

---

**TITLE 511 INDIANA STATE BOARD OF EDUCATION****Final Rule**

LSA Document #09-995(F)

**DIGEST**

Amends [511 IAC 6.1-1-11](#) to change the label of "academic watch" to the label of "D" and the label of "academic probation" to the label of "F". Amends [511 IAC 6.1-1-11.5](#) and [511 IAC 6.1-1-13.5](#) to parallel the label changes made in [511 IAC 6.1-1-11](#). Amends [511 IAC 6.2-6-5](#) to change the label of "exemplary progress" to "A", the label of "commendable progress" to "B", the label of "academic progress" to "C", the label of "academic watch" to "D", the label of "academic probation" to "F" and to require the state board to collaborate with stakeholders to determine the feasibility of separating AYP from state accountability determinations and to revise the criteria used to place schools in school improvement and performance categories. Amends [511 IAC 6.2-6-6.1](#) to parallel the label changes amended in [511 IAC 6.2-6-5](#). *NOTE: LSA Document #09-995, posted at [20100407-IR-511090995PRA](#), was recalled by the Indiana State Board of Education and resubmitted for publication.* Effective January 1, 2011.

[511 IAC 6.1-1-11](#); [511 IAC 6.1-1-11.5](#); [511 IAC 6.1-1-13.5](#); [511 IAC 6.2-6-5](#); [511 IAC 6.2-6-6.1](#)

SECTION 1. [511 IAC 6.1-1-11](#) IS AMENDED TO READ AS FOLLOWS:

**[511 IAC 6.1-1-11](#) Determination by the state board****Authority:** [IC 20-19-2-8](#); [IC 20-31-4-17](#)**Affected:** [IC 20-31-4-12](#)

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)~~ "D" 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)~~ "F" 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)~~ "F" category of school improvement and performance under [511 IAC 6.2-6-5](#), the school remains in the ~~academic probation (high priority)~~ "F" 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; readopted filed Nov 12, 2008, 10:15 a.m.: [20081203-IR-511080524RFA](#); filed Sep 8, 2010, 11:38 a.m.: [20101006-IR-511090995FRA](#), eff Jan 1, 2011)*

SECTION 2. [511 IAC 6.1-1-11.5](#) IS AMENDED TO READ AS FOLLOWS:

**511 IAC 6.1-1-11.5 Review of fully accredited school**

Authority: [IC 20-19-2-8](#); [IC 20-31-4-17](#)

Affected: [IC 20-31-4](#)

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~~ **the following:**

- (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)~~: "D".
  - (B) ~~Academic probation (high priority)~~: "F".

(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; readopted filed Nov 12, 2008, 10:15 a.m.: [20081203-IR-511080524RFA](#); filed Sep 8, 2010, 11:38 a.m.: [20101006-IR-511090995FRA](#), eff Jan 1, 2011)*

SECTION 3. [511 IAC 6.1-1-13.5](#) IS AMENDED TO READ AS FOLLOWS:

**511 IAC 6.1-1-13.5 Action by state board on nonpublic school or charter school**

Authority: [IC 20-19-2-8](#); [IC 20-31-4-17](#)

Affected: [IC 20-24](#)

Sec. 13.5. (a) The state board shall revoke the accreditation status of a nonpublic school or a charter school under [IC 20-24](#) if, in the fifth year after initial placement in the ~~academic probation (high priority)~~ "F" category of school improvement and performance under [511 IAC 6.2-6-5](#), the school remains in the ~~academic probation (high priority)~~ "F" 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; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3306; readopted filed Nov 12, 2008, 10:15 a.m.: [20081203-IR-511080524RFA](#); filed Sep 8, 2010, 11:38 a.m.: [20101006-IR-511090995FRA](#), eff Jan 1, 2011)*

SECTION 4. [511 IAC 6.2-6-5](#) IS AMENDED TO READ AS FOLLOWS:

**511 IAC 6.2-6-5 Categories of school improvement and performance**

Authority: [IC 20-31-10-1](#)

Affected: [IC 20-19-2-8](#); [IC 20-31-8](#)

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 Probation (High Priority)
			Academic Progress	Academic Watch (Priority)	
≥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 Probation (High Priority)
			Academic Progress	Academic Watch (Priority)	
≥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 following categories in subsection (b) shall be phased in over the four (4) years from the 2005-2006 school year to of school improvement and performance are established effective with the 2009-2010 2010-2011 school year:

Performance	Improvement				
	"A"	"B"	"C"	"D"	"F"
≥90%					
≥80%	≥1%				
≥70%	≥3%	≥2%	≥1%	<1%	
≥60%	≥4%	≥3%	≥2%	<2%	<0%
≥50%	≥5%	≥4%	≥3%	<3%	<1%
<50%		≥5%	≥4%	≥3%	<3%

(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](#). Using the available data, the roundtable may recommend and the state board may adjust:

- (1) the school improvement and performance categories in subsection (a) and subsection (b); and
- (2) the phase-in period in subsection (c).

(d) The state board shall collaborate with appropriate stakeholders to determine the feasibility of the following:

- (1) Separating AYP determinations from state accountability determinations.
- (2) Revising the criteria used to place schools in school improvement and performance categories.

(Indiana State Board of Education; [511 IAC 6.2-6-5](#); filed Feb 20, 2002, 10:55 a.m.: 25 IR 2229; readopted filed Nov 12, 2008, 10:15 a.m.: [20081203-IR-511080524RFA](#); filed Sep 8, 2010, 11:38 a.m.: [20101006-IR-511090995FRA](#), eff Jan 1, 2011)

SECTION 5. [511 IAC 6.2-6-6.1](#) IS AMENDED TO READ AS FOLLOWS:

**[511 IAC 6.2-6-6.1](#) Additional requirements for category placement**

**Authority:** [IC 20-19-2-8](#); [IC 20-31-4-17](#); [IC 20-31-10-1](#)

**Affected:** [IC 20-31-8](#)

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~~ "C" 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; readopted filed Nov 12, 2008, 10:15 a.m.: [20081203-IR-511080524RFA](#); filed Sep 8, 2010, 11:38 a.m.: [20101006-IR-511090995FRA](#), eff Jan 1, 2011)

SECTION 6. This document takes effect January 1, 2011.

LSA Document #09-995(F)

Notice of Intent: [20100106-IR-511090995NIA](#)

Proposed Rule: [20100526-IR-511090995PRA](#); [20100407-IR-511090995PRA](#)

Hearing Held: July 9, 2010

Approved by Attorney General: September 1, 2010

Approved by Governor: September 8, 2010

Filed with Publisher: September 8, 2010, 11:38 a.m.

Documents Incorporated by Reference: None Received by Publisher

Small Business Regulatory Coordinator: Jeffery P. Zaring, State Board Administrator, Indiana Department of Education, Room 229, State House, Indianapolis, IN 46204, (317) 232-6622, [jzaring@doe.in.gov](mailto:jzaring@doe.in.gov)

Posted: 10/06/2010 by Legislative Services Agency

An [html](#) version of this document.