

ARTICLE 6.2. SCHOOL PERFORMANCE AND IMPROVEMENT; ACCOUNTABILITY

Rule 1. Applicability

511 IAC 6.2-1-1 Applicability to schools

Authority: IC 20-31-10-1

Affected: IC 20-19-2-8; IC 20-31-7; IC 20-31-9

Sec. 1. The provisions in this article concerning schools apply only to the following:

(1) Public schools.

(2) Except as provided in IC 20-31-7 and IC 20-31-9, nonpublic schools that voluntarily become accredited under IC 20-1-1-6 [IC 20-1 was repealed by P.L.1-2005, SECTION 240, effective July 1, 2005. See IC 20-19-2-8].

(Indiana State Board of Education; 511 IAC 6.2-1-1; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3307; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA)

Rule 2. Definitions

511 IAC 6.2-2-1 Applicability

Authority: IC 20-31-10-1

Affected: IC 20-31

Sec. 1. The definitions in this rule apply throughout this article. *(Indiana State Board of Education; 511 IAC 6.2-2-1; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA)*

511 IAC 6.2-2-2 "Annual report" defined

Authority: IC 20-31-10-1

Affected: IC 20-20-8; IC 20-31

Sec. 2. "Annual report" refers to the school corporation annual performance report required by IC 20-20-8. *(Indiana State Board of Education; 511 IAC 6.2-2-2; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3307; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA)*

511 IAC 6.2-2-3 "Board" defined

Authority: IC 20-31-10-1

Affected: IC 20-18-2-9; IC 20-31

Sec. 3. "Board" has the meaning set forth in IC 20-10.1-1-17 [IC 20-10.1 was repealed by P.L.1-2005, SECTION 240, effective July 1, 2005. See IC 20-18-2-9.]. *(Indiana State Board of Education; 511 IAC 6.2-2-3; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA)*

511 IAC 6.2-2-4 "Department" defined

Authority: IC 20-31-10-1

Affected: IC 20-18-2-3; IC 20-31

Sec. 4. "Department" has the meaning set forth in IC 20-18-2-3. *(Indiana State Board of Education; 511 IAC 6.2-2-4; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3307; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA)*

511 IAC 6.2-2-5 "Governing body" defined

Authority: IC 20-31-10-1

Affected: IC 20-18-2-5; IC 20-31

Sec. 5. "Governing body" has the meaning set forth in IC 20-18-2-5. *(Indiana State Board of Education; 511 IAC 6.2-2-5; filed*

Jun 28, 2001, 4:15 p.m.: 24 IR 3648; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3307; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA)

511 IAC 6.2-2-6 "Nonpublic school" defined

Authority: IC 20-31-10-1
Affected: IC 20-18-2-12; IC 20-31

Sec. 6. "Nonpublic school" has the meaning set forth in IC 20-18-2-12. *(Indiana State Board of Education; 511 IAC 6.2-2-6; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3307; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA)*

511 IAC 6.2-2-7 "Parent" defined

Authority: IC 20-31-10-1
Affected: IC 20-18-2-13; IC 20-31

Sec. 7. "Parent" has the meaning set forth in IC 20-18-2-13. *(Indiana State Board of Education; 511 IAC 6.2-2-7; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3307; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA)*

511 IAC 6.2-2-8 "Plan" defined

Authority: IC 20-31-10-1
Affected: IC 20-31-5

Sec. 8. "Plan" refers to a strategic and continuous school improvement and achievement plan established under IC 20-31-5 for a school or a school corporation. *(Indiana State Board of Education; 511 IAC 6.2-2-8; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3307; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA)*

511 IAC 6.2-2-9 "Public school" defined

Authority: IC 20-31-10-1
Affected: IC 20-18-2-15; IC 20-31

Sec. 9. "Public school" has the meaning set forth in IC 20-18-2-15. *(Indiana State Board of Education; 511 IAC 6.2-2-9; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3307; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA)*

511 IAC 6.2-2-10 "School" defined

Authority: IC 20-31-10-1
Affected: IC 20-31

Sec. 10. "School" refers to a public or an accredited nonpublic school. *(Indiana State Board of Education; 511 IAC 6.2-2-10; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA)*

511 IAC 6.2-2-11 "School corporation" defined

Authority: IC 20-31-10-1
Affected: IC 20-18-2-16; IC 20-31

Sec. 11. "School corporation" has the meaning set forth in IC 20-18-2-16. *(Indiana State Board of Education; 511 IAC 6.2-2-11; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3307; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA)*

511 IAC 6.2-2-12 "Superintendent" defined

Authority: IC 20-31-10-1

Affected: IC 20-18-2-21; IC 20-31

Sec. 12. "Superintendent" has the meaning set forth in IC 20-18-2-21. (*Indiana State Board of Education; 511 IAC 6.2-2-12; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3307; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA*)

Rule 2.5. Graduation Rate Determination

511 IAC 6.2-2.5-1 "Cohort" defined (Expired)

Sec. 1. (*Expired under IC 4-22-2.5, effective January 1, 2011.*)

511 IAC 6.2-2.5-2 "Enrollment" defined (Expired)

Sec. 2. (*Expired under IC 4-22-2.5, effective January 1, 2011.*)

511 IAC 6.2-2.5-3 "Expected graduation year" defined (Expired)

Sec. 3. (*Expired under IC 4-22-2.5, effective January 1, 2011.*)

511 IAC 6.2-2.5-4 "Graduation" defined

Authority: IC 20-31-10-1

Affected: IC 20-26-13; IC 20-31; IC 20-32-5

Sec. 4. As used in this rule, "graduation" means the successful completion by a student of:

(1) a sufficient number of academic credits, or the equivalent of academic credits; and

(2) the graduation examination or waiver process required under IC 20-32-5;

resulting in the awarding of a high school diploma or an academic honors diploma. The term does not include the granting of a general educational development diploma under IC 20-20-6 [*IC 20-20-6 was repealed by P.L. 7-2011, SECTION 26, effective April 1, 2011.*]. (*Indiana State Board of Education; 511 IAC 6.2-2.5-4; filed Jul 14, 2004, 9:30 a.m.: 27 IR 4008; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3307; readopted filed Nov 28, 2011, 3:20 p.m.: 20111228-IR-511110558RFA*)

