

INCLUSION OF  
SPECIAL POPULATIONS  
IN THE STATE-REQUIRED  
ASSESSMENT AND  
ACCOUNTABILITY  
PROGRAMS  
703 KAR 5:070

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## **INTRODUCTION, BACKGROUND and PURPOSE**

According to KRS 158.6455, it is the intent of the General Assembly that schools succeed with all students. The state-required Assessment and Accountability Programs are inclusive of all students at specific grade levels.

The purpose of this document is to provide direction for the inclusion of special populations in the state-required Assessment and Accountability Programs.

Special populations include:

- Students with disabilities who have an Individual Education Program under Subpart D of the Individuals with Disabilities Act;
- Students who attend programs classified as alternative as defined in 703 KAR 5:240 and state agency children as provided in 505 KAR 1:080;
- Students whose primary language is not English;
- Students receiving instruction in home/hospital settings as specified in 704 KAR 7:120 (i.e., homebound instruction, not home schools);
- Students who have a plan under Section 504 of the Rehabilitation Act of 1973; or
- Students who have temporary medical conditions that necessitate accommodations for participation.

Accommodations are intended to provide support for students during instruction to access and learn content as well as to demonstrate content achievement during assessment. Accommodations do not reduce learning expectations and are not intended to be a substitute for specific instruction. Accommodations shall be individualized and specifically designed to aid the student as the student learns.

## **STUDENT INCLUSION**

The provisions in this document are applicable to all students except those who are:

- Twenty-one (21) years of age or older who are part time students attending less than six (6) hours per day.
- Enrolled in an Adult General Education Diploma (GED) Program and are not officially enrolled in a Kentucky public high school.

These students are considered dropouts for accountability purposes, and therefore, are not subject to the inclusion policies described in this document.

Students enrolled in a secondary GED Program offered by a Kentucky public high school are not considered to be dropouts for accountability purposes, and therefore, are subject to the inclusion policies described in this document.

## **SUMMARY OF THE STANDARDS FOR INCLUSION OF SPECIAL POPULATIONS**

- 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.
- A student must possess a significant cognitive disability to participate in the Kentucky Alternate Assessment. Each student's Admissions and Release Committee (ARC) must determine if the student meets the participation guidelines for Kentucky Alternate Assessment based on Alternate Achievement Standards (AA-AAS).
- Students with temporary medical conditions or who qualify under Section 504 of the Rehabilitation Act of 1973 for a 504 Plan shall participate in the state-required Assessment and Accountability Programs.
- Each school shall assess all English Language Learner students enrolled during the testing window as identified in the state student information system.
- Students receiving instruction in home/hospital settings shall participate in the state-required Assessment and Accountability Programs unless participation would jeopardize a student's physical, mental or emotional well-being, and a school or district has submitted a request for medical non-participation. The request is subject to the approval of the Kentucky Department of Education (KDE) and must describe the medical condition that warrants a student not participating in some or all portions of the assessments.
- Students selected to participate in the National Assessment of Educational Progress (NAEP) testing shall take the assessment following NAEP administration rules.

## **GENERAL CONDITIONS FOR USING ACCOMMODATIONS**

A student's ARC is responsible for determining which accommodations, if any, are necessary to provide individualized supports to students.

### **A. General Conditions for Using Accommodations**

Accommodations shall meet the following conditions:

1. School staff must make available to the student accommodations used consistently as part of routine instruction and classroom assessment but may not instruct their students on when to use accommodations. Proctors may review with the student the accommodations in their IEP, 504 Plan or Program Service Plan (PSP), remind students that proctors are there to provide the accommodations, and revisit this information at the beginning of each test session. Students have the right to decline use of an accommodation. If a student has adult-provided accommodations (e.g.,

reader, scribe) or assistive technology, the adult or technology shall be in the testing room prior to testing and shall remain there during the testing period.

2. Accommodations for some students may be considered transitional strategies and should be faded as appropriate and as the student gains the skills necessary for an independent level of academic performance.
3. Accommodations shall not impact the content validity being measured. Accommodations outlined in this document are considered appropriate for state-required content assessments when the accommodations are administered according to the directions in this document.
4. Accommodations shall be age-appropriate and clearly described in the student's IEP, 504 Plan or PSP.
5. Accommodations shall be for the purpose of students accessing the general education curriculum. Accommodations allow students to demonstrate what they know and can do independently. Accommodations shall in no way lead the student to the correct answer.
6. Accommodations shall be based on the individual needs of the student and not on a disability category.
7. Accommodations do not substitute for high-quality instructional practices.
8. Evaluation information and ongoing progress data should support the need for accommodations in the specified area of need.
9. Accommodations shall be part of the student's ongoing instructional program and not introduced immediately prior to the state-required content assessments.
10. Caution shall be used prior to making IEP, 504 Plan, or PSP changes related to accommodations near or within the state-required content assessment window.
11. The use of technology shall be the first accommodation considered before adult accommodation (e.g., reader, scribe), if feasible. A shortage of workstations, software, physical space, or training shall not be used as a reason for failing to provide assistive technology as an accommodation.
12. To ensure student needs are met, test administrators and the student shall be informed of all accommodations from the most recent version of the student's IEP, 504 Plan or PSP prior to state-required content assessments.

13. Changes in the administration of the assessment or recording of student responses shall be consistent with the services identified on the student's IEP, 504 Plan, or PSP.

## B. Conditions for Specific Accommodations

There are a variety of accommodations that may be appropriately used for students with disabilities on the state-required content assessment, including but not limited to:

- Use of assistive technology
- Manipulatives
- Reader
- Scribe
- Calculator
- Extended time
- Reinforcement and behavior modifications strategies
- Interpreter for students with deafness or hearing impairment

Students with disabilities are students who meet the criteria under KRS 157.200 and Kentucky Administrative Regulations (707 KAR Chapter 1) related to Exceptional Children. These state laws and regulations apply to all subsequent sections referencing students with disabilities.

