

## **KENTUCKY DEPARTMENT OF EDUCATION**

### **STAFF NOTE**

#### **Review Item:**

703 KAR 5:070, Procedures for the Inclusion of Special Populations in State-Required Assessment and Accountability Programs (First Reading)

#### **Applicable Statute or Regulation:**

KRS 158.6451, KRS 158.6453, 703 KAR 5:070

#### **History/Background:**

*Existing Policy.* Senate Bill 1 (SB1), passed by the 2009 Kentucky General Assembly, established multiple assessment requirements and charged the Kentucky Board of Education (KBE) to create the new accountability system to classify districts and schools. With the guidance and approval of the KBE, the new accountability model, Unbridled Learning: College- and Career-Ready for All, offers a balanced approach organized around the KBE's four strategic priorities of next-generation learners, professionals, support systems and schools/districts.

As staff in the Office of Assessment and Accountability and Office of Next-Generation Learners work on implementation of the new state-required assessments, test administration procedures including accommodations permitted during testing are being examined. In October 2011, KBE began to consider significant changes, particularly the use of readers and calculators, to this regulation. During the regulatory process, concerns were expressed by educators, stakeholders and the public, which led to KDE withdrawing the regulation from the revision process.

This current proposed revision to 703 KAR 5:070 does not request changes to the accommodations of reader and calculator, but does recommend reordering the regulation and several other changes and improvements.

Reordering information in the regulation has been requested by teachers to make the document easier to use. The description of specific accommodations has been moved from the last section of the regulation and embedded within each section that discusses a specific category of students. Some sections in the original regulation have been combined. This reordering is best seen by comparing the original and proposed table of contents that appears on the next page.

<b>Original Table of Contents (2009)</b>	<b>Proposed Table of Contents (2013)</b>
Introduction, Background and Purpose	Introduction, Background and Purpose
Student Inclusion	Student Inclusion
Summary of the Standards for Inclusion of Special Populations	Summary of the Standards for Inclusion of Special Populations
Section 1 – Inclusion of Students with Disabilities	Section 1 – Inclusion of Students with Individualized Education Programs (IEPs)
Section 2 – Inclusion of Students in Non-A1 Programs and State Agency Children	Section 2 – Inclusion of Students as English Learners (EL)
Section 3 – Inclusion of Limited English Proficiency (LEP) Students	Section 3 – Inclusion of Students with 504 Plans or Temporary Medical Conditions that Necessitate Accommodations for Participation
Section 4 – Inclusion of Students Receiving Instruction in Home/Hospital Settings	Section 4 - Inclusion of Students in Alternative Programs and State Agency Children
Section 5 – Inclusion of Students with Temporary Medical Conditions (e.g., Injury or Ailment) that Necessitate Accommodations for Participation	Section 5 – Inclusion of Students Receiving Instruction in Home/Hospital Settings
Section 6 – Conditions for Implementing Accommodations	Section 6 – Inclusion of Students in the Alternate Assessment Program

The proposed revisions may be arranged into five topics: a new focus for prompting and cueing; a focus on word-to-word translations for English learners; addition to manipulatives; definition of extended time; and language clarification and improvements. The following summary outlines the proposed revisions. All section references are based on the proposed Table of Contents.

#### **A New Focus for Prompting/Cueing**

- Redefines prompting and cueing to directing students' attention to stay on task. This change is for students with IEPs (Sections 1 and 6), with Program Services Plans (Section 2) or with 504 Plans (Section 3).
- Removes the use of prompting and cueing notebooks on state assessments for students with IEPs (Sections 1 and 6), with Program Services Plans (Section 2) and with 504 Plans (Section 3).

#### **Focus on Word-to-Word Translation for English Learners**

- Removes assistive technology that provides complete translations and student-generated glossaries, since they go beyond a word-to-word translation. (Section 2)

#### **Addition to Manipulatives**

- Adds a 3 x 5 notecard to the manipulative section for students with IEPs (Sections 1 and 6) and with 504 Plans (Section 3).

### **Definition of Extended Time**

- Redefines extended time to be time and a half and double time for students with IEPs (Section 1), Program Services Plan (Section 2) and with a 504 Plan (Section 3). For students participating in the Alternate Assessment (Section 6), there is no time limit.

### **Language Clarification and Improvement**

- Reorganizes the order of content in the regulation and standardizes format.
- Adds language consistently around accommodations not impacting the validity of testing.
- Replaces Limited English Proficient (LEP) with English Learner (EL).
- Emphasizes accommodations being student initiated for students with IEPs (Sections 1 and 6), Program Services Plan (Section 2) and with 504 Plans (Section 3).
- Corrects terms for students with 504 Plans and separates them from students with IEPs (Section 3).
- Removes reference to a committee that participated in the original development of the regulation, but no longer exists (Introduction, Background and Purpose section).
- Adds language to confirm that students selected for the National Assessment of Educational Progress (NAEP) assessment will follow NAEP administration rules (Summary section).
- Removes old terminology such as Program of Studies (Summary section) and writing portfolios (throughout).
- Clarifies language around the nature of disabilities and the goal of fading accommodations over time (Sections 1 and 6).
- Clarifies language around paraphrasing directions for students with IEPs (Section 1 and 6), Program Services Plan (Section 2) and with 504 Plans (Section 3).
- Clarifies language around online testing and constructed response for students with IEPs (Section 1), Program Services Plan (Section 2) and with 504 Plans (Section 3).

Although students initiating accommodations is not a new concept in the regulation, it has been emphasized in the proposed revisions across the accommodations. KDE staff is researching how this concept is defined and implemented in other states. Staff also continues to work with stakeholders regarding the best language to clarify the role of teachers with student-initiated accommodations.

### **Impact on Getting to Proficiency:**

The new accountability system establishes how schools/districts are held responsible for ensuring Kentucky's students are proficient and prepared for success. The revised regulation clarifies accommodation guidelines to ensure consistent test administration across the Commonwealth.

### **Groups Consulted and Brief Summary of Responses:**

The School Curriculum, Assessment and Accountability Council (SCAAC) reviewed the proposed regulation during its September meeting. The District Assessment Coordinators' Advisory Group as well as the Local Superintendents Advisory Council and other stakeholder

groups will be discussing the proposed revisions. Any additional feedback that is received prior to the KBE October meeting will be shared at the meeting.

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A handwritten signature in black ink, appearing to read "Ken Draut", written in a cursive style.

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**Commissioner of Education**

**Date:**

October 2013