511 IAC 6.2-2.5-5 "Graduation rate" defined (Expired)

Sec. 5. (*Expired under IC 4-22-2.5, effective January 1, 2011.*)

511 IAC 6.2-2.5-6 "Reporting year" defined (Expired)

Sec. 6. (*Expired under IC 4-22-2.5, effective January 1, 2011.*)

511 IAC 6.2-2.5-7 "Retention" defined (Expired)

Sec. 7. (*Expired under IC 4-22-2.5, effective January 1, 2011.*)

511 IAC 6.2-2.5-8 Determination of graduation rate (Expired)

Sec. 8. (*Expired under IC 4-22-2.5, effective January 1, 2011.*)

511 IAC 6.2-2.5-9 Calculation of graduation rate

Authority: IC 20-31-10-1

Affected: IC 20-26-13; IC 20-31; IC 20-33-2-28

Sec. 9. The graduation rate for a cohort in a high school is the percentage determined under STEP SEVEN of the following formula:

STEP ONE: Determine the grade 9 enrollment at the beginning of the reporting year three (3) years before the reporting year for which the graduation rate is being determined.

STEP TWO: Add:

(A) the number determined under STEP ONE; and

(B) the number of students who:

(i) have enrolled in the high school after the date on which the number determined under STEP ONE was determined; and

(ii) have the same expected graduation year as the cohort.

STEP THREE: Add:

(A) the sum determined under STEP TWO; and

(B) the number of retained students from earlier cohorts who became members of the cohort for whom the graduation rate is being determined.

STEP FOUR: Add:

(A) the sum determined under STEP THREE; and

(B) the number of students who:

(i) began the reporting year in a cohort that expects to graduate during a future reporting year; and

(ii) graduate during the current reporting year.

STEP FIVE: Subtract from the sum determined under STEP FOUR the number of students who have left the cohort for any of the following reasons:

(A) Transfer to another public or nonpublic school.

(B) Removal by the student's parents under IC 20-33-2-28 to provide instruction equivalent to that given in the public schools.

(C) Withdrawal because of a long term medical condition or death.

(D) Detention by a law enforcement agency or the department of correction.

(E) Placement by a court order or the division of family and children.

(F) Enrollment in a virtual school.

(G) Graduation before the beginning of the reporting year.

(H) Students who have attended school in Indiana for less than one (1) year and whose location cannot be determined.

(I) Students who cannot be located within the boundaries of the school corporation and have been reported to the Indiana clearinghouse for missing and exploited children.

STEP SIX: Determine the total number of students who have graduated during the current reporting year.

STEP SEVEN: Divide:

(A) the number determined under STEP SIX; by

(B) the remainder determined under STEP FIVE.

(Indiana State Board of Education; 511 IAC 6.2-2.5-9; filed Jul 14, 2004, 9:30 a.m.: 27 IR 4009; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3307; readopted filed Nov 28, 2011, 3:20 p.m.: 20111228-IR-511110558RFA)

Rule 3. Strategic and Continuous School Improvement and Achievement Plan

511 IAC 6.2-3-1 Plan objectives

Authority: IC 20-31-10-1

Affected: IC 20-31; IC 20-32-5

Sec. 1. (a) A plan:

(1) shall lay out objectives for a three (3) year period; and

(2) must be annually reviewed and revised to accomplish the achievement objectives of the school.

(b) A plan must establish objectives for the school to achieve. These achievement objectives must be consistent with academic standards and include improvement in at least the following areas:

(1) Attendance rate.

(2) The percentage of students meeting academic standards under the Indiana statewide testing for educational progress (ISTEP) program (IC 20-32-5).

(3) For a secondary school, graduation rate.

(c) A plan must specify how and to what extent the school expects to make continuous improvement in all areas of the education system where results are measured by setting benchmarks for progress on an individual school basis.

(d) A plan must note specific areas where improvement is needed immediately. (*Indiana State Board of Education; 511 IAC 6.2-3-1; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3648; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3307; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA*)

511 IAC 6.2-3-2 Waivers

Authority: IC 20-31-10-1

Affected: IC 20-31

Sec. 2. (a) A plan may include a request for a waiver of applicability of a rule or statute to a school.

(b) The governing body may waive any rule adopted by the board for which a waiver is requested in a plan, except for a rule that is characterized as follows:

(1) The rule relates to the health or safety of students or school personnel.

(2) The rule is a special education rule under 511 IAC 7.

(3) Suspension of the rule brings the school into noncompliance with federal statutes or regulations.

(4) The rule concerns curriculum or textbooks.

(c) Upon request of the governing body and pursuant to a plan, the board may waive for a school or a school corporation any statute or rule relating to the following:

(1) Curriculum.

(2) Textbook selection.

(*Indiana State Board of Education; 511 IAC 6.2-3-2; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3649; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA*)

511 IAC 6.2-3-3 Plan components

Authority: IC 20-31-10-1

Affected: IC 20-19-2-11; IC 20-20-31; IC 20-31

Sec. 3. (a) A plan must contain the following components for the school:

(1) A list of the statutes and rules that the school wishes to have suspended from operation for the school.

(2) A description of the curriculum and information concerning the location of a copy of the curriculum that is available for inspection by members of the public.

(3) A description and name of the assessments that will be used in the school in addition to Indiana statewide testing for educational progress (ISTEP) assessments.

(4) A plan to be submitted to the governing body and made available to all interested members of the public in an easily understood format.

(5) A provision to maximize parental participation in the school.

(6) For a secondary school, a provision to do the following:

(A) Offer courses that allow all students to become eligible to receive an academic honors diploma.

(B) Encourage all students to earn an academic honors diploma or complete the Core 40 curriculum.

(7) A provision to maintain a safe and disciplined learning environment for students and teachers.

(8) A provision for the coordination of technology initiatives.

(9) A professional development program pursuant to IC 20-19-2-11 and IC 20-20-31. The professional development program should include the following:

(A) A narrative that includes the following:

- (i) A summary of analysis of data regarding student learning.
- (ii) Strategies, programs, and services to address student learning needs.
- (iii) Activities to implement the strategies, programs, and services.
- (iv) Evaluation that will be conducted of the impact of the activities.

(B) An assurance that the program complies with the board's core principles for professional development.

(10) The professional development program must be signed by the exclusive representative as indication of support only for the professional development program component of the plan.