## C. Three Options for Inclusion

A student's IEP must be reviewed and revised annually, with the ARC. For students with disabilities, the ARC shall determine on an individual basis how the student will be included in the state-required Assessment and Accountability Programs. The decision of the ARC shall be stated in the student's IEP and shall be based on evaluation data, present levels of academic achievement and functional performance and other sources of current and longitudinal data, which may include work samples. The three options for inclusion are:

1. Participation with no accommodations: Students with disabilities who participate fully in the state-required Assessment and Accountability Programs with no accommodations shall include:

- students who have been referred to an ARC for which the evaluation process and eligibility determination have not been completed;
- students with disabilities not receiving special education; or
- students with disabilities not requiring/needing accommodations.

2. Participation with accommodations: Students may use accommodations for the state-required content assessment under certain circumstances when they:

- meet the eligibility criteria for one of the disability categories under 707 KAR Chapter 1 and have a current IEP;
- have a current PSP; or

- have a current 504 Plan.

The circumstances under which accommodations may be used shall be as follows:

- a. Accommodations shall be related to the individual student's needs and the impact of the disability on specific areas of learning. 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;
- b. Accommodations shall be a part of the student's regular instructional routine and not used or introduced just for the purpose of the state-required content assessment; and
- c. Accommodations are specified in the student's IEP, PSP or 504 Plan.

3. Participation in the Kentucky Alternate Assessment: To participate in the Kentucky Alternate Assessment, a student shall meet all the criteria for the program as stated in 707 KAR Chapter 1 related to Exceptional Children and the Kentucky Academic Standards.

The ARC for the student with disabilities shall:

- a. Determine and verify in the student's IEP that the student meets all of the criteria for the program in order to participate in the Kentucky Alternate Assessment;
- b. Document in writing in the student's record the basis for the decision using current and longitudinal data such as the following:
  - performance data across multiple settings;
  - behavior observations in multiple settings;
  - adaptive behavior;
  - continuous assessment of progress on IEP goals/objectives; and
- c. Review annually this decision in accordance with 707 KAR Chapter 1.

The results of each student's Alternate Assessment shall be included in the accountability calculations to determine the school's accountability classification and be equivalent to the impact of a student participating in the regular state-required Assessment and Accountability Programs' process. Accommodations provided to students participating in the Kentucky Alternate Assessment shall be based on the student's IEP and specifications identified within the assessment administration directions.

#### D. Inclusion of Twenty-one (21) Year Old Students with Disabilities in the Assessment Program

If a student with disabilities turns twenty-one (21) years old during a school year, the student may "age out" of school without completing the school year and participating in the state-required Assessment and Accountability Programs (e.g., a student exits school

after becoming 21 years old in January). If this is a possibility, the student shall be included in the state-required content assessments during the school year prior to turning 21 years old.

## **SECTION 1 – INCLUSION OF STUDENTS WITH INDIVIDUAL EDUCATION PROGRAMS (IEPs)**

Students with disabilities may need accommodations as part of their instructional supports. Federal and state laws require districts to make instructional decisions regarding the IEP based on a process of data analysis using evaluation information, observations and on-going progress monitoring. Accommodations should be determined through the use of the same process. Accommodations for students with a disability shall be both age-appropriate and related to both the student’s disability and specially designed instruction described in the student’s IEP.

The ARC shall use a process of data analysis to determine which accommodation(s) improve student achievement toward independence. Accommodations need to be selected based on student need, incorporated into daily instruction, and monitored for effectiveness and impact on a student becoming independent. When age-appropriate, student involvement in the selection and use of accommodations fosters understanding and leads to an active role in the learning process.

The use of an accommodation on a state content assessment is provided to support student progress while fostering a level of independence. The intention over time is for an accommodation to be reduced to some level or completely removed when appropriate. The ARC will use student level data to determine when an accommodation should no longer be provided.

Individuals providing assistance to a student with disabilities during the state-required content assessment shall be trained in their responsibilities and abide by confidentiality laws, provisions of 703 KAR 5:080, this document, and the conditions under which each student uses the accommodation as described in the student’s IEP. 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.

Students with disabilities participating in the state-required content assessments shall be administered the forms of the tests through a random distribution identical to that of students without disabilities. The only permissible exceptions to the random distribution shall involve audio, large print or braille for visual impairments, or specific forms of the assessment used for students with hearing.

### **1. Use of Assistive Technology**

An assistive technology device, as defined by 20 U.S.C. § 1401(1), is “any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a



child with a disability.” The use of assistive technology shall in no way lead the student to the correct answer.

In order for the use of special equipment, including assistive technology, to be allowed during the state-required content assessments, the ARC shall have considered under what conditions a student will use the technology on a routine basis during instruction. Evaluation information and ongoing progress data shall support the need for technology.

In order to foster independence, carryover to post-school activities, and self-advocacy skills in general, assistive technology shall be considered as an early accommodation before adult-provided accommodations. When assistive technology is not appropriate, accommodations used will be based on student need and ability level, as designated in the IEP. The student must be given the tools to become independent. Beginning assistive technology at an early age may promote growth leading toward independence.

If the use of special equipment, or assistive technology (e.g., talking calculators, electronic dictionaries) during the state-required content assessment would influence the performance of another student, then the assessment shall be administered to the student in an alternative setting or with headphones.

If it is necessary for a student to complete written work (including responses to test items) on a computer and this accommodation is included in a student’s IEP and is routinely used in the student’s regular instructional program, it may be used when responding to constructed- or extended-response questions, short-answer questions and on-demand writing while participating in the state-required content assessment. The first option for capturing written responses is to administer the state-required content assessment through an online version. If an online assessment is not offered or students are not capable of taking the online assessment, specific directions are included in the test manuals.

