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**TITLE 511 INDIANA STATE BOARD OF  
EDUCATION**

**Proposed Rule**  
LSA Document #02-170

**DIGEST**

Amends 511 IAC 5-2-3 and 511 IAC 5-2-4 to change requirements for participation of limited English proficient students in ISTEP testing to coincide with requirements of federal law. Effective 30 days after filing with the secretary of state.

**511 IAC 5-2-3**  
**511 IAC 5-2-4**

SECTION 1. 511 IAC 5-2-3, AS AMENDED AT 25 IR 1148, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

**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** 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 the student who is a student with a disability under 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) (c) A student whose primary language is other than English has and who is a student with limited English 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.~~

**shall participate in the ISTEP program as required by federal law.**

~~(b) (d) 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 subsection (a)(1); (b), that exemption 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)*

SECTION 2. 511 IAC 5-2-4, AS AMENDED AT 25 IR 1147, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**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. ~~as defined in section 3 of this rule.~~ 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)*

***Notice of Public Hearing***

*Under IC 4-22-2-24, notice is hereby given that on October 3, 2002 at 9:00 a.m., at the Department of Education, 151 West Ohio Street, James Whitcomb Riley Conference Room, Indianapolis, Indiana the Indiana State Board of Education will hold a public hearing on proposed amendments to change requirements for participation of limited English proficient students in ISTEP testing to coincide with requirements of federal law. Copies of these rules are now on file at 229 State House and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Suellen Reed  
Superintendent of Public Instruction  
Indiana State Board of Education