(b) If, for a purpose other than a plan under this rule, a school has developed materials that are substantially similar to a component listed in subsection (a), the school may substitute those materials for the component listed in subsection (a). (*Indiana State Board of Education; 511 IAC 6.2-3-3; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3649; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3307; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA*)

511 IAC 6.2-3-4 Additional information

Authority: IC 20-31-10-1

Affected: IC 20-31

Sec. 4. In order to have a more complete strategic planning process and a written plan that is free from gaps, a school may include, but is not required to include, additional information, including, without limitation, the following:

- (1) A narrative description of the school, the community, and the educational programs.
- (2) A statement of mission, vision, and beliefs.
- (3) Data, including graphs, from the annual performance report.
- (4) Data related to performance indicators other than those included in the annual performance report.
- (5) Other information about educational programming and the learning environment.
- (6) Information about how the school's curriculum and instructional strategies support the achievement of Indiana academic standards.
- (7) Analysis of student achievement based on Indiana statewide testing for educational progress plus (ISTEP+) and other assessment strategies.
- (8) Proposed interventions based on school improvement goals.

(*Indiana State Board of Education; 511 IAC 6.2-3-4; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3649; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA*)

511 IAC 6.2-3-5 Plan development

Authority: IC 20-31-10-1

Affected: IC 20-31

Sec. 5. (a) A plan must be submitted to the department by June 30 of the school year before the year of implementation.

(b) The department shall act as a clearinghouse for plans and make effective plans available to school corporations as models to use in developing and carrying out plans. (*Indiana State Board of Education; 511 IAC 6.2-3-5; filed Jun 28, 2001, 4:15 p.m.: 24 IR 3650; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA*)

Rule 3.1. Reading Plan

511 IAC 6.2-3.1-1 Definitions

Authority: IC 20-19-2-8; IC 20-32-8.5-4

Affected: IC 20-31; IC 20-32-8.5

Sec. 1. The following definitions apply throughout this rule:

- (1) "Core reading program" means a scientifically-based program that provides a scope and sequence that scaffolds instruction in accordance with state academic standards.
- (2) "Dedicated time" means that scientifically-based reading research is the primary basis for the instruction provided during

that time period.

- (3) "Differentiated instruction" means the process of matching instruction to meet the different needs of students.
- (4) "English learner" means a student whose native language is not English and who is classified as a Level 1-4 limited English proficient or Level 5 fluent English proficient based on the LAS Links English proficiency assessment.
- (5) "Individual learning plan" means the record keeping document developed for each English learner, outlining the student's level of English proficiency and instructional and assessment adaptations.
- (6) "IREAD-3" is the reading test approved by the board to test reading proficiency.
- (7) "Job-embedded time" means professional development that occurs during the course of the work day.
- (8) "Parent-guided home reading program" means a guidebook on how to promote reading at home.
- (9) "Principles of response to instruction" means the systemic process of meeting the educational needs of all students through the following:
 - (A) Professional accountability to ensure delivery of scientific research-based core curriculum and instruction.
 - (B) Ongoing monitoring of student data to assess instruction effectiveness.
 - (C) Determination and delivery of targeted and intensive individualized student supports.

Response to instruction guidance is available at the department's website.

- (10) "Reading deficiency" means reading at a level not equivalent to grade-level reading proficiency.
- (11) "Reading instruction" means instruction on the five (5) components of scientifically-based reading, which includes the following:
 - (A) Phonics.
 - (B) Phonemic awareness.
 - (C) Fluency.
 - (D) Vocabulary.
 - (E) Comprehension.
- (12) "Scaffolding" means instruction that builds on a student's prior knowledge and internalizes new information.
- (13) "Scientifically-based reading research" means research that includes the following:
 - (A) Scientific methods with an emphasis on experimental control or comparison groups.
 - (B) Replication of results, using multiple studies by different investigators.
 - (C) Ability to generalize results from one (1) sample to other children in the general population.
 - (D) Fulfillment of rigorous standards with an emphasis on peer review.
 - (E) Consistency of results between studies.

(Indiana State Board of Education; 511 IAC 6.2-3.1-1; filed Mar 25, 2011, 10:26 a.m.: 20110420-IR-511100635FRA)

511 IAC 6.2-3.1-2 Applicability

Authority: IC 20-19-2-8; IC 20-32-8.5-4

Affected: IC 20-24-8-5; IC 20-26-15; IC 20-31; IC 20-32-8; IC 20-32-8.5; IC 20-35-5; IC 36-1-7

Sec. 2. (a) This rule applies to:

- (1) elementary schools, including charter schools as set forth under IC 20-24-8-5(18);
- (2) elementary schools organized by an interlocal agreement under IC 36-1-7;
- (3) special education cooperative organized under IC 20-35-5; and
- (4) accredited nonpublic school under IC 20-26-15 or 511 IAC 6.1-1-1.

(b) A school is an elementary school under this rule if any students in the school attend kindergarten, first, second, or third grade.

(c) Each school shall submit the details of a reading plan that includes components set forth in section 3 of this rule to the department on the June 30 before the school year of implementation.

(d) If an entity under subsection (a) receives funding under IC 20-32-8, the entity shall prioritize that funding on resources for students who have a reading deficiency in grades 1 through 3. *(Indiana State Board of Education; 511 IAC 6.2-3.1-2; filed Mar 25, 2011, 10:26 a.m.: 20110420-IR-511100635FRA)*

511 IAC 6.2-3.1-3 Reading plan; components

Authority: IC 20-19-2-8; IC 20-32-8.5-4

Affected: IC 20-20-31; IC 20-31; IC 20-32-8.5

Sec. 3. A reading plan includes the following:

- (1) Membership of the reading leadership team.
- (2) Measurable student achievement goals for each grade level.
- (3) Reading instruction in accordance with section 4 of this rule.
- (4) Details of the manner in which the school plans to use formative and summative assessments for the following:
 - (A) Students in kindergarten through grade 2 that measure the following:
 - (i) Phonemic awareness.
 - (ii) Phonics.
 - (iii) Fluency.
 - (iv) Vocabulary.
 - (v) Comprehension.
 - (B) Students in grade 3 and higher that measure vocabulary and comprehension in relation to content knowledge.
- (5) Intervention in accordance with section 5 of this rule.
- (6) Beginning with the 2012-2013 school year, retention of a student in grade 3 if the student does not achieve a passing score on the IREAD-3 assessment during the previous school year or during a subsequent attempt at passing IREAD-3. The student shall not be retained if one (1) of the following applies to the student:
 - (A) The student has been retained two (2) times prior to promotion to grade 4.
 - (B) The student has a disability and a case conference committee has determined that promotion is appropriate.
 - (C) The student is an English learner and a committee consisting of:
 - (i) the student's parent;
 - (ii) a building level administrator or designee;
 - (iii) a classroom teacher of service;
 - (iv) an English learner teacher, if one exists; and
 - (v) an English learner district administrator, if one exists;determines that promotion is appropriate based on the implementation of researched-based instructional practices outlined in the student's individual learning plan.
- (7) Promotion of students retained under subdivision (6) when the student achieves grade-level reading proficiency as demonstrated by passing IREAD-3.
- (8) Professional development for teachers that includes the following:
 - (A) Utilizing assessment data to target the measurable student achievement goals for each grade level.
 - (B) Development differentiated for teachers based on classroom data.
 - (C) Development of model classrooms within the school.
 - (D) When possible, job-embedded time for professional development and collaboration.
- (9) A monitoring plan that evaluates the implementation of the reading plan.

(Indiana State Board of Education; 511 IAC 6.2-3.1-3; filed Mar 25, 2011, 10:26 a.m.: 20110420-IR-511100635FRA)

511 IAC 6.2-3.1-4 Reading plan; instruction

Authority: IC 20-19-2-8; IC 20-32-8.5-4

Affected: IC 20-31; IC 20-32-8.5

Sec. 4. (a) Reading instruction for all students in kindergarten through third grade must include the following:

- (1) A research-based core reading program that provides a scope and sequence in order to scaffold the instruction of scientifically-based reading, including the following:
 - (A) Phonemic awareness.
 - (B) Phonics.
 - (C) Fluency.
 - (D) Vocabulary.

(E) Comprehension.

(2) A dedicated, uninterrupted minimum ninety (90) minute block of time daily to all students. The time must include whole-group instruction using a core reading program and small-group differentiated instruction. Half-day kindergarten programs must provide ninety (90) minutes of instruction but do not have to provide the instruction during an uninterrupted block of time.

(b) A school is not required to offer a research-based core reading program under 511 IAC 6.2-3.1-4(a)(1) [subsection (a)(1)]

if:

(1) the state board determines that the school falls within one (1) of the top two (2) performance categories under 511 IAC 6.2-6-5; and

(2) ninety percent (90%) of students pass the reading portion of ISTEP+ during the school year immediately preceding the submission of the plan.

(Indiana State Board of Education; 511 IAC 6.2-3.1-4; filed Mar 25, 2011, 10:26 a.m.: 20110420-IR-511100635FRA)

511 IAC 6.2-3.1-5 Reading plan; intervention

Authority: IC 20-19-2-8; IC 20-32-8.5-4

Affected: IC 20-31; IC 20-32-8.5

Sec. 5. (a) A school shall intervene with students who have reading deficiency as determined by assessment results.

(b) Intervention for students prior to the retention determination under section 3(a)(6) [section 3(6)] of this rule must include, but is not limited to, the following types of remediation:

(1) Research-based materials that address reading deficiencies as determined by the assessment results.

(2) Principles of response to instruction.

(c) If a school intervenes, the school shall notify and involve the student's parent or guardian. The notice must include the following:

(1) A description and explanation of the deficiency.

(2) Proposed supplemental instruction services.

(3) Strategies for parents to use to assist the student.

(4) Notice that the student will be retained if the student does not achieve a passing score on the IREAD-3 assessment.

(d) Intervention for students retained under section 3(a)(6) [section 3(6)] of this rule must include, but is not limited to, the following types of remediation:

(1) Scientifically-based reading strategies that meet the student's needs.

(2) Instruction by an effective teacher as measured by student performance results.

(3) At least ninety (90) minutes of reading instruction each school day.

(4) At least one (1) of the following instructional options:

(A) Tutoring before or after school.

(B) Parent workshops and a parent-guided home reading program.

(C) A mentor or tutor with specialized reading training and may include volunteers or school staff.

(D) Extended-day programs.

(E) Supplemental instruction services.

(Indiana State Board of Education; 511 IAC 6.2-3.1-5; filed Mar 25, 2011, 10:26 a.m.: 20110420-IR-511100635FRA)

Rule 4. Professional Development Program

511 IAC 6.2-4-1 "Program" defined

Authority: IC 20-19-2-11; IC 20-20-31

Affected: IC 20-31-5

Sec. 1. As used in this rule, "program" refers to a professional development program developed pursuant to IC 20-19-2-11 and IC 20-20-31-1. (Indiana State Board of Education; 511 IAC 6.2-4-1; filed Aug 28, 2001, 11:20 a.m.: 25 IR 82; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3307; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA)

511 IAC 6.2-4-2 Program approval

Authority: IC 20-19-2-11; IC 20-20-31

Affected: IC 20-31-5-1

Sec. 2. (a) In approving a program, the board shall consider whether the governing body has done the following:

(1) Approved a school's plan.

(2) Demonstrated the support of the exclusive representative only for the professional development program component of the plan.

(b) The following apply to a program developed under this section:

(1) The program must emphasize improvement of student learning and performance.

(2) The program must be developed by the committee that develops the school's strategic and continuous improvement and achievement plan under IC 20-31-5-1 and 511 IAC 6.2-3.

(3) The program must be integrated with the school's strategic and continuous improvement and achievement plan developed under IC 20-31-5 and 511 IAC 6.2-3.

(c) The board may approve a school's program only if the program meets the board's core principles for professional development and the following additional criteria:

(1) To ensure high quality professional development, the program:

(A) is school based and collaboratively designed, and encourages participants to work collaboratively;

(B) has a primary focus on state and local academic standards, including a focus on Core 40 subject areas;

(C) enables teachers to improve expertise in subject knowledge and teaching strategies, uses of technologies, and other essential elements in teaching to high standards;

(D) furthers the alignment of standards, curriculum, and assessments; and

(E) includes measurement activities to ensure the transfer of new knowledge and skills to classroom instruction.

(2) A variety of resources, including needs assessments, an analysis of data regarding student learning needs, professional literature, research, and school improvement programs, are used in developing the program.

(3) The program supports professional development for all stakeholders.