## 2. Use of Manipulatives

In order for the use of manipulatives to be allowed during state-required content assessments, the ARC shall have considered under what conditions a student will use manipulatives during instruction. Evaluation information and ongoing progress data shall support the need for manipulatives. Manipulatives cannot be placed on the student’s desk but instead should be located in a place in which the student can access them when needed to complete a task or problem. All manipulatives should be free of writing and used only as a trigger to the student as he or she organizes his or her thoughts.

In addition to the student’s regular manipulatives offered, a student may have one 3 inch x 5 inch notecard with blank graphic organizer(s) drawn on it (front and back) for the assessment. The card shall not contain any written text or labels. This can serve to help organize the student’s thoughts. Students with visual impairments may enlarge the 3x5 card to make the card usable.

### 3. Use of Reader

The use of a reader is allowed on all sections of the state-required content assessment.

The use of a reader shall in no way lead the student to the correct answer. A reader shall not be used as a replacement for reading instruction or assistive technology, and in order for the use of a reader to be allowed during the state-required content assessments, the ARC shall have documented the impact of the student's disability on reading and considered under what conditions the student will use a reader on a routine basis during instruction. A combination of evaluation information and ongoing progress data shall support the need for a reader.

It is at the discretion of local districts and schools to determine who may serve in the capacity of a reader for state-required content assessments. Peer tutors are not allowed to serve as readers due to the requirements of 703 KAR 5:080 and confidentiality (KAR 160.700 et seq.). 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.

The criteria for determining the use of a reader shall not be solely dependent upon the student's grade level performance or his or her cognitive ability. There must be documentation over time that with intervention and high-quality instruction, the student continues to be unable to access the reading assessment without the use of a reader.

The role of the reader during the state-required content assessment shall be limited to the following:

The reader shall:

- read the directions, prompts, situations, and passages as written;
- not use or provide additional information or directions that may lead the student to specific information needed to answer the question;
- re-read the directions, prompts, situations, and passages only if specifically requested by the student;
- not point out parts of the task, questions or parts skipped by the student; and
- read individual words or abbreviations that are mispronounced by text or screen readers, if specifically requested by the student.

### 4. Use of a Scribe

The use of a scribe shall in no way lead the student to the correct answer. A scribe shall not be used as a replacement for writing instruction or assistive technology. In order for a scribe to be allowed during the state-required content assessment, the ARC shall have documented the disability's impact on writing and considered under what conditions a student will use a scribe on a routine basis during instruction. A combination of evaluation information and ongoing progress data shall support the need for a scribe.

The use of a scribe during the state-required content assessment shall be limited to the following conditions:

- a student has a verified disability as documented in the IEP that impacts written expression to a degree that the student's performance is significantly and consistently below the same age peers;
- a student is unable to translate thoughts into written language and is not able to print, use cursive techniques or use technology; or
- a student is able to translate thoughts into written language but is not able to print, use cursive techniques or use technology.

It is at the discretion of local districts and schools to determine who may serve in the capacity of a scribe for state-required content assessments. Peer tutors are not allowed to serve as scribes due to the requirements of 703 KAR 5:080 and confidentiality (KRS 160.700 et seq.). 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. In all components of the state-required content assessment, a student shall be the sole creator, author, decision-maker and owner of his or her work. The role of the scribe during the required assessment (multiple choice, multiple select, technology-enhanced, extended-response, short-answer, and on-demand) shall be limited to the following:

A scribe shall:

- record what the student dictates word for word (written onto paper or typed into the online platform);
- format, capitalize and punctuate the student's writing as directed by the student;
- give the written product to the student to edit or revise; and
- not alter, edit or revise a student's own ideas, revisions or edits.

## 5. Use of a Calculator

The use of a calculator is allowable on all sections of the state-required content assessment including those sections labeled NON-CALCULATOR.

In order for the use of a calculator to be allowed during the state-required content assessments, the ARC shall have documented the disability's impact on mathematics calculation/reasoning and considered under what conditions a student will use a calculator on a routine basis during instruction. Evaluation information and progress data shall support the need for a calculator. A calculator shall not be used as a replacement for mathematics instruction or assistive technology.

## 6. Use of Extended Time

In order for the use of extended time to be allowed during the state-required content assessment, the ARC shall have documented under what conditions a student will need extended time during instruction and assessments. Evaluation information and ongoing progress data shall support the need for extended time.

The use of extended time on the state-required content assessment shall be utilized as long as the student is demonstrating on-task efforts which allow the student to make constructive progress on completing their assessment responses. Students will be allowed regular time, time and a half or double time.

#### 7. Use of Reinforcement and Behavior Modification Strategies

In order for the use of reinforcement and behavior modification strategies to be allowed during the state-required content assessment, the ARC shall have documented under what conditions a student will need reinforcement and behavior modification strategies on a routine basis during instruction. Evaluation information and ongoing progress data shall support the need for reinforcement and behavior modification strategies.

Reinforcement and behavior modification strategies may include:

- positive behavioral interventions and supports as indicated in a student's behavior intervention plan and /or IEP;
- verbal, tangible or tactile reinforcements for being on-task;
- use of technology to focus attention or reduce stress; or
- testing in a separate location outside the regular classroom.

If the use of reinforcement and behavior modification strategies during the state-required content assessment has the potential to influence the performance of another student, then the assessment shall be administered to the student in an alternative setting. Testing administrators should refer to the student's IEP or behavior intervention plan should the student display disruptive or aggressive behavior during testing.

#### 8. Interpreters for a Student who is Deaf or Hard of Hearing

An American Sign Language (ASL) interpreter shall in no way lead the student to the correct answer. In order for the use of an interpreter to be allowed during the state-required content assessment, the ARC shall have documented under what conditions a student will use an interpreter on a routine basis during instruction. Evaluation information and ongoing progress data shall support the need for an interpreter. An interpreter shall not be used as a replacement for assistive technology.

