- (5) Before July 1, 2000, the health and safety requirement may be waived for a student with either a minor or major in family and consumer sciences if the student's program includes three (3) credits from the family and consumer sciences courses of consumer education, nutrition and food, and interpersonal relations and a fourth credit from one (1) of the following courses:
  - (A) Child development.
  - (B) Human development.
  - (C) Family health.
- (6) After June 30, 1998, the health and safety credit may be waived for a student if the student's program includes three (3) credits from the following family and consumer sciences courses:
  - (A) Child development and parenting.
  - (B) Human development and family wellness.
  - (C) Interpersonal relationships.
  - (D) Nutrition and wellness.
  - (E) Orientation to life and careers or adult roles and responsibilities.
- (7) One (1) credit substitution of either a science, family and consumer sciences, or any health, physical education, and safety credit may be used to fulfill the health and safety requirement for students qualifying under the religious objection provision of IC 20-10.1-4-7 (hygiene instruction).
- (8) The four (4) credits of science shall include content from more than one (1) of the major science discipline categories, which are life science, physical science, and earth and space science. For students with a major in a vocational-technical program, two (2) credits may be from business technology education, family and consumer sciences, technology education, or vocational-technical courses having predominately science content.

*(Indiana State Board of Education; 511 IAC 6-7-6; filed Aug 26, 1983, 3:04 p.m.: 6 IR 1922; filed Mar 24, 1987, 3:00 p.m.: 10 IR 1696; filed Oct 6, 1997, 5:20 p.m.: 21 IR 386; filed Oct 31, 1997, 8:45 a.m.: 21 IR 954; filed May 28, 1998, 4:57 p.m.: 21 IR 3823)*  
*NOTE: Transferred from the commission on general education (510 IAC 9-2-3.1) to the Indiana state board of education (511 IAC 6-7-6) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

#### **511 IAC 6-7-6.1 Required and elective credits**

Authority: IC 20-1-1-6

Affected: IC 20-10.1-4-7; IC 20-10.1-5.7-3

Sec. 6.1. (a) Beginning with students who enter high school in the 2000-2001 school year, a minimum of forty (40) credits is necessary for high school graduation. Twenty-four (24) of the credits shall be earned in the areas of study specified in subsection (b), and sixteen (16) of the credits shall be earned from courses in these and other areas of study listed in subsection (b) and 511 IAC 6.1-5.1.

(b) The twenty-four (24) required credits consist of the following:

(1) Language arts	8 credits
(2) Social studies	4 credits
(3) Mathematics	4 credits
(4) Science	4 credits
(5) Additional credits in the areas above or in technology competency	2 credits
(6) Health and education	1 credit
(7) Basic physical education	1 credit
(c) Courses that may be counted toward the required credits prescribed in subsection (b) are subject to the following provisions:	

(1) A minimum of six (6) credits of the language arts requirement shall be from the English language arts area of study and is to provide a balance of writing, reading, listening, speaking, grammar, literature, and media studies. Two (2) credits may be from business technology, family and consumer sciences, technology education, or vocational-technical courses having predominately language arts content. For students who successfully complete a Level III foreign language course, two (2) credits of the language arts requirement may be waived.

(2) The social studies requirement shall include two (2) credits in United States history, one (1) credit in United States government, and one (1) credit in another social studies course or in global economics or consumer economics.

(3) For students who enter high school after June 30, 2004, mathematics credits must include two (2) credits in Algebra I or Integrated Mathematics I unless a student has completed Algebra I or Integrated Mathematics I prior to entering high school. A minimum of two (2) credits of the mathematics requirement shall be from the mathematics area of study. Two (2) credits may be from business technology, family and consumer sciences, technology education, or vocational-technical courses having predominately mathematics content.

(4) Subject to subdivisions (5) through (7), the health and education credit shall be from a course in the health and physical education area of study that has comprehensive health education content.

(5) The health education credit may be waived for a student if the student's program includes three (3) credits from the family and consumer sciences courses:

- (A) Child development and parenting.
- (B) Human development and family wellness.
- (C) Interpersonal relationships.
- (D) Nutrition and wellness.
- (E) Orientation to life and careers or adult roles and responsibilities.

(6) One (1) credit substitution of either a science, family and consumer sciences, or health and physical education credit may be used to fulfill the health education requirement for students qualifying under the religious objection provision of IC 20-10.1-4-7 (hygiene instruction).

(7) The four (4) credits of science shall include content from more than one (1) of the major science discipline categories, which are life science, physical science, and earth and space science. Two (2) credits may be from business technology, family and consumer sciences, technology education, or vocational-technical courses having predominately science content.

(8) The technology competency requirement may be fulfilled by completing courses from the following:

- (A) Computer applications.
- (B) Computer applications, advanced.
- (C) Computer keyboarding/document formatting.
- (D) Computer programming.
- (E) Business technology lab I.
- (F) Business technology lab II.
- (G) Computerized accounting services.
- (H) Computer operations and/or programming.
- (I) Introduction to computer applications.
- (J) Computer graphics.
- (K) Communications processes.
- (L) Technology systems.
- (M) Two (2) credits in business technology, family and consumer sciences, technology education, or vocational-

technical courses having predominately technology content taught through a project-based approach.

(9) The technology competency requirement may be met by completing a student project that addresses individual, workplace, or community needs and demonstrates the ability to:

- (A) evaluate, select, and apply appropriate technology tools and resources;
- (B) use telecommunications tools and resources to meet needs for collaboration, research, publication, communications, and productivity;
- (C) use technology tools for managing and exchanging information;
- (D) use technology tools for information analysis, problem-solving, and decision making; and
- (E) design, develop, publish, and disseminate information, models, or other creative products that include printed information and graphics, charts, tables, or other visual elements.

A student who meets the technology competency requirement by demonstrating these performances shall be given two (2) credits in computer applications.

*(Indiana State Board of Education; 511 IAC 6-7-6.1; filed Mar 27, 2000, 9:07 a.m.: 23 IR 1999; filed Jun 30, 2004, 1:45 p.m.: 27 IR 3499)*

### **511 IAC 6-7-6.5 Academic honors diploma; additional course requirements**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1

Sec. 6.5. (a) To be eligible for an academic honors diploma, a student must complete a minimum of forty-seven (47) high school credits. The following areas and courses are required:

- |                              |                |
|------------------------------|----------------|
| (1) Language arts            | 8 credits      |
| (2) Social studies           | 6 credits      |
| (3) Mathematics              | 8 credits      |
| (4) Science                  | 6 credits      |
| (5) Foreign language         | 6 or 8 credits |
| (6) Fine arts                | 2 credits      |
| (7) Health and safety        | 1 credit       |
| (8) Basic physical education | 1 credit       |

(b) In addition to the minimum course requirements prescribed in section 6 of this rule, courses counting toward an academic honors diploma are subject to the following requirements:

- (1) Language arts credits must include literature, composition, and speech.
- (2) In addition to required courses in government and United States history, social studies credits must include courses with a major emphasis on economics and geography or world history.
- (3) Mathematics credits must include:
  - (A) geometry and algebra II or integrated mathematics II and integrated mathematics III; and
  - (B) at least one (1) upper level mathematics course from those listed in 511 IAC 6.1-5.1-5(2)(H) through 511 IAC 6.1-5.1-5(2)(M) or a program of equal rigor. If a student has completed a junior high school curriculum that is equivalent to school algebra I and is placed in high school algebra II or a junior high curriculum that is equivalent to integrated mathematics I and is placed in high school integrated mathematics II, that student must earn only six (6) high school mathematics credits.
- (4) Science credits must include:
  - (A) two (2) credits in biology;
  - (B) two (2) credits in chemistry, physics, or integrated chemistry-physics;
  - (C) two (2) additional credits from:
    - (i) chemistry, physics, earth and space science, advanced biology, advanced chemistry, advanced environmental science, or advanced physics; or
    - (ii) a program of equal rigor.
- (5) Foreign language credits must include:
  - (A) six (6) credits in one (1) language; or

(B) four (4) credits in one (1) language and four (4) in another.

If a student has completed a junior high school curriculum that is equivalent to a Level I high school foreign language and is placed in a Level II high school foreign language, that student must earn only four (4) credits in that language or two (2) credits in that language and four (4) credits in another foreign language.

(6) Only courses that have been approved by the department on recommendation of a review committee and in which a student has earned a grade of “C” or above may count toward an academic honors diploma. A student must have a grade point average of “B” or above.

(c) The school corporation shall note the awarding of an academic honors diploma on the student’s grade transcript.

(d) The school corporation shall inform students, parents, and guardians of the availability of an academic honors diploma. (*Indiana State Board of Education; 511 IAC 6-7-6.5; filed Mar 24, 1987, 3:00 p.m.: 10 IR 1697; errata, 10 IR 2303; filed Oct 6, 1997, 5:20 p.m.: 21 IR 387; filed Sep 25, 1998, 4:50 p.m.: 22 IR 440; filed Jun 17, 2003, 9:05 a.m.: 26 IR 3646*)

#### **511 IAC 6-7-7 Correspondence courses; credit**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1

Sec. 7. A student desiring to complete courses by correspondence first obtains the approval of the local school board, or its designee. The local school board has the option of establishing a maximum number of credits acceptable for meeting graduation requirements. Correspondence credits are acceptable only when taken from an institution properly accredited by the appropriate regional accrediting association affiliated with or approved by the council on postsecondary accreditation (COPA) or the Indiana commission for postsecondary proprietary education. (*Indiana State Board of Education; Rule G-1, Sec 5; filed May 8, 1978, 3:21 p.m.: Rules and Regs. 1979, p. 121; filed Mar 29, 1982, 2:25 p.m.: 5 IR 985; filed Aug 26, 1983, 3:04 p.m.: 6 IR 1923; filed Oct 6, 1997, 5:20 p.m.: 21 IR 388; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960*) NOTE: Transferred from the commission on general education (510 IAC 9-2-5) to the Indiana state board of education (511 IAC 6-7-7) by P.L.20-1984, SECTION 206, effective July 1, 1984.

#### **511 IAC 6-7-8 Post-secondary credit (Repealed)**

Sec. 8. (*Repealed by Indiana State Board of Education; filed Mar 10, 1988, 4:16 pm: 11 IR 2624*)

#### **511 IAC 6-7-9 Military experience**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1

Sec. 9. Military Experience. The local school board shall have the option of recognizing training and experience obtained in the United States armed forces in meeting high school graduation requirements, e.g.:

(A) Basic Training—A maximum of four (4) credits may be recognized in the following areas:

- |                        |           |
|------------------------|-----------|
| (1) Physical Education | 2 credits |
| (2) Health & Safety    | 2 credits |

For basic training, a maximum of 1 credit may be granted for each three months of service.

(B) Service Training School—Credit may be granted in accordance with recommendations made by the American Council on Education in the publication Guide to the Evaluation of Educational Experience in the Armed Forces. When descriptions of service schools are not listed in the “Guide”, appropriate credit recommendations may be obtained by writing to the American Council on Education.

(C) Armed Services Institutes—Credit may be awarded for courses completed in the United States Armed Forces Institute, Marine Corps Institute, and the Coast Guard Institute, provided that the course shall be validated by terminal examinations as recommended by the American Council on Education. Credit may be awarded in recognition of satisfactory achievement on examinations in established high school courses, e.g., authorized subject matter examinations not including the GED tests offered by the United States Armed Forces Institute and the American Council on Education, when taken by members of the armed forces.

(D) Overseas Instruction—Credit may be awarded for courses completed through accredited colleges and universities as recommended by the respective colleges and universities, such as the University of Maryland overseas instruction. (*Indiana State Board of Education; Rule G-2, Sec 1; filed May 8, 1978, 3:21 pm: Rules and Regs. 1979, p. 122; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*) NOTE: Transferred from the commission on general education (510 IAC 9-3-1) to the Indiana state board of education (511 IAC 6-7-9) by P.L.20-1984, SECTION 206, effective July 1, 1984.

**511 IAC 6-7-10 Definitions (Repealed)**

Sec. 10. (*Repealed by Indiana State Board of Education; filed Jun 11, 1986, 4:00 pm: 9 IR 2718*)

**511 IAC 6-7-11 Statement of general principles (Repealed)**

Sec. 11. (*Repealed by Indiana State Board of Education; filed Jun 11, 1986, 4:00 pm: 9 IR 2718*)

**511 IAC 6-7-12 Waiver provisions (Repealed)**

Sec. 12. (*Repealed by Indiana State Board of Education; filed Jun 11, 1986, 4:00 pm: 9 IR 2718*)

**511 IAC 6-7-13 Program application procedures (Repealed)**

Sec. 13. (*Repealed by Indiana State Board of Education; filed Jun 11, 1986, 4:00 pm: 9 IR 2718*)

**511 IAC 6-7-14 Contents of application (Repealed)**

Sec. 14. (*Repealed by Indiana State Board of Education; filed Jun 11, 1986, 4:00 pm: 9 IR 2718*)

**511 IAC 6-7-15 Guidelines (Repealed)**

Sec. 15. (*Repealed by Indiana State Board of Education; filed Jun 11, 1986, 4:00 pm: 9 IR 2718*)

**Rule 8. Nonstandard Courses and Curriculum Programs**

**511 IAC 6-8-1 Definitions**

Authority: IC 20-1-1-6

Affected: IC 20-10.1-1-1

- Sec. 1. (a) In addition to the definitions in 511 IAC 6.1-1-2, the definitions in this section apply throughout this rule.
- (b) “Board” means the Indiana state board of education.
- (c) “Course” means a systematized unit of study of a specific body of knowledge or set of skills similar to those courses identified by course titles in 511 IAC 6.1-5.1 and usually of one (1) school year or less in duration.
- (d) “Curriculum program” means a systematized program of study of greater scope or duration than a course.
- (e) “Department” means the state department of education.
- (f) “Governing body” means the board, commission, etc. charged with the responsibility of administering the affairs of:
- (1) a school corporation;
  - (2) nonpublic schools; or
  - (3) group of nonpublic schools.
- (g) “Nonpublic school” means any school accredited by the board that serves any of the grades kindergarten (K) through twelve (12) not maintained by a school corporation.
- (h) “Nonstandard courses and curriculum programs” means those courses or curriculum programs that differ from those authorized by the rules of the board in ways including, but not limited to, content, organization, methods, staffing, course title,

instructional materials, or criteria for course or program completion; however, courses and curriculum programs covered by this rule shall not include those falling within the provisions for gifted and talented education in 511 IAC 6-9.

(i) "Public school" means any school maintained by a school corporation as defined in 511 IAC 6.1-1-2(s). (*Indiana State Board of Education; 511 IAC 6-8-1; filed Sep 13, 1984, 10:09 a.m.: 8 IR 70; filed Oct 6, 1997, 5:20 p.m.: 21 IR 388; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960*) NOTE: Agency cited as 510 IAC 4-6-1, which was renumbered by legislative services agency as 511 IAC 6-8-1.

#### **511 IAC 6-8-2 Waiver to implement nonstandard courses and curriculum programs**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1

Sec. 2. Public and accredited nonpublic schools in Indiana shall have the opportunity to apply for a waiver to implement or continue nonstandard courses and curriculum programs. For a school to be granted a waiver, it shall do the following:

(1) Provide the department evidence that the proposed course or curriculum program will better serve its students than any authorized by the rules of the board.

(2) Assure the department that it will conduct a continuing evaluation of the effectiveness of the proposed courses or curriculum programs and provide the department with annual reports of the results of that evaluation as well as a final report at the termination of the waiver period.

(3) Specify the period of time for which the waiver is sought, never to exceed three (3) years, or until the school's next accreditation year under 511 IAC 6.1-1.

(*Indiana State Board of Education; 511 IAC 6-8-2; filed Sep 13, 1984, 10:09 a.m.: 8 IR 70; filed Oct 6, 1997, 5:20 p.m.: 21 IR 388; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960*) NOTE: Agency cited as 510 IAC 4-6-2, which was renumbered by legislative services agency as 511 IAC 6-8-2.

#### **511 IAC 6-8-3 Application procedures; implementation of proposed courses or programs**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1

Sec. 3. (a) The governing body charged with administering a public or nonpublic school desiring to implement a nonstandard course or curriculum program shall submit an application for waiver to the department at least five (5) months prior to the planned implementation of the course or curriculum program; however, initial proposals involving a major modification in the operation of a school or school corporation shall be submitted at least eight (8) months prior to the planned implementation.

(b) An application for an extension of a waiver, along with a report of the evaluation for the expiring waiver period, shall be submitted at least three (3) months prior to the beginning of the extension period.

(c) Amendments to previously approved waivers shall be submitted at least three (3) months prior to the planned implementation of any proposed modification of the original proposal requiring:

(1) the waiver of additional rules of the board; or

(2) expansion of the course or program to additional schools.

(d) The governing body shall finalize no contracts required for the implementation of the proposed course or curriculum program prior to waiver approval by the department. (*Indiana State Board of Education; 511 IAC 6-8-3; filed Sep 13, 1984, 10:09 a.m.: 8 IR 70; filed Oct 6, 1997, 5:20 p.m.: 21 IR 389; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960*) NOTE: Agency cited as 510 IAC 4-6-3, which was renumbered by legislative services agency as 511 IAC 6-8-3.

#### **511 IAC 6-8-4 Application contents**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1

Sec. 4. The waiver application shall contain:

(1) the name and address of the school corporation, non-public school or group of non-public schools requesting the waiver;

(2) the name and address of the school(s) in which the proposed course or curriculum program will be implemented;



- (3) the name, address and phone number of the local contact person most knowledgeable about the proposal;
- (4) the grade level(s) and approximate number of the students who will participate;
- (5) the identification of the rules sections for which waivers are being requested;
- (6) the beginning date for the planned implementation; the duration of the proposed waiver period; and in the case of an extension or an amendment of a previously approved waiver, the date of the last application;
- (7) in the case of a high school course or program, the number of credits to be awarded;
- (8) the signature of the superintendent;
- (9) a narrative description of the proposed course or curriculum program including:
  - (A) Rationale—A statement of purpose, including how the proposed course or curriculum program will more effectively serve the needs of the students.
  - (B) Instructional objectives—Statements of the kinds of learning that will result from the implementation of the program.
  - (C) Course or program description—A summary of the content and educational activities to be included in the proposed course or curriculum program.
  - (D) Instructional materials—Identification and/or description of the basal instructional materials to be used.
  - (E) Staffing—A statement of the qualifications of staff members who will implement the program and/or the training which will be provided the implementation staff.
  - (F) Evaluation—A description of how:
    - (i) student progress in the program will be evaluated, and
    - (ii) the effectiveness of the program will be evaluated.
  - (G) Contracts—A description of any special contracts which the governing body will have to execute in order to implement the proposal.
  - (H) Resources—A statement of what local, state, federal or other funds will be used to support the proposed course or program, as well as a description of other available or needed resources and facilities.
  - (I) Planning—A description of the planning process, including the extent of community and staff involvement.

*(Indiana State Board of Education; 511 IAC 6-8-4; filed Sep 13, 1984, 10:09 am: 8 IR 71; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Agency cited as 510 IAC 4-6-4, which was renumbered by legislative services agency as 511 IAC 6-8-4.*

#### **511 IAC 6-8-5 Relationship with performance-based accreditation**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-10.1

Sec. 5. (a) In lieu of applying for a waiver to implement a nonstandard course or curriculum program under sections 2 through 4 of this rule, a public or nonpublic school may include the information described in section 4 of this rule in the school improvement plan required under 511 IAC 6.1-7-1.

(b) If a school described in subsection (a) is accorded full accreditation status or is accorded probationary accreditation status for a reason other than failure to comply with 511 IAC 6.1-7, the school will be considered to have received a waiver to implement the nonstandard course or curriculum program described in the school improvement plan.

(c) The waiver described in subsection (b) is valid until the school's next accreditation review. *(Indiana State Board of Education; 511 IAC 6-8-5; filed Oct 6, 1997, 5:20 p.m.: 21 IR 389; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960)*

#### **511 IAC 6-8-6 Appeal to the board**

Authority: IC 20-1-1-6

Affected: IC 20-10.1

Sec. 6. A school corporation may appeal a decision of the department under this rule to the board. *(Indiana State Board of Education; 511 IAC 6-8-6; filed Oct 6, 1997, 5:20 p.m.: 21 IR 389; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960)*

### **Rule 9. Waiver of Curriculum and Graduation Rules for Gifted and Talented Programs**

#### **511 IAC 6-9-1 Definitions (Repealed)**

Sec. 1. *(Repealed by Indiana State Board of Education; filed Nov 1, 1999, 2:40 p.m.: 23 IR 566)*

**511 IAC 6-9-2 Program requirements (Repealed)**

Sec. 2. *(Repealed by Indiana State Board of Education; filed Nov 1, 1999, 2:40 p.m.: 23 IR 566)*

**511 IAC 6-9-3 Rule waiver options (Repealed)**

Sec. 3. *(Repealed by Indiana State Board of Education; filed Nov 1, 1999, 2:40 p.m.: 23 IR 566)*

**511 IAC 6-9-4 Time for waiver application (Repealed)**

Sec. 4. *(Repealed by Indiana State Board of Education; filed Nov 1, 1999, 2:40 p.m.: 23 IR 566)*

**511 IAC 6-9-5 Expiration of rule (Repealed)**

Sec. 5. *(Repealed by Indiana State Board of Education; filed Dec 7, 1987, 1:55 pm: 11 IR 1263)*

**511 IAC 6-9-6 Program curriculum (Repealed)**

Sec. 6. *(Repealed by Indiana State Board of Education; filed Nov 1, 1999, 2:40 p.m.: 23 IR 566)*

**511 IAC 6-9-7 Program evaluations (Repealed)**

Sec. 7. *(Repealed by Indiana State Board of Education; filed Nov 1, 1999, 2:40 p.m.: 23 IR 566)*

**511 IAC 6-9-8 Student identification and evaluation (Repealed)**

Sec. 8. *(Repealed by Indiana State Board of Education; filed Nov 1, 1999, 2:40 p.m.: 23 IR 566)*

**Rule 9.1. Waiver of Curriculum and Graduation Rules for Programs for High Ability Students**

**511 IAC 6-9.1-1 Definitions**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2; IC 20-10.1-5.1

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Broad-based planning committee" means a diverse group with representation from:

- (1) educators;
- (2) parents;
- (3) students;
- (4) community members; and
- (5) other stakeholders;

organized for the purposes of planning and development of programs.

(c) "Differentiated" means providing tiered levels of services for all educational needs.

(d) "Domain" includes the following areas of aptitude and talent:

- (1) General intellectual.
- (2) General creative.
- (3) Specific academic.
- (4) Technical and practical arts.

(5) Visual and performing arts.

(6) Interpersonal.

(e) “General creative” means understanding facts and concepts, developing skills and generalizations, and evaluating their relationships as they apply to activities, such as:

(1) problem finding;

(2) divergent thinking;

(3) flexibility;

(4) elaboration; and

(5) originality.

(f) “General intellectual” means understanding facts and concepts, developing skills and generalizations, and evaluating their relationships as they apply to a broad array of disciplines.

(g) “Governing body” means the township trustee and township board of a school township, the board of school commissioners, board of school trustees, or any other board charged by law with the responsibility of administering the affairs of a school corporation.

(h) “High ability student” means a student who:

(1) performs at, or shows the potential for performing at, an outstanding level of accomplishment in at least one (1) domain when compared to other students of the same age, experience, or environment; and

(2) is characterized by exceptional gifts, talents, motivation, or interests.

(i) “Interpersonal” means understanding facts and concepts, developing skills and generalizations, and evaluating their relationships as they apply to areas, such as:

(1) leadership;

(2) mediation;

(3) counseling; and

(4) communication.

(j) “Multifaceted assessment” means collecting and analyzing data to identify the educational needs of high ability students through the following:

(1) Performance-based assessment, which includes evaluating the performance of students involved in complex learning opportunities through the use of instruments, such as the following:

(A) Rating scales.

(B) Observation or interviews.

(C) Portfolios.

(D) Structured observations or interviews.

(2) Potential-based assessment, which includes evaluating the potential performance of high ability students through the use of instruments, such as the following:

(A) Standardized intelligence tests.

(B) Standardized achievement tests.

(C) Behavior rating scales.

(3) Other forms of assessment, which includes *[sic., include]* using procedures designed to reduce any assessment biases that may be inherent in other assessment methods used to evaluate the levels of services needed for high ability students.

(k) “Program” means educational services differentiated in depth and breadth designed to meet the needs of one (1) or more high ability students through activities, such as:

(1) compacting;

(2) acceleration;

(3) enrichment;

(4) problem solving; and

(5) creative thinking.

(l) “Specific academic” means understanding facts and concepts, developing skills and generalizations, and evaluating their relationships as they apply to specific disciplines, such as:

(1) English language arts;

(2) social studies;

- (3) foreign languages;
- (4) mathematics; and
- (5) sciences.

(m) "Technical and practical arts" means understanding facts and concepts, developing skills and generalizations, and evaluating their relationships as they apply to disciplines, such as:

- (1) vocational-technical education;
- (2) business technology education;
- (3) family and consumer sciences; and
- (4) technology education.

(n) "Visual and performing arts" means understanding facts and concepts, developing skills and generalizations, and evaluating their relationships as they apply to disciplines, such as:

- (1) art;
- (2) dance;
- (3) music; and
- (4) theater arts.

*(Indiana State Board of Education; 511 IAC 6-9.1-1; filed Nov 1, 1999, 2:40 p.m.: 23 IR 564)*

#### **511 IAC 6-9.1-2 Program requirements**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2; IC 20-10.1-5.1

Sec. 2. (a) To qualify as a program for high ability students under this rule, each school corporation shall meet all of the criteria in this section.

(b) The school corporation shall develop and periodically update a level of services program to provide educational opportunities to encourage high ability students to reach the highest possible level at every stage of development.

(c) The differentiated program for high ability students must include the following:

(1) A multifaceted student assessment plan, including the following:

- (A) Performance-based assessment.
- (B) Potential-based assessment.
- (C) Other forms of assessment.

(2) A curriculum and instructional strategies plan.

(3) A counseling and guidance plan.

(4) A systematic program assessment plan.

(5) A professional development plan.

(d) Educational experiences offered outside the school day may be used to supplement, but not to supplant, the levels of services provided for high ability students offered during the school day.

(e) The governing body shall create a broad-based planning committee to design and monitor the continuous development and implementation of the levels of services program for high ability students.

(f) The program must be approved by the governing body.

(g) The plans described in subsection (c) must be available for public inspection and filed with the department. *(Indiana State Board of Education; 511 IAC 6-9.1-2; filed Nov 1, 1999, 2:40 p.m.: 23 IR 565)*

#### **511 IAC 6-9.1-3 Rule waivers**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2; IC 20-10.1-5.1

Sec. 3. (a) Upon proper submission of the appropriate forms by a school corporation, the department may waive, for programs for high ability students, any of the following curriculum or graduation rules:

(1) 511 IAC 6-7-1(d), 511 IAC 6.1-1-2(d), and, for summer school, 511 IAC 12-2-6(a) to allow gifted and talented students to earn credit through performance assessment without completing the required amount of instructional time.

(2) 511 IAC 12-2-6(b) to allow school corporations to be reimbursed for the cost of instruction for more than two (2) credits in summer school for high ability students.

(3) 511 IAC 6.1-6-1(a) to allow school corporations to utilize adults who have the demonstrated expertise in an area, but not the prerequisite teacher certification, to deliver nonstandard education programs for high ability students, such as:

(A) internships;

(B) mentorships; or

(C) clinical experiences.

(b) The school corporation may appeal a denial of a waiver to the state board. (*Indiana State Board of Education; 511 IAC 6-9.1-3; filed Nov 1, 1999, 2:40 p.m.: 23 IR 565*)

## **Rule 10. Postsecondary Enrollment Program**

### **511 IAC 6-10-1 Definitions**

Authority: IC 20-1-1-6; IC 20-10.1-15-18

Affected: IC 20-10.1-15

Sec. 1. "Eligible institution" means an accredited public or private college or university located in Indiana that grants a baccalaureate or associate degree.

"Program" refers to the postsecondary enrollment program established under IC 20-10.1-15.

"Secondary credit" means credit toward graduation requirements granted by a student's school corporation upon the successful completion of a course taken under the program. (*Indiana State Board of Education; 511 IAC 6-10-1; filed Mar 10, 1988, 4:16 pm: 11 IR 2622; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

### **511 IAC 6-10-2 Application procedure for students in grades 11 and 12**

Authority: IC 20-10.1-15-18

Affected: IC 20-10.1-15; IC 21-3-1.6-1.1

Sec. 2. (a) A student may, upon approval of that student's school corporation, enroll in courses offered by an eligible institution under the program on a full-time or part-time basis during grade 11, grade 12, or both. A student who participates in the program shall be considered a student enrolled in the school corporation in computing average daily membership as defined in IC 21-3-1.6-1.1(d).

(b) If a course has been approved for secondary credit by the school corporation, a student is entitled to credit toward graduation requirements for each course the student successfully completes at that institution. The student's school records must indicate that the credits were earned at an eligible institution.

(c) Before February 1 each year, the school corporation shall provide each student in grades 10 and 11 with information concerning the program.

(d) Each student who intends to enroll in an eligible institution under the program shall notify the principal of the school in which the student is enrolled. A representative of the school corporation shall meet with each student who intends to participate in the program and discuss the following:

(1) The student's eligibility to participate in the program.

(2) The courses in which the student is authorized to enroll.

(3) The secondary and postsecondary credit the student earns upon successful completion of a course.

(4) The consequences of a student's failure to successfully complete a course.

(5) The student's schedule.

(6) The financial obligations of the student and the school under the program.

(7) The responsibilities of the student, the student's parent or guardian, and the school under the program.

(8) Other matters concerning the program.

(e) The representative of the school corporation shall make a recommendation to the principal concerning the student's participation in the program.

(f) The principal shall make a determination, based on the recommendation received under subsection (e) of this section and

the policy adopted under 511 IAC 6-10-4, concerning:

- (1) the student's eligibility to participate in the program; and
- (2) the courses approved for secondary credit.

(g) The principal shall notify the student and the superintendent of the school corporation, in writing, of the determination under subsection (f) of this section. If the principal determines that:

- (1) the student is not eligible to participate in the program; or
- (2) a course in which the student intends to enroll is not approved for secondary credit;

the principal must state, in writing, the reasons for that determination. (*Indiana State Board of Education; 511 IAC 6-10-2; filed Mar 10, 1988, 4:16 pm: 11 IR 2622; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

### **511 IAC 6-10-3 Appeal procedure**

Authority: IC 20-10.1-15-9; IC 20-10.1-15-18

Affected: IC 20-10.1-15

Sec. 3. (a) If a student disputes a determination made by the principal under 511 IAC 6-10-2(f), the student may appeal the determination to the governing body by submitting to the governing body, in writing, the reasons the student objects to the determination. The governing body shall review a determination made under 511 IAC 6-10-2(f) and render a decision concerning that determination. The governing body shall notify the student and the principal, in writing, of its decision.

(b) If the student or the principal disputes the decision of the governing body under subsection (a) of this section, that individual may appeal to the state board of education. The decision of the state board of education is final. (*Indiana State Board of Education; 511 IAC 6-10-3; filed Mar 10, 1988, 4:16 pm: 11 IR 2623; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

### **511 IAC 6-10-4 Local policies**

Authority: IC 20-10.1-15-8; IC 20-10.1-15-18

Affected: IC 20-10.1-15

Sec. 4. (a) The governing body of each school corporation shall adopt policies to implement the program, based on 511 IAC 6-10 and guidelines established by the department of education. The policy shall include:

- (1) The criteria for determining eligibility to participate in the program, which may include:

- (A) A provision that a student is ineligible to participate if participation would delay the student's progress toward high school graduation.

- (B) A provision that a student is ineligible to participate in the program if the request is for enrollment in a course offered by the student's school and participation would result in cancellation of the course due to low enrollment.

- (2) The criteria for determining the courses approved for secondary credit, which may include a provision that a course in which the student intends to enroll is not approved for secondary credit if the course is so unlike any of the approved courses listed in 511 IAC 6-2-5(d) [*511 IAC 6-2-5 was repealed filed Nov 8, 1990, 3:05 p.m.: 14 IR 663.*] that appropriate secondary credit cannot be given.

(b) The adopted policy may not prohibit a student from enrolling in or attending an education program when the student is not required to be in attendance at the student's school corporation.

- (c) In addition to adopting a policy to implement the program, the governing body of a school corporation may:

- (1) establish a supplemental postsecondary education program for students of the school corporation;

- (2) establish procedures to permit students, including students in grades below grade 11, to enroll in and attend courses at eligible institutions during the regular school day or regular school year; and

- (3) establish procedures to award secondary credit for courses completed by students at eligible institutions.

(*Indiana State Board of Education; 511 IAC 6-10-4; filed Mar 10, 1988, 4:16 pm: 11 IR 2623; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

### **511 IAC 6-10-5 Record and reporting requirements**

Authority: IC 20-10.1-15-14; IC 20-10.1-15-15; IC 20-10.1-15-18

Affected: IC 20-10.1-15

Sec. 5. (a) For each of its students enrolled in the program, a school corporation shall make and maintain records of the following:

- (1) The courses and credit hours in which the student enrolls.
- (2) The courses that the student successfully completes and fails to complete.
- (3) The secondary credit granted to the student.
- (4) Other information requested by the department of education.
- (b) At the end of each school year, each school corporation shall submit to the department of education the following:
  - (1) A list of students in the school corporation who are enrolled in the program.
  - (2) A list of the courses successfully completed by each student who is enrolled in the program.

*(Indiana State Board of Education; 511 IAC 6-10-5; filed Mar 10, 1988, 4:16 pm: 11 IR 2624; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

## **ARTICLE 6.1. SCHOOL ACCREDITATION**

### **Rule 0.5. Applicability**

#### **511 IAC 6.1-0.5-1 Applicability to schools**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-2

Sec. 1. This article applies only to the following:

- (1) Public schools.
- (2) Nonpublic schools that voluntarily become accredited.

*(Indiana State Board of Education; 511 IAC 6.1-0.5-1; filed Feb 20, 2002, 9:43 a.m.: 25 IR 2231)*

### **Rule 1. School Accreditation System**

#### **511 IAC 6.1-1-1 School accreditation**

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-1-1

Affected: IC 20-1-1.2; IC 20-5-62; IC 20-5.5; IC 20-10.2-3; IC 20-10.2-5

Sec. 1. (a) A public school must be accredited. A nonpublic school may seek accreditation.

(b) A school may be accredited by meeting the following criteria:

- (1) Comply with the legal standards in section 4 of this rule.
- (2) Comply with the school improvement plan requirements of IC 20-10.2-3 by doing one (1) of the following:
  - (A) Complete a continuous and strategic school improvement and achievement plan that meets the requirements of IC 20-10.2-3 and 511 IAC 6.2-3.
  - (B) Implement a quality-focused approach to strategic and continuous school improvement, such as the criteria for the Malcolm Baldrige National Quality Award for Education or the criteria for a national or regional accrediting agency approved by the state board.
- (3) Meet school improvement and performance requirements under IC 20-10.2-5.
- (c) The board shall accredit a nonpublic school that:
  - (1) becomes a freeway school under IC 20-5-62; and
  - (2) complies with the terms of the freeway school contract.
- (d) The board shall accredit a school that:
  - (1) becomes a charter school under IC 20-5.5; and
  - (2) complies with the requirements of IC 20-5.5.
- (e) A school holding accreditation under the former performance-based accreditation system shall retain accreditation until the transition to the accreditation system described in this rule is complete.

*(Indiana State Board of Education; 511 IAC 6.1-1-1; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1184; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Feb 20, 2002, 9:43 a.m.: 25*

*IR 2231)*

**511 IAC 6.1-1-2 Definitions**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2; IC 20-6.1-8; IC 20-6.1-9; IC 20-10.1-16; IC 20-10.1-17

Sec. 2. (a) The definitions in this section apply throughout this article.

(b) "Academic standards" means the skills and knowledge base expected of students for a particular subject area at a particular grade level.

(c) "Accreditation year" means the year from July 1 to June 30.

(d) "Attendance center" means one (1) or more buildings where the school's program serves pupils who reside in an attendance area.

(e) "Credit" means a minimum of two hundred fifty (250) minutes of instruction per week for one (1) semester, except in the case of basic physical education courses where one (1) school year of instruction is required for one (1) credit.

(f) "Curriculum" means the planned interaction of pupils with instructional content, materials, resources, and processes for evaluating the attainment of educational objectives.

(g) "Department" means the Indiana department of education.

(h) "Dropout" means a student who:

- (1) was enrolled in school during the current school year or the previous summer recess;
- (2) left the educational system during the current school year or the previous summer recess;
- (3) has not graduated from high school; and
- (4) does not meet any of the following exclusionary conditions:

(A) Death.

(B) Temporary absence due to suspension or a school excused absence.

(C) Transfer to a public or nonpublic school.

(i) "Dropout rate" means the number determined under STEP THREE of the following formula:

STEP ONE: Determine the number of students enrolled on October 1 or the date closest to October 1 that school is in session.

STEP TWO: Determine the number of students who drop out of school during the current school year and the previous summer recess.

STEP THREE: Determine the quotient of:

(A) the amount determined under STEP TWO; divided by

(B) the amount determined under STEP ONE.

(j) "Fine arts education" means instruction in art, music, and other arts areas that encompass visual, aural, performing, and creative modes of student learning.

(k) "Graduation rate", for classes of students who graduate prior to the 2005-2006 school year, means the number determined under STEP THREE of the following formula:

STEP ONE: Determine the dropout rates for grades 9, 10, 11, and 12.

STEP TWO: Determine the remainder of:

(A) 1.0; minus

(B) the amount determined under STEP ONE for each of the above four (4) grades.

STEP THREE: Determine the product of the four (4) amounts determined under STEP TWO.

(l) "ISTEP" means Indiana statewide testing for educational progress as established under IC 20-10.1-16, IC 20-10.1-17, and 511 IAC 5-2.

(m) "Laboratory course" means a course in which a minimum of twenty-five percent (25%) of the total instructional time is devoted to laboratory activities. Laboratory activities are those activities in which the pupil personally utilizes appropriate procedures and equipment in accomplishing that learning task.

(n) "Legal standards" means those Indiana statutes and state board rules that apply to school accreditation.

(o) "Level", when used in course titles, means a course that lasts one (1) full school year in grades 9 through 12, except that in the highest level of a sequence a course of shorter duration may be offered.

(p) "Practical arts education" means instruction in the curriculum areas of:



- (1) agricultural science and business;
- (2) business technology education;
- (3) family and consumer sciences; and
- (4) technology education;

of a nonvocational or prevocational nature, which provides learning experiences in consumer knowledge, family living, creative expression, manual skills, technical skills, leisure time interests, and similar areas of practical application to everyday life.

(q) "Principal" means a properly certified person who is assigned as the chief administrative officer of a school.

(r) "School classification" refers to the following school types:

- (1) An elementary school, which includes:
  - (A) grade 1, 2, or 3;
  - (B) grade 1, 2, or 3 in combination with other grades; or
  - (C) any school that has grade 6 as its highest grade.
- (2) A high school, which includes:
  - (A) grade 10, 11, or 12; or
  - (B) grade 10, 11, or 12 in combination with other grades.

(3) A middle school or junior high school, which includes any grade or combination of grades that is not defined as an elementary school or a high school.

If a school includes grades kindergarten through 12, the school superintendent shall designate the division of the grades within the school into at least two (2) school classifications.

(s) "School corporation" means any public school corporation established by, and under the laws of, the state of Indiana. The term includes, but is not necessarily limited to, any:

- (1) school city;
- (2) school town;
- (3) school township;
- (4) consolidated school corporation;
- (5) county school corporation;
- (6) metropolitan school district;
- (7) township school corporation;
- (8) united school corporation; or
- (9) community school corporation.

(t) "Semester" means half of a regular school year.

(u) "State board" means the Indiana state board of education.

(v) "Student attendance rate" means the aggregate number of days of attendance for the regular school year divided by the number of aggregate days of enrollment, as determined under 511 IAC 1-3-1(l).

(w) "Superintendent" means the chief administrative officer of a school corporation (generally referred to as the superintendent of schools, except, in the case of township schools, the term refers to the county superintendent of schools).

(x) "Teacher" means a properly certified, licensed person who is assigned to instruction. (*Indiana State Board of Education; 511 IAC 6.1-1-2; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1184; filed Jul 18, 1989, 5:00 p.m.: 12 IR 2259; filed Nov 8, 1990, 3:05 p.m.: 14 IR 652; filed Oct 6, 1997, 5:20 p.m.: 21 IR 389; filed May 28, 1998, 4:57 p.m.: 21 IR 3824; filed Feb 20, 2002, 9:43 a.m.: 25 IR 2231; filed Jul 14, 2004, 9:30 a.m.: 27 IR 4007*)

### **511 IAC 6.1-1-3 Accreditation levels**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-3

Sec. 3. Subject to the provisions of section 13.5 of this rule, the state board shall accord each school either full accreditation status, provisional accreditation status, or probationary accreditation status. (*Indiana State Board of Education; 511 IAC 6.1-1-3; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1185; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Feb 20, 2002, 9:43 a.m.: 25 IR 2233*)

**511 IAC 6.1-1-4 Accreditation requirements**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-4; IC 20-1-1.2-8; IC 20-1-21-4; IC 20-10.1-16; IC 20-10.1-17; IC 20-10.2-3

Sec. 4. A school must meet the following accreditation requirements to be accorded full accreditation status:

(1) Compliance with the following legal standards:

- (A) Health and safety requirements listed under 511 IAC 6.1-2.
- (B) Minimum time requirements listed under 511 IAC 6.1-3.
- (C) Staff-student ratio requirements listed under 511 IAC 6.1-4.
- (D) Curriculum offering requirements listed under 511 IAC 6.1-5 and 511 IAC 6.1-5.1.
- (E) Instructional staff requirements listed under 511 IAC 6.1-6.
- (F) ISTEP participation requirements in accordance with IC 20-10.1-16, IC 20-10.1-17, and 511 IAC 5-2.
- (G) Mandatory annual assessment requirements in accordance with 511 IAC 6.2-6.
- (H) Accurate and timely submission of all reports required of schools.
- (I) Production of an annual performance report that meets the requirements of IC 20-1-21 and in the case of a:
  - (i) public school, is published in accordance with IC 20-1-21-4; or
  - (ii) nonpublic school, is disseminated to school constituents.
- (J) Strategic and continuous school improvement and achievement planning requirements under IC 20-10.2-3 and 511 IAC 6.2-3.

(2) Assignment to one (1) of the following categories of school improvement and performance under 511 IAC 6.2-6-4:

- (A) Exemplary.
- (B) Commendable.
- (C) Academic progress.

*(Indiana State Board of Education; 511 IAC 6.1-1-4; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1185; filed Nov 8, 1990, 3:05 p.m.: 14 IR 654; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Feb 20, 2002, 9:43 a.m.: 25 IR 2233)*

**511 IAC 6.1-1-5 Accreditation procedures**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-5; IC 20-1-1.2-6; IC 20-6.1-8; IC 20-6.1-9; IC 20-10.1-16; IC 20-10.1-17

Sec. 5. (a) Each school and school corporation shall provide to the department and other appropriate state agencies documentation verifying compliance with the legal standards listed in 511 IAC 6.1-2 through 511 IAC 6.1-6.

(b) The department, under procedures approved by the board, shall review the documentation under subsection (a) to determine if the school has met all legal standards.

(c) The school shall provide to the department a copy of its most recently revised strategic and continuous school improvement and achievement plan. The department shall determine if the plan meets one (1) of the following requirements:

(1) The plan was developed as a part of a quality focused school improvement process, such as the criteria for the Malcolm Baldrige National Quality Award for Education or for a national or regional accreditation agency, that is approved by the state board.

(2) The plan was:

- (A) developed as a part of a school improvement process other than a process described in subdivision (1); and
- (B) meets the requirements of 511 IAC 6.2-3.

*(Indiana State Board of Education; 511 IAC 6.1-1-5; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1185; filed Jul 18, 1989, 5:00 p.m.: 12 IR 2260; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Feb 20, 2002, 9:43 a.m.: 25 IR 2233)*

**511 IAC 6.1-1-6 Accreditation status, school and school corporation**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-8

Sec. 6. (a) If the department determines that a school meets the accreditation requirements defined in section 4 of this rule,

the state board shall accord the school full accreditation status and award the school a certificate of full accreditation status.

(b) The department shall review a fully accredited school no later than three (3) years after the state board's determination of its accreditation status.

(c) When schools enrolling at least ninety-five percent (95%) of the students within a school corporation achieve full accreditation status, the state board shall accord the school corporation full accreditation status and award the school corporation a certificate of full accreditation status. (*Indiana State Board of Education; 511 IAC 6.1-1-6; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1186; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Feb 20, 2002, 9:43 a.m.: 25 IR 2234*)

#### **511 IAC 6.1-1-7 Appointment of on-site review panel**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-9

Sec. 7. (a) If a school does not meet the accreditation requirements defined in section 4 of this rule, the department shall conduct a preliminary visitation, at which time the school may provide additional information about either of the following:

(1) Compliance with legal standards.

(2) School improvement and performance.

(b) If information provided at the preliminary visitation does not confirm that the school meets the accreditation requirements in section 4 of this rule, the department shall appoint a review panel to conduct an on-site review of the school. (*Indiana State Board of Education; 511 IAC 6.1-1-7; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1186; filed Sep 11, 1997, 8:55 a.m.: 21 IR 394; filed Feb 20, 2002, 9:43 a.m.: 25 IR 2235*)

#### **511 IAC 6.1-1-8 Composition of the on-site review panel**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-10

Sec. 8. The department shall select the review panel members from a pool of trained individuals. Each review panel shall consist of at least three (3) individuals, including:

(1) the chair of the panel, who:

(A) has served as a member of an on-site review panel;

(B) has been trained to serve as chair of the panel; and

(C) may be a staff member of the department;

(2) one (1) classroom teacher; and

(3) one (1) individual who is not a classroom teacher.

(*Indiana State Board of Education; 511 IAC 6.1-1-8; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1186; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Feb 20, 2002, 9:43 a.m.: 25 IR 2235*)

#### **511 IAC 6.1-1-9 Duties of the on-site review panel**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1-6.3; IC 20-1-1-6.5; IC 20-1-1.2-11; IC 20-10.1-17

Sec. 9. (a) During its on-site evaluation of a school, the review panel shall review:

(1) teaching practices;

(2) administrative instructional leadership;

(3) parental and community involvement;

(4) implementation of the ISTEP remediation program under IC 20-10.1-17 and 511 IAC 12-4 [*511 IAC 12-4 was repealed filed Feb 9, 1999, 4:18 p.m.: 22 IR 1972.*];

(5) the homework policy;

(6) curricular focus on academic standards and instructional practices that meet the needs of all students;

(7) the professional development program under IC 20-1-1-6.3, IC 20-1-1-6.5, and 511 IAC 6.2-4;

(8) school climate;

- (9) monitoring student progress;
- (10) corporation level and governing body support; and
- (11) any other policy or practice necessary for the panel to determine if the school meets full accreditation status criteria.
- (b) The review process must include the following strategies for gathering information about educational programming:
  - (1) reviewing documents;
  - (2) observing students in the learning environment; and
  - (3) interviewing teachers, administrators, school board members, parents, students, and community representatives.

(c) The review panel shall verify compliance with the legal standards set out in 511 IAC 6.1-2, 511 IAC 6.1-3, 511 IAC 6.1-4, 511 IAC 6.1-5, and 511 IAC 6.1-6. (*Indiana State Board of Education; 511 IAC 6.1-1-9; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1186; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Feb 20, 2002, 9:43 a.m.: 25 IR 2235*)

**511 IAC 6.1-1-10 Recommendations of the on-site review panel**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-12

Sec. 10. Upon completion of its on-site evaluation, the review panel shall make a recommendation to the state board concerning:

- (1) the accreditation status of the school;
- (2) if applicable, recommendations for improvement of the school including a recommendation that the department provide for technical assistance to the school; and
- (3) the school's next review date.

(*Indiana State Board of Education; 511 IAC 6.1-1-10; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1186; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**511 IAC 6.1-1-11 Determination by the state board**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-13

Sec. 11. (a) Upon receipt of the review panel's recommendation, which must include analysis of strengths and weaknesses and justification for the recommendation, the state board shall make one (1) of the following determinations as to the accreditation status of the school:

- (1) Full accreditation status, with review conducted three (3) years after the state board's determination of full accreditation, if the school meets requirements for accreditation under section 4 of this rule.
- (2) Provisional accreditation status, with review conducted at least annually after the state board's determination of provisional accreditation, if both of the following are determined:

(A) The school meets the requirements for accreditation under section 4(1) of this rule.

(B) The school is placed in the academic watch (priority) category of school improvement and performance under 511 IAC 6.2-6-5.

- (3) Provisional accreditation status, with review conducted at least annually after the state board's determination of provisional accreditation status, if both of the following are determined:

(A) The school meets the requirements for accreditation under section 4(1) of this rule.

(B) The school is in the first or second year after initial placement in the academic probation (high priority) category of school improvement and performance under 511 IAC 6.2-6-5.

- (4) Probationary accreditation status, with review conducted at least annually after the state board's determination of probationary accreditation status, if, in the third year or subsequent year after initial placement in the academic probation (high priority) category of school improvement and performance under 511 IAC 6.2-6-5, the school remains in the academic probation (high priority) category of school improvement and performance.

(b) If a school is accorded provisional accreditation status or probation accreditation status for failure to comply with legal standards under section 4(1) of this rule, the state board and department shall note that the status was accorded for a reason other than school performance. (*Indiana State Board of Education; 511 IAC 6.1-1-11; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1186;*

*readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Feb 20, 2002, 9:43 a.m.: 25 IR 2235)*

**511 IAC 6.1-1-11.5      Review of fully accredited school**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2

Sec. 11.5. (a) The department shall appoint a review panel to conduct an evaluation of a school that has been awarded full accreditation status if the department verifies, prior to the school's next review date, that:

(1) The school is not in substantial compliance with the legal standards for accreditation under section 4(1) of this rule.

(2) The school has been placed in one (1) of the following categories of school improvement and performance under 511 IAC 6.2-6-5:

(A) Academic watch (priority).

(B) Academic probation (high priority).

(b) Sections 7 through 11 of this rule apply to a review under this section. (*Indiana State Board of Education; 511 IAC 6.1-1-11.5; filed Sep 11, 1997, 8:55 a.m.: 21 IR 395; filed Feb 20, 2002, 9:43 a.m.: 25 IR 2236; errata filed Aug 30, 2002, 10:00 a.m.: 26 IR 36*)

**511 IAC 6.1-1-12      Duties of the governing body (Repealed)**

Sec. 12. (*Repealed by Indiana State Board of Education; filed Feb 20, 2002, 9:43 a.m.: 25 IR 2239*)

**511 IAC 6.1-1-13      Action by the state board**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-15

Sec. 13. The state board shall accord probationary accreditation status to a school corporation with one (1) or more probationary schools that fail:

(1) to make progress; or

(2) to achieve full accreditation status at the end of three (3) years.

(*Indiana State Board of Education; 511 IAC 6.1-1-13; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1187; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Feb 20, 2002, 9:43 a.m.: 25 IR 2236*)

**511 IAC 6.1-1-13.5      Action by state board on nonpublic school or charter school**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1-6; IC 20-5.5

Sec. 13.5. (a) The state board shall revoke the accreditation status of a nonpublic school or a charter school under IC 20-5.5 if, in the fifth year after initial placement in the academic probation (high priority) category of school improvement and performance under 511 IAC 6.2-6-5, the school remains in the academic probation (high priority) category of school improvement and performance.

(b) If the accreditation status of a nonpublic school is revoked under subsection (a), the school may not seek accreditation until the school year in which the school normally would have been reviewed had the school been accorded full accreditation status rather than probationary accreditation status. (*Indiana State Board of Education; 511 IAC 6.1-1-13.5; filed Sep 11, 1997, 8:55 a.m.: 21 IR 395; filed Feb 20, 2002, 9:43 a.m.: 25 IR 2236*)

**511 IAC 6.1-1-14      Recommendations to the general assembly**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-16

Sec. 14. If a school corporation accorded probationary accreditation status does not raise the level of accreditation of each

of its schools that are on probationary accreditation status to full accreditation status within one (1) year, the department shall submit recommendations to the general assembly concerning the operation and administration of the school corporation and the schools within that school corporation. (*Indiana State Board of Education; 511 IAC 6.1-1-14; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1187; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**511 IAC 6.1-1-15 Right of appeal**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-7; IC 20-1-1.2-17

Sec. 15. If a school is accorded probationary accreditation status under section 11 of this rule, the governing body may appeal that determination to the state board. (*Indiana State Board of Education; 511 IAC 6.1-1-15; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1187; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Feb 20, 2002, 9:43 a.m.: 25 IR 2237*)

**Rule 2. Health and Safety Requirements**

**511 IAC 6.1-2-1 General requirements**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-1

Sec. 1. Each school shall comply with the rules of:

- (1) the fire prevention and building safety commission;
- (2) the state department of health; and
- (3) the Indiana occupational safety and health administration.

(*Indiana State Board of Education; 511 IAC 6.1-2-1; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1187; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Feb 20, 2002, 9:43 a.m.: 25 IR 2237*)

**511 IAC 6.1-2-2 Emergency preparedness (Repealed)**

Sec. 2. (*Repealed by Indiana State Board of Education; filed Aug 28, 1998, 4:58 p.m.: 22 IR 91*)

**511 IAC 6.1-2-2.5 Safe schools and emergency preparedness planning**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-1

Sec. 2.5. (a) Each school corporation shall, in consultation with local public safety agencies, develop a written emergency preparedness plan for the school corporation and each school in the corporation. An emergency preparedness plan shall, at a minimum, contain the following:

- (1) Appropriate warning systems.
- (2) Procedures for notifying other agencies and organizations.
- (3) Posting of evacuation routes.
- (4) Emergency preparedness instruction for staff and students.
- (5) Public information procedures.
- (6) Steps that will be taken prior to a decision to evacuate buildings or dismiss classes.
- (7) Provisions to protect the safety and well-being of staff, students, and the public in case of:
  - (A) fire;
  - (B) natural disaster, such as tornado, flood, or earthquake;
  - (C) adverse weather conditions, such as winter storms or extreme heat;
  - (D) nuclear contamination, such as power plant or transport vehicle spills;
  - (E) exposure to chemicals, such as pesticides, industrial spills and contaminants, laboratory chemicals, and cleaning agents; and

(F) manmade occurrences, such as student disturbance, weapon, weapon of mass destruction, contamination of water supply or air supply, hostage, and kidnapping incidents.

(b) Within sixty (60) days after the beginning date of each school year, the superintendent shall certify to the department that the emergency preparedness plans for the school corporation and each school in the school corporation have been reviewed and revised, if necessary. Within sixty (60) days of opening a new or significantly remodeled school, the superintendent shall certify to the department that a new plan has been developed or that the existing plan has been reviewed and revised, if necessary.

(c) Emergency preparedness plans shall be available for inspection by the department. (*Indiana State Board of Education; 511 IAC 6.1-2-2.5; filed Aug 28, 1998, 4:58 p.m.: 22 IR 91*)

### **511 IAC 6.1-2-3 Emergency preparedness drills**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-1; IC 20-8.1-8-2

Sec. 3. Each school and attendance center shall hold tornado (shelter) preparedness drills at least twice during each semester. Each school or attendance center shall conduct fire drills in accordance with the rules of the fire prevention and building safety commission. The principal or the principal's designee shall maintain a permanent record of all drills. The building principal shall certify to the superintendent of the school corporation that drills have been conducted in accordance with this section. (*Indiana State Board of Education; 511 IAC 6.1-2-3; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1188; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

### **511 IAC 6.1-2-4 Health tests**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-1; IC 20-8.1-7

Sec. 4. (a) The school corporation shall insure that every child in the school corporation has been immunized in accordance with IC 20-8.1-7-10.1.

(b) The school corporation shall conduct visual acuity screening tests in accordance with IC 20-8.1-7-16 and 511 IAC 4-2-1 through 511 IAC 4-2-1.1.

(c) The school corporation shall conduct annual audiometer tests in accordance with IC 20-8.1-7-17.

(d) The school corporation shall administer a test to determine postural defects in accordance with IC 20-8.1-7-19. (*Indiana State Board of Education; 511 IAC 6.1-2-4; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1188; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

### **511 IAC 6.1-2-5 Eye protection devices**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-1; IC 20-8.1-8-1

Sec. 5. Every pupil and teacher shall wear industrial quality eye protective devices when required by IC 20-8.1-8-1. (*Indiana State Board of Education; 511 IAC 6.1-2-5; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1188; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

### **511 IAC 6.1-2-6 Student services**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-1

Sec. 6. Each school shall provide student services under 511 IAC 4-1.5. (*Indiana State Board of Education; 511 IAC 6.1-2-6; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1188; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Feb 20, 2002, 9:43 a.m.: 25 IR 2237*)

## **Rule 3. Minimum Time Requirements**

**511 IAC 6.1-3-1 Student instructional day**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-1; IC 20-10.1-2-1

Sec. 1. (a) Each school corporation shall conduct at least one hundred eighty (180) student instructional days for all students grades 1 through 12.

(b) A student instructional day consists of a minimum of five (5) hours of instructional time in grades 1 through 6 and six (6) hours of instructional time in grades 7 through 12.

(c) Instead of conducting a full student instructional day, a school corporation may provide the equivalent amount of instructional time by conducting partial student instructional days.

(d) Instructional time is time in which students are participating in an approved course, curriculum or educationally related activity under the direction of a teacher. Instructional time includes a reasonable amount of passing time between classes within a single school building or on a single school campus. Instructional time does not include lunch or recess.

(e) An educationally related activity is a non-classroom activity, such as a field trip or convocation that meets all of the following:

- (1) Is consistent with and promotes the educational philosophy and goals of the school corporation and the state board.
- (2) Facilitates the attainment of specific educational objectives.
- (3) Is a part of the goals and objectives of an approved course or curriculum.
- (4) Represents a unique educational opportunity.
- (5) Has been approved in writing by the local superintendent or the superintendent's designee.
- (6) Cannot reasonably occur without interrupting the school day.

Each school corporation shall maintain a record of educationally related activities. The record is open to public inspection and must contain a description of the activity and a statement of the educational objectives of the activity.

(f) If a school corporation's calendar includes at least nine hundred ten (910) hours of instructional time for students in grades 1 through 6, the school corporation may dismiss students in grades 1 through 6 for no more than ten (10) hours during the school year for the purpose of conducting parent-teacher conferences. Students may not be dismissed for a full day for the purpose of conducting parent-teacher conferences.

(g) If a school corporation's calendar includes at least one thousand ninety-two (1,092) hours of instructional time for students in grades 7 through 12, the school corporation may dismiss students in grades 7 through 12 for no more than twelve (12) hours during the school year for the purpose of conducting teacher conferences with the parents of those students. Students may not be dismissed for a full day for the purpose of conducting parent-teacher conferences.

(h) If a school corporation has valid educational reasons, such as scheduling final examinations, for permitting students in grade 12 to attend school for fewer than one hundred eighty (180) days during the school year, the corporation may submit its proposed schedule for those students to the department of education for review and approval.

(i) This section applies to every accredited school as well as to every school corporation.

(j) For accreditation purposes, the department may grant a waiver of the requirements of this section for a particular number of student instructional days if:

(1) a school corporation applies to the department for a waiver for a specific number of cancelled student instructional days; and

(2) each of the particular number of instructional days requested to be waived was cancelled due to extraordinary circumstances.

(k) The department shall consider the following factors in determining if extraordinary circumstances justify granting a waiver under subsection (i):

- (1) The reason(s) for not making up the cancelled instructional days.
- (2) The length and amount of instructional time in the school calendar.
- (3) The reason(s) the days were cancelled.
- (4) The date the cancelled days occurred.
- (5) The number of cancelled days.
- (6) The number of schools affected.

(l) A decision of the department under this section may be appealed to the state board. (*Indiana State Board of Education*;



511 IAC 6.1-3-1; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1188; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Feb 20, 2002, 9:43 a.m.: 25 IR 2237)

**511 IAC 6.1-3-2 Elementary school curriculum (Repealed)**

Sec. 2. (Repealed by Indiana State Board of Education; filed Dec 22, 1992, 5:00 p.m.: 16 IR 1388, eff Jul 1, 1993)

**511 IAC 6.1-3-3 Middle or junior high school curriculum (Repealed)**

Sec. 3. (Repealed by Indiana State Board of Education; filed Dec 22, 1992, 5:00 p.m.: 16 IR 1388, eff Jul 1, 1993)

**511 IAC 6.1-3-4 High school curriculum**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-1; IC 20-5-2-1.1; IC 20-10.1-4

Sec. 4. The daily and weekly schedules of students in grades 9 through 12 shall be organized in a manner appropriate for the educational program, provided the equivalent of at least two hundred fifty (250) minutes per week are scheduled for each course offered. (Indiana State Board of Education; 511 IAC 6.1-3-4; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1190; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)

**Rule 4. Staff-Student Ratio Requirements**

**511 IAC 6.1-4-1 Pupil/teacher ratio**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-1

Sec. 1. The average pupil/teacher ratio for a single school shall not exceed 30/1. Pupil/teacher ratios shall be figured on a full-time equivalency basis only on regular classroom teachers assigned to instruction. (Indiana State Board of Education; 511 IAC 6.1-4-1; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1190; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Feb 20, 2002, 9:43 a.m.: 25 IR 2238)

**511 IAC 6.1-4-2 Administrative staff ratio**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-1

Sec. 2. All schools and attendance centers shall employ only principals who are properly licensed under 511 IAC 10 and are not full-time teachers. A school corporation shall assign administrative staff as follows:

(1) At least a one-half (1/2) time principal to an elementary school with an enrollment up to two hundred fifty (250) pupils.

(2) At least a three-quarter (3/4) time principal to an elementary school with an enrollment of two hundred fifty (250) through five hundred (500) pupils.