(4) The program includes ongoing professional growth experiences that provide adequate time and job embedded opportunities to support school improvement and student learning, including flexible time for professional development that provides professional development opportunities before, during, and after the regular school day and school year.

(5) Under the program, teacher time for professional development sustains instructional coherence, participant involvement, and continuity for students.

(6) The program includes effective, research-based strategies to support ongoing developmental activities.

(7) The program supports experiences to increase the effective use of technology to improve teaching and learning.

(8) The program encourages diverse techniques, including inquiry, reflection, action research, networking, study groups, coaching, and evaluation.

(9) The program includes a means for evaluating the effectiveness of the program and activities under the program.

(Indiana State Board of Education; 511 IAC 6.2-4-2; filed Aug 28, 2001, 11:20 a.m.: 25 IR 82; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3307; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA)

511 IAC 6.2-4-3 Core principles of professional development

Authority: IC 20-19-2-11; IC 20-20-31

Affected: IC 20-31-5

Sec. 3. The following are core principles of professional development:

(1) Professional development programs will address issues that are relevant to the priorities of education improvement and reflect the knowledge base of the profession by doing the following:

(A) Reflecting research-based approaches to effective adult learning, student learning, and organizational change to support ongoing developmental activities. While tapping educators' life experiences and drawing on the knowledge base from effective research, a variety of modes of learning are used to foster self-directed professional development opportunities.

(B) Integrating education improvement priorities. Consistent and continuous links are made with the school

improvement plan, the Indiana professional standards board, and the Indiana state board of education policy.

(C) Incorporating both discipline-specific and interdisciplinary approaches to teaching, assessment, and preparation for the world of work. Professional growth experiences enhance educators' knowledge within and across subject areas and their ability to foster and assess students' problem solving and critical thinking skills.

(D) Including explicit strategies for setting high expectations and meeting the diverse learning needs of all students. Training activities increase educators' capacity to implement developmentally-appropriate practices to establish challenging learning goals and respond to the uniqueness of each student.

(E) Receiving adequate resources. Every public school in Indiana must receive the financial resources and support services needed to provide the most effective professional development program, as described within these principles.

(2) Professional development program will engage educators in an effective learning process that impacts practice by doing the following:

(A) Actively involving participants in program design, delivery, and implementation. Professional growth opportunities reflect educators' needs as determined from multiple data sources grounded in and linked with the school improvement plan. All stakeholders shall be engaged in meaningful job-embedded opportunities to effectively support practice that lead to improved student learning.

(B) Promoting multiple strategies that model recommended strategies. Opportunities for professional development incorporate varied approaches, such as theory, demonstration, reflection, practice, mentoring, technology applications, and peer dialogue and coaching.

(C) Incorporating follow-up activities that are sustained over time and provide educators with ongoing feedback. The professional development program provides a range of opportunities for staff to integrate the new strategies into their work with children through practice, feedback, and reflection.

(D) Continuously evaluating impact on educators' practice and student learning. The effectiveness of professional development is determined by its impact on staff performance and student learning.

(3) Professional development programs will contribute to developing an environment that support educators' professional growth by doing the following:

(A) Fostering collegiality and collaboration. Professional growth opportunities encourage staff to build a community of educators, parents, business, and community partners who exchange ideas for innovation, cooperate in developing curricula, and discuss approaches to strengthening student learning by focusing on the school community as a culture of inquiry.

(B) Building capacity through a continuum of ongoing improvement activities. Professional development activities maintain a focus on the improvement of practices that increase student learning and link to the school improvement plan and the standards developed by the Indiana professional standards board and the Indiana state board of education policy.

(C) Integrating staff development into educators' practice. The professional development program incorporates supports for staff to implement newly acquired strategies and assess them for their impact on student learning.

(D) Encouraging innovation and risk-taking. As a result of staff development activities, the school community recognizes the need for action research which assists educators, leading toward innovations improving student learning.

(Indiana State Board of Education; 511 IAC 6.2-4-3; filed Aug 28, 2001, 11:20 a.m.: 25 IR 83; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA)

511 IAC 6.2-4-4 Grant requirements

Authority: IC 20-19-2-11; IC 20-20-31

Affected: IC 20-31-5

Sec. 4. A grant received under IC 20-20-31 and this rule:

(1) shall be expended only for the conduct of activities specified in the program; and

(2) shall be coordinated with other professional development programs and expenditures of the school and school corporation.

(Indiana State Board of Education; 511 IAC 6.2-4-4; filed Aug 28, 2001, 11:20 a.m.: 25 IR 84; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3307; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA)

Rule 5. (Reserved)

Rule 6. Assessing School Improvement and Performance

511 IAC 6.2-6-1 Relationship to academic standards

Authority: IC 20-31-10-1

Affected: IC 20-19-2-8; IC 20-19-4-2; IC 20-24; IC 20-26-15-6; IC 20-31-8; IC 20-32-5; IC 20-32-8

Sec. 1. New more rigorous, clear, and concise academic standards were adopted in 2000 in mathematics and language arts. These standards will first be tested in 2002 for grades 3, 6, and 8 and in 2004 for grade 10. The scores to pass these tests will be set at the levels necessary for students to demonstrate solid academic performance on the standards. These scores will not be set or skewed for the reason to cause more or fewer students to pass or more or fewer schools to rise or fall in category placements. The education roundtable may recommend and the board may set additional higher levels of proficiency to encourage increased achievement for advanced students. (*Indiana State Board of Education; 511 IAC 6.2-6-1; filed Feb 20, 2002, 10:55 a.m.: 25 IR 2227; readopted filed Nov 12, 2008, 10:15 a.m.: 20081203-IR-511080524RFA*)

511 IAC 6.2-6-2 Primary indicators of improvement and performance; required administration of mandatory annual assessments (Expired)

Sec. 2. (*Expired under IC 4-22-2.5, effective January 1, 2009.*)

511 IAC 6.2-6-3 Requirements for mandatory annual assessments; state provided tests; approval of locally adopted tests at certain grade levels (Expired)

Sec. 3. (*Expired under IC 4-22-2.5, effective January 1, 2009.*)

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 20-19-2-8; IC 20-31-4; IC 20-31-10-1

Affected: IC 20-31-8

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 (d) 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; filed Aug 26, 2003, 4:15 p.m.: 27 IR 162; readopted filed Nov 4, 2009, 12:03 p.m.: 20091202-IR-511090701RFA*)