An interpreter may sign during the state-required content assessment (i.e., translate to the student in sign language) under the following conditions:

- The student has a verified disability in the area of hearing;
- The student uses sign language as the normal mode of communication due to his or her disability.

During state-required content assessments the interpreter shall not:

- indicate correct answers to test items, or
- define words for the student, provide content, teach vocabulary or concepts.

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.

## **SECTION 2 - INCLUSION OF STUDENTS AS ENGLISH LEARNERS (EL)**

For the purposes of this document, students whose primary language is not English shall be considered EL students.

### **Part One: EL Identification and State-Required English Language Proficiency Assessment**

#### **A. Definitions**

1. IFEP (Initially Fully English Proficient) – A student who is screened for English language proficiency because they come from a non-English language background and upon initial assessment of English language proficiency scores IFEP. This initial screening assessment of English language proficiency shall occur when the student first enters a school district in the United States. The student shall not qualify as EL because of their initially fully English proficient status.
2. English Learner (EL) – Means an individual:
  - Who is age 3 to 21;
  - Who is enrolled or preparing to enroll in an elementary or secondary school;
  - Who was not born in the United States or whose native language is a language other than English (who is Native American or an Alaskan Native, or a native resident of the outlying areas and who comes from an environment where a language other than English has had a significant impact on the individual’s level of English Language Proficiency or who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant); and
  - Whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual:
    - the ability to meet the state’s proficient level of achievement on state-required content assessments;
    - the ability to successfully achieve in classrooms where the language of instruction is English; or
    - the opportunity to participate fully in society.
3. RFEP (Re-designated Fully English Proficient) – A student, after having been designated EL based on the initial assessment of English Language Proficiency, subsequently scores FEP on the assessment of English Language Proficiency.
4. PSP (Program Service Plan) – The PSP is a plan created by the school that describes the necessary interventions and instructional activities to be deployed for the benefit of the student.

## B. Identifying EL Students

Which students should take the state-required English language proficiency (ELP) assessment?

A local school district shall administer a Home Language Survey (HLS) to all students upon their initial enrollment in the district as the first screening process to identify EL students. Districts shall use the home language survey provided by KDE that includes the following four required questions:

- What is the language most frequently spoken at home?
- Which language did your child learn when they first began to talk?
- What language does your child most frequently speak at home?
- What language do you most frequently speak to your child?

If the answer to any of the HLS questions is a language other than English, the local school district shall consider that the student may be an English Learner and the student shall be administered an annual state-approved English language screener to determine if the student shall be identified as having limited English. The performance of students on this approved annual assessment shall be monitored by the district and reported to KDE. An EL may or may not be an immigrant, migrant or refugee. An EL is always considered as having non-English language background.

A student's score on the annual English language proficiency assessment determines whether the student identified remains EL or attains English language proficiency status.

### 1. Which students need a PSP?

A district or school PSP committee will design a PSP for each student identified as EL. A student who is Initially Fully English Proficient (IFEP) as determined by the results of an English language screener shall not need a PSP.

### 2. What are parental notification requirements and rights?

The results of the English language screener and the instructional plan (PSP) must be shared with the parents within the first 30 days of the school year or within two weeks of enrollment during the school year. Written documentation or oral interpretation shall be provided to parents/guardians, to the extent practical, in a language they can understand.

## C. State-Required English Language Proficiency Assessment

KDE shall determine the necessary scores (exit criteria) on the annual English Language Proficiency assessment to exit EL status. When the student reaches proficiency, as determined by the state's exit criteria, the student enters a four-year district monitoring period and is considered a Re-designated Fully English Proficient (RFEP) student. This change in EL status shall be entered immediately into the student information system

#### D. Accommodations for State-Required English Language Proficiency Assessment

Unless the EL has an IEP or a 504 Plan on file, that student will not receive accommodations on the annual English language proficiency assessment as it is a measure of the English language ability of an EL.

#### Part Two: State-Required Assessment and Accountability Programs

All ELs must participate in:

- The state approved English language proficiency assessment annually. Regardless of time enrolled in a U.S. school, all ELs enrolled in grades K-12 shall participate.
- All state-required content assessments after one full year of enrollment. The first full year of enrollment is defined as 240 days or 12 months. These are cumulative.
- A mathematics test for participation only (if a student is enrolled in a grade in which a mathematics test is administered) for first year EL students with appropriate accommodations noted in the EL's PSP.
- A science test for participation only (if a student is enrolled in a grade in which a science test is administered) for first year EL students with appropriate accommodations noted in the EL's PSP.

ELs in their first year of enrollment in a U.S. school are not required to participate in the other state-required content assessments. For these students, these assessments are optional and at the discretion of the school and district. This is a one-time exemption.

#### A. Documentation Needed to Implement Accommodations (Program Service Plan)

For EL students who have been identified, it may be necessary to permit instructionally consistent accommodations for the assessment administration. Any accommodation shall be based on an assessment of English language proficiency, consistent with the ongoing delivery of instructional services, and stated in the student's PSP. Accommodations shall not be solely for the state-required content assessment. Implementation of any accommodations shall not impact the content being measured.

For all EL students, PSP committees shall determine on an individual basis whether these students will participate with or without accommodations in the state-required Assessment and Accountability Programs. The PSP committee shall include:

- a) The parent(s) of the child;
- b) Not less than one (1) regular education teacher of the child;
- c) Not less than one (1) English language teacher of the child;
- d) An individual who can interpret the instructional implications of evaluation results who may be a member of the team described above;
- e) An individual who has knowledge or special expertise regarding the child at the discretion of the parent or the LEA;
- f) Related services personnel, as appropriate; and
- g) The child, if appropriate.