(3) At least one (1) full-time principal to an elementary school with an enrollment over five hundred (500) pupils, with an additional administrative or supervisory assistant for each additional five hundred (500) pupils enrolled.

(4) At least one (1) full-time principal to a high school or middle/junior high school. A high school or middle/junior high school with an enrollment over five hundred (500) pupils shall employ an additional administrative or supervisory assistant for each additional five hundred (500) pupils enrolled.

(Indiana State Board of Education; 511 IAC 6.1-4-2; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1190; filed Jul 18, 1989, 5:00 p.m.: 12 IR 2261; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)

**Rule 5. Curriculum Offerings**

**511 IAC 6.1-5-0.5 General curriculum principles**

Authority: IC 20-1-1-6

Affected: IC 20-1-1-6

Sec. 0.5. (a) Each school corporation in Indiana shall shall *[sic.]* develop and implement a curriculum for grades K-12 that provides a planned sequence of learning experiences of adequate breadth and depth to:

- (1) develop individual responsibility for learning and personal actions;
  - (2) address the unique needs, personal interests, and capabilities of each student;
  - (3) provide for the mental and physical well-being of each student;
  - (4) contribute to each student's intellectual, social, vocational, artistic, and expressive growth; and
  - (5) provide opportunities for students to recognize their potentials and be prepared for a lifetime of learning.
- (b) In applying these general principles, the school should provide students with opportunities to:
- (1) use language to think and communicate effectively, both orally and in writing;
  - (2) use mathematical knowledge and methods to solve problems;
  - (3) reason logically;
  - (4) use ideas and symbols with power and ease;
  - (5) understand and apply scientific knowledge and methods;
  - (6) make use of technology and understand its limitations;
  - (7) express oneself through the arts and understand the artistic expression of others;
  - (8) apply knowledge about the ecological and social environments in making decisions;
  - (9) understand the unique cultural experiences and political institutions of the United States;
  - (10) understand other languages and cultures;
  - (11) understand spacial relationships;
  - (12) apply knowledge about health, nutrition, and physical activity;
  - (13) acquire the capacity to meet unexpected challenges; and
  - (14) make informed judgments.

*(Indiana State Board of Education; 511 IAC 6.1-5-0.5; filed Dec 22, 1992, 5:00 p.m.: 16 IR 1383, eff Jul 1, 1993; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

**511 IAC 6.1-5-1 Kindergarten curriculum**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-1; IC 20-10.1-16-6

Sec. 1. (a) The kindergarten curriculum shall include developmentally appropriate activities in the following areas:

- (1) Language experiences, including oral, listening, and visual activities.
- (2) Creative experiences, including music, dramatics, movement, arts, and crafts.
- (3) Personal growth experiences, including motor skills development, health, safety, nutrition, and self-concept development.
- (4) Social living experiences.
- (5) Environmental and science experiences.
- (6) Mathematical experiences.

(b) Schools shall maintain instructional programs that provide all students with opportunities to acquire proficiencies as established in subsection (a). Schools shall refer to the educational proficiency statements developed under IC 20-10.1-16-6.

*(Indiana State Board of Education; 511 IAC 6.1-5-1; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1191; filed Dec 22, 1992, 5:00 p.m.: 16 IR 1383, eff Jul 1, 1993; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

**511 IAC 6.1-5-2 Elementary school curriculum (Repealed)**

Sec. 2. *(Repealed by Indiana State Board of Education; filed Dec 22, 1992, 5:00 p.m.: 16 IR 1388, eff Jul 1, 1993)*

**511 IAC 6.1-5-2.5 Elementary school curriculum**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-1; IC 20-10.1-4; IC 20-10.1-16-6

Sec. 2.5. (a) In each grade 1 through 6, the elementary school curriculum:

- (1) shall include a balance of learning experiences in the subject areas listed in subsections (b) through (k);
- (2) shall be appropriate to the developmental characteristics of young learners;
- (3) shall be consistent with the proficiency guides developed under IC 20-10.1-16-6 and the general principles in section 0.5 of this rule;

- (4) should develop student competency in gathering, using, and evaluating information in a technology-rich environment; and
- (5) may be provided through interdisciplinary learning experiences.

(b) Elementary school language arts shall provide:

- (1) an integrated study of:

- (A) literature;
- (B) reading and writing processes;
- (C) oral communications; and
- (D) language, including grammar, usage, mechanics, spelling, and handwriting as tools of effective communication; and

- (2) experiences to enable students to become proficient language users as:

- (A) readers;
- (B) writers;
- (C) listeners;
- (D) speakers; and
- (E) thinkers.

(c) Elementary school mathematics shall provide active learning experiences through which students:

- (1) develop and use basic mathematics concepts;
- (2) are encouraged to discover mathematical relationships; and
- (3) apply their acquired understandings to more complex situations and the solution of real problems.

(d) Elementary school social studies and citizenship shall provide:

- (1) opportunities for students to actively acquire and use the thinking skills, knowledge, and attitudes necessary for participatory citizenship; and

- (2) experiences through a balanced study of:

- (A) history;
- (B) geography;
- (C) economics;
- (D) world cultures;
- (E) government and law; and
- (F) citizen responsibilities in a democratic society.

(e) Elementary school science shall:

- (1) provide hands-on learning opportunities in which students use sciencing skills, processes, and attitudes to develop an understanding of:

- (A) the structure of the universe;
- (B) the physical principles on which the universe operates;
- (C) the living environment;
- (D) the human organism; and
- (E) the designed world; and

- (2) require students to go beyond the verbalization of principles and schematic representation of structures to their applications to related personal or societal issues and problems.

(f) Elementary school fine arts shall include, but not be limited to, learning opportunities in music and visual arts that will enable students to understand, appreciate, and produce artworks.

(g) The visual arts curriculum shall help students begin to:

- (1) acquire knowledge and develop concepts;
- (2) learn evaluative techniques in order to make informed judgments;
- (3) explore personal expression through problem-solving activities;
- (4) develop perceptual, analytical, and technical skills in art history, criticism, aesthetics, and production; and
- (5) compare multicultural forms of visual arts expression.

(h) The music curriculum shall:

- (1) provide experiences in listening, performing, creating, and movement;
- (2) include the study of the structural elements of music; and
- (3) begin to develop perceptual, analytical, and technical skills and concepts that will allow the student to make informed judgments and critically analyze, understand, and appreciate music.

(i) Students in the upper elementary grades should have the option to receive instrumental music instruction.

(j) Elementary school health education shall provide the coordinated and sequential development of knowledge, concepts, skills, and behaviors related to the student's present and future health and well-being in the following areas:

- (1) Growth and development.
- (2) Mental and emotional health.
- (3) Community and environmental health.
- (4) Nutrition.
- (5) Family life education.
- (6) Consumer health.
- (7) Personal health.
- (8) Alcohol and other drugs.
- (9) Intentional and unintentional injury.
- (10) Health promotion and disease prevention.

Provided, however, that nothing in this subsection is to be interpreted as a requirement for instruction concerning the expression of human sexuality.

(k) Elementary school physical education shall provide experiences through which students develop:

- (1) fundamental stability and manipulative skills;
- (2) locomotor and nonlocomotor skills;
- (3) rhythm and dance movement skills; and
- (4) knowledge and skills in:
  - (A) aerobic endurance;
  - (B) body composition;
  - (C) flexibility; and
  - (D) muscular strength and endurance.

(l) The elementary curriculum should be enriched through learning experiences such as, but not limited to, the following:

(1) Career awareness experiences through which students begin to:

- (A) acquire a positive attitude toward work;
- (B) develop the skills needed to make career and educational plans and decisions;
- (C) understand the relationship between personal qualities and work;
- (D) explore the work of family, school, and community workers;
- (E) learn how to use leisure time;
- (F) learn how to work together;
- (G) develop responsible social skills as citizens of a school, community, state, and country; and
- (H) learn the satisfaction and value of good workmanship.

(2) Community service activities that give students structured opportunities to:

- (A) apply curriculum-based knowledge in experiential settings through fulfillment of an unmet community need; and
- (B) reflect on and understand the impact and importance of their efforts as well as the educational benefit to themselves.

(3) Drama and dance/creative movement activities and exploratory experiences that contribute to the development of the students':

- (A) artistic thinking and feeling;
- (B) ability to understand themselves and the world around them; and
- (C) develop physical and verbal communication skills.
- (4) Foreign language education that provides students with the ability to:
  - (A) communicate in languages other than their own; and
  - (B) develop understanding of cultures where other languages are spoken.
- (5) International education that:
  - (A) provides for the study of specific societies, languages, and world issues;
  - (B) cuts across traditional disciplines; and
  - (C) includes themes and concepts from:
    - (i) the natural sciences;
    - (ii) the social sciences;
    - (iii) technology;
    - (iv) the fine arts; and
    - (v) the humanities.
- (6) Practical experiences through which students:
  - (A) begin to recognize technological systems and processes;
  - (B) learn to use technology to solve problems related to home, school, community, and workplace; and
  - (C) develop skills useful in performing individual and family responsibilities.
- (m) The following time allocations are recommended for the curriculum listed in subsections (b) through (k):

Subject Area	Grade Level	Weekly Minimum
Language arts	1, 2, and 3	750 minutes
	4	525 minutes
	5 and 6	450 minutes
Mathematics	1 through 6	225 minutes
Social studies/citizenship	1, 2, 3, and 4	150 minutes
	5 and 6	225 minutes
Science	1, 2, and 3	150 minutes
	4, 5, and 6	180 minutes
Visual arts	1, 2, and 3	60 minutes
	4, 5, and 6	90 minutes
Music	1, 2, and 3	60 minutes
	4, 5, and 6	90 minutes
Motor skills development and health/safety education	1, 2, and 3	105 minutes
Health and safety education	4, 5, and 6	75 minutes
Physical education	4, 5, and 6	75 minutes
Additional instruction in any of the above areas or instruction in foreign language, creative experiences, or practical arts	4, 5, and 6	90 minutes

(n) The provisions of subsection (m) notwithstanding, the time allocations in subsection (m) are required for the curriculum listed in subsections (b) through (k) until July 1, 1994. (*Indiana State Board of Education; 511 IAC 6.1-5-2.5; filed Dec 22, 1992, 5:00 p.m.: 16 IR 1383, eff Jul 1, 1993; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

### 511 IAC 6.1-5-3 Middle or junior high school curriculum (Repealed)

Sec. 3. (*Repealed by Indiana State Board of Education; filed Dec 22, 1992, 5:00 p.m.: 16 IR 1388, eff Jul 1, 1993*)

**511 IAC 6.1-5-3.5 Middle level curriculum**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-1; IC 20-10.1-4; IC 20-10.1-16-6

Sec. 3.5. (a) In each grade 7 and 8, or each grade 6 through 8 in middle schools that include grade 6, the middle school curriculum:

- (1) shall include a balance of learning experiences in the subject areas listed in subsections (b) through (l) and should be provided through interdisciplinary activities;
  - (2) shall be appropriate to the developmental characteristics of young adolescents;
  - (3) shall be consistent with the proficiency guides developed under IC 20-10.1-16-6 and the general principles in section 0.5 of this rule;
  - (4) should develop student competency in gathering, using, and evaluating information and ideas in a technology-rich environment; and
  - (5) may be provided in a team setting.
- (b) Middle school language arts shall provide:
- (1) an integrated study of:
    - (A) literature;
    - (B) media;
    - (C) reading and writing processes;
    - (D) oral communications; and
    - (E) language, including grammar, usage, mechanics, and spelling as tools of effective communication; and
  - (2) experiences to enable students to become proficient language users as:
    - (A) readers;
    - (B) writers;
    - (C) listeners;
    - (D) speakers; and
    - (E) thinkers.
- (c) Middle school mathematics shall provide active learning experiences through which students:
- (1) are allowed to discover mathematical relationships;
  - (2) come to appreciate the power and utility of mathematics;
  - (3) acquire knowledge, skills, and tools necessary for using mathematics in their lives; and
  - (4) have opportunities to apply their understanding to more complex situations and the solution of real problems.
- (d) Middle school social studies and citizenship shall provide:
- (1) opportunities for students to actively acquire and use the thinking skills, knowledge, and attitudes necessary for participatory citizenship; and
  - (2) experiences through a balanced study of:
    - (A) history;
    - (B) geography;
    - (C) economics;
    - (D) world cultures;
    - (E) government and law; and
    - (F) citizen responsibilities in a democratic society.
- (e) Middle school science shall:
- (1) provide hands-on learning opportunities through which students become adept in using sciencing skills, processes, and attitudes to develop an understanding of:
    - (A) the structure of the universe;
    - (B) the physical principles on which the universe operates;
    - (C) the living environment;
    - (D) the human organism; and
    - (E) the designed world; and

- (2) require students to go beyond the verbalization of principles and the schematic representation of structures when questioned to the development of familiarity that prompts their applications as germane to personal needs or societal issues.
- (f) Middle school fine arts shall meet student needs for aesthetic enrichment and development of artistic and musical talents and abilities. Diverse options based on student needs shall include the following:
  - (1) Large and small groups.
  - (2) Laboratory experiences in music and visual arts.
  - (g) The visual arts curriculum shall help students:
    - (1) continue to develop a student's knowledge, concepts, perceptual, analytical, and technical skills in:
      - (A) art history;
      - (B) criticism;
      - (C) aesthetics; and
      - (D) production; and
    - (2) use two (2) and three (3) dimensional media to increase a student's:
      - (A) knowledge of the elements and principles of art;
      - (B) ability to learn evaluative techniques in order to make informed judgments;
      - (C) ability to solve problems creatively through personal expression; and
      - (D) ability to appreciate art.
  - (h) The music curriculum shall:
    - (1) provide experiences in listening, performing, creating, and movement;
    - (2) include the study of the structural elements of music; and
    - (3) continue to build perceptual, analytical, and technical skills and concepts that will enhance student ability to:
      - (A) perform;
      - (B) make informed judgments;
      - (C) be critical listeners; and
      - (D) appreciate music.
  - (i) The practical arts education curriculum shall:
    - (1) provide experiences through which students:
      - (A) recognize technological systems and developments;
      - (B) become aware of the possibilities and limitations of technology;
      - (C) use technological systems and developments to prevent and solve problems related to home, school, community, and workplace;
      - (D) develop skills in managing individual and family responsibilities; and
      - (E) assess personal interests and aptitudes in relation to various career opportunities; and
    - (2) provide the experiences in subdivision (1) through the areas of:
      - (A) agribusiness;
      - (B) business;
      - (C) home economics; and
      - (D) industrial technology.
  - (j) The middle school health education curriculum shall provide the coordinated development of knowledge, concepts, skills, and behaviors related to the student's present and future health and well-being in the following areas:
    - (1) Growth and development.
    - (2) Mental and emotional health.
    - (3) Community and environmental health.
    - (4) Nutrition.
    - (5) Family life education.
    - (6) Consumer health.
    - (7) Personal health.
    - (8) Alcohol and other drugs.
    - (9) Intentional and unintentional injury.
    - (10) Health promotion and disease prevention.

Provided, however, that nothing in this subsection is to be interpreted as a requirement for instruction concerning the expression of human sexuality.

(k) Middle school physical education shall provide experiences through which the students develop:

- (1) knowledge and skills in:
  - (A) aerobic endurance;
  - (B) body composition;
  - (C) flexibility; and
  - (D) muscular strength and endurance;
- (2) fundamental and refined techniques of movement in:
  - (A) rhythmic activities;
  - (B) lifetime recreational activities; and
  - (C) fitness activities; and
- (3) better skills in all areas through participation in intramural activities.

(l) The middle school advisor-advisee program shall provide students with opportunities for regular communication with a licensed teacher about the student's academic program. The advisor-advisee program may include, but is not limited to, the following activities:

- (1) Career awareness.
- (2) Study skills.
- (3) Reading skills.
- (4) Conflict resolution.

(m) Middle school curriculum should be enriched through exploratory experiences such as, but not limited to, the following:

- (1) Career explorations, including opportunities that:
  - (A) support a positive attitude toward work;
  - (B) develop transition skills needed for life and career adjustments;
  - (C) understand the relationships between personal qualities and work choices;
  - (D) focus on making decisions, setting goals, and taking action;
  - (E) explore lifestyle and career planning;
  - (F) assist students to learn how to use leisure time; and
  - (G) help students to understand how community awareness relates to work.
- (2) Community service activities that give students structured opportunities to:
  - (A) apply curriculum-based knowledge in experiential settings through fulfillment of an unmet community need; and
  - (B) reflect on and understand the impact and importance of their efforts as well as the educational benefit to themselves.
- (3) Foreign language education that provides students with the ability to:
  - (A) communicate in languages other than their own; and
  - (B) develop understanding of cultures where other languages are spoken.
- (4) International education that:
  - (A) provides for the study of specific societies, languages, and world issues;
  - (B) cuts across traditional disciplines; and
  - (C) includes themes and concepts from:
    - (i) the natural sciences;
    - (ii) the social sciences;
    - (iii) technology;
    - (iv) the fine arts; and
    - (v) the humanities.
- (5) An intramural program in lifetime recreational sports and health-related fitness activities.
- (6) A theatre arts and dance/creative movement curriculum in which students:
  - (A) acquire knowledge and understanding of the elements of drama and dance/creative movement;
  - (B) explore personal expression through movement, voice, and language;
  - (C) make informed judgments; and
  - (D) develop technical skills in the areas of production and performance.



- (7) Enrichment experiences such as activity periods, clubs, and interest groups that provide learning opportunities to:
- (A) satisfy a wide range of interests;
  - (B) develop social skills; and
  - (C) practice leadership roles.

(n) A school that includes grade 9 shall organize its schedule for grade 9 as specified in 511 IAC 6.1-3-4 and section 4 of this rule.

(o) The recommended time allocations for the curriculum in subsections (b) through (k) for grades 7 and 8, and grade 6 when it is included in a middle school, are as follows:

Subject Area	Grade Level	Weekly Minimum
Language arts	6	400 minutes
	7 and 8	200 minutes
Mathematics	6, 7, and 8	200 minutes
Social studies/citizenship	6, 7, and 8	200 minutes
Science	6, 7, and 8	200 minutes
Additional instruction, including remediation, in language arts, mathematics, social studies/citizenship, and science, which may include foreign language	7 and 8	200 minutes
Visual arts	6, 7, and 8	50 minutes
Music	6, 7, and 8	50 minutes
Practical arts/industrial technology education	6, 7, and 8	100 minutes
Health and safety education	6, 7, and 8	100 minutes
Physical education	6, 7, and 8	100 minutes
Additional experiences in any of the above areas or other areas, such as foreign language, creative experiences, or performing arts classes	6, 7, and 8	400 minutes

(p) Weekly time allocations in subsection (o) may alternatively be allocated on a yearly basis.

(q) The provisions of subsection (o) notwithstanding, the time allocations in subsection (o) are required for the curriculum listed in subsections (b) through (k) for grades 7 and 8, and grade 6 when it is included in a middle school, until July 1, 1994. *(Indiana State Board of Education; 511 IAC 6.1-5-3.5; filed Dec 22, 1992, 5:00 p.m.: 16 IR 1385, eff Jul 1, 1993; filed Oct 6, 1997, 5:20 p.m.: 21 IR 391; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960)*

#### 511 IAC 6.1-5-4 High school curriculum

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-1; IC 20-10.1-4; IC 20-10.1-16-6

Sec. 4. (a) The high school curriculum shall include all courses and learning areas required by 511 IAC 6-7-6.

(b) The curriculum shall include a sufficient number and variety of elective courses so that students are able to fulfill elective requirements of 511 IAC 6-7-6 within four (4) years and carry five (5) or more courses each semester. Course offerings of cooperative and joint schools qualify to meet these requirements.

(c) The minimum curriculum shall include course offerings as listed in the following areas of study:

Areas	School Offerings	Minimum Each Year
English	8 credits	8 credits
Social studies	8 credits	4 credits
Science	6 credits	4 credits
Mathematics	6 credits	6 credits
Foreign language	4 credits	2 credits
Business technology, family and consumer sciences, technology education, or vocational-technical	4 credits	2 credits
Health and safety	2 credits	2 credits
Physical education	1 credit	1 credit
Fine arts	2 credits	2 credits

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Consumer/economics	1 credit	1 credit
Electives	12 credits	11 credits
Total	54 credits	43 credits

(d) Schools shall maintain instructional programs that provide all students with opportunities to acquire a set of minimum proficiencies in courses in which they enroll. Schools shall refer to the educational proficiency statements developed under IC 20-10.1-16-6.

(e) The courses listed in 511 IAC 6.1-5.1 may be offered for high school graduation credit in accordance with the provisions of 511 IAC 6-7-6 through 511 IAC 6-7-6.5.

(f) Courses listed in 511 IAC 6.1-5.1 are generally considered one (1) or two (2) semester courses unless more than one (1) level is specified. (*Indiana State Board of Education; 511 IAC 6.1-5-4; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1191; filed Nov 8, 1990, 3:05 p.m.: 14 IR 654; filed Dec 22, 1992, 5:00 p.m.: 16 IR 1388, eff Jul 1, 1993; filed Oct 6, 1997, 5:20 p.m.: 21 IR 393; filed May 28, 1998, 4:57 p.m.: 21 IR 3826*)

#### **511 IAC 6.1-5-5 Textbooks**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-1; IC 20-10.1-9-27

Sec. 5. The governing body of each school corporation shall adopt from the state textbook adoption lists a textbook for each of the subjects taught or obtain a waiver under IC 20-10.1-9-27. The superintendent shall forward to the state board a list of those selections. (*Indiana State Board of Education; 511 IAC 6.1-5-5; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1192; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **511 IAC 6.1-5-6 Media program**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-1

Sec. 6. All schools shall have a media program that is an integral part of the educational program. A licensed media specialist shall supervise the media program. Each school shall spend at least eight dollars (\$8) per student per year from its 22200 account to maintain its media program. (*Indiana State Board of Education; 511 IAC 6.1-5-6; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1192; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **511 IAC 6.1-5-7 Special education**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-1; IC 20-1-6

Sec. 7. Each school corporation shall provide special education to students with disabilities in accordance with 511 IAC 7. (*Indiana State Board of Education; 511 IAC 6.1-5-7; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1192; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Feb 20, 2002, 9:43 a.m.: 25 IR 2238*)

#### **511 IAC 6.1-5-8 Limited-English proficient students**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-10.1-5.5

Sec. 8. Each school corporation shall provide appropriate instruction to limited-English proficient students. (*Indiana State Board of Education; 511 IAC 6.1-5-8; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1192; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**511 IAC 6.1-5-9 Homework policy required**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-1

Sec. 9. Each school and school corporation shall adopt, implement, and communicate to teachers, parents, and students a written homework policy to reinforce the concept that homework is an out-of-school assignment that contributes to the educational process of the student. Homework shall be viewed as an extension of class work and related to the objectives of the curriculum. *(Indiana State Board of Education; 511 IAC 6.1-5-9; filed Feb 20, 2002, 9:43 a.m.: 25 IR 2238)*

**511 IAC 6.1-5-10 Retaining student for athletic purposes prohibited**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-1

Sec. 10. Each school and school corporation shall adopt and enforce a written policy that prohibits retaining a student in a grade level for the sole purpose of improving the student's ability to participate in extracurricular athletic programs. *(Indiana State Board of Education; 511 IAC 6.1-5-10; filed Feb 20, 2002, 9:43 a.m.: 25 IR 2238)*

**Rule 5.1. Approved High School Courses**

**511 IAC 6.1-5.1-1 Multidisciplinary courses**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-10.1

Sec. 1. (a) The following multidisciplinary courses may be offered:

- (1) Basic skills development.
- (2) Cadet teaching experience.
- (3) Introduction to computer applications.
- (4) Environmental studies (L).
- (5) Humanities.
- (6) Junior reserve officer training corps.
- (7) Musical theatre (L).
- (8) Peer tutoring.
- (9) Career information and exploration.
- (10) Driver education (L).
- (11) Motorcycle safety education (L).

(b) After July 1, 2001, schools involved in Project Lead the Way, a pre-engineering program, may offer the following:

- (1) Engineering design and development (L).
- (2) Digital electronics (L).

(c) For establishing majors and minors, multidisciplinary courses shall be applied to an area of study to which a significant portion of the course content is closely related.

(d) In order to use the courses listed in this section toward the thirty-eight (38) credit requirements, any course that is suffixed with a capital "L" in parentheses is to be presented as a laboratory course, as defined at 511 IAC 6.1-1-2(l).

(e) Cadet teaching experience for high school pupils is limited to kindergarten through grade 9. Credit is granted on the same basis as any other course. *(Indiana State Board of Education; 511 IAC 6.1-5.1-1; filed Nov 8, 1990, 3:05 p.m.: 14 IR 654; filed Nov 4, 1999, 10:08 a.m.: 23 IR 566, eff Jul 1, 2000; filed Dec 2, 2001, 12:22 p.m.: 25 IR 1141)*

**511 IAC 6.1-5.1-2 Language arts courses**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-10.1

Sec. 2. The following courses may be offered in the language arts area of study:

(1) The following integrated English courses:

- (A) English 9.
- (B) English 10.
- (C) English 11.
- (D) English 12.
- (E) Language arts lab.
- (F) English as a new language.

(2) The following literature studies courses:

- (A) American literature.
- (B) Biblical literature.
- (C) Biographies.
- (D) Classical literature.
- (E) Dramatic literature.
- (F) English literature.
- (G) Ethnic literature.
- (H) Film literature.
- (I) Genres of literature.
- (J) Indiana literature.
- (K) Literary movements.
- (L) Novels.
- (M) Poetry.
- (N) Short stories.
- (O) Themes in literature.
- (P) Twentieth century literature.
- (Q) World literature.
- (R) Contemporary literature.
- (S) English literature and composition, advanced placement or college credit.

(3) The following language studies courses:

- (A) Etymology.
- (B) Grammar.
- (C) Linguistics.
- (D) English language and composition, advanced placement or college credit.

(4) The following speech studies courses:

- (A) Debate.
- (B) Advanced speech and communications.
- (C) Group discussion.
- (D) Speech.

(5) The following media studies courses:

- (A) Journalism.
- (B) Library media.
- (C) Mass media.
- (D) Student publications.

(6) The following composition studies courses:

- (A) Composition.
- (B) Creative writing.
- (C) Expository writing.
- (D) Technical communication.
- (E) Advanced composition.

(7) The following reading courses:

(A) Developmental reading.

(B) Language arts lab.

*(Indiana State Board of Education; 511 IAC 6.1-5.1-2; filed Nov 8, 1990, 3:05 p.m.: 14 IR 655; filed Nov 4, 1999, 10:08 a.m.: 23 IR 566, eff Jul 1, 2000)*

**511 IAC 6.1-5.1-3 Social studies courses**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-10.1

Sec. 3. The following courses may be offered in the social studies area of study:

- (1) African studies.
- (2) Anthropology.
- (3) Applied economics.
- (4) Asian studies.
- (5) Citizenship and civics.
- (6) Consumer economics.
- (7) Current problems, issues, and events.
- (8) Economics.
- (9) Ethnic studies.
- (10) Indiana studies.
- (11) International relations.
- (12) Introduction to social science.
- (13) Latin American studies.
- (14) Law education.
- (15) Modern world civilization.
- (16) Political science.
- (17) Psychology.
- (18) Sociology.
- (19) State and local government.
- (20) Topics in history.
- (21) United States government.
- (22) United States history.
- (23) Urban affairs.
- (24) World geography.
- (25) World history and civilization.
- (26) Comparative government and politics, advanced placement or college credit.
- (27) Economics, advanced placement or college credit.
- (28) European history, advanced placement or college credit.
- (29) Psychology, advanced placement or college credit.
- (30) Topics in social science.
- (31) United States government and politics, advanced placement or college credit.
- (32) United States history, advanced placement or college credit.

*(Indiana State Board of Education; 511 IAC 6.1-5.1-3; filed Nov 8, 1990, 3:05 p.m.: 14 IR 655; filed Nov 4, 1999, 10:08 a.m.: 23 IR 567, eff Jul 1, 2000)*

**511 IAC 6.1-5.1-4 Foreign language courses**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-10.1

Sec. 4. The following courses may be offered in the foreign language area of study:

- (1) The following French courses:
  - (A) French I.
  - (B) French II.
  - (C) French III.
  - (D) French IV.
  - (E) French V.
  - (F) French VI.
  - (G) French, advanced placement or college credit.
- (2) The following German courses:
  - (A) German I.
  - (B) German II.
  - (C) German III.
  - (D) German IV.
  - (E) German V.
  - (F) German VI.
  - (G) German, advanced placement or college credit.
- (3) The following Spanish courses:
  - (A) Spanish I.
  - (B) Spanish II.
  - (C) Spanish III.
  - (D) Spanish IV.
  - (E) Spanish V.
  - (F) Spanish VI.
  - (G) Spanish, advanced placement or college credit.
- (4) The following Russian courses:
  - (A) Russian I.
  - (B) Russian II.
  - (C) Russian III.
  - (D) Russian IV.
  - (E) Russian V.
  - (F) Russian VI.
  - (G) Russian, advanced placement or college credit.
- (5) The following Chinese courses:
  - (A) Chinese I.
  - (B) Chinese II.
  - (C) Chinese III.
  - (D) Chinese IV.
  - (E) Chinese V.
  - (F) Chinese VI.
  - (G) Chinese, advanced placement or college credit.
- (6) The following Japanese courses:
  - (A) Japanese I.
  - (B) Japanese II.
  - (C) Japanese III.
  - (D) Japanese IV.
  - (E) Japanese V.
  - (F) Japanese VI.
  - (G) Japanese, advanced placement or college credit.
- (7) The following Latin courses:
  - (A) Latin I.

- (B) Latin II.
- (C) Latin III.
- (D) Latin IV.
- (E) Latin V.
- (F) Latin VI.
- (G) Latin, advanced placement or college credit.
- (8) Other foreign language courses as follows:
  - (A) Level I.
  - (B) Level II.
  - (C) Level III.
  - (D) Level IV.
  - (E) Level V.
  - (F) Level VI.
  - (G) American sign language I.
  - (H) American sign language II.
  - (I) Other foreign language, advanced placement or college credit.
- (9) Linguistics courses: etymology.
- (10) The following nonsequential foreign language courses:
  - (A) Exploring foreign languages.
  - (B) English as a new language.

*(Indiana State Board of Education; 511 IAC 6.1-5.1-4; filed Nov 8, 1990, 3:05 p.m.: 14 IR 656; filed Nov 4, 1999, 10:08 a.m.: 23 IR 567, eff Jul 1, 2000)*

**511 IAC 6.1-5.1-5 Mathematics courses**

Authority: IC 20-1-1-6; IC 20-1-1.2-18  
 Affected: IC 20-10.1

Sec. 5. The following courses may be offered in the mathematics area of study:

- (1) The following Level I courses:
  - (A) Mathematics lab.
  - (B) Prealgebra.
- (2) The following Level II–III courses:
  - (A) Algebra I.
  - (B) Algebra II.
  - (C) Geometry.
  - (D) Integrated mathematics I.
  - (E) Integrated mathematics II.
  - (F) Integrated mathematics III.
  - (G) Investigative geometry.
  - (H) Precalculus/trigonometry.
  - (I) Probability and statistics.
  - (J) Discrete mathematics.
  - (K) Calculus, advanced placement.
  - (L) Statistics, advanced placement.
  - (M) Mathematics, college credit.

*(Indiana State Board of Education; 511 IAC 6.1-5.1-5; filed Nov 8, 1990, 3:05 p.m.: 14 IR 656; filed Aug 15, 1997, 8:50 a.m.: 21 IR 83, eff Jul 1, 1998; filed Nov 4, 1999, 10:08 a.m.: 23 IR 568, eff Jul 1, 2000; filed Jun 17, 2003, 9:05 a.m.: 26 IR 3646; filed Jun 17, 2003, 9:00 a.m.: 26 IR 3647, eff Jul 1, 2004)*

**511 IAC 6.1-5.1-6 Science courses**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-10.1

Sec. 6. (a) The following courses may be offered in the science area of study:

- (1) The following integrated sciences courses:
  - (A) Science fundamentals (L).
  - (B) Science projects and techniques (L).
  - (C) Environmental science (L).
  - (D) Environmental science, advanced (L).
  - (E) Environmental science, advanced placement or college credit (L).
- (2) The following biological sciences courses:
  - (A) First year biology (L).
  - (B) Life science (L).
  - (C) Biology, advanced placement or college credit (L).
  - (D) Second year biology, general (L).
  - (E) Second year biology, other (L).
- (3) The following earth and space sciences courses:
  - (A) First year earth and space science (L).
  - (B) Earth and space science, advanced placement or college credit (L).
  - (C) Second year earth and space science, general (L).
  - (D) Earth and space science, other (L).
- (4) The following physical sciences courses:
  - (A) The following chemistry courses:
    - (i) First year chemistry (L).
    - (ii) Chemistry, advanced placement or college credit (L).
    - (iii) Second year chemistry, general (L).
    - (iv) Second year chemistry, other (L).
  - (B) The following physics courses:
    - (i) First year physics (L).
    - (ii) Physics, advanced placement or college credit (L).
    - (iii) Second year physics, other (L).
  - (C) Other physical sciences courses as follows:
    - (i) Physical science (L).
    - (ii) Integrated chemistry-physics (L).
    - (iii) Principles of flight and space travel (L).

(b) In order to use the courses listed in this section toward the thirty-eight (38) credit requirements, any course that is suffixed with a capital "L" in parentheses is to be presented as a laboratory course, as defined at 511 IAC 6.1-1-2(l). (*Indiana State Board of Education; 511 IAC 6.1-5.1-6; filed Nov 8, 1990, 3:05 p.m.: 14 IR 657; filed Aug 20, 1997, 7:17 a.m.: 21 IR 83, eff Jul 1, 1999; filed Sep 25, 1998, 4:50 p.m.: 22 IR 441; filed Sep 25, 1998, 4:51 p.m.: 22 IR 442, eff Jul 1, 1999*)

**511 IAC 6.1-5.1-7 Health and physical education**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-10.1

Sec. 7. (a) The following courses may be offered in the health and physical education area of study:

- (1) The following health education courses:
  - (A) Health education.
  - (B) Advanced health education.
  - (C) Current health issues.



- (2) The following physical education courses:
  - (A) The following basic physical education courses:
    - (i) Physical education I (L).
    - (ii) Physical education II (L).
  - (B) Elective physical education (L).

(b) In order to use the courses listed in this section toward the thirty-eight (38) credit requirements, any course that is suffixed with a capital “L” in parentheses is to be presented as a laboratory course, as defined at 511 IAC 6.1-1-2(l).

(c) Preparation for interscholastic competition may not be counted for physical education credit. (*Indiana State Board of Education; 511 IAC 6.1-5.1-7; filed Nov 8, 1990, 3:05 p.m.: 14 IR 657; filed Nov 4, 1999, 10:08 a.m.: 23 IR 568, eff Jul 1, 2000*)

#### **511 IAC 6.1-5.1-8      Fine arts courses**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-10.1

Sec. 8. (a) The following courses may be offered in the fine arts area of study:

- (1) The following art courses:
  - (A) The following general art courses:
    - (i) Introduction to two-dimensional art (L).
    - (ii) Introduction to three-dimensional art (L).
    - (iii) Advanced two-dimensional art (L).
    - (iv) Advanced three-dimensional art (L).
  - (B) The following historical art courses:
    - (i) Art history.
    - (ii) Advanced art history.
    - (iii) Fine arts connections.
  - (C) The following three-dimensional art courses:
    - (i) Ceramics (L).
    - (ii) Jewelry (L).
    - (iii) Sculpture (L).
    - (iv) Fiber arts (L).
    - (v) Studio art (drawing or general), advanced placement or college credit.
  - (D) The following two-dimensional art courses:
    - (i) Drawing (L).
    - (ii) Painting (L).
    - (iii) Printmaking (L).
    - (iv) Media arts.
  - (E) The following visual design courses:
    - (i) Computer graphics (L).
    - (ii) Visual communication.
- (2) The following dance courses:
  - (A) Dance performance—ballet, modern, jazz, or ethnic-folk (L).
  - (B) Dance choreography—ballet, modern, jazz, or ethnic-folk (L).
  - (C) Dance history and appreciation.
- (3) The following music courses:
  - (A) The following instrumental music courses:
    - (i) Beginning concert band (L).
    - (ii) Intermediate concert band (L).
    - (iii) Advanced concert band (L).
    - (iv) Instrumental ensemble (L).
    - (v) Jazz ensemble (L).

- (vi) Beginning orchestra (L).
- (vii) Intermediate orchestra (L).
- (viii) Advanced orchestra (L).
- (B) The following vocal music courses:
  - (i) Choral chamber ensemble (L).
  - (ii) Beginning chorus (L).
  - (iii) Intermediate chorus (L).
  - (iv) Advanced chorus (L).
  - (v) Vocal jazz (L).
- (C) Other music courses as follows:
  - (i) Applied music (L).
  - (ii) Electronic music (L).
  - (iii) Piano and electronic keyboard (L).
  - (iv) Music history and appreciation.
  - (v) Music theory and composition (L).
- (4) The following theatre arts courses:
  - (A) Theatre arts (L).
  - (B) Advanced theatre arts (L).
  - (C) Theatre production (L).
  - (D) Theatre arts history.
  - (E) Advanced acting (L).
  - (F) Technical theatre (L).
  - (G) Advanced technical theatre (L).
  - (H) Theatre arts special topic (L).
  - (I) Musical theatre (L).

(b) In order to use the courses listed in this section toward the thirty-eight (38) credit requirements, any course that is suffixed with a capital "L" in parentheses is to be presented as a laboratory course, as defined at 511 IAC 6.1-1-2(l). (*Indiana State Board of Education; 511 IAC 6.1-5.1-8; filed Nov 8, 1990, 3:05 p.m.: 14 IR 657; filed Nov 4, 1999, 10:08 a.m.: 23 IR 569, eff Jul 1, 2000; filed Jul 7, 2003, 3:45 p.m.: 26 IR 3648*)

#### **511 IAC 6.1-5.1-9 Business technology education; technology education**

Authority: IC 20-1-1-6; IC 20-1-1.2-18  
 Affected: IC 20-10.1

Sec. 9. The following courses may be offered in the business technology education and technology education areas of study:

- (1) The following business technology education courses:
  - (A) The following business technology education and economics courses:
    - (i) Accounting I.
    - (ii) Accounting II.
    - (iii) Business foundations.
    - (iv) Computer applications.
    - (v) Computer applications, advanced.
    - (vi) Computer keyboarding/document formatting.
    - (vii) Computer programming.
    - (viii) Digital communication tools.
    - (ix) Marketing.
    - (x) Business mathematics/personal finance.
    - (xi) Shorthand/notehand.
  - (B) The following advanced business technology education and economics courses:
    - (i) Business, college level.

- (ii) Business and personal law.
- (iii) Business management.
- (iv) Desktop publishing.
- (v) Entrepreneurship.
- (vi) Financial services and planning.
- (vii) Global economics.
- (viii) International business.
- (ix) Technical/business communication.
- (2) The following technology education courses:
  - (A) The following technology education courses:
    - (i) Communication systems (one (1) semester).
    - (ii) Construction systems (one (1) semester).
    - (iii) Manufacturing systems (one (1) semester).
    - (iv) Transportation systems (one (1) semester).
    - (v) Communication processes (one (1) or two (2) semesters).
    - (vi) Construction processes (one (1) or two (2) semesters).
    - (vii) Manufacturing processes (one (1) or two (2) semesters).
    - (viii) Transportation processes (one (1) or two (2) semesters).
    - (ix) Design processes (one (1) or two (2) semesters).
    - (x) Technology enterprises (one (1) semester).
    - (xi) Technology and society (one (1) semester).
    - (xii) Technology systems (one (1) or two (2) semesters).
    - (xiii) Fundamentals of engineering (one (1) semester).
    - (xiv) Computers in design and production systems (one (1) or two (2) semesters).
  - (B) Schools involved in Project Lead the Way may substitute the following pre-engineering courses:
    - (i) Introduction to engineering design (two (2) semesters) in lieu of design processes.
    - (ii) Principles of engineering (two (2) semesters) in lieu of fundamentals of engineering.
    - (iii) Computer integrated manufacturing (two (2) semesters) in lieu of computers in design and production systems.
  - (C) Schools involved in Project Lead the Way may also offer the following pre-engineering courses:
    - (i) Aerospace technology.
    - (ii) Biotechnology.
    - (iii) Civil engineering and architecture.

*(Indiana State Board of Education; 511 IAC 6.1-5.1-9; filed Nov 8, 1990, 3:05 p.m.: 14 IR 658; filed Jul 12, 1993, 10:00 a.m.: 16 IR 2853, eff Jul 1, 1993 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #92-143 was filed Jul 12, 1993.]; filed May 24, 1995, 10:00 a.m.: 18 IR 2409; filed May 28, 1998, 4:57 p.m.: 21 IR 3826; errata filed Aug 17, 1998, 10:21 a.m.: 22 IR 127; filed Dec 2, 2001, 12:22 p.m.: 25 IR 1141; filed Jun 30, 2004, 1:45 p.m.: 27 IR 3500)*

#### **511 IAC 6.1-5.1-10 Vocational-technical courses (Repealed)**

*Sec. 10. (Repealed by Indiana State Board of Education; filed Jul 12, 1993, 10:00 a.m.: 16 IR 2854, eff Jul 1, 1993 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) after filing with the secretary of state. LSA Document #92-143 was filed Jul 12, 1993.]*

#### **511 IAC 6.1-5.1-10.1 Vocational-technical courses**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-10.1

Sec. 10.1. (a) The following courses may be offered in the vocational-technical area of study:

- (1) The following agricultural science and business courses:
  - (A) Fundamentals of agricultural science and business.
  - (B) The following agricultural business courses:
    - (i) Agribusiness management.
    - (ii) Agricultural mechanization.
    - (iii) Farm management.
    - (iv) Landscape management.
    - (v) Natural resource management.
    - (vi) Supervised agricultural experience.
  - (C) The following agricultural science courses:
    - (i) Animal science.
    - (ii) Food science.
    - (iii) Horticultural science.
    - (iv) Plant and soil science.
- (2) The following business services and technology education courses:
  - (A) Career planning and success skills.
  - (B) The following business services and technology education laboratory courses:
    - (i) Business technology lab I.
    - (ii) Business technology lab II.
    - (iii) Business management and finance.
    - (iv) Computer operations and/or programming.
    - (v) Computerized accounting services.
    - (vi) Information technology network systems.
    - (vii) Information technology information support and services.
    - (viii) Information technology programming and software development.
    - (ix) Information technology interactive media.
  - (C) Business cooperative experiences (cooperative/related).
- (3) The following health careers education courses:
  - (A) The following health careers education core courses:
    - (i) Introduction to health care systems.
    - (ii) Integrated health sciences I.
    - (iii) Integrated health sciences II.
    - (iv) Introduction to dental health careers.
  - (B) The following health careers education skill courses:
    - (i) Health careers I.
    - (ii) Health careers II.
    - (iii) Health careers III.
    - (iv) Introduction to medical assisting.
    - (v) Introduction to health care specialties.
    - (vi) Introduction to community health services.
    - (vii) Introduction to pharmacy.
    - (viii) Introduction to physical therapy.
    - (ix) Introduction to health care technology.
    - (x) Introduction to emergency medical services.
    - (xi) Dental assisting I, II, III, and IV.
  - (C) The following health occupations, other courses:
    - (i) Medical terminology.
    - (ii) Anatomy and physiology.
  - (D) Health career practicum (extended lab/related).
- (4) The following one (1) semester family and consumer sciences courses:

- (A) Orientation to life and careers.
  - (B) Nutrition and wellness.
  - (C) Child development and parenting.
  - (D) Interpersonal relationships.
  - (E) Adult roles and responsibilities.
  - (F) Consumer economics.
  - (G) Chemistry of foods.
  - (H) Advanced foods and nutrition.
  - (I) Advanced child development.
  - (J) Human development and family wellness.
  - (K) Housing and interiors.
  - (L) Textiles and fashion technologies.
  - (M) Family and consumer sciences issues and applications.
- (5) The following one (1) year occupational family and consumer sciences courses:
- (A) The following early childhood education and services courses:
    - (i) Early childhood education and services I.
    - (ii) Early childhood education and services II.
  - (B) The following apparel and textile occupations courses:
    - (i) Apparel and textile occupations I.
    - (ii) Apparel and textile occupations II.
  - (C) The following food industry occupations courses:
    - (i) Food industry occupations I.
    - (ii) Food industry occupations II.
  - (D) The following housing occupations courses:
    - (i) Housing occupations I.
    - (ii) Housing occupations II.
  - (E) The following residential and institutional facilities and equipment courses:
    - (i) Residential and institutional facilities and equipment I.
    - (ii) Residential and institutional facilities and equipment II.
  - (F) The following human services occupations courses:
    - (i) Human services I.
    - (ii) Human services II.
  - (G) The following cooperative occupational family and consumer sciences courses:
    - (i) Cooperative occupational family and consumer sciences I.
    - (ii) Cooperative occupational family and consumer sciences II.
- (6) The following trade and industrial education courses:
- (A) Aerospace engineering technology.
  - (B) Aircraft operations.
  - (C) Appliance technology.
  - (D) Automotive collision repair technology.
  - (E) Automotive services technology.
  - (F) Aviation maintenance technology.
  - (G) Aviation support operations.
  - (H) Biotechnical engineering.
  - (I) Building facilities and management.
  - (J) Building trades technology.
  - (K) Cabinet and furniture manufacturing.
  - (L) Civil-architectural engineering.
  - (M) Commercial art and graphic design.
  - (N) Commercial photography.

- (O) 3D computer animation and visualization.
- (P) Computer integrated manufacturing.
- (Q) Computer network technology.
- (R) Computer repair and maintenance technology.
- (S) Cosmetology.
- (T) Diesel service technology.
- (U) Digital electronics technology.
- (V) Drafting and computer aided design (CAD).
- (W) Electronics technology.
- (X) Engineering.
- (Y) Fire science.
- (Z) Graphic imaging technology.
- (AA) Heating, ventilation, air conditioning, and refrigeration (HVACR).
- (BB) Industrial repair and maintenance.
- (CC) Law enforcement.
- (DD) Plastics technology.
- (EE) Precision machine technology.
- (FF) Recreational and portable power equipment.
- (GG) Tractor/trailer operation.
- (HH) Welding technology.
- (II) The following industrial cooperative training courses:
  - (i) Related instruction.
  - (ii) On-the-job training.
- (7) The following interdisciplinary cooperative education courses:
  - (A) Related instruction.
  - (B) On-the-job training.
- (8) The following marketing education courses:
  - (A) The following marketing courses:
    - (i) Marketing foundations.
    - (ii) Marketing, advanced (related).
  - (B) The following specialized marketing education courses:
    - (i) Entrepreneurship.
    - (ii) Fashion merchandising.
    - (iii) Financial services marketing.
    - (iv) Hospitality, travel, and tourism.
    - (v) Marketing seminar.
    - (vi) Sports, recreation, and entertainment marketing.
    - (vii) Radio-TV broadcasting/telecommunications.
  - (C) Marketing field experiences (cooperative).
- (b) All of the courses listed in subsection (a) must also meet the requirements of 511 IAC 8.
- (c) Schools may qualify their family and consumer sciences programs for vocational status by meeting the following additional requirements:
  - (1) A minimum offering for vocational family and consumer sciences consists of teaching orientation to life and careers or interpersonal relationships every year and teaching at least four (4) additional courses from the following:
    - (A) Nutrition and wellness.
    - (B) Interpersonal relationships.
    - (C) Child development and parenting or human development and family wellness.
    - (D) Adult roles and responsibilities.
    - (E) Consumer economics.
    - (F) Orientation to life and careers.

This minimum offering must be taught within any consecutive two (2) year time period.

(2) A major in vocational family and consumer sciences education consists of at least six (6) credits, including three (3) of the following:

- (A) Orientation to life and careers.
- (B) Adult roles and responsibilities.
- (C) Nutrition and wellness.
- (D) Child development and parenting or human development and family wellness.
- (E) Interpersonal relationships.

(3) A minor in vocational family and consumer sciences consists of at least four (4) credits from the following:

- (A) Child development and parenting or human development and family wellness.
- (B) Nutrition and wellness.
- (C) Orientation to life and careers.
- (D) Adult roles and responsibilities.
- (E) Consumer economics.
- (F) Interpersonal relationships.

*(Indiana State Board of Education; 511 IAC 6.1-5.1-10.1; filed Jul 12, 1993, 10:00 a.m.: 16 IR 2854, eff. Jul 1, 1993 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #92-143 was filed Jul 12, 1993.]; filed May 28, 1998, 4:57 p.m.: 21 IR 3827; errata filed Aug 17, 1998, 10:21 a.m.: 22 IR 127; filed Dec 2, 2001, 12:22 p.m.: 25 IR 1143; filed Jun 30, 2004, 1:45 p.m.: 27 IR 3501)*

#### **511 IAC 6.1-5.1-11 Other acceptable courses**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1-6; IC 20-10.1

Sec. 11. In addition to the courses in sections 1 through 10 *[Section 10 of this rule was repealed filed Jul 12, 1993, 10:00 a.m.: 16 IR 2854.]* of this rule, students may also use the following courses to meet the thirty-eight (38) credits required for graduation:

- (1) Any other vocational-technical program/course developed, according to the provisions of 511 IAC 8-1, to meet the employment demands of new and emerging occupations and the career needs of students.
- (2) Any advanced placement course for which the College Entrance Examination Board has developed a course description and examination.

*(Indiana State Board of Education; 511 IAC 6.1-5.1-11; filed Nov 8, 1990, 3:05 p.m.: 14 IR 663; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

### **Rule 6. Instructional Staff Requirements**

#### **511 IAC 6.1-6-1 School personnel**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-1; IC 20-6.1

Sec. 1. (a) Each school corporation shall employ only teachers, administrators, and student services specialists properly licensed under 511 IAC 10.

(b) Each school corporation shall enter into employment contracts with licensed personnel as required under IC 20-6.1-4.

(c) Each school corporation shall compensate substitute teachers in accordance with IC 20-6.1-5-4 through IC 20-6.1-5-5.

*(Indiana State Board of Education; 511 IAC 6.1-6-1; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1192; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

#### **511 IAC 6.1-6-2 Staff performance evaluation**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-1; IC 20-6.1-9

Sec. 2. Each school shall develop and implement a staff performance evaluation plan in accordance with IC 20-6.1-9 and 511 IAC 10-6. (*Indiana State Board of Education; 511 IAC 6.1-6-2; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1192; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**511 IAC 6.1-6-3 Teacher internship program**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2-1; IC 20-6.1-8

Sec. 3. Each school shall develop and implement a beginning teacher internship program in accordance with IC 20-6.1-8 and 511 IAC 10-5 [*511 IAC 10-5 was repealed filed February 9, 1999, 4:18 p.m.: 22 IR 1972.*]. (*Indiana State Board of Education; 511 IAC 6.1-6-3; filed Jan 9, 1989, 11:00 a.m.: 12 IR 1192; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**Rule 7. School Improvement Requirements (Repealed)**

(*Repealed by Indiana State Board of Education; filed Feb 20, 2002, 9:43 a.m.: 25 IR 2239*)

**Rule 8. Performance-Based Award and Incentive Program**

**511 IAC 6.1-8-1 Purpose**

Authority: IC 20-1-1-6; IC 20-1-1.3-9

Affected: IC 20-1-1.3; IC 20-10.1-16

Sec. 1. The purpose of the performance-based award and incentive program is to recognize and reward public schools that exhibit relative improvement in at least one (1) of the following factors:

- (1) Student attendance rate.
- (2) Educational proficiencies in English/language arts under IC 20-10.1-16 and 511 IAC 5-2-5.
- (3) Educational proficiencies in mathematics under IC 20-10.1-16 and 511 IAC 5-2-5.
- (4) Average ISTEP scores for each subject area and for each grade level tested under the ISTEP program.

(*Indiana State Board of Education; 511 IAC 6.1-8-1; filed Jul 24, 1989, 5:00 p.m.: 12 IR 2261; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**511 IAC 6.1-8-2 Definitions**

Authority: IC 20-1-1-6; IC 20-1-1.3-9

Affected: IC 20-1-1.2; IC 20-1-1.3; IC 20-10.1-16

Sec. 2. As used in this rule, "relative improvement" means improvement in a factor listed under section 1 of this rule in an award year as compared to average performance in previous years. Relative improvement in each factor under section 1 of this rule equals the amount determined under STEP THREE:

STEP ONE: Determine the value of a particular factor for the current year.

STEP TWO: Determine the value of that factor for the previous year as follows:

- (A) For the 1988-1989 school year, use the value of the factor for the previous school year.
- (B) For the 1989-1990 school year, use the average of the factors for the previous two (2) school years.
- (C) For the 1990-1991 school year and all subsequent school years, use the average of the factors for the previous three (3) years.

STEP THREE: Determine the remainder of:

- (A) the value of that factor as determined under STEP ONE; minus
- (B) the value of that factor as determined under STEP TWO.

(*Indiana State Board of Education; 511 IAC 6.1-8-2; filed Jul 24, 1989, 5:00 p.m.: 12 IR 2261; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)



**511 IAC 6.1-8-3 Nonmonetary awards**

Authority: IC 20-1-1-6; IC 20-1-1.3-9

Affected: IC 20-1-1.3-7

Sec. 3. (a) The department shall grant a nonmonetary award to all public schools that demonstrate relative improvement in at least one (1) of the factors listed under section 1 of this rule.

(b) The nonmonetary award shall consist of a congratulatory letter and a certificate designating the factor in which the school demonstrated improvement. (*Indiana State Board of Education; 511 IAC 6.1-8-3; filed Jul 24, 1989, 5:00 p.m.: 12 IR 2262; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**511 IAC 6.1-8-4 Monetary awards**

Authority: IC 20-1-1-6; IC 20-1-1.3-9

Affected: IC 6-1.1-19-1.5; IC 20-1-1.2; IC 20-1-1.3-9; IC 20-10.1-16

Sec. 4. (a) The department of education shall grant a monetary award to all public schools that exhibit relative improvement in at least two (2) of the four (4) factors listed under section 1 of this rule.

(b) Any public school that receives a monetary award under this program may expend the money for any educational purpose for that school; however, the school may not use the money for:

- (1) athletics;
- (2) salaries for school personnel; or
- (3) salary bonuses for school personnel.

(c) A monetary award is not used to determine a school corporation's:

- (1) maximum permissible general fund ad valorem property tax levy under IC 6-1.1-19-1.5; or
- (2) tuition support under IC 21-2-1.6 [*sic.*].

(d) The department shall distribute monetary awards to schools eligible under subsection (a). Each eligible school shall receive an amount equal to the amount determined under STEP FOURTEEN of the following formula:

STEP ONE: Determine the remainder of:

- (A) the amount of the appropriation under IC 20-1-1.3-9; minus
- (B) the amount necessary to purchase and distribute nonmonetary awards under section 3 of this rule; minus
- (C) the amount necessary to administer the program.

STEP TWO: Determine the product of:

- (A) the amount of money determined under STEP ONE; and
- (B) four-tenths (0.4).

STEP THREE: Determine the sum of the enrollment of all schools eligible for a monetary award.

STEP FOUR: Determine the quotient of:

- (A) the number determined under STEP TWO; divided by
- (B) the number determined under STEP THREE.

STEP FIVE: Determine the product of:

- (A) the enrollment of the school; and
- (B) the amount determined under STEP FOUR.

STEP SIX: Determine the product of:

- (A) the amount determined under STEP ONE; and
- (B) six-tenths (0.6).

STEP SEVEN: Determine the amount of the school's relative improvement under section 2 of this rule in each of factors listed under section 1 of this rule.

STEP EIGHT: For each school eligible for a monetary award, determine the T-score for each amount determined under STEP SEVEN, using only the schools that:

- (A) are within the school's classification; and
- (B) have made improvement in the particular factor.

STEP NINE: Determine the sum of the T-scores determined under STEP EIGHT for each school eligible for a monetary

award, letting zero (0) equal the T-score for a factor for which there is no improvement.

STEP TEN: Determine the product of:

- (A) the number determined under STEP NINE; and
- (B) the enrollment of each school.

STEP ELEVEN: Determine the sum of the numbers determined under STEP TEN for all schools eligible for a monetary award.

STEP TWELVE: Determine the quotient of:

- (A) the amount determined under STEP SIX; divided by
- (B) the number determined under STEP ELEVEN.

STEP THIRTEEN: Determine the product of:

- (A) the number determined under STEP TEN for the school; and
- (B) the amount determined under STEP TWELVE.

STEP FOURTEEN: Determine the sum of:

- (A) the amount determined under STEP FIVE; and
- (B) the amount determined under STEP THIRTEEN.

*(Indiana State Board of Education; 511 IAC 6.1-8-4; filed Jul 24, 1989, 5:00 p.m.: 12 IR 2262; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

#### **511 IAC 6.1-8-5 Reporting requirements**

Authority: IC 20-1-1-6; IC 20-1-1.3-9

Affected: IC 20-1-1.3

Sec. 5. (a) The principal of every public school shall certify to the department all information requested by the department concerning the factors listed under section 1 of this rule.

(b) The department shall review the information submitted under subsection (a) to determine whether a school has exhibited relative improvement in any of the factors listed under section 1 of this rule. The department shall inform each school, in writing, of its determination.

(c) Prior to granting a monetary award, the department shall:

(1) prepare a written report:

- (A) identifying the factors listed under section 1 of this rule in which the school has demonstrated relative improvement;
- (B) describing the extent to which the school has demonstrated relative improvement; and
- (C) specifying the amount of the monetary award sought for the school;

(2) submit the written report to the state budget committee for its review; and

(3) secure the governor's approval of the specific monetary award for the school.

*(Indiana State Board of Education; 511 IAC 6.1-8-5; filed Jul 24, 1989, 5:00 p.m.: 12 IR 2263; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

### **Rule 9. Nonpublic School Recognition**

#### **511 IAC 6.1-9-1 Definitions**

Authority: IC 20-1-1-6; IC 20-1-1-6.2

Affected: IC 20-1-1-6.2

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Board" means the state board of education.

(c) "Curriculum" means the formal and informal programs expected by those who accept the mission and the goals of the school. The term includes curricular and extracurricular activities, instruction, school climate, and student services.

(d) "Department" means the department of education.

(e) "Governing body" means the board or committee with the primary responsibility for policy development and supervision of the school.

(f) "Mission statement" means a clear and concise explanation that reflects the shared vision of the constituents of the school community and is a commitment to ensure the preservation of the mission in the day-to-day operation of the school.

(g) "Nonpublic school" means any school that is not maintained by a public school corporation. The term includes, but is not limited to, any private school or any parochial school.

(h) "Recognized nonpublic school" means a nonpublic school that is determined to be in compliance with standards for the recognition of nonpublic schools under this rule. (*Indiana State Board of Education; 511 IAC 6.1-9-1; filed Feb 28, 1992, 5:00 p.m.: 15 IR 1216; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **511 IAC 6.1-9-2 Nonpublic school recognition system**

Authority: IC 20-1-1-6; IC 20-1-1-6.2

Affected: IC 20-1-1-6.2

Sec. 2. A nonpublic school voluntarily may seek recognition under this rule. (*Indiana State Board of Education; 511 IAC 6.1-9-2; filed Feb 28, 1992, 5:00 p.m.: 15 IR 1216; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **511 IAC 6.1-9-3 Recognition**

Authority: IC 20-1-1-6; IC 20-1-1-6.2

Affected: IC 20-1-1-6.2

Sec. 3. A nonpublic school must meet the following requirements to be recognized:

(1) Compliance with the following standards:

- (A) School mission requirements listed under section 7 of this rule.
- (B) Governance requirements listed under section 8 of this rule.
- (C) Curriculum requirements listed under section 9 of this rule.
- (D) Personnel requirements listed under section 10 of this rule.
- (E) Facility requirements listed under section 11 of this rule.

(2) Performance at its expected level in the following areas:

- (A) Student attendance rate.
- (B) For high schools, graduation rate.
- (C) ISTEP results.
- (D) Mathematics proficiencies.
- (E) Language arts proficiencies.

(*Indiana State Board of Education; 511 IAC 6.1-9-3; filed Feb 28, 1992, 5:00 p.m.: 15 IR 1216; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **511 IAC 6.1-9-4 Recognition procedures**

Authority: IC 20-1-1-6; IC 20-1-1-6.2

Affected: IC 20-1-1-6.2; IC 20-10.1-16

Sec. 4. (a) A nonpublic school seeking recognition must participate in the ISTEP testing program under IC 20-10.1-16 and 511 IAC 5-2. The school must inform the department of its intention to seek recognition on or before July 1 of the school year in which the school seeks recognition. A recognized nonpublic school seeking renewal of its recognition must notify the department of its intention to seek renewal on or before July 1 of the year preceding the expiration of its recognition.

(b) The department shall inform each nonpublic school seeking recognition of its expected performance levels in the criteria under section 3(a)(2) of this rule [*sic.*, section 3(2) of this rule].

(c) A school's expected performance level in each of the criteria under section 3(2) of this rule shall be determined in a manner based on the computation under 511 IAC 6.1-1-5(b).

(d) In lieu of participating in the ISTEP testing program, a nonpublic school may request that the board approve use of another test instrument to determine if the school has met its expected performance levels. The nonpublic school must validate the selected test and establish, to the satisfaction of the board, that the test and the minimum performance expectation are appropriate substitutes

for ISTEP.

(e) The department shall:

(1) collect from each school the information collected under 511 IAC 6.1-1-5(c);

(2) compare the information collected under subdivision (1) with the school's expected performance levels in the criteria under section 3(2) of this rule;

(3) collect from each school documentation verifying the school's compliance with the standards listed in sections 7 through 11 of this rule; and

(4) review the documentation under subdivision (3) to determine if the school has met all standards.

(f) If the department determines that a school meets the recognition requirements under section 3 of this rule, the board shall accord the school recognized status.

