TITLE 511 INDIANA STATE BOARD OF EDUCATION

Proposed Rule
LSA Document #04-214

DIGEST

Adds 511 IAC 5-2-4.5 to provide for the use of an alternate assessment based on alternate achievement standards in lieu of ISTEP to determine the proficiency of students with the most significant cognitive disabilities. Effective 30 days after filing with the secretary of state.

511 IAC 5-2-4.5

SECTION 1. 511 IAC 5-2-4.5 IS ADDED TO READ AS FOLLOWS:

511 IAC 5-2-4.5 Alternate assessment based on alternate achievement standards in lieu of ISTEP+
   Authority: IC 20-1-1-6; IC 20-10.1-16-10
   Affected: IC 20-10.2-16

   Sec. 4.5. (a) The case conference committee may determine that a student with a significant cognitive disability will be assessed on alternate achievement standards using the Indiana Standards Tool for Alternate Reporting (ISTAR) in lieu of being assessed with ISTEP+.

   (b) The case conference committee's determination must be based upon the criteria in subsection (c), and the case conference committee must document on the student's individualized education program that the student satisfies each criterion.

   (c) The case conference committee must find and document that the following criteria are satisfied in order for the student to be assessed on alternate achievement standards:
   (1) There is empirical evidence of a significant cognitive disability that prevents the student from achieving Indiana's academic standards necessary to attain a high school diploma. Empirical evidence includes, but is not limited to, formal testing results and other evaluative data.
   (2) There is data to show that the student is unable to acquire, maintain, generalize, and apply academic skills across environments even with:
      (A) extensive;
      (B) intensive;
      (C) pervasive;
      (D) frequent; and
      (E) individualized;
   instruction in multiple settings.
   (3) The student's individualized education program:
      (A) includes goals and objectives that focus primarily on functional achievement indicators; and
      (B) demonstrates that the student's present level of performance significantly impedes the student's participation in and completion of the general education curriculum even with significant program modifications.

   (d) The case conference committee's determination that the student will be assessed with ISTAR on alternate achievement standards cannot be based on factors other than cognitive functioning. Specifically, the case conference committee's determination may not be based on any of the following:
   (1) Excessive or extensive absences.
   (2) Social, cultural, or economic differences.

(3) The mere existence of an individualized education program.
(4) Identification in a specific disability category.
(5) A specific special education placement or services.
(6) Emotional, behavioral, or physical challenges.
(7) The student's anticipated score on ISTEP+.
(8) The school's concern about the calculations of adequate yearly progress.
(Indiana State Board of Education; 511 IAC 5-2-4.5)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on December 2, 2004 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 a proposed new rule to provide for the use of an alternate assessment based on alternate achievement standards in lieu of ISTEP to determine the proficiency of students with the most significant cognitive disabilities. 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