

## **SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE**

703 KAR 5:070, which incorporates by reference “Inclusion of Special Populations in the State-Required Assessment and Accountability Programs,” April 2021, establishes procedures for the inclusion of special populations of students in the state-required assessment and accountability system that classifies schools and districts.

The amended material incorporated by reference includes the following amendments:

### **Title Slide (Page 1):**

- December 2016 was amended to April 2021.

### **Table of Contents (Page 2):**

- Page numbers have been updated.
- Changed title of Section 1 from “Section 1 - Inclusion of Students with Individualized Education Programs (IEPs)” to “Section 1 – Inclusion of Students with Individual Education Programs (IEPs)”
- Changed title of Section 6 from “Section 6 – Inclusion of Students in the Alternate Assessment Program” to “Section 6 – Inclusion of Students in the Kentucky Alternate Assessment”

### **Introduction, Background and Purpose (Page 3):**

The Introduction, Background and Purpose section was amended so that the language is more accurate and concise.

- The list of students included in special populations was updated.
- Removed language, “being faded or reduced as the student gains/demonstrates increased skill and confidence and moves toward greater independence.” The language was deleted because not all students will be able to move toward greater independence due to the nature of the disability. Therefore, not all accommodations can be faded.
- Removed language regarding modifications. Modifications not being allowed on state testing can be stressed during trainings and incorporated into test administration manuals and doesn’t need to be included in regulation.

### **Student Inclusion (Page 3):**

- No amendments.

### **Summary of the Standards for Inclusion of Special Population Students (Page 4):**

The Summary of the Standards for Inclusion of Special Population Students section was amended so that the language is more accurate and concise.

- Clearly updated language to state that “All students, including all students in special populations, shall participate in the state-required Assessment and Accountability Programs as identified in the state student information system.”

- Removed outdated language and inserted new language that a student must possess a significant cognitive disability to participate in the Kentucky Alternate Assessment. Each student’s ARC must determine if the student meets participation guidelines for the Kentucky Alternate Assessment based on Alternate Achievement Standards (AA-AAS).
- Renamed “students with Limited English Proficiency” to “English Language Learner Students.”
- Added language that each school shall assess all English Language Learner students enrolled during the testing window as identified in the state student information system.

**General Conditions for Using Accommodations (Pages 4-8):**

The General Conditions for Using Accommodations section was amended so that the language is more accurate and concise.

- Added language that a student’s ARC is responsible for determining which accommodations, if any, are necessary to provide individualized supports to students and deleted language that a decision-making process should be in place to determine which accommodations are necessary to provide support.
- Renamed “state-required assessments” to “state-required content assessments.”
- Removed “education plan” and added more specific language “IEP, 504 Plan, or PSP.”
- Removed examples of disability categories listed within parenthesis since they are not needed.
- Added language that the most recent version of the student’s IEP, 504 plan or PSP should be reviewed prior to the state-required content assessment to ensure student needs are met.
- Removed paraphrasing as a testing accommodation. Paraphrasing may be used on test directions but not on the test. This will be emphasized in test administration manuals and trainings but does not need to be included in the regulation.
- Specifically stated that a student’s IEP must be reviewed and revised annually.
- Referenced 707 KAR Chapter 1 and removed reference to the Kentucky Administrative Regulations related to Exceptional Children.
- Updated language that decisions by the ARC concerning the use of accommodations shall be supported by multiple sources of current and longitudinal data which may include evaluation information, IEP goals and objectives and ongoing progress monitoring data.
- Changed reference of “Alternate Assessment Program” to “Kentucky Alternate Assessment”
- Removed Section C – *Inclusion of Students with Disabilities in the Measure of the Percentage of Students Making Successful Transitions to Adult Life*. This language is included in KRS 158.6453 and is no longer needed in this material.

**Section 1- Inclusion of Students with Individual Education Programs (IEPs) (Pages 8-13):**

Section one was amended to clarify frequently misunderstood requirements and includes more accurate and concise language.

- Changed title “Section 1 - Inclusion of Students with Individualized Education Programs (IEPs)” to “Section 1 – Inclusion of Students with Individual Education Programs (IEPs)”
- Removed language around accommodations being faded because it is not appropriate for some students. Added new language that the intention over time is for an accommodation to be reduced to some level or completely removed when appropriate and that the ARC will determine when the accommodation is no longer appropriate.
- Renamed “state-required assessments” to “state-required content assessments.”
- Updated definition of an assistive technology device.
- Removed specific examples of assistive technology. These can be written and shared in test administration manuals and trainings. In addition, this list can easily become outdated and may need frequent revision.
- Removed list of alternative processes to collect student responses. As Kentucky moves toward online testing, this list is becoming outdated. If a student is unable to take an online assessment, then specific directions will be included in test administration manuals.
- After the word “reader,” removed the reference of “text to speech or human.”
- Deleted reading, mathematics, science, social studies and writing (language mechanics and on-demand) and just referenced state-required content assessment.
- Added language that any person not working in a certified position who is providing assistance for a student with disabilities or English learners shall read and sign a nondisclosure agreement provided by the department.
- Removed “Use of Paraphrasing” subsection. Renumbered subsections 6-8 due to the deletion of “Use of Paraphrasing.”
- Removed language that extended time must be requested by the student.
- Updated language that reinforcement and behavior modification strategies may include positive behavioral interventions and supports as indicated in a student’s behavior intervention plan and/or IEP.
- Renamed subsection 8 to “Interpreters for a Student who is Deaf or Hard of Hearing”

## **Section 2 – Inclusion of Students as English Learners (EL) (Pages 13-19):**

In an effort to reduce recent audit findings, section two was amended to clarify frequently misunderstood requirements. This includes amendments to clarify processes for the identification and planning processes for English Learners.