The parent(s) of an EL student may decline or opt their child out of the school district's program for ELs or out of particular language services within the program by notifying the school principal in writing. Declining services does not opt the child out of future English language proficiency assessments.

An EL student may use accommodations in the state-required content assessments if the student meets all of the following criteria:

- Has been assessed with an English language proficiency assessment and meets the criteria as an EL student;
- Has evaluation data that demonstrates a need for accommodations;
- Has a current PSP developed by the PSP committee that includes accommodations as part of the student's ongoing delivery of instruction; and
- Is participating in instructional programs and services to meet the language and academic content needs of the student.

These accommodations shall be related to the individual student's needs and the impact of the student's English language proficiency on demonstrating what the student knows on a test written in English and the ability to access the curriculum. These decisions shall be made in the best interest of the student (e.g., scribing for a student throughout the school year just so that a scribe can be provided for assessment is not in the student's best interest versus providing a bilingual dictionary with extended time).

If accommodations are needed, the PSP shall include:

- The name and date of the English language proficiency assessment administered to determine the student's EL status;
- The specific accommodations to be implemented in instruction;
- A list of the names of the PSP committee members who reviewed the documentation and made the decisions. The list of staff shall be placed with the student's EL records;
- The appropriate accommodations needed; and
- The signature of the principal of the appropriate school as an indication of approval for the described accommodations.

The EL student's performance on the annual English language proficiency assessment in conjunction with professional judgment shall determine when accommodations are no longer required. Implementation of any accommodations shall not impact the content being measured.

B. Accommodations, when consistent with the on-going delivery of instructional services, may include:

1. Administration Strategies:

- Use of Reader

The use of a reader is allowed on all sections of the state-required content assessment.



The use of a reader shall in no way lead the student to the correct answer. A reader shall not be used as a replacement for reading instruction or assistive technology. Therefore, in order for the use of a reader to be allowed during the state-required content assessments, the PSP committee shall have documentation of English Language proficiency impact on reading and considered under what conditions a student will use a reader on a routine basis during instruction. A combination of evaluation information and progress data shall support the need for a reader.

It is at the discretion of local districts and schools to determine who may serve in the capacity of a reader for the state-required content assessment. Peer tutors are not allowed to serve as readers due to the requirements of 703 KAR 5:080 and confidentiality (KAR 160.700 et seq.). 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.

The role of the reader during the state-required content assessment shall be limited to the following:

The reader shall:

- read the directions, prompts, situations, and passages as written;
- not use or provide additional information or directions that may lead the student to specific information needed to answer;
- re-read the directions, prompts, situations, and passages only if specifically requested by the student;
- not point out parts of the task, questions or parts skipped by the student; and
- read individual words or abbreviations that are mispronounced by text or screen readers.

- Extended Time

A student with limited English proficiency who has a PSP that stipulates extra time is needed to complete assessments shall be allowed extended time to complete items on the state-required content assessments as long as extended time is an accommodation for assessments and completion of assignments in the student's daily instructional routine.

To warrant additional time on the state-required content assessments, students shall be making constructive progress on completing their responses and the school shall provide proper supervision to maintain an appropriate assessment atmosphere. Students will be allowed regular time, time and a half or double time.

- Provide Oral Native Language Support with Extended Time

Oral native language support shall be based on a student's individual language needs as documented in the PSP.

This accommodation may range from assistance with specific vocabulary to a sight translation which means rendering printed English test materials (i.e., directions, questions, prompts, situations, passages and stories as written) orally in the student's native language. The accommodation or oral native language support shall include providing directions orally in a student's native language. The accommodation shall also incorporate some simplification of language in the test administration directions.

Every effort should be made to distribute test forms to all students in a random order. Under the condition that a school can demonstrate no feasible way to provide a multiple number of interpreters for EL students, school staff may allow students to use the same form of the test so that one interpreter per foreign language shall be employed to provide this accommodation. To meet the need for interpreter services, EL students shall use a different test administration schedule than the regular student population, as long as the different schedule is within the district-established testing window.

## 2. Processing and Response Strategies:

- Use of dictionaries (bilingual or English) in print or electronic version with or without extended time

The bilingual or English dictionaries can be in print or electronic versions. Consistent with best practices for ELs, the dictionary used should be a word-to-word translation without definitions. When using an electronic bilingual or English dictionary make sure that other capabilities such as going to the Internet, translating whole phrases and sentences, etc. are turned off before using this accommodation on the state-required content assessments.

- Use of a Scribe

The accommodation shall be related to the individual student's needs and the impact of the student's English language proficiency on demonstrating what the student knows on a test written in English and the ability to access the curriculum. The decisions shall be made in the best interest of the student (e.g., scribing for a student throughout the school year just so a scribe can be provided for assessment is not in the student's best interest versus providing a bilingual dictionary with extended time). A scribe is not to be used as a replacement for writing instruction or assistive technology.

A scribe's role shall be to record the student's work to allow the student to reflect what the student knows and is able to do while providing the student with an alternative means to express his or her thoughts and knowledge. The scribe records what the student dictates word-for-word. The scribe shall not correct grammar, run-on sentences or organization of the student's ideas.

A student shall not write responses to the state-required content assessments in a language other than English and have a teacher translate them. However, the student shall be allowed accommodations on the assessment and these shall include dictation of responses, which shall be transcribed into English by a scribe on the answer document. The student's PSP shall include any accommodations which are part of the on-going instructional process and are based on the needs identified on a language proficiency test. Accommodations shall not be made solely for the state-required content assessment.

For an EL student with a PSP that has evaluation data and routine instructional experiences to support the accommodation of a scribe, a scribe shall be provided if the student has not reached proficiency on the annual English language proficiency assessment.