(g) Recognition is valid for five (5) years but may be revoked for cause under section 5 of this rule. (*Indiana State Board of Education; 511 IAC 6.1-9-4; filed Feb 28, 1992, 5:00 p.m.: 15 IR 1217; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **511 IAC 6.1-9-5 Revocation of recognition**

Authority: IC 20-1-1-6; IC 20-1-1-6.2

Affected: IC 20-1-1-6.2

Sec. 5. If the department determines that a recognized school no longer is in compliance with recognition requirements under this rule, the department may institute revocation proceedings before the board. (*Indiana State Board of Education; 511 IAC 6.1-9-5; filed Feb 28, 1992, 5:00 p.m.: 15 IR 1217; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **511 IAC 6.1-9-6 Right of appeal**

Authority: IC 20-1-1-6; IC 20-1-1-6.2

Affected: IC 20-1-1-6.2

Sec. 6. A decision of the department under this rule may be appealed to the board. (*Indiana State Board of Education; 511 IAC 6.1-9-6; filed Feb 28, 1992, 5:00 p.m.: 15 IR 1217; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **511 IAC 6.1-9-7 School mission**

Authority: IC 20-1-1-6; IC 20-1-1-6.2

Affected: IC 20-1-1-6.2

Sec. 7. (a) The governing body shall adopt a written mission statement for the school.

(b) The governing body shall ensure that the mission statement is:

(1) communicated effectively to staff, parents, students, and the governing body;

(2) operative in the school's practices, policies, and programs; and

(3) reviewed regularly and, when appropriate, revised.

(*Indiana State Board of Education; 511 IAC 6.1-9-7; filed Feb 28, 1992, 5:00 p.m.: 15 IR 1217; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **511 IAC 6.1-9-8 Governance**

Authority: IC 20-1-1-6; IC 20-1-1-6.2

Affected: IC 20-1-1-6.2

Sec. 8. (a) The governing body shall adopt a written statement of its roles, duties, and responsibilities. The governing body review *[sic.]* the statement regularly.

(b) In addition to other duties and responsibilities, the governing body has responsibility to do the following:

(1) Adopt and review regularly policies to guide the school's activities. The governing body shall incorporate the policies into a handbook and ensure that the handbook is given to each person who shares in the primary responsibility for policy development.

(2) Approve and review regularly the school's budget. The school's budget and financial records shall be maintained and reported in a format consistent with commonly accepted accounting standards.

(3) Adopt and follow clearly defined policies for supervising the chief administrative officer of the school.

(4) Approve a school improvement plan and other long-range plans for the school.

(c) The governing body shall meet regularly to fulfill its duties and responsibilities. (*Indiana State Board of Education; 511 IAC 6.1-9-8; filed Feb 28, 1992, 5:00 p.m.: 15 IR 1217; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **511 IAC 6.1-9-9 Curriculum**

Authority: IC 20-1-1-6; IC 20-1-1-6.2

Affected: IC 20-1-1-6.2

Sec. 9. (a) The minimum school year consists of one hundred eighty (180) student instructional days with a minimum of five (5) hours for grades 1 through 6 and six (6) hours for grades 7 through 12; or a minimum of nine hundred (900) instructional hours for grades 1 through 6 and one thousand eighty (1,080) instructional hours for grades 7 through 12 each school year.

(b) The school's curriculum consists of a structured series of intended learner outcomes in math, science, social studies, English language arts, and other areas. The outcomes are congruent with the mission of the school. There is a curriculum planning process that includes a focus on what students actually learn. Each component of the curriculum consists of instructional goals, criterion-referenced assessment, and materials.

(c) Curriculum evaluation is scheduled on a regular basis to establish the congruence between mission and curriculum. The curriculum is structured and adjusted in order to address varied student needs. A basic description outlining the subjects to be taught and the contents of each subject area are a part of a policy manual and are shared with parents.

(d) Student learning is assessed frequently through a variety of evaluation techniques for the purpose of diagnosis, remediation, and reporting. Teachers have high expectations for each student and demonstrate this through the methods of teaching they employ. Standardized tests, as appropriate, are administered to each child on a regular basis, and there are procedures in place and in use that illustrate how test results are implemented in curriculum updating. Frequent reports of each student's progress are made to parents in written form and/or through conferences.

(e) The school has a media center that holds a balanced collection of print materials, nonprint materials, and teaching/learning equipment which is sufficient in quantity and quality to meet the educational needs of the students. All media and other library materials are classified and catalogued according to a commonly accepted system. The school budgets an appropriate amount of money each year to maintain an effective media program.

(f) The school provides opportunities for parent involvement. Parents, students, and staff attitudes are assessed, and school climate assessment plans are made for growth in this area.

(g) The school complies with applicable state emergency preparedness codes and with applicable state health testing codes.

(h) The school makes necessary provisions concerning special education and limited English proficient students.

(i) The school provides a variety of extracurricular activities which meet the needs and interests of the students and reflect the mission of the school. Each activity is carefully supervised by appropriately trained personnel.

(j) All student applicants are admitted according to established written admission criteria and procedures. The school has an established discipline policy, including written procedures for handling behavior. Permanent cumulative records for each student are maintained, stored, and shared as appropriate and are handled according to applicable state and federal laws. (*Indiana State Board of Education; 511 IAC 6.1-9-9; filed Feb 28, 1992, 5:00 p.m.: 15 IR 1218; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **511 IAC 6.1-9-10 Personnel**

Authority: IC 20-1-1-6; IC 20-1-1-6.2

Affected: IC 20-1-1-6.2

Sec. 10. (a) The school employs teachers and professional staff members, other than administrators, who:

(1) are appropriately licensed under 511 IAC 10; or

(2) hold a baccalaureate degree, enroll in an accredited teacher preparation program within one (1) year of employment, complete an accredited teacher preparation program, and establish licensure within five (5) years of employment, and

thereafter maintain licensure.

(b) The school employs an administrator who:

(1) is appropriately licensed under 511 IAC 10; or

(2) holds a baccalaureate degree, enrolls in an accredited master's degree program in school administration within one (1) year of employment, and completes an accredited master's degree program in school administration within five (5) years of employment; or

(3) holds a master's degree, enrolls in an accredited program in school administration within one (1) year of employment, and completes an accredited program in school administration within five (5) years of employment.

(c) The school provides the administrator with adequate time for administrative duties and supervisory duties and provides the administrator with clerical support. The administrator shares the school's mission statement with the governing body, staff, students, and parents.

(d) The school employs substitute teachers who meet the requirements for substitute teachers under 511 IAC 10.

(e) The school shall not employ a person who has had a teaching license revoked by any state for immorality, misconduct in office, incompetency, or willful neglect of duty unless that license subsequently has been reinstated. The school shall not employ a person who has had a teaching license revoked by the state of Indiana for any reason unless that license subsequently has been reinstated.

(f) The school has:

(1) a process for regular evaluation of all professional staff members;

(2) an orientation program for all new professional staff members;

(3) an intern process for beginning teachers;

(4) established procedures for securing, recruiting, and releasing new teachers; and

(5) personnel policies for all staff members.

*(Indiana State Board of Education; 511 IAC 6.1-9-10; filed Feb 28, 1992, 5:00 p.m.: 15 IR 1218; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

#### **511 IAC 6.1-9-11 Facilities**

Authority: IC 20-1-1-6; IC 20-1-1-6.2

Affected: IC 20-1-1-6.2

Sec. 11. (a) The school's buildings, grounds, and equipment are adequate for the age and number of students. The size and design of the building are appropriate to meet program and personnel needs.

(b) The school has a plan for the regular maintenance of buildings, grounds, and equipment.

(c) The school meets applicable rules of the fire prevention and building safety commission and applicable rules of the state board of health [*sic.*, *Indiana state department of health*].

(d) Playgrounds/athletic fields are adequate in size and number and conducive to safe play. *(Indiana State Board of Education; 511 IAC 6.1-9-11; filed Feb 28, 1992, 5:00 p.m.: 15 IR 1219; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

#### **511 IAC 6.1-9-12 Advisory committee**

Authority: IC 20-1-1-6; IC 20-1-1-6.2

Affected: IC 20-1-1-6.2

Sec. 12. The advisory committee on nonpublic schools is established to make recommendations to the board to assist the board in making decisions concerning nonpublic schools. The committee consists of seven (7) members, including the following:

(1) Four (4) members who represent nonpublic schools.

(2) The state superintendent, or the superintendent's designee, who shall act as chairman of the committee.

*(Indiana State Board of Education; 511 IAC 6.1-9-12; filed Feb 28, 1992, 5:00 p.m.: 15 IR 1219; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

### **Rule 10. Indiana 2000 Schools**

**511 IAC 6.1-10-1 Definitions**

Authority: IC 20-1-1-6.3

Affected: IC 20-1-1-6.3

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Indiana 2000 program" refers to the Indiana 2000 school restructuring program created by IC 20-1-1-6.3 that authorizes schools to exercise management authority that is expanded beyond that which is permitted under statutes governing curriculum and textbook selection and rules adopted by the state board of education.

(c) "Indiana 2000 school" means a school that has been designated by the state board of education under section 4 of this rule as eligible to participate in the Indiana 2000 program.

(d) "School" refers to a public school or accredited nonpublic school. (*Indiana State Board of Education; 511 IAC 6.1-10-1; filed Jun 3, 1992, 9:00 a.m.: 15 IR 2213; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**511 IAC 6.1-10-2 Application procedure**

Authority: IC 20-1-1-6.3

Affected: IC 20-1-1-6.3

Sec. 2. (a) The state board shall specify a date by which all applications for the Indiana 2000 program must be filed. The state board will consider for approval only those applications that are filed by the specified date.

(b) A school that wants to be considered by the state board for designation as an Indiana 2000 school must submit an application to the state board. The application must:

(1) be submitted by:

(A) the principal of a school wanting to become an Indiana 2000 school; or

(B) the superintendent of a school corporation, if all schools in the corporation want to become Indiana 2000 schools;

(2) be submitted on forms prescribed and provided by the department; and

(3) be filed by the date specified by the state board.

(c) An application from a public school or a school corporation must indicate that the governing body of the school corporation has consented to the school's or the school corporation's participation in the Indiana 2000 program. (*Indiana State Board of Education; 511 IAC 6.1-10-2; filed Jun 3, 1992, 9:00 a.m.: 15 IR 2213; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**511 IAC 6.1-10-3 Application contents**

Authority: IC 20-1-1-6.3

Affected: IC 20-1-1-6.3; IC 20-7.5-1-2

Sec. 3. The applications described in section 2(a) of this rule must include the following information:

(1) Demographic data on the school and the community in which the school is located including any social and economic characteristics that contribute to unique qualities of the school and its community.

(2) A description of each of the following:

(A) The events or activities that the school has engaged in and intends to engage in to promote its school restructuring program.

(B) The degree of participation in the school restructuring program by the various principal parties including the following:

(i) Teachers.

(ii) The governing body of the school corporation.

(iii) Parents.

(iv) The business community.

(C) The vision that the applicant has for the restructured school, including the following:

(i) Short term and long term goals.

(ii) Changes in curriculum and instruction.

(D) Procedures the school will use to waive rules and to seek a waiver of statutes.

- (E) Professional development activities that will be conducted by the school to promote school restructuring.
- (F) Procedures and methods that the school will use to evaluate its school restructuring program and report the results of the evaluation to the following:
  - (i) Parents.
  - (ii) The community.
  - (iii) The state board of education.
- (G) The manner in which individual student progress will be measured and reported to parents.
- (3) Evidence of the following:
  - (A) The cooperation and support of the principal parties cited in subdivision (2)(A), including the exclusive representative as defined in IC 20-7.5-1-2(1), for engaging in the school restructuring program.
  - (B) The commitment to increasing family involvement in the school.
- (4) A description of the school's plan for admission of students who do not reside in the school's attendance area but who have legal settlement within the school corporation, unless inapplicable.
- (5) A statement indicating whether the school corporation, on behalf of its applicant schools, or the applicant nonpublic school intends to:
  - (A) adopt the six (6) national education goals adopted by the national governor's association in February 1990;
  - (B) establish a community-wide strategy for achieving the national goals;
  - (C) develop a progress report for measuring each school's progress in achieving the national goals; and
  - (D) support experimental schools.
- (6) If the school intends to do the things listed in subdivision (5), a description of the types of activities the school expects to conduct and the methods the school plans to employ to realize those intentions.
- (7) Preliminary budget expectations.
- (8) Any other information required by the state board in the application.

*(Indiana State Board of Education; 511 IAC 6.1-10-3; filed Jun 3, 1992, 9:00 a.m.: 15 IR 2213; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

#### **511 IAC 6.1-10-4      Designation of Indiana 2000 schools; grant awards**

Authority: IC 20-1-1-6.3

Affected: IC 20-1-1-6.3

Sec. 4. Upon receipt and review of all applications that have been filed by the specified deadline, the state board, upon the recommendation of the department, shall designate:

- (1) which schools qualify as Indiana 2000 schools; and
- (2) which Indiana 2000 schools qualify as grant recipients.

*(Indiana State Board of Education; 511 IAC 6.1-10-4; filed Jun 3, 1992, 9:00 a.m.: 15 IR 2214; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

#### **511 IAC 6.1-10-5      Waivers of rules and statutes**

Authority: IC 20-1-1-6.3

Affected: IC 20-1-1-6.3; IC 20-8.1-9; IC 20-10.1

Sec. 5. (a) Upon designation as an Indiana 2000 school, a school corporation, on behalf of its Indiana 2000 schools, or an accredited nonpublic school may, after notifying the state board, invoke a waiver of any rule adopted by the state board except this rule.

(b) The state board, upon request of an Indiana 2000 school, may waive any statute relating to curriculum or textbook selection that is identified by the school and the state board as affecting, restricting, or otherwise limiting the school in making management and operational decisions with regard to curriculum matters or textbook selection. Statutes that relate to curriculum and textbook selection include, but are not limited to, the following:

- (1) IC 20-8.1-9 to the degree that it prohibits schools from receiving a reimbursement for textbooks that have not been adopted by the state board.



- (2) IC 20-10.1-4 concerning mandatory curriculum requirements.
- (3) IC 20-10.1-5.6 concerning the technology preparation curriculum.
- (4) IC 20-10.1-7 concerning optional curriculum requirements.
- (5) IC 20-10.1-9 concerning textbook adoption requirements.
- (6) IC 20-10.1-10 to the degree that it limits the purchase and rental of textbooks to those adopted by the state board.
- (7) IC 20-10.1-11 to the degree that it applies only to textbooks that are adopted by the state board.

*(Indiana State Board of Education; 511 IAC 6.1-10-5; filed Jun 3, 1992, 9:00 a.m.: 15 IR 2214; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

**511 IAC 6.1-10-6 Relationship to performance-based accreditation**

Authority: IC 20-1-1-6.3

Affected: IC 20-1-1.2

Sec. 6. An Indiana 2000 school that waives a state board rule under section 5(a) of this rule or that receives a waiver of a statute under section 5(b) of this rule is not in violation of the legal standards for performance-based accreditation under 511 IAC 6.1-1-4 by virtue of waiving the rule or receiving a waiver of the statute. *(Indiana State Board of Education; 511 IAC 6.1-10-6; filed Jun 3, 1992, 9:00 a.m.: 15 IR 2214; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

**511 IAC 6.1-10-7 Annual report**

Authority: IC 20-1-1-6.3

Affected: IC 20-1-1-6.3

Sec. 7. An Indiana 2000 school shall submit an annual report concerning its school restructuring program at a time established by the state board of education. The report shall include the following:

- (1) An evaluation of the school's restructuring program.
- (2) A description of any modifications made to the program since the application or last annual report.

*(Indiana State Board of Education; 511 IAC 6.1-10-7; filed Jun 3, 1992, 9:00 a.m.: 15 IR 2214; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

**511 IAC 6.1-10-8 Revocation of Indiana 2000 school status**

Authority: IC 20-1-1-6.3

Affected: IC 4-21.5-3; IC 20-1-1-6.3

Sec. 8. (a) The state board may revoke the designation of a school as an Indiana 2000 school if:

- (1) the school is in substantial noncompliance with this rule;
- (2) the school is in substantial noncompliance with the application submitted by the school under section 2 of this rule, including any modifications that have been described in the annual reports submitted by the school under section 7 of this rule; or
- (3) the school's accreditation status has been reviewed or changed, as provided under 511 IAC 6.1-1, because of the school's failure to meet any of the following requirements for maintaining school accreditation status:
  - (A) Legal standards.
  - (B) School improvement plan requirements.
  - (C) Performance expectations.

(b) Revocation proceedings under subsection (a) are governed by IC 4-21.5-3. *(Indiana State Board of Education; 511 IAC 6.1-10-8; filed Jun 3, 1992, 9:00 a.m.: 15 IR 2215; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

**511 IAC 6.1-10-9 Final decision**

Authority: IC 20-1-1-6.3

Affected: IC 20-1-1-6.3

Sec. 9. All decisions of the state board with regard to the implementation of the Indiana 2000 program are final. (*Indiana State Board of Education; 511 IAC 6.1-10-9; filed Jun 3, 1992, 9:00 a.m.: 15 IR 2215; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

## **ARTICLE 6.2. SCHOOL PERFORMANCE AND IMPROVEMENT; ACCOUNTABILITY**

### **Rule 1. Applicability**

#### **511 IAC 6.2-1-1 Applicability to schools**

Authority: IC 20-10.2-7-1

Affected: IC 20-1-1-6; IC 20-10.2-4; IC 20-10.2-6

Sec. 1. The provisions in this article concerning schools apply only to the following:

(1) Public schools.

(2) Except as provided in IC 20-10.2-4 and IC 20-10.2-6, nonpublic schools that voluntarily become accredited under IC 20-1-1-6.

(*Indiana State Board of Education; 511 IAC 6.2-1-1; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648*)

### **Rule 2. Definitions**

#### **511 IAC 6.2-2-1 Applicability**

Authority: IC 20-10.2-7-1

Affected: IC 20-10.2

Sec. 1. The definitions in this rule apply throughout this article. (*Indiana State Board of Education; 511 IAC 6.2-2-1; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648*)

#### **511 IAC 6.2-2-2 “Annual report” defined**

Authority: IC 20-10.2-7-1

Affected: IC 20-1-21; IC 20-10.2

Sec. 2. “Annual report” refers to the school corporation annual performance report required by IC 20-1-21. (*Indiana State Board of Education; 511 IAC 6.2-2-2; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648*)

#### **511 IAC 6.2-2-3 “Board” defined**

Authority: IC 20-10.2-7-1

Affected: IC 20-10.1-1-17; IC 20-10.2

Sec. 3. “Board” has the meaning set forth in IC 20-10.1-1-17. (*Indiana State Board of Education; 511 IAC 6.2-2-3; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648*)

#### **511 IAC 6.2-2-4 “Department” defined**

Authority: IC 20-10.2-7-1

Affected: IC 20-10.1-1-18; IC 20-10.2

Sec. 4. “Department” has the meaning set forth in IC 20-10.1-1-18. (*Indiana State Board of Education; 511 IAC 6.2-2-4; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648*)

**511 IAC 6.2-2-5 “Governing body” defined**

Authority: IC 20-10.2-7-1

Affected: IC 20-10.1-1-5; IC 20-10.2

Sec. 5. “Governing body” has the meaning set forth in IC 20-10.1-1-5. (*Indiana State Board of Education; 511 IAC 6.2-2-5; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648*)

**511 IAC 6.2-2-6 “Nonpublic school” defined**

Authority: IC 20-10.2-7-1

Affected: IC 20-10.1-1-3; IC 20-10.2

Sec. 6. “Nonpublic school” has the meaning set forth in IC 20-10.1-1-3. (*Indiana State Board of Education; 511 IAC 6.2-2-6; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648*)

**511 IAC 6.2-2-7 “Parent” defined**

Authority: IC 20-10.2-7-1

Affected: IC 20-10.1-1-9; IC 20-10.2

Sec. 7. “Parent” has the meaning set forth in IC 20-10.1-1-9. (*Indiana State Board of Education; 511 IAC 6.2-2-7; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648*)

**511 IAC 6.2-2-8 “Plan” defined**

Authority: IC 20-10.2-7-1

Affected: IC 20-10.2-3

Sec. 8. “Plan” refers to a strategic and continuous school improvement and achievement plan established under IC 20-10.2-3 for a school or a school corporation. (*Indiana State Board of Education; 511 IAC 6.2-2-8; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648*)

**511 IAC 6.2-2-9 “Public school” defined**

Authority: IC 20-10.2-7-1

Affected: IC 20-10.1-1-2; IC 20-10.2

Sec. 9. “Public school” has the meaning set forth in IC 20-10.1-1-2. (*Indiana State Board of Education; 511 IAC 6.2-2-9; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648*)

**511 IAC 6.2-2-10 “School” defined**

Authority: IC 20-10.2-7-1

Affected: IC 20-10.2

Sec. 10. “School” refers to a public or an accredited nonpublic school. (*Indiana State Board of Education; 511 IAC 6.2-2-10; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648*)

**511 IAC 6.2-2-11 “School corporation” defined**

Authority: IC 20-10.2-7-1

Affected: IC 20-10.1-1-1; IC 20-10.2

Sec. 11. “School corporation” has the meaning set forth in IC 20-10.1-1-1. (*Indiana State Board of Education; 511 IAC 6.2-2-11; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648*)

**511 IAC 6.2-2-12 “Superintendent” defined**

Authority: IC 20-10.2-7-1

Affected: IC 20-10.1-1-6; IC 20-10.2

Sec. 12. “Superintendent” has the meaning set forth in IC 20-10.1-1-6. (*Indiana State Board of Education; 511 IAC 6.2-2-12; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648*)

**Rule 2.5. Graduation Rate Determination**

**511 IAC 6.2-2.5-1 “Cohort” defined**

Authority: IC 20-10.2-7-1

Affected: IC 20-8.1-15; IC 20-10.2

Sec. 1. As used in this rule, “cohort” refers to a class of students within a high school who have the same expected graduation year. (*Indiana State Board of Education; 511 IAC 6.2-2.5-1; filed Jul 14, 2004, 9:30 a.m.: 27 IR 4008*)

**511 IAC 6.2-2.5-2 “Enrollment” defined**

Authority: IC 20-10.2-7-1

Affected: IC 20-8.1-15; IC 20-10.2

Sec. 2. As used in this rule, “enrollment” means the total number of students within a grade that is reported to the department annually on:

(1) October 1; or

(2) a date specified by the department.

(*Indiana State Board of Education; 511 IAC 6.2-2.5-2; filed Jul 14, 2004, 9:30 a.m.: 27 IR 4008*)

**511 IAC 6.2-2.5-3 “Expected graduation year” defined**

Authority: IC 20-10.2-7-1

Affected: IC 20-8.1-15; IC 20-10.2

Sec. 3. As used in this rule, “expected graduation year” means the reporting year beginning three (3) years after the reporting year in which a student is first considered by a school corporation to have entered grade 9. (*Indiana State Board of Education; 511 IAC 6.2-2.5-3; filed Jul 14, 2004, 9:30 a.m.: 27 IR 4008*)

**511 IAC 6.2-2.5-4 “Graduation” defined**

Authority: IC 20-10.2-7-1

Affected: IC 20-8.1-15; IC 20-10.1-12.1; IC 20-10.1-16; IC 20-10.2

Sec. 4. As used in this rule, “graduation” means the successful completion by a student of:

(1) a sufficient number of academic credits, or the equivalent of academic credits; and

(2) the graduation examination or waiver process required under IC 20-10.1-16;

resulting in the awarding of a high school diploma or an academic honors diploma. The term does not include the granting of a general educational development diploma under IC 20-10.1-12.1. (*Indiana State Board of Education; 511 IAC 6.2-2.5-4; filed Jul 14, 2004, 9:30 a.m.: 27 IR 4008*)

**511 IAC 6.2-2.5-5 “Graduation rate” defined**

Authority: IC 20-10.2-7-1

Affected: IC 20-8.1-15; IC 20-10.2

Sec. 5. As used in this rule, “graduation rate” means the percentage of students within a cohort who graduate during their

expected graduation year. (*Indiana State Board of Education; 511 IAC 6.2-2.5-5; filed Jul 14, 2004, 9:30 a.m.: 27 IR 4008*)

**511 IAC 6.2-2.5-6 “Reporting year” defined**

Authority: IC 20-10.2-7-1

Affected: IC 20-8.1-15; IC 20-10.2

Sec. 6. As used in this rule, “reporting year” refers to the period beginning October 1 of a year and ending September 30 of the following year. (*Indiana State Board of Education; 511 IAC 6.2-2.5-6; filed Jul 14, 2004, 9:30 a.m.: 27 IR 4009*)

**511 IAC 6.2-2.5-7 “Retention” defined**

Authority: IC 20-10.2-7-1

Affected: IC 20-8.1-15; IC 20-10.2

Sec. 7. As used in this rule, “retention” refers to the reclassification by a school corporation of a student that places the student into a cohort that has an expected graduation year after the expected graduation year of the student’s initial cohort. (*Indiana State Board of Education; 511 IAC 6.2-2.5-7; filed Jul 14, 2004, 9:30 a.m.: 27 IR 4009*)

**511 IAC 6.2-2.5-8 Determination of graduation rate**

Authority: IC 20-10.2-7-1

Affected: IC 20-8.1-15; IC 20-10.2

Sec. 8. Beginning with the class of students who expect to graduate in the 2005-2006 school year, the department shall determine the graduation rate of high school students under this rule. (*Indiana State Board of Education; 511 IAC 6.2-2.5-8; filed Jul 14, 2004, 9:30 a.m.: 27 IR 4009*)

**511 IAC 6.2-2.5-9 Calculation of graduation rate**

Authority: IC 20-10.2-7-1

Affected: IC 20-8.1-3-34; IC 20-8.1-15; IC 20-10.2

Sec. 9. The graduation rate for a cohort in a high school is the percentage determined under STEP SEVEN of the following formula:

STEP ONE: Determine the grade 9 enrollment at the beginning of the reporting year three (3) years before the reporting year for which the graduation rate is being determined.

STEP TWO: Add:

(A) the number determined under STEP ONE; and

(B) the number of students who:

(i) have enrolled in the high school after the date on which the number determined under STEP ONE was determined; and

(ii) have the same expected graduation year as the cohort.

STEP THREE: Add:

(A) the sum determined under STEP TWO; and

(B) the number of retained students from earlier cohorts who became members of the cohort for whom the graduation rate is being determined.

STEP FOUR: Add:

(A) the sum determined under STEP THREE; and

(B) the number of students who:

(i) began the reporting year in a cohort that expects to graduate during a future reporting year; and

(ii) graduate during the current reporting year.

STEP FIVE: Subtract from the sum determined under STEP FOUR the number of students who have left the cohort for any of the following reasons:

- (A) Transfer to another public or nonpublic school.
- (B) Removal by the student's parents under IC 20-8.1-3-34 to provide instruction equivalent to that given in the public schools.
- (C) Withdrawal because of a long term medical condition or death.
- (D) Detention by a law enforcement agency or the department of correction.
- (E) Placement by a court order or the division of family and children.
- (F) Enrollment in a virtual school.
- (G) Graduation before the beginning of the reporting year.
- (H) Students who have attended school in Indiana for less than one (1) year and whose location cannot be determined.
- (I) Students who cannot be located within the boundaries of the school corporation and have been reported to the Indiana clearinghouse for missing and exploited children.

STEP SIX: Determine the total number of students who have graduated during the current reporting year.

STEP SEVEN: Divide:

- (A) the number determined under STEP SIX; by
- (B) the remainder determined under STEP FIVE.

*(Indiana State Board of Education; 511 IAC 6.2-2.5-9; filed Jul 14, 2004, 9:30 a.m.: 27 IR 4009)*

### **Rule 3. Strategic and Continuous School Improvement and Achievement Plan**

#### **511 IAC 6.2-3-1 Plan objectives**

Authority: IC 20-10.2-7-1

Affected: IC 20-10.1-16; IC 20-10.2

Sec. 1. (a) A plan:

- (1) shall lay out objectives for a three (3) year period; and
- (2) must be annually reviewed and revised to accomplish the achievement objectives of the school.

(b) A plan must establish objectives for the school to achieve. These achievement objectives must be consistent with academic standards and include improvement in at least the following areas:

- (1) Attendance rate.
- (2) The percentage of students meeting academic standards under the Indiana statewide testing for educational progress (ISTEP) program (IC 20-10.1-16).
- (3) For a secondary school, graduation rate.

(c) A plan must specify how and to what extent the school expects to make continuous improvement in all areas of the education system where results are measured by setting benchmarks for progress on an individual school basis.

(d) A plan must note specific areas where improvement is needed immediately. *(Indiana State Board of Education; 511 IAC 6.2-3-1; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648)*

#### **511 IAC 6.2-3-2 Waivers**

Authority: IC 20-10.2-7-1

Affected: IC 20-10.2

Sec. 2. (a) A plan may include a request for a waiver of applicability of a rule or statute to a school.

(b) The governing body may waive any rule adopted by the board for which a waiver is requested in a plan, except for a rule that is characterized as follows:

- (1) The rule relates to the health or safety of students or school personnel.
- (2) The rule is a special education rule under 511 IAC 7.
- (3) Suspension of the rule brings the school into noncompliance with federal statutes or regulations.
- (4) The rule concerns curriculum or textbooks.

(c) Upon request of the governing body and pursuant to a plan, the board may waive for a school or a school corporation any statute or rule relating to the following:

- (1) Curriculum.
- (2) Textbook selection.

*(Indiana State Board of Education; 511 IAC 6.2-3-2; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3649)*

### **511 IAC 6.2-3-3 Plan components**

Authority: IC 20-10.2-7-1

Affected: IC 20-1-1-6.3; IC 20-1-1-6.5; IC 20-10.2

Sec. 3. (a) A plan must contain the following components for the school:

- (1) A list of the statutes and rules that the school wishes to have suspended from operation for the school.
- (2) A description of the curriculum and information concerning the location of a copy of the curriculum that is available for inspection by members of the public.
- (3) A description and name of the assessments that will be used in the school in addition to Indiana statewide testing for educational progress (ISTEP) assessments.
- (4) A plan to be submitted to the governing body and made available to all interested members of the public in an easily understood format.
- (5) A provision to maximize parental participation in the school.
- (6) For a secondary school, a provision to do the following:
  - (A) Offer courses that allow all students to become eligible to receive an academic honors diploma.
  - (B) Encourage all students to earn an academic honors diploma or complete the Core 40 curriculum.
- (7) A provision to maintain a safe and disciplined learning environment for students and teachers.
- (8) A provision for the coordination of technology initiatives.
- (9) A professional development program pursuant to IC 20-1-1-6.3 and IC 20-1-1-6.5. The professional development program should include the following:
  - (A) A narrative that includes the following:
    - (i) A summary of analysis of data regarding student learning.
    - (ii) Strategies, programs, and services to address student learning needs.
    - (iii) Activities to implement the strategies, programs, and services.
    - (iv) Evaluation that will be conducted of the impact of the activities.
  - (B) An assurance that the program complies with the board's core principles for professional development.
- (10) The professional development program must be signed by the exclusive representative as indication of support only for the professional development program component of the plan.
- (b) If, for a purpose other than a plan under this rule, a school has developed materials that are substantially similar to a component listed in subsection (a), the school may substitute those materials for the component listed in subsection (a). *(Indiana State Board of Education; 511 IAC 6.2-3-3; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3649)*

### **511 IAC 6.2-3-4 Additional information**

Authority: IC 20-10.2-7-1

Affected: IC 20-10.2

Sec. 4. In order to have a more complete strategic planning process and a written plan that is free from gaps, a school may include, but is not required to include, additional information, including, without limitation, the following:

- (1) A narrative description of the school, the community, and the educational programs.
- (2) A statement of mission, vision, and beliefs.
- (3) Data, including graphs, from the annual performance report.
- (4) Data related to performance indicators other than those included in the annual performance report.
- (5) Other information about educational programming and the learning environment.
- (6) Information about how the school's curriculum and instructional strategies support the achievement of Indiana academic standards.
- (7) Analysis of student achievement based on Indiana statewide testing for educational progress plus (ISTEP+) and other

assessment strategies.

(8) Proposed interventions based on school improvement goals.

*(Indiana State Board of Education; 511 IAC 6.2-3-4; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3649)*

#### **511 IAC 6.2-3-5 Plan development**

Authority: IC 20-10.2-7-1

Affected: IC 20-10.2

Sec. 5. (a) A plan must be submitted to the department by June 30 of the school year before the year of implementation.

(b) The department shall act as a clearinghouse for plans and make effective plans available to school corporations as models to use in developing and carrying out plans. *(Indiana State Board of Education; 511 IAC 6.2-3-5; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3650)*

### **Rule 4. Professional Development Program**

#### **511 IAC 6.2-4-1 “Program” defined**

Authority: IC 20-1-1-6.3; IC 20-1-1-6.5

Affected: IC 20-10.2-3

Sec. 1. As used in this rule, “program” refers to a professional development program developed pursuant to IC 20-1-1-6.3 and IC 20-1-1-6.5. *(Indiana State Board of Education; 511 IAC 6.2-4-1; filed Aug 28, 2001, 11:20 a.m.: 25 IR 82)*

#### **511 IAC 6.2-4-2 Program approval**

Authority: IC 20-1-1-6.3; IC 20-1-1-6.5

Affected: IC 20-10.2-3-1

Sec. 2. (a) In approving a program, the board shall consider whether the governing body has done the following:

(1) Approved a school’s plan.

(2) Demonstrated the support of the exclusive representative only for the professional development program component of the plan.

(b) The following apply to a program developed under this section:

(1) The program must emphasize improvement of student learning and performance.

(2) The program must be developed by the committee that develops the school’s strategic and continuous improvement and achievement plan under IC 20-10.2-3-1 and 511 IAC 6.2-3.

(3) The program must be integrated with the school’s strategic and continuous improvement and achievement plan developed under IC 20-10.2-3 and 511 IAC 6.2-3.

(c) The board may approve a school’s program only if the program meets the board’s core principles for professional development and the following additional criteria:

(1) To ensure high quality professional development, the program:

(A) is school based and collaboratively designed, and encourages participants to work collaboratively;

(B) has a primary focus on state and local academic standards, including a focus on Core 40 subject areas;

(C) enables teachers to improve expertise in subject knowledge and teaching strategies, uses of technologies, and other essential elements in teaching to high standards;

(D) furthers the alignment of standards, curriculum, and assessments; and

(E) includes measurement activities to ensure the transfer of new knowledge and skills to classroom instruction.

(2) A variety of resources, including needs assessments, an analysis of data regarding student learning needs, professional literature, research, and school improvement programs, are used in developing the program.

(3) The program supports professional development for all stakeholders.

(4) The program includes ongoing professional growth experiences that provide adequate time and job embedded opportunities to support school improvement and student learning, including flexible time for professional development that



provides professional development opportunities before, during, and after the regular school day and school year.

(5) Under the program, teacher time for professional development sustains instructional coherence, participant involvement, and continuity for students.

(6) The program includes effective, research-based strategies to support ongoing developmental activities.

(7) The program supports experiences to increase the effective use of technology to improve teaching and learning.

(8) The program encourages diverse techniques, including inquiry, reflection, action research, networking, study groups, coaching, and evaluation.

(9) The program includes a means for evaluating the effectiveness of the program and activities under the program.

*(Indiana State Board of Education; 511 IAC 6.2-4-2; filed Aug 28, 2001, 11:20 a.m.: 25 IR 82)*

### **511 IAC 6.2-4-3 Core principles of professional development**

Authority: IC 20-1-1-6.3; IC 20-1-1-6.5

Affected: IC 20-10.2-3

Sec. 3. The following are core principles of professional development:

(1) Professional development programs will address issues that are relevant to the priorities of education improvement and reflect the knowledge base of the profession by doing the following:

(A) Reflecting research-based approaches to effective adult learning, student learning, and organizational change to support ongoing developmental activities. While tapping educators' life experiences and drawing on the knowledge base from effective research, a variety of modes of learning are used to foster self-directed professional development opportunities.

(B) Integrating education improvement priorities. Consistent and continuous links are made with the school improvement plan, the Indiana professional standards board, and the Indiana state board of education policy.

(C) Incorporating both discipline-specific and interdisciplinary approaches to teaching, assessment, and preparation for the world of work. Professional growth experiences enhance educators' knowledge within and across subject areas and their ability to foster and assess students' problem solving and critical thinking skills.

(D) Including explicit strategies for setting high expectations and meeting the diverse learning needs of all students. Training activities increase educators' capacity to implement developmentally-appropriate practices to establish challenging learning goals and respond to the uniqueness of each student.

(E) Receiving adequate resources. Every public school in Indiana must receive the financial resources and support services needed to provide the most effective professional development program, as described within these principles.

(2) Professional development program will engage educators in an effective learning process that impacts practice by doing the following:

(A) Actively involving participants in program design, delivery, and implementation. Professional growth opportunities reflect educators' needs as determined from multiple data sources grounded in and linked with the school improvement plan. All stakeholders shall be engaged in meaningful job-embedded opportunities to effectively support practice that lead to improved student learning.

(B) Promoting multiple strategies that model recommended strategies. Opportunities for professional development incorporate varied approaches, such as theory, demonstration, reflection, practice, mentoring, technology applications, and peer dialogue and coaching.

(C) Incorporating follow-up activities that are sustained over time and provide educators with ongoing feedback. The professional development program provides a range of opportunities for staff to integrate the new strategies into their work with children through practice, feedback, and reflection.

(D) Continuously evaluating impact on educators' practice and student learning. The effectiveness of professional development is determined by its impact on staff performance and student learning.

(3) Professional development programs will contribute to developing an environment that support educators' professional growth by doing the following:

(A) Fostering collegiality and collaboration. Professional growth opportunities encourage staff to build a community of educators, parents, business, and community partners who exchange ideas for innovation, cooperate in developing curricula, and discuss approaches to strengthening student learning by focusing on the school community as a culture

of inquiry.

(B) Building capacity through a continuum of ongoing improvement activities. Professional development activities maintain a focus on the improvement of practices that increase student learning and link to the school improvement plan and the standards developed by the Indiana professional standards board and the Indiana state board of education policy.

(C) Integrating staff development into educators' practice. The professional development program incorporates supports for staff to implement newly acquired strategies and assess them for their impact on student learning.

(D) Encouraging innovation and risk-taking. As a result of staff development activities, the school community recognizes the need for action research which assists educators, leading toward innovations improving student learning.

*(Indiana State Board of Education; 511 IAC 6.2-4-3; filed Aug 28, 2001, 11:20 a.m.: 25 IR 83)*

#### **511 IAC 6.2-4-4 Grant requirements**

Authority: IC 20-1-1-6.3; IC 20-1-1-6.5

Affected: IC 20-10.2-3

Sec. 4. A grant received under IC 20-1-6.5 and this rule:

(1) shall be expended only for the conduct of activities specified in the program; and

(2) shall be coordinated with other professional development programs and expenditures of the school and school corporation.

*(Indiana State Board of Education; 511 IAC 6.2-4-4; filed Aug 28, 2001, 11:20 a.m.: 25 IR 84)*

#### **Rule 5. (Reserved)**

#### **Rule 6. Assessing School Improvement and Performance**

##### **511 IAC 6.2-6-1 Relationship to academic standards**

Authority: IC 20-10.2-7-1

Affected: IC 20-1-20.5-3; IC 20-1-1-6; IC 20-5-62-6; IC 20-5.5; IC 20-10.1-16; IC 20-10.1-17; IC 20-10.2-5

Sec. 1. New more rigorous, clear, and concise academic standards were adopted in 2000 in mathematics and language arts. These standards will first be tested in 2002 for grades 3, 6, and 8 and in 2004 for grade 10. The scores to pass these tests will be set at the levels necessary for students to demonstrate solid academic performance on the standards. These scores will not be set or skewed for the reason to cause more or fewer students to pass or more or fewer schools to rise or fall in category placements. The education roundtable may recommend and the board may set additional higher levels of proficiency to encourage increased achievement for advanced students. *(Indiana State Board of Education; 511 IAC 6.2-6-1; filed Feb 20, 2002, 10:55 a.m.: 25 IR 2227)*

##### **511 IAC 6.2-6-2 Primary indicators of improvement and performance; required administration of mandatory annual assessments**

Authority: IC 20-10.2-7-1

Affected: IC 20-1-20.5-3; IC 20-1-1-6; IC 20-5-62-6; IC 20-5.5; IC 20-10.1-16; IC 20-10.1-17; IC 20-10.2-5

Sec. 2. (a) The primary indicators of school improvement and performance, as recommended by the education roundtable created by IC 20-1-20.5-3 and approved by the board, are the following:

(1) ISTEP English/language arts and mathematics tests at grades 3, 6, 8, and 10.

(2) English/language arts and mathematics tests at grades 4, 5, 7, and 9.

(3) ISTEP science tests and social studies tests, when implemented, at grades 5, 7, and 9.

(4) Science and social studies tests at grades 4, 6, and 8.

(5) Core 40 end-of-course exams.

(b) The tests in subsection (a) collectively are referred to as mandatory annual assessments.

(c) Mandatory annual assessments shall be administered by the following schools:

- (1) Public schools.
- (2) Accredited nonpublic schools.
- (3) Freeway schools under IC 20-5-62 unless a freeway school contract provides for a locally adopted assessment as permitted by IC 20-5-62-6(7).
- (4) Charter schools under IC 20-5.5.

(d) If the board determines that adequate resources are not available to support administration of all mandatory annual assessments, the schools in subsection (c) are required to administer only the following:

- (1) ISTEP English/language arts and mathematics tests at grades 3, 6, 8, and 10.
- (2) ISTEP science tests and social studies tests, when implemented, at grades 5, 7, and 9.

*(Indiana State Board of Education; 511 IAC 6.2-6-2; filed Feb 20, 2002, 10:55 a.m.: 25 IR 2227)*

**511 IAC 6.2-6-3 Requirements for mandatory annual assessments; state provided tests; approval of locally adopted tests at certain grade levels**

Authority: IC 20-10.2-7-1

Affected: IC 20-1-1-6; IC 20-10.1-16-5; IC 20-10.1-17; IC 20-10.2-5

Sec. 3. (a) The mandatory annual assessments in section 2 of this rule must meet all of the following criteria:

- (1) Be aligned with the Indiana academic standards.
- (2) Test basic skills and applied skills as required by IC 20-10.1-16-5(b).
- (3) Be graded on a common vertical scale.
- (4) Meet security requirements listed in the ISTEP program manual.
- (5) Provide, as appropriate, a method of testing and grading that will allow comparison with national and international academic standards, as required by IC 20-10.1-16-5(b)(3).

(b) The board and department shall develop and provide mandatory annual assessments.

(c) The schools in section 2(c) of this rule shall administer the following without substitution:

- (1) ISTEP English/language arts and mathematics tests at grades 3, 6, 8, and 10.
- (2) ISTEP science tests and social studies tests, when implemented, at grades 5, 7, and 9.

(d) The schools in section 2(c) of this rule may, with the approval of the board, substitute locally adopted tests for the following:

- (1) English/language arts and mathematics tests at grades 4, 5, 7, and 9.
- (2) Science and social studies tests at grades 4, 6, and 8.

(e) The board may approve a locally adopted test only if the test:

- (1) meets the criteria in subsection (a);
- (2) has been reviewed for alignment with Indiana academic standards and recommended for approval, as being in alignment with the standards, by an entity experienced in determining alignment of tests with academic standards; and
- (3) has been reviewed for alignment with psychometric properties of ISTEP and recommended for approval, as being in alignment with those psychometric properties, by an independent panel of individuals appointed by the department and experienced in examining psychometric properties of tests.

(f) Information to substantiate that the test meets the requirements of subsection (e) may be provided by the school or by the publisher of the test. *(Indiana State Board of Education; 511 IAC 6.2-6-3; filed Feb 20, 2002, 10:55 a.m.: 25 IR 2228)*

**511 IAC 6.2-6-4 School improvement and performance categories; placement of school and school corporation in categories; measures used; nonmobile cohort group of students**

Authority: IC 20-1-1-6; IC 20-1-1.2; IC 20-10.2-7-1

Affected: IC 20-10.2-5

Sec. 4. (a) The base year for improvement and performance determinations for elementary and middle schools will be the 2003-2004 school year. The base year for high schools will be the 2004-2005 school year.

(b) Beginning in the 2005-2006 school year, the board annually shall place a school and school corporation in a school improvement and performance category based on results of mandatory annual assessments. English/language arts and mathematics

test results will be used initially. Science and social studies test results will be added when those tests are implemented.

(c) School performance is based on the percentage of all students who pass mandatory annual assessments in English/language arts and mathematics calculated as an average rate across subject areas and grade levels. Science and social studies test results will be added when those tests are implemented.

(d) School improvement is based on increases in achievement of a nonmobile cohort group of students as they progress through school. Increases in achievement will be measured by percentage point increases in students who pass mandatory annual assessments in English/language arts and mathematics calculated as an average rate across subject areas and grade levels.

(e) The nonmobile cohort group of students referred to in subsection (d) includes students enrolled in the school for at least seventy percent (70%) of the school year preceding testing.

(f) After the initial determinations of school improvement, the level of school improvement shall be determined by the average of the yearly improvement for the three-year period that includes the current year and the two (2) previous years (three-year rolling average).

(g) The initial determination of school improvement for a high school will be based on a comparison of the base year to the next year. The second determination shall be based on a two (2) year average.

(h) The initial determination of school improvement for an elementary school or a middle school will be based on a two (2) year average. (*Indiana State Board of Education; 511 IAC 6.2-6-4; filed Feb 20, 2002, 10:55 a.m.: 25 IR 2228; filed Aug 26, 2003, 4:15 p.m.: 27 IR 162*)

### 511 IAC 6.2-6-5 Categories of school improvement and performance

Authority: IC 20-10.2-7-1

Affected: IC 20-1-1-6; IC 20-10.2-5

Sec. 5. (a) The following categories of school improvement and performance are established effective with the 2005-2006 school year:

Performance	Exemplary Progress	Commendable Progress	Improvement		Academic Watch (Priority)	Academic Probation (High Priority)
			Academic Progress	Exemplary School		
≥90%				Exemplary School		
≥80%	≥1%			Commendable School		
≥70%	≥3%	≥2%	≥1%		<1%	
≥60%	≥4%	≥3%	≥2%		<2%	
≥50%	≥5%	≥4%	≥3%		<3%	<0%
≥40%	≥6%	≥5%	≥4%		<4%	<1%
<40%		≥6%	≥5%		≥3%	<3%

(b) The following categories of school improvement and performance are established effective with the 2009-2010 school year:

Performance	Exemplary Progress	Commendable Progress	Improvement		Academic Watch (Priority)	Academic Probation (High Priority)
			Academic Progress	Exemplary School		
≥90%				Exemplary School		
≥80%	≥1%			Commendable School		
≥70%	≥3%	≥2%	≥1%		<1%	
≥60%	≥4%	≥3%	≥2%		<2%	<0%
≥50%	≥5%	≥4%	≥3%		<3%	<1%
<50%		≥5%	≥4%		≥3%	<3%

(c) The categories in subsection (b) shall be phased in over the four (4) years from the 2005-2006 school year to the 2009-2010 school year.

(d) A school will not be placed in a lower category based on lack of continuous improvement, until two (2) years of the three-

year rolling average is in effect.

(e) By May 15, 2003, the education roundtable and the state board will review results from ISTEP tests for the 2002-2003 school year, the first administration of assessments aligned to the new, more rigorous standards described in 511 IAC 6.2-6-1 [section 1 of this rule]. Using the available data, the roundtable may recommend and the state board may may [sic.] adjust:

- (1) the school improvement and performance categories in subsection (a) and subsection (b) [subsections (a) and (b)]; and
- (2) the phase-in period in subsection (c).

(Indiana State Board of Education; 511 IAC 6.2-6-5; filed Feb 20, 2002, 10:55 a.m.: 25 IR 2229)

#### **511 IAC 6.2-6-6 Additional requirements for category placement for high schools**

Authority: IC 20-10.2-7-1

Affected: IC 20-1-1-6; IC 20-10.2-5

Sec. 6. Notwithstanding the provisions of sections 4 and 5 of this rule, the following provisions apply to category placement for high schools:

(1) Before high schools are placed into categories, the roundtable will recommend and the state board will establish criteria for the exemplary and commendable categories for required improvement in:

- (A) advanced placement (AP) test scores;
- (B) results of Core 40 end-of-course exams; and
- (C) graduates who earn the academic honors diploma and Core 40 diploma;

expressed as a percentage of the members of a particular graduating class.

(2) High schools in all categories will be required to meet a minimum graduation rate that may vary by category. Criteria for the third (middle) category may be established as an incentive for a school to move up one (1) or two (2) categories.

(Indiana State Board of Education; 511 IAC 6.2-6-6; filed Feb 20, 2002, 10:55 a.m.: 25 IR 2229)

#### **511 IAC 6.2-6-6.1 Additional requirements for category placement**

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1

Affected: IC 20-10.2-5

Sec. 6.1. Notwithstanding the provisions of sections 4 and 5 of this rule, the state board shall not place a school or school corporation in a category higher than academic progress if the school or school corporation fails, for two (2) consecutive years, to make adequate yearly progress under 511 IAC 6.2-7-5. (Indiana State Board of Education; 511 IAC 6.2-6-6.1; filed Aug 26, 2003, 4:15 p.m.: 27 IR 163)

#### **511 IAC 6.2-6-7 Support to schools**

Authority: IC 20-10.2-7-1

Affected: IC 20-1-1-6; IC 20-10.2-5; IC 20-10.2-6

Sec. 7. The board and department will provide attention and support to schools as follows:

(1) Data from the 2002 test administration will be used to identify and provide assistance to schools in the lowest categories and students not meeting standards in other schools.

(2) Schools in the academic probation (high priority) category will receive assistance as permitted and required by IC 20-10.2-6.

(Indiana State Board of Education; 511 IAC 6.2-6-7; filed Feb 20, 2002, 10:55 a.m.: 25 IR 2230)

#### **511 IAC 6.2-6-8 Disaggregated data and category placement**

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1

Affected: IC 20-10.2-5

Sec. 8. Disaggregated data shall be used to determine if a school or school corporation has made adequate yearly progress under 511 IAC 6.2-7-5. (Indiana State Board of Education; 511 IAC 6.2-6-8; filed Feb 20, 2002, 10:55 a.m.: 25 IR 2230; filed Aug

26, 2003, 4:15 p.m.: 27 IR 163)

**511 IAC 6.2-6-9 Study of effects of mobility**

Authority: IC 20-10.2-7-1

Affected: IC 20-1-1-6; IC 20-10.2-5

Sec. 9. After data on the effects of interdistrict and intradistrict student mobility become available, it is the intent of the board to review and, if necessary, adjust the definition of nonmobile students in section 4(d) [4(e)] of this rule. (*Indiana State Board of Education; 511 IAC 6.2-6-9; filed Feb 20, 2002, 10:55 a.m.: 25 IR 2230*)

**511 IAC 6.2-6-10 Comprehensive assessment system; incentives for participation**

Authority: IC 20-10.2-7-1

Affected: IC 20-1-1-6; IC 20-10.1-16-15; IC 20-10.1.17; IC 20-10.2-4

Sec. 10. (a) The comprehensive assessment system includes the following:

- (1) Mandatory annual assessments as described in section 1 of this rule.
- (2) Core 40 end-of-course tests established pursuant to IC 20-10.1-16-15(b).
- (3) Early assessments in kindergarten through grade 2, established pursuant to IC 20-10.1-16-15(c).

(b) The board and department will develop and make available to schools the assessments and tests described in subsection (a)(2) and (a)(3).

(c) Schools that participate in the comprehensive assessment system:

- (1) are eligible for educational achievement grants, including awards under IC 20-10.2-4 and P.L. 291-2001, SECTION 4; and
- (2) will receive a proportionally greater share of remediation funds, including grants under IC 20-10.1-17 and P.L. 291-2001, SECTION 4.

(*Indiana State Board of Education; 511 IAC 6.2-6-10; filed Feb 20, 2002, 10:55 a.m.: 25 IR 2230*)

**511 IAC 6.2-6-11 Reporting other data**

Authority: IC 20-10.2-7-1

Affected: IC 20-1-1-6; IC 20-10.2-5

Sec. 11. The school performance report card requires public reporting of specified data by grade and subject. The school report card also will include the school improvement and performance category and detail the percentage of students meeting academic standards, percentage of improvement, and percentage of students receiving free lunches. (*Indiana State Board of Education; 511 IAC 6.2-6-11; filed Feb 20, 2002, 10:55 a.m.: 25 IR 2230*)

**511 IAC 6.2-6-12 Appeal of category placement**

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1

Affected: IC 20-10.2-5

Sec. 12. The board shall develop criteria for a school or school corporation to appeal its category placement based on objective factors the school considers relevant because the annual assessment data does not provide an accurate picture of school improvement and performance, including significant demographic changes in the student population, errors in data, or other significant issues. (*Indiana State Board of Education; 511 IAC 6.2-6-12; filed Feb 20, 2002, 10:55 a.m.: 25 IR 2230; filed Aug 26, 2003, 4:15 p.m.: 27 IR 163*)

**Rule 7. Adequate Yearly Progress**

**511 IAC 6.2-7-1 Elementary and secondary education act goals adopted**

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1

Affected: IC 20-10.2

Sec. 1. The board adopts the elementary and secondary education act goals and indicators, including the goal that, by 2013-2014, all students will reach high standards, at a minimum attaining proficiency or better in English/language arts and mathematics. *(Indiana State Board of Education; 511 IAC 6.2-7-1; filed Aug 26, 2003, 4:15 p.m.: 27 IR 163)*

**511 IAC 6.2-7-2 Adequate yearly progress integrated into state accountability system**

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1

Affected: IC 20-10.2

Sec. 2. The board integrates adequate yearly progress, as defined by the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) into the school accountability system created by IC 20-10.2 and this article. *(Indiana State Board of Education; 511 IAC 6.2-7-2; filed Aug 26, 2003, 4:15 p.m.: 27 IR 163)*

**511 IAC 6.2-7-3 Starting point determined**

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1

Affected: IC 20-10.2

Sec. 3. The department, using data for the 2001-2002 school year, shall establish separate starting points for measuring the percentage of students meeting the pass level of academic achievement on the ISTEP+ English and mathematics assessments. Each starting point shall be based on the higher of the percentage of students at the pass level who are in:

- (1) the state's lowest achieving group of students described in section 6 of this rule; or
- (2) the school at the twentieth percentile in the state, based on enrollment, among all schools ranked by the percentage of students at the pass level.

*(Indiana State Board of Education; 511 IAC 6.2-7-3; filed Aug 26, 2003, 4:15 p.m.: 27 IR 163)*

**511 IAC 6.2-7-4 Measurable annual objectives and intermediate goals**

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7.1

Affected: IC 20-10.2

Sec. 4. (a) The objectives described in this section shall be the same for each of the following:

- (1) School corporation.
- (2) Public school.
- (b) The initial measurable objective shall be the starting point.
- (c) The annual measurable objective shall increase with each intermediate goal.

(d) Equal increments in achievement, to ensure that all students become proficient by the 2013-2014 school year, shall be calculated as follows:

STEP ONE: Subtract the starting point from one hundred percent (100%).

STEP TWO: Divide the remainder by six (6).

(e) Intermediate goals shall be determined by adding the STEP TWO of subsection (d) result to the initial measurable objective and to the resulting objective for the following school years:

- (1) 2004-2005.
- (2) 2007-2008.
- (3) 2010-2011.
- (4) 2011-2012.
- (5) 2012-2013.

*(Indiana State Board of Education; 511 IAC 6.2-7-4; filed Aug 26, 2003, 4:15 p.m.: 27 IR 164)*

**511 IAC 6.2-7-5 Annual improvement needed to make adequate yearly progress; participation in assessments; counting date**

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7.1

Affected: IC 20-10.2

Sec. 5. (a) Beginning with data for the 2001-2002 school year and each subsequent year, for a school or school corporation to make adequate yearly progress under this section:

(1) each group of students described in section 6 of this rule must meet or exceed the measurable objectives in English and the measurable objectives in mathematics under section 4 of this rule, except that if any group does not meet those objectives in any particular year, the school or school corporation shall be considered to have made adequate yearly progress if the percentage of students in that group who did not meet the pass level of academic achievement on ISTEP+ for that year decreased by ten percent (10%) of that percentage from the preceding school year and that group made progress on the other academic indicators described in section 8 of this rule;

(2) the school or school corporation meets or exceeds the other academic indicators under section 8 of this rule; and

(3) not less than ninety-five percent (95%) of each group of students described in section 6 of this rule who are enrolled in the school are required to take state assessments in English and not less than ninety-five percent (95%) of each group of students described in section 6 of this rule who are enrolled in the school are required to take state assessments in mathematics, including an alternate:

(A) assessment for students with disabilities; and

(B) form of assessment for limited English proficient students;

except that the ninety-five percent (95%) requirement shall not apply in a case in which the number of students in a group is fewer than forty (40).

(b) The ninety-five percent (95%) requirement for each subject area shall be calculated using the number of students in the:

(1) group who participated in the assessments as the numerator; and

(2) group enrolled in the school or school corporation on the ADM count date established under 511 IAC 1-3-1.

(c) Consecutive years of failing to make adequate yearly progress shall be based on failing to meet the measurable annual objective in the same subject (English or mathematics) for consecutive years. If a school or school corporation in a given year fails to meet the annual objective in English but meets the objective in mathematics and in the next year one (1) or more student groups under section 6 of this rule fails to meet the objective in English, the school or school corporation has failed to make adequate yearly progress for two (2) consecutive years. If, however, the school or school corporation meets the annual objective in English for all student groups in the second year, then the timeline restarts. If the school or school corporation fails to meet the annual objective in mathematics, it has now failed to make adequate yearly progress for one (1) year. If the school or school corporation meets the annual objective in mathematics, the school or school corporation has no consecutive years of not making adequate yearly progress. (*Indiana State Board of Education; 511 IAC 6.2-7-5; filed Aug 26, 2003, 4:15 p.m.: 27 IR 164*)

**511 IAC 6.2-7-6 Groups of students; minimum group size**

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1

Affected: IC 20-10.2

Sec. 6. (a) The following groups of students are established for determining if a school or school corporation has made adequate yearly progress:

(1) All students.

(2) Economically disadvantaged students.

(3) Students with disabilities as defined under Section 602(3) of the Individuals with Disabilities Education Act.

(4) Limited English proficient students, who will be included as part of the group until they score at the proficient level on the test of English proficiency for two (2) consecutive years.

(5) Students from the following groups:

(A) American Indian.

(B) Asian.

(C) Black.



(D) Hispanic.

(E) White.

(b) Disaggregation of data under subsection (a) is not required if:

(1) a group has fewer than thirty (30) students;

(2) the failure of the group of students to make adequate yearly progress is not statistically significant, as determined by a one-tailed binomial test of significance using an alpha level of .01.

(c) Provisions of section 5 of this rule or this section notwithstanding, groups of students as small as ten (10) shall be reported for information purposes only.

(d) To protect the confidentiality of individual data, percentages close to zero (0) shall be reported as "less than five percent (5%)" and percentages close to one hundred (100) shall be reported as "greater than ninety-five percent (95%)". (*Indiana State Board of Education; 511 IAC 6.2-7-6; filed Aug 26, 2003, 4:15 p.m.: 27 IR 164*)

#### **511 IAC 6.2-7-7 Inclusion of students who have been enrolled for full academic year; full academic year defined**

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1

Affected: IC 20-10.2

Sec. 7. (a) Adequate yearly progress shall be calculated using data for students who have been enrolled in a school corporation or charter school for a full academic year, but performance of students who have attended more than one (1) school in a school corporation in any academic year shall be used only in determining the progress of the school corporation.

(b) A full academic year for purposes of this section is one hundred sixty-two (162) days. (*Indiana State Board of Education; 511 IAC 6.2-7-7; filed Aug 26, 2003, 4:15 p.m.: 27 IR 165*)

#### **511 IAC 6.2-7-8 Other indicators**

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1

Affected: IC 20-10.2

Sec. 8. The following other academic indicators are established for the purposes described in section 5 of this rule:

(1) For high schools, graduation rate, as determined under:

(A) 511 IAC 6.1-1-2, for classes of students who graduate prior to the 2005-2006 school year; and

(B) 511 IAC 6.2-2.5-9, for classes of students who expect to graduate in the 2005-2006 school year and subsequent school years;

that increases toward a rate of ninety-five percent (95%).

(2) For elementary and middle schools, attendance rate as determined under 511 IAC 1-3-3, that increases toward a rate of ninety-five percent (95%).

(*Indiana State Board of Education; 511 IAC 6.2-7-8; filed Aug 26, 2003, 4:15 p.m.: 27 IR 165; filed Jul 14, 2004, 9:30 a.m.: 27 IR 4009*)

#### **511 IAC 6.2-7-9 Use of data; averaging procedure**

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1

Affected: IC 20-10.2

Sec. 9. For the purpose of determining if schools and school corporations are making adequate yearly progress, data shall be used and averaged as follows:

(1) Data shall be averaged across grades in a school.

(2) The higher of the following shall be used to determine if a school or school corporation has made adequate yearly progress:

(A) Data from the school year for which a determination is being made.

(B) The average of data from the school year for which the determination is being made and the two (2) preceding school years.

(*Indiana State Board of Education; 511 IAC 6.2-7-9; filed Aug 26, 2003, 4:15 p.m.: 27 IR 165*)

**511 IAC 6.2-7-10      Special rules for schools that do not include students at grades assessed under ISTEP+ and schools that do not meet the minimum student group size**

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1

Affected: IC 20-10.2

Sec. 10. (a) Adequate yearly progress for schools that do not include students at grades assessed under ISTEP+ shall be determined as follows:

(1) A school that includes a grade or grades below those for which there is ISTEP+ data shall be linked with the school that students attend after they leave the school for which there is no ISTEP data. The adequate yearly progress determination for the school for which there is ISTEP data shall apply to the feeder school.

(2) High schools that include only grades above those for which there is ISTEP+ data shall be paired with the feeder school for which there is high school ISTEP+ data.