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 Progress	Academic Watch (Priority)	Academic Probation (High 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 Progress	Academic Watch (Priority)	Academic Probation (High 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 of school improvement and performance are established effective with the 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) 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)

511 IAC 6.2-6-6 Additional requirements for category placement for high schools (Expired)

Sec. 6. *(Expired under IC 4-22-2.5, effective January 1, 2009.)*

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 "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*)

511 IAC 6.2-6-7 Support to schools (Expired)

Sec. 7. (*Expired under IC 4-22-2.5, effective January 1, 2009.*)

511 IAC 6.2-6-8 Disaggregated data and category placement

Authority: IC 20-19-2-8; IC 20-31-4-17; IC 20-31-10-1

Affected: IC 20-31-8

Sec. 8. Disaggregated data 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; filed Aug 26, 2003, 4:15 p.m.: 27 IR 163; readopted filed Nov 4, 2009, 12:03 p.m.: 20091202-IR-511090701RFA*)

511 IAC 6.2-6-9 Study of effects of mobility (Expired)

Sec. 9. (*Expired under IC 4-22-2.5, effective January 1, 2009.*)

511 IAC 6.2-6-10 Comprehensive assessment system; incentives for participation (Expired)

Sec. 10. (*Expired under IC 4-22-2.5, effective January 1, 2009.*)

511 IAC 6.2-6-11 Reporting other data

Authority: IC 20-31-10-1

Affected: IC 20-19-2-8; IC 20-31-8

Sec. 11. The school performance report card requires public reporting of specified data by grade and subject. The school report card also will include the school improvement and performance category and detail the percentage of students meeting academic standards, percentage of improvement, and percentage of students receiving free lunches. (*Indiana State Board of Education; 511 IAC 6.2-6-11; filed Feb 20, 2002, 10:55 a.m.: 25 IR 2230; readopted filed Nov 12, 2008, 10:15 a.m.: 20081203-IR-511080524RFA*)

511 IAC 6.2-6-12 Appeal of category placement

Authority: IC 20-19-2-8; IC 20-31-4-17; IC 20-31-10-1

Affected: IC 20-31-8

Sec. 12. The board 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; filed Aug 26, 2003, 4:15 p.m.: 27 IR 163; readopted filed Nov 4, 2009, 12:03 p.m.: 20091202-IR-511090701RFA*)

Rule 7. Adequate Yearly Progress

511 IAC 6.2-7-1 Elementary and secondary education act goals adopted

Authority: IC 20-19-2-8; IC 20-31-4-17; IC 20-31-10-1

Affected: IC 20-31

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; filed Aug 26, 2003, 4:15 p.m.: 27 IR 163; readopted filed Nov 4, 2009, 12:03 p.m.: 20091202-IR-511090701RFA)

511 IAC 6.2-7-2 Adequate yearly progress integrated into state accountability system

Authority: IC 20-19-2-8; IC 20-31-4-17; IC 20-31-10-1

Affected: IC 20-31

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 20-31 and this article. *(Indiana State Board of Education; 511 IAC 6.2-7-2; filed Aug 26, 2003, 4:15 p.m.: 27 IR 163; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3307; readopted filed Nov 4, 2009, 12:03 p.m.: 20091202-IR-511090701RFA)*

511 IAC 6.2-7-3 Starting point determined

Authority: IC 20-19-2-8; IC 20-31-4-17; IC 20-31-10-1

Affected: IC 20-31

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; filed Aug 26, 2003, 4:15 p.m.: 27 IR 163; readopted filed Nov 4, 2009, 12:03 p.m.: 20091202-IR-511090701RFA)

511 IAC 6.2-7-4 Measurable annual objectives and intermediate goals

Authority: IC 20-19-2-8; IC 20-31-4-17; IC 20-31-10-1

Affected: IC 20-31

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; filed Aug 26, 2003, 4:15 p.m.: 27 IR 164; readopted filed Nov 4, 2009, 12:03 p.m.: 20091202-IR-511090701RFA)

511 IAC 6.2-7-5 Annual improvement needed to make adequate yearly progress; participation in assessments; counting date

Authority: IC 20-19-2-8; IC 20-31-4-17; IC 20-31-10-1

Affected: IC 20-31

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) group 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. *(Indiana State Board of Education; 511 IAC 6.2-7-5; filed Aug 26, 2003, 4:15 p.m.: 27 IR 164; readopted filed Nov 4, 2009, 12:03 p.m.: 20091202-IR-511090701RFA)*

511 IAC 6.2-7-6 Groups of students; minimum group size

Authority: IC 20-19-2-8; IC 20-31-4-17; IC 20-31-10-1

Affected: IC 20-31

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; filed Aug 26, 2003, 4:15 p.m.: 27 IR 164; readopted filed Nov 4, 2009, 12:03 p.m.: 20091202-IR-511090701RFA*)

511 IAC 6.2-7-7 Inclusion of students who have been enrolled for full academic year; full academic year defined

Authority: IC 20-19-2-8; IC 20-31-4-17; IC 20-31-10-1

Affected: IC 20-31

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 one hundred sixty-two (162) days. (*Indiana State Board of Education; 511 IAC 6.2-7-7; filed Aug 26, 2003, 4:15 p.m.: 27 IR 165; readopted filed Nov 4, 2009, 12:03 p.m.: 20091202-IR-511090701RFA*)

511 IAC 6.2-7-8 Other indicators

Authority: IC 20-19-2-8; IC 20-31-4-17; IC 20-31-10-1

Affected: IC 20-31

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:

(A) 511 IAC 6.1-1-2, for classes of students who graduate prior to the 2005-2006 school year; and

(B) 511 IAC 6.2-2.5-9, for classes of students who expect to graduate in the 2005-2006 school year and subsequent school years;

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 [*511 IAC 1-3-3 expired under IC 4-22-2.5, effective January 1, 2008.*], that increases toward a rate of ninety-five percent (95%).

(*Indiana State Board of Education; 511 IAC 6.2-7-8; filed Aug 26, 2003, 4:15 p.m.: 27 IR 165; filed Jul 14, 2004, 9:30 a.m.: 27 IR 4009; readopted filed Nov 4, 2009, 12:03 p.m.: 20091202-IR-511090701RFA*)

511 IAC 6.2-7-9 Use of data; averaging procedure

Authority: IC 20-19-2-8; IC 20-31-4-17; IC 20-31-10-1

Affected: IC 20-31

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) The average of data from the school year for which the determination is being made and the two (2) preceding school years.

