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

### **Proposed Rule** LSA Document #02-264

#### **DIGEST**

Amends 511 IAC 6.2 to bring the school accountability system into alignment with the federal No Child Left Behind Act of 2001. Adds definition of adequate yearly progress and expectation of 100% proficiency of all students and identified subgroups of students in 2013-2014. Establishes intermediate goals and annual objectives. Identifies student subgroups for purposes of reporting and determining adequate yearly progress. Requires schools to assess 95% of students in identified subgroups on ISTEP+ tests. Adds alternate means of demonstrating adequate yearly progress for student groups. Defines "full academic year" for purposes of determining if students are included in making decisions about adequate yearly progress. Adds provisions to implement the statutory requirement to assess school corporation improvement. Effective 30 days after filing with the secretary of state.

**511 IAC 6.2-6-4**                      **511 IAC 6.2-6-12**  
**511 IAC 6.2-6-6.1**                **511 IAC 6.2-7**  
**511 IAC 6.2-6-8**

SECTION 1. 511 IAC 6.2-6-4, AS ADDED AT 25 IR 2228, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

#### **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 (a) 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*)

SECTION 2. 511 IAC 6.2-6, AS ADDED AT 25 IR 2227, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**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*)

SECTION 3. 511 IAC 6.2-6-8, AS ADDED AT 25 IR 2230, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**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. After Disaggregated data become available, it is the intent of the board to base category placement on improvement and performance of defined groups of students: 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*)

SECTION 4. 511 IAC 6.2-6-12, AS ADDED AT 25 IR 2230, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**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 ~~state board of education~~ 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*)

SECTION 5. 511 IAC 6.2-7 IS ADDED TO READ AS FOLLOWS:

**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*)

**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*)

**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*)

**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*)

**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) subgroup 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.

(d) Students who take an alternate assessment for students with disabilities shall be counted as not passing for purposes of determining if a school or school corporation makes adequate yearly progress. If the United States Department of Education permits students with disabilities to be compared to a different standard, such students, up to the maximum permitted by federal regulation, shall be considered at the pass level on ISTEP+ for purposes of determining if a school or school corporation has made adequate yearly progress. (*Indiana State Board of Education; 511 IAC 6.2-7-5*)

#### **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)*

**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 the time between October 1 and the end of the regular school year, the equivalent of one hundred sixty-two (162) days. *(Indiana State Board of Education; 511 IAC 6.2-7-7)*

**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 511 IAC 6.1-1-2, 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)*

**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) Average data from three (3) school years immediately preceding the school year for which the determination is being made.

*(Indiana State Board of Education; 511 IAC 6.2-7-9)*

**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 subgroup 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)**

***Notice of Public Hearing***

*Under IC 4-22-2-24, notice is hereby given that on March 6, 2003 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 bring the school accountability system into alignment with the federal No Child Left Behind Act of 2001. Adds definition of adequate yearly progress and expectation of 100% proficiency of all students and identified subgroups of students in 2013-2014. Establishes intermediate goals and annual objectives. Identifies student subgroups for purposes of reporting and determining adequate yearly progress. Requires schools to assess 95% of students in identified subgroups on ISTEP+ tests. Adds alternate means of demonstrating adequate yearly progress for student groups. Defines "full academic year" for purposes of determining if students are included in making decisions about adequate yearly progress. Adds provisions to implement the statutory requirement to assess school corporation improvement. 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.*

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Superintendent of Public Instruction  
Indiana State Board of Education