

Document: Final Rule

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**TITLE 511 INDIANA STATE BOARD OF
EDUCATION**

LSA Document #00-59(F)

DIGEST

Amends 511 IAC 5-2-3 to eliminate diagnostic testing and to make other changes to conform with current statutory provisions. Effective 30 days after filing with the secretary of state.

511 IAC 5-2-3

SECTION 1. 511 IAC 5-2-3 IS AMENDED TO READ AS FOLLOWS:

511 IAC 5-2-3 Applicability

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. 3. (a) Any private school seeking accreditation and all school corporations shall administer the ISTEP test to each student in grades ~~1, 2, 3, 6, 8, 9,~~ and ~~11.~~ **10.** A student is exempt from participation in the ISTEP program if the student qualifies under one (1) of the following:

(1) As determined by the student's case conference committee, a student ~~identified as handicapped~~ **who is a student with a disability** under ~~511 IAC 7-1,~~ **511 IAC 7,** who does not receive classroom instruction in English/language arts or mathematics that reflects the student's grade level achievement standards.

(2) A student whose primary language is other than English, has limited proficiency in English, and reads at least two (2) years below grade level. Limited proficiency in English is evidenced by any of the following:

(A) The student does not understand, speak, read, or write English, but may know a few isolated words or expressions.

(B) The student understands simple sentences in English, especially when they are spoken slowly, but speaks only isolated words and expressions.

(C) The student:

(i) speaks English with hesitancy;

(ii) understands English with difficulty;

(iii) converses in English, but only with effort and assistance;

(iv) understands only some parts of lessons;

(v) cannot understand and follow simple directions; and

(vi) cannot write sentences that do not contain errors in syntax and fact.

(b) The building principal must document the exemption of a student from participation in the ISTEP program in the student's permanent educational record. If the student is exempt under ~~511 IAC 5-2-3(a)(1),~~ **subsection (a)(1),** that exemption must be included in the student's IEP as defined under ~~511 IAC 7-1-1(M).~~ **511 IAC 7.**

~~(c) A school corporation may administer the ISTEP test to any student exempt from the program under 511 IAC 5-2-3(a) for diagnostic purposes. (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)~~

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Notice of Intent Published: 23 IR 1674

Proposed Rule Published: May 1, 2000; 23 IR 2048

Hearing Held: June 15, 2000

Approved by Attorney General: November 2, 2000

Approved by Governor: November 8, 2000
Filed with Secretary of State: November 13, 2000, 8:01 a.m.
Incorporated Documents Filed with Secretary of State: None