### **SECTION 3 - INCLUSION OF STUDENTS WITH 504 PLANS OR TEMPORARY MEDICAL CONDITIONS THAT NECESSITATE ACCOMMODATIONS FOR PARTICIPATION**

Students who qualify for a 504 Plan under Section 504 of the Rehabilitation Act of 1973 or who become injured or develop an ailment that restricts their access to the general curriculum (e.g., broken dominant hand or paralysis due to an illness) before or during the testing window may be provided appropriate accommodations to allow their participation in the state-required Assessment and Accountability Programs. Appropriate documentation shall support the need for accommodations during state-required content assessments. These accommodations shall not impact the content being measured.

#### **1. Use of Assistive Technology**

An assistive technology device, as defined by 20 U.S.C. § 1401(1), is "any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a child with a disability." The use of assistive technology shall not inappropriately impact the validity of the state-required content assessment and shall in no way lead the student to the correct answer. In order for the use of special equipment, including assistive technology, to be allowed during the state-required content assessments, the 504 team shall have considered under what conditions a student will use the technology on a routine basis during instruction. Evaluation information and ongoing progress data shall support the need for technology.

In order to foster independence, carryover to post-school activities, and self-advocacy skills in general, assistive technology shall be considered as an early accommodation before adult provided accommodations, if feasible. When assistive technology is not appropriate, accommodations used will be based on student need and ability level, as designated in the 504 Plan. In order to foster independence the student shall be given the tools to become independent. Beginning assistive technology at an early age may promote growth leading toward independence.

If the use of special equipment, or assistive technology (e.g., talking calculators, electronic dictionaries) during the state-required content assessment would influence the performance of another student, then the assessment shall be administered to the student in an alternative setting or with headphones.

If it is necessary for a student with a 504 Plan to complete written work (including responses to test items) on a computer and the accommodation is included in the 504 plan and used routinely during instruction, it may be used on the state-required content assessment. The first option for capturing written responses is to administer the state-required content assessment through an online version. If online assessment is not offered or students are not capable of taking the online assessment, specific directions are included in the test manuals.

## 2. Use of Manipulatives

The use of manipulatives shall in no way lead the student to the correct answer.

In order for the use of manipulatives to be allowed during state-required content assessments, the 504 team shall have considered under what conditions a student will use manipulatives during instruction. Evaluation information and progress data shall support the need for manipulatives.

In addition to the regular manipulatives offered, a student may have one 3 inch x 5 inch notecard with blank graphic organizer(s) drawn on it (front and back) for the assessment. The card shall not contain any written text or labels. This can serve to help the student organize his or her thoughts.

## 3. Use of Reader

The use of a reader is allowed on all sections of the state-required content assessment.

The use of a reader shall in no way lead the student to the correct answer. A reader shall not be used as a replacement for reading instruction or assistive technology. Therefore, in order for the use of a reader to be allowed during the state-required content assessments, the 504 team shall have documented the disability's impact on reading and considered under what conditions the student will use a reader on a routine basis during instruction. A combination of evaluation information and ongoing progress data shall support the need for a reader.

It is at the discretion of local districts and schools to determine who may serve in the capacity of a reader for the state-required content assessment. Peer tutors are not allowed to serve as readers due to the requirements of 703 KAR 5:080 and confidentiality (KAR 160.700 et seq.). 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.

The role of the reader the state-required content assessment shall be limited to the following:

The reader shall:

- read the directions, prompts, situations, and passages as written;
- not use or provide additional information or directions that may lead the student to specific information needed to answer;
- re-read the directions, prompts, situations, and passages only if specifically requested by the student;
- not point out parts of the task, questions or parts skipped by the student; and
- read individual words or abbreviations that are mispronounced by text or screen readers, if specifically requested by the student.

#### 4. Use of a Scribe

The use of a scribe shall in no way lead the student to the correct answer. A scribe shall not be used as a replacement for writing instruction or assistive technology. Therefore, in order for the use of a scribe to be allowed during the state-required content assessment, the 504 team shall have documented the disability's impact on writing and considered under what conditions a student will use a scribe on a routine basis during instruction. A combination of evaluation information and ongoing progress data shall support the need for a scribe.

The use of a scribe during the state-required content assessment shall be limited to the following conditions:

- documentation in the 504 Plan shows an impact in written expression to a degree that the student's performance is significantly and consistently below the same age peers;
- a student is unable to translate thoughts into written language and is not able to print, use cursive techniques, or use technology; or
- a student is able to translate thoughts into written language but is not able to print, use cursive techniques or use technology.

It is at the discretion of local districts and schools to determine who may serve in the capacity of a scribe for the state-required content assessment. Peer tutors are not allowed to serve as scribes due to the requirements of 703 KAR 5:080 and confidentiality (KRS 160.700 et seq.). 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. In all components of the state-required content assessment, a student shall be the sole creator, author, decision-maker and owner of his or her work. The role of the scribe during the required assessment (multiple-choice, multiple select, technology-enhanced, extended-response, short-answer and on-demand) shall be limited to the following:

A scribe shall:

- record what the student dictates word for word (written onto paper or typed into the online platform);
- format, capitalize and punctuate the student's writing as directed by the student;
- give the written product to the student to edit or revise; and
- not alter, edit or revise a student's own ideas, revisions or edits.

#### 5. Use of a Calculator

The use of a calculator is allowable on all sections of the state-required content assessment including those that are clearly labeled NON-CALCULATOR sections.

In order for the use of a calculator to be allowed during the state-required content assessments, the 504 team shall have documented the disability's impact on mathematics calculation/reasoning and considered under what conditions a student will use a calculator on a routine basis during instruction. Evaluation information and ongoing progress data shall support the need for a calculator. A calculator shall not be used as a replacement for mathematics instruction or assistive technology.

#### 6. Use of Extended Time

In order for the use of extended time to be allowed during the state-required content assessment, the 504 team shall have documented under what conditions a student will need extended time during instruction and assessments. Evaluation information and ongoing progress data shall support the need for extended time.