(b) If a school has a student group that does not meet the minimum size for disaggregation under section 6 of this rule, adequate yearly progress for the group shall be determined by aggregating data over consecutive years, if necessary, to meet the minimum group size. (*Indiana State Board of Education; 511 IAC 6.2-7-10; filed Aug 26, 2003, 4:15 p.m.: 27 IR 165*)

**ARTICLE 7.      SPECIAL EDUCATION**

**Rule 1.      General Provisions (Repealed)**

(*Repealed by Indiana State Board of Education; filed Dec 9, 1991, 8:30 a.m.: 15 IR 558*)

**Rule 2.      Placement in Private Special Schools (Repealed)**

(*Repealed by Indiana State Board of Education; filed Dec 9, 1991, 8:30 a.m.: 15 IR 558*)

**Rule 3.      Definitions (Repealed)**

(*Repealed by Indiana State Board of Education; filed May 22, 2000, 8:52 a.m.: 23 IR 2497*)

**Rule 4.      General Provisions (Repealed)**

(*Repealed by Indiana State Board of Education; filed May 22, 2000, 8:52 a.m.: 23 IR 2497*)

**Rule 5.      Program Planning and Evaluation (Repealed)**

(*Repealed by Indiana State Board of Education; filed May 22, 2000, 8:52 a.m.: 23 IR 2497*)

**Rule 6.      General Administration of Programs (Repealed)**

(*Repealed by Indiana State Board of Education; filed May 22, 2000, 8:52 a.m.: 23 IR 2497*)

**Rule 7.      Prior Notice (Repealed)**

(*Repealed by Indiana State Board of Education; filed May 22, 2000, 8:52 a.m.: 23 IR 2497*)

**Rule 8.      Confidentiality of Information (Repealed)**

(*Repealed by Indiana State Board of Education; filed May 22, 2000, 8:52 a.m.: 23 IR 2497*)

**Rule 9.      Educational Surrogate Parents (Repealed)**

(*Repealed by Indiana State Board of Education; filed May 22, 2000, 8:52 a.m.: 23 IR 2497*)

**Rule 10.      Identification and Evaluation (Repealed)**

(*Repealed by Indiana State Board of Education; filed May 22, 2000, 8:52 a.m.: 23 IR 2497*)

**Rule 11.      Eligibility Criteria (Repealed)**

*(Repealed by Indiana State Board of Education; filed May 22, 2000, 8:52 a.m.: 23 IR 2497)*

**Rule 12. Educational Placement (Repealed)**

*(Repealed by Indiana State Board of Education; filed May 22, 2000, 8:52 a.m.: 23 IR 2497)*

**Rule 13. Program and Service Information (Repealed)**

*(Repealed by Indiana State Board of Education; filed May 22, 2000, 8:52 a.m.: 23 IR 2497)*

**Rule 14. Special Education Placement Options and Caseloads (Repealed)**

*(Repealed by Indiana State Board of Education; filed May 22, 2000, 8:52 a.m.: 23 IR 2497)*

**Rule 15. Due Process Procedures (Repealed)**

*(Repealed by Indiana State Board of Education; filed May 22, 2000, 8:52 a.m.: 23 IR 2497)*

**Rule 16. Child Count (Repealed)**

*(Repealed by Indiana State Board of Education; filed May 22, 2000, 8:52 a.m.: 23 IR 2497)*

**Rule 17. Definitions**

**511 IAC 7-17-1 Applicability**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 1. The definitions in this rule apply throughout this article. *(Indiana State Board of Education; 511 IAC 7-17-1; filed May 22, 2000, 8:52 a.m.: 23 IR 2431)*

**511 IAC 7-17-2 “Adaptive behavior” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 2. “Adaptive behavior” means the effectiveness of or degree with which an individual meets the standards of personal independence and social responsibility expected of the individual’s chronological age and cultural group. *(Indiana State Board of Education; 511 IAC 7-17-2; filed May 22, 2000, 8:52 a.m.: 23 IR 2431)*

**511 IAC 7-17-3 “Adequate notice” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 3. “Adequate notice” means notice that:

- (1) is provided early enough to allow a change in time or location, to make arrangements to attend a meeting, or to allow a response prior to the proposed action;
- (2) includes all components specified in this article based upon the purpose of the notice;
- (3) is provided in the native language or other mode of communication; and
- (4) is written or communicated in common understandable language.

*(Indiana State Board of Education; 511 IAC 7-17-3; filed May 22, 2000, 8:52 a.m.: 23 IR 2431)*

**511 IAC 7-17-4 “Adversely affects educational performance” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 4. “Adversely affects educational performance” means that the disability or behavior prevents the student from benefiting from the student’s education without the provision of special education or related services. (*Indiana State Board of Education; 511 IAC 7-17-4; filed May 22, 2000, 8:52 a.m.: 23 IR 2431*)

**511 IAC 7-17-5 “Assistive technology device” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 5. “Assistive technology device” means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. (*Indiana State Board of Education; 511 IAC 7-17-5; filed May 22, 2000, 8:52 a.m.: 23 IR 2431*)

**511 IAC 7-17-6 “Assistive technology service” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 6. “Assistive technology service” means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. (*Indiana State Board of Education; 511 IAC 7-17-6; filed May 22, 2000, 8:52 a.m.: 23 IR 2431*)

**511 IAC 7-17-7 “At no cost” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 7. “At no cost” means that all specially designed instruction is provided without charge to the parent, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the general education program. Such fees may include, but are not limited to, fees for the following:

- (1) Textbook rental.
- (2) Consumable materials.
- (3) Extracurricular activities.

(*Indiana State Board of Education; 511 IAC 7-17-7; filed May 22, 2000, 8:52 a.m.: 23 IR 2432*)

**511 IAC 7-17-8 “Behavioral intervention plan” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 8. “Behavioral intervention plan” is a plan, agreed upon by the case conference committee and incorporated into a student’s individualized education program, that describes how the student’s environment will be altered, identifies positive behavioral intervention strategies, and specifies which skills will be taught in an effort to change a specific pattern of behavior of the student. The plan shall be linked to information gathered through a functional behavioral assessment. To ensure transference, the behavioral intervention plan seeks to maximize consistency of implementation across people and settings in which the student is involved. (*Indiana State Board of Education; 511 IAC 7-17-8; filed May 22, 2000, 8:52 a.m.: 23 IR 2432*)

**511 IAC 7-17-9 “Benchmarks” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 9. “Benchmarks”, for the purpose of this article, are major milestones a student is expected to achieve. Benchmarks establish expected performance levels that allow for regular checks of progress that coincide with the reporting periods for informing parents of the student’s progress toward achieving the annual goals delineated in a student’s individualized education program.

*(Indiana State Board of Education; 511 IAC 7-17-9; filed May 22, 2000, 8:52 a.m.: 23 IR 2432)*

**511 IAC 7-17-10 “Case conference committee” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 10. “Case conference committee” means the group of persons described in 511 IAC 7-27-3, including parents and public agency personnel, who are responsible for the following:

- (1) Reviewing evaluation data, identifying the existence of a disability, and determining a student’s eligibility for special education and related services.
- (2) Developing, reviewing, and revising a student’s individualized education program.
- (3) Determining the appropriate special education, related services, and placement for a student and the setting or settings in which those services will be provided.
- (4) Determining other matters, including the provision of a free appropriate public education, that are assigned to an IEP team by federal law or to a case conference committee by state law or any rule of the Indiana state board of education, including this article.

*(Indiana State Board of Education; 511 IAC 7-17-10; filed May 22, 2000, 8:52 a.m.: 23 IR 2432; filed May 13, 2002, 2:00 p.m.: 25 IR 3149)*

**511 IAC 7-17-11 “Caseload” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 11. “Caseload” means the total number of students assigned to a teacher, speech-language pathologist, or a related services provider. The caseload of each teacher, speech-language pathologist, and related services provider shall be limited in number to allow the teacher, speech-language pathologist, and related services provider to implement each assigned student’s individualized education program and shall be determined by:

- (1) the nature and severity of the students’ disabilities;
- (2) the type and intensity of services needed as specified in the individualized education program;
- (3) the chronological ages of the students; and
- (4) the total number of students with and without disabilities for whom the teacher has instructional responsibility.

*(Indiana State Board of Education; 511 IAC 7-17-11; filed May 22, 2000, 8:52 a.m.: 23 IR 2432)*

**511 IAC 7-17-12 “Certified personnel” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 12. “Certified personnel”, for purposes of 511 IAC 7-25-2(b), 511 IAC 7-25-4(b), and 511 IAC 7-29-8(b), means:

- (1) teachers;
- (2) school counselors;
- (3) school psychologists;
- (4) school social workers;
- (5) building principals; and
- (6) other administrators;

who are employed by the public agency. *(Indiana State Board of Education; 511 IAC 7-17-12; filed May 22, 2000, 8:52 a.m.: 23 IR 2432)*

**511 IAC 7-17-13 “Change of placement” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 13. (a) "Change of placement" means a change in one (1) or more of the following as determined by the case conference committee:

- (1) Identification of a student's disability, including declassification, and a student's eligibility for special education and related services.
- (2) Length, frequency, or duration of services specified in a student's individualized education program if the changes affect the goals and objectives of the individualized education program unless the change is contained in the current agreed-upon individualized education program.
- (3) Placement within the continuum as set forth in 511 IAC 7-27-9 unless the change is contained in the current agreed-upon individualized education program.
- (4) Location, if such change affects the goals and objectives of the individualized education program.
- (5) Graduation from high school with a regular diploma.

(b) Change of placement for disciplinary removals means the public agency's unilateral removal of the student from the student's current placement for disciplinary reasons. A change of placement for disciplinary removals occurs if:

- (1) the student is removed for more than ten (10) consecutive instructional days; or
- (2) the student is subjected to a series of removals that constitutes a pattern because:
  - (A) they cumulate to more than ten (10) instructional days in a school year; and
  - (B) of factors, such as:
    - (i) the length of each removal;
    - (ii) the total amount of time the child is removed; and
    - (iii) the proximity of the removals to one another.

*(Indiana State Board of Education; 511 IAC 7-17-13; filed May 22, 2000, 8:52 a.m.: 23 IR 2432)*

#### **511 IAC 7-17-14 "Community-supported services" defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 14. "Community-supported services" means intensive special education and related services necessary to enable the student to remain in the community without resorting to residential placement or to return to the local community from a residential placement. The need for community-supported services is made by the case conference committee, after the public agency's continuum of services has been exhausted. The public agency may seek additional funding to support a student's community-supported services in accordance with 511 IAC 7-27-12. *(Indiana State Board of Education; 511 IAC 7-17-14; filed May 22, 2000, 8:52 a.m.: 23 IR 2433)*

#### **511 IAC 7-17-15 "Complaint" defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 15. "Complaint" means a written, signed allegation of a procedural violation of federal or state statutes, regulations, rules, or constructions governing special education and submitted to the division of special education for investigation in accordance with 511 IAC 7-30-2. *(Indiana State Board of Education; 511 IAC 7-17-15; filed May 22, 2000, 8:52 a.m.: 23 IR 2433)*

#### **511 IAC 7-17-16 "Comprehensive plan" defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 16. "Comprehensive plan" refers to the written plan required under IC 20-1-6, which specifies how the local educational agency will provide for special education and related services in accordance with this article. *(Indiana State Board of Education; 511 IAC 7-17-16; filed May 22, 2000, 8:52 a.m.: 23 IR 2433)*

**511 IAC 7-17-17 “Comprehensive system of personnel development” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 17. “Comprehensive system of personnel development” means a plan to provide training and information to public agency personnel, parents, and others regarding the provision of a free appropriate public education to students with disabilities. (*Indiana State Board of Education; 511 IAC 7-17-17; filed May 22, 2000, 8:52 a.m.: 23 IR 2433*)

**511 IAC 7-17-18 “Consent” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 18. “Consent” includes each of the following:

- (1) The parent has been fully informed, in the parent’s native language or other mode of communication, of all information relevant to the activity for which consent is sought.
- (2) The parent understands and agrees in writing to the activity for which consent has been sought, and the consent:
  - (A) describes that activity; and
  - (B) lists the records, if any, that will be released and to whom.
- (3) The parent understands that granting consent is voluntary on the part of the parent and that the consent may be revoked at any time. If the parent revokes consent, the revocation is not retroactive, that is, it does not negate an action that has occurred after the consent was given and before the consent was revoked.

(*Indiana State Board of Education; 511 IAC 7-17-18; filed May 22, 2000, 8:52 a.m.: 23 IR 2433*)

**511 IAC 7-17-19 “Consultation” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 19. “Consultation” means services that include, but are not limited to, the following:

- (1) Working with general and special education teachers in matters relating to the following:
  - (A) Development and implementation of individualized education programs.
  - (B) Curriculum development.
  - (C) Instructional or behavioral management techniques.
  - (D) Identification, adaptation, and utilization of materials, equipment, and instructional aids.
- (2) Serving as a communication link between and among public agency personnel, parents, and other agencies.
- (3) Conducting individual assessments or observations of a student.
- (4) Counseling or crisis intervention.
- (5) Providing direct services to a student or group of students.
- (6) Providing parent counseling and training.

(*Indiana State Board of Education; 511 IAC 7-17-19; filed May 22, 2000, 8:52 a.m.: 23 IR 2433*)

**511 IAC 7-17-20 “Controlled substance” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6; IC 35-48-2

Sec. 20. “Controlled substance” means a drug or other substance identified under Schedule I, II, III, IV, or V in 21 U.S.C. 812(c) or IC 35-48-2. (*Indiana State Board of Education; 511 IAC 7-17-20; filed May 22, 2000, 8:52 a.m.: 23 IR 2434*)

**511 IAC 7-17-21 “Day” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 21. "Day" means a calendar day unless otherwise indicated as a business day or instructional day. As used in this section:

(1) "business day" means Monday through Friday, except for federal and state holidays unless holidays are specifically included in the designation of business days as in 511 IAC 7-19-2(d)(2); and

(2) "instructional day" means any day or part of a day that students are expected to be in attendance.

*(Indiana State Board of Education; 511 IAC 7-17-21; filed May 22, 2000, 8:52 a.m.: 23 IR 2434)*

**511 IAC 7-17-22 "Destruction of information" defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 22. "Destruction of information" means physical destruction or removal of personal identifiers from information contained in an educational record so that the information is no longer personally identifiable. *(Indiana State Board of Education; 511 IAC 7-17-22; filed May 22, 2000, 8:52 a.m.: 23 IR 2434)*

**511 IAC 7-17-23 "Diagnostic teaching evaluation" defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 23. (a) "Diagnostic teaching evaluation" means an extended evaluation of a student with a disability, recommended and designed by the case conference committee. A diagnostic teaching evaluation shall be implemented pursuant to an interim individualized education program and shall provide additional information on any of the following:

(1) A student's strengths and weaknesses.

(2) A student's learning styles.

(3) A student's specific educational needs.

(4) Other aspects relative to an appropriate education.

(b) A parent must provide written consent for the diagnostic teaching evaluation. The interim individualized education program shall contain a specific timeline for completion of the diagnostic teaching evaluation, finalizing the individualized education program, and determining the appropriate placement for the student. *(Indiana State Board of Education; 511 IAC 7-17-23; filed May 22, 2000, 8:52 a.m.: 23 IR 2434)*

**511 IAC 7-17-24 "Directory information" defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 24. "Directory information" means information contained in an educational record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the following:

(1) The student's name.

(2) The student's address.

(3) The student's telephone listing.

(4) The student's date and place of birth.

(5) The student's major field of study.

(6) The student's participation in officially recognized activities and sports.

(7) The weight and height of members of athletic teams.

(8) Dates of attendance.

(9) Degrees and awards received.

(10) The most recent previous educational agency or institution attended.

*(Indiana State Board of Education; 511 IAC 7-17-24; filed May 22, 2000, 8:52 a.m.: 23 IR 2434)*



**511 IAC 7-17-25 “Disciplinary action or proceeding” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 25. “Disciplinary action or proceeding” means the investigation, adjudication, or imposition of sanctions by a public agency with respect to an infraction or violation of the internal rules of conduct applicable to students of the public agency. (*Indiana State Board of Education; 511 IAC 7-17-25; filed May 22, 2000, 8:52 a.m.: 23 IR 2434*)

**511 IAC 7-17-26 “Disclosure” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 26. “Disclosure” means to permit access to, or the release, transfer, or other communication of personally identifiable information contained in educational records to any party by any means including oral, written, or electronic means. (*Indiana State Board of Education; 511 IAC 7-17-26; filed May 22, 2000, 8:52 a.m.: 23 IR 2435*)

**511 IAC 7-17-27 “Due process hearing” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 27. “Due process hearing” means a proceeding initiated by a student’s parent, a public agency, or the state educational agency and is conducted by an independent hearing officer when there is a dispute regarding any of the following:

- (1) The identification or eligibility of a student for services under this article.
- (2) The appropriateness of the educational evaluation.
- (3) The appropriateness of the student’s proposed or current level of services or placement.
- (4) Any other dispute affecting the provision of a free appropriate public education to the student.
- (5) Reimbursement for the provisions in this section.

(*Indiana State Board of Education; 511 IAC 7-17-27; filed May 22, 2000, 8:52 a.m.: 23 IR 2435*)

**511 IAC 7-17-28 “Duration of services” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 28. “Duration of services” means the projected month, day, and year of the beginning and ending of special education services. (*Indiana State Board of Education; 511 IAC 7-17-28; filed May 22, 2000, 8:52 a.m.: 23 IR 2435*)

**511 IAC 7-17-29 “Educational records” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 29. “Educational records” means records directly related to a student and maintained by a public agency or by a party acting for the public agency. The term includes test protocols that contain personally identifiable information regarding the student and individualized education programs. The term also includes video clips, audio clips, scanned images, and other electronically recorded or produced items, such as those in the Indiana Assessment System of Educational Proficiencies. The term does not include the records of instructional, supervisory, administrative, or ancillary personnel that remain in the sole possession of the maker of the record and are not accessible to or revealed to any other person. (*Indiana State Board of Education; 511 IAC 7-17-29; filed May 22, 2000, 8:52 a.m.: 23 IR 2435*)

**511 IAC 7-17-30 “Educational surrogate parent” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 30. “Educational surrogate parent” means a person trained and appointed to represent a student with a disability in matters relating to the provision of a free appropriate public education, including identification, evaluation, and placement. An educational surrogate parent is appointed in accordance with 511 IAC 7-24. (*Indiana State Board of Education; 511 IAC 7-17-30; filed May 22, 2000, 8:52 a.m.: 23 IR 2435*)

**511 IAC 7-17-31 “Eligible student” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 31. “Eligible student”, for purposes of 511 IAC 7-23, means a student who has reached eighteen (18) years of age and who has not been adjudicated incompetent. (*Indiana State Board of Education; 511 IAC 7-17-31; filed May 22, 2000, 8:52 a.m.: 23 IR 2435*)

**511 IAC 7-17-32 “Evaluation” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 32. “Evaluation” means procedures used in accordance with 511 IAC 7-25-3 through 511 IAC 7-25-7 to provide information about a student’s disability or suspected disability for the case conference committee to determine whether a student has a disability and the nature and extent of the special education and related services that the student needs. An evaluation may include review of existing data, which may include results on tests or other procedures that are based on the general curriculum and may be used with all students in a grade, school, or class. (*Indiana State Board of Education; 511 IAC 7-17-32; filed May 22, 2000, 8:52 a.m.: 23 IR 2435*)

**511 IAC 7-17-33 “Expedited due process hearing” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 33. “Expedited due process hearing” means a hearing that is conducted by an independent hearing officer, in accordance with 511 IAC 7-30-5, and may be requested in any of the following situations:

- (1) The parent disagrees with a determination that the student’s behavior was not a manifestation of the student’s disability.
- (2) The parent disagrees with the public agency’s decision regarding the student’s disciplinary change of placement under 511 IAC 7-29-3.
- (3) The public agency maintains that it is dangerous for the student to return to the current placement (placement prior to removal to the interim alternative educational setting) after the expiration of the student’s placement in an interim alternative educational setting.

(*Indiana State Board of Education; 511 IAC 7-17-33; filed May 22, 2000, 8:52 a.m.: 23 IR 2435*)

**511 IAC 7-17-34 “Expedited evaluation” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 34. “Expedited evaluation” means an initial evaluation that is conducted during the pendency of disciplinary action of a student that has not been determined eligible for special education. The timelines for conducting an expedited evaluation and convening the case conference committee are shorter than for an initial evaluation pursuant to 511 IAC 7-29-8. (*Indiana State Board of Education; 511 IAC 7-17-34; filed May 22, 2000, 8:52 a.m.: 23 IR 2436*)

**511 IAC 7-17-35 “Extended school year services” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 35. “Extended school year services” means special education services that:

- (1) are provided to a student with a disability:
  - (A) beyond the normal school year of the public agency;
  - (B) in accordance with the student’s individualized education program; and
  - (C) at no cost to the parent or the student; and
- (2) meet the standards of the state educational agency.

*(Indiana State Board of Education; 511 IAC 7-17-35; filed May 22, 2000, 8:52 a.m.: 23 IR 2436)*

**511 IAC 7-17-36 “Free appropriate public education” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 36. “Free appropriate public education” means special education and related services that:

- (1) are provided at public expense, under public supervision and direction, and at no cost to the parent;
- (2) meet the standards of the state educational agency, including the requirements of this article;
- (3) include early childhood education, elementary education, or secondary education;
- (4) are provided in conformity with an individualized education program that meets the requirements of this article;
- (5) are provided to ensure students identified as eligible for special education and related services under this article have an equal opportunity to participate in activities and services available to all other students;
- (6) are provided to the student during a period of removal subsequent to removal for ten (10) cumulative instructional days during the school year; and
- (7) include the award of credit and diploma for completion of academic requirements to the same extent such credit is awarded to students without disabilities.

*(Indiana State Board of Education; 511 IAC 7-17-36; filed May 22, 2000, 8:52 a.m.: 23 IR 2436)*

**511 IAC 7-17-37 “Frequency of services” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 37. “Frequency of services” means how often special education and related services are to be provided, such as:

- (1) daily;
- (2) twice a week;
- (3) weekly; or
- (4) other similar specific time frames.

*(Indiana State Board of Education; 511 IAC 7-17-37; filed May 22, 2000, 8:52 a.m.: 23 IR 2436)*

**511 IAC 7-17-38 “Functional behavioral assessment” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 38. “Functional behavioral assessment” means a systematic collection and analysis of data that will vary in length and scope depending on the severity of a student’s behavior. Results and analysis of the data collection are used in developing the student’s behavioral intervention plan. A functional behavioral assessment shall identify patterns in the student’s behavior and the purpose or function of the behavior for the student. *(Indiana State Board of Education; 511 IAC 7-17-38; filed May 22, 2000, 8:52 a.m.: 23 IR 2436)*

**511 IAC 7-17-39 “General education” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 39. “General education” means those programs provided or available to all students, including, but not limited to, the following:

- (1) Sequential grade advancement.
- (2) Elective courses.
- (3) Extracurricular activities.
- (4) The general curriculum.

*(Indiana State Board of Education; 511 IAC 7-17-39; filed May 22, 2000, 8:52 a.m.: 23 IR 2436)*

**511 IAC 7-17-40 “General education intervention” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 40. “General education intervention” means a written formal system, at the building level, of methods and procedures used with a student to address those aspects of a student’s classroom performance that are substantially affecting educational outcomes. Utilization of general education intervention strategies is not a prerequisite to referring a student for an evaluation. *(Indiana State Board of Education; 511 IAC 7-17-40; filed May 22, 2000, 8:52 a.m.: 23 IR 2436)*

**511 IAC 7-17-41 “Homebound instruction” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 41. “Homebound instruction” means instruction provided to students, in accordance with 511 IAC 7-27-10 and 511 IAC 7-27-11, including students without disabilities, who are unable to attend school. Homebound instruction may be provided at:

- (1) a student’s home;
- (2) a hospital; or
- (3) another site;

and may be provided in person or by any other technology systems. *(Indiana State Board of Education; 511 IAC 7-17-41; filed May 22, 2000, 8:52 a.m.: 23 IR 2437)*

**511 IAC 7-17-42 “Identification and eligibility” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 42. “Identification and eligibility” means the case conference committee’s determinations, in accordance with this article, that:

- (1) a disability exists;
- (2) a disability exists that is different from or in addition to, or both, the disability originally determined;
- (3) the nature or extent of a disability, or both, qualifies a student for special education;
- (4) the nature or extent of a disability, or both, no longer qualifies a student for special education; or
- (5) the nature or extent of a disability, or both, is not severe enough to qualify a student for special education.

*(Indiana State Board of Education; 511 IAC 7-17-42; filed May 22, 2000, 8:52 a.m.: 23 IR 2437)*

**511 IAC 7-17-43 “Illegal drug” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 43. “Illegal drug” means a controlled substance, but does not include a substance that is legally possessed or used under:

- (1) the supervision of a licensed health care professional; or
- (2) any other authority under the Controlled Substances Act or under any other provision of federal law.

*(Indiana State Board of Education; 511 IAC 7-17-43; filed May 22, 2000, 8:52 a.m.: 23 IR 2437)*

**511 IAC 7-17-44 “Individualized education program” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 44. “Individualized education program” means a written document, developed by the case conference committee, that describes how a student will access the general education curriculum and the special education and related services needed to participate in the educational environment. The required components of an individualized education program are contained in 511 IAC 7-27-6. *(Indiana State Board of Education; 511 IAC 7-17-44; filed May 22, 2000, 8:52 a.m.: 23 IR 2437)*

**511 IAC 7-17-45 “Interim alternative educational setting” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 45. (a) “Interim alternative educational setting” means a placement determined by the case conference committee when the public agency removes a student from the student’s current placement as a result of either of the following:

- (1) The student carries a weapon to school or to a school function that is under the jurisdiction of a public agency.
- (2) The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function that is under the jurisdiction of a public agency.

(b) A hearing officer may order the student’s placement in an interim alternative educational setting if the hearing officer determines that the public agency has demonstrated by substantial evidence that maintaining the student’s current placement is substantially likely to result in injury to the student or to others.

(c) A court may determine an interim alternative educational setting for a student while administrative remedies are exhausted. *(Indiana State Board of Education; 511 IAC 7-17-45; filed May 22, 2000, 8:52 a.m.: 23 IR 2437)*

**511 IAC 7-17-46 “Intervener” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 46. “Intervener” means an individual with knowledge and skill in the mode of communication of a student who is deaf-blind who can communicate to the student what is occurring in the educational setting. *(Indiana State Board of Education; 511 IAC 7-17-46; filed May 22, 2000, 8:52 a.m.: 23 IR 2437)*

**511 IAC 7-17-47 “Job coach” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 47. “Job coach” means an individual who works with and on behalf of a student with a disability who participates in supported employment. A job coach provides support and training to the student and the employer, including, but not limited to, organizing the tasks necessary to do the job into sequential steps and teaches the student by working along side the student while the tasks and job are being learned. *(Indiana State Board of Education; 511 IAC 7-17-47; filed May 22, 2000, 8:52 a.m.: 23 IR 2437)*

**511 IAC 7-17-48 “Legal settlement” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6; IC 20-8.1-6.1

Sec. 48. “Legal settlement” of a student means the student’s status with respect to the school corporation that has the responsibility to permit the student to attend its local public schools without the payment of tuition, or is financially responsible should the student attend school in another situation permitted by law. (*Indiana State Board of Education; 511 IAC 7-17-48; filed May 22, 2000, 8:52 a.m.: 23 IR 2438*)

**511 IAC 7-17-49 “Local educational agency” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 49. “Local educational agency” means a public board of education or other public authority legally constituted for either administrative control or direction of, or to perform a service function for, publicly funded schools as such schools are established under the laws of Indiana. The term includes school corporations and state-operated schools. (*Indiana State Board of Education; 511 IAC 7-17-49; filed May 22, 2000, 8:52 a.m.: 23 IR 2438*)

**511 IAC 7-17-50 “Manifestation determination” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 50. “Manifestation determination” means an evaluative process conducted by the student’s case conference committee, in accordance with this article, to determine whether a student’s behavior is caused by, or is a manifestation of, the student’s disability, deficiencies in the individualized education program, or placement. (*Indiana State Board of Education; 511 IAC 7-17-50; filed May 22, 2000, 8:52 a.m.: 23 IR 2438*)

**511 IAC 7-17-51 “Mediation” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 51. “Mediation” is a voluntary process in which the parent and public agency attempt, with the assistance of a trained impartial mediator, to resolve a dispute that has arisen in the case conference committee regarding any of the following:

- (1) The identification or eligibility of a student for services under this article.
- (2) The appropriateness of the educational evaluation.
- (3) The appropriateness of the student’s proposed or current level of services or placement.
- (4) Any other dispute affecting the provision of a free appropriate public education to the student.
- (5) Reimbursement for the provisions in this section.

(*Indiana State Board of Education; 511 IAC 7-17-51; filed May 22, 2000, 8:52 a.m.: 23 IR 2438*)

**511 IAC 7-17-52 “Medical services” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 52. “Medical services” means services provided by a physician with an unlimited license to practice medicine or a hospital to determine a student’s medically related disability that results in the student’s need for special education and related services. (*Indiana State Board of Education; 511 IAC 7-17-52; filed May 22, 2000, 8:52 a.m.: 23 IR 2438*)

**511 IAC 7-17-53 “Mode of communication” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 53. “Mode of communication” means the method used by the parent or student to communicate, if the parent or student is deaf, hearing impaired, visually impaired, nonverbal, has no written language, or is a nonreader. Methods used may include, but

are not limited to, the following:

- (1) Sign language.
- (2) Braille.
- (3) Oral communication.
- (4) Other augmentative devices.

*(Indiana State Board of Education; 511 IAC 7-17-53; filed May 22, 2000, 8:52 a.m.: 23 IR 2438)*

**511 IAC 7-17-54 “Native language” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 54. “Native language”, for use in all contact with students and parents, means the following:

- (1) For a parent or student of limited English proficiency, the language normally used by that individual in the home.
- (2) For a parent or student who is deaf or hearing or visually impaired, or with no written language, the mode of communication that is normally used by the individual, such as sign language, Braille, or oral communication.

*(Indiana State Board of Education; 511 IAC 7-17-54; filed May 22, 2000, 8:52 a.m.: 23 IR 2438)*

**511 IAC 7-17-55 “Orientation and mobility” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 55. “Orientation and mobility” means services provided by qualified personnel to students who are visually impaired to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community. *(Indiana State Board of Education; 511 IAC 7-17-55; filed May 22, 2000, 8:52 a.m.: 23 IR 2438)*

**511 IAC 7-17-56 “Paraprofessional” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 56. “Paraprofessional” means an individual who works under the supervision and direction of licensed teachers or related services personnel to assist in areas that relate to personal, social, and instructional needs. The term includes, but is not limited to, the following:

- (1) Instructional or program assistants.
- (2) School bus monitors.
- (3) Interpreters.
- (4) Note takers.
- (5) Job coaches.

*(Indiana State Board of Education; 511 IAC 7-17-56; filed May 22, 2000, 8:52 a.m.: 23 IR 2439)*

**511 IAC 7-17-57 “Parent” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 57. “Parent” means one (1) of the following:

- (1) Any natural or adoptive parent whose parental rights have not been terminated or restricted in accordance with law.
- (2) A guardian, including a court-appointed temporary guardian.
- (3) A person with legal custody, such as a grandparent or other relative, or other adult who accepts full legal responsibility for the student and with whom the student lives.
- (4) An educational surrogate parent appointed in accordance with 511 IAC 7-24.
- (5) Any student with a disability who is eighteen (18) years of age and has not had a guardian appointed by a court.

*(Indiana State Board of Education; 511 IAC 7-17-57; filed May 22, 2000, 8:52 a.m.: 23 IR 2439)*

**511 IAC 7-17-58 “Personally identifiable information” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 58. “Personally identifiable information” means information by which it is possible to identify a student with reasonable certainty, including, but not limited to, the following:

- (1) The name of a student, a student’s parent or parents, or other family member or members.
- (2) The address of a student.
- (3) A personal identifier, such as a student’s Social Security number or student number.
- (4) A list of personal characteristics or other information that would make the student’s identity easily traceable, including disability designation.

*(Indiana State Board of Education; 511 IAC 7-17-58; filed May 22, 2000, 8:52 a.m.: 23 IR 2439)*

**511 IAC 7-17-59 “Physical education” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 59. (a) “Physical education” means the development of the following:

- (1) Physical and motor fitness.
- (2) Fundamental motor skills and patterns.
- (3) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports).

(b) Physical education includes special physical education, adapted physical education, movement education, and motor development. *(Indiana State Board of Education; 511 IAC 7-17-59; filed May 22, 2000, 8:52 a.m.: 23 IR 2439)*

**511 IAC 7-17-60 “Public agency” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 60. “Public agency” means any public or private entity that has direct or delegated authority to provide special education and related services, including the following:

- (1) Public school corporations operating programs individually or cooperatively.
- (2) Community agencies, state developmental centers, and state-operated facilities of the division of mental health.
- (3) Programs operated by the state department of health.
- (4) The Indiana School for the Blind and the Indiana School for the Deaf.
- (5) Programs operated by the department of correction.

*(Indiana State Board of Education; 511 IAC 7-17-60; filed May 22, 2000, 8:52 a.m.: 23 IR 2439)*

**511 IAC 7-17-61 “Qualified professional” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 61. “Qualified professional” means one who has met state certification, licensing, registration, or other comparable requirements that apply to the area in which the individual is providing special education or related services. *(Indiana State Board of Education; 511 IAC 7-17-61; filed May 22, 2000, 8:52 a.m.: 23 IR 2439)*

**511 IAC 7-17-62 “Related services” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6



Sec. 62. "Related services" means those services that are supplementary to the student's instructional program and are required for the student to benefit from special education. Such services may be developmental, corrective, or supportive in nature. (*Indiana State Board of Education; 511 IAC 7-17-62; filed May 22, 2000, 8:52 a.m.: 23 IR 2439*)

**511 IAC 7-17-63 "Residential services" defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 63. "Residential services" means services in a public or private residential program that are necessary to provide special education and related services to a student with a disability. Residential services may be necessary when the student's disability is of such intensity as to preclude achievement in the public agency's educational program, even with community-supported services. (*Indiana State Board of Education; 511 IAC 7-17-63; filed May 22, 2000, 8:52 a.m.: 23 IR 2440*)

**511 IAC 7-17-64 "Special education" defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 64. "Special education" means specially designed instruction, at no cost to the parent, designed to meet the unique needs of a student eligible for special education and related services under this article. Special education may include, but is not limited to, the following:

- (1) Instruction conducted in:
  - (A) the classroom;
  - (B) the home;
  - (C) hospitals and institutions; and
  - (D) other settings.
- (2) Instruction in physical education.
- (3) Travel training.
- (4) Transition services.
- (5) Vocational education.
- (6) Speech-language pathology services.

(*Indiana State Board of Education; 511 IAC 7-17-64; filed May 22, 2000, 8:52 a.m.: 23 IR 2440*)

**511 IAC 7-17-65 "Special education planning district" defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 65. "Special education planning district" means the public school administrative unit responsible for the provision of special education and related services in a specified geographic area. A planning district may be an individual public school corporation or two (2) or more public school corporations that operate under a written agreement. (*Indiana State Board of Education; 511 IAC 7-17-65; filed May 22, 2000, 8:52 a.m.: 23 IR 2440*)

**511 IAC 7-17-66 "Specially designed instruction" defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 66. "Specially designed instruction" means adapting, as appropriate to the needs of a student who is eligible for special education and related services, the content, methodology, or delivery of instruction:

- (1) to address the unique needs of the student that result from the student's disability; and
- (2) to ensure the student's access to the general curriculum so that the student can meet the educational standards within the public agency that apply to all students.

*(Indiana State Board of Education; 511 IAC 7-17-66; filed May 22, 2000, 8:52 a.m.: 23 IR 2440)*

**511 IAC 7-17-67 “State educational agency” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 67. “State educational agency” means the department of education. *(Indiana State Board of Education; 511 IAC 7-17-67; filed May 22, 2000, 8:52 a.m.: 23 IR 2440)*

**511 IAC 7-17-68 “Student” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 68. “Student” means any person three (3) years of age, but less than twenty-two (22) years of age, who has been:

(1) formally referred for an educational evaluation to determine the nature and extent of a suspected disability, but not yet determined eligible for special education and related services; or

(2) identified as disabled and determined eligible for special education and related services under this article.

*(Indiana State Board of Education; 511 IAC 7-17-68; filed May 22, 2000, 8:52 a.m.: 23 IR 2440)*

**511 IAC 7-17-69 “Student with a disability” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 69. “Student with a disability” means a student:

(1) identified in accordance with this article as having a disability, as defined in 511 IAC 7-26; and

(2) who, by reason of the disability, requires special education and related services.

*(Indiana State Board of Education; 511 IAC 7-17-69; filed May 22, 2000, 8:52 a.m.: 23 IR 2440)*

**511 IAC 7-17-70 “Substantial evidence” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 70. “Substantial evidence” means beyond a preponderance of the evidence. *(Indiana State Board of Education; 511 IAC 7-17-70; filed May 22, 2000, 8:52 a.m.: 23 IR 2440)*

**511 IAC 7-17-71 “Supplementary aids and services” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 71. “Supplementary aids and services” means aids, services, and other supports that are provided in general education classes or other education-related settings to enable students with disabilities to be educated with nondisabled peers to the maximum extent appropriate. *(Indiana State Board of Education; 511 IAC 7-17-71; filed May 22, 2000, 8:52 a.m.: 23 IR 2441)*

**511 IAC 7-17-72 “Teacher of record” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 72. “Teacher of record” is a term used to designate the single special education teacher to whom a student with a disability is assigned. Each student with a disability must have a teacher of record identified. The teacher of record may be the teacher of service and must be appropriately licensed to work with the student or, where appropriate state licensure is not available,

appropriately trained. The teacher of record shall do the following:

- (1) Provide direct or indirect services to the student according to the student's individualized education program.
- (2) Participate in the case conference committee meeting as the student's teacher to assist in developing measurable goals, benchmarks, and objectives to meet the student's needs.
- (3) Regularly monitor the implementation of the student's individualized education program and provide progress reports to the student's parent.
- (4) Ensure the student's individualized education program is accessible to each of the student's teachers, related services providers, and other services providers who is responsible for implementation of the individualized education program.
- (5) Inform each teacher and provider of his or her specific responsibilities related to implementing the student's individualized education program.
- (6) Ensure that supplementary aids and services, program modifications, and supports for school personnel are provided in accordance with each student's individualized education program.
- (7) Serve as a consultant and resource person to all other personnel providing services to the student.
- (8) Ensure any accommodations on statewide or district assessments are implemented according to the student's individualized education program.
- (9) Participate in the ongoing or triennial evaluations of the student.

*(Indiana State Board of Education; 511 IAC 7-17-72; filed May 22, 2000, 8:52 a.m.: 23 IR 2441)*

**511 IAC 7-17-73 "Teacher of service" defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 73. "Teacher of service" means any teacher providing services to a student with a disability. *(Indiana State Board of Education; 511 IAC 7-17-73; filed May 22, 2000, 8:52 a.m.: 23 IR 2441)*

**511 IAC 7-17-74 "Transition planning" defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 74. "Transition planning" from Part C (early intervention) to Part B (early childhood) occurs prior to the child's third birthday to enable the child to experience a smooth and effective transition. The transition planning process is initiated by the Part C service coordinator, bringing together public agencies and the family to plan a process that maximizes continuity and minimizes disruptions in services. *(Indiana State Board of Education; 511 IAC 7-17-74; filed May 22, 2000, 8:52 a.m.: 23 IR 2441)*

**511 IAC 7-17-75 "Transition services" defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 75. "Transition services" includes a coordinated set of activities for a student with a disability that:

- (1) are designed within an outcome-oriented process;
- (2) are incorporated into the student's individualized education program; and
- (3) promote movement from school to postschool activities, including, but not limited to:
  - (A) postsecondary education;
  - (B) vocational training;
  - (C) integrated employment;
  - (D) continuing and adult education;
  - (E) adult services;
  - (F) independent living; or
  - (G) community participation.

*(Indiana State Board of Education; 511 IAC 7-17-75; filed May 22, 2000, 8:52 a.m.: 23 IR 2441)*

**511 IAC 7-17-76 “Travel training” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 76. “Travel training” means providing instruction to enable a student to do the following:

- (1) Develop an awareness of the environment in which the student lives.
- (2) Learn the skills necessary to move effectively and safely from place to place within that environment including, but not limited to, the following:
  - (A) In school.
  - (B) In the home.
  - (C) At work.
  - (D) In the community.

*(Indiana State Board of Education; 511 IAC 7-17-76; filed May 22, 2000, 8:52 a.m.: 23 IR 2441)*

**511 IAC 7-17-77 “Vocational education” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 77. “Vocational education” means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree. *(Indiana State Board of Education; 511 IAC 7-17-77; filed May 22, 2000, 8:52 a.m.: 23 IR 2442)*

**511 IAC 7-17-78 “Ward of the state” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 78. “Ward of the state” refers to the student who has been removed from the student’s home for suspected or actual neglect or abuse, and the court has issued an order restricting or terminating the rights of the student’s parent. *(Indiana State Board of Education; 511 IAC 7-17-78; filed May 22, 2000, 8:52 a.m.: 23 IR 2442)*

**511 IAC 7-17-79 “Weapon” defined**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6; IC 35-41-1-8; IC 35-47-1-5

Sec. 79. “Weapon” has the meaning given:

- (1) “dangerous weapon” under 18 U.S.C. 930(g)(2);
- (2) “deadly weapon” under IC 35-41-1-8; and
- (3) “firearm” under IC 35-47-1-5.

*(Indiana State Board of Education; 511 IAC 7-17-79; filed May 22, 2000, 8:52 a.m.: 23 IR 2442)*

**Rule 18. General Provisions**

**511 IAC 7-18-1 Scope**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 1. (a) This article, 511 IAC 7-17 through 511 IAC 7-31, applies to all special education programs provided for students at least three (3) years of age, but less than twenty-two (22) years of age.

(b) The department of education, division of special education is the state educational agency responsible for the general supervision of all special education programs, as specified in IC 20-1-6.

(c) This article applies to all programs and services subject to the supervision of the state educational agency, including those programs conducted by or through public school corporations, special education planning districts, state agencies, and other public agencies. (*Indiana State Board of Education; 511 IAC 7-18-1; filed May 22, 2000, 8:52 a.m.: 23 IR 2442*)

**511 IAC 7-18-2 Public schools' special education programs; organizational and administrative structures**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6-20; IC 20-5-11; IC 36-1-7

Sec. 2. (a) Public school corporations shall provide a free appropriate public education to students who:

(1) are at least three (3) years of age, but less than twenty-two (22) years of age;

(2) are identified as disabled under this article, including:

(A) students who are advancing from grade to grade; and

(B) students who have been suspended or expelled from school to the extent required by 511 IAC 7-29-1 and 511 IAC 7-29-2; and

(3) have not completed high school graduation requirements and received a diploma.

(b) Special education programs shall include the following:

(1) Elementary school programs.

(2) Secondary school programs.

(3) Early childhood programs for students who are at least three (3) years of age, but who are not enrolled in kindergarten.

(c) Public school corporations may provide special education programs through a variety of arrangements, including, but not limited to, the following:

(1) An individual school corporation that is a special education planning district under an approved comprehensive plan.

(2) Two (2) or more school corporations that, together, are a special education planning district under an approved comprehensive plan referencing an agreement authorized by any of the following:

(A) The Joint Service and Supply Act, IC 20-5-11.

(B) The Special Education Cooperatives Act, IC 20-1-6-20.

(C) The Interlocal Cooperation Act, IC 36-1-7.

(D) Any other cooperative arrangement permitted by law.

(3) A transfer tuition agreement.

(4) A contract for certain related services.

(5) A contract for certain educational services or related services, or both, for early childhood programs.

(d) Each public school corporation, or two (2) or more school corporations operating under an approved comprehensive plan, shall employ a licensed director of special education to administer and supervise its special education program. (*Indiana State Board of Education; 511 IAC 7-18-2; filed May 22, 2000, 8:52 a.m.: 23 IR 2442*)

**511 IAC 7-18-3 Other public agencies' special education programs; state-level interagency agreements**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 3. (a) The provisions of this article pertaining to identification, eligibility, evaluation, and placement procedures as well as the provision of a free appropriate public education, including all due process and procedural safeguards, for students at least three (3) years of age, but less than twenty-two (22) years of age, apply to special education programs conducted by, or under the jurisdiction of, the following:

(1) The Indiana state department of health.

(2) The family and social services administration, including, but not limited to, the division of disability, aging, and rehabilitative services and the division of mental health.

(3) The department of correction.

(4) The Indiana School for the Blind.

(5) The Indiana School for the Deaf.

(6) Any public or private agency providing special education programs for students referred by a public school corporation,

the division of special education, or any other public agency.

(7) Any other public agency that contracts with any of the agencies in subdivisions (1) through (5) to provide special education.

(b) The division of special education shall, in conjunction with each public agency in subsection (a), develop an interagency agreement. Interagency agreements may address educational programs or noneducational programs that provide or pay for services that are considered special education, or both. Interagency agreements shall include the following as appropriate:

(1) Compliance with state and federal special education laws and regulations, including data collection and submission, program monitoring, state complaint investigation procedures, and due process hearings and appeals.

(2) Methods of ensuring services, including the following:

(A) Agency financial responsibility, including the responsibility of noneducational divisions and public insurers to provide or pay for services that are also considered special education or related services.

(B) Conditions and terms of reimbursement.

(C) Resolution of interagency disputes, including the provision of services pending resolution of disputes.

(D) Coordination of service procedures.

(c) An agreement described in subsection (b) shall meet the following criteria:

(1) Be signed by the state superintendent of public instruction and the chief administrator of the public agency.

(2) Be valid for a period not to exceed four (4) years.

(3) Relate specifically to special education or related services, or both.

(4) Not supersede the administrative jurisdiction of the agency to develop eligibility or admission criteria or other administrative aspects of the program or facility.

(5) Be binding on any successor in interest, including a consolidation with other agencies.

(d) If a noneducational public agency or a public agency other than the local educational agency is otherwise obligated under federal or state law, or assigned responsibility under state policy pursuant to an interagency agreement to provide or pay for any services that are also considered special education or related services that are necessary for ensuring a free appropriate public education to students with disabilities within the state, the public agency shall fulfill that obligation or responsibility either directly, through contract, or through other arrangement.

(e) A public agency described in subsection (d) that receives Medicaid reimbursement for service provision may not disqualify an eligible service for Medicaid reimbursement because that service is provided in a public school setting.

(f) If a public agency described in subsection (d) fails to provide or pay for the special education and related services necessary for the provision of a free appropriate public education to a student, the local educational agency shall provide or pay for these services in a timely manner. The local educational agency may then claim reimbursement for the services from the public agency that failed to provide or pay for these services and the public agency shall reimburse the local educational agency in accordance with the terms of the interagency agreement described in subsection (b). (*Indiana State Board of Education; 511 IAC 7-18-3; filed May 22, 2000, 8:52 a.m.; 23 IR 2443; filed May 13, 2002, 2:00 p.m.; 25 IR 3150*)

#### **511 IAC 7-18-4 Use of public and private insurance proceeds**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 4. (a) A public agency may use Medicaid or other public insurance benefits programs in which a student participates to provide or pay for services required under this article as permitted under the public insurance program. With regard to services required to provide a free appropriate public education to a student with a disability under this article, the public agency may not:

(1) require parents to sign up for or enroll in public insurance programs in order for the student to receive a free appropriate public education;

(2) require parents to incur an out-of-pocket expense, such as the payment of a deductible or copay amount incurred in filing a claim for services provided, but may pay the cost that the parent otherwise would be required to pay; and

(3) use a student's benefits under a public insurance program if that use would:

(A) decrease available lifetime coverage or any other insured benefit;

(B) result in the family paying for services that would otherwise be covered by the public insurance program and that are required for the student outside of the time the student is in school;

(C) increase premiums or lead to the discontinuation of insurance; or

(D) risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

(b) A public agency may access a parent's private insurance proceeds only if the parent provides informed consent. Each time the public agency proposes to access the parent's private insurance proceeds, it must do the following:

(1) Obtain parent consent.

(2) Inform the parents that their refusal to permit the public agency to access their private insurance does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents.

(c) If a public agency is unable to obtain parental consent to use the parent's private insurance, or public insurance when the parent would incur a cost for a specified service required under this article, the public agency may use its federal funds to pay for the service in order to ensure a free appropriate public education is provided to the student. These funds may also be used to pay the cost the parents would otherwise have to pay to use the parent's insurance, such as deductible or copay amounts.

(d) Proceeds from public or private insurance shall not be considered program income.

(e) If a public agency spends reimbursements from federal funds for services under this article, those funds shall not be considered state or local funds for purposes of maintenance of effort provisions.

(f) Nothing in this part shall be construed to alter the requirements imposed on the state Medicaid agency, or any other agency administering a public insurance program by federal statute, regulations, or policy under Title XIX or Title XXI of the Social Security Act, or any other public insurance program. (*Indiana State Board of Education; 511 IAC 7-18-4; filed May 22, 2000, 8:52 a.m.: 23 IR 2443*)

## **Rule 19. Private Schools or Facilities**

### **511 IAC 7-19-1 Special education for students in private schools or facilities**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 1. (a) This rule applies to students with disabilities who have been unilaterally enrolled by the parent in a private school or facility. This rule does not apply to students with disabilities who have been placed in or referred to a private school or facility by a public agency.

(b) The activities undertaken to carry out child find responsibilities for private school students with disabilities must be comparable to activities undertaken for students with disabilities in public schools. Each public agency shall, with regard to any private school or facility, including any religious school or home school, within its boundaries:

(1) locate, identify, and evaluate all students with disabilities as specified in 511 IAC 7-25;

(2) consult with appropriate representatives of private school students with disabilities on how to carry out the location, identification, and evaluation, and December 1 child count activities; and

(3) make available special education and related services to any such student who is participating in any program assisted or carried out under this article.

(c) The December 1 child count shall be used to determine the amount of subgrant funds from 20 U.S.C. 1411(g) and 20 U.S.C. 1419(g) that the public agency must spend on providing special education and related services to students in private schools and facilities in the subsequent fiscal year.

(d) Each public agency shall consult, in a timely and meaningful way, but at least annually, with appropriate representatives of private school students to determine the following:

(1) Which students require services from the public agency.

(2) What services will be provided.

(3) How and where the services will be provided.

(4) How the services provided will be evaluated.

(e) The public agency shall afford the representatives of the private school students a genuine opportunity to express their views in the consultation required in subsection (d). The consultation shall occur before the public agency makes any decision that affects the opportunities of students with disabilities enrolled in private schools or facilities, and the consultation shall include consideration of the following:

(1) The funding requirements.

(2) The number of private school students with disabilities.

(3) The needs of private school students with disabilities.

(4) The location of the private school students with disabilities.

(f) The case conference committee, in accordance with 511 IAC 7-27-4, shall make decisions with respect to the special education and related services to be provided to students enrolled in private schools or facilities.

(g) For each student in a private school or facility that has been determined eligible to receive special education and related services from the public agency, the public agency shall do the following:

(1) Initiate and conduct case conference committee meetings to develop, review, and revise an individualized education program in accordance with 511 IAC 7-27-4 and 511 IAC 7-27-6.

(2) Ensure that a representative of the private school or facility attends each case conference committee meeting, either in person or by telephone.

(3) Implement the individualized education program in accordance with 511 IAC 7-27-7.

(h) At the election of the public agency, services to students in private schools or facilities may be provided at:

(1) the private school or facility, including a religious school;

(2) the public school; or

(3) a neutral site.

(i) If services are provided at the public school or a neutral site and transportation is necessary, the public agency must provide transportation from the private school or the student's home to a site other than the private school or facility and from the service site to the private school or the student's home, depending on the timing of the services. The public agency is not required, under this article, to transport the student from the student's home to the private school. The cost of transportation may be included in the calculation of the public agency's required expenditure described in subsections (j) and (k).

(j) For students who are three (3) years of age, but less than twenty-two (22) years of age, the public agency, in providing special education and related services to students in private schools and facilities, must expend at least an amount that is the same proportion of the public agency total subgrant under 20 U.S.C. 1411(g) as the number of private school students with disabilities who are three (3) years of age, but less than twenty-two (22) years of age residing in its boundaries is to the total number of students with disabilities of the same age range.

(k) For students three (3) years of age through five (5) years of age, the public agency, in providing special education and related services to students in private schools and facilities, must expend at least an amount that is the same proportion of the public agency total subgrant under 20 U.S.C. 1419(g) as the number of private school students with disabilities three (3) years of age through five (5) years of age residing in its boundaries is to the total number of students with disabilities three (3) years of age through five (5) years of age.

(l) Expenditures for child find activities shall not be considered in determining whether the public agency has met the expenditure of federal funds requirement of this article.

(m) The public agency shall not use the funds described in subsections (j) and (k) to do the following:

(1) Fund existing levels of instruction currently provided by the private school or facility, or otherwise benefit the private school.

(2) Meet the needs of the private school or facility.

(3) Meet the general needs of the students enrolled in the private school or facility.

(4) Fund classes that are organized separately on the basis of school enrollment or religion of the students if the classes:

(A) are at the same site; and

(B) include students enrolled in public schools and students enrolled in private schools.

(n) The public agency may use the funds described in subsections (j) and (k) to make public school personnel available in the private school or facility to the extent necessary to provide special education and related services to students with disabilities in private schools or facilities, if those services are not normally provided by the private school or facility.

(o) The public agency may use funds described in subsections (j) and (k) to pay for the services of an employee of the private school or facility if the employee performs the services:

(1) outside of the employee's regular hours of duty; and

(2) under public supervision and control.

(p) The services provided to students in private schools or facilities must be provided by personnel meeting the same standards as personnel providing services in the public agency.



(q) A complaint that a public agency has failed to meet the requirements of this rule may be filed pursuant to the procedures described in 511 IAC 7-30-2.

(r) The procedures for mediation under 511 IAC 7-30-1 and for a due process hearing and appeal under 511 IAC 7-30-3 and 511 IAC 7-30-4 are not applicable to students under this rule, except to resolve disputes on the following issues:

- (1) Child find.
- (2) The appropriateness of an evaluation or reevaluation.
- (3) The determination of eligibility for special education and related services.

*(Indiana State Board of Education; 511 IAC 7-19-1; filed May 22, 2000, 8:52 a.m.: 23 IR 2444; filed May 13, 2002, 2:00 p.m.: 25 IR 3150)*

**511 IAC 7-19-2 Reimbursement for parent's unilateral enrollment of student in private schools or facilities when the public agency's provision of a free appropriate public education is in dispute**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 2. (a) This section does not require the public agency to pay the cost of education, including special education and related services, of a student with a disability at a private school or facility if the public agency made a free appropriate public education available to the student, and the parent elected to place the student in a private school or facility. If, as a result of a disagreement between the parent and the public agency, regarding the availability of a free appropriate public education for a student who previously received special education and related services under the authority of the public agency, the parent of a student with a disability enrolls the student in a private preschool, elementary school, or secondary school without the consent or referral by the public agency, the parent may seek reimbursement for the costs of the private school or facility from the public agency.

(b) If the parent and the public agency cannot reach agreement on the issue of reimbursement, either may request a due process hearing pursuant to 511 IAC 7-30-3 to resolve the issue.

(c) The independent hearing officer or the court may require the public agency to reimburse the parent for the cost of the private school enrollment if the hearing officer finds both of the following:

- (1) The public agency did not make a free appropriate public education available to the student in a timely manner prior to enrollment in the private school or facility.
- (2) The private placement is appropriate.

(d) The hearing officer or the court may reduce or deny reimbursement to the parents if the hearing officer or the court finds any of the following:

(1) At the most recent case conference committee meeting that the parents attended prior to removal of the student from the public agency, the parents did not inform the case conference committee that they were rejecting the placement proposed by the public agency to provide a free appropriate public education to the student, including stating their concerns and their intent to enroll the student in a private school at public expense.

(2) The parent failed to provide written notice to the public agency, at least ten (10) business days (including any holidays that occur on a business day) prior to the removal of the student from the public agency, of the information required by subdivision (1).

(3) Prior to the parent's removal of the student from the public agency, the public agency informed the parent, through the notice requirements of 511 IAC 7-22-2, of its intent to evaluate the student, including a statement of the purpose of the evaluation that was appropriate and reasonable, but the parent did not make the student available for evaluation.

(e) The hearing officer or the court may not reduce or deny the reimbursement if the parent failed to provide the written notice described in subsection (d)(2) if the hearing officer or the court finds any of the following:

- (1) The parent cannot read or write in English.
- (2) Compliance with subsection (d)(2) would likely result in physical or serious emotional harm to the student.
- (3) The public agency prevented the parent from providing the notice.
- (4) The parent had not received notice of procedural safeguards, pursuant to 511 IAC 7-22-1, containing the notice requirement of subsection (d)(2).

(f) The hearing officer or the court may find that the private placement made by the parent is appropriate even if the placement does not meet the state standards that apply to education provided by the state and local educational agencies.

(g) The cost of reimbursement may be reduced or denied upon a judicial finding of unreasonableness with respect to the actions taken by the parents. (*Indiana State Board of Education; 511 IAC 7-19-2; filed May 22, 2000, 8:52 a.m.: 23 IR 2446; filed May 13, 2002, 2:00 p.m.: 25 IR 3152*)

**511 IAC 7-19-3 Equipment and supplies for the benefit of private school students**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 3. (a) The public agency must keep title to and exercise continuing administrative control of all property, equipment, and supplies the public agency acquires with funds described in section 1(j) and 1(k) of this rule for the benefit of private school children with disabilities.

(b) The public agency shall ensure that the equipment and supplies placed in the private school:

(1) are used only for Part B purposes; and

(2) can be removed from the private school without remodeling the private school facility.

(c) The public agency shall remove equipment and supplies from a private school if:

(1) the equipment and supplies are no longer needed for Part B purposes; or

(2) removal is necessary to avoid unauthorized use of the equipment and supplies for other than Part B purposes.

(d) No funds under Part B may be used for repairs, minor remodeling, or construction of private school facilities. (*Indiana State Board of Education; 511 IAC 7-19-3; filed May 22, 2000, 8:52 a.m.: 23 IR 2446*)

**Rule 20. Program Planning and Evaluation**

**511 IAC 7-20-1 Comprehensive plan**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 1. (a) Each public agency shall review annually and, if appropriate, revise the comprehensive plan previously approved by the division of special education. School corporations participating in a cooperative, joint services program, or interlocal arrangement that have filed a single comprehensive plan shall conduct the annual review jointly.

(b) The Indiana School for the Blind, the Indiana School for the Deaf, university-affiliated schools, the department of correction, the state department of health, and the division of mental health shall submit plans to provide special education in programs administered by those agencies, as required by IC 20-1-6. These public agencies shall review and, if appropriate, revise their respective comprehensive plans annually.

(c) Each public agency shall file with the division of special education a current comprehensive plan specifying how the public agency will provide special education and related services in accordance with this article.

(d) A public agency shall obtain approval from the division of special education prior to implementing a proposed change to a comprehensive plan that involves any of the following restructuring:

(1) Proposed withdrawal of a public agency from a planning district in order to operate as a single corporation public agency.

(2) Proposed withdrawal of a public agency from a planning district in order to join a different planning district.

(3) Proposed admission of a public agency to a planning district.

(4) Organization or reorganization of a planning district affected by the withdrawal or admission of a public agency.

(e) A planning district seeking approval under subsection (d) shall submit to the division of special education the following:

(1) Information regarding the effects on the students of the proposed restructuring.

(2) Proposed comprehensive plans that address the following:

(A) Participating public agencies and their enrollments.

(B) Organizational and administrative structures permitted under 511 IAC 7-18-2.

(C) Full array of special education and related services to provide free appropriate public education.

(D) Adherence to state and federal special education laws and regulations.

(f) The state advisory council on the education of children with disabilities shall review each comprehensive plan and information submitted under subsections (d) and (e) and shall recommend approval or rejection of the plan. The director of the

division of special education shall consider the council's recommendation in making the final decision on the proposed changes. (*Indiana State Board of Education; 511 IAC 7-20-1; filed May 22, 2000, 8:52 a.m.: 23 IR 2447*)

**511 IAC 7-20-2 Program monitoring**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 2. (a) The division of special education shall monitor all public agencies that receive federal or state monies for special education to ensure compliance with and implementation of the mandates of federal and state laws, rules, regulations, and policies regarding the provision of programs, services, protections, and a free appropriate public education to all students with disabilities in Indiana.

(b) The monitoring activities may include, but are not limited to, the following:

- (1) Complaint investigations.
- (2) Data collection and analysis.
- (3) State or federal fiscal audits.
- (4) On-site reviews of the total special education program on a cyclical or other basis.
- (5) On-site reviews of portions of programs to examine one (1) or more issues.
- (6) Collection of accreditation information.
- (7) Due process hearing decisions.
- (8) Performance indicators of the state improvement plan.

(*Indiana State Board of Education; 511 IAC 7-20-2; filed May 22, 2000, 8:52 a.m.: 23 IR 2447*)

**511 IAC 7-20-3 Comprehensive system of personnel development**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 3. (a) Each public agency shall implement a comprehensive system of personnel development that is integrated with other professional development plans and provides for the training and information dissemination to public agency personnel, parents, and others regarding the provision of a free appropriate public education to students with disabilities. The system shall include, but is not limited to, the following:

- (1) The identification of needs and establishment of priorities for inservice training.
- (2) The provision of training or support opportunities to meet identified needs.
- (3) The evaluation of the system and the training opportunities provided, both on a short term basis and long term basis.
- (4) The dissemination of information and promising practices learned from the training to persons both inside and outside the agency.

(b) The public agency shall annually submit to the division of special education a report containing the following:

- (1) The number of personnel providing special education and related services.
- (2) Relevant information on current and anticipated personnel vacancies and shortages, including the number of positions filled by staff with limited licenses.
- (3) The extent of certification or retraining necessary to eliminate these shortages that is based, to the maximum extent possible, on existing assessments of personnel needs.
- (4) Other information as required by the division of special education.