- Re-organized section two, created a definition for the Program Service Plan (PSP), specified the membership of a PSP committee, and created a requirement for schools to administer a KDE created Home Language Survey.
- Changed language to align the regulation to the ESSA, including the inclusion of a opt out requirements for parents of EL students and extending the required district monitoring period from two to four years.
- Renamed “state-required assessments” to “state-required content assessments.”

- Removed language that “if a student has attained the necessary scores to exit the EL program, but the PSP committee decides that the student would benefit from remaining in the program, a parent or guardian of the student must approve with a signature the student remaining in the EL program.”
- Removed specific language that Kindergarten students shall not exit EL status until after reaching Fully English Proficiency status on the 1<sup>st</sup> grade English Language Proficiency assessment. This language is removed because of a recent audit finding.
- After the word “reader,” removed the reference of “text to speech or human.”
- Deleted reading, mathematics, science, social studies and writing (language mechanics and on-demand) and just referenced state-required content assessment.
- Added language that any person not working in a certified position who is providing assistance for a student with disabilities or English learners shall read and sign a nondisclosure agreement provided by the department.
- Removed language regarding “simplifying language” and “simplified language.” Simplified language only pertains to directions and is not a testing accommodation. This will be emphasized in test administration manuals and trainings but does not need to be included in the regulation.

**Section 3 – Inclusion of Students with 504 Plans or Temporary Medical Conditions that Necessitate Accommodations for Participation (Pages 19-23):**

Section three was amended to clarify frequently misunderstood requirements and includes more accurate and concise language.

- Renamed “state-required assessments” to “state-required content assessments.”
- Updated definition of an assistive technology device.
- Removed specific examples of assistive technology. These examples can be written and shared in test administration manuals and trainings. In addition, this list can easily become outdated and may need frequent revision.
- Removed list of alternative processes to collect student responses. As Kentucky moves toward online testing, this list is becoming outdated. If a student is unable to take an online assessment, then specific directions will be included in test administration manuals.
- After the word “reader,” removed the reference of “text to speech or human.”
- Deleted reading, mathematics, science, social studies and writing (language mechanics and on-demand) and just referenced state-required content assessment.
- Added language that any person not working in a certified position who is providing assistance for a student with disabilities or English learners shall read and sign a nondisclosure agreement provided by the department.
- Removed “Use of Paraphrasing” subsection. Renumbered subsections 6-8 due to the deletion of “Use of Paraphrasing.”
- Updated language that reinforcement and behavior modification strategies may include positive behavioral interventions and supports as indicated in a student’s behavior intervention plan and/or IEP.

- Renamed subsection 8 to “Interpreters for a Student who is Deaf or Hard of Hearing”

**Section 4 – Inclusion of Students in Alternate Programs and Agency Children (Pages 23-24):**

- Removed the following language, “The Kentucky School for the Deaf and the Kentucky School for the Blind are classified as alternative programs and shall be treated as such.” These were removed because they are residential schools and not alternative programs.

**Section 5 – Inclusion of Students Receiving Instruction in Home/Hospital Settings (Page 24):**

Section five was amended to include more accurate and concise language.

- Renamed “state-required assessments” to “state-required content assessments.”
- Renamed “Alternate Assessment Program” to “Kentucky Alternate Assessment”
- Changed “Section 7” to “Section 6” in the last sentence of the last paragraph.

**Section 6 – Inclusion of Students in the Kentucky Alternate Assessment (Pages 24-29):**

Section six was amended to clarify frequently misunderstood requirements and includes more accurate and concise language.

- Changed title “Section 6 – Inclusion of Students in the Alternate Assessment Program” to “Section 6 – Inclusion of Students in the Kentucky Alternate Assessment”
- Removed language around accommodations being faded because it is not appropriate for some students. Added new language that the intention over time is for an accommodation to be reduced to some level or completely removed when appropriate and that the ARC will determine when the accommodation is no longer appropriate.
- Renamed “Alternate Assessment Program” to “Kentucky Alternate Assessment”
- Removed examples of disability categories listed within parenthesis since they are not needed.
- Renamed “state-required assessments” to “state-required content assessments.”
- Updated definition of an assistive technology device.
- Removed specific examples of assistive technology. These can be written and shared in test administration manuals and trainings. In addition, this list can easily become outdated and may need frequent revision.
- Added language that any person not working in a certified position who is providing assistance for a student with disabilities or English learners shall read and sign a nondisclosure agreement provided by the department.
- Updated language that reinforcement and behavior modification strategies may include positive behavioral interventions and supports as indicated in a student’s behavior intervention plan and/or IEP.
- Removed “Use of Paraphrasing” subsection. Renumbered subsections 6-7 due to the deletion of “Use of Paraphrasing.”
- Renamed subsection 7 to “Interpreters for a Student who is Deaf or Hard of Hearing”