(*Indiana State Board of Education; 511 IAC 6.2-7-9; filed Aug 26, 2003, 4:15 p.m.: 27 IR 165; readopted filed Nov 4, 2009, 12:03*

p.m.: 20091202-IR-511090701RFA)

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 student group size

Authority: IC 20-19-2-8; IC 20-31-4-17; IC 20-31-10-1

Affected: IC 20-31

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; filed Aug 26, 2003, 4:15 p.m.: 27 IR 165; readopted filed Nov 4, 2009, 12:03 p.m.: 20091202-IR-511090701RFA)*

Rule 8. Consequences; Quality Review

511 IAC 6.2-8-1 Applicability

Authority: IC 20-19-2-8; IC 20-31-10-1

Affected: IC 20-31-9-3; IC 20-31-9-4

Sec. 1. This rule applies to schools subject to IC 20-31-9-3. *(Indiana State Board of Education; 511 IAC 6.2-8-1; filed Jan 28, 2011, 3:08 p.m.: 20110223-IR-511100502FRA)*

511 IAC 6.2-8-2 Quality review

Authority: IC 20-19-2-8; IC 20-31-10-1

Affected: IC 20-31-9-3; IC 20-31-9-4

Sec. 2. (a) The board shall direct that the department conduct a quality review of a school that is subject to IC 20-31-9-3.

(b) The board shall determine the scope of the review and appoint an expert team under IC 20-31-9-3. *(Indiana State Board of Education; 511 IAC 6.2-8-2; filed Jan 28, 2011, 3:08 p.m.: 20110223-IR-511100502FRA)*

511 IAC 6.2-8-3 Memorandum of agreement

Authority: IC 20-19-2-8; IC 20-31-10-1

Affected: IC 20-31-9-3; IC 20-31-9-4

Sec. 3. (a) Subsequent to a review conducted under section 2 of this rule, the department may offer the affected school corporation the opportunity to enter into a memorandum of agreement developed by the department.

(b) The memorandum of agreement must include the following:

(1) Student outcomes the school expects to achieve.

(2) Specific improvement in performance measures determined by the department.

(Indiana State Board of Education; 511 IAC 6.2-8-3; filed Jan 28, 2011, 3:08 p.m.: 20110223-IR-511100502FRA)

Rule 9. Consequences; State Board Action

511 IAC 6.2-9-1 Applicability

Authority: IC 20-19-2-8; IC 20-31-10-1
Affected: IC 20-31-9-3; IC 20-31-9-4

Sec. 1. This rule applies to schools that become subject to state board action under IC 20-31-9-4. (*Indiana State Board of Education; 511 IAC 6.2-9-1; filed Jan 28, 2011, 3:08 p.m.: 20110223-IR-511100502FRA*)

511 IAC 6.2-9-2 Hearing

Authority: IC 20-19-2-8; IC 20-31-10-1
Affected: IC 20-31-9-3; IC 20-31-9-4

Sec. 2. The state board shall hold at least one (1) public hearing in the school corporation where the school is located to consider and hear testimony concerning options for providing a quality education to the affected students. (*Indiana State Board of Education; 511 IAC 6.2-9-2; filed Jan 28, 2011, 3:08 p.m.: 20110223-IR-511100502FRA*)

511 IAC 6.2-9-3 Options for improvement

Authority: IC 20-19-2-8; IC 20-31-10-1
Affected: IC 20-31-8; IC 20-31-9-3; IC 20-31-9-4

Sec. 3. If the state board determines, after conducting the public hearing described in section 2 of this rule, that intervention will improve the education received by the affected students, the state board may implement one (1) or more of the following options:

- (1) Merge the school with a nearby school that is in a higher category of school improvement under IC 20-31-8 and 511 IAC 6.2-6.
- (2) Assign a special management team to operate all or part of the school.
- (3) Implement the department's recommendations for improving the school.
- (4) Implement other options for school improvement expressed at the public hearing, including closing the school.
- (5) Revise the school's plan in any of the following areas:
 - (A) School procedures or operations.
 - (B) Professional development.
 - (C) Intervention for individual teachers or administrators.

(*Indiana State Board of Education; 511 IAC 6.2-9-3; filed Jan 28, 2011, 3:08 p.m.: 20110223-IR-511100502FRA*)

511 IAC 6.2-9-4 Funding

Authority: IC 20-19-2-8; IC 20-31-10-1
Affected: IC 20-31-8; IC 20-31-9-3; IC 20-31-9-4; IC 20-43-4-1

Sec. 4. (a) The affected students shall remain eligible pupils under IC 20-43-4-1.

(b) The state board shall receive the recommendations of the department and determine the amounts of state support, local funds, and federal funds that are necessary to fund the option or options for improvement implemented by the state board.

(c) The department shall do the following:

- (1) Withhold the amount determined under subsection (b) from state support and federal funds otherwise to be distributed to the school corporation on account of the affected students.
- (2) Enter into any contracts necessary to implement the option or options for improvement implemented by the state board, including contracts with a special management team. A contract with a special management team shall include, but is not limited to, the following provisions:
 - (A) The length of the contract.
 - (B) Consideration.
 - (C) Performance goals, which shall not be less than those expected of a school under IC 20-31-8.
 - (D) Cancellation procedures.
 - (E) Renewal procedures.
- (3) Make payments under the contracts with funds withheld from the school corporation under this section.

(d) The amount withheld under this section shall not exceed the total aggregate per pupil funding for the affected students. (*Indiana State Board of Education; 511 IAC 6.2-9-4; filed Jan 28, 2011, 3:08 p.m.: 20110223-IR-511100502FRA*)

511 IAC 6.2-9-5 Special management team

Authority: IC 20-19-2-8; IC 20-31-10-1

Affected: IC 20-24-8; IC 20-26-11-6; IC 20-28-6-3; IC 20-31-9-3; IC 20-31-9-4; IC 20-43-4-1

Sec. 5. (a) This section applies if the state board assigns a special management team to operate all or part of an existing school subject to IC 20-31-9-4.

(b) The special management team is not required to employ teachers and administrators through teacher contracts established by the state superintendent of public instruction under IC 20-28-6-3.