(c) The public agency shall, on a quarterly basis, submit to the division of special education data that documents the type and content of professional development training conducted. (*Indiana State Board of Education; 511 IAC 7-20-3; filed May 22, 2000, 8:52 a.m.: 23 IR 2447*)

**Rule 21. General Administration of Programs**

**511 IAC 7-21-1 Parent and community participation**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 1. (a) Each public agency shall establish, maintain, and implement written procedures to provide for participation of and consultation with parents of students participating in special education and other community members.

(b) The public agency may establish, or support the establishment of, a parent advisory council, committee, task force, or group. (*Indiana State Board of Education; 511 IAC 7-21-1; filed May 22, 2000, 8:52 a.m.: 23 IR 2448*)

**511 IAC 7-21-2 Special education program personnel**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 2. (a) All personnel employed or contracted by a public agency to provide or supervise the provision of special education or related services shall be appropriately licensed or certified to provide the services for which the individual is employed or contracted in accordance with standards established by the Indiana professional standards board or other applicable licensing and certification bodies. The person designated as a student's teacher of record shall be appropriately licensed in the area of the student's disability or, where appropriate state licensure is not available, appropriately trained.

(b) Public agencies may allow paraprofessionals and assistants who are appropriately trained to work under the direction and supervision of licensed teachers or related services personnel to assist students in areas that relate to personal, social, and educational needs.

(c) The public agency shall do the following:

(1) Provide preservice and inservice training to paraprofessionals in the following areas:

(A) The role of the paraprofessional related to the role of the professional person providing supervision and direction.

(B) The specific skills necessary to carry out the assigned responsibilities.

(C) Information on the specific special needs and characteristics of the students with whom the paraprofessional will be working.

(D) Information on special education procedures, including the confidentiality of personally identifiable information.

(2) Document, in writing, the training provided to paraprofessionals.

(*Indiana State Board of Education; 511 IAC 7-21-2; filed May 22, 2000, 8:52 a.m.: 23 IR 2448*)

**511 IAC 7-21-3 School calendar; elementary and secondary instructional day**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6; IC 20-10.1-2-1

Sec. 3. (a) The school calendar of the school corporation providing the special education program shall be followed when the calendars of the providing school corporation and the school corporation of legal settlement differ. Unless otherwise provided, the school corporation of legal settlement is responsible to provide for transportation necessary to enable students to attend school on days when the providing school corporation is in attendance but the school corporation of legal settlement is not in attendance.

(b) Each public agency shall ensure that extended school year services are available as necessary to provide free appropriate public education. A public agency may not limit extended school year services to particular categories of disability or unilaterally limit the type, amount, or duration of those services.

(c) The length of the instructional day for elementary and secondary students with disabilities shall be the same as the instructional day for nondisabled elementary and secondary students, respectively, in the same school building, unless the case conference committee determines the length of the student's instructional day should be different and documents the justification in the case conference committee report. (*Indiana State Board of Education; 511 IAC 7-21-3; filed May 22, 2000, 8:52 a.m.: 23 IR 2448*)

**511 IAC 7-21-4 Early childhood**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 4. (a) The length and frequency of the instructional day for early childhood students with disabilities shall be based on the developmental and educational needs as determined by the student's case conference committee. Full-time special education for students in early childhood special education programs shall be at least twelve and one-half (12½) hours a week.

(b) An early childhood special education program, designed primarily for students with disabilities, shall have no more than ten (10) students with disabilities. For a classroom with one (1) to eight (8) students, a full-time instructional or program assistant shall be provided in addition to the teacher. For a classroom with nine (9) or ten (10) students, two (2) full-time instructional or program assistants shall be provided in addition to the teacher. The actual number of students assigned to an early childhood teacher is subject to the requirements of 511 IAC 7-17-11. (*Indiana State Board of Education; 511 IAC 7-21-4; filed May 22, 2000, 8:52 a.m.: 23 IR 2449*)

**511 IAC 7-21-5 Facilities**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 5. (a) The public agency shall provide instructional space for students with disabilities that is:

(1) not less than the per student instructional space for general education students of the same chronological age in the same building;

(2) comparable to the general space and instructional environment of the general education students in the same building; and

(3) sufficient to accommodate a student's special equipment, assistive devices, or curricular needs.

(b) Each public agency shall include in its disaster plan, in accordance with rules promulgated by the Indiana state board of education, provisions for warning and evacuating students whose disabilities require special warning or evacuation procedures. (*Indiana State Board of Education; 511 IAC 7-21-5; filed May 22, 2000, 8:52 a.m.: 23 IR 2449*)

**511 IAC 7-21-6 Instructional curricula, materials, equipment, and assistive technology devices and services**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 6. (a) Each student shall be involved in and progress in the general education curriculum, to the maximum extent feasible, as determined by the student's case conference committee. The public agency may supplement the general education curriculum with modified programs of instruction or curriculum that relate to state academic proficiencies and functional skills to be achieved.

(b) The public agency shall provide to students with disabilities instructional materials and supplies comparable to those provided to nondisabled students.

(c) Charges for textbook rental and incidental fees for students are permitted and do not violate the at no cost requirement, except where such charges are prohibited by state law.

(d) The public agency shall provide instructional materials and equipment and assistive technology devices and services that are specified in the student's individualized education program. On a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or in other settings is required if the student's case conference committee determines that the student needs access to those devices in order to receive a free appropriate public education.

(e) Unless the student's case conference committee determines otherwise, the public agency is not responsible to provide basic equipment that may be required at home as well as in the educational setting, such as the following:

(1) Wheelchairs.

(2) Braces.

(3) Glasses.

(4) Hearing aids.

(f) The public agency is responsible for maintenance and repair of all equipment and devices provided by the public agency. The public agency is not responsible for the cost of repair or replacement of equipment not purchased by the public agency. The

public agency shall monitor the maintenance and repair of hearing aids and other equipment used or worn by a student at school to ensure the equipment is working properly.

(g) As used in this section, “assistive technology service” includes, but is not limited to, the following:

- (1) The evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student’s customary environment.
- (2) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices for students with disabilities.
- (3) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices.
- (4) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs.
- (5) Training or technical assistance for a student with a disability or, if appropriate, the student’s family.
- (6) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of students with disabilities.

*(Indiana State Board of Education; 511 IAC 7-21-6; filed May 22, 2000, 8:52 a.m.: 23 IR 2449)*

#### **511 IAC 7-21-7 Transportation**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6; IC 20-9.1-5-3.6

Sec. 7. (a) When appropriate, students with disabilities shall be transported with nondisabled students.

(b) The public school corporation of legal settlement is ultimately responsible for transportation of students with disabilities. Under a comprehensive plan or joint services agreement, interlocal or cooperative arrangement, responsibility for transportation may be delegated. Transportation as a related service, under 511 IAC 7-28-1(o), may be necessary for a student to receive special education and related services as specified in the student’s individualized education program.

(c) Whenever the transit time of a student with a disability exceeds the transit time of nondisabled students of comparable age in the same school corporation, the school corporation of legal settlement shall place a written student-specific justification for the excess transit time in each affected student’s record. A local policy limiting transit time is applicable to students with disabilities.

(d) The parent of a student with a disability shall not be required to provide transportation. If the parent does transport the student, pursuant to a written agreement with the public agency, the public agency shall reimburse the parent at no less than the per mile rate at which employees of the public agency are reimbursed. *(Indiana State Board of Education; 511 IAC 7-21-7; filed May 22, 2000, 8:52 a.m.: 23 IR 2450)*

#### **511 IAC 7-21-8 Medication administration**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6; IC 34-30-14

Sec. 8. (a) The public agency shall establish, maintain, and implement written policies and procedures on the administration of medication that include the following:

- (1) No medication shall be administered without the written and dated consent of the parent.
- (2) The parent’s written consent is valid only for the period specified on the consent form and never longer than the current school or program year.
- (3) A physician’s prescription, a copy of the original prescription, or the pharmacy label must be provided by the parent and be on file with the public agency.
- (4) Medication shall be maintained in a secure location.
- (5) Medication shall be administered in accordance with the physician’s prescription.
- (6) The parent may, upon request, obtain a copy of the public agency’s policies and procedures on medication administration.
- (7) If the medication is to be terminated prior to the date on the prescription, the written and dated consent or withdrawal of consent of the parent is required.
- (8) The person or persons authorized to administer medication are specified.

(b) The public agency shall document any special training provided to persons authorized to administer medication. (*Indiana State Board of Education; 511 IAC 7-21-8; filed May 22, 2000, 8:52 a.m.: 23 IR 2450*)

**511 IAC 7-21-9 State and local assessments**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6; IC 20-10.1-16

Sec. 9. (a) A student with a disability shall participate in state and local assessments, with appropriate accommodations in testing materials and procedures, unless the student's case conference committee determines:

- (1) it is not appropriate for the student to participate in all or part of the assessment; and
- (2) an alternate assessment will be used to assess the student's achievement.

(b) Testing accommodations for state assessment programs are subject to the program manual issued each year by the department of education.

(c) The student's case conference committee shall determine, in advance, which appropriate accommodations the student needs in order for the assessment to reflect the student's skills and knowledge base and shall document the accommodations in the student's individualized education program.

(d) If the student's case conference committee determines that a student will not participate in a state or local assessment, a description of the alternate assessment shall be documented in the student's individualized education program. (*Indiana State Board of Education; 511 IAC 7-21-9; filed May 22, 2000, 8:52 a.m.: 23 IR 2450*)

**Rule 22. Procedural Safeguards**

**511 IAC 7-22-1 Notice of procedural safeguards**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 1. (a) The public agency shall establish, maintain, and implement procedures in accordance with this section to ensure that students with disabilities and their parents are afforded procedural safeguards with respect to the provision of a free appropriate public education by the agency.

(b) The written notice of procedural safeguards shall be a standard notice and shall be:

- (1) written in language understandable to the general public;
- (2) provided in the native language or other mode of communication used by the parent unless it clearly is not feasible to do so; and
- (3) printed in a format that is easy to read.

(c) When the native language or other mode of communication of the parent is not a written language, the public agency shall take steps to ensure the following:

- (1) The procedural safeguards are translated orally or by other means to the parent in his or her native language or other mode of communication.
- (2) The parent understands the content of the notice.
- (3) There is written documentation that the requirements of this section are met.
- (d) A copy of the notice of procedural safeguards shall be given to the parents, at a minimum, at the time of:
  - (1) initial referral for evaluation;
  - (2) notification of a case conference committee meeting;
  - (3) reevaluation of the student;
  - (4) filing of a due process hearing;
  - (5) the date of the decision to place a student in an interim alternative educational setting for up to forty-five (45) days or the date expulsion charges have been filed; and
  - (6) notification of a proposed placement or denial of placement.
- (e) The written notice of procedural safeguards shall include a full explanation of the following:
  - (1) The parent's right to contact and meet with public agency personnel or the agency's governing body to do the following:

- (A) Obtain an explanation or clarification of the procedural safeguards or due process procedures.
- (B) Discuss any questions or issues.
- (C) Obtain local access in a convenient place to:
  - (i) federal and state laws pertaining to special education;
  - (ii) the public agency's standards, policies, and procedures pertaining to special education;
  - (iii) the public agency's approved comprehensive plan;
  - (iv) approved applications; and
  - (v) final monitoring reports of the public agency.
- (2) The prerequisite of written parental consent for:
  - (A) An initial evaluation.
  - (B) A reevaluation.
  - (C) An additional evaluation.
  - (D) Initial special education services.
  - (E) A change of placement.
- (3) The parent's right to participate as a member of the case conference committee and the requirements of 511 IAC 7-27-4.
- (4) The parent's right to obtain a copy of the initial educational evaluation report, in accordance with 511 IAC 7-25-4(k) and 511 IAC 7-25-4(l), prior to the case conference committee meeting.
- (5) The parent's right to request that a case conference committee be convened at any time.
- (6) The parent's right to request an evaluation and the protections contained in 511 IAC 7-25-4.
- (7) The parent's right to prior written notice consistent with the requirements of section 2 of this rule.
- (8) The parent's right to obtain an independent educational evaluation, including the following:
  - (A) The right to have the results of the independent educational evaluation considered by the case conference committee or the independent hearing officer in a due process hearing.
  - (B) The circumstances under which an independent educational evaluation may be obtained at public expense.
  - (C) The criteria that must be met when an independent educational evaluation is conducted at public expense.
- (9) The requirement that a student with a disability be placed in the least restrictive environment, as determined by the case conference committee, that is appropriate to meet the student's individual needs, including the continuum of services to be considered under 511 IAC 7-27-9.
- (10) The parent's rights with regard to the student's educational record, including the following:
  - (A) Accessing the record.
  - (B) Inspecting and reviewing the record.
  - (C) Challenging information in the record.
  - (D) Amending information in the record.
  - (E) The consent required for disclosure, use, and destruction of records pursuant to 511 IAC 7-23-1.
  - (F) Any fees associated with copying record.
- (11) The availability of mediation as a means of dispute resolution and the mediation process pursuant to 511 IAC 7-30-1.
- (12) The right of the parent, or any interested party, to file a complaint, including the process for filing a complaint and the timelines under 511 IAC 7-30-2.
- (13) The parent's right to request a due process hearing to challenge the public agency's proposed or refused action regarding a student with a disability, including the following:
  - (A) The process for requesting a due process hearing.
  - (B) The student's placement, special education, and related services during the pendency of a due process hearing.
  - (C) The requirement to disclose evaluation results and recommendations.
  - (D) The rights of the parent and the public agency before, during, and after a due process hearing conducted pursuant to 511 IAC 7-30-3, including an administrative appeal, a civil action, and attorneys' fees.
- (14) The procedures under 511 IAC 7-24 for appointing an educational surrogate parent and the circumstances in which an educational surrogate parent must be appointed.
- (15) The requirements under 511 IAC 7-19-2 for a parent's unilateral placement of a student with a disability in a private school at public expense.
- (16) The protections for students who have not been determined eligible for special education and related services pursuant



to 511 IAC 7-29-8.

(17) The protections and procedures for students who are subject to placement in an interim alternative educational setting.

(18) The transfer of rights to the student at eighteen (18) years of age under 511 IAC 7-28-4.

(19) The names and addresses of agencies and organizations that provide assistance to parents in understanding this rule.

*(Indiana State Board of Education; 511 IAC 7-22-1; filed May 22, 2000, 8:52 a.m.: 23 IR 2451; filed May 13, 2002, 2:00 p.m.: 25 IR 3153)*

**511 IAC 7-22-2 Prior written notice**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 2. (a) The public agency shall provide the written notice to the parent a reasonable time before the public agency:

(1) proposes to initiate or change the identification, evaluation, or special education placement of the student or the provision of a free appropriate public education to the student; or

(2) refuses to initiate or change the identification, evaluation, or special education placement of the student or the provision of a free appropriate public education to the student.

(b) The notice to the parent shall be:

(1) written in language understandable to the general public;

(2) provided in the native language or other mode of communication used by the parent unless it clearly is not feasible to do so; and

(3) printed in a format that is easy to read.

(c) When the native language or other mode of communication of the parent is not a written language, the public agency shall take steps to ensure the following:

(1) The written notice is translated orally or by other means to the parent in his or her native language or other mode of communication.

(2) The parent understands the content of the notice.

(3) There is written documentation that the requirements of this section are met.

(d) The content of the prior written notice shall include the following:

(1) A description of the action proposed or refused by the agency.

(2) An explanation of why the agency proposes or refuses to take the action.

(3) A description of any other options that the agency considered and the reasons why those options were rejected.

(4) A description of each evaluation procedure, test, record, or report the agency used as a basis for the proposed or refused action.

(5) A description of any other factors that are relevant to the agency's proposal or refusal.

(6) A statement that the parents of a student with a disability have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards may be obtained.

(7) Sources for parents to contact to obtain assistance in understanding the provisions of this article.

(8) A statement that disagreements between the parent and the public agency regarding eligibility for special education and related services or the contents of a proposed individualized education program may be resolved through mediation pursuant to 511 IAC 7-30-1 or a due process hearing pursuant to 511 IAC 7-30-3.

(9) A statement that:

(A) parental consent, required by subsection (d) [*this subsection*], may be revoked at any time;

(B) the revocation must be in writing and sent to the local director of special education; and

(C) revocation of consent has no retroactive effect if the action consented to has already occurred.

*(Indiana State Board of Education; 511 IAC 7-22-2; filed May 22, 2000, 8:52 a.m.: 23 IR 2452)*

**Rule 23. Confidentiality of Information**

**511 IAC 7-23-1 Access to and disclosure of educational records**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6; IC 20-10.1-22.4

Sec. 1. (a) The public agency shall annually notify, in writing, parents of students currently in attendance, or eligible students currently in attendance, of their rights regarding confidentiality of personally identifiable information. The notice shall inform parents or eligible students that they have the right to the following:

- (1) Inspect and review the student's educational record with respect to the identification, evaluation, and educational placement of the student and the provision of a free appropriate public education to the student.
- (2) Seek amendment of the student's educational record that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights.
- (3) Consent to disclosures of personally identifiable information contained in the student's educational record, except to the extent that this rule authorizes disclosure without consent.
- (4) File a complaint concerning the public agency's alleged failure to comply with the requirements of this rule.

(b) The written notice shall include the following:

- (1) The procedure for exercising the right to inspect and review educational record.
- (2) The procedure for requesting an amendment of record.
- (3) The criteria for determining who constitutes a public agency official and what constitutes a legitimate educational interest, if the public agency has a policy of disclosing educational records to other public agency officials who have been determined to have a legitimate educational interest.

(c) The right to inspect and review educational records includes the following:

- (1) The right to an explanation and interpretation of the record by the public agency.
- (2) The right to have other arrangements made to inspect and review requested record or to receive copies of the record from the public agency if the failure to provide those copies would prevent the parent or eligible student from exercising the right to inspect and review the record.
- (3) The right to have a representative of the parent or eligible student inspect and review the record.
- (4) The right to receive a copy of the student's educational record from the public agency for use in a pending due process hearing.

(d) A public agency shall permit the parent, or parent's representative, to inspect and review any educational record of the parent's children from birth to eighteen (18) years of age that are collected, maintained, or used by the public agency as described in this rule. All rights under this rule transfer to the student when the student reaches eighteen (18) years of age unless the student has been adjudicated incompetent.

(e) The public agency shall permit a custodial and noncustodial parent to inspect and review the student's record unless the public agency has received actual written notice that a court order has terminated or restricted the parent's authority to access the student's record under applicable state law governing matters, such as, but not limited to, guardianship, separation, divorce, and custody.

(f) The public agency shall comply with a request from a parent or eligible student to inspect and review the record:

- (1) without unnecessary delay;
- (2) before any meeting regarding an individualized education program, interim alternative educational setting, manifestation determination, or a due process hearing; and
- (3) in no case more than forty-five (45) calendar days after the request is made.

(g) The public agency may charge a fee for copies of records, not to exceed actual cost of duplication, that are made for a parent or eligible student under this rule unless the payment of a fee prevents the parent or eligible student from exercising the right to inspect and review the record. The public agency may not charge a fee to search for or to retrieve information under this rule.

(h) If an educational record includes information on more than one (1) student, the parent or eligible student has the right to inspect and review only the information relating to the parent's child or to be informed of that specific information.

(i) The public agency shall maintain a record of each request for access to and disclosure of personally identifiable information from the educational record of each student, except when the disclosure has been by or to:

- (1) a parent or eligible student;
- (2) a party with written consent from the parent or eligible student;

- (3) a party seeking directory information;
- (4) an authorized public agency official; or
- (5) a party seeking or receiving the record as directed by a federal grand jury or other law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

(j) The record of access and disclosure shall be maintained with the educational record as long as the educational record is maintained. The access and disclosure record shall include the following:

- (1) The name of the person who has requested or received personally identifiable information from the educational record.
- (2) The purpose of the party in requesting or obtaining the information.
- (3) The date of disclosure of the information.

(k) If the public agency discloses personally identifiable information with the understanding that the party receiving the information may make further disclosures on behalf of the public agency in which prior consent is not required, the record of disclosure shall include the following:

- (1) The names of the additional parties to which the receiving party may disclose the information on behalf of the public agency.
- (2) The purpose of each of the additional parties in requesting or obtaining the information.

(l) The public agency, upon request of a parent or eligible student, shall provide a list of the types and locations of educational record collected, maintained, or used by the public agency.

(m) The public agency shall include in the educational record of a student with a disability, a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student record of nondisabled children, in accordance with subsection (q). The statement may include the following:

- (1) A description of any behavior engaged in by the student that required disciplinary action.
- (2) A description of the disciplinary action taken.
- (3) Any other information that is relevant to the safety of the student and other individuals involved with the student.

(n) If a student transfers from one (1) school to another, the public agency's transmission of any of the student's record shall include the student's current individualized education program and any statement of the current or previous disciplinary action that has been taken against the student in accordance with subsections (m) and (q).

(o) When the public agency reports a crime committed by a student with a disability, the public agency shall ensure that copies of the education and disciplinary record of the student are transmitted, to the extent the transmission is permitted by the Family Educational Rights and Privacy Act, for consideration by the appropriate authorities to whom it reports the crime.

(p) Except as specified in subsection (q), written and dated consent of the parent or eligible student shall be obtained before personally identifiable information is disclosed to anyone other than the parent, eligible student, or authorized public agency officials, or before the information is used for any purpose other than those specified in this rule. The consent shall specify the following:

- (1) The record that may be disclosed.
- (2) The purpose of the disclosure.
- (3) The person or class of persons to whom the record may be disclosed.

(q) The public agency may allow access to, or disclose information from, an educational record without consent of the parent or eligible student under any of the following conditions:

(1) The disclosure is to authorized public agency officials whom the agency has determined to have legitimate educational interests.

(2) The disclosure is to officials of another public agency where the student is enrolled, or intends to enroll, subject to the following:

(A) The public agency must make a reasonable attempt to notify the parent or eligible student unless the disclosure is initiated by the parent or eligible student or the annual notice in subsection (a) includes notice that the agency forwards educational record to another public agency in which the student intends to or has enrolled.

(B) The public agency must provide, upon request of the parent or eligible student, a copy of the disclosed record.

(C) The public agency must provide the opportunity for a hearing at the request of a parent or eligible student.

(3) The disclosure is to federal or state education authorities for audit, evaluation, or accreditation purposes, or for the

enforcement of, or compliance with, legal requirements related to federal and state supported education programs.

(4) The disclosure is in connection with financial aid for which the student applied or which the student has received, if the information is necessary for such purposes as:

- (A) determining eligibility for financial aid;
- (B) determining the amount of financial aid;
- (C) determining the conditions for the financial aid; or
- (D) enforcing the terms and conditions of the financial aid.

(5) The disclosure is to an organization, such as federal, state, or local agencies or independent organizations conducting a study for or on behalf of federal or state education agencies or institutions for any of the purposes listed in this subsection, providing the organization protects the confidentiality of the educational record and destroys all copies in its possession when the record is no longer needed for the purpose for which the study was conducted. Acceptable purposes of studies under this subsection are:

- (A) developing, validating, or administering predictive tests;
- (B) administering student aid programs; or
- (C) improving instruction.

(6) The disclosure is necessary to comply with a judicial order or lawfully issued administrative or judicial subpoena, provided the public agency makes a reasonable effort to notify the parent or the eligible student of the order or subpoena in advance of the disclosure unless the disclosure is in compliance with:

- (A) a federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or
- (B) any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

(7) The disclosure is to the court where the public agency has initiated legal action against the parent or student. The disclosure may occur without a court order or subpoena, provided the public agency makes a reasonable effort to notify the parent or eligible student prior to the disclosure.

(8) The disclosure is to appropriate parties in a health or safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals. Nothing in this rule shall prevent a public agency from:

- (A) including in the educational record of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community;
- (B) disclosing appropriate information maintained in clause (A) to teachers and school officials within the public agency who the public agency has determined have legitimate educational interests in the behavior of the student; or
- (C) disclosing appropriate information maintained under clause (A) to teachers and school officials in other schools who have been determined to have legitimate educational interests in the behavior of the student.

(9) The disclosure is information the public agency has designated as directory information.

(10) The disclosure is to the parent of a dependent student as defined under Section 152 of the Internal Revenue Code of 1954.

(11) The disclosure is to accrediting organizations to carry out their accrediting functions.

(12) The disclosure is to the parent of a student who is not eligible or to the student.

(r) The public agency shall, upon request, provide the parent or eligible student with a copy of the information that has been disclosed.

(s) The public agency may disclose personally identifiable information from an educational record only on the condition that the party to whom the information is disclosed will not redisclose the information to any other party without the prior consent of the parent or eligible student, except for disclosures:

- (1) of directory information;
- (2) to the parent or eligible student; or
- (3) made pursuant to court orders or lawfully issued subpoenas.

(t) The public agency shall not permit a third party access to personally identifiable information from educational record for at least five (5) years, if the Family Policy Compliance Office, United States Department of Education determines that the third party improperly redisclosed personally identifiable information from educational record.

(u) In the event that a parent refuses to provide consent under this section, the public agency may initiate the due process procedures stated in 511 IAC 7-30-3. (*Indiana State Board of Education; 511 IAC 7-23-1; filed May 22, 2000, 8:52 a.m.: 23 IR 2452*)

**511 IAC 7-23-2 Procedures for amending educational records**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 2. (a) A parent or eligible student who believes that information in an educational record collected, maintained, or used under this rule is inaccurate, misleading, or violates the privacy or other rights of the student may request the public agency that maintains the record to amend the information. The request shall:

- (1) be in writing;
- (2) be dated; and
- (3) specify the information that the parent or eligible student believes is inaccurate, misleading, or violates the student's privacy or other rights.

(b) If the public agency agrees to amend the information as requested, the public agency shall:

- (1) amend the information within ten (10) business days after the request is received; and
- (2) notify the parent or eligible student, in writing, that the change has been made, including the date the change was made.

(c) If the public agency refuses to amend the information as requested, the public agency shall notify the parent or eligible student of the refusal, in writing, within ten (10) business days after the request is received. The written notice shall include a statement of the parent's or eligible student's right to a hearing to challenge the information in the student's educational record and the procedures for the hearing, including the following:

- (1) The parent or eligible student shall submit to the public agency a written request for a hearing, specifying the information challenged and the reasons the parent or eligible student believes the information to be inaccurate, misleading, or in violation of the student's privacy or other rights.
- (2) The public agency shall convene a hearing within fifteen (15) business days after the request for the hearing is received.
- (3) The public agency shall notify the parent or eligible student, in writing, of the hearing date, time, and location, not less than five (5) business days in advance of the hearing.
- (4) The hearing may be conducted by any person, including an official of the public agency, who does not have a direct interest in the outcome of the hearing.
- (5) The parent or eligible student shall be given a full and fair opportunity to present evidence relevant to the issues. The parent or eligible student may, at their own expense, be assisted or represented by one (1) or more persons, including an attorney.
- (6) The hearing officer shall notify the parent or eligible student of the hearing decision in writing within ten (10) business days after the hearing. The decision shall be based solely on evidence and testimony presented at the hearing and shall include a summary of the evidence and the reasons for the decision.
- (7) If the hearing officer determines the information in question is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the public agency shall amend the information accordingly, and inform the parent or eligible student in writing of the amendment.
- (8) If the hearing officer determines the information in question is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the public agency shall inform the parent or eligible student in writing of the right to place a statement in the student's record commenting on the contested information or stating the reasons for disagreeing with the decision, or both.
- (9) A statement placed in the record by the parent or eligible student under subdivision (8) shall be maintained by the public agency in the student's record as long as the record or the contested portion of the record is maintained by the public agency. The public agency shall disclose the statement whenever it discloses the record or the contested portion of the record to which the statement relates.

(d) If the public agency refuses to amend the information as requested, the public agency shall inform the parent of the refusal and advise the parent of the right to a hearing under 34 CFR 300.568. The public agency shall conduct a hearing upon the parent's request. A hearing conducted under this section must be conducted according to the procedures under 34 CFR 99.22. (*Indiana State*

*Board of Education; 511 IAC 7-23-2; filed May 22, 2000, 8:52 a.m.: 23 IR 2455; filed May 13, 2002, 2:00 p.m.: 25 IR 3154)*

**511 IAC 7-23-3 Confidentiality safeguards in the collection, maintenance, and destruction of educational records**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 3. (a) The public agency shall establish, maintain, and implement procedures to protect the confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction stages. These procedures shall include, but are not limited to, those described in this rule and the following:

(1) The appointment of one (1) official in each building or administrative office to be responsible for ensuring compliance with the confidentiality provisions of this rule.

(2) The provision of training or instruction regarding the confidentiality provisions of this rule and the Family Educational Rights and Privacy Act for all persons collecting or using personally identifiable information.

(b) The public agency shall maintain for public inspection a current listing of the names and positions of those employees within the public agency authorized to access personally identifiable information.

(c) The public agency shall inform the parent or eligible student, in writing, when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the student. The information shall be destroyed at the request of the parent or eligible student and in accordance with the public agency's record retention schedules.

(d) The public agency shall maintain a student's educational record for at least three (3) years after the student exits from the special education program and in accordance with the public agency's record retention schedules. The public agency shall not destroy any educational record if there is an outstanding request to inspect and review the record.

(e) The public agency may maintain a permanent record, without time limitation, of the following student information:

(1) Name, address, and telephone number.

(2) Grades.

(3) Classes attended.

(4) Grade level completed.

(5) Attendance record.

(6) The year the student exited from school.

(f) A public agency may maintain and store a student's educational record in any manner, provided the following requirements are met:

(1) The manner of maintenance and storage does not abridge any rights under this rule.

(2) The educational record can be reviewed and copies made if needed.

*(Indiana State Board of Education; 511 IAC 7-23-3; filed May 22, 2000, 8:52 a.m.: 23 IR 2456)*

**Rule 24. Educational Surrogate Parents**

**511 IAC 7-24-1 Method for determining whether a student needs an educational surrogate parent**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 1. (a) The public agency shall establish, maintain, and implement written procedures regarding the following:

(1) How the public agency determines a student is in need of an educational surrogate parent.

(2) How eligible persons will be trained to serve as educational surrogate parents.

(b) The public agency shall protect the rights of a student by assigning an educational surrogate parent under any of the following circumstances:

(1) When no parent, as defined in 511 IAC 7-17-57, can be identified.

(2) When, after reasonable efforts, the public agency cannot discover the whereabouts of a parent.

(3) When the student is a ward of the state under the laws of the state, unless the court order creating the wardship permits the student to remain in the home or expressly reserves to a parent the authority to make decisions regarding the student's education or upbringing.

(c) The public agency shall appoint an educational surrogate parent, if needed:

(1) at the time the student is referred for an initial educational evaluation; and

(2) at any time the public agency determines that a student who has been identified as disabled under this article is in need of an educational surrogate parent.

*(Indiana State Board of Education; 511 IAC 7-24-1; filed May 22, 2000, 8:52 a.m.: 23 IR 2457)*

**511 IAC 7-24-2 Method for assigning an educational surrogate parent**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 2. (a) The public agency shall establish, maintain, and implement written procedures regarding the assignment of educational surrogate parents that include the following:

(1) A system to assign educational surrogate parents.

(2) A system for determining the eligibility of individuals to serve as educational surrogate parents.

(3) A system for training individuals to serve as educational surrogate parents.

(b) The public agency shall document that a person assigned as an educational surrogate parent:

(1) is not employed by the department of education, a public agency, or any other agency involved in the education or care of the student, except that an employee of a nonpublic agency that provides only noneducational care for the student and who meets the qualifications stated in subdivisions (2) through (4), may be selected as an educational surrogate parent;

(2) has no interest that conflicts with the interests of the student whom the educational surrogate parent represents;

(3) matches the student's cultural and linguistic background to the extent possible; and

(4) has knowledge and skills that ensure adequate representation of the student.

(c) A foster parent or relative with whom a student has been placed by a juvenile court or through the county office of family and children shall be assigned as the student's educational surrogate parent if the foster parent or relative:

(1) meets the criteria of subsection (b);

(2) has received educational surrogate parent training; and

(3) is willing to serve as the educational surrogate parent.

(d) An individual who otherwise qualifies to be an educational surrogate parent under subsection (b) is not an employee of the public agency solely because the individual may be paid by the agency to serve as an educational surrogate parent.

(e) An educational surrogate parent may represent the student in all matters relating to the following:

(1) Identification and eligibility.

(2) Evaluation.

(3) Placement.

(4) Provision of a free appropriate public education.

(f) An educational surrogate parent's representation of a student includes the following:

(1) Participating in case conferences or other parent-teacher conferences.

(2) Granting or denying written permission for evaluation, services, or change of placement.

(3) Accessing and reviewing the student's educational record.

(4) Requesting mediation, a due process hearing, or filing a complaint.

(5) Exercising on behalf of the student any other rights that a parent may exercise under this article.

(g) An individual assigned as an educational surrogate parent shall not be liable for damages arising out of any civil action initiated as a result of the individual's discharge of this duty.

(h) The public agency may offer training concerning special education laws and rules or may contract with another agency or organization to provide training to develop a pool of educational surrogate parents from which the public agency may draw.

(i) When a student attends an educational program outside the school corporation of legal settlement and is in need of an educational surrogate parent, the corporation of legal settlement is responsible to ensure an educational surrogate parent is assigned. The educational surrogate parent may be from the school corporation of legal settlement or from the geographic area where the educational program is located, as agreed upon by the administrators of both programs involved.

(j) The public agency shall keep a list of educational surrogate parents from which it makes its assignments. The list shall include the qualifications of each educational surrogate parent and the number of assignments for each educational surrogate parent.

*(Indiana State Board of Education; 511 IAC 7-24-2; filed May 22, 2000, 8:52 a.m.: 23 IR 2457)*

**Rule 25. Identification and Evaluation**

**511 IAC 7-25-1 In general**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 1. No student shall be denied a free appropriate public education as a result of a public agency's inability to obtain parental consent for an initial evaluation, reevaluation, or special education services. The public agency may pursue mediation but shall pursue a due process hearing in an effort to resolve the issue of the public agency's inability to secure parental consent for an initial evaluation. *(Indiana State Board of Education; 511 IAC 7-25-1; filed May 22, 2000, 8:52 a.m.: 23 IR 2458)*

**511 IAC 7-25-2 Child identification**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 2. (a) The public agency shall establish, maintain, and implement written procedures that ensure the location, identification, and evaluation of all students who:

- (1) have legal settlement within the jurisdiction of the public agency;
  - (2) are from birth, but less than twenty-two (22) years of age; and
  - (3) are in need of special education and related services regardless of the severity of their disabilities.
- (b) The child identification procedures described in subsection (a) shall encompass the following:
- (1) Students in public and private schools, agencies, and institutions.
  - (2) Students for whom the parent has expressed concern to certified personnel in writing, or orally if the parent is unable to read or to write, that the student is in need of special education and related services.
  - (3) Students for whom a pattern of behavioral or performance concerns within the school setting demonstrates the need for such services.
  - (4) Students for whom an educational evaluation has been requested either by the parent or the public agency.
  - (5) Students for whom a teacher or other certified personnel have expressed behavioral or performance concerns to the director of special education of that agency, or to other administrative personnel of that agency.
  - (6) Highly mobile students with disabilities, such as migrant and homeless children.
  - (7) Students who are suspected of having a disability and in need of special education, even though the students are being advanced from grade to grade.
  - (8) A method to determine which students are, and are not, receiving special education and related services.
- (c) Child identification procedures may be developed and implemented in conjunction with other public or private agencies.

The procedures shall include, but are not limited to, the following:

- (1) The public agency's referral, evaluation, and case conference procedures.
- (2) Public awareness and information activities through media, such as television, radio, newspapers, oral presentations, and posters, including how a referral may be made to the public agency.
- (3) Publication of a notice in newspapers with general circulation in the public agency's geographic area.
- (4) Publication or other informational activities in a non-English format designed to inform a known population group in the public agency's area whose native language or mode of communication is not English.

*(Indiana State Board of Education; 511 IAC 7-25-2; filed May 22, 2000, 8:52 a.m.: 23 IR 2458)*

**511 IAC 7-25-3 Educational evaluations; in general**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 3. (a) This rule applies only to evaluation procedures for an individual student to determine the existence, nature, and



extent of a disability, if any, and the special education and related services the student may need. These procedures do not apply to basic tests administered to, or procedures used with, all students in a building, grade, or class, or those required by state law.

(b) Each public agency shall establish, maintain, and implement a general education intervention procedure, implemented at the building level, for students whose classroom performance is adversely affecting educational outcomes. General education intervention shall not be a prerequisite to an educational evaluation.

(c) The public agency shall establish, maintain, and implement written procedures regarding initial evaluations, additional evaluations, and reevaluations, including the following:

(1) A description of the way in which parents, teachers, school administrators, specialists, or the student may pursue or initiate an initial evaluation.

(2) A description of the methods used to assign a team of qualified professionals to conduct educational evaluations.

(3) A description of the procedures used for the required three (3) year reevaluations and additional evaluations.

(d) When referrals for any student from birth, but less than twenty-two (22) years of age are made directly to the Indiana School for the Deaf, the Indiana School for the Blind, Silvercrest Children's Development Center, Indiana Soldiers' and Sailors' Children's Home, or any other state-operated school by other than the designated representative of the student's public school corporation of legal settlement, the following procedures shall be implemented:

(1) The state-operated school shall refer the person making the contact back to the public school corporation of legal settlement.

(2) The referral, evaluation, and case conference committee meeting described in section 4 of this rule shall be the responsibility of the public school corporation of legal settlement.

(e) The public agency shall establish, maintain, and implement procedures to assure that the tests and other evaluation materials:

(1) are provided and administered in the student's native language or other mode of communication unless it is clearly not feasible to do so;

(2) are selected and administered so as not to be racially or culturally discriminatory;

(3) include materials designed to assess specific areas of educational need and not just those designed to provide a single general intelligence quotient;

(4) when administered to a student with impaired sensory, manual, or speaking skills, are capable of yielding results that accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills, except where these skills are the factors the test purports to measure;

(5) are technically sound instruments that may assess the relative contribution of cognitive, behavioral, physical, and developmental factors;

(6) provide relevant information that directly assists in determining the educational needs of the student; and

(7) are sufficiently comprehensive to identify all of the student's special education and related service needs whether or not commonly linked to the disability category in which the student has been classified.

(f) Materials and procedures used to evaluate a student with limited English proficiency shall be selected and administered to ensure they measure the extent to which the student has a disability and needs special education rather than measuring the student's English language skills.

(g) The public agency shall assure that any standardized tests given to a student:

(1) have been validated for the specific purpose for which they are used; and

(2) are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests.

(h) If an assessment is not conducted under standard conditions, a description of the extent to which the assessment varied from standard conditions shall be included in the evaluation report.

(i) The determination of eligibility for special education and appropriate special education services and placement must be made on the basis of more than a single test or procedure or sole criterion. Specific information and procedures required to determine a disability and eligibility are described in 511 IAC 7-26. A comprehensive educational evaluation conducted by a team of qualified professionals shall include a variety of assessments and information gathering procedures designed to provide relevant functional and developmental information in all areas that may be related to the suspected disability, including, where appropriate, information on the student's:

- (1) health;
- (2) vision;
- (3) hearing;
- (4) social and emotional status;
- (5) general intelligence;
- (6) academic performance;
- (7) communication status; and
- (8) motor abilities.

(j) The public agency shall ensure that information obtained from various sources, including information provided by the parent, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior, is documented and carefully considered by the case conference committee in determining the following:

- (1) Whether the student has a disability and is eligible for special education and related services.
- (2) The content of the student's individualized education program, including information related to enabling the student:
  - (A) to be involved in and progress in the general curriculum; or
  - (B) for an early childhood education student, to participate in appropriate activities.

(k) The public agency must evaluate a student with a disability in accordance with the requirements of this rule before determining that the student is no longer a student with a disability, except when termination of the student's eligibility is due to graduation with a regular high school diploma or exceeding the age eligibility under this article. (*Indiana State Board of Education; 511 IAC 7-25-3; filed May 22, 2000, 8:52 a.m.: 23 IR 2458; filed May 13, 2002, 2:00 p.m.: 25 IR 3155*)

#### **511 IAC 7-25-4 Initial educational evaluation**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 4. (a) If the public agency intends to pursue an initial evaluation, the public agency shall hold a personal meeting with the parent to inform the parent of the public agency's intent. If the parent is unwilling or unable to attend a personal meeting, a notice shall be mailed to the parent. The information presented verbally and in writing at the personal meeting or in the mailed notice must include the following:

- (1) A description of the student's learning difficulties and the reasons an educational evaluation is needed.
- (2) A description of the review process to determine what data exists and what, if any, additional data is needed.
- (3) A description of the evaluation process, if additional data is needed, including proposed assessment techniques and what the tests or evaluation procedures will measure.
- (4) When general education intervention strategies have been used, a description of attempts to remediate the learning difficulties through general education intervention strategies and why those attempts were unsuccessful.
- (5) The timeline for conducting the educational evaluation and convening the case conference committee meeting.
- (6) An explanation of how to obtain a copy of the report of the initial educational evaluation prior to the case conference committee meeting, including asking the parent if the parent wishes to have a meeting with an individual who can explain the results of the evaluation prior to the case conference committee meeting.
- (7) Written notice of procedural safeguards described in 511 IAC 7-22-1.
- (8) A list of sources for parents to contact to obtain assistance with understanding the provisions of this section.

(b) Informed parental consent must be obtained prior to conducting an initial educational evaluation. A written request for an evaluation, signed by the parent and submitted to certified personnel, shall constitute written consent for an evaluation. When the referral for an evaluation is made by public agency personnel or if the parent makes a verbal request for an evaluation, the public agency's consent form, when signed by the parent and received by certified personnel, constitutes the parent's written consent. The public agency shall follow the procedures in subsection (a) to assure the parent is fully informed and to obtain information on the parent's reasons for requesting the educational evaluation. The initial educational evaluation must be conducted and the case conference committee convened within sixty (60) instructional days of the date the written parental consent is received by certified personnel.

(c) Parental consent is not required to review existing data as part of an initial evaluation. Parental consent for evaluation shall not be construed as consent for any services other than the evaluation of the student.

(d) As part of an initial educational evaluation, if appropriate, the case conference committee and other qualified professionals, as appropriate, shall do the following:

- (1) Review existing evaluation data on the student, including evaluations and information provided by the parents of the student, current observations, and classroom-based assessments, and observations by teachers and related service providers.
- (2) On the basis of that review, and input from the student's parents, identify what additional data, if any, are needed to determine:
  - (A) whether the student has a particular category of disability as described in 511 IAC 7-26;
  - (B) the present levels of performance and educational needs of the student; and
  - (C) whether the student needs special education and related services.

(e) The case conference committee members may conduct the review described in subsection (d) without a meeting.

(f) The public agency shall administer tests and evaluation materials as may be needed to produce the data identified in subsection (d).

(g) If the case conference committee, after reviewing existing evaluation data as described in subsection (d), determines no additional data are needed to determine the student's eligibility for special education, the public agency shall:

- (1) notify the parent of that determination and the reasons for the determination;
- (2) notify the parent of the right to request an assessment to determine whether the student is eligible for special education; and
- (3) not be required to conduct such an assessment unless requested to by the student's parents.

(h) A comprehensive individual evaluation to determine the existence of a disability and the student's educational needs that fulfills the requirements of this rule and 511 IAC 7-26 shall precede any action with regard to the initial identification and provision of special education and related services. The educational evaluation of a student shall be conducted by a team of qualified professionals, including at least one (1) teacher licensed in, or other specialist with knowledge in, the area of suspected disability, and a school psychologist, except in the following situations:

- (1) For a student with suspected communication disability only, such as a speech disorder, the speech-language pathologist may serve as the sole evaluator.
- (2) For a student with a suspected learning disability, the evaluation team of qualified professionals shall also include the student's general education teacher, or if the student does not have a general education teacher, a general education teacher qualified to teach students of the same age.

(i) For a student with a visual or hearing impairment, or suspected multiple disabilities, the public agency may request that representatives of the state-operated schools serve as part of the team of qualified professionals only if the parent has provided written consent, in addition to the written consent to conduct the initial evaluation, for the representative's participation in the evaluation.

(j) For a student with a suspected developmental delay, the evaluation team shall include the parent and at least two (2) qualified professionals from different disciplines based upon the evaluation needs of the student.

(k) The public agency shall ensure that a copy of the evaluation report is made available at the school the student attends no less than five (5) instructional days prior to the scheduled case conference committee meeting. The parent may go to the school during the five (5) instructional days prior to the case conference meeting to obtain a copy of the report. The public agency shall provide a copy of the evaluation report to the parent at that time. At the time of the meeting described in subsection (a), the public agency shall ensure that the parent is informed of the procedure to obtain a copy of the evaluation report prior to the case conference committee meeting.

(l) A parent who wishes to have the results of the evaluation explained prior to the scheduled case conference committee meeting may request that a meeting to discuss the evaluation be arranged. The request for such a meeting shall be made by the parent at the time of the meeting to discuss the referral for an educational evaluation as described in subsection (a). In accordance with subsection (a)(6), the public agency shall ask the parent if the parent wishes to have a meeting with an individual who can explain the evaluation results prior to the case conference committee meeting. The public agency shall arrange a meeting with the parent and an individual who can explain the evaluation results within five (5) instructional days prior to the case conference committee. The meeting shall be scheduled at a mutually agreed upon date, time, and place. A copy of the evaluation report shall be provided to and reviewed with the parent at this meeting.

(m) If the parent does not obtain a copy of the evaluation report prior to the case conference committee convened to consider the student's identification and eligibility for special education services, the public agency shall provide a copy of the evaluation

report to the parent at the case conference committee meeting. (*Indiana State Board of Education; 511 IAC 7-25-4; filed May 22, 2000, 8:52 a.m.: 23 IR 2460; filed May 13, 2002, 2:00 p.m.: 25 IR 3156*)

#### **511 IAC 7-25-5 Independent educational evaluation**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 5. (a) The public agency shall provide to parents, upon request, information about where an independent educational evaluation may be obtained and the public agency's criteria applicable to independent educational evaluations as described in subsection (h). An independent educational evaluation means an evaluation conducted by a qualified evaluator who is not employed by the public agency responsible for the student in question.

(b) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation conducted by the public agency, subject to the provisions of subsection (c). Public expense means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent. The public agency may ask the parent why the parent believes an independent educational evaluation is necessary, but the public agency cannot require such response, nor can it delay providing the evaluation or initiating the due process hearing as a result of the parent's response or lack of response.

(c) Upon a parent's request for an independent educational evaluation, or upon the parent's request for reimbursement for an independent educational evaluation obtained at the parent's expense, the public agency must take one (1) of the following actions within ten (10) business days of the date of the public agency's receipt of the parent's request:

(1) Initiate a due process hearing to show its educational evaluation is appropriate.

(2) Notify the parent in writing that the independent educational evaluation will be at public expense.

(d) If the public agency initiates a hearing to determine the appropriateness of its educational evaluation, and the hearing officer determines that the evaluation conducted by the public agency is appropriate, the parent may still seek an independent evaluation, but at the parent's expense.

(e) If the parent obtains an independent evaluation at the parent's expense, the results of the evaluation:

(1) shall be considered in any decisions made with respect to the provision of a free appropriate public education to the student if the independent educational evaluation complies with agency criteria for an evaluation; and

(2) may be presented by the parent as evidence at a due process hearing.

(f) In a hearing on the issue of the public agency's reimbursement of the parent's expense of an independent educational evaluation, the hearing officer may not order reimbursement if the hearing officer determines that the independent educational evaluation did not meet the public agency's criteria under subsection (h) unless applying those criteria would deny a parent's right to any independent educational evaluation as identified in 34 CFR 300.502(e).

(g) If an independent hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation shall be borne by the public agency.

(h) If all or any part of an independent educational evaluation is paid for by the public agency, the criteria under which the evaluation is obtained must be the same that the public agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation, including the following:

(1) The location of the evaluation.

(2) The qualifications of the evaluator.

(i) Except for the criteria described in subsection (h), the public agency may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense. (*Indiana State Board of Education; 511 IAC 7-25-5; filed May 22, 2000, 8:52 a.m.: 23 IR 2461; filed May 13, 2002, 2:00 p.m.: 25 IR 3158*)

#### **511 IAC 7-25-6 Reevaluation**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 6. (a) For each student receiving special education and related services, a reevaluation shall be conducted every thirty-six (36) calendar months.

(b) The public agency shall obtain informed parental consent prior to conducting a reevaluation of a student, except that such informed consent need not be obtained if the public agency can demonstrate that reasonable measures were taken to obtain such consent and the student's parent failed to respond. The informed parental consent shall contain a description of the proposed reevaluation procedures. To satisfy the reasonable measures requirement of this section, the public agency shall keep a record of attempts to obtain parental consent, such as the following:

- (1) Detailed records of telephone calls made or attempted and the results of the calls.
- (2) Copies of correspondence sent to the parent and any responses received.
- (3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.
- (c) The public agency may pursue mediation or a due process hearing in order to obtain parental consent for a reevaluation.
- (d) In determining what shall be included in the triennial reevaluation, the case conference committee and other qualified professionals, as appropriate, shall do the following:

- (1) Review any existing evaluation data on the student, including evaluations and information provided by the parents, current classroom-based assessments and observations, and observations of teachers and related services providers.

- (2) On the basis of that review, and input from the student's parents, identify what additional data, if any, are needed to determine the following:

- (A) Whether the student continues to have a disability as described in 511 IAC 7-26.
- (B) The present levels of performance and educational needs of the student.
- (C) Whether the student continues to need special education and related services.
- (D) Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the student's individualized education program and to participate, as appropriate, in the general curriculum.

- (e) Parental consent is not required to review existing data as part of a reevaluation.

- (f) The case conference committee may conduct the review described in subsection (d) without a meeting.

- (g) If the case conference committee, after reviewing existing evaluation data as described in subsection (d), determines that no additional data are needed to determine whether the student continues to be eligible for special education, the public agency shall:

- (1) notify the parent of that determination and the reasons for the determination;
- (2) notify the parent of the right to request an assessment to determine whether the student continues to be eligible for special education; and
- (3) not be required to conduct such an assessment unless requested to by the student's parents.

- (h) If the case conference committee, after reviewing existing evaluation data as described in subsection (d), determines that additional data are needed, the public agency shall administer tests and other evaluation materials as may be needed to produce the data identified pursuant to subsection (d). The public agency shall also conduct a reevaluation upon the request of the parent or a teacher in accordance with the requirements of subsection (b).

- (i) The public agency shall provide the parent with adequate notice of its intent to conduct the reevaluation. The notice shall be:

- (1) given verbally at the student's case conference committee meeting and included in the case conference committee report the year before the reevaluation will be conducted; and
- (2) provided again, in writing, no less than twenty (20) instructional days prior to the projected date of reevaluation.

- (j) Within twenty (20) instructional days after the reevaluation, the public agency shall provide the parent with written notice that the reevaluation has been conducted and shall include a copy of the reevaluation report with the written notice. Contingent upon the results of the reevaluation, the notice shall contain one (1) of the following:

- (1) The public agency will convene a case conference committee to discuss the results of the reevaluation and review the student's eligibility for special education and the appropriateness of the student's individualized education program.
- (2) The public agency does not plan to convene a case conference committee, but the parent may request that a case conference committee be convened, and the parent may request to meet with a representative of the public agency.
- (3) Unless otherwise requested by the parent or the public agency, the reevaluation results will be reviewed at the next case conference committee meeting.

- (k) A reevaluation is subject to the procedures and assurances described in section 3(e) through 3(g) of this rule. (*Indiana State Board of Education; 511 IAC 7-25-6; filed May 22, 2000, 8:52 a.m.: 23 IR 2462; filed May 13, 2002, 2:00 p.m.: 25 IR 3158*)

**511 IAC 7-25-7 Additional evaluations**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 7. (a) A request for an evaluation, subsequent to an initial evaluation and at a time other than the time scheduled for the triennial reevaluation, shall be considered a request for an additional evaluation. An additional evaluation may be:

- (1) an assessment of an area or areas not previously evaluated; or
- (2) a reassessment of an area or areas previously evaluated.

(b) An additional evaluation may be requested by the parent or the public agency, including a teacher, at any time. An additional evaluation shall be conducted upon request or when conditions warrant such an evaluation. Section 4 of this rule, including timelines for conducting the evaluation and convening the case conference committee, is applicable to a request for an additional evaluation.

(c) Additional evaluations are subject to the procedures and assurances described in section 3(e) through 3(g) of this rule. (*Indiana State Board of Education; 511 IAC 7-25-7; filed May 22, 2000, 8:52 a.m.: 23 IR 2463; filed May 13, 2002, 2:00 p.m.: 25 IR 3159*)

**Rule 26. Eligibility Criteria****511 IAC 7-26-1 In general**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 1. In making a determination of eligibility for special education under this rule, a student shall not be determined to be a student with a disability if the key factor for such a determination is lack of instruction in reading or math or limited English proficiency, and the student does not otherwise meet the eligibility requirements of this rule. (*Indiana State Board of Education; 511 IAC 7-26-1; filed May 22, 2000, 8:52 a.m.: 23 IR 2463*)

**511 IAC 7-26-2 Autism spectrum disorder**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 2. (a) Autism spectrum disorder is a lifelong developmental disability that includes autism, Asperger's Syndrome, and other pervasive developmental disorders. The disability is generally evident before three (3) years of age and significantly affects verbal and nonverbal communication and social interaction and results in an adverse affect on the student's educational performance. Other characteristics often associated include the following:

- (1) Engagement in repetitive activities and stereotyped movements.
- (2) Resistance to environmental change or change in daily routines.
- (3) Unusual responses to sensory experiences.

(b) This term does not apply if a student's educational performance is adversely affected primarily because the student has an emotional disability as defined in this rule.

(c) Identification as a student with autism spectrum disorder and eligibility for special education shall be determined by the case conference committee based on, but not limited to, the following information:

- (1) An individualized standardized test of learning capability that, if necessary, includes a nonverbal psychological measurement.
- (2) An assessment of educational need.
- (3) An adaptive behavior evaluation.
- (4) A communication evaluation by a speech-language pathologist assessing receptive, expressive, pragmatic, and social communication skills.
- (5) A social and developmental history that includes family background information on communication, social interaction, play, sensory development, and physical milestones to assist in documenting the nature and extent of the student's learning

difficulties and to help determine onset of the disability.

(6) Observation of the student across various environments.

(7) An evaluation of fine and gross motor skills and sensory processing abilities by trained personnel.

(8) A checklist of characteristics exhibited by students with autism spectrum disorder that matches criteria designated in the current edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders.

(d) Professional and paraprofessional staff serving students with autism spectrum disorder shall receive specialized inservice training in this area. (*Indiana State Board of Education; 511 IAC 7-26-2; filed May 22, 2000, 8:52 a.m.: 23 IR 2463*)

### **511 IAC 7-26-3 Communication disorder**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 3. (a) A communication disorder is characterized by one (1) of the following disorders that adversely affects educational performance:

(1) Articulation disorders that are incorrect productions of speech sounds, including omissions, distortions, substitutions, or additions.

(2) Fluency disorders that are disruptions in the rate or rhythm of speech that occur frequently and are markedly noticeable to the student or listener.

(3) Voice disorders that are abnormal productions of pitch, intensity, resonance, or quality.

(4) Language disorders that are impairments in the comprehension or expression of spoken or written language, including impairments in one (1) or more components of a language system, such as:

(A) language/auditory processing;

(B) word retrieval;

(C) phonology;

(D) morphology;

(E) syntax;

(F) semantics; or

(G) pragmatics.

(5) Severe communication deficits that may require the use of an augmentative communication system, such as:

(A) gestures;

(B) sign language;

(C) picture/word/sentence communication books or boards;

(D) electronic devices; or

(E) any other system.

(b) Identification as a student with a communication disorder and eligibility for special education shall be determined by the case conference committee based on a communication evaluation. The determination of eligibility shall not be made on the basis of a single test, procedure, or sole criterion. The communication disorder may be the result of organic or nonorganic causes, but must be nonmaturational in nature. If an organic cause is suspected, a statement shall be obtained from a physician with an unlimited license to practice medicine describing the student's medical needs and any consequent limitations to communication training.

(c) Students with hearing impairments or learning disabilities who have language deficits or auditory processing difficulties are not eligible for services designed solely for students with communication disorders in lieu of services designed for students with hearing impairments or learning disabilities. (*Indiana State Board of Education; 511 IAC 7-26-3; filed May 22, 2000, 8:52 a.m.: 23 IR 2464*)

### **511 IAC 7-26-4 Deaf-blind**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 4. (a) Deaf-blind means an impairment that:

(1) is a concomitant hearing and vision impairment;

- (2) causes severe communication and other developmental problems;
- (3) adversely affects the student's educational performance; and
- (4) cannot be accommodated by programs or services solely for students with hearing or visual impairments.
- (b) Identification as a student who is deaf-blind and eligibility for special education shall be determined by the case conference committee based on the following:
  - (1) An individual standardized multifactor test of learning capability that:
    - (A) has been designed or adapted for use with students who are deaf-blind; and
    - (B) is administered by a professional knowledgeable in at least one (1) of the impairments.
  - (2) An assessment of educational need.
  - (3) A communication evaluation.
  - (4) An assessment of orientation and mobility.
  - (5) An observation of the student in the educational setting or other setting appropriate to the student.
  - (6) A social and developmental history.
  - (7) An assessment of fine and gross motor skills.
  - (8) An adaptive behavior evaluation.
  - (9) A written report containing the appropriate information from:
    - (A) an optometrist or an ophthalmologist; and
    - (B) an educational or clinical audiologist, otologist, or otolaryngologist.
  - (c) Students who are deaf-blind represent a heterogeneous group that includes the following:
    - (1) Students who are both deaf and blind with acuities measured or estimated with consideration of intellectual and adaptive functioning and supported by a description of pathology.
    - (2) Students with hearing and visual impairments of a mild to severe degree with additional learning or language disabilities that adversely affect educational performance and who may have been diagnosed as having a degenerative pathology or a disease that will affect visual or hearing acuity.
    - (3) Students with severe multiple handicaps due to generalized central nervous system dysfunction, who:
      - (A) exhibit auditory and visual impairments or deficits in auditory-visual functioning; and
      - (B) may demonstrate inconclusive responses during hearing and vision evaluations or inconsistent responses to auditory and visual stimuli in the environment.
  - (d) Professional and paraprofessional staff serving students who are deaf-blind shall receive specialized inservice training in this area. (*Indiana State Board of Education; 511 IAC 7-26-4; filed May 22, 2000, 8:52 a.m.: 23 IR 2464*)

**511 IAC 7-26-5 Developmental delay (early childhood)**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 5. (a) Developmental delay for students who are at least three (3) years of age and not more than five (5) years of age and not eligible to be enrolled in kindergarten means a delay that adversely affects daily life or educational performance of either two (2) standard deviations below the mean in one (1) of the following developmental areas or one and one-half (1.5) standard deviations below the mean in any two (2) of the following developmental areas:

- (1) Gross or fine motor development.
- (2) Cognitive development.
- (3) Receptive or expressive language development.
- (4) Social or emotional development.
- (5) Self-help or other adaptive development.
- (b) Identification as a student with a developmental delay and eligibility for special education shall be determined by the case conference committee based on, but not limited to, the following information:
  - (1) A developmental and basic health history, including vision and hearing screening.
  - (2) A systematic observation of the child in a daily routine setting or other appropriate setting by an appropriate professional.
  - (3) Appropriate diagnostic instruments and procedures that measure differences between expected level of development and current level of functioning. Where norm-referenced instruments do not accurately reflect a student's performance because



of the severity of the delay, other instruments or procedures shall be considered.

(4) Information from parents and other caregivers.

(c) The evaluation team and case conference committee may use the disability category of developmental delay or any of the other disability categories described in this article. (*Indiana State Board of Education; 511 IAC 7-26-5; filed May 22, 2000, 8:52 a.m.: 23 IR 2465*)

#### **511 IAC 7-26-6 Emotional disability**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 6. (a) An emotional disability is a condition that, over a long period of time and to a marked degree, consistently interferes with a student's learning process and adversely affects the student's educational performance. An emotional disability may include, but is not limited to, one (1) or more of the following conditions:

(1) A tendency to develop physical symptoms or fears associated with personal or school problems.

(2) A general pervasive mood of unhappiness or depression.

(3) An inability to learn that cannot be explained by intellectual, sensory, or health factors.

(4) An inability to build or maintain satisfactory interpersonal relationships.

(5) Inappropriate behaviors or feelings under normal circumstances.

(b) Identification as a student with an emotional disability and eligibility for special education shall be determined by the case conference committee based on, but not limited to, the following:

(1) An individual standardized, multifactor test of learning capability.

(2) An assessment of educational need.

(3) A behavioral/emotional evaluation.

(4) A social and developmental history.

(5) Observation of the student in the general education classroom or other appropriate setting that records the nature and incidence of behaviors leading to the referral for evaluation.

(6) Documentation that the disability is not the result of a physical, sensory, or intellectual deficit.

(7) Documentation that the student's learning process is consistently and significantly disrupted.

(*Indiana State Board of Education; 511 IAC 7-26-6; filed May 22, 2000, 8:52 a.m.: 23 IR 2465*)

#### **511 IAC 7-26-7 Hearing impairment**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 7. (a) A hearing impairment is a hearing loss that:

(1) with or without amplification adversely affects educational performance and developmental progress;

(2) may be permanent or fluctuating;

(3) may be mild to profound in nature;

(4) may be unilateral or bilateral; and

(5) may also be referred to as hard of hearing or deaf.

(b) Identification as a student with a hearing impairment and initial eligibility for special education shall be determined by the case conference committee based on, but not limited to, the following information:

(1) An individualized standardized multifactor test of learning capability utilizing instruments designed for individuals with hearing impairments and conducted by a professional knowledgeable in the area of hearing impairments.

(2) An assessment of educational need.

(3) A communication evaluation conducted in the language utilized for the student's instruction or the student's preferred mode of communication.

(4) A written audiological report.

(5) Upon audiological recommendation, a written determination as to the etiology of the hearing loss and the student's potential requirement for amplification.

(6) A social and developmental history.