The use of extended time on the state-required content assessment shall be utilized as long as the student is demonstrating on-task efforts which allow the student to make constructive progress on completing their assessment responses. Students will be allowed regular time, time and a half or double time.

#### 7. Use of Reinforcement and Behavior Modification Strategies

In order for the use of reinforcement and behavior modification strategies to be allowed during the state-required content assessment, the 504 team shall have documented under what conditions a student will need reinforcement and behavior modification strategies on a routine basis during instruction. Evaluation information and ongoing progress data shall support the need for reinforcement and behavior modification strategies.

Reinforcement and behavior modification strategies may include:

- Positive behavioral interventions and supports as indicated in a student's behavior intervention plan and/or 504 Plan;
- Verbal, tangible or tactile reinforcements for being on-task;
- Use of technology to focus attention or reduce stress; and
- Testing in a separate location outside the regular classroom.

If the use of reinforcement and behavior modification strategies during the state-required content assessment has the potential to influence the performance of another student, then the assessment shall be administered to the student in an alternative setting. Testing administrators should refer to the student's 504 Plan and behavior intervention plan should the student display disruptive or aggressive behavior during testing.

#### 8. Interpreters for a Student who is Deaf or Hard of Hearing

An ASL interpreter shall in no way lead the student to the correct answer. In order for the use of an interpreter to be allowed during the state-required content assessment, the 504 team shall have documented under what conditions a student will use an interpreter on a routine basis during instruction. Evaluation information and progress data shall support the need for an interpreter. An interpreter shall not be used as a replacement for assistive technology.

An interpreter may sign during the state-required content assessment (i.e., translate to the student in sign language) under the following conditions:

- The student has a verified disability in the area of hearing.
- The student uses sign language as the normal mode of communication due to their disability.
- During the state-required content assessments, the interpreter shall not:
  - Indicate correct answers to test items; and
  - Define words for the student, provide content, or teach vocabulary or concepts.

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.

### **SECTION 4 - INCLUSION OF STUDENTS IN ALTERNATIVE PROGRAMS AND STATE AGENCY CHILDREN**

Students attending programs classified as alternative programs shall be included in the overall accountability program system.

A local school and district shall be accountable for a student in their service areas attending these programs and shall be responsible for providing input into each student's IEP designed to meet the needs of the individual student in accordance with Kentucky Administrative Regulations related to Exceptional Children (707 KAR Chapter 1).

### *State Agency Children*

“State agency children” shall have the same assessments administered as other public school students and shall be included in the accountability calculations.

## **SECTION 5 – INCLUSION OF STUDENTS RECEIVING INSTRUCTION IN HOME/HOSPITAL SETTINGS**

### **A. Determining Participation**

For students receiving instruction in home/hospital settings (i.e., homebound instruction, not home schools), school personnel shall determine on an individual basis how each student will participate in the state-required Assessment and Accountability Programs. The decision shall be documented for each student. The options for participation shall include:

1. The student participates fully; or
2. The student is a medical non-participant:  
if participation in the state-required content assessment would jeopardize a student’s physical, mental or emotional well-being, a school or district shall submit a medical non-participation request which describes the medical condition that warrants a student not participating in some or all portions of the assessment. The request is subject to the approval of KDE.

An identified disability or handicapping condition alone shall not be considered sufficient reason for granting a medical non-participation to state-required Assessment and Accountability requirements.

A student with an approved medical non-participation shall be excluded from state-required content assessments and state and federal accountability calculations.

### **B. Participation of Students with Disabilities in Home/Hospital Settings**

If a student with disabilities is receiving instruction temporarily or long-term in a home/hospital setting, the ARC shall follow the procedures described in the General Conditions for Using Accommodations section of this document and all federal and state requirements related to due process. A student eligible for participation in the Kentucky Alternate Assessment who is receiving instruction in home/hospital settings shall participate in the Alternate Assessment unless the student has an injury or illness verified by a physician in accordance with the procedures described in Section 6 and 704 KAR 7:120.

## **SECTION 6 – INCLUSION OF STUDENTS IN THE KENTUCKY ALTERNATE ASSESSMENT**

Students with disabilities may need accommodations as part of their instructional supports. Federal and state laws require districts to make instructional decisions regarding



the IEP based on a process of data analysis using evaluation information, observations, and on-going progress monitoring. Accommodations shall be determined through the use of the same process. Accommodations for students with a disability shall be both age-appropriate and related to both the student's disability and specially designed instruction described in the student's IEP.

The ARC shall use a process of data analysis to determine which accommodation(s) improve student achievement toward independence. Accommodations shall be selected based on student need, incorporated into daily instruction, and monitored for effectiveness and impact on the student becoming independent. When age-appropriate, student involvement in the selection and use of accommodations fosters understanding and leads to an active role in the learning process.

The use of an accommodation on a state content assessment is provided to support student progress while fostering a level of independence. The intention over time is for an accommodation to be reduced to some level or completely removed when appropriate. The ARC will use student level data to determine when an accommodation should no longer be provided.

#### A. General Conditions for Using Accommodations on Kentucky Alternate Assessment

Accommodations shall meet the following conditions:

1. Accommodations shall be considered transitional strategies and shall be faded, when appropriate, as the student gains the skills necessary for an independent level of academic performance.
2. Accommodations shall not impact the content validity being measured. Accommodations outlined in this document are considered appropriate for state-required content assessment when the accommodations are administered according to the directions in this document.
3. Accommodations shall be age-appropriate and clearly described in the student's education plan.
4. Accommodations shall be for the purpose of students accessing the general education curriculum. Accommodations allow students to demonstrate what they know and are able to do independently.
5. Accommodations shall be based on the individual needs of the student and not on a disability category.
6. Accommodations do not substitute for high quality instructional practices.
7. Evaluation information or progress data shall support the need for intervention and accommodations in the specified area of need.
8. Accommodations shall be part of the student's on-going instructional program and not introduced for the first-time during state-required content assessments.
9. Caution shall be used prior to making IEP changes near or within the state-required content assessment window.
10. The use of technology may be considered as an early accommodation before adult provided accommodations (e.g., reader, scribe), if feasible. A

shortage of workstations, software, physical space, or training shall not be used as a reason to not provide assistive technology as an accommodation.