(c) The special management team may exercise any authority granted by the state board under IC 20-31-9.

(d) The special management team must accept for enrollment a student who meets all of the following:

(1) The student is enrolled in:

(A) one (1) of the grade levels served by the school, if the special management team operates the entire school; or

(B) the grade level or program operated by the special management team if the special management team operates part of the school.

(2) The student has legal settlement within attendance area of the school as defined by the school corporation at the time the school becomes subject to intervention under IC 20-31-9-4.

(e) The special management team may accept for enrollment, without regard to school attendance areas defined by the school corporation, a student who meets all of the following:

(1) The student is enrolled in one (1) of the grade levels served by the school.

(2) The student has legal settlement within the school corporation.

(3) The school corporation has a policy that allows students to transfer schools within the district.

(f) The special management team may accept a student who has legal settlement outside the corporation if all of the following are true:

(1) The student is enrolled in one (1) of the grade levels served by the school.

(2) The school corporation has a policy to accept students without payment of transfer tuition as permitted by IC 20-26-11-6.

A student who is accepted under this section is an eligible pupil under IC 20-43-4-1. (*Indiana State Board of Education; 511 IAC 6.2-9-5; filed Jan 28, 2011, 3:08 p.m.: 20110223-IR-511100502FRA*)

511 IAC 6.2-9-6 Special management team; debt service; transportation; food service; capital projects; other services

Authority: IC 20-19-2-8; IC 20-31-10-1

Affected: IC 20-26-12; IC 20-31-9-3; IC 20-31-9-4; IC 20-35

Sec. 6. (a) The corporation shall continue debt service payments on corporation debt attributable to the school.

(b) The department, the school corporation, and the special management team shall enter into a contract specifying the length of time, level of services, and entity responsible for providing necessary services to the school and students in the school, including, but not limited to, the following services:

(1) Transportation.

(2) Food service.

(3) Educational and administrative technology and technology support.

(4) Special education services under IC 20-35 and 511 IAC 7.

(5) Career and technical education services under IC 20-20 and 511 IAC 8.

(6) Custodial, maintenance, groundskeeping, and other services.

(7) Instructional services in a particular curriculum area.

(8) Textbooks and supplemental materials under IC 20-20-5 [*IC 20-20-5 was repealed by P.L. 73-2011, SECTION 22, effective July 1, 2011.*], IC 20-26-12, and 511 IAC 9.

(9) Student services under 511 IAC 4.

(10) Extracurricular activities.

(c) The corporation and special management team may enter into a contract or contracts for additional services.

(d) The department shall resolve disputes that arise in negotiation or execution of the contract under subsection (b). The decision of the department shall be the final administrative decision. (*Indiana State Board of Education; 511 IAC 6.2-9-6; filed Jan 28, 2011, 3:08 p.m.: 20110223-IR-511100502FRA*)

511 IAC 6.2-9-7 Special management team; employment; employee benefits

Authority: IC 20-19-2-8; IC 20-31-10-1

Affected: IC 5-10.3; IC 5-10.4; IC 20-31-9-3; IC 20-31-9-4

Sec. 7. (a) The special management team shall employ teachers, other school personnel, and independent contractors that are:

(1) described in the contract between the department and the special management team; and

(2) necessary for the special management team to fulfill its responsibilities under this rule.

(b) Personnel employed by the special management team under this section are entitled to participate in insurance benefits offered by the special management team or offered to state employees.

(c) Personnel employed by the special management team are entitled to participate in:

(1) a retirement program offered by the special management team;

(2) the state teachers' retirement fund created by IC 5-10.4; or

(3) the public employees' retirement fund created by IC 5-10.3.

(*Indiana State Board of Education; 511 IAC 6.2-9-7; filed Jan 28, 2011, 3:08 p.m.: 20110223-IR-511100502FRA*)

511 IAC 6.2-9-8 Actions adverse to special management team; real and personal property; failure to fulfill requirements of rule

Authority: IC 20-19-2-8; IC 20-31-10-1

Affected: IC 20-31-9-3; IC 20-31-9-4

Sec. 8. (a) The school corporation shall take no action adverse to the special management team's operation of the school.

(b) The school corporation shall take no action to dispose of or cloud the title of the real property on which the school is located.

(c) The school corporation shall not remove or dispose of personal property located in the school or, if located outside the school, assigned to the school.

(d) If the state board determines that the school corporation has:

(1) taken an action or actions prohibited by subsections (a) through (c); or

(2) refused without just cause to enter into the contract required under section 6(b) of this rule;

the board may order the department to withhold additional state funds otherwise to be distributed to the school corporation in order to permit the special management team to operate the school notwithstanding the prohibited or refused action. (*Indiana State Board of Education; 511 IAC 6.2-9-8; filed Jan 28, 2011, 3:08 p.m.: 20110223-IR-511100502FRA*)

511 IAC 6.2-9-9 Special management team; redistricting; assignment of students

Authority: IC 20-19-2-8; IC 20-31-10-1

Affected: IC 20-31-9-3; IC 20-31-9-4

Sec. 9. (a) The school corporation shall not, without the agreement of the special management team, change the assignment of students to schools in the school corporation in such a way that the number or grade level or levels of students assigned to the school are changed significantly.

(b) If the special management team agrees to accept additional students as permitted in this rule, the state board, on application of the special management team, may determine that the special management team needs additional funds to operate the school.

(c) The department shall withhold the amount determined under subsection (b) from state support and federal funds otherwise to be distributed to the school corporation. (*Indiana State Board of Education; 511 IAC 6.2-9-9; filed Jan 28, 2011, 3:08 p.m.: 20110223-IR-511100502FRA*)

511 IAC 6.2-9-10 Special management team; open meeting; public records; state board of accounts

Authority: IC 20-19-2-8; IC 20-31-10-1

Affected: IC 20-31-9-3; IC 20-31-9-4

Sec. 10. (a) The special management team shall comply with IC 5-14-1.5, the open door law, and IC 5-14-3, access to public records.

(b) The special management team shall comply with the financial reporting requirements established by the state board of accounts under IC 5-11-1. (*Indiana State Board of Education; 511 IAC 6.2-9-10; filed Jan 28, 2011, 3:08 p.m.: 20110223-IR-511100502FRA*) NOTE: Agency cited as 511 IAC 6.2-9-11, which was renumbered by the Publisher as 511 IAC 6.2-9-10.

*