*(Indiana State Board of Education; 511 IAC 7-26-7; filed May 22, 2000, 8:52 a.m.: 23 IR 2466)*

**511 IAC 7-26-8 Learning disability**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 8. (a) A learning disability:

(1) is characterized by severe specific deficits in perceptual, integrative, or expressive processes involved in understanding or in using language, spoken or written, that adversely affect the student's educational performance;

(2) includes conditions referred to, or previously referred to, as:

- (A) perceptual handicaps;
- (B) brain injury;
- (C) minimal brain dysfunction;
- (D) dyslexia; and
- (E) developmental aphasia;

(3) may be manifested in disorders of:

- (A) listening;
- (B) thinking;
- (C) speaking;
- (D) reading;
- (E) writing;
- (F) spelling; or
- (G) arithmetic; and

(4) does not include learning problems due primarily to:

- (A) visual;
- (B) hearing; or
- (C) motor disabilities;
- (D) mental or emotional disability; or
- (E) environmental, cultural, or economic disadvantage.

(b) Identification as a student with a learning disability and eligibility for special education shall be determined by the case conference committee upon finding that a severe discrepancy exists between the student's academic achievement and normal or near normal potential, based upon, but not limited to, the following information:

(1) An individual standardized multifactored test of learning capability.

(2) An assessment of educational needs.

(3) An observation of the student in the general education classroom by a team member other than the student's general education teacher, or if the student is less than school age or not in school, in an environment appropriate for a student of that age.

(4) Any educationally relevant medical information.

(5) A social and developmental history.

(6) A written report of the results of the evaluation.

(c) The severe discrepancy must be exhibited in at least one (1) of the following areas:

- (1) Basic reading skills.
- (2) Reading comprehension.
- (3) Written expression.
- (4) Expressive language.
- (5) Mathematical reasoning.
- (6) Mathematical calculation.
- (7) Listening comprehension.

(d) A written report of the results of the evaluation shall be presented to the case conference committee and shall include the

following information:

- (1) A statement indicating whether the evaluation team of qualified professionals believes the student has a specific learning disability and the basis for making that determination.
- (2) The relevant behavior noted during the observation and the relationship of that behavior to the student's academic functioning.
- (3) Any educationally relevant medical findings.
- (4) Whether there is a severe discrepancy between academic achievement and potential that is not correctable without special education and related services.
- (5) The determination of the team concerning the effects of environmental, cultural, or economic disadvantages.
- (6) Written certification by each team member indicating whether the report reflects the team member's conclusions, and, if not, a separate statement giving that team member's conclusions.

*(Indiana State Board of Education; 511 IAC 7-26-8; filed May 22, 2000, 8:52 a.m.: 23 IR 2466; errata filed Jun 9, 2000, 9:41 a.m.: 23 IR 2507)*

#### **511 IAC 7-26-9 Mental disability**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 9. (a) A mental disability:

- (1) is demonstrated by significantly below average general intellectual functioning existing concurrently with deficits in adaptive behavior; and
- (2) adversely affects educational performance.

(b) Identification as a student with a mental disability and eligibility for special education shall be determined by the case conference committee based on, but not limited to, the following:

- (1) An individual standardized multifactored test of learning capability.
- (2) An assessment of educational need.
- (3) An adaptive behavior evaluation.
- (4) A social and developmental history.
- (c) A student with a mild mental disability will generally exhibit:
  - (1) measured intelligence two (2) or more standard deviations below the mean or average of the testing instrument used; and
  - (2) an adaptive behavior profile within the range of a mild mental disability.
- (d) A student with a moderate mental disability will generally exhibit:
  - (1) measured intelligence three (3) or more standard deviations below the mean or average of the testing instrument used; and
  - (2) an adaptive behavior profile within the range of a moderate mental disability.
- (e) A student with a severe mental disability will generally exhibit:
  - (1) measured intelligence four (4) or more standard deviations below the mean or average of the testing instrument used; and
  - (2) an adaptive behavior profile within the range of a severe mental disability.

*(Indiana State Board of Education; 511 IAC 7-26-9; filed May 22, 2000, 8:52 a.m.: 23 IR 2467; errata filed Jun 9, 2000, 9:41 a.m.: 23 IR 2507)*

#### **511 IAC 7-26-10 Multiple disabilities**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 10. (a) Multiple disabilities means concomitant impairments (such as mental disability-visual impairment and mental disability-orthopedic impairment), the combination of which results in such severe educational needs that the student's needs cannot be accommodated with special education services solely for one (1) of the impairments. The term does not include deaf-blind.

(b) Identification as a student with multiple disabilities and eligibility for special education shall be determined by the case conference committee based on, but not limited to, the following information:

- (1) An individual standardized multifactored test of learning capability.

- (2) An assessment of educational need.
- (3) An adaptive behavior evaluation.
- (4) A social and developmental history.

(c) The following information shall also be part of the initial educational evaluation as appropriate to the nature of the suspected multiple disabilities:

- (1) A communication evaluation.
- (2) An observation of the student in the educational environment or, if the student is not in school, in an environment appropriate for a student of that age.
- (3) A written report of a medical evaluation.
- (4) An evaluation of fine and gross motor skills.

*(Indiana State Board of Education; 511 IAC 7-26-10; filed May 22, 2000, 8:52 a.m.: 23 IR 2467)*

#### **511 IAC 7-26-11 Orthopedic impairment**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 11. (a) An orthopedic impairment is a physically disabling condition that is determined to be a serious impairment of a student's locomotion or motor functions, and that adversely affects educational performance. The term may include impairments caused by congenital anomaly, disease, or other causes, such as:

- (1) cerebral palsy;
- (2) amputations; and
- (3) fractures or burns that cause contractures.

(b) Identification as a student with an orthopedic impairment and eligibility for special education shall be determined by the case conference committee based on, but not limited to, the following information:

- (1) An individual standardized multifactored test of learning capability.
- (2) An assessment of educational need.
- (3) A social and developmental history.
- (4) Available medical background, including a written diagnostic statement by a physician with an unlimited license to practice medicine describing the orthopedic impairment.
- (5) Assessments of fine and gross motor skills and communication skills as necessary and appropriate to the nature of the impairment.
- (6) An adaptive behavior evaluation.

*(Indiana State Board of Education; 511 IAC 7-26-11; filed May 22, 2000, 8:52 a.m.: 23 IR 2467)*

#### **511 IAC 7-26-12 Other health impairment**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 12. (a) Other health impairment means an impairment that adversely affects a student's educational performance and is manifested by limited strength, vitality, or alertness due to chronic or acute health problems. It may also be manifested by heightened alertness to environmental stimuli that results in limited alertness with respect to educational performance.

(b) Identification as a student as other health impaired and eligibility for special education shall be determined by the case conference committee based on, but not limited to, the following information:

- (1) An individual standardized multifactored test of learning capability.
- (2) An assessment of educational need.
- (3) A social and developmental history.
- (4) Available medical background, including a written diagnostic statement by a physician with an unlimited license to practice medicine, describing the health impairment.
- (5) An adaptive behavior evaluation.
- (6) Assessments of fine and gross motor skills and communication skills as necessary and appropriate to the impairment.

(c) Professional and paraprofessional staff serving students with an other health impairment shall receive specialized inservice training in this area. (*Indiana State Board of Education; 511 IAC 7-26-12; filed May 22, 2000, 8:52 a.m.: 23 IR 2468*)

#### **511 IAC 7-26-13 Traumatic brain injury**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 13. (a) A traumatic brain injury is an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a student's educational performance. The term applies to open or closed head injuries resulting in impairments in one (1) or more areas, such as:

- (1) cognition;
- (2) language;
- (3) memory;
- (4) attention;
- (5) reasoning;
- (6) abstract thinking;
- (7) judgment;
- (8) problem-solving;
- (9) sensory, perceptual, and motor abilities;
- (10) psychosocial behavior;
- (11) physical functions;
- (12) information processing; and
- (13) speech.

(b) The term does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

(c) Identification as a student with a traumatic brain injury and eligibility for special education shall be determined by the case conference committee based on, but not limited to, the following:

- (1) An individual standardized multifactored test of learning capability.
- (2) An assessment of educational need.
- (3) A social and developmental history.
- (4) Available medical background including a written diagnostic statement by a neurologist or a physician with an unlimited license to practice medicine describing the extent of the traumatic brain injury.
- (5) An adaptive behavior evaluation.
- (6) Assessments of fine and gross motor skills and communication skills as necessary and appropriate to the impairment.

(d) Professional and paraprofessional staff serving students with traumatic brain injury shall receive specialized inservice training in this area. (*Indiana State Board of Education; 511 IAC 7-26-13; filed May 22, 2000, 8:52 a.m.: 23 IR 2468*)

#### **511 IAC 7-26-14 Visual impairment**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 14. (a) A visual impairment is a vision loss that, even with best correction, adversely affects the student's educational performance. The term includes the following:

- (1) The inability to successfully utilize vision as a primary channel for learning and exhibiting such a low degree or amount of visual acuity or visual field that vision is not considered as a primary mode of learning.
- (2) A reduced visual acuity or limited visual field that inhibits optimal processing of information through the visual modality and generally requires modifications or specialized materials to enable the student to benefit from the educational program.
- (3) Both partial-sightedness and blindness.

(b) Identification as a student with a visual impairment and eligibility for special education shall be determined by the case conference committee based on, but not limited to, the following information:

- (1) An individual standardized multifactored test of learning capability that:

- (A) has been designed or adapted for use with students with visual impairments; and
- (B) is administered by a professional with knowledge in the area of visual impairment.
- (2) An assessment of educational need.
- (3) A social and developmental history.
- (4) An adaptive behavior evaluation.
- (5) An observation of the student in the classroom or, if the student is not in school, in an environment appropriate to the student's age, by an individual with knowledge in the area of visual impairment.
- (6) A functional literacy assessment that evaluates the efficacy of the student's reading medium.
- (7) A functional assessment of the student's visual capability.
- (8) A written report by a licensed ophthalmologist or optometrist that includes the following:
  - (A) Etiology and prognosis of the visual dysfunction.
  - (B) Secondary or accompanying visual conditions, such as nystagmus or photophobia, if appropriate.
  - (C) Near/distance and corrected/uncorrected acuity measures for left, right, and both eyes.
  - (D) Measures of visual fields for both eyes, if appropriate.
  - (E) Recommendations for use of aids, glasses, or lighting requirements, if appropriate.

*(Indiana State Board of Education; 511 IAC 7-26-14; filed May 22, 2000, 8:52 a.m.: 23 IR 2468)*

## **Rule 27. Determination of Special Education Services**

### **511 IAC 7-27-1 Local procedures and training**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 1. (a) The public agency shall have in place written procedures to ensure the appropriate implementation of the case conference committee process, including the following:

- (1) The title or position of the individuals designated as, or who may serve as, the representative of the public agency and a description of the roles and responsibilities of the public agency representative and of other public agency personnel before, during, and after the case conference committee meeting.
- (2) A description of the methods used to assure the parent is provided with adequate notice of the case conference committee meeting.
- (3) A description of the methods used to assure the parent understands the proceedings of the case conference committee meeting.
- (4) A description of the methods used to assure the parent is fully informed of the public agency's proposal prior to giving or denying permission for the proposed individualized education program and services.
- (5) A description of the methods used to ensure the continued provision of a free appropriate public education in the event the parent refuses to consent to any of the public agency's proposals pursuant to 511 IAC 7-27-5(d) [section 5(c) of this rule].

(b) The public agency shall provide information and training that addresses the requirements set forth in this article to ensure public agency staff have the necessary knowledge to perform the following duties:

- (1) Arrange and document case conference committee meetings.
- (2) Lead case conference committee meetings.
- (3) Act as the public agency representative at case conference committee meetings.
- (c) The public agency shall keep documentation of the information and training provided under subsection (b). The training shall include the following:

- (1) Procedures to assure compliance with procedural safeguards.
- (2) Information concerning individualized education programs.
- (3) Information concerning available services and least restrictive environment.

*(Indiana State Board of Education; 511 IAC 7-27-1; filed May 22, 2000, 8:52 a.m.: 23 IR 2469)*

**511 IAC 7-27-2 Notice of case conference committee meetings**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 2. (a) A case conference committee meeting shall be scheduled at a mutually agreed upon date, time, and place. If neither parent can attend in person, the public agency shall use other methods to ensure parent participation, including an individual or conference telephone call.

(b) The public agency shall keep a record of attempts to arrange the case conference committee meeting, such as the following:

(1) Detailed records of telephone calls made or attempted and the results of the calls.

(2) Copies of correspondence sent to the parent and any responses received.

(3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(c) The parent shall be given adequate notice of the case conference committee meeting in the parent's native language or other mode of communication early enough to ensure that one (1) or both parents have the opportunity to attend. Notice of the meeting shall be sent to the following persons:

(1) The parent, regardless of the age of the student.

(2) The student, beginning with the first meeting at which the case conference committee will develop a statement of needed transition services.

(3) The student who is eighteen (18) years of age and not adjudicated incompetent, regardless of the purpose of the case conference committee meeting.

(d) The notice of the meeting shall include the following:

(1) The date, time, and place of the meeting.

(2) The purpose of the meeting.

(3) The name and title or position of the designated public agency representative and a list, by name and title or position, of other expected participants, including any other agency that will be invited to send a representative.

(4) A statement that the parent may bring any other individual of the parent's choosing, whom the parent has determined has knowledge or special expertise regarding the student, including the student, or request the participation of other individuals.

(5) A statement that the parent has protection under the procedural safeguards of special education law.

(6) A statement that a copy of the evaluation report will be provided to the parent at the meeting.

(7) A statement that the student will be invited to case conference committee meetings when a purpose of a meeting is the development of a statement of transition service needs or the consideration of needed transition services in accordance with 511 IAC 7-28-3.

*(Indiana State Board of Education; 511 IAC 7-27-2; filed May 22, 2000, 8:52 a.m.: 23 IR 2469)*

**511 IAC 7-27-3 Case conference committee participants**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 3. (a) Except as provided in subsection (e), the public agency shall ensure that the case conference committee participants include the following:

(1) A representative of the public agency, other than the student's special education teacher, who has the following qualifications:

(A) Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities.

(B) Is knowledgeable about the general education curriculum.

(C) Is knowledgeable about the availability of resources of the public agency.

(2) The student's current teacher of record (or, in the case of a student with a communication disorder only, the speech-language pathologist) or, for a student whose initial eligibility for special education and related services is under consideration, a teacher licensed in the area of the student's suspected disability.

(3) One (1) of the student's general education teachers, if the student is or may be participating in the general education environment.

- (4) The parent of a student less than eighteen (18) years of age, or the student, if the student is at least eighteen (18) years of age and has not been adjudicated incompetent.
- (b) A public agency may designate any public agency participant of the case conference committee to also serve as the agency representative if the criteria of subsection (a)(1) are satisfied.
- (c) For purposes of early childhood, a general education teacher may be:
  - (1) a general education teacher who provides services to nondisabled students in the public agency's preschool program;
  - (2) a general education kindergarten teacher who provides services to nondisabled students if the student is of kindergarten age; or
  - (3) an individual qualified to provide services to nondisabled students three (3) years of age, four (4) years of age, and five (5) years of age if the public agency does not have a general education preschool program.
- (d) The general education teacher shall participate in the development, review, and revision of a student's individualized education program, including, to the extent appropriate, assisting in the determination of:
  - (1) appropriate positive behavioral interventions and strategies for the student; and
  - (2) supplementary aids and services, program modifications, or supports for school personnel that will be provided for the student consistent with 511 IAC 7-27-6(a)(3) *[section 6(a)(3) of this rule]*.
- (e) The public agency shall ensure the participation in the case conference committee of additional individuals in the following circumstances:
  - (1) When a purpose of the meeting is the initial consideration of the student's eligibility for special education and related services, at least one (1) member of the evaluation team of qualified professionals.
  - (2) When no other member of the case conference committee can interpret the instructional implications of evaluation results, an individual who can interpret the instructional implications of evaluation results.
  - (3) When a purpose of the meeting is the development of a statement of transition service needs or consideration of needed transition services, or both, the student shall be invited. If the student does not attend, the public agency shall take other steps to ensure that the student's preferences and interests are considered.
  - (4) When a purpose of the meeting is the consideration of needed transition services, a representative of any agency likely to be responsible for providing or paying for transition services shall be invited. If an invited agency representative does not participate, the public agency shall take other steps to obtain the invited agency's participation in the planning of any transition services.
  - (5) When a purpose of the meeting is the consideration of admission to a state-operated school, a representative of the state-operated school who is authorized to make a recommendation regarding admission to that program.
  - (6) When a purpose of the meeting is the development or review of an individualized education program of a student to be enrolled or currently enrolled in a state-operated school, a state-operated facility, or other public or private residential facility in which the student is being or has been placed by a public agency, the following persons shall participate in person or by other methods:
    - (A) A representative of the residential facility.
    - (B) A representative of the local school corporation or special education planning district providing the special education program services, if applicable.
    - (C) A representative of the public school corporation of the student's legal settlement.
  - (7) When the student has been unilaterally enrolled in a private school or facility by the student's parent or a noneducational agency, a representative of the private school or facility shall be invited. If an invited representative does not participate, the public agency shall take other steps to obtain the private school's or facility's participation in the planning of the individualized education program.
  - (8) The local director of special education or the local director's designee shall serve as the public agency representative described in subsection (a)(1) when a purpose of the meeting is the determination of whether the student's behavior is the result of:
    - (A) a manifestation of the student's disability; or
    - (B) deficiencies in the student's individualized education program or educational placement.
- (f) At the discretion of the parent or the public agency, other individuals who have knowledge or special expertise regarding the student, including special education teachers, general education teachers, and related services personnel as appropriate, may participate in the case conference committee meeting. The determination of the knowledge and special expertise of any individual



described in this subsection shall be made by the party who invited the individual to participate.

(g) At the discretion of the parent, the student may participate in any case conference committee meeting in addition to those meetings to which the student must be invited.

(h) A case conference committee meeting may be conducted without a parent in attendance if the parent chooses not to participate either in person or by telephone, but only if the public agency has documented its attempts to arrange a mutually agreed time, date, and place, in accordance with section 2(b) of this rule. (*Indiana State Board of Education; 511 IAC 7-27-3; filed May 22, 2000, 8:52 a.m.: 23 IR 2470*)

#### **511 IAC 7-27-4 Case conference committee meetings**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6; IC 20-1-6.3; IC 20-8.1-5.1

Sec. 4. (a) A case conference committee shall convene in the following circumstances:

(1) In accordance with the timelines in 511 IAC 7-25-4(b) after an initial evaluation is conducted and in accordance with 511 IAC 7-25-7 after an additional evaluation is conducted.

(2) Within twelve (12) months of the preceding case conference committee meeting for a student previously determined eligible for special education to determine whether the annual goals for the student are being achieved.

(3) Upon request of a teacher, parent, or administrator.

(4) When a change of placement is proposed or to be considered.

(5) Within ten (10) instructional days of the enrollment date of a student who has been receiving special education in another state or another district within the state.

(6) To determine whether the behavior is a manifestation of the disability in the event of disciplinary action proposed or taken in accordance with 511 IAC 7-29-6 or IC 20-8.1-5.1, or both.

(7) To determine the setting when school personnel order a change to an interim alternative educational setting in accordance with 511 IAC 7-29-3 or IC 20-8.1-5.1 or both, unless the setting has been included in the student's individualized education program or behavioral intervention plan.

(8) To develop a plan for assessing functional behavior, or to review and modify an existing behavioral intervention plan, to address behavior for which disciplinary action was proposed or taken in accordance with 511 IAC 7-29-5 or IC 20-8.1-5.1, or both.

(9) At least every sixty (60) instructional days when the setting in which the student is receiving educational services is the student's home or out-of-school location determined in accordance with section 10 of this rule.

(b) The public agency shall take whatever action is necessary to ensure the parent understands the proceedings of the case conference committee meeting, including arranging for an interpreter for a parent who is deaf or whose native language is not English.

(c) A case conference committee shall develop, review, or revise an individualized education program for each student who is eligible for special education and related services under this article, taking into consideration the following general and special factors:

(1) The strengths of the student and the concerns of the parent for enhancing the education of the student.

(2) The results and instructional implications of the initial or most recent educational evaluation and other assessments of the student.

(3) Strategies, including positive behavioral interventions and supports, to address a student's behavior that impedes his or her learning or that of others.

(4) The language needs of a student with limited English proficiency, as those needs relate to the student's individualized education program.

(5) The communication needs of the student, and in the case of a student who is hearing impaired, consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode.

(6) The student's need for assistive technology devices and services.

(7) As appropriate, the results of the student's performance on any general statewide or local assessments.

(8) Any lack of expected progress toward the annual goals described in section 6(a)(2) of this rule and in the general curriculum, if appropriate.

(d) Instruction in Braille and the use of Braille for a student who is blind or visually impaired shall be provided unless the case conference committee determines, after a functional literacy assessment of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student.

(e) It is not necessary for a case conference committee to be convened in order for public agency personnel to discuss issues such as teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the student's individualized education program. Public agency personnel may engage in preparatory activities to develop a proposal or response to a parent proposal that will be discussed at a later case conference committee meeting. (*Indiana State Board of Education; 511 IAC 7-27-4; filed May 22, 2000, 8:52 a.m.: 23 IR 2471; filed May 13, 2002, 2:00 p.m.: 25 IR 3160*)

#### **511 IAC 7-27-5 Report of case conference committee meeting; notice and parental consent**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 5. (a) The public agency shall prepare a written report of the case conference committee meeting that shall include, but is not limited to, the following:

(1) The date and purpose of the meeting, and the names and titles of the participants.

(2) A description of each evaluation procedure, test, record, or report used as a basis for the determination of special education services and placement.

(3) A statement of eligibility for special education services.

(4) If a student is eligible for special education and related services, an individualized education program, including all components specified in section 6 of this rule, which may be attached to the case conference committee report rather than in the body of the report and must be provided at no cost to the parent.

(5) The reasons for the placement determination, including a description of any options considered and why those options were rejected.

(6) Other factors relevant to the proposed placement or denial of placement, such as information and justification if the amount of daily instructional time is less than that provided to nondisabled students of the same age.

(7) Written opinions, if any, that may be attached to the case conference committee report rather than included in the body of the report.

(8) A description of the action proposed, such as a recommendation for placement or denial of placement.

(b) The public agency shall provide the parent with written notice of the proposed placement or denial of placement in accordance with 511 IAC 7-22-2(d).

(c) The public agency shall provide the parent with a copy of the written report. The written report and notice may be provided to the parent at the conclusion of the case conference committee meeting or may be mailed to the parent at a later date. If mailed, the report and the notice must be received by the parent no later than ten (10) business days after the date of the case conference committee meeting.

(d) The public agency shall obtain written consent from a parent when the public agency proposes:

(1) the initial determination of the student's eligibility for special education and related services, including the student's classification under 511 IAC 7-26;

(2) the initial individualized education program and placement;

(3) a revised individualized education program that involves a change of placement as defined in 511 IAC 7-17-13;

(4) a change in the student's identified disability under 511 IAC 7-26;

(5) that additional evaluations be conducted pursuant to 511 IAC 7-25-7; or

(6) the termination of the student's eligibility for special education and related services.

(e) If the notice required under subsection (b) relates to an action proposed by the public agency that also requires parental consent, the public agency may give notice at the same time it requests parental consent.

(f) Whenever consent of a parent is required by subsection (d), the proposed services or placement or change of services or placement shall not be implemented until consent of a parent is obtained, except as otherwise provided in 511 IAC 7-29-2. A public

agency may not use a parent's refusal to consent to one (1) service or activity to deny the parent or student any other service, benefit, or activity of the public agency, except as permitted by this article. Parental consent for evaluation under 511 IAC 7-25 shall not be construed as consent for any services other than the evaluation.

(g) When a parent provides written consent for the implementation of an individualized education program developed by the case conference committee, the individualized education program is considered an agreed-upon individualized education program. (*Indiana State Board of Education; 511 IAC 7-27-5; filed May 22, 2000, 8:52 a.m.: 23 IR 2472; filed May 13, 2002, 2:00 p.m.: 25 IR 3161*)

#### **511 IAC 7-27-6 Individualized education program; components**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 6. (a) An individualized education program shall contain the following:

- (1) A statement of the student's present levels of educational performance, including:
  - (A) how the student's disability affects the student's involvement and progress in the general education curriculum; or
  - (B) for early childhood education students, as appropriate, how the disability affects the student's participation in appropriate activities.
- (2) A statement of measurable annual goals that describe what the student can be expected to accomplish within a twelve (12) month period, including benchmarks or short term objectives, related to:
  - (A) meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum;
  - (B) for early childhood education students, as appropriate, to participate in appropriate activities; and
  - (C) meeting each of the student's other educational needs that result from the student's disability.
- (3) A statement of the special education and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student:
  - (A) to advance appropriately toward attaining the annual goals;
  - (B) to be involved in and progress in the general education curriculum in accordance with subdivision (1) and to participate in extracurricular and other nonacademic activities; and
  - (C) to be educated and participate with other students with disabilities and nondisabled students in the activities described in this article.
- (4) A statement regarding the student's participation in statewide or local assessments, including where indicated:
  - (A) appropriate accommodations in testing materials and procedures, if any, the student needs in order for the student to participate in the assessment; or
  - (B) the case conference committee's determination that the student will not participate in a particular statewide or local assessment (or part of such assessment), including:
    - (i) the reasons the assessment is not appropriate for the student; and
    - (ii) the alternate assessment in which the student will participate.
- (5) The projected dates for initiation of services and program modifications described in subdivision (3) and the anticipated length, frequency, location, and duration of services and modifications.
- (6) An explanation of the extent, if any, to which the student will not participate with nondisabled students in general education classes or settings and in extracurricular and other nonacademic activities.
- (7) A statement of:
  - (A) how the student's progress toward annual goals, including benchmarks or short term objectives described in subdivision (2), will be measured; and
  - (B) how the student's parents will be regularly informed, at least as often as parents are informed of their nondisabled students' progress, of the student's progress toward the annual goals and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the twelve (12) month period.
- (8) A statement of the student's need for extended school year services.

(9) A statement of transition service needs or needed transition services, or both, as described at 511 IAC 7-28-3.

(10) Identification of the placement in the least restrictive environment.

(11) Beginning at least one (1) year before the student reaches eighteen (18) years of age, a statement that the student and the parent have been informed that parent's rights under this article will transfer to the student at eighteen (18) years of age.

(12) A statement listing or describing any additional devices or services (including an intervention, accommodation, or other program modification) that the case conference committee determined, on the basis of the general and specific factors described in section 4(c) of this rule, that the student needs in order to receive a free and appropriate public education.

(b) For a student convicted as an adult under state law and incarcerated in an adult prison, the requirements of subdivision (9) of this section [subsection (a)(9)] do not apply with respect to a student with a disability whose eligibility under this rule will end because of the student's age, before the student will be eligible to be released from prison based on consideration of the student's sentence and eligibility for early release.

(c) Nothing in this section shall be construed to require the case conference committee to include information under one (1) component of the student's individualized education program that is already contained under another component of the student's individualized education program. (*Indiana State Board of Education; 511 IAC 7-27-6; filed May 22, 2000, 8:52 a.m.: 23 IR 2473*)

#### **511 IAC 7-27-7 Individualized education program; implementation**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 7. (a) An agreed-upon individualized education program, pursuant to section 5(g) of this rule, shall be implemented as written.

(b) The student's teacher of record shall do the following:

(1) Monitor the implementation of the student's individualized education program.

(2) Provide technical assistance and consultation to the student's general education teachers, related services providers, paraprofessionals, and other school personnel interacting with the student.

(3) Be responsible for all other activities identified in 511 IAC 7-17-72.

(c) The services identified in the agreed-upon individualized education program shall be provided as soon as the necessary arrangements are completed, but no later than the following:

(1) Ten (10) instructional days after parental consent to the student's initial individualized education program is received. However, if that date falls within the last twenty (20) instructional days of the end of the spring semester and the individualized education program does not require extended school year services to be provided during the summer, the services need not be provided until the first day of the following semester.

(2) Ten (10) instructional days after the case conference committee meeting for a newly-enrolled student who had received special education services in another state.

(3) Immediately upon enrollment from another district within the state.

(4) The initiation date stated in the student's individualized education program in all other circumstances.

(d) No public agency shall continue to implement an individualized education program for a period of more than twelve (12) months unless the duration has been extended by operation of the stay-put provision of 511 IAC 7-30-3(j).

(e) At the beginning of each school year, each public agency shall have an individualized education program in effect for each student with a disability within its jurisdiction. (*Indiana State Board of Education; 511 IAC 7-27-7; filed May 22, 2000, 8:52 a.m.: 23 IR 2474; filed May 13, 2002, 2:00 p.m.: 25 IR 3161*)

#### **511 IAC 7-27-8 Individualized education program; accountability**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 8. (a) The public agency shall:

(1) provide special education and related services in accordance with a student's individualized education program; and

(2) make a good faith effort to assist the student to achieve the goals and objectives or benchmarks listed in the student's individualized education program.

(b) The public agency, teacher, or other person may not be held accountable if a student does not achieve the growth projected in the annual goals and benchmarks or objectives. However, the public agency may establish an accountability system for staff or public agency performance.

(c) Nothing in this section limits a parent's right to ask for revisions of the student's individualized education program or invoke due process procedures if the parent feels that the public agency is not complying with the requirements of subsection (a). (*Indiana State Board of Education; 511 IAC 7-27-8; filed May 22, 2000, 8:52 a.m.: 23 IR 2474*)

**511 IAC 7-27-9 Least restrictive environment and delivery of special education and related services**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 9. (a) Each public agency shall have in place written policies and procedures to ensure the following:

(1) To the maximum extent appropriate, students with disabilities, including those students placed in public or private institutions by the public agency outside the public agency's jurisdiction and those students placed in public or private institutions and other care facilities in the public agency's jurisdiction, are educated with nondisabled students.

(2) Special classes, separate schooling, or other removal of students from the general education environment occurs only when it is documented that education in general education classes using supplementary aids and services cannot be satisfactorily achieved.

(3) Unless the individualized education program requires some other arrangement, the student's placement is as close as possible to the student's home school and is in the school the student would attend if not disabled.

(4) The case conference committee determines the placement in which a student will receive services on the basis of the student's individualized education program, regardless of the identified disability, and the individualized education program shall be developed prior to the determination and reviewed at least annually.

(5) The services provided for each student are based on the goals and benchmarks or short term objectives in the student's individualized education program.

(6) A continuum of services is available to meet the individual needs of students with disabilities, including, but not limited to:

- (A) instruction in general education classes;
- (B) special classes;
- (C) special schools;
- (D) home instruction; and
- (E) instruction in hospitals and institutions;

and makes provision for supplementary services to be provided in conjunction with general education placement.

(7) In selecting the least restrictive environment, consideration is given to any potentially harmful effects of the suggested services on the student or on the quality of services needed.

(8) Each student with a disability has an equal opportunity to participate with nondisabled students in nonacademic and extracurricular services and activities to the maximum extent appropriate.

(9) Special education and related services are delivered in the least restrictive environment determined by the case conference committee, regardless of the identified disability.

(10) The provision of services to students with different disabilities at the same time and in the same classroom is permitted.

(11) Students with disabilities are in classes and buildings with their chronological peers unless an alternative is determined appropriate by the case conference committee and the reasons for that determination are documented in the written case conference committee report required by section 5 of this rule.

(12) Students with disabilities are not removed from education in age-appropriate general education classrooms solely because of needed modifications in the general curriculum.

(b) The public agency shall make available to students with disabilities the variety of educational programs and services that are made available to nondisabled students served by the public agency, including vocational education, art, music, industrial arts, consumer and homemaking education, field trips, and convocations, as well as nonacademic and extracurricular activities, including meals and recess, athletics, clubs, employment assistance, and graduation ceremonies. Unless the student's individualized education program specifies otherwise, the student shall participate in these programs and activities with nondisabled students.

(c) The public agency shall make physical education, specially designed if necessary, available to all students with disabilities. Physical education shall be provided by a general education teacher of physical education, or a teacher specially licensed in adapted physical education as applicable to the physical education appropriate for the student. Each student with a disability shall be afforded the opportunity to participate in the general physical education program available to nondisabled students unless:

- (1) the student is enrolled full time in a separate facility; or
- (2) the student needs specially designed physical education, as prescribed in the student's individualized education program.
- (d) The public agency shall ensure the availability of a continuum of placement options, and shall include the following:
  - (1) General education classroom with special education and related services provided during the instructional day.
  - (2) Resource room with special education and related services provided outside the general education classroom during the instructional day.
  - (3) Separate classroom in a general education school building with special education and related services provided outside the general education classroom during the instructional day.
  - (4) Separate public nonresidential school or facility with special education and related services provided.
  - (5) Private nonresidential school or facility with special education and related services provided at public expense.
  - (6) Public residential school or facility with special education and related services provided.
  - (7) Private residential school or facility with special education and related services provided.
  - (8) Homebound or hospital settings with special education and related services provided at the student's home, a hospital, or other noneducational site selected by the public agency.

(e) The public agency shall ensure the availability of a continuum of placement options that shall include the following:

- (1) Early childhood programs designed primarily for students without disabilities.
- (2) Early childhood special education programs, designed primarily for students with disabilities, located in a general education building or community setting.
- (3) Home-based early childhood special education and related services provided in the residence of the student's family or caregivers.
- (4) Separate nonresidential school or facility for students with disabilities that provides early childhood special education and related services.
- (5) A residential school or facility with early childhood special education and related services provided.

(f) The placement options listed in subsections (d) and (e) shall not be exclusive placement options, and a student's placement may be a combination of the options listed, as determined appropriate by the case conference committee.

(g) For a student with a disability who is convicted as an adult under state law and incarcerated in an adult facility, the case conference committee may modify the student's individualized education program or educational placement without regard to the requirements of this section where there is demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. (*Indiana State Board of Education; 511 IAC 7-27-9; filed May 22, 2000, 8:52 a.m.: 23 IR 2474; filed May 13, 2002, 2:00 p.m.: 25 IR 3162*)

### **511 IAC 7-27-10 Instruction for student at student's home or alternative setting**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 10. (a) Providing special education instruction to a student identified as disabled in the student's home or alternative setting, for reasons other than identified in section 11 of this rule, is an option if the case conference committee determines it to be the least restrictive environment appropriate to enable the student to benefit from special education. If the case conference committee determines the student's placement to be the student's home or an alternate setting, the case conference committee report shall include:

- (1) the reason the student is not attending school;
- (2) other options tried or considered; and
- (3) the reasons the other options were rejected.

(b) The case conference committee shall convene at least every sixty (60) instructional days to review the individualized education program. The type, length, frequency, and duration of the special education and related services shall be determined by the case conference committee. (*Indiana State Board of Education; 511 IAC 7-27-10; filed May 22, 2000, 8:52 a.m.: 23 IR 2476*)

**511 IAC 7-27-11 Instruction for students with injuries and temporary or chronic illnesses**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 11. (a) All students with injuries and temporary or chronic illnesses that preclude their attendance in school shall be provided with instruction.

(b) Before instruction for a student unable to attend school can begin, the parent must provide the school corporation with a written statement from a physician with an unlimited license to practice medicine that states one (1) of the following:

(1) The student has a temporary illness or injury that will require the student's absence from school for a minimum of twenty (20) consecutive instructional days. If the illness or injury occurs less than twenty (20) instructional days prior to the end of the school year and the student needs instruction to meet promotion or graduation requirements, the physician's statement must indicate that the student will be unable to attend school through the end of the current school year.

(2) The student has a chronic illness or other medical condition that will require the student's absence for an aggregate of at least twenty (20) instructional days over the period of the school year.

(c) For a student with a disability who is unable to attend school as described in subsection (b), special education and related services, including access to the general education curriculum, shall be provided in accordance with the individualized education program as determined by the case conference committee.

(d) Instruction provided under this rule may continue through the summer to enable a student to complete a semester to meet promotion requirements.

(e) For a student identified as disabled under this article, instruction and related services shall be provided by appropriately licensed personnel. For all other students, instruction shall be provided by teachers licensed to teach the grade level of the student.

(f) The due process procedures provided in 511 IAC 7-30 do not apply to nondisabled students who receive instruction under this rule. (*Indiana State Board of Education; 511 IAC 7-27-11; filed May 22, 2000, 8:52 a.m.: 23 IR 2476*)

**511 IAC 7-27-12 Community-supported services; residential services**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 12. (a) Before a public agency places a student with a disability in or refers a student to a private school or facility, the public agency shall convene a case conference committee and develop an individualized education program for the student in accordance with sections 4(c) and 6 of this rule. In accordance with section 3(e)(6) of this rule, the public agency shall use other methods to ensure participation by the private school or facility, including individual or conference telephone calls, if the representative cannot attend in person. Upon the recommendation of the case conference committee, the public agency may apply to the division of special education for financial support when a student requires community-supported services or residential services for educational reasons. The division of special education shall establish an application process.

(b) Nothing in this section shall be construed as restricting a public agency from obtaining the recommended community-supported services or residential services utilizing its own resources.

(c) This section is not applicable to the following situations:

(1) Placement in a state-operated school upon the recommendation of the case conference committee.

(2) Unilateral action of the parent in placing a student with disabilities in a private school.

(3) Placement in any residential facility by any other public agency for other than educational reasons.

(d) All procedural safeguards under 511 IAC 7-22 and due process protections of 511 IAC 7-30 apply to this section.

(e) The division of special education shall approve or deny, in whole or in part, an application for financial support for community-supported services or residential services.

(f) Within ten (10) business days of approving or denying the application, the division of special education shall send written notice of approval or denial of financial support to the public agency, the parent, and, as applicable, other public agencies with whom the student is involved.

(g) If the decision is to deny financial support for all or any part of the proposed community-supported services or residential services, the public agency and the parent have the right to appeal the decision through the due process hearing procedures described in 511 IAC 7-30-3. If no request for a due process hearing is filed within ten (10) calendar days of the date the decision is received

by the parent or the public agency, the decision is deemed accepted.

(h) After the financial support is approved, the effective date of the financial support for all or part of community-supported services or residential services shall be determined by the mutual agreement of the service provider, the parent, and the public agency.

(i) When a student is placed in a state-operated facility pursuant to this rule, the state-operated facility shall not bill the parent or the public agency for the costs associated with the placement. The state-operated facility shall assume the costs of room and board, special education, and related services normally provided by the residential facility.

(j) If the parent or public agency obtains community-supported services or places the student in residential services prior to or during the application process, the parent or the public agency that obtained the services for the student is responsible for all costs of the placement incurred up to the date of approval for financial support by the division of special education. Approval of financial support shall not be retroactive, and expenses incurred prior to the date of approval are not eligible for reimbursement.

(k) When a student is placed in a private residential facility, the costs of room and board, educational, and nonmedical related services are the responsibility of the state, the public agency of the student's residence, and, as applicable, any other public agency with responsibility for the student. The school corporation of legal settlement is responsible for an amount equal to the per capita expenditure of that school corporation for educating a nondisabled student.

(l) The parent of a student placed in a public or private residential facility or other out-of-home placement is financially responsible for all costs for which the parent would be responsible if the student were living in the home, including, but not limited to, the following:

- (1) Clothing and personal items as specified by the residential facility.
- (2) All medical costs, including medications, emergency treatment, or dental costs incurred that are not incorporated into the daily, weekly, or monthly charges.
- (3) Personal allowance, if applicable.

(m) If the student is in a public or private residential facility or other out-of-home or out-of-community placement, or there is a contracted third-party provider of services, the state educational agency and the school corporation of legal settlement are responsible for ensuring the following:

- (1) That the public agency initiates at least two (2) contacts with the residential service staff or third-party provider during the period specified by the current contract for services and payment and that those contacts are documented.
- (2) That, if the public agency permits the facility or provider to initiate and conduct case conference committee meetings on behalf of the student, all case conference committee procedures, including all required components of this section, are followed.
- (3) That a representative of the residential service staff or third-party provider participates in the development, review and revision of the student's individualized education program by a method agreed upon by the public agency and the provider.
- (4) That the parent and the school corporation are involved in all decisions with respect to the student's individualized education program and agree to any proposed changes in the services provided prior to the time any changes are implemented.
- (5) That the case conference committee determines which public agency shall issue credits and diploma, if applicable, during the student's placement at the facility.
- (6) That the facility or provider implements the student's individualized education program.
- (7) That the state educational agency disseminates a copy of this article and the Procedural Manual for Community Supported and Residential Services to each private school or facility to which the public agency has referred or placed a student with a disability.

*(Indiana State Board of Education; 511 IAC 7-27-12; filed May 22, 2000, 8:52 a.m.: 23 IR 2476; filed May 13, 2002, 2:00 p.m.: 25 IR 3163)*

### **511 IAC 7-27-13 Transportation of students in public or private residential placements**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 13. (a) The school corporation of legal settlement is responsible for the cost of transporting students placed in public or private residential facilities by the public agency or the division of special education. The school corporation shall pay for the number of round trips as determined appropriate by the case conference committee in accordance with statutory requirements and



this rule.

(b) The frequency, length, and timing of home visits shall be mutually agreed upon by the residential facility, the parent, and the school corporation of legal settlement. Transportation for the student for home visits shall be arranged to assure the welfare and safety of the student, including, if necessary, paying the cost for a responsible adult to accompany the student during the travel.

(c) If a parent travels to the residential facility, that travel may be in lieu of a student home visit. The school corporation of legal settlement shall pay the cost for the parent to travel to the residential facility if the case conference committee determines any of the following is essential to the student's educational, emotional, or behavioral progress:

(1) The nature or severity of the student's disability precludes home visits.

(2) The residential facility provides family counseling and training essential to the student's educational, emotional, or behavioral progress.

(3) The student cannot travel home unaccompanied.

(d) When a parent travels to the residential facility under subsection (c), the school corporation of legal settlement shall reimburse or pay for travel-associated costs, such as meals and lodging, in accordance with the policies established for school employees.

(e) At the time a residential placement is made, the public agency shall:

(1) establish guidelines and procedures concerning transportation; and

(2) inform the parent of those guidelines and procedures.

(f) The guidelines and procedures established under subsection (e) shall include at least the following information:

(1) The modes of transportation for which payment or reimbursement will be made.

(2) The method by which transportation will be paid.

(3) The length of advance notice required.

(4) The travel-associated costs allowed under public agency policy.

*(Indiana State Board of Education; 511 IAC 7-27-13; filed May 22, 2000, 8:52 a.m.: 23 IR 2477)*

## **Rule 28. Related Services; Transitions; Transfer of Rights**

### **511 IAC 7-28-1 Related services**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 1. (a) The public agency shall provide related services to a student if the case conference committee determines the student requires the related services in order to benefit from special education. A student who may need a related service but does not need special education is not eligible for services under this article. Related services, which may be provided as direct services by qualified professionals or as integrated services by teachers or paraprofessionals acting in accordance with the instructions of qualified professionals, include, but are not limited to, the following:

(1) Audiological services.

(2) Counseling.

(3) Early identification and assessment.

(4) Medical services for evaluation.

(5) Occupational therapy.

(6) Orientation and mobility services.

(7) Parent counseling and training.

(8) Physical therapy.

(9) Psychological services.

(10) Recreation.

(11) Rehabilitation counseling.

(12) School health services.

(13) Social work services in schools.

(14) Transportation.

(15) Other supportive services.

(b) Requirements for audiological services are as follows:

(1) May include:

- (A) identification of students with hearing loss;
- (B) determination of the nature, range, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;
- (C) provision of habilitative activities, such as language habilitation, auditory training, hearing evaluation, speech/lip reading, and speech conservation;
- (D) creation and administration of programs for prevention of hearing loss;
- (E) consultation with and guidance of students, teachers, and parents regarding hearing loss; and
- (F) determination of a student's need for group or individual amplification, selecting and fitting of an appropriate hearing aid, and evaluating the effectiveness of amplification.

(2) Shall be provided by a licensed educational or clinical audiologist.

(c) Requirements for counseling services are as follows:

(1) May include:

- (A) sharing career information, administering interest inventories or other career assessment instruments, and providing assistance in career planning;
- (B) guiding the identification of and planning for a student's course of study designed to help the student achieve the post school goals and outcomes;
- (C) assisting the student to understand and cope with a disability;
- (D) assisting the student to cope with a personal problem or crisis; and
- (E) assisting the student to develop and implement a behavioral intervention plan.

(2) May be provided:

- (A) in the instructional setting or another setting; and
- (B) on a regular schedule or an as-needed basis.

(3) May be provided by:

- (A) social workers or school counselors;
- (B) school, clinical, or child psychologists;
- (C) administrators or teachers;
- (D) related services personnel;
- (E) vocational rehabilitation counselors; or
- (F) other qualified professionals.

(d) Early identification and assessment of disabilities includes, but is not limited to, an ongoing child identification process as required by the Individuals with Disabilities Education Act and this article.

(e) Medical services for the purpose of diagnosis and evaluation shall be:

- (1) considered a related service provided at no cost to the parent, only if a diagnosis and evaluation of a medically related disability is needed or recommended by the case conference committee or ordered by a hearing officer to determine a student's eligibility for special education and related services or appropriate services for an eligible student; and
- (2) provided by a physician with an unlimited license to practice medicine.

(f) Requirements for occupational therapy services are as follows:

(1) May include:

- (A) evaluating developmental levels, gross and fine motor functioning, and self-care skills;
- (B) designing and implementing interventions to develop, improve, or restore impaired gross or fine motor functions impaired or lost through illness, injury, or deprivation, and the ability to perform tasks in the educational environment as independently as possible;
- (C) designing or adapting materials, equipment, or the educational environment to meet a student's needs;
- (D) consulting with parents, teachers, paraprofessionals, and other related services personnel regarding activities that can assist in meeting the goals of therapy; and
- (E) preventing, through early intervention, initial or further impairment or loss of function.

(2) Shall be provided by a certified occupational therapist or a certified occupational therapy assistant under the supervision of a certified occupational therapist.

(g) Requirements for orientation and mobility services are as follows:

(1) Are provided to visually impaired students by qualified professionals to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community.

(2) May include:

(A) teaching students spatial and environmental concepts and use of information received by the senses (such as sound, temperature, and vibrations) to establish, maintain, or regain orientation and line of travel (for example, using sound at a traffic light to cross the street);

(B) teaching students to use the long cane, as appropriate, to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision;

(C) teaching students to understand and use remaining vision and distance low vision aids; and

(D) teaching students other concepts, techniques, and tools.

(h) Requirements for parent counseling and training are as follows:

(1) May include:

(A) assisting the parents in understanding the special needs of their child;

(B) providing information on child development;

(C) assisting parents in understanding the student's educational program and helping them to acquire the necessary skills that will allow them to support the implementation of their child's individualized education program;

(D) providing information and training in due process procedures; and

(E) providing information on services from other agencies and how to gain access to those services.

(2) May be provided:

(A) as part of the case conference committee process; or

(B) in the form of special meetings or conferences.

(3) May be provided by any of the persons listed in subsection (c)(3). The nature of the parent counseling and training needs shall guide the selection of the appropriate individual and manner in which the counseling and training are provided.

(i) Requirements for physical therapy are as follows:

(1) May include:

(A) evaluating developmental levels, gross motor function, reflex levels, range of motion, muscular strength, and respiratory function;

(B) designing and implementing activities to prevent, correct, treat, or alleviate impairments;

(C) evaluating, designing, and recommending adaption of assistive devices and equipment; and

(D) consulting with parents, teachers, paraprofessionals, and other related services personnel regarding activities that can assist in meeting the goals of therapy.

(2) Shall be provided:

(A) by a licensed physical therapist or a certified physical therapist assistant under the direct supervision of a licensed therapist; and

(B) only upon referral or order of a licensed physician, podiatrist, psychologist, chiropractor, or dentist, as required by state law governing licensing of physical therapists.

(j) Requirements for psychological services are as follows:

(1) May include:

(A) administering psychological and educational evaluations as a member of the team of qualified professionals;

(B) interpreting assessment results and integrating them with other information regarding behavior and conditions related to learning;

(C) consulting and working with school personnel and parents in planning and developing a student's individualized education program and school programs to meet the special needs of students;

(D) providing counseling for students and parents; and

(E) assisting in developing positive behavioral intervention strategies.

(2) Shall be provided by a licensed school, clinical, or child psychologist, or a psychiatrist.

(k) Recreation services may include the following:

(1) Assessment of how a student spends leisure time as it relates to the student's educational program.

(2) Therapeutic recreation services.

- (3) Recreation programs in the school, agency, and community.
- (4) Leisure education.
- (l) Rehabilitation counseling services may include the following:
  - (1) Services provided by qualified professionals in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of the student with a disability.
  - (2) Vocational rehabilitation services provided to a student with disabilities by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended.
- (m) Requirements for school health services are as follows:
  - (1) May include:
    - (A) provisions for emergency care in case of injury and sudden illness;
    - (B) maintenance of records and monitoring of students with medically related needs including the administration of medication as prescribed; and
    - (C) participation in case conference committee meetings for students with medically related disabilities or needs.
  - (2) Shall be provided or coordinated by a licensed school nurse.
- (n) Requirements for social work services in schools are as follows:
  - (1) May include:
    - (A) serving as a member of the evaluation team of qualified professionals, with responsibilities that may include the preparation of a social or developmental history on a student;
    - (B) group and individual counseling with the student and family;
    - (C) working, in partnership with parents and others, on those problems in a student's home, school, and community life that affect the student's adjustment in the educational setting;
    - (D) facilitating the utilization of school and community resources to enable the student to learn as effectively as possible in the student's educational program; or
    - (E) assisting in developing positive behavioral intervention strategies.
  - (2) Shall be provided by a licensed school social worker.
- (o) Requirements for transportation are as follows:
  - (1) May include:
    - (A) travel to and from the educational setting and between educational settings;
    - (B) travel in and around the educational setting;
    - (C) travel to and from related services that are provided outside the educational setting;
    - (D) travel for participation in extracurricular activities if transportation is provided to nondisabled students; or
    - (E) any service not provided to nondisabled students, including:
      - (i) special bus routes;
      - (ii) special or adapted vehicles;
      - (iii) aides in attendance;
      - (iv) separate or different modes of transportation, such as taxi or individual transportation; or
      - (v) special equipment such as oxygen, lifts, and ramps.
  - (2) Shall be provided by:
    - (A) the public agency, directly or by contract; or
    - (B) the student's parent, but only if the parent is willing to provide transportation, in which case the parent is entitled to reimbursement at the rate that employees of the public agency are reimbursed for travel expenses.
  - (3) Shall be provided:
    - (A) when the student needs assistance moving from place to place within the educational setting;
    - (B) when the student is enrolled in a school other than the school the student would attend if not disabled, including another building in the same school corporation, to another school corporation, or to a state-operated school;
    - (C) when the student is enrolled as a residential student in a public or private residential facility, in accordance with 511 IAC 7-27-12;
    - (D) when issues about the student's special physical health, mobility, or behavior require special consideration for type of transportation safety, supervision, assistance, or time in transit;

- (E) when the student requires a shortened instructional day;
- (F) when the student needs a related service that is provided at a site other than the school attended by the student or that is provided outside of the instructional day; or
- (G) when, for other reasons, the student cannot be transported with nondisabled students or needs special assistance or consideration.

(p) Other supportive services may include, but are not limited to, the following:

- (1) Interpreters.
- (2) Paraprofessionals assigned to a student or group of students to assist in instructional, social, personal, or vocational needs such as classroom program assistants, interveners, job coaches, school bus monitors, interpreters, and others.
- (3) Peer tutoring and cadet teacher programs.
- (4) Artistic and cultural programs.

*(Indiana State Board of Education; 511 IAC 7-28-1; filed May 22, 2000, 8:52 a.m.: 23 IR 2478)*

**511 IAC 7-28-2 Transition from early intervention services (Part C) to early childhood special education (Part B)**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 2. (a) The public agency shall establish, maintain, and implement policies and procedures to assist the child participating in early intervention programs under Part C of the Individuals with Disabilities Education Act who will be participating in early childhood special education experience a smooth and effective transition in a manner consistent with Part C of the Act.

(b) The public agency shall participate in transition planning conferences convened by the Part C service coordinator, with the approval of the family of the child. The transition planning conferences shall be conducted in accordance with Part C of the Individuals with Disabilities Education Act.

(c) The public agency's obligation to make a free appropriate public education available to a student with a disability begins on the student's third birthday.

(d) With parental consent, at least six (6) months prior to a student's third birthday, the state-operated or state-supported program shall transmit to the school corporation of legal settlement, the following information:

- (1) The most recent individualized family service plan.
- (2) The most recent family service plan report.
- (3) The most recent evaluation reports from any appropriate sources.

(e) By the date of the third birthday of a student who may be eligible for early childhood special education, the public agency shall:

- (1) complete its evaluation;
- (2) convene a case conference committee to determine eligibility for special education and related services;
- (3) develop an individualized education program for the student; and
- (4) implement the individualized education program.

(f) If a student's third birthday occurs during the summer and the case conference committee determines the student:

- (1) requires extended school year services, the student's individualized education program shall state that services will be initiated during the summer of the student's third birthday; or
- (2) does not require extended school year services, the student's individualized education program shall state that services will be initiated at the beginning of the upcoming school year.

*(Indiana State Board of Education; 511 IAC 7-28-2; filed May 22, 2000, 8:52 a.m.: 23 IR 2481)*

**511 IAC 7-28-3 Transition to adult life**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6; IC 20-1-6.1

Sec. 3. (a) Beginning at fourteen (14) years of age, or earlier if determined appropriate by the case conference committee, and updated annually, the individualized education program shall include a statement of the student's transition service needs under the applicable components of the student's individualized education program, based on career considerations and focused on the

student's courses of study (such as participation in academic honors or advanced placement courses, Core 40, technical preparation courses, or vocational education courses). The statement shall also indicate whether the student will pursue a high school diploma or a certificate of completion.

(b) Beginning at the case conference prior to the student's entry into high school or sixteen (16) years of age, whichever comes first, or earlier if determined appropriate by the case conference committee, and at least annually thereafter, the student's individualized education program shall include a statement of needed transition services that guides the development of the special education and related services and the student's course of study, goals, benchmarks, and short term objectives, and includes the following:

(1) A coordinated set of activities designed within an outcome-oriented process that promotes movement from the public agency to postsecondary school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must meet the following criteria:

(A) Be based on the individual student's needs, taking into account the student's preferences and interests.

(B) Include the following:

(i) Instruction.

(ii) Related services.

(iii) Community experiences.

(iv) The development of employment and other postsecondary school adult living objectives.

(v) Where appropriate, acquisition of daily living skills and a functional vocational evaluation.

(2) The individuals and agencies responsible for implementing the activities and services, including, if appropriate, a statement of the interagency responsibilities or any needed linkages, or both, before the student leaves the secondary education program.

(3) An indication whether there is an expectation that the student will need adult services provided through state or local agencies, following graduation or exiting the secondary education program.

(c) When a purpose of a case conference committee meeting is to discuss transition services, the student shall be invited. The case conference committee shall review, based on areas addressed in the statement of needed transition services, the available adult services provided through state and local agencies and present written information on those services to the student and the parent. Adult services are provided by public agencies and other organizations to enhance adult life. Adult services may include, but are not limited to, the following:

(1) Services provided by a vocational rehabilitation services program.

(2) The department of workforce development.

(3) The Social Security Administration.

(4) The bureau of developmental disabilities services.

(5) A mental health center.

(6) A community rehabilitation program.

(7) An area agency on aging.

(d) Upon obtaining authorization to disclose confidential information, the public agency and the vocational rehabilitation counselor shall confer at least one (1) time per year to review transition-age students. If the public agency and the vocational rehabilitation counselor believe a student may be eligible for and benefit from vocational rehabilitation services, the public agency shall do the following:

(1) Provide adequate notice to the vocational rehabilitation counselor regarding the case conference committee meeting to be conducted during the school year before the student's projected final year of school. The notification to the vocational rehabilitation counselor shall include the name, address, age, and identified disability of the student for whom the case conference committee meeting is being conducted.

(2) At the case conference committee meeting, orally advise and provide written materials to the student and the parent that describe the array of vocational rehabilitation services that may be available and the process to access those services.

(e) Nothing in this article relieves any participating agency, including a state vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students who meet the eligibility criteria of that agency.

(f) If a participating agency, other than the public agency, fails to provide the transition services described in an agreed upon individualized education program, the public agency shall reconvene the case conference committee to identify alternative strategies

to meet the transition objectives for the student set out in the individualized education program.

(g) Transition services may be special education, if provided as specially designed instruction, or related services, if required to assist a student with a disability to benefit from special education.

(h) The requirements of this section do not apply to students who are convicted as adults under state law and incarcerated in adult prisons whose eligibility for special education and related services under this article will end, because of the student's age, before the student will be eligible to be released from prison based on consideration of the student's sentence and eligibility for early release. (*Indiana State Board of Education; 511 IAC 7-28-3; filed May 22, 2000, 8:52 a.m.: 23 IR 2481; filed May 13, 2002, 2:00 p.m.: 25 IR 3164*)

#### **511 IAC 7-28-4 Transfer of rights to student**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6; IC 29-3-1

Sec. 4. (a) Except as provided in subsection (b), when a student attains eighteen (18) years of age, all of the rights that were formerly provided to the student's parents under this article shall transfer to the student.

(b) If a student who has attained eighteen (18) years of age has a guardian appointed pursuant to IC 29-3-1, the rights under this article shall transfer to the guardian unless specifically otherwise provided in the guardianship proceeding.

(c) When a student who is incarcerated in an adult or juvenile, state or local correctional institution attains eighteen (18) years of age, the student shall have all of the rights that were formerly provided to the student's parents under this article.

(d) At a case conference committee meeting, no later than the student's seventeenth birthday, the public agency shall provide written notice to the student and the parent of the transfer of rights at eighteen (18) years of age unless a guardianship of the student has been obtained. The student's individualized education program must include a statement that the student and the parent have been provided with the aforementioned written notice.

(e) At the time the student attains eighteen (18) years of age and unless a guardianship has been established for the student, the public agency shall provide written notice to the parent and the student that the rights under this article have transferred to the student. (*Indiana State Board of Education; 511 IAC 7-28-4; filed May 22, 2000, 8:52 a.m.: 23 IR 2482*)

### **Rule 29. Discipline Procedures**

#### **511 IAC 7-29-1 Suspension**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6; IC 20-8.1-5.1

Sec. 1. (a) A suspension is the unilateral, temporary removal of a student from the student's current placement by the public agency.

(b) A short term removal of a student pursuant to the student's individualized education program is not a suspension.

(c) Suspension of a student for part of a day constitutes a day of suspension.

(d) A principal or principal's designee may suspend a student with a disability from the student's current placement for:

(1) up to ten (10) consecutive instructional days in a single period of suspension for any violation of school rules for which a nondisabled student could be suspended; or

(2) additional suspensions of not more than ten (10) consecutive instructional days at a single time in the same school year for separate incidents of misconduct as long as those removals do not constitute a change of placement as described in subsection (j).

(e) A public agency is not required to provide services to a student with a disability during any of the first ten (10) cumulative instructional days of suspension if services are not provided to a nondisabled student who has been similarly suspended.

(f) When a student with a disability has been suspended for more than ten (10) cumulative instructional days in the same school year, the public agency shall:

(1) provide services to enable the student to progress appropriately in the general curriculum;

(2) provide services to enable the student to advance appropriately toward achieving the goals set out in the student's individualized education program; and

(3) comply with the requirements of section 5 of this rule.

(g) An in-school suspension is not considered a suspension for purposes of this rule if, during the in-school suspension, the student has the opportunity to:

(1) progress appropriately in the general curriculum;

(2) receive the special education services specified in the student's individualized education program; and

(3) participate with nondisabled students to the extent the student would have in the student's current placement.

(h) If an additional suspension is for ten (10) instructional days or less and does not constitute a change of placement under subsection (j), the principal or the principal's designee, in consultation with the student's special education teacher, shall determine the extent to which services are necessary to meet the requirements of subsection (f).

(i) If an additional removal constitutes a change of placement under subsection (j), and the behavior resulting in the removal is not a manifestation of the student's disability, the case conference committee shall determine the extent to which services are necessary to meet the requirements of subsection (f).

(j) A suspension under this rule constitutes a change of placement in either of the following situations:

(1) The period of suspension is for more than ten (10) consecutive instructional days.

(2) The student is subjected to a series of suspensions that constitute a pattern because they cumulate to more than ten (10) instructional days in a school year and because of such factors as:

(A) the length of each suspension;

(B) the cumulative time of the suspensions; and

(C) the proximity of the periods of suspension.

(k) The determination of whether a series of suspensions constitutes a pattern that effectively results in a change of placement for the student shall be made by an independent hearing officer when a due process hearing on the issue has been requested pursuant to 511 IAC 7-30-3.

(l) A public agency's suspension procedures must comply with Indiana statutes and this article. (*Indiana State Board of Education; 511 IAC 7-29-1; filed May 22, 2000, 8:52 a.m.: 23 IR 2483*)

## **511 IAC 7-29-2 Expulsion**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6; IC 20-8.1-5.1

Sec. 2. (a) An expulsion is:

(1) the temporary removal of a student from the student's current placement for more than ten (10) consecutive instructional days; or

(2) a series of suspensions that constitute a pattern because they cumulate to more than ten (10) instructional days in a school year and because of such factors as:

(A) the length of each suspension;

(B) the cumulative time of the suspensions; and

(C) the proximity of the periods of suspension.

(b) An expulsion constitutes a change of placement, and the public agency must follow appropriate change of placement procedures, described in 511 IAC 7-27-5, including prior written notice and the right of the student to remain in the student's current educational placement in accordance with section 7 of this rule, unless any of the following apply:

(1) The expulsion is for a weapon or drug offense.

(2) The parents of the student agree with the removal.

(3) The behavior is determined not to be a manifestation of the student's disability.

(c) When a student with a disability has been expelled, the public agency shall:

(1) provide services to enable the student to progress appropriately in the general curriculum;

(2) provide services to enable the student to advance appropriately toward achieving the goals set out in the student's individualized education program; and

(3) comply with the requirements of section 5 of this rule.

(d) The case conference committee shall determine the extent to which services are necessary to meet the requirements of subsection (c). (*Indiana State Board of Education; 511 IAC 7-29-2; filed May 22, 2000, 8:52 a.m.: 23 IR 2484*)



**511 IAC 7-29-3 Interim alternative educational setting; weapons and drugs**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 3. (a) The public agency may remove a student to an appropriate interim alternative educational setting for the same amount of time a student without a disability would be subject to discipline, but for not more than forty-five (45) calendar days if the student engages in either of the following:

(1) Carries a weapon to school or to a school function under the jurisdiction of a public agency.

(2) Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a public agency.

(b) The case conference committee shall determine the interim alternative educational setting, which must do the following:

(1) Enable the student to continue to:

(A) progress in the general curriculum, although in another setting; and

(B) receive those services and modifications, including those described in the student's current individualized education program, that will enable the student to meet the goals set out in that individualized education program.

(2) Include services and modifications to address and prevent the recurrence of the behavior described in subsection (a).

(c) A parent may request a due process hearing, pursuant to 511 IAC 7-30-3, to challenge the interim alternative educational setting. The department of education shall arrange for an expedited hearing pursuant to 511 IAC 7-30-5.

(d) In reviewing a decision under this section to place the student in an interim alternative educational setting, the independent hearing officer shall do the following:

(1) Determine whether the public agency has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

(2) Consider the appropriateness of the student's current placement.

(3) Consider whether the public agency has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services.

(4) Determine whether the interim alternative educational setting that is proposed by school personnel who have consulted with the student's special education teacher will enable the child to continue to:

(A) progress in the general curriculum, although in another setting;

(B) receive those services and modifications, including those described in the student's current individualized education program, that will enable the student to meet the goals set out in that individualized education program; and

(C) include services and modifications to address and prevent the recurrence of the behavior described in subsection (a).

*(Indiana State Board of Education; 511 IAC 7-29-3; filed May 22, 2000, 8:52 a.m.: 23 IR 2484)*

**511 IAC 7-29-4 Interim alternative educational setting; dangerous students**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 4. (a) If a public agency believes that maintaining the student in the current educational placement (the student's placement prior to suspension or expulsion) is substantially likely to result in injury to the student or others, the public agency may request an expedited due process hearing to determine an appropriate placement for the student.

(b) A independent hearing officer may order a change in the placement of a student with a disability to an appropriate interim alternative educational setting for not more than forty-five (45) calendar days if the hearing officer does the following:

(1) Determines that the public agency has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

(2) Considers the appropriateness of the student's current placement.

(3) Considers whether the public agency has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services.

(4) Determines that the interim alternative educational setting that is proposed by school personnel who have consulted with the student's special education teacher will enable the child to continue to:

- (A) progress in the general curriculum, although in another setting;
- (B) receive those services and modifications, including those described in the student's current individualized education program, that will enable the student to meet the goals set out in that individualized education program; and
- (C) include services and modifications to address and prevent the recurrence of the behavior described in subsection (a).

(c) Nothing in this rule shall prohibit a public agency from seeking injunctive relief to remove a student with a disability from school or to change a student's current educational placement if the public agency believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or others. (*Indiana State Board of Education; 511 IAC 7-29-4; filed May 22, 2000, 8:52 a.m.: 23 IR 2485*)

#### **511 IAC 7-29-5 Functional behavioral assessment and behavioral intervention plan procedures**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 5. (a) Either before but not later than ten (10) business days after either first suspending the student for more than ten (10) cumulative instructional days in a school year, placing the student in an interim alternative educational setting, expelling the student, or otherwise commencing a removal that constitutes a change of placement, the public agency shall convene a case conference committee meeting for one (1) of the following purposes:

- (1) To develop a plan for assessing the student's functional behavior if no functional behavioral assessment was conducted or behavioral intervention plan was implemented prior to the occurrence of the behavior that resulted in the removal.
- (2) To review a student's existing behavioral intervention plan and its implementation and to modify the plan and its implementation as necessary to address the behavior.

(b) After an assessment plan has been developed as described in subsection (a)(1) and the assessments required by the plan are completed, the public agency shall convene a case conference committee meeting within ten (10) instructional days of the completion of the assessments to develop a behavioral intervention plan and provide for its implementation.

(c) If a student has an existing behavioral intervention plan and has been removed from the student's current placement for more than ten (10) cumulative instructional days in a school year and is subjected to a removal that does not constitute a change of placement, the case conference committee shall review the behavioral intervention plan and its implementation to determine whether modifications are necessary.

(d) If one (1) or more of the case conference committee members believe that modifications to an existing behavioral intervention plan are needed, the case conference committee shall meet to modify the plan and its implementation, to the extent the case conference committee determines necessary. (*Indiana State Board of Education; 511 IAC 7-29-5; filed May 22, 2000, 8:52 a.m.: 23 IR 2485; filed May 13, 2002, 2:00 p.m.: 25 IR 3165*)

#### **511 IAC 7-29-6 Manifestation determination**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 6. (a) If a public agency contemplates action for a student with a disability that involves removing a student with a disability from the student's current placement for a behavior described in sections 3(a) and 4(b) of this rule or that involves a removal that constitutes a change of placement for a student who has engaged in other behavior that violated any rule or code of conduct of the public agency that applies to all students, the public agency shall, no later than the date on which the decision to take action is made:

- (1) notify the parent of the public agency's decision; and
- (2) provide the parent with the notice of procedural safeguards.

(b) Immediately, if possible, but in no case later than ten (10) instructional days after the date on which the decision to take action is made, the case conference committee and other qualified professionals as appropriate shall conduct a review of the relationship between the student's disability and the behavior subject to the disciplinary action. This review may be conducted at the same case conference committee meeting that is convened to develop or review the functional behavior assessment and behavior intervention plan as described in section 5 of this rule.

(c) The local director of special education or the local director's designee shall serve as the public agency representative to the case conference committee when the case conference committee is convened to determine whether the student's behavior is:

- (1) a manifestation of the student's disability; or
- (2) the result of deficiencies in the student's individualized education program or special education placement.

(d) In carrying out this review, the case conference committee and other qualified professionals may determine that the student's behavior is not a manifestation of the student's disability only if the case conference committee and other qualified professionals do the following:

- (1) First consider, in terms of the behavior subject to disciplinary action, all relevant information, including the following:
  - (A) Evaluation and diagnostic results, including the results or other relevant information supplied by the parents of the student.
  - (B) Observations of the student.
  - (C) The student's individualized education program and placement.

(2) Then determine the following:

- (A) In relationship to the behavior subject to the disciplinary action, the student's individualized education program and placement were appropriate.
- (B) The special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the student's individualized education program and placement.
- (C) The student's disability did not impair the student's ability to understand the impact and consequences of the behavior subject to the disciplinary action.
- (D) The student's disability did not impair the student's ability to control the behavior subject to disciplinary action.

(e) If the case conference committee and other qualified professionals determine that any of the standards in subsection (d)(2) were not met, the behavior must be considered a manifestation of the student's disability.

(f) If, as a result of the case conference committee's review, the public agency identifies deficiencies in the student's individualized education program, placement, or their implementation, the public agency shall take immediate steps to remedy the identified deficiencies.

(g) If the case conference committee and other qualified professionals determine that the student's behavior is a manifestation of the student's disability, the student may not be suspended or expelled for the behavior. The case conference committee shall review all of the following:

- (1) The student's current educational placement.
- (2) The student's individualized education program.
- (3) Current educational evaluation data.

(h) The case conference committee and other qualified professionals shall, if necessary, revise the student's individualized education program or change the student's placement.

(i) If the case conference committee determines that the behavior of the student with a disability is not a manifestation of the student's disability, the written report of the case conference committee's findings shall be given to the parent and the superintendent of the public agency in which the student's current educational placement is located.

(j) Upon receipt of the case conference committee report, the superintendent shall decide whether or not to appoint an expulsion examiner in accordance with Indiana statute. If an expulsion examiner is appointed, the expulsion examiner shall give the student's parent notice of the right to request and appear at an expulsion meeting in accordance with Indiana statute. The public agency's expulsion procedures must comply with Indiana statute.

(k) The public agency shall ensure that the special education and disciplinary records of the student with a disability are transmitted for consideration by the expulsion examiner.

(l) The parent of a student with a disability who disagrees with a determination that the student's behavior was not a manifestation of the student's disability or with any decision regarding a student's change of placement under this rule may do the following:

- (1) Request mediation in accordance with 511 IAC 7-30-1.
- (2) Request a due process hearing in accordance with 511 IAC 7-30-3 or 511 IAC 7-30-5.
- (3) Request, simultaneously, mediation and a due process hearing.

(m) Upon a parent's request for a due process hearing, the department of education shall arrange for an expedited hearing pursuant to 511 IAC 7-30-5.

(n) In reviewing a decision with respect to the manifestation determination, an independent hearing officer shall determine whether the public agency has demonstrated that the child's behavior was not a manifestation of the student's disability consistent with the requirements of subsection (d).

(o) Except as provided in section 7 of this rule, during the pendency of any proceeding to challenge the result of the manifestation determination, the student involved in the due process hearing must remain in the student's current educational placement unless the public agency and the parents of the student agree otherwise.

(p) In the event the student is expelled, the public agency shall provide services to enable the student to appropriately:

(1) progress in the general curriculum; and

(2) advance toward achieving the goals set out in the student's individualized education program.

(q) The student's case conference committee shall determine the extent to which services described in subsection (p) are necessary. (*Indiana State Board of Education; 511 IAC 7-29-6; filed May 22, 2000, 8:52 a.m.: 23 IR 2485; filed May 13, 2002, 2:00 p.m.: 25 IR 3166*)

#### **511 IAC 7-29-7 Placement of the student during due process hearings or appeals of disciplinary action**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 7. (a) If a parent requests a hearing or an appeal to challenge the interim alternative educational setting or the manifestation determination, the student must remain in the interim alternative educational setting pending the decision of the independent hearing officer or until the expiration of the forty-five (45) calendar day time period provided for in this rule, whichever occurs first, unless the parent and the public agency agree otherwise.

(b) If a student is placed in an interim alternative educational setting pursuant to section 3 or 4 of this rule and the public agency proposes to change the student's placement after expiration of the interim alternative placement, the student must return to the current placement (the student's placement prior to the interim alternative educational setting) during the pendency of any proceeding to challenge the proposed change in placement, unless public agency personnel maintain that it is dangerous for the student to be in the current placement.

(c) If public agency personnel maintain that it is dangerous for the student to be in the current placement (the student's placement prior to removal to the interim alternative educational setting) during the pendency of the due process proceedings, the public agency may request an expedited due process hearing. An expedited due process hearing shall be conducted pursuant to 511 IAC 7-30-5.

(d) In determining whether the student may be placed in the alternative educational setting or in another appropriate placement ordered by the independent hearing officer, the independent hearing officer shall do the following:

(1) Determine whether the public agency has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

(2) Consider the appropriateness of the student's current placement.

(3) Consider whether the public agency has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services.

(4) Determine whether the alternative educational setting that is proposed by school personnel who have consulted with the student's special education teacher, will enable the child to continue to:

(A) progress in the general curriculum, although in another setting;

(B) receive those services and modifications, including those described in the student's current individualized education program, that will enable the student to meet the goals set out in that individualized education program; and

(C) include services and modifications to address and prevent the recurrence of the behavior.

(e) A placement ordered pursuant to subsection (d) may not be longer than forty-five (45) calendar days.

(f) The expedited hearing procedure described in subsection (c) may be repeated as necessary. (*Indiana State Board of Education; 511 IAC 7-29-7; filed May 22, 2000, 8:52 a.m.: 23 IR 2487*)

#### **511 IAC 7-29-8 Protections for children not yet eligible for special education and related services**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 8. (a) A student who has not been determined eligible for special education and related services under this article and who has engaged in behavior that violated any rule or code of conduct of the public agency, including any behavior described in this rule, may assert any of the protections provided for in this article if the public agency had knowledge, as described in subsection (b), that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.

(b) A public agency shall be deemed to have knowledge that a student is a student with a disability if any of the following have occurred:

(1) The parent of the student has expressed concern in writing (or orally if the parent does not know how to write or has a disability that prevents a written statement) to certified personnel of the public agency that the student is in need of special education and related services.

(2) The behavior or performance of the student demonstrates the need for these services.

(3) The parent of the student or the public agency has requested an evaluation of the student pursuant to 511 IAC 7-25-4.

(4) The teacher of the student, or other certified personnel of the public agency, has expressed concern about the behavior or performance of the student to the director of special education of the public agency or to other administrative personnel in accordance with the agency's established child find or special education referral system.

(c) A public agency shall not be deemed to have knowledge if, as a result of receiving the information described in subsection (b), the public agency has done either of the following:

(1) Conducted an evaluation and determined that the student was not a student with a disability under this article, and provided notice to the student's parents of this determination consistent with 511 IAC 7-22-2.

(2) Determined that an evaluation was not necessary, and provided notice to the student's parents of its determination consistent with 511 IAC 7-22-2.

(d) If a public agency does not have knowledge, in accordance with subsections (b) and (c), that a student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as measures applied to students without disabilities who have engaged in comparable behaviors, subject to subsections (e) and (f).

(e) If a referral is made for an initial evaluation of a student during the time period in which the student is subjected to suspension, expulsion, or placement in an interim alternative educational setting, the evaluation must be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which may include suspension or expulsion without educational services.

(f) As used in this rule, "expedited evaluation" means that the public agency conducts the evaluation and convenes the case conference committee within twenty (20) instructional days from the date of the parent's written consent for the evaluation. A copy of the evaluation report shall be provided to the parent at the case conference committee convened to consider the student's identification and eligibility for special education services.

(g) If the student is determined to be a student with a disability, taking into consideration information from the evaluation conducted by the public agency and information provided by the parents, the public agency shall provide special education and related services in accordance with this article, including the requirements of this rule. (*Indiana State Board of Education; 511 IAC 7-29-8; filed May 22, 2000, 8:52 a.m.: 23 IR 2487; filed May 13, 2002, 2:00 p.m.: 25 IR 3167*)

#### **511 IAC 7-29-9 Referral to law enforcement and judicial authorities**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 9. (a) Nothing in this article prohibits a public agency from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

(b) A public agency reporting a crime committed by a student with a disability shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom it reports the crime to the extent permitted by the Family Educational Rights and Privacy Act and 511 IAC 7-23-1. (*Indiana State Board of Education; 511 IAC 7-29-9; filed May 22, 2000, 8:52 a.m.: 23 IR 2488*)

#### **Rule 30. Due Process Procedures**

**511 IAC 7-30-1 Mediation**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 4-21.5-3.5; IC 20-1-6

Sec. 1. (a) A request for mediation may be initiated by either the parent or the public agency, but the mediation process cannot begin unless both parties agree to participate. Mediation may be requested to resolve disputes regarding any of the following:

- (1) A student's identification and eligibility for services under this article.
- (2) The appropriateness of the educational evaluation.
- (3) The appropriateness of the student's proposed or current special education services or placement.
- (4) Any other dispute involving the provision of a free appropriate public education to the student.
- (5) Reimbursement for services obtained by the parent.

(b) Mediation may occur prior to or concurrent with a request for a due process hearing. A request for mediation shall not preclude or delay a due process hearing or deny any other rights afforded in this article. Mediation is not an alternative to the complaint process under section 2 of this rule for alleged violations of state or federal laws in special education programs, nor is mediation under this section to address issues unrelated to the identification, evaluation, placement, or provision of a free appropriate public education to a student.

(c) The division of special education shall bear the cost of the mediation process.

(d) Persons who serve as mediators shall:

- (1) be trained in effective mediation techniques;
- (2) have no personal or professional conflict of interest regarding the parties involved in the process;
- (3) be impartial;
- (4) have knowledge of laws and regulations relating to the provision of special education and related services;
- (5) be qualified as determined by the division of special education; and
- (6) not be an employee of the department of education if the department of education is providing direct services to a student who is the subject of the mediation process or any public agency receiving funding under Part B of the Individuals with Disabilities Education Act.

(e) The division of special education shall maintain a current list of the persons who serve as mediators, including information on the qualifications of those persons. The division of special education shall, on a general rotation basis within the geographic region, select a mediator from the list for each mediation requested. A person who otherwise qualifies as a mediator is not considered an employee of the department of education solely because he or she is paid by the department of education to serve as a mediator.

(f) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute as determined by the mediator.

(g) Any agreement reached by the parties in the mediation process must be set forth in a written mediation agreement.

(h) Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings. The parties to the mediation process may be asked to sign a confidentiality pledge prior to the beginning of the mediation session.

(i) The public agency may establish procedures to require parents who elect not to use the mediation process to meet, at a time and location convenient to the parents, with a disinterested party who:

- (1) is under contract with a parent training and information center or an appropriate alternative dispute resolution entity; and
- (2) would explain the benefits of the mediation process and encourage the parents to use the process.

Such procedures must be approved by the division of special education prior to implementation by the public agency, and the public agency may not use these procedures to deny or delay a parent's right to a due process hearing if the parent fails to participate in the meeting. The division of special education shall bear the cost of the meetings in accordance with the written procedures. (*Indiana State Board of Education; 511 IAC 7-30-1; filed May 22, 2000, 8:52 a.m.: 23 IR 2488; filed May 13, 2002, 2:00 p.m.: 25 IR 3168*)

**511 IAC 7-30-2 Complaints**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 2. (a) Any individual, group of individuals, agency, or organization may file a complaint alleging violations of federal

or state laws that apply to special education programs. The complaint shall:

- (1) be in writing;
- (2) state the alleged violations of this article or the Individuals with Disabilities Education Act and the facts on which the allegations are based;
- (3) be signed by the complainant or complainants; and
- (4) be submitted to the division of special education.

(b) The complaint must allege a violation that occurred within one (1) year of the date that the complaint is received by the division of special education unless a longer period is reasonable due to one (1) of the following circumstances:

- (1) The alleged violation is continuing or systemic.
- (2) The complainant is requesting compensatory services for a violation that occurred not more than three (3) years prior to the date the complaint is received by the division of special education.

(c) The division of special education shall develop and implement written procedures to investigate complaints. These procedures shall be available upon request and shall include a process for the following:

- (1) Identifying issues in a complaint.
  - (2) Assigning a complaint investigator.
  - (3) Conducting an independent investigation, both on-site and off-site, including:
    - (A) giving the parties the opportunity to submit additional information; and
    - (B) reviewing the relevant information and making an independent determination.
  - (4) Obtaining an extension of time for the investigation.
  - (5) Preparing a written complaint investigation report, including findings of fact, conclusions, and reasons for the decision.
  - (6) Conducting a reconsideration of the decision.
  - (7) Monitoring compliance with the final decision, including corrective action, technical assistance activities, and negotiations.
- (d) The written procedures shall also include timelines for the investigation, issuance of a report, reconsideration, and monitoring compliance.

(e) The individuals assigned as complaint investigators shall be trained employees of the department of education or other state agencies as appropriate.

(f) The final written report of the department of education shall be issued within thirty (30) calendar days of the date the written complaint is received by the division of special education. An extension of time may be granted by the director of the division of special education only if exceptional circumstances exist with respect to a specific complaint. In that event, all parties shall be notified in writing of the extension and the reasons for it.

(g) Corrective action required by the department of education shall be binding on the public agency. The timelines for the public agency to submit a corrective action plan and to achieve compliance shall be included in the complaint investigator's report. Compliance with corrective action required by the department of education shall be monitored by the division of special education.

(h) Failure of the public agency to achieve compliance with corrective action required by the department of education shall result in the withholding of federal and state funds to the public agency.

(i) Either the public agency or the complainant may request reconsideration of any part of a complaint report by the director of the division of special education. A request for reconsideration must be submitted to the division of special education within fifteen (15) calendar days of the date the complaint report is received by the public agency or the complainant. The request for reconsideration shall:

- (1) be in writing;
- (2) state the specific portion or portions of the report the party believes should be reconsidered with specific facts to support the request; and
- (3) be sent to the director of the division of special education.

(j) Reconsideration of a complaint report shall be conducted by the director of the division of special education. In no case shall the complete complaint process, from receipt of the complaint to issuance of the reconsideration results, if any, exceed sixty (60) calendar days unless a written extension of time has been granted where exceptional circumstances existed with respect to a complaint.

(k) Complaint investigations conducted under this section are not a substitute for due process procedures in subsections (l) through (n).

(l) If a written complaint is received that is also the subject of a due process hearing or the complaint contains multiple issues,

of which one (1) or more are part of that hearing the department of education shall set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action shall be resolved using the time limits and procedures described in this section.

(m) If an issue is raised in a complaint filed under this section has previously been decided in a due process hearing involving the same parties, the hearing decision is binding, and the department of education shall inform the complainant to that effect.

(n) A complaint alleging a public agency's failure to implement a due process decision must be resolved by the department of education through the complaint process set forth in this section. (*Indiana State Board of Education; 511 IAC 7-30-2; filed May 22, 2000, 8:52 a.m.: 23 IR 2489*)

### **511 IAC 7-30-3 Due process hearings**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 4-21.5-3; IC 20-1-6

Sec. 3. (a) A parent, a public agency, or the state educational agency may initiate a due process hearing that is conducted by an independent hearing officer when there is any dispute regarding any of the following:

- (1) A student's identification and eligibility for services under this article.
- (2) The appropriateness of the educational evaluation.
- (3) The appropriateness of the student's proposed or current level of special education services or placement.
- (4) Any other dispute involving the provision of a free appropriate public education for the student.
- (5) Reimbursement for services obtained by the parent.

(b) This section does not apply to allegations of violations of this article or the Individuals with Disabilities Education Act unless the allegations are directly related to a due process hearing issue with respect to the student. Due process hearing issues must present a dispute regarding a student.

(c) A request for a due process hearing and for the appointment of an independent hearing officer shall:

- (1) be in writing and signed;
  - (2) include the student's name and address and the name of the school the student attends;
  - (3) specify the reasons for the hearing request, including a description of the nature of the problem and any facts related to the problem;
  - (4) include a proposed resolution of the problem to the extent known and available to the parents at the time; and
  - (5) be sent simultaneously to the superintendent of public instruction, the division of special education, and the public agency, if the request is made by the parent. If the request is made by the public agency, the request shall be sent simultaneously to the superintendent of public instruction, the division of special education, and the parent.
- (d) The right to a due process hearing shall not be denied or delayed for failure to provide the notice required in subsection

(c).

(e) The state superintendent of public instruction shall appoint the independent hearing officer. When a due process hearing request is received, the department of education shall send the public agency and the parent a written notice of the name of the independent hearing officer who has been appointed and a copy of the letter requesting a due process hearing.

(f) The public agency shall inform the parent of the availability of mediation as a means of dispute resolution. The public agency shall inform the parent of the availability of free or low-cost legal and other relevant services available in the area if:

- (1) the parent requests the information; or
  - (2) the parent or the public agency initiates a hearing under this section.
- (g) A person who may be appointed as an independent hearing officer shall:
- (1) be trained in the due process hearing procedures;
  - (2) have no personal or professional interest that would conflict with the person's objectivity in the hearing;
  - (3) not be an officer, employee, or agent of the public agency, the department of education, or any other agency that may be involved in the education or care of the student;
  - (4) have knowledge of laws and regulations relating to the provision of special education and related services; and
  - (5) be subject to any other qualifications established by the superintendent of public instruction.

(h) A person who otherwise qualifies as an independent hearing officer is not considered an employee of the public agency solely because the person is paid by the public agency to serve as an independent hearing officer. The division of special education



shall maintain a current list of the persons who serve as independent hearing officers, including information on the qualifications of those persons.

(i) The due process hearing timeline begins on the date a request for a due process hearing is received by the department of education. Due process hearings shall be conducted, a final written decision reached, and a copy of the written decision mailed to each of the parties not later than forty-five (45) calendar days after the request for a hearing is received. An independent hearing officer may grant specific extensions of time beyond the forty-five (45) day timeline at the request of a party. Any extension of time granted by the independent hearing officer shall be in writing to all parties and included in the record of the proceedings.

(j) Except as provided in 511 IAC 7-29-3 and 511 IAC 7-29-7, the student shall remain in the student's current educational placement during a due process hearing, administrative appeal, or judicial proceeding, unless the parties agree otherwise. If the proceedings extend beyond the end of the school year and the placement includes normal grade advancement, that advancement shall proceed unless normal grade advancement is at issue. If the last agreed-upon placement cannot be determined, the independent hearing officer shall determine the student's educational placement.

(k) If the issue of the proceedings involves initial enrollment in a public school, the student, with the consent of the parent, shall be placed in the public school program until the completion of the proceedings. If the parties cannot agree to the student's placement during the proceedings, the independent hearing officer shall determine the student's placement as a preliminary matter to the conduct of the due process hearing.

(l) Any party to a due process hearing has the right to:

- (1) be accompanied and advised by legal counsel and by individuals with knowledge and training with respect to special education or the problems of children with disabilities;
- (2) present evidence, confront, cross-examine, and compel the attendance of any witnesses;
- (3) prohibit the introduction of any evidence at the hearing that has not been disclosed at least five (5) business days prior to the hearing;
- (4) a separation of witnesses who are not parties to the dispute;
- (5) obtain a written or, at the option of the parents, an electronic verbatim transcript of the hearing;
- (6) obtain written or, at the option of the parents, electronic findings of facts and decision;
- (7) be provided with an interpreter, if any party to the hearing has a hearing or speaking impairment or other difficulty in communicating, or whose native language is not English; and
- (8) obtain from the other party all evaluations completed and recommendations based on the offering party's evaluations that the party intends to use at least five (5) business days prior to a hearing.

(m) The independent hearing officer has the discretion and authority to:

- (1) issue subpoenas;
- (2) determine whether individuals are knowledgeable with respect to special education in order to assist in the proceedings;
- (3) frame and consolidate issues in the hearing to provide clarity;
- (4) rule on any other matters with respect to the conduct of a due process hearing, subject to administrative or judicial review of abuse of such discretion or authority, mistake in law as to exercise of such discretion or authority, or that such authority was exercised in an arbitrary or capricious manner;
- (5) bar any party that fails to comply with subsection (l)(8) from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party; and
- (6) order a student with a disability to be placed in an interim alternative educational setting for not more than forty-five (45) calendar days if the requirements of 511 IAC 7-29-4(b) have been met.

(n) A parent, or the parent's representative, involved in a due process hearing has the right to:

- (1) have the student who is the subject of the hearing attend;
  - (2) have the hearing opened or closed to the public;
  - (3) inspect and review, prior to the hearing, any records pertaining to the student maintained by the public agency, its agents, or employees, including all tests and reports upon which the proposed action may be based;
  - (4) recover reasonable attorney fees if a court determines the parent ultimately prevailed at the due process hearing, administrative appeal, or judicial review;
  - (5) obtain a written or electronic verbatim transcript of the proceedings at no cost; and
  - (6) obtain written or electronic findings of fact and decisions at no cost.
- (o) At least five (5) business days prior to the hearing, each party shall disclose to all other parties all evaluations completed

by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing.

(p) Due process hearings under this section shall be conducted pursuant to IC 4-21.5-3 and this section. The hearing shall be held at a time and place reasonably convenient to all parties to the hearing. The notice of time and place shall be in writing to all parties.

(q) The public agency shall bear all costs pertaining to the conduct of a hearing whether or not a hearing is ultimately held, including transcription and hearing officer fees and expenses. Funds under Part B of the Individuals with Disabilities Education Act may be used to pay the costs of conducting the hearing, but such funds shall not be used to pay attorney's fees or costs of a party. When the hearing is initiated by or against the department of education regarding the proposal or denial of funding for community-supported intensive services or residential services under 511 IAC 7-27-12, the department of education shall be responsible for the aforementioned costs.

(r) The decision of the independent hearing officer shall be based solely upon the oral and written evidence presented at the hearing. The party requesting the due process hearing shall present evidence and testimony first regarding the appropriateness of the proposed or refused action.

(s) A verbatim transcript of the hearing shall be made. The independent hearing officer is responsible for ensuring the hearing is transcribed and for determining from the parents at the outset of the hearing whether the transcription will be written or electronic. The transcript shall be made available by the division of special education at no cost and upon the request of any party to the hearing at the conclusion of the hearing.

(t) The independent hearing officer shall render a written or, at the option of the parents, an electronic decision. The decision shall be dated and must include the following:

- (1) Findings of fact and conclusions of law.
- (2) A decision and orders, if necessary.
- (3) A notice of the right and the process to appeal the decision and orders.
- (4) A notice that an action for attorney's fees must be filed in a civil court within thirty (30) calendar days after receipt of the independent hearing officer's final decision if no request for review is filed with the board of special education appeals.

(u) Class action due process hearings are not permitted. If the parties and the independent hearing officer agree to a hearing involving two (2) or more students, a separate decision with specific findings of fact, conclusions of law, and orders, if necessary, shall be written for each student.

(v) If, as a result of the due process hearing, the independent hearing officer's decision concurs with the parents' contention that a change of placement is appropriate, the placement ordered by the independent hearing officer shall be treated as a placement agreed upon by the parent and the public agency.

(w) The independent hearing officer shall mail a copy of the hearing decision via certified mail, return receipt requested, to each party involved in the hearing. The independent hearing officer's decision is a final order unless appealed pursuant to section 4 of this rule.

(x) Any party involved shall have thirty (30) calendar days from the date the independent hearing officer's written decision is received to:

- (1) implement the order or orders in the hearing decision; or
- (2) initiate an appeal as described in section 4 of this rule.

(y) The division of special education shall maintain the following for the duration of the hearing, any appeal and any subsequent civil action:

- (1) The original hearing decision.
- (2) The transcript of the hearing.
- (3) The exhibits admitted by the independent hearing officer.
- (4) All notices, pleadings, exceptions, motions, requests, and other papers filed in the hearing.

(z) The division of special education shall, after deleting personally identifiable information from copies of the due process hearing findings, conclusions, and orders, do the following:

- (1) Transmit a copy of the document to the state advisory council on the education of children with disabilities.
- (2) Maintain a copy of the document for public review in its offices for at least five (5) years after administrative remedies have been exhausted and any litigation completed.

*(Indiana State Board of Education; 511 IAC 7-30-3; filed May 22, 2000, 8:52 a.m.; 23 IR 2490; filed May 13, 2002, 2:00 p.m.; 25 IR 3169)*

**511 IAC 7-30-4 Due process hearing appeals**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 4-21.5-3; IC 4-21.5-5-5; IC 20-1-6

Sec. 4. (a) The state board of special education appeals (board) is established. The board shall have three (3) members appointed by the state superintendent of public instruction. Each member shall be appointed for a three (3) year term, with the year of appointment alternating to preclude all three (3) members being appointed at once. The members of the board shall alternate as chair when conducting impartial reviews. A member of the board:

- (1) may not be an officer, employee, or agent of a public agency involved in the education or care of a student;
- (2) may not have any personal or professional interest that conflicts with the member's objectivity in the appeal process; and
- (3) must be a resident of Indiana.

(b) The general counsel for the department of education shall serve as the agent for the board for receipt of all correspondence and the filing of documents.

(c) Due process hearing appeals under this section shall be conducted pursuant to IC 4-21.5-3 and this section.

(d) A petition for an impartial review of the independent hearing officer's decision by the board may be initiated by any party to the hearing. The petition shall be:

- (1) in writing;
- (2) filed simultaneously with the department of education and the opposing party;
- (3) specific as to the reasons for the exceptions to the independent hearing officer's decision, identifying those portions of the findings, conclusions, and orders to which exceptions are taken; and
- (4) filed within thirty (30) calendar days of the date the independent hearing officer's decision is received by the party.

(e) When a petition for review of an independent hearing officer's decision is received by the department of education, the department of education shall do the following:

(1) Notify each member of the board that a petition for review has been filed.

(2) Provide each member with a copy of:

- (A) the petition for review;
- (B) the independent hearing officer's findings, conclusions, and orders;
- (C) a transcript of the hearing;
- (D) exhibits, pleading, exceptions, motions, and requests; and
- (E) any other papers filed with the independent hearing officer or the department of education regarding the hearing.

(f) Any party to a due process hearing for which a petition for review has been filed may, within ten (10) calendar days from the date on which the petition for review is filed with the department of education, file a reply to the petition for review.

(g) Any petition for review that does not comply with the requirements of subsection (d) may be dismissed, in whole or in part, at the discretion of the board. Only matters raised in the initial due process hearing may be raised in a petition for review.

(h) If no petition for review is filed, or is not filed in a timely manner, the decision of the independent hearing officer shall become the decision of the board.

(i) Within thirty (30) calendar days of the receipt of a petition for review by the department of education, the board shall conduct an impartial review, prepare a written decision, and mail the written decision via certified mail, return receipt requested, to all parties. At the option of the parents, the parent's copy of the decision may be in written or electronic format. Specific extensions of time may be requested by any party to the appeal and granted by the chair of the board. The chair shall respond, in writing, to all parties when a request for extension is made.

(j) The board, in conducting an impartial review, shall review the entire record of the due process hearing to ensure the procedures of the hearing were consistent with the requirements of section 3 of this rule. The board may decide the matter with or without oral argument. The board shall not disturb the findings of fact, conclusions of law, or orders of the independent hearing officer unless the board finds the independent hearing officer's decision to be one (1) or more of the following:

- (1) Arbitrary or capricious.
- (2) An abuse of discretion.
- (3) Contrary to law, contrary to a constitutional right, power, privilege, or immunity.
- (4) In excess the jurisdiction of the independent hearing officer.
- (5) Reached in violation of an established procedure.

(6) Unsupported by substantial evidence.

(k) If the board decides to hear oral argument, the parties shall be notified of the decision in advance of the scheduled proceeding. The oral argument shall be held at a time and place reasonably convenient to all parties in the proceeding.

(l) When the board permits oral argument, each party has the right to be represented by counsel or other individuals with knowledge and training with respect to special education or the problems of children with disabilities. Each party has the opportunity for argument and rebuttal. The board may ask questions of any person present to clarify the record. The board may, at its discretion, exercise the same powers as an independent hearing officer under section 3 of this rule. When the board receives evidence or testimony, the parties shall have the same rights as under section 3(l) of this rule.

(m) The board, upon completion of its impartial review, shall prepare an independent written decision that:

(1) contains findings of fact, conclusions of law, and, if necessary, orders; and

(2) includes a notice of the following:

(A) The right to seek judicial review of the board's decision.

(B) A party has thirty (30) calendar days from the date the party receives the board's written decision in which to seek judicial review.

(C) An action for attorney's fees must be filed in a civil court with jurisdiction within thirty (30) calendar days after receipt of the board's final decision if no request for judicial review is filed in federal or state civil court.

(D) The decision of the board is a final order unless judicial review in federal or state civil court is sought.

(n) Any party disagreeing with the decision of the board may appeal to a civil court with jurisdiction. Pursuant to IC 4-21.5-5, an appeal to a state or federal civil court must be filed within thirty (30) calendar days after the date the board's written decision is received by the party. The court shall:

(1) receive the record of administrative proceedings;

(2) hear additional evidence at the request of a party; and

(3) grant the relief it determines to be appropriate, basing its decision on a preponderance of the evidence.

(o) Nothing in this article shall be construed to restrict or limit the rights, procedures, and remedies available under the federal or state Constitution, the Americans with Disabilities Act of 1990, Title V of the Rehabilitation Act of 1973, or other federal laws protecting the rights of students with disabilities, except that before the filing of a civil action under such laws seeking relief that is also available under this article, the procedures under sections 3 and 4 of this rule shall be exhausted to the same extent as would be required had the action been brought under this article.

(p) A parent represented by legal counsel during the proceedings of a due process hearing, appeal, or civil court action is entitled to reimbursement for legal fees if the parent ultimately prevails. Determination of which party prevails and the amount of reimbursement shall be determined by negotiation between the parent and the public agency. If agreement cannot be reached, either party may proceed to civil court for resolution under section 6 of this rule. Mediation, as described in section 1 of this rule, is not available for resolution of legal fees.

(q) The costs of the board, including travel, associated expenses, and reporting services, shall be borne by the department of education.

(r) The division of special education, after deleting personally identifiable information from the findings, conclusions, and orders of the board, shall do the following:

(1) Transmit a copy of the document to the state advisory council on the education of children with disabilities.

(2) Maintain a copy of the document for public review in its offices for at least five (5) years after administrative remedies have been exhausted and any litigation completed.

(s) If, as a result of the board's review, the board's decision concurs with the parent's contention that a change of placement is appropriate, the placement ordered by the board shall be treated as a placement agreed upon by the parent and the state or local public agency. (*Indiana State Board of Education; 511 IAC 7-30-4; filed May 22, 2000, 8:52 a.m.: 23 IR 2493; filed May 13, 2002, 2:00 p.m.: 25 IR 3171*)

### **511 IAC 7-30-5 Expedited due process hearings and appeals**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 4-21.5-3; IC 20-1-6

Sec. 5. (a) An expedited due process hearing will be conducted in the following situations:

(1) The parent requests a hearing because the parent disagrees with a determination that the student's behavior was not a manifestation of the student's disability.

(2) The parent requests a hearing because the parent disagrees with the public agency's decision regarding the student's disciplinary change of placement under 511 IAC 7-29-3.

(3) The public agency requests an expedited hearing because the public agency maintains that it is dangerous for the student to return to the current placement (placement prior to removal to the interim alternative educational setting) after the expiration of the student's placement in an interim alternative educational setting.

(b) An expedited due process hearing shall be conducted pursuant to IC 4-21.5-3 and section 3 of this rule, except that:

(1) the independent hearing officer must issue a written decision within ten (10) business days of the date the request was received by the department of education;

(2) all evidence intended to be introduced must be submitted not less than two (2) business days prior to the hearing; and

(3) the independent hearing officer shall not grant any extensions of time.

(c) An expedited due process hearing must be conducted by an independent hearing officer who meets the requirements under section 3 of this rule.

(d) The independent hearing officer's decision in an expedited due process hearing is appealable to the board of special education appeals (board). Such appeal shall be conducted pursuant to IC 4-21.5-3 and section 4 of this rule, except that:

(1) the request for review by the board must be filed with the department of education and received by the other parties no later than three (3) business days from the petitioning party's receipt of the independent hearing officer's decision;

(2) any reply to the petition for review must be filed and received by the other parties within three (3) business days of the date the petition for review is filed;

(3) the board shall issue a written decision no later than ten (10) business days from the date of receipt of the request for review;

(4) the board shall not grant any extensions of time;

(5) the board shall not hear oral argument in reviewing the decision in an expedited due process hearing; and

(6) the board, at its discretion, may elect to nominate one (1) of its members to review the independent hearing officer's decision and issue a final decision without the participation of the other two (2) board members.

(e) At any time after the initiation of an expedited due process hearing or appeal, the parties may agree to waive the requirements of the expedited process and proceed under section 3 of this rule for a due process hearing or section 4 of this rule for a due process hearing appeal. (*Indiana State Board of Education; 511 IAC 7-30-5; filed May 22, 2000, 8:52 a.m.: 23 IR 2494*)

#### **511 IAC 7-30-6 Attorneys' fees**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 6. (a) Independent hearing officers and the board of special education appeals shall include a notice in their written decisions stating that an action for attorneys' fees must be filed in a civil court with jurisdiction within thirty (30) calendar days after:

(1) receipt of the independent hearing officer's final decision if no request for review is filed with the board of special education appeals; or

(2) receipt of the board of special education appeals' final decision if no request for judicial review is filed in federal or state civil court.

(b) Attorneys' fees awarded shall be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded.

(c) Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding for services performed subsequent to the time of a written offer of settlement to a parent if:

(1) the offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, at any time more than ten (10) calendar days before the proceeding begins;

(2) the offer is not accepted within ten (10) calendar days; and

(3) the court finds that the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement.

(d) Notwithstanding subsection (c), a court may award attorneys' fees and related costs to a parent who is the prevailing party

and who was substantially justified in rejecting the settlement offer.

(e) Attorneys' fees may not be awarded relating to any meeting of the case conference committee unless such meeting is convened as a result of an administrative proceeding or judicial action. Attorneys' fees may not be awarded for a mediation described in section 1 of this rule that is conducted prior to the filing of the due process hearing.

(f) Unless a court finds that the public agency unreasonably protracted the final resolution of the action or proceeding or any other violation of this rule, a court may reduce the amount of attorneys' fees awarded if the court finds any of the following:

- (1) During the course of the action or proceeding, the parent unreasonably protracted the final resolution of the controversy.
- (2) The amount of attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of comparable skills, reputation, and experience.
- (3) The time spent and legal services furnished were excessive considering the nature of the action or proceeding.
- (4) The attorney representing the parent did not provide to the public agency appropriate information in the due process hearing request pursuant to section 3(c) of this rule.

(g) A public agency may not use funds under Part B of the Individuals with Disabilities Education Act to pay attorneys' fees or costs of a party related to an action or procedure under the Individuals with Disabilities Education Act and this article. (*Indiana State Board of Education; 511 IAC 7-30-6; filed May 22, 2000, 8:52 a.m.: 23 IR 2495; filed May 13, 2002, 2:00 p.m.: 25 IR 3173*)

## **Rule 31. Child Count and Data Collection**

### **511 IAC 7-31-1 Federal child count procedures**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 1. (a) On December 1 of each year, each public agency shall count the number of students identified as disabled and receiving special education and related services on that date. If December 1 is not a school or program day, the closest instructional day shall be used for the count.

(b) The division of special education shall report no later than February 1 each year to the United States Secretary of Education a total, noncumulative, unduplicated count of students identified and provided special education and related services under this article. The division of special education shall include in its report a certification signed by an authorized official of the department of education that the count is accurate and unduplicated.

(c) The child count report shall include the following:

(1) A count of students enrolled on December 1 in a school or program operated by a public agency that provides students with either:

- (A) special education and related services that meet the standards of this article;
- (B) only special education services if related services are not necessary for the students to benefit from special education; or
- (C) in the case of students with disabilities enrolled by their parents in private schools, the special education and related services provided must meet the standards of this article.

(2) A count of students specified by age on the child count date from three (3) years of age, but less than twenty-two (22) years of age within each disability category.

(3) Students placed in private residential special schools under 511 IAC 7-27-12.

(d) The following students shall not be included in the child count report to the United States Secretary of Education:

- (1) Those not enrolled in a school or program operated or supported by a public agency.
- (2) Those provided special education that does not meet the requirement of this article.
- (3) Those not provided with a related service needed to assist them in benefitting from special education.
- (4) Those receiving special education funded solely by the federal government, except when no local or state funds are available for nondisabled students three (3) years of age through five (5) years of age, then the students in these age groups may be counted when funds under subsection (b) are used for all special education costs.

(e) The division of special education shall do the following:

- (1) Establish procedures for taking the December 1 count.
- (2) Set a date by which public agencies must submit the child count report.

(3) Obtain certification from each public agency that the child count report submitted by the public agency is noncumulative, unduplicated, and accurate.

(4) Aggregate the data obtained from each public agency and prepare the required reports in a form which protects personally identifiable information.

(5) Ensure that documentation is maintained at the state and local level to audit the accuracy of the count.

(f) The division of special education shall collect and report annually required data to the United States Secretary of Education.

*(Indiana State Board of Education; 511 IAC 7-31-1; filed May 22, 2000, 8:52 a.m.: 23 IR 2495)*

### **511 IAC 7-31-2 State child count procedures**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6; IC 21-3-10-3; IC 21-3-10-4

Sec. 2. (a) On December 1 of each year, each public agency shall count the number of school-age students identified as disabled and receiving a free appropriate public education consistent with the requirements of this article on that date. For purposes of this count, school-age students are students who are five (5) years of age and are eligible to be enrolled in kindergarten during the count year and less than twenty-two (22) years of age. This count determines the additional state special education funds allocated to the public agency. If December 1 is not a school or program day, the closest instructional day shall be used for the count.

(b) The division of special education shall, no later than February 5 each year, report to the Indiana state budget committee an unduplicated count of students in programs for severe, mild, and moderate disabilities and a duplicated count for students in programs for communication disorders who are also served in another special education program. This count determines the amount of additional state special education funds available to public agencies for the operation of special education programs.

(c) The state child count report shall include the following:

(1) A nonduplicated count of students receiving a free appropriate public education consistent with the requirements of this article in one (1) of the programs for severe disabilities as defined by IC 21-3-10-3. A student may not be included in the nonduplicated count in programs for severe disabilities and in the nonduplicated count in programs for mild or moderate disabilities.

(2) A nonduplicated count of students receiving a free appropriate public education consistent with the requirements of this article in one (1) of the programs for mild and moderate disabilities as defined by IC 21-3-10-4. A student may not be included in the nonduplicated count in programs for mild or moderate disabilities and in the nonduplicated count in programs for severe disabilities.

(3) A duplicated count of students in programs for communication disorders, even if the student is served in another program.

(d) The state child count report must also include a cumulative count of students who received homebound instruction up to and including December 1 of the current year and each student who received homebound instruction after December 1 of the prior school year. A student may be included in the cumulative count of students in homebound programs even if the student also is included in any of the following:

(1) Nonduplicated count in programs for severe disabilities.

(2) Nonduplicated count in programs for mild and moderate disabilities.

(3) Duplicated count in programs for communication disorders.

(4) State preschool count.

(e) The division of special education shall do the following:

(1) Establish procedures for taking the December 1 count.

(2) Set a date by which public agencies must submit the child count report.

(3) Obtain certification from each public agency that the child count report submitted by the public agency is accurate and meets all state reporting requirements.

(4) Aggregate the data obtained from each public agency and prepare the required reports in a form which protects personally identifiable information.

(5) Ensure that documentation is maintained at the state and local level to audit the accuracy of the count.

*(Indiana State Board of Education; 511 IAC 7-31-2; filed May 22, 2000, 8:52 a.m.: 23 IR 2496)*

**511 IAC 7-31-3 State preschool child count procedures**

Authority: IC 20-1-1-6; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 3. (a) On December 1 of each year, each public agency shall count the number of preschool students identified as disabled and receiving a free appropriate public education consistent with the requirements of this article on that date. For purposes of this count, preschool students are three (3) years of age through five (5) years of age and are not eligible to enroll in kindergarten during the count year. This count determines the state preschool special education funds allocated to the public agency. If December 1 is not a school or program day, the closest instructional day shall be used for the count.

(b) The division of special education shall, no later than February 5 each year, report to the Indiana state budget committee an unduplicated count of students in preschool special education programs. This count determines the amount of state preschool special education funds available to public agencies for the operation of special education programs.

(c) The division of special education shall do the following:

(1) Establish procedures for taking the December 1 count.

(2) Set a date by which public agencies must submit the child count report.

(3) Obtain certification from each public agency that the child count report submitted by the public agency is accurate and meets all state reporting requirements.

(4) Aggregate the data obtained from each public agency and prepare the required reports in a form which protects personally identifiable information.

(5) Ensure that documentation is maintained at the state and local level to audit the accuracy of the count.

*(Indiana State Board of Education; 511 IAC 7-31-3; filed May 22, 2000, 8:52 a.m.: 23 IR 2497)*

**511 IAC 7-31-4 Data collection**

Authority: IC 20-1-1-6; IC 20-1-1.1-5; IC 20-1-6-4

Affected: IC 20-1-6

Sec. 4. (a) Each public agency shall, on an annual basis, count the number of students with disabilities by race, ethnicity, and disability category:

(1) who are receiving a free appropriate public education;

(2) who are participating in general education;

(3) who are in separate classes, separate schools or facilities, or public or private residential facilities;

(4) who, for each year from fourteen (14) years of age to twenty-one (21) years of age, stopped receiving special education and related services because of program completion or other reasons and the reasons why those children stopped receiving special education and related services; and

(5) who, under 511 IAC 7-29-3 or 511 IAC 7-29-4, are removed to an interim alternative educational setting, the acts or items precipitating those removals, and the number who are subject to long term suspensions or expulsions.

(b) Each public agency shall, on an annual basis, provide the division of special education with any other program information that may be required by the Secretary of the United States Department of Education. The division of special education will annually inform the public agency of the child count procedures and categorical criteria required for the December 1 count.

(c) With regard to the child count data collected, the division of special education shall annually examine the data collected and report to the state advisory council on the education of children with disabilities on whether there is a significant disproportionality based on race with respect to:

(1) the identification of students as a student with a disability; and

(2) the placement of students in a particular educational setting.

*(Indiana State Board of Education; 511 IAC 7-31-4; filed May 22, 2000, 8:52 a.m.: 23 IR 2497)*

**ARTICLE 8. VOCATIONAL EDUCATION****Rule 1. Requirements for Vocational Program Approval**



**511 IAC 8-1-1 Approval of vocational programs**

Authority: IC 20-1-1-6

Affected: IC 20-1-18.1

Sec. 1. All vocational programs, as required by IC 20-1-18.4-3, shall be approved by the Indiana state board of education in accordance with the workforce partnership plans submitted to the commission on vocational and technical education. Further, the local educational agencies shall comply with the policies and procedures as set forth in the "State Plan" for vocational education. (*Indiana State Board of Education; Rule V-1, Sec 1; filed Sep 29, 1978, 2:39 p.m.: 1 IR 863; filed May 28, 1998, 4:57 p.m.: 21 IR 3831*) NOTE: Transferred from the commission on general education (510 IAC 8-1-1) to the Indiana state board of education (511 IAC 8-1-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.

**511 IAC 8-1-2 Planning approval of vocational programs (Repealed)**

Sec. 2. (*Repealed by Indiana State Board of Education; filed May 28, 1998, 4:57 p.m.: 21 IR 3833*)

**Rule 2. General Criteria****511 IAC 8-2-1 Program criteria**

Authority: IC 20-1-1-6

Affected: IC 20-1-18.1

Sec. 1. Each school corporation seeking program approval for secondary level courses in vocational education must meet the criteria in this rule. (*Indiana State Board of Education; Rule V-2; filed Sep 29, 1978, 2:39 p.m.: 1 IR 863; filed May 28, 1998, 4:57 p.m.: 21 IR 3831*) NOTE: Transferred from the commission on general education (510 IAC 8-2-1) to the Indiana state board of education (511 IAC 8-2-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.

**511 IAC 8-2-2 Credit**

Authority: IC 20-1-1-6

Affected: IC 20-1-18.1

Sec. 2. The school corporation shall ensure that students shall receive one (1) credit per semester toward graduation for each nominal hour of classroom or laboratory instruction. At least two (2) credits per semester shall be earned through on-the-job training in a cooperative education program. (*Indiana State Board of Education; Rule V-2, Sec 1; filed Sep 29, 1978, 2:39 p.m.: 1 IR 863; filed May 28, 1998, 4:57 p.m.: 21 IR 3832*) NOTE: Transferred from the commission on general education (510 IAC 8-2-2) to the Indiana state board of education (511 IAC 8-2-2) by P.L.20-1984, SECTION 206, effective July 1, 1984.

**511 IAC 8-2-3 Students; follow-up; nondiscrimination**

Authority: IC 20-1-1-6

Affected: IC 20-1-18.1

Sec. 3. The school corporation shall ensure that:

(1) An organized follow-up of vocational graduates is accomplished on a one (1) year and five (5) year basis with results reported to the commission on vocational and technical education in accordance with the appropriate federal Classification of Instructional Programs (CIP) codes.

(2) All classes are open to both sexes with the same effort to recruit males and females. All classes shall be in compliance with Title IX of the Education Amendments of 1972.

(3) Disadvantaged and handicapped students shall be mainstreamed in regular vocational education programs whenever possible. Modification of programs and additional services are recommended to facilitate this inclusion where practicable.

(*Indiana State Board of Education; Rule V-2, Sec 2; filed Sep 29, 1978, 2:39 p.m.: 1 IR 863; filed May 28, 1998, 4:57 p.m.: 21 IR 3832*) NOTE: Transferred from the commission on general education (510 IAC 8-2-3) to the Indiana state board of education (511

*IAC 8-2-3) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**511 IAC 8-2-4 Program requirements**

Authority: IC 20-1-1-6

Affected: IC 20-1-18.1

Sec. 4. The school corporation shall ensure that:

- (1) The student-to-teacher ratio for the program is commensurate with the particular program area.
- (2) Safety is taught as an integral part of the instructional program, both in the classroom and the training station.
- (3) The program is directly related to employment opportunities as classified in the most recent edition of the U.S. Department of Labor's Dictionary of Occupation Titles and Occupational Outlook Handbook. Individual student career objectives are on file within the school corporation.
- (4) Written program goals, objectives, or curriculum are available for each program area.

*(Indiana State Board of Education; Rule V-2, Sec 3; filed Sep 29, 1978, 2:39 p.m.: 1 IR 863; filed May 28, 1998, 4:57 p.m.: 21 IR 3832) NOTE: Transferred from the commission on general education (510 IAC 8-2-4) to the Indiana state board of education (511 IAC 8-2-4) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**511 IAC 8-2-5 Cooperative education; on-the-job training**

Authority: IC 20-1-1-6

Affected: IC 20-1-18.1

Sec. 5. The school corporation shall ensure that the following additional criteria are met:

- (1) A training agreement explaining the essential features of the program and outlining the responsibilities of each party concerned is on file for each student in the teacher-coordinator's office. The training agreement shall be signed by the student, employer, parent, and teacher-coordinator.
- (2) A schedule of on-the-job training experiences (training plan) for each student is drawn up cooperatively with each employer and is on file in the teacher-coordinator's office. All hazardous equipment to be operated by the student shall be identified in the training plan. The training plan shall be signed by the student, employer, parent, and teacher-coordinator.
- (3) Employment of students in the program complies with all state and federal laws pertaining to the employment of youth, including minimum wage regulations.
- (4) Related classroom instruction is provided for all students. Credit given for the related classroom instruction is in addition to the credit given for on-the-job training.
- (5) Students shall be allowed time from their daily school schedule to participate in cooperative education.
- (6) Students shall be employed an average of not less than fifteen (15) hours per week during the school year. Modifications will be considered for disadvantaged and handicapped students.
- (7) The teacher-coordinator shall have time scheduled for coordination activities during the same time students are released for on-the-job training.

*(Indiana State Board of Education; Rule V-2, Sec 4; filed Sep 29, 1978, 2:39 p.m.: 1 IR 863; filed May 28, 1998, 4:57 p.m.: 21 IR 3832) NOTE: Transferred from the commission on general education (510 IAC 8-2-5) to the Indiana state board of education (511 IAC 8-2-5) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**511 IAC 8-2-6 Teachers**

Authority: IC 20-1-1-6

Affected: IC 20-1-18.1

Sec. 6. The school corporation shall ensure that all teachers in each vocational program are appropriately licensed. All teachers of secondary vocational education in the public schools shall meet the certification standards as established by the professional standards board. *(Indiana State Board of Education; Rule V-2, Sec 5; filed Sep 29, 1978, 2:39 p.m.: 1 IR 864; filed May 28, 1998, 4:57 p.m.: 21 IR 3833) NOTE: Transferred from the commission on general education (510 IAC 8-2-6) to the Indiana state board of education (511 IAC 8-2-6) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**511 IAC 8-2-7 Advisory committees**

Authority: IC 20-1-1-6

Affected: IC 20-1-18.1

Sec. 7. The school corporation shall ensure that an advisory committee is organized and functioning with meetings conducted each school year:

(1) for the total vocational program in the school corporation; and

(2) for each program area and/or, where appropriate, for each vocational program within the school corporation.

*(Indiana State Board of Education; Rule V-2, Sec 6; filed Sep 29, 1978, 2:39 p.m.: 1 IR 864; filed May 28, 1998, 4:57 p.m.: 21 IR 3833) NOTE: Transferred from the commission on general education (510 IAC 8-2-7) to the Indiana state board of education (511 IAC 8-2-7) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**511 IAC 8-2-8 Facility and equipment requirements**

Authority: IC 20-1-1-6

Affected: IC 20-1-18.1

Sec. 8. The school corporation shall ensure that the minimum space, facility, and equipment requirements for a vocational program are commensurate with the particular program area. *(Indiana State Board of Education; Rule V-2, Sec 7; filed Sep 29, 1978, 2:39 p.m.: 1 IR 864; filed May 28, 1998, 4:57 p.m.: 21 IR 3833) NOTE: Transferred from the commission on general education (510 IAC 8-2-8) to the Indiana state board of education (511 IAC 8-2-8) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**ARTICLE 9. TEXTBOOK ADOPTIONS**

**Rule 1. Adoption Chronology**

**511 IAC 9-1-0.5 Definitions**

Authority: IC 20-1-1-6; IC 20-10.1-9-2

Affected: IC 20-1-1-1; IC 20-10.1-9

Sec. 0.5. The following definitions apply throughout this article:

(1) "Board" means the Indiana state board of education as established under IC 20-1-1-1.

(2) "Committee" means the advisory committee on textbook adoptions as established under IC 20-1-1-1.

(3) "Department" means the Indiana department of education.

(4) "Official vault sample" means a specimen copy of the textbook which is labeled as "vault sample" with labels provided by the department.

(5) "Specimen copy" means an accurate and complete copy in format, content, and technical specifications of all materials described in the publisher's textbook bid.

(6) "Textbook" means systematically organized material designed to provide a specific level of instruction in a subject matter category.

*(Indiana State Board of Education; 511 IAC 9-1-0.5; filed Jan 24, 1986, 10:10 a.m.: 9 IR 1351; filed Oct 5, 1992, 5:00 p.m.: 16 IR 702; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

**511 IAC 9-1-1 Chronology of adoption activities**

Authority: IC 20-1-1-6; IC 20-10.1-9-2

Affected: IC 20-10.1-9-6.1; IC 20-10.1-9-6.3

Sec. 1. On or before the first day of every adoption year, the committee shall establish a chronology of textbook adoption activities for that year. The chronology shall include but not be limited to the dates for:

(1) the committee conducting the public hearings required by IC 20-10.0-9-6.1 [*sic.*, IC 20-10.1-9-6.1] and IC 20-10.1-9-6.3;

(2) the board establishing adoption categories;

- (3) the committee distributing adoption materials to publishers;
- (4) the publication of the board's call for bids;
- (5) the opening of public review sites;
- (6) the receipt of bids and samples of textbooks bid;
- (7) the committee's opening of bids;
- (8) the committee's formulation of its adoption recommendation; and
- (9) the board's adoption of textbooks.

*(Indiana State Board of Education; 511 IAC 9-1-1; filed Dec 8, 1982, 9:19 am: 6 IR 112; filed Jan 24, 1986, 10:10 am: 9 IR 1351; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on textbook adoptions (520 IAC 1.1-1-1) to the Indiana state board of education (511 IAC 9-1-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

#### **511 IAC 9-1-2 Duties of advisory committee**

Authority: IC 20-1-1-6; IC 20-10.1-9-2

Affected: IC 20-1-1-1; IC 20-10.1-9-5; IC 20-10.1-9-27

Sec. 2. The committee shall:

- (1) initiate rules and hold hearings for rules affecting textbook adoption;
- (2) perform the duties required for implementing the chronology adopted under 511 IAC 9-1-1;
- (3) review and authorize or reject substitutions requested under 511 IAC 9-6-2;
- (4) review and authorize or reject waivers requested under IC 20-10.1-9-27;
- (5) make recommendations regarding adoption of textbooks which were not available during the regular adoption for a category under the provisions of IC 20-10.1-9-5;
- (6) receive and notify school corporations of any price reduction announced by a publisher during an adoption period; and
- (7) perform other advisory activities regarding textbook adoption.

*(Indiana State Board of Education; 511 IAC 9-1-2; filed Jan 24, 1986, 10:10 am: 9 IR 1352; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

### **Rule 2. Adoption Categories**

#### **511 IAC 9-2-1 Hearings of advisory committee**

Authority: IC 20-1-1-6; IC 20-10.1-9-2

Affected: IC 20-10.1-9-7

Sec. 1. Prior to recommending adoption categories to the board for any given adoption year, the committee shall hold a public hearing for the purpose of receiving comments from the public regarding the determination of adoption categories and the subsequent evaluation and selection of textbooks in those categories. In conducting this hearing the committee shall encourage presentations of diverse viewpoints but shall not allow open debate. The committee shall accept oral and/or written testimony and may limit oral testimony to a specific length of time. *(Indiana State Board of Education; 511 IAC 9-2-1; filed Dec 8, 1982, 9:19 am: 6 IR 112; filed Jan 24, 1986, 10:10 am: 9 IR 1352; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on textbook adoptions (520 IAC 1.1-2-1) to the Indiana state board of education (511 IAC 9-2-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

#### **511 IAC 9-2-2 Recommendation of categories**

Authority: IC 20-1-1-6; IC 20-10.1-9-2

Affected: IC 20-10.1-9-3

Sec. 2. Subsequent to the public hearing described in 511 IAC 9-2-1, the committee and board shall recommend adoption categories for the adoption year. Categories shall be within the classifications provided by IC 20-10.1-9-3 in such a manner as to be reflective of the courses and curriculum programs taught in Indiana schools as approved by the board in accordance with 511 IAC 6-2-3 [511 IAC 6-2-3 was repealed filed Jan 9, 1989, 11:00 a.m.: 12 IR 1193.], 511 IAC 6-2-4 [511 IAC 6-2-4 was repealed

*filed Jan 9, 1989, 11:00 a.m.: 12 IR 1193.], and 511 IAC 6-2-5 [511 IAC 6-2-5 was repealed filed Nov 8, 1990, 3:05 p.m.: 14 IR 663.]. (Indiana State Board of Education; 511 IAC 9-2-2; filed Dec 8, 1982, 9:19 am: 6 IR 112; filed Jan 24, 1986, 10:10 am: 9 IR 1352; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on textbook adoptions (520 IAC 1.1-2-2) to the Indiana state board of education (511 IAC 9-2-2) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**511 IAC 9-2-3 Exempt categories**

Authority: IC 20-1-1-6; IC 20-10.1-9-2

Affected: IC 20-10.1-9

Sec. 3. The committee may recommend and the board may exempt textbook categories in elective courses from being bid if it is determined that to do so would be in the best interests of education. In making this determination, the committee and board shall consider the nature of the category, the nature of the textbooks available or expected to be available for the category, the effect of exemption on the public schools and students of the state and any other pertinent facts. *(Indiana State Board of Education; 511 IAC 9-2-3; filed Dec 8, 1982, 9:19 am: 6 IR 112; filed Jan 24, 1986, 10:10 am: 9 IR 1352; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on textbook adoptions (520 IAC 1.1-2-3) to the Indiana state board of education (511 IAC 9-2-3) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**Rule 3. Submission of Bids; Specimen Copies**

**511 IAC 9-3-1 Submission of bids and specimen copies**

Authority: IC 20-1-1-6; IC 20-10.1-9-2

Affected: IC 20-10.1-9

Sec. 1. On or before the published chronology date for submission of bids, publishers who wish to have their textbooks adopted shall submit a sealed bid on the form prescribed by the committee along with an affidavit, other assurances and certificates required in accordance with 511 IAC 9-4-1, and specimen copies of the textbooks to the location(s) designated under 511 IAC 9-3-2. *(Indiana State Board of Education; 511 IAC 9-3-1; filed Dec 8, 1982, 9:19 am: 6 IR 112; filed Jan 24, 1986, 10:10 am: 9 IR 1353; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on textbook adoptions (520 IAC 1.1-3-1) to the Indiana state board of education (511 IAC 9-3-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**511 IAC 9-3-2 Distribution of specimen copies; delivery of vault sample**

Authority: IC 20-1-1-6; IC 20-10.1-9-2

Affected: IC 20-10.1-9

Sec. 2. Specimen copies as described in 511 IAC 9-1-0.5 shall be delivered to all members of the committee (including the chairman), to all reviewers designated by the committee, and to all public review sites. The official vault sample shall be delivered to the department on or before the date prescribed by the board under the provisions of 511 IAC 9-1-1. *(Indiana State Board of Education; 511 IAC 9-3-2; filed Dec 8, 1982, 9:19 am: 6 IR 113; filed Jan 24, 1986, 10:10 am: 9 IR 1353; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on textbook adoptions (520 IAC 1.1-3-2) to the Indiana state board of education (511 IAC 9-3-2) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**511 IAC 9-3-3 Return of specimen copies**

Authority: IC 20-1-1-6; IC 20-10.1-9-2

Affected: IC 20-10.1-9

Sec. 3. (a) All copies of materials not adopted by the board and all copies except the official vault sample of materials adopted by the board may be picked up by the publisher during the thirty (30) day period immediately following the board meeting at which textbooks are adopted; provided, that written request for return of materials is made at the time of their delivery.