11. Test administrators must be informed of all student accommodations prior to state-required content assessments in order to ensure student needs are met.
12. Changes in the administration of the assessment or recording of student responses shall be consistent with the instructional strategies, assistive technology devices, and services identified on the student's IEP. The selection of the accommodations shall be based on data analysis that supports the effectiveness and need for the specific accommodation.

## B. Conditions for Specific Accommodations

There are a variety of accommodations that may be appropriately used for students with disabilities on the state-required Kentucky Alternate Assessment, including but not limited to:

- Use of assistive technology
- Manipulatives
- Scripted assessment
- Scribes
- Reinforcement and behavior modifications strategies
- Interpreters for students with deafness or hearing impairment

In order to foster independence, carryover to post-school activities, and self-advocacy skills in general, assistive technology shall always be considered as an early choice, regarding accommodations. When assistive technology is not appropriate, individuals providing assistance to a student with disabilities during the state-required content assessment shall be trained in his/her responsibilities and abide by confidentiality laws, provisions of 703 KAR 5:080 and this document, and the conditions under which each student uses the accommodation as described in the student's IEP. Any person not working in a certified position providing assistance for a student with disabilities or English learners shall read and sign a nondisclosure agreement provided by the department.

### 1. Use of Assistive Technology

An assistive technology device, as defined by 20 U.S.C. § 1401(1), is “any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a child with a disability.” In order for the use of special equipment, including assistive technology, to be allowed during the state-required content assessments, the ARC shall have considered under what conditions a student will use the technology on a routine basis during instruction. Evaluation information and ongoing progress data shall support the need for technology.

### 2. Use of Manipulatives

The use of manipulatives shall in no way lead the student to the correct answer.

In order for the use of manipulatives to be allowed during state-required content assessments, the ARC shall have considered under what conditions a student will use manipulatives during instruction. Evaluation information and ongoing progress data shall support the need for manipulatives.

In addition to the student's regular manipulatives offered, a student may have one 3 inch x 5 inch notecard with a graphic organizer(s) drawn on it (front and back) for the assessment. Alternate Assessment students may have labels and written text that are content free on the notecard. This can serve as a trigger to organize his or her thoughts.

### 3. Scripted Assessment

Students completing an Alternate Assessment will be provided a picture-based assessment conducted in a one-to-one setting. The assessment is scripted for the test administrator to follow.

### 4. Use of a Scribe

The use of a scribe shall in no way lead the student to the correct answer. A scribe shall not be used as a replacement for writing instruction or assistive technology. Therefore, in order for the use of a scribe to be allowed during the state-required content assessment, the ARC shall have documented the disability's impact on writing and considered under what conditions a student will use a scribe on a routine basis during instruction. A combination of evaluation information and ongoing progress data shall support the need for a scribe.

The use of a scribe during the state-required content assessment shall be limited to the following conditions:

- a student has a verified disability as documented in the IEP that impacts written expression to a degree that the student's performance is significantly and consistently below the same age peers;
- a student is unable to translate thoughts into written language and is not able to print, use cursive techniques, or use technology; or
- a student is able to translate thoughts into written language but is not able to print, use cursive techniques or use technology.

It is at the discretion of local districts and schools to determine who may serve in the capacity of a scribe for the state-required content assessment. Peer tutors are not allowed to serve as scribes due to the requirements of 703 KAR 5:080 and confidentiality (KRS 160.700 et seq.). 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. In all components of the state-required content assessment, a student shall be the sole creator, author, decision-maker

and owner of their work. The role of the scribe during the required content assessment shall be to produce the response when provided by the student.

#### 5. Use of a Calculator

In order for the use of a calculator to be allowed during the state-required content assessments, the ARC shall have documented the disability's impact on mathematics calculation/reasoning and considered under what conditions a student will use a calculator on a routine basis during instruction. Evaluation information and progress data shall support the need for a calculator. A calculator shall not be used as a replacement for mathematics instruction or assistive technology.

#### 6. Use of Reinforcement and Behavior Modification Strategies

In order for the use of reinforcement and behavior modification strategies to be allowed during the state-required content assessment, the ARC shall have documented under what conditions a student will need reinforcement and behavior modification strategies on a routine basis during instruction. Evaluation information and ongoing progress data shall support the need for reinforcement and behavior modification strategies.

Reinforcement and behavior modification strategies may include:

- Positive behavioral interventions and supports as indicated in a student's behavior intervention plan and/or IEP;
- Verbal, tangible or tactile reinforcements for being on-task;
- Use of technology to focus attention or reduce stress; and
- Testing in a separate location outside the regular classroom.

#### 7. Interpreters for a Student who is Deaf or Hard of Hearing

An ASL interpreter shall in no way lead the student to the correct answer. In order for the use of an interpreter to be allowed during the state-required content assessment, the ARC shall have documented under what conditions a student will use an interpreter on a routine basis during instruction. Evaluation information and ongoing progress data shall support the need for an interpreter.

An interpreter shall not be used as a replacement for assistive technology.

An interpreter may sign during the state-required content assessment (i.e., translate to the student in sign language) under the following conditions:

- The student has a verified disability in the area of hearing.
- The student uses sign language as the normal mode of communication due to their disability.

During the state-required content assessments, the interpreter shall not:

- Indicate correct answers to test items; and
- Define words for the student, provide content or teach vocabulary or concepts.

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.