(b) Publishers are responsible for making arrangements to pick up all materials for which they have submitted a request for return. Neither the board nor the committee is responsible for the safe return of any materials. *(Indiana State Board of Education;*

511 IAC 9-3-3; filed Dec 8, 1982, 9:19 am: 6 IR 113; filed Jan 24, 1986, 10:10 am: 9 IR 1353; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on textbook adoptions (520 IAC 1.1-3-3) to the Indiana state board of education (511 IAC 9-3-3) by P.L.20-1984, SECTION 206, effective July 1, 1984.

#### **Rule 4. Opening of Bids; Acceptance and Rejection Criteria**

##### **511 IAC 9-4-1 Opening of bids; acceptance criteria**

Authority: IC 20-1-1-6; IC 20-10.1-9-2

Affected: IC 20-10.1-9-8

Sec. 1. At the meeting called for the opening of bids, the committee shall open and examine sealed bids which were submitted by publishers on or before the submission date. The committee shall recommend that the board accept bids that are complete, and proper. Bids shall be considered complete and proper if they meet the following criteria:

- (1) The bid must be submitted on a form prescribed by the committee and executed by a person having authority to bind the publisher: the president and secretary of a corporation; a general partner of a partnership; or the proprietor of a sole proprietorship. If a person other than the president and the secretary of corporation executes the bid, proof of authority must be attached, such as a certified resolution of the board of directors or the by-laws of the corporation.
- (2) The bid form and affidavit must be complete, notarized, and accompanied by a copy of the notary's certificate of authority or commission if notarized by other than an Indiana notary.
- (3) The bid must be accompanied by evidence that the publisher has authority to do business in the state of Indiana.
- (4) The bid must be submitted on or before the bid submission date specified in the call for bids.
- (5) The bid form must be complete with regard to each textbook submitted.
- (6) An affidavit for each textbook submitted that is a revised version of a textbook previously adopted must be included with the bid. The affidavit must indicate whether the revised version varies substantively from the previously adopted textbook.
- (7) All specimen copies of each textbook submitted must be properly labeled and delivered to the locations as required in 511 IAC 9-3-2 on or before the date(s) specified in the call for bids.

(Indiana State Board of Education; 511 IAC 9-4-1; filed Dec 8, 1982, 9:19 am: 6 IR 113; filed Jan 24, 1986, 10:10 am: 9 IR 1353; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on textbook adoptions (520 IAC 1.1-4-1) to the Indiana state board of education (511 IAC 9-4-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.

##### **511 IAC 9-4-2 Rejection criteria; partial rejection; administrative review**

Authority: IC 20-1-1-6; IC 20-10.1-9-2

Affected: IC 4-21.5; IC 20-10.1-9-9

Sec. 2. (a) The committee may recommend that the board reject a bid in its entirety if it finds that the bid does not comply with 511 IAC 9-4-1(1) through 511 IAC 9-4-1(4).

(b) The committee may recommend that the board reject a bid as to any specific textbooks if it finds that (1) the bid does comply with 511 IAC 9-4-1(5) through 511 IAC 9-4-1(7).

(c) In rejecting a bid the board shall comply with the provisions of IC 4-22-1 [Repealed by P.L.18-1986, SECTION 2. See IC 4-21.5.]. (Indiana State Board of Education; 511 IAC 9-4-2; filed Dec 8, 1982, 9:19 am: 6 IR 113; filed Jan 24, 1986, 10:10 am: 9 IR 1354; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on textbook adoptions (520 IAC 1.1-4-2) to the Indiana state board of education (511 IAC 9-4-2) by P.L.20-1984, SECTION 206, effective July 1, 1984.

#### **Rule 5. Adoption Process**

##### **511 IAC 9-5-1 Notice of meeting**

Authority: IC 20-1-1-6; IC 20-10.1-9-2

Affected: IC 20-10.1-9-7

Sec. 1. The board shall give notice at least thirty (30) days prior to the meeting that the committee develops its adoption recommendation. This notice shall include an announcement of the board meeting held to adopt textbooks and to award contracts. This notice shall be published in at least two (2) Indiana newspapers with a paid circulation of not less than eighty-five thousand (85,000). This notice shall include a complete category list of all subjects and grades for which textbooks are to be adopted. (*Indiana State Board of Education; 511 IAC 9-5-1; filed Dec 8, 1982, 9:19 am: 6 IR 113; filed Jan 24, 1986, 10:10 am: 9 IR 1354; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*) NOTE: Transferred from the commission on textbook adoptions (520 IAC 1.1-5-1) to the Indiana state board of education (511 IAC 9-5-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.

**511 IAC 9-5-2 Evaluation procedures**

Authority: IC 20-1-1-6; IC 20-10.1-9-2

Affected: IC 20-10.1-9-10

Sec. 2. (a) The committee shall follow the procedure under this section when evaluating textbooks.

(b) Textbook evaluators selected in accordance with IC 20-10.1-9-10 shall use a review instrument developed by the department and approved by the committee.

(c) Textbook evaluators for the committee shall be selected by each committee member and shall include both educators and lay persons. The department may select additional evaluators to assure that the textbook evaluators represent the needs of all Indiana students. (*Indiana State Board of Education; 511 IAC 9-5-2; filed Jan 24, 1986, 10:10 a.m.: 9 IR 1355; filed Oct 5, 1992, 5:00 p.m.: 16 IR 702; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**511 IAC 9-5-3 Recommendation procedures**

Authority: IC 20-1-1-6; IC 20-10.1-9-2

Affected: IC 20-10.1-9

Sec. 3. Committee recommendations shall be made in accordance with the following:

(1) Each textbook in a category shall be voted upon as to whether it is satisfactory for state adoption.

(2) The chairperson shall announce, by category, those textbooks receiving either a unanimous satisfactory or unsatisfactory vote.

(3) The chairperson shall open discussion, by category, on textbooks not having received a unanimous vote. No textbook that has received a unanimous vote may be discussed.

(4) The committee shall cast ballots on those textbooks not receiving a unanimous vote on the first ballot.

(5) The chairperson shall announce those textbooks not receiving a majority satisfactory vote on the second ballot and the recommended adoptions for that category.

(6) A committee member shall move that textbooks receiving either a unanimous satisfactory vote on the first ballot or a majority satisfactory vote on the second ballot be recommended to the board as the committee's adoption recommendation.

(*Indiana State Board of Education; 511 IAC 9-5-3; filed Jan 24, 1986, 10:10 am: 9 IR 1355; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**511 IAC 9-5-4 Continued use recommendations**

Authority: IC 20-1-1-6; IC 20-10.1-9-2

Affected: IC 20-10.1-9-1; IC 20-10.1-9-27

Sec. 4. The committee shall make recommendations to the board regarding whether a textbook previously adopted in one of the advertised categories is satisfactory for continued use under the provisions of IC 20-10.1-9-1. In developing these recommendations, the committee shall consider the recommendations of:

(1) personnel from school corporations currently using the textbooks; and

(2) a panel of seven (7) persons knowledgeable in the subject matter of the adoption category. Each member of the committee shall select one (1) member of the panel.

(*Indiana State Board of Education; 511 IAC 9-5-4; filed Jan 24, 1986, 10:10 am: 9 IR 1355; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**511 IAC 9-5-5 Adoption or continued use approval**

Authority: IC 20-1-1-6; IC 20-10.1-9-2

Affected: IC 20-10.1-9-1; IC 20-10.1-9-27

Sec. 5. The board may adopt or approve for continued use only those textbooks that:

- (1) have been recommended by the committee and receive a majority vote of the board; or
- (2) are approved by seven (7) members of the board.

*(Indiana State Board of Education; 511 IAC 9-5-5; filed Jan 24, 1986, 10:10 am: 9 IR 1355; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

**Rule 6. Additions and Substitutions**

**511 IAC 9-6-1 Additions to adoption list**

Authority: IC 20-1-1-6; IC 20-10.1-9-2

Affected: IC 20-10.1-9-5; IC 20-10.1-9-27

Sec. 1. (a) If a new textbook becomes available in any category during the adoption period for that category, the publisher may submit a bid to have that textbook added to the approved adoption list for that category. The bid must meet all of the bid specifications in 511 IAC 9-4-1.

(b) If the committee finds the new textbook to be satisfactory and the bid to be complete and proper, it shall recommend that the board add the new textbook to the adoption list.

(c) For the purposes of this section, a textbook shall be considered new if any of the following pertain to the textbook:

- (1) the title has not been published previously;
- (2) a previous edition has not been submitted during the adoption period;
- (3) it is a revised edition that does not qualify for substitution under 511 IAC 9-6-2 because of major revisions; or
- (4) it is a major revision of a textbook that was initially found unsatisfactory for adoption.

(d) After a waiver is granted under the provisions of IC 20-10.1-9-27 for a textbook not on the adoption list, the publishers may submit a bid to have the textbook added to the list by following the bidding procedures specified for a new textbook under subsection (a).

(e) No additional adoptions provided for in this section will be considered for the last year of the adoption period. *(Indiana State Board of Education; 511 IAC 9-6-1; filed Dec 8, 1982, 9:19 am: 6 IR 114; filed Jan 24, 1986, 10:10 am: 9 IR 1356; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on textbook adoptions (520 IAC 1.1-6-1) to the Indiana state board of education (511 IAC 9-6-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**511 IAC 9-6-2 Substitution of revised edition**

Authority: IC 20-1-1-6; IC 20-10.1-9-2

Affected: IC 20-10.1-9

Sec. 2. (a) The committee may, upon request from a publisher, accept the substitution of a new edition for a textbook previously adopted of the same title provided the price is the same or lower than the price of the original textbook.

(b) In evaluating a revised edition of a textbook proposed for substitution, the committee shall consider whether major changes have occurred in the following areas:

- (1) author;
- (2) content;
- (3) format;
- (4) pagination; and
- (5) composition of cover and individual pages.

(c) Prior to July 1 of the first year of any adoption period or the delivery of any purchased textbook to school corporations, major changes are acceptable provided the revisions are not so extensive that the revised edition no longer accurately reflects the content and curricular/instructional emphasis of the edition initially adopted.



(d) After July 1 of the first year of the adoption period or the delivery of any of the initially adopted editions to school corporations, changes are considered acceptable provided the revised edition is compatible for concurrent use with the initially adopted textbook.

(e) In requesting the substitution of a revised edition of a previously adopted textbook, the publisher shall submit to the department nine (9) specimen copies of the revised edition along with a document identifying all changes. The nine (9) specimen copies shall include an official vault sample, one (1) copy for each committee member and one (1) review copy for the department.

After approval of the substitution request, local school corporations will be advised that they may purchase the substituted text at the same or lower price as the text previously adopted and use the new edition in lieu of the older edition. School corporations who in good faith have adopted and purchased the older edition may continue to use these materials for the duration of the contract period. (*Indiana State Board of Education; 511 IAC 9-6-2; filed Dec 8, 1982, 9:19 am: 6 IR 114; filed Jan 24, 1986, 10:10 am: 9 IR 1356; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*) NOTE: Transferred from the commission on textbook adoptions (520 IAC 1.1-6-2) to the Indiana state board of education (511 IAC 9-6-2) by P.L.20-1984, SECTION 206, effective July 1, 1984.

## **ARTICLE 10. TEACHER TRAINING AND LICENSING: REQUIREMENTS FOR EDUCATION BEGUN AFTER ACADEMIC YEAR 1977-78**

### **Rule 1. Teacher Education and Certification; Programs**

#### **511 IAC 10-1-1 Early childhood education license (Transferred)**

Sec. 1. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-1) to the Professional Standards Board (515 IAC 1-1-1) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

#### **511 IAC 10-1-2 Kindergarten-primary education license (Transferred)**

Sec. 2. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-2) to the Professional Standards Board (515 IAC 1-1-2) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

#### **511 IAC 10-1-3 Elementary education license (Transferred)**

Sec. 3. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-3) to the Professional Standards Board (515 IAC 1-1-3) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

#### **511 IAC 10-1-3.5 Junior high/middle school endorsement (Transferred)**

Sec. 3.5. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-3.5) to the Professional Standards Board (515 IAC 1-1-4) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

#### **511 IAC 10-1-4 Junior high/middle school education license (Transferred)**

Sec. 4. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-4) to the Professional Standards Board (515 IAC 1-1-5) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

#### **511 IAC 10-1-5 Secondary education license (Transferred)**

Sec. 5. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-5) to the Professional Standards Board (515 IAC 1-1-6) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

#### **511 IAC 10-1-5.5 Senior high, junior high and middle school; standard education license (Transferred)**

Sec. 5.5. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-5.5) to the Professional Standards Board (515 IAC 1-1-7) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-6 All grade education license (Transferred)**

Sec. 6. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-6) to the Professional Standards Board (515 IAC 1-1-8) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-7 Conditional vocational certificate (Repealed)**

Sec. 7. *(Repealed by Indiana State Board of Education; filed May 30, 1989, 2:00 p.m.: 12 IR 1866)*

**511 IAC 10-1-8 Teaching areas and endorsements (Transferred)**

Sec. 8. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-8) to the Professional Standards Board (515 IAC 1-1-9) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-9 Bilingual and bicultural endorsement (12 semester hours) (Transferred)**

Sec. 9. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-9) to the Professional Standards Board (515 IAC 1-1-10) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-10 Business education major (36 to 42 hours) (Transferred)**

Sec. 10. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-10) to the Professional Standards Board (515 IAC 1-1-11) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-10.5 Business education major (51 semester hours) (Transferred)**

Sec. 10.5. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-10.5) to the Professional Standards Board (515 IAC 1-1-12) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-11 Business education endorsements (Transferred)**

Sec. 11. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-11) to the Professional Standards Board (515 IAC 1-1-13) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-12 Coaching endorsement\* (15 semester hours) (Transferred)**

Sec. 12. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-12) to the Professional Standards Board (515 IAC 1-1-14) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-13 Computer endorsement (12 semester hours) (Transferred)**

Sec. 13. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-13) to the Professional Standards Board (515 IAC 1-1-15) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-14 Conservation and environmental studies minor (24 semester hours) (Transferred)**

Sec. 14. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-14) to the Professional Standards*

*Board (515 IAC 1-1-16) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-15 Driver and traffic safety education endorsement (12 semester hours) (Transferred)**

*Sec. 15. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-15) to the Professional Standards Board (515 IAC 1-1-17) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-16 English major (36 semester hours) (Transferred)**

*Sec. 16. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-16) to the Professional Standards Board (515 IAC 1-1-18) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-17 English minor (24 semester hours) (Transferred)**

*Sec. 17. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-17) to the Professional Standards Board (515 IAC 1-1-19) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-17.5 English as a second language (all-grade minor—24 semester hours) (Transferred)**

*Sec. 17.5. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-17.5) to the Professional Standards Board (515 IAC 1-1-20) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-18 Ethnic and cultural studies minor (24 semester hours) (Transferred)**

*Sec. 18. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-18) to the Professional Standards Board (515 IAC 1-1-21) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-19 Family life education minor (24 semester hours) (Transferred)**

*Sec. 19. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-19) to the Professional Standards Board (515 IAC 1-1-22) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-20 Foreign language major (36 semester hours) or minor (24 semester hours) (Transferred)**

*Sec. 20. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-20) to the Professional Standards Board (515 IAC 1-1-23) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-21 Gifted and talented all grade endorsement (12 semester hours) (Transferred)**

*Sec. 21. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-21) to the Professional Standards Board (515 IAC 1-1-24) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-22 Health and safety major (36 semester hours) or minor (24 semester hours) (Transferred)**

*Sec. 22. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-22) to the Professional Standards Board (515 IAC 1-1-25) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-23 Hearing impaired all grade major (36 semester hours) or minor (24 semester hours) (Transferred)**

*Sec. 23. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-23) to the Professional Standards*

*Board (515 IAC 1-1-26) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-24 Journalism major (36 semester hours) or minor (24 semester hours) (Transferred)**

*Sec. 24. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-24) to the Professional Standards Board (515 IAC 1-1-27) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-25 Kindergarten endorsement (15 semester hours) (Transferred)**

*Sec. 25. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-25) to the Professional Standards Board (515 IAC 1-1-28) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-26 Mathematics major (36 semester hours) or minor (24 semester hours) (Transferred)**

*Sec. 26. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-26) to the Professional Standards Board (515 IAC 1-1-29) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-27 General mathematics endorsement (15 semester hours) (Transferred)**

*Sec. 27. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-27) to the Professional Standards Board (515 IAC 1-1-30) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-28 Motorcycle education endorsement (9 semester hours) (Transferred)**

*Sec. 28. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-28) to the Professional Standards Board (515 IAC 1-1-31) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-29 Music all grade area major (52 semester hours); choral, general, and instrumental (Transferred)**

*Sec. 29. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-29) to the Professional Standards Board (515 IAC 1-1-32) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-30 Music all grade major (36 semester hours); choral, general, or instrumental (Transferred)**

*Sec. 30. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-30) to the Professional Standards Board (515 IAC 1-1-33) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-31 Music minor (24 semester hours); choral, general, or instrumental (Transferred)**

*Sec. 31. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-31) to the Professional Standards Board (515 IAC 1-1-34) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-32 Physical education all grade major (52 semester hours) (Transferred)**

*Sec. 32. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-32) to the Professional Standards Board (515 IAC 1-1-35) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-33 Physical education major (36 semester hours) (Transferred)**

*Sec. 33. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-33) to the Professional Standards*

*Board (515 IAC 1-1-36) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-34 Physical education minor (24 semester hours) (Transferred)**

*Sec. 34. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-34) to the Professional Standards Board (515 IAC 1-1-37) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-34.5 Adapted physical education minor (24 semester hours) (Transferred)**

*Sec. 34.5. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-34.5) to the Professional Standards Board (515 IAC 1-1-38) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-35 Radio and television major (36 semester hours) (Transferred)**

*Sec. 35. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-35) to the Professional Standards Board (515 IAC 1-1-39) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-36 Radio and television minor (24 semester hours) (Transferred)**

*Sec. 36. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-36) to the Professional Standards Board (515 IAC 1-1-40) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-37 Reading minor (24 semester hours) (Transferred)**

*Sec. 37. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-37) to the Professional Standards Board (515 IAC 1-1-41) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-38 Recreation all grade major (36 semester hours) (Transferred)**

*Sec. 38. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-38) to the Professional Standards Board (515 IAC 1-1-42) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-39 Recreation all grade minor (24 semester hours) (Transferred)**

*Sec. 39. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-39) to the Professional Standards Board (515 IAC 1-1-43) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-40 School media services all grade major (36 semester hours) (Transferred)**

*Sec. 40. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-40) to the Professional Standards Board (515 IAC 1-1-44) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-41 Audiovisual services all grade minor (24 semester hours) (Transferred)**

*Sec. 41. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-41) to the Professional Standards Board (515 IAC 1-1-45) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-42 Library services all grade minor (24 semester hours) (Transferred)**

*Sec. 42. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-42) to the Professional Standards*

*Board (515 IAC 1-1-46) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-43 Science major (51 semester hours) (Transferred)**

*Sec. 43. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-43) to the Professional Standards Board (515 IAC 1-1-47) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-44 Science minor (24 semester hours) (Transferred)**

*Sec. 44. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-44) to the Professional Standards Board (515 IAC 1-1-48) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-45 Social studies major (52 semester hours) (Transferred)**

*Sec. 45. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-45) to the Professional Standards Board (515 IAC 1-1-49) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-46 Social studies minor (24 semester hours) (Transferred)**

*Sec. 46. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-46) to the Professional Standards Board (515 IAC 1-1-50) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-47 Speech communication and theater major (36 semester hours) or minor (24 semester hours) (Transferred)**

*Sec. 47. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-47) to the Professional Standards Board (515 IAC 1-1-51) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-48 Special education all grade major (Transferred)**

*Sec. 48. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-48) to the Professional Standards Board (515 IAC 1-1-52) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-48.5 Special education all grade majors (Transferred)**

*Sec. 48.5. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-48.5) to the Professional Standards Board (515 IAC 1-1-53) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-49 Special education minor (24 semester hours) (Transferred)**

*Sec. 49. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-49) to the Professional Standards Board (515 IAC 1-1-54) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-49.5 Special education minors (Transferred)**

*Sec. 49.5. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-49.5) to the Professional Standards Board (515 IAC 1-1-55) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-49.6 Early childhood special education minor (24 semester hours) (Transferred)**

Sec. 49.6. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-49.6) to the Professional Standards Board (515 IAC 1-1-56) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-50 Visual arts all grade major (52 semester hours) (Transferred)**

Sec. 50. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-50) to the Professional Standards Board (515 IAC 1-1-57) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-51 Visual arts major (36 semester hours) or minor (24 semester hours) (Transferred)**

Sec. 51. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-51) to the Professional Standards Board (515 IAC 1-1-58) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-52 Vocational education endorsements (Transferred)**

Sec. 52. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-52) to the Professional Standards Board (515 IAC 1-1-59) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-53 Aerospace education endorsement (Transferred)**

Sec. 53. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-53) to the Professional Standards Board (515 IAC 1-1-60) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-54 Agri-business major (52 semester hours) (Transferred)**

Sec. 54. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-54) to the Professional Standards Board (515 IAC 1-1-61) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-55 Business education major (36-42 semester hours) (Transferred)**

Sec. 55. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-55) to the Professional Standards Board (515 IAC 1-1-62) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-56 Business education endorsements (Transferred)**

Sec. 56. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-56) to the Professional Standards Board (515 IAC 1-1-63) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-57 Marketing education major (52 semester hours) (Transferred)**

Sec. 57. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-57) to the Professional Standards Board (515 IAC 1-1-64) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-58 Health occupations major (52 semester hours) (Transferred)**

Sec. 58. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-58) to the Professional Standards Board (515 IAC 1-1-65) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-59 Home economics major (52 semester hours) (Transferred)**

Sec. 59. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-59) to the Professional Standards Board (515 IAC 1-1-66) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-60 Vocational trade and industrial and technical laboratory major (52 semester hours) (Transferred)**

Sec. 60. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-60) to the Professional Standards Board (515 IAC 1-1-67) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-60.5 Industrial technology education major (52 semester hours) (Transferred)**

Sec. 60.5. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-60.5) to the Professional Standards Board (515 IAC 1-1-68) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-61 Interdisciplinary cooperative education (ICE) endorsement (20 semester hours) (Transferred)**

Sec. 61. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-61) to the Professional Standards Board (515 IAC 1-1-69) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-62 Instructional supervision license (Transferred)**

Sec. 62. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-62) to the Professional Standards Board (515 IAC 1-1-70) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-63 Attendance worker; school services license (Transferred)**

Sec. 63. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-63) to the Professional Standards Board (515 IAC 1-1-71) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-64 Educational audiologist; school services license (Transferred)**

Sec. 64. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-64) to the Professional Standards Board (515 IAC 1-1-72) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-65 Counselor; school services license (Transferred)**

Sec. 65. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-65) to the Professional Standards Board (515 IAC 1-1-73) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-65.5 Counselor, school services license (Transferred)**

Sec. 65.5. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-65.5) to the Professional Standards Board (515 IAC 1-1-74) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-66 Nurse; school services license (Transferred)**

Sec. 66. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-66) to the Professional Standards Board (515 IAC 1-1-75) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-1-67 School psychologist II; school services license (Transferred)**



Sec. 67. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-67) to the Professional Standards Board (515 IAC 1-1-76) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-1-68 School psychologist I; school services license (Transferred)**

Sec. 68. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-68) to the Professional Standards Board (515 IAC 1-1-77) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-1-69 Social worker; school services license (Transferred)**

Sec. 69. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-69) to the Professional Standards Board (515 IAC 1-1-78) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-1-70 Speech, language, and hearing clinician; school services license (Transferred)**

Sec. 70. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-70) to the Professional Standards Board (515 IAC 1-1-79) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-1-71 Elementary administration and supervision; administrative license (Transferred)**

Sec. 71. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-71) to the Professional Standards Board (515 IAC 1-1-80) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-1-72 Secondary administration and supervision; administrative license (Transferred)**

Sec. 72. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-72) to the Professional Standards Board (515 IAC 1-1-81) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-1-73 Superintendent; administrative license (Transferred)**

Sec. 73. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-73) to the Professional Standards Board (515 IAC 1-1-82) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-1-74 General supervisor and curriculum specialist; administrative license (Transferred)**

Sec. 74. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-74) to the Professional Standards Board (515 IAC 1-1-83) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-1-75 Director of reading; administrative license (Transferred)**

Sec. 75. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-75) to the Professional Standards Board (515 IAC 1-1-84) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-1-76 Director of school services personnel; administrative license (Transferred)**

Sec. 76. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-76) to the Professional Standards Board (515 IAC 1-1-85) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-1-77 Director of special education; administrative license (Transferred)**

Sec. 77. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-77) to the Professional Standards Board (515 IAC 1-1-86) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-1-78 Director of vocational education; administrative license (Transferred)**

Sec. 78. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-78) to the Professional Standards Board (515 IAC 1-1-87) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-1-79 Occupational specialist certificate; definitions (Transferred)**

Sec. 79. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-79) to the Professional Standards Board (515 IAC 1-1-88) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-1-80 Occupational specialist certificate; basic requirements (Transferred)**

Sec. 80. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-80) to the Professional Standards Board (515 IAC 1-1-89) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-1-81 Occupational specialist I certificate; requirements (Transferred)**

Sec. 81. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-81) to the Professional Standards Board (515 IAC 1-1-90) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-1-82 Occupational specialist II certificate; requirements (Transferred)**

Sec. 82. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-82) to the Professional Standards Board (515 IAC 1-1-91) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-1-83 Occupational specialist III certificate; requirements (Transferred)**

Sec. 83. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-83) to the Professional Standards Board (515 IAC 1-1-92) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-1-84 Occupational specialist I; beginning teacher assistantship (Transferred)**

Sec. 84. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-84) to the Professional Standards Board (515 IAC 1-1-93) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-1-85 Occupational specialist certificate program; duties of the department of education (Transferred)**

Sec. 85. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-85) to the Professional Standards Board (515 IAC 1-1-94) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-1-86 Occupational specialist certificate program; grade coverage; professionalization; recognition of licenses under prior rule (Transferred)**

Sec. 86. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-1-86) to the Professional Standards Board (515 IAC 1-1-95) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**Rule 2. Teacher Education and Certification—General Provisions**

**511 IAC 10-2-1 References within rule (Transferred)**

Sec. 1. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-2-1) to the Professional Standards Board (515 IAC 1-2-1) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-2-2 Certification and licensing issued under prior rules; recognition (Transferred)**

Sec. 2. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-2-2) to the Professional Standards Board (515 IAC 1-2-2) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-2-3 Validation dates of licenses (Transferred)**

Sec. 3. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-2-3) to the Professional Standards Board (515 IAC 1-2-3) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-2-4 Indiana graduates; application requirements (Transferred)**

Sec. 4. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-2-4) to the Professional Standards Board (515 IAC 1-2-4) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-2-5 Out-of-state graduates; teacher applicants (Repealed)**

Sec. 5. (Repealed by Indiana State Board of Education; filed Dec 15, 1989, 4:45 p.m.: 13 IR 887)

**511 IAC 10-2-5.1 Out-of-state graduates; teacher applicants (Transferred)**

Sec. 5.1. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-2-5.1) to the Professional Standards Board (515 IAC 1-2-5) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-2-5.2 Out-of-state teacher applicants; standard license (Transferred)**

Sec. 5.2. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-2-5.2) to the Professional Standards Board (515 IAC 1-2-6) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-2-5.3 Out-of-state teacher applicants; reciprocal license (Transferred)**

Sec. 5.3. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-2-5.3) to the Professional Standards Board (515 IAC 1-2-7) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-2-5.4 Out-of-state teacher applicants; institutions not accredited by a state, regional, or national accrediting agency (Transferred)**

Sec. 5.4. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-2-5.4) to the Professional Standards Board (515 IAC 1-2-8) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-2-5.5 Out-of-state teacher applicants; evidence of eligibility (Transferred)**

Sec. 5.5. (NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-2-5.5) to the Professional Standards Board (515 IAC 1-2-9) by P.L.46-1992, SECTION 19, effective July 1, 1992.)

**511 IAC 10-2-6 Out-of-state graduates; administrative, supervisory or school services applicants (Repealed)**

Sec. 6. *(Repealed by Indiana State Board of Education; filed Dec 15, 1989, 4:45 p.m.: 13 IR 887)*

**511 IAC 10-2-6.1 General (Transferred)**

Sec. 6.1. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-2-6.1) to the Professional Standards Board (515 IAC 1-2-10) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-2-6.2 Out-of-state administrative, supervisory, or school services programs graduates; standard (Transferred)**

Sec. 6.2. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-2-6.2) to the Professional Standards Board (515 IAC 1-2-11) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-2-6.3 Out-of-state applicants for administrative, supervisory, and school services licenses; standard license (Transferred)**

Sec. 6.3. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-2-6.3) to the Professional Standards Board (515 IAC 1-2-12) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-2-6.4 Out-of-state applicants for administrative, supervisory, and school services licenses; Indiana reciprocal license (Transferred)**

Sec. 6.4. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-2-6.4) to the Professional Standards Board (515 IAC 1-2-13) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-2-6.5 Out-of-state applicants for administrative, supervisory, and school services licenses; evidence of eligibility (Transferred)**

Sec. 6.5. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-2-6.5) to the Professional Standards Board (515 IAC 1-2-14) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-2-7 Creditable experience for licensing (Transferred)**

Sec. 7. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-2-7) to the Professional Standards Board (515 IAC 1-2-15) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-2-8 Student teaching requirements; exemptions (Transferred)**

Sec. 8. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-2-8) to the Professional Standards Board (515 IAC 1-2-16) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-2-9 Substitute teacher certificate (Transferred)**

Sec. 9. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-2-9) to the Professional Standards Board (515 IAC 1-2-17) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-2-10 License revocation or suspension; authority; procedure; grounds (Transferred)**

Sec. 10. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-2-10) to the Professional Standards Board (515 IAC 1-2-18) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-2-11 Fees (Transferred)**

Sec. 11. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-2-11) to the Professional Standards Board (515 IAC 1-2-19) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-2-12 Limited licenses; application; renewal (Transferred)**

Sec. 12. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-2-12) to the Professional Standards Board (515 IAC 1-2-20) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-2-13 Accreditation of training institutions (Transferred)**

Sec. 13. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-2-13) to the Professional Standards Board (515 IAC 1-2-21) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-2-14 Exceptions to training and licensing requirements (Transferred)**

Sec. 14. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-2-14) to the Professional Standards Board (515 IAC 1-2-22) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-2-15 Severability clause (Transferred)**

Sec. 15. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-2-15) to the Professional Standards Board (515 IAC 1-2-23) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-2-16 Repeal of prior rules (Transferred)**

Sec. 16. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-2-16) to the Professional Standards Board (515 IAC 1-2-24) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-2-17 Effective date and applicability of rules (Transferred)**

Sec. 17. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-2-17) to the Professional Standards Board (515 IAC 1-2-25) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**Rule 3. Teacher Education and Certification; Continuing Education**

**511 IAC 10-3-1 General provisions (Transferred)**

Sec. 1. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-3-1) to the Professional Standards Board (515 IAC 1-3-1) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**511 IAC 10-3-2 Renewal cycle A (Repealed)**

Sec. 2. *(Repealed by Indiana State Board of Education; filed Aug 28, 1986, 2:20 p.m.: 10 IR 12)*

**511 IAC 10-3-3 Renewal cycle B (Repealed)**

Sec. 3. *(Repealed by Indiana State Board of Education; filed Aug 18, 1986, 2:20 p.m.: 10 IR 12)*

**511 IAC 10-3-4 Effective dates (Transferred)**

Sec. 4. *(NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-3-4) to the Professional Standards Board (515 IAC 1-3-2) by P.L.46-1992, SECTION 19, effective July 1, 1992.)*

**Rule 4. Teacher Proficiency Examination (Transferred)**

*NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-4) to the Professional Standards Board (515 IAC 1-4) by P.L.46-1992, SECTION 19, effective July 1, 1992.*

**Rule 5. Teacher Quality and Professional Improvement Program (Repealed)**

*(Repealed by Indiana State Board of Education; filed Feb 9, 1999, 4:18 p.m.: 22 IR 1972)*

**Rule 6. Staff Performance Evaluation**

**511 IAC 10-6-1 Plan development**

Authority: IC 20-1-1-6; IC 20-6.1-9

Affected: IC 20-1-1-6; IC 20-1-1.2; IC 20-1-6-20; IC 20-1-18-7; IC 36-1-7

Sec. 1. Beginning in the 1988-89 school year each:

- (1) school corporation;
- (2) school organized pursuant to an interlocal agreement under IC 36-1-7;
- (3) special education cooperative organized under IC 20-1-6-20;
- (4) cooperating school corporation for vocational education organized under IC 20-1-18-7; and
- (5) private school;

as a condition of accreditation under IC 20-1-1-6(a)(8), must develop and implement a staff performance evaluation plan to evaluate the performance of each employee whose position requires a license issued by the state board of education. *(Indiana State Board of Education; 511 IAC 10-6-1; filed May 4, 1988, 8:30 a.m.: 11 IR 3036; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

**511 IAC 10-6-2 Plan approval**

Authority: IC 20-1-1-6; IC 20-6.1-9

Affected: IC 20-1-1.2

Sec. 2. (a) The department of education shall approve a staff performance evaluation plan that provides for the following:

- (1) Improvement of the performance of each individual evaluated.
- (2) Growth and development of each individual evaluated.
- (3) An annual assessment of the effectiveness of the plan.
- (4) An evaluation of non-permanent and semi-permanent teachers:
  - (A) on or before December 31 each year; and
  - (B) if requested by the teacher, an additional evaluation on or before March 1 of the following year.
- (b) A staff performance evaluation plan may provide a basis for employment decisions.
- (c) A staff performance evaluation plan may not use ISTEP scores as a basis for an employee's evaluation. *(Indiana State Board of Education; 511 IAC 10-6-2; filed May 4, 1988, 8:30 a.m.: 11 IR 3036; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

**511 IAC 10-6-3 Department of education function**

Authority: IC 20-1-1-6; IC 20-6.1-9

Affected: IC 20-1-1.2; IC 20-6.1-9

Sec. 3. (a) The department of education shall:

- (1) provide guidelines for plan development and implementation;
- (2) collect and disseminate information concerning staff evaluation;
- (3) assist in the training of evaluators;
- (4) review and approve each staff performance evaluation plan submitted;
- (5) provide a written response to each corporation concerning its plan before October 31 of the year in which it is submitted; and
- (6) provide technical assistance for plan development and implementation:
  - (A) as necessary, to bring the plan into compliance with IC 20-6.1-9 and 511 IAC 10-6; or
  - (B) at the request of the corporation.

(b) The department may suggest ways to improve a plan that is in compliance with IC 20-6.1.9 [sic., IC 20-6.1-9] and 511 IAC 10-6. (*Indiana State Board of Education; 511 IAC 10-6-3; filed May 4, 1988, 8:30 a.m.: 11 IR 3036; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **511 IAC 10-6-4 Dates for submission of plans**

Authority: IC 20-1-1-6; IC 20-6.1-9

Affected: IC 20-1-1.2

Sec. 4. (a) Staff performance evaluation plans must be submitted to the department between June 1 and September 1 immediately preceding the school year in which they are to be implemented.

(b) Following initial approval and implementation, each corporation must, on or before September 15 of each year, report to the department of education any modifications in its staff performance evaluation plan. (*Indiana State Board of Education; 511 IAC 10-6-4; filed May 4, 1988, 8:30 a.m.: 11 IR 3036; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **511 IAC 10-6-5 Periodic evaluation**

Authority: IC 20-1-1-6; IC 20-6.1-9

Affected: IC 20-1-1.2; IC 20-6.1-9

Sec. 5. A system for the periodic evaluation of licensed employees that is:

- (1) included in a collective bargaining agreement negotiated prior to July 1, 1987; and
- (2) not in compliance with IC 20-6.1-9 and 511 IAC 10-6;

is not a basis for denying accreditation to that school or school corporation while that particular agreement is in effect. However if a subsequent agreement contains a system for the periodic evaluation of licensed employees, the evaluation system must comply with IC 20-6.1-9 and 511 IAC 10-6. (*Indiana State Board of Education; 511 IAC 10-6-5; filed May 4, 1988, 8:30 a.m.: 11 IR 3036; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **Rule 7. Beginning Teacher Internship Program (Transferred)**

*NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-7) to the Professional Standards Board (515 IAC 1-5) by P.L.46-1992, SECTION 19, effective July 1, 1992.*

### **ARTICLE 11. ADULT EDUCATION**

#### **Rule 1. General Requirements**

##### **511 IAC 11-1-1 Organization of program; admission of students; scheduling and location of classes**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 1. (a) An adult education program should be organized to meet the needs and circumstances of adult students and should be responsive to adult needs, interests, and responsibilities.

(b) An adult education program should establish priorities for admission of students based on community needs and available resources.

(c) Class schedules should be organized to meet the educational, vocational, and social needs of adult students.

(d) Classes should be offered at locations that are accessible to adult students, minimizing conflicts with work schedules and family responsibilities. (*Indiana State Board of Education; 511 IAC 11-1-1; filed Oct 22, 1985, 8:35 a.m.: 9 IR 508; filed Feb 19, 1990, 1:15 p.m.: 13 IR 1161; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

## **Rule 2. Definitions**

### **511 IAC 11-2-1 Applicability**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 1. The definitions in this rule apply throughout this article. (*Indiana State Board of Education; 511 IAC 11-2-1; filed Oct 22, 1985, 8:35 a.m.: 9 IR 508; filed Feb 19, 1990, 1:15 p.m.: 13 IR 1162; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

### **511 IAC 11-2-2 “Adult basic education (ABE) program” defined**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 2. “Adult basic education (ABE) program” means instruction in basic academic and other subjects which are necessary for an adult to achieve up to an eighth grade level of skill or knowledge, to become proficient in the English language, to function in today's society, and/or continue through the secondary level of instruction. (*Indiana State Board of Education; 511 IAC 11-2-2; filed Feb 19, 1990, 1:15 p.m.: 13 IR 1162; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

### **511 IAC 11-2-3 “Adult secondary credit (ASC) program” defined**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 3. “Adult secondary credit (ASC) program” means instruction offering high school credit leading toward a high school diploma. (*Indiana State Board of Education; 511 IAC 11-2-3; filed Feb 19, 1990, 1:15 p.m.: 13 IR 1162; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

### **511 IAC 11-2-4 “Eligible adult” defined**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 4. (a) “Eligible adult” means an Indiana resident who:

(1) has officially withdrawn from a K-12 program and does not have a high school diploma; or

(2) is a high school graduate and has been determined to need basic skill development in English language arts or mathematics at or below the high school level.

(b) In making a determination of eligibility, the adult education program must:

(1) assess the basic skills of the person; or

(2) accept the results of an assessment of basic skills by a referring college or university, postsecondary training institution, employment and training agency, department of public welfare, department of mental health, or employer.

(c) A school corporation may allow an individual who meets the following criteria to participate in an adult education program but may not count the student for reimbursement purposes:

(1) A student who is enrolled in a K-12 program and who is at least sixteen (16) years of age.

(2) A student who is a high school graduate and not an eligible adult.

(*Indiana State Board of Education; 511 IAC 11-2-4; filed Feb 19, 1990, 1:15 p.m.: 13 IR 1162; readopted filed Oct 12, 2001, 12:55*)



*p.m.: 25 IR 937)*

**511 IAC 11-2-5 “High school equivalency (GED) program” defined**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 5. “High school equivalency (GED) program” means instruction in skills necessary to successfully complete the tests of general educational development as defined in 511 IAC 5-1-1. *(Indiana State Board of Education; 511 IAC 11-2-5; filed Feb 19, 1990, 1:15 p.m.: 13 IR 1163; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

**511 IAC 11-2-6 “Standard reimbursable unit of instruction” defined**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 6. “Standard reimbursable unit of instruction” means the following:

(1) For an ABE or GED program, a block of time that includes the following:

(A) No less than forty (40) and no more than eighty (80) teacher hours.

(B) A student enrollment of no less than five (5) eligible adults who each have a minimum of twelve (12) hours of attendance in the unit.

(2) For an ASC program, a block of time that includes the following:

(A) No less than sixty (60) and no more than seventy-five (75) teacher hours.

(B) A student enrollment of no less than five (5) eligible adults who each have a minimum of six (6) hours of attendance in the unit.

*(Indiana State Board of Education; 511 IAC 11-2-6; filed Feb 19, 1990, 1:15 p.m.: 13 IR 1163; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

**Rule 3. Reimbursement**

**511 IAC 11-3-1 Authorization of programs**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 1. A school corporation may apply for authorization for reimbursement of its ABE, GED, and/or ASC program by submitting notification of its intent to the department on or before the department's announced deadline. *(Indiana State Board of Education; 511 IAC 11-3-1; filed Oct 22, 1985, 8:35 am: 9 IR 508; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

**511 IAC 11-3-2 Authorization of courses**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 2. Courses authorized for reimbursement are those courses specified in 511 IAC 11-4-1 and 511 IAC 11-4-2. *(Indiana State Board of Education; 511 IAC 11-3-2; filed Oct 22, 1985, 8:35 am: 9 IR 508; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

**511 IAC 11-3-3 Costs authorized to be reimbursed**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 3. The state board of education shall reimburse local school corporations for instructor, administrative, and support costs of authorized adult education programs. *(Indiana State Board of Education; 511 IAC 11-3-3; filed Oct 22, 1985, 8:35 am: 9 IR 508;*

*readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

**511 IAC 11-3-4 Eligible costs**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 4. (a) Costs eligible for reimbursement are as follows:

(1) Instructor salaries and fringe benefit costs paid by the school corporation for the following:

(A) The teaching of standard reimbursable units of instruction with an overall program average of ten (10) eligible adults per unit. The reimbursement for instructor salaries and fringe benefits will be reduced proportionately if the average program enrollment of eligible adults is less than ten (10).

(B) The teaching of an otherwise standard reimbursable unit of instruction that is canceled before the end of the term due to an insufficient enrollment of eligible adults.

(C) Participation in staff in-service. A school corporation may receive reimbursement for a maximum of three (3) hours of staff in-service per teacher per term.

(2) Administrative and support costs limited to the following:

(A) Salary and fringe benefits.

(B) Materials and supplies.

(C) Printing and postage.

(D) Local travel.

(E) Equipment.

(b) Administrative and support costs must relate to the performance of the following functions:

(1) Program supervision.

(2) Clerical support.

(3) Guidance services.

(4) Classroom instructional support.

(5) Educational media and library services.

(6) Public information and student recruitment.

(7) Data collection, processing, and reporting.

(8) Staff training.

(c) Costs eligible for reimbursement must meet the following additional criteria:

(1) Goods and services must be provided for the direct support of an adult education program.

(2) The cost of goods and services must represent an actual expenditure made on or before the deadline for submitting a claim for reimbursement.

*(Indiana State Board of Education; 511 IAC 11-3-4; filed Oct 22, 1985, 8:35 a.m.: 9 IR 508; filed Feb 19, 1990, 1:15 p.m.: 13 IR 1163; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

**511 IAC 11-3-5 Exceptions to reimbursable costs**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 5. (a) Except as allowed under subsection (b), reimbursable administrative and support costs shall be those not supported by the local school corporation in the previous funding period.

(b) The state board of education may waive the requirement of subsection (a) if the school corporation can show that:

(1) there has been no intent by the local school corporation to lower the priority of the adult education program relative to other programs in the school corporation; and

(2) the adult education program will not bear a disproportionate burden of necessary cost reduction within the school corporation relative to other programs.

(c) All requests for a waiver under subsection (b) must be submitted on forms prepared by the department and must be submitted at least sixty (60) days in advance of the deadline for submitting reimbursement claims.

(d) In determining the amount of the school corporation's allocation that will be spent on administrative and support costs, the school corporation shall first meet the instructional needs of the program, taking into consideration the number of courses, classes, and hours of instruction previously provided by the adult education program. (*Indiana State Board of Education; 511 IAC 11-3-5; filed Oct 22, 1985, 8:35 am: 9 IR 509; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**511 IAC 11-3-6 Estimate of eligible costs; allocation determination**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 6. (a) Prior to each funding period, the state board shall provide each school corporation that is implementing an adult education program with an estimate of the amount of the expenditures for which the school corporation will be eligible for reimbursement under 511 IAC 11-3.

(b) In determining the amount of the allocation for each school corporation, the state board shall consider the following:

(1) The amount of the current appropriation made by the General Assembly for the adult education program. The total amount of the appropriation distributed for administrative and support costs shall not exceed fifteen percent (15%) of the total appropriation.

(2) The amount needed to implement new programs throughout the state.

(3) The amount that school corporations with continuing programs received for reimbursement in the previous year.

(4) Any other criterion deemed to be necessary by the state board of education for a fair and equitable distribution of the adult education appropriation.

(*Indiana State Board of Education; 511 IAC 11-3-6; filed Oct 22, 1985, 8:35 am: 9 IR 509; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**511 IAC 11-3-7 Submission of claim; amount of reimbursement**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 7. (a) On July 1 and February 1, a school corporation shall submit its claim for reimbursement to the department of education. A claim submitted after the deadline may result in a denial of the claim unless an extension of the deadline is requested in writing and approved by the department.

(b) Except as permitted under subsection (c), the amount of the reimbursement may not exceed the amount the school corporation was allocated under 511 IAC 11-3-6.

(c) If the amount available for distribution in the funding period exceeds the amount for which school corporations qualify under subsection (b), the department shall distribute the excess amount on a pro rata basis in the following rank order of priority:

(1) reimbursement for the cost of instructor salaries and fringe benefits; and

(2) reimbursement for administrative and support costs.

(*Indiana State Board of Education; 511 IAC 11-3-7; filed Oct 22, 1985, 8:35 am: 9 IR 510; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**Rule 4. Curriculum**

**511 IAC 11-4-1 Authorized adult basic education courses**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 1. Authorized ABE courses consist of the following titles:

(1) Level I, phase 1 (grade level 0–5.9).

(2) Level I, phase 2 (grade level 6–8.9).

(3) Level II/GED (grade level 9–12).

(4) Mixed levels.

(5) English as a second language.

*(Indiana State Board of Education; 511 IAC 11-4-1; filed Oct 22, 1985, 8:35 a.m.: 9 IR 510; filed Feb 19, 1990, 1:15 p.m.: 13 IR 1164; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

**511 IAC 11-4-2 Authorized adult secondary credit courses**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 2. Authorized ASC courses consist of all course titles listed under 511 IAC 6-2-5(d) [*511 IAC 6-2-5 was repealed filed Nov 8, 1990, 3:05 p.m.: 14 IR 663.*] except Driver Education and Motorcycle Safety Education. *(Indiana State Board of Education; 511 IAC 11-4-2; filed Oct 22, 1985, 8:35 am: 9 IR 510; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

**511 IAC 11-4-3 Adult secondary credit program; evaluation and follow-up**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 3. (a) Each ASC program shall implement an educational improvement program of evaluation and follow-up in the subject areas of reading, composition and spelling, mathematics, social studies, science, and computer literacy, in accordance with 511 IAC 6-2-1(c)(6), exclusive of the testing requirement.

(b) A school corporation may elect to include its ASC program in the school corporation's plan developed under 511 IAC 6-2-1(c)(6) or establish a separate review process under this rule.

(c) A school corporation may implement a separate ASC educational improvement program under this rule by establishing a local evaluation committee for each subject area. The committee shall consist of members appointed by the local superintendent, and include, among others, an adult education administrator and a teacher certified in the subject area.

(d) An educational improvement program established under this rule shall be developed on or before August 1 of each year and shall include the following:

- (1) A comparison of the adult education curriculum with the school corporation's regular secondary school curriculum.
- (2) An assessment of the appropriateness of the curriculum for adult students.
- (3) Program goals and objectives.
- (4) Prescribed instructional procedures and strategies.
- (e) The plan shall be updated at least once every six (6) years according to the following initial schedule:
  - (1) Social studies in 1985.
  - (2) Mathematics in 1986.
  - (3) Science in 1987.
  - (4) Computer literacy in 1988.
  - (5) Reading in 1989.
  - (6) Composition and spelling in 1990.

*(Indiana State Board of Education; 511 IAC 11-4-3; filed Oct 22, 1985, 8:35 a.m.: 9 IR 510; filed Feb 19, 1990, 1:15 p.m.: 13 IR 1164; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

**Rule 5. Awarding Credits**

**511 IAC 11-5-1 Accredited high school course equivalency**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 1. ASC credit shall be awarded for knowledge, skill, or competency equal to that required to earn credit in an equivalent course in an accredited high school. *(Indiana State Board of Education; 511 IAC 11-5-1; filed Oct 22, 1985, 8:35 a.m.: 9 IR 510; filed Feb 19, 1990, 1:15 p.m.: 13 IR 1164; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

**511 IAC 11-5-2 Calculation of credit; additional methods of obtaining credit**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 2. (a) Except as specified in subsection (b), one (1) credit is at least sixty (60) hours and no more than seventy-five (75) hours of class time and a one-half (1/2) credit course is at least thirty (30) hours and no more than thirty-eight (38) hours of class time.

(b) At least sixty (60) hours and no more than seventy-five (75) hours of class time are required to earn one-half (1/2) of a credit in physical education.

(c) In addition to the credit awarded for authorized ASC courses, credit may be awarded in any of the following ways:

(1) Credit by examination. A program wishing to grant credit by examination must locally adopt written policies and procedures that provide for:

(A) the development of a test;

(B) approval of the test by a local evaluation committee appointed by the local superintendent and whose membership includes, among others, an adult education administrator and a teacher certified in the subject area of the test;

(C) test security measures; and

(D) who may take the test.

A copy of the examination shall be submitted to the department of education.

(2) Credit for work experience. A program wishing to grant credit through work experience must locally adopt written policies and procedures that provide for evaluation of the work experience by a local evaluation committee appointed by the local superintendent and whose membership includes, among others, an adult education administrator and a teacher certified in the subject area in which credit is granted.

(3) Supervised, self-paced study. Credit shall be granted for supervised, self-paced study that meets the following criteria:

(A) satisfactory performance on a proficiency examination;

(B) successful completion of curricular units, steps, or phases that have been established by the local school corporation as the equivalent of the amount of credit granted.

(4) Correspondence courses. Credit may be granted for correspondence courses in accordance with the requirements specified in 511 IAC 6-7-7.

(5) Post-secondary credit. Credit may be granted for post-secondary courses in accordance with the requirements specified in 511 IAC 6-7-8 [511 IAC 6-7-8 was repealed filed Nov 8, 1990, 3:05 p.m.: 14 IR 663.].

(6) Military experience. Credit may be granted for military experience in accordance with the requirements specified in 511 IAC 6-7-8 [511 IAC 6-7-8 was repealed filed Nov 8, 1990, 3:05 p.m.: 14 IR 663.].

(Indiana State Board of Education; 511 IAC 11-5-2; filed Oct 22, 1985, 8:35 am: 9 IR 511; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)

**Rule 6. Adult Secondary Credit Graduation Requirements**

**511 IAC 11-6-1 Applicability**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 1. Except as provided by sections 2 through 3 of this rule, a student may graduate from high school by earning ASC credits if the student meets the requirements of 511 IAC 6-7-4 and 511 IAC 6-7-6. (Indiana State Board of Education; 511 IAC 11-6-1; filed Oct 22, 1985, 8:35 a.m.: 9 IR 511; filed Feb 19, 1990, 1:15 p.m.: 13 IR 1164; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)

**511 IAC 11-6-2 Physical education waiver**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 2. A school corporation may waive physical education as a graduation requirement on an individual basis. (*Indiana State Board of Education; 511 IAC 11-6-2; filed Oct 22, 1985, 8:35 am; 9 IR 511; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**511 IAC 11-6-3 Seven semester requirement waiver**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 3. A school corporation may waive the seven (7) semester requirement specified in 511 IAC 6-7-4, on an individual basis. (*Indiana State Board of Education; 511 IAC 11-6-3; filed Oct 22, 1985, 8:35 am; 9 IR 511; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**511 IAC 11-6-4 Minimum number of credits**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 4. A waiver granted under sections 2 or 3 of this rule does not change the minimum number of credits required for graduation under 511 IAC 6-7-6. (*Indiana State Board of Education; 511 IAC 11-6-4; filed Oct 22, 1985, 8:35 a.m.: 9 IR 511; filed Feb 19, 1990, 1:15 p.m.: 13 IR 1165; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**Rule 7. Certification and Contract Requirements**

**511 IAC 11-7-1 Teacher certification**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 1. (a) An adult education teacher shall hold a valid Indiana teaching certificate.

(b) An ABE and GED teacher may hold a valid Indiana teaching certificate in any area listed under 511 IAC 10-1 that is related to the proficiencies being taught.

(c) Except as permitted under section 2 of this rule, an ASC teacher, including a vocational education teacher, shall hold a valid Indiana teaching certificate in the subject area being taught. (*Indiana State Board of Education; 511 IAC 11-7-1; filed Oct 22, 1985, 8:35 a.m.: 9 IR 511; filed Feb 19, 1990, 1:15 p.m.: 13 IR 1165; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**511 IAC 11-7-2 Independent study; approval; credit**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 2. An ASC teacher may teach and recommend credit for supervised, self-paced study in a subject area outside the area in which the teacher is licensed if the following conditions are met:

(1) A department chairman or curriculum specialist in the designated subject area approves the curriculum and establishes minimum competencies.

(2) The department of education approves the plan of independent study.

(3) No more than eight (8) credits are earned by a student under the conditions specified in this section.

(*Indiana State Board of Education; 511 IAC 11-7-2; filed Oct 22, 1985, 8:35 am; 9 IR 512; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**511 IAC 11-7-3 Teacher's contract**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-6.1-4; IC 20-10.1-7

Sec. 3. A school corporation shall employ an adult education teacher using the appropriate regular teacher's contract,

temporary teacher's contract, or supplemental service contract in accordance with IC 20-6.1-4. (*Indiana State Board of Education; 511 IAC 11-7-3; filed Oct 22, 1985, 8:35 am: 9 IR 512; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**Rule 8. Miscellaneous**

**511 IAC 11-8-1 Attendance**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 1. Every school corporation shall adopt a written policy on attendance for its ASC program. (*Indiana State Board of Education; 511 IAC 11-8-1; filed Oct 22, 1985, 8:35 am: 9 IR 512; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**511 IAC 11-8-2 School day, school year, and semester; definition**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 2. Every school corporation shall define the length of the "school day", "school year", and "semester" in accordance with the requirements of 511 IAC 11-2-1, as defined in "standard reimbursable unit of instruction" and locally determined needs. (*Indiana State Board of Education; 511 IAC 11-8-2; filed Oct 22, 1985, 8:35 am: 9 IR 512; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**511 IAC 11-8-3 Records maintained by school corporation**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 3. (a) Every school corporation shall maintain records of ASC credits awarded in the same manner that the school corporation maintains records of credits awarded in its regular high school program.

(b) All other records retained shall be maintained for no less than five (5) years. (*Indiana State Board of Education; 511 IAC 11-8-3; filed Oct 22, 1985, 8:35 am: 9 IR 512; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**511 IAC 11-8-4 Tuition and fees**

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1; IC 20-10.1-7

Sec. 4. (a) Requirements of the state board of accounts governing the assessment of tuition and fees to students apply to students enrolled in a state reimbursable adult education program.

(b) A person who is eligible to be counted as enrolled for purposes of reimbursement in a state-approved adult education program shall not be charged tuition. (*Indiana State Board of Education; 511 IAC 11-8-4; filed Oct 22, 1985, 8:35 am: 9 IR 512; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

**ARTICLE 12. SUMMER SCHOOL PROGRAMS**

**Rule 1. Distribution of Summer School Funds (Repealed)**

(*Repealed by Indiana State Board of Education; filed Feb 9, 1999, 4:18 p.m.: 22 IR 1972*)

**Rule 2. Regular Summer School Program**

**511 IAC 12-2-1 Reimbursement; approval of classes**

Authority: IC 20-10.1-7-12

Affected: IC 20-5-2-1.1

Sec. 1. (a) On or before January 15, the state board shall announce the summer school classes that will be approved for reimbursement by the department.

(b) On or before April 1, each school corporation shall forward to the department a list of all classes to be offered in summer school for which the school corporation will seek reimbursement.

(c) On or before May 15, the department shall notify school corporations of their estimated reimbursement based on lists submitted under subsection (b). (*Indiana State Board of Education; 511 IAC 12-2-1; filed Dec 2, 1987, 11:15 am: 11 IR 1267; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **511 IAC 12-2-2 Reimbursement; formula**

Authority: IC 20-10.1-7-12

Affected: IC 20-5-2-1.1

Sec. 2. (a) The department shall reimburse school corporations for approved summer school classes in accordance with the following formula:

(1) the amount expended for the instructional costs of approved programs; multiplied by

(2) 1.05;

(3) reduced proportionately if the appropriation is insufficient to fund all approved programs at one hundred percent (100%).

(b) Instructional costs include only teacher salaries and teacher aide wages. (*Indiana State Board of Education; 511 IAC 12-2-2; filed Dec 2, 1987, 11:15 am: 11 IR 1267; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **511 IAC 12-2-3 Claims for reimbursement**

Authority: IC 20-10.1-7-12

Affected: IC 20-5-2-1.1; IC 20-6.1-4-8

Sec. 3. School corporations shall submit all claims for reimbursement on or before September 15 following the summer school program. (*Indiana State Board of Education; 511 IAC 12-2-3; filed Dec 2, 1987, 11:15 am: 11 IR 1267; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **511 IAC 12-2-4 Teachers**

Authority: IC 20-10.1-7-12

Affected: IC 20-5-2-1.1; IC 20-6.1-4-8

Sec. 4. (a) School corporations shall employ teachers licensed under 511 IAC 10 in accordance with IC 20-6.1-4-8.

(b) School corporations shall pay teachers in accordance with IC 20-6.1-4-8. (*Indiana State Board of Education; 511 IAC 12-2-4; filed Dec 2, 1987, 11:15 am: 11 IR 1267; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **511 IAC 12-2-5 Tuition**

Authority: IC 20-10.1-7-12

Affected: IC 20-5-2-1.1

Sec. 5. All classes for which state support is received shall be tuition free to students. (*Indiana State Board of Education; 511 IAC 12-2-5; filed Dec 2, 1987, 11:15 am: 11 IR 1267; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

#### **511 IAC 12-2-6 High school credit**

Authority: IC 20-10.1-7-12

Affected: IC 20-5-2-1.1

Sec. 6. (a) A high school credit class for the 1987-88 school year must meet at least seventy-three (73) hours per credit; and for the 1988-89 and all subsequent school years, seventy-five (75) hours per credit.

(b) Reimbursement for high school classes is limited to the cost of instruction for two (2) high school credits per student.



*(Indiana State Board of Education; 511 IAC 12-2-6; filed Dec 2, 1987, 11:15 am: 11 IR 1267; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

**511 IAC 12-2-7 Minimum enrollment for reimbursement**

Authority: IC 20-10.1-7-12

Affected: IC 20-5-2-1.2

Sec. 7. For reimbursement, classes must have an average enrollment of fifteen (15) students or more. *(Indiana State Board of Education; 511 IAC 12-2-7; filed Dec 2, 1987, 11:15 a.m.: 11 IR 1267; filed Jul 13, 1988, 4:00 p.m.: 11 IR 4100; filed Aug 28, 2001, 11:15 a.m.: 25 IR 84; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

**Rule 3. Innovative Summer School Programs (Repealed)**

*(Repealed by Indiana State Board of Education; filed Feb 9, 1999, 4:18 p.m.: 22 IR 1972)*

**Rule 4. Summer ISTEP Remediation Program (Repealed)**

*(Repealed by Indiana State Board of Education; filed Feb 9, 1999, 4:18 p.m.: 22 IR 1